

CITY OF OREGON CITY, OREGON

PUBLIC SIDEWALK AND UTILITY(S) EASEMENT

(CORRECTION DOCUMENT)

25  
The purpose of this document is to correct an easement conveyed to the City of Oregon City by easement recorded under Clackamas County Recorder's Fee No. 91-22126.

**KNOW ALL MEN BY THESE PRESENTS, THAT** Robert C. Cannon, Trustee for Ellis Family Trust hereinafter called the GRANTOR, do(es) hereby grant unto the City of Oregon City, hereinafter called the CITY, its successors in interest and assigns, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate and maintain public utilities and sidewalks on the following described land:

See attached Exhibit "A" Legal Description and attached Exhibit "B" Sketch for Legal Description

**TO HAVE AND TO HOLD**, the above described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against any and all loss, cost or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is \$1.00, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successor in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 21 day of February 1992; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

**PROPERTY OWNER**

THE ELLIS FAMILY TRUST

by: Robert C. Cannon, Trustee

Robert C. Cannon, Trustee

for Ellis Family Trust

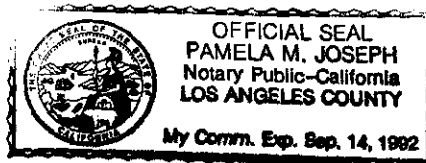
449 South Beverly Drive, Penthouse Suite  
Beverly Hills, California 90212-4423  
(310) 203-0876

STATE OF CALIFORNIA     )  
                                          ) SS.  
COUNTY OF LOS ANGELES     )

On the 21<sup>st</sup> day of February, 1992, before me, Pamela M. Joseph, a Notary Public in and for said State, personally appeared Robert C. Cannon, who is known to me (or proved to me on the basis of satisfactory evidence) to be the Trustee of the Ellis Family Trust that executed the within instrument, and he is known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument on behalf of the Ellis Family Trust therein named, and acknowledged to me that such Ellis Family Trust executed the within instrument.

Witness my hand and official seal.

Pamela M. Joseph  
Pamela M. Joseph, Notary Public  
My commission expires: September 14, 1992



Personal Acknowledgment

STATE OF CALIFORNIA )

)

ss.

County of \_\_\_\_\_)

Personally appeared Robert C. Cannon who being duly sworn did say that he signed the foregoing instrument as Trustee in behalf of the Ellis Family Trust, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before Me:

\_\_\_\_\_  
NOTARY PUBLIC FOR CALIFORNIA

(OFFICIAL SEAL

My Commission Expires: \_\_\_\_\_

City of Oregon City  
320 Warner-Milne Road  
Oregon City, Oregon 97045  
(Grantee's Name and Address)

Accepted on behalf of the City of Oregon City on the condition that the easement granted is free and clear from taxes, liens and encumbrances.

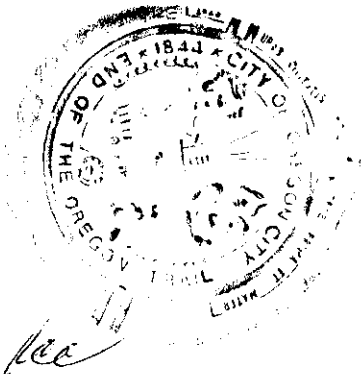
Daniel W. Fowler

Mayor

Jan K. Elliott  
City Recorder 3-18-92

After Recording Return to:

City Engineer  
City of Oregon City  
320 Warner-Milne Road  
Oregon City, Oregon 97045



[F:\wpfiles\lrmgard\tp91-10.eas]

## EXHIBIT "A"

A strip of land, being a part of that tract of land in the Northeast-quarter of Section 1, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, described in deed to Lizzie Telford recorded January 22, 1896 in Clackamas County Deed Book 63, Page 56, and described as follows:

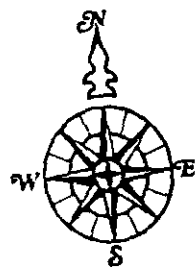
Commencing at the Northwest corner of the M. M. McCarver Donation Land Claim No. 41 and running thence West, 30 feet to a 1 1/2" diameter aluminum cap; thence N. 00° 40' 00" W., 1666.99 feet to the Southeast corner of said Telford tract at a 5/8" diameter iron rod with aluminum cap in monument box on the centerline of South End Road No. 535 and running thence, along the southeasterly line of said Telford tract, S. 52° 25' 00" W., 37.52 feet to the West right-of-way line of said road and the true point-of-beginning; thence from said point-of-beginning, the boundary of the easement to be described runs along said West right-of-way line, N. 00° 40' 00" W., 46.34 feet; thence, departing said right-of-way and running 25.13 feet along the arc of a curve left, concave southwest, the radius of which is 16.00 feet, the central angle is 90° 00' 00", and the long chord bears N. 45° 40' 00" W., 22.63 feet; thence S. 89° 20' 00" W., 132.01 feet to a point on the boundary of "Deerbrook View Estates", a plat of record in Clackamas County, Oregon; thence along said boundary of "Deerbrook View Estates" 73.99 feet along the arc of a curve left, concave south, the radius of which is 145.00 feet, the central angle is 29° 14' 10", and the long chord bears S. 74° 42' 55" W., 73.19 feet to the most northerly corner of Lot 1, "Deerbrook View Estates"; thence along the east line of said Lot 1, "Deerbrook View Estates", S. 11° 47' 11" E., 10.56 feet; thence leaving the east line of said Lot 1, "Deerbrook View Estates" 72.17 feet along the arc of a non-tangent curve right, concave south, the radius of which is 135.00 feet, the central angle is 30° 37' 49", and the long chord bears N. 74° 01' 05" E., 71.31 feet; thence N. 89° 20' 00" E., 130.01 feet; thence S. 45° 40' 00" E., 11.31 feet; thence S. 00° 40' 00" E., 51.86 feet to the southeasterly line of said Telford tract; thence N. 52° 25' 00" E., 12.51 feet to the point-of-beginning.

UFFMAN  
nty Clerk

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EAST LINE OF  
LOT 1 "DEERBROOK  
VIEW ESTATES"



1" = 30'

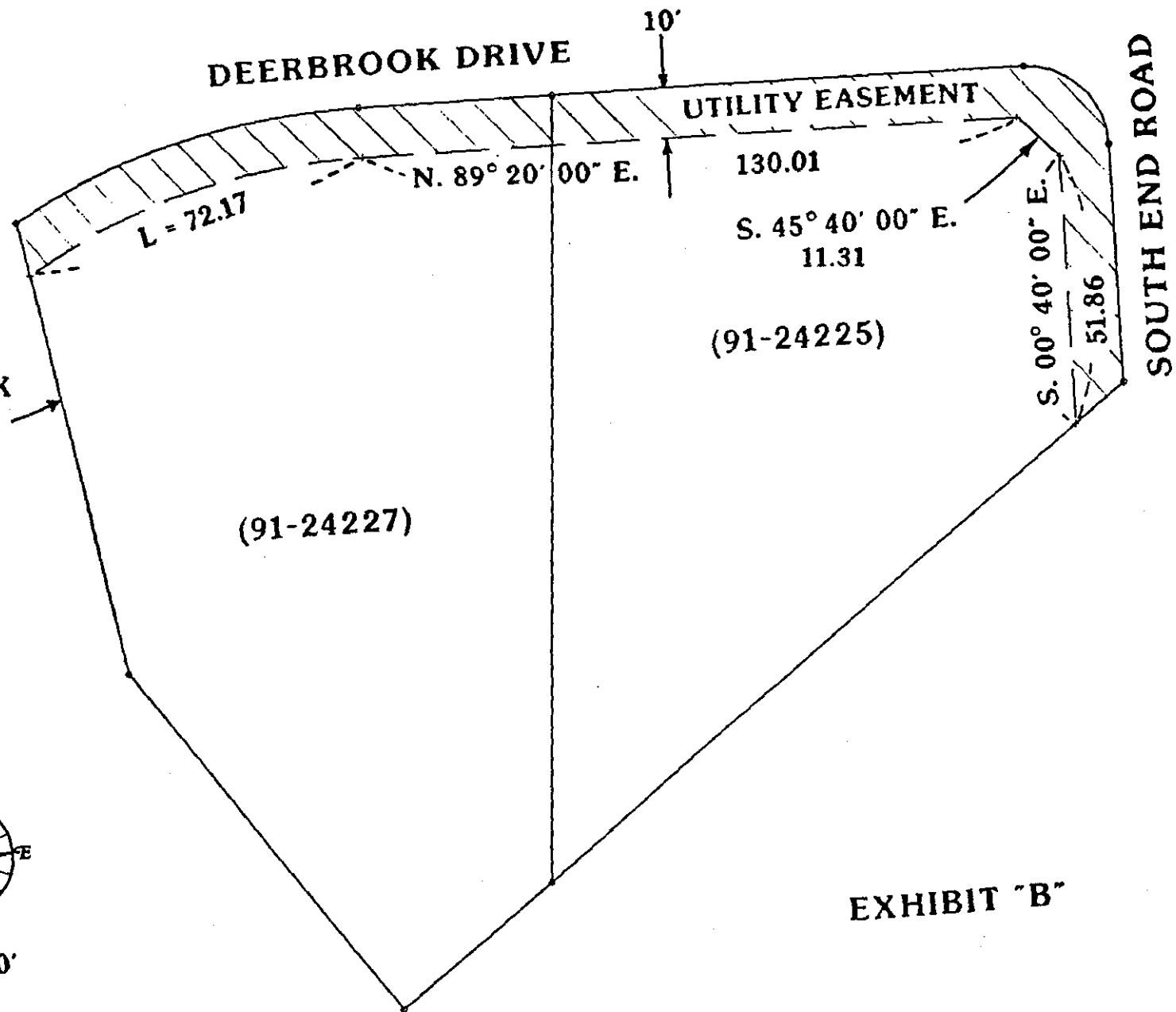


EXHIBIT "B"



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

12  
FOR AGENDA

DATED

March 18, 1992

TO THE HONORABLE MAYOR AND COMMISSIONERS

Page 1 of 1

Subject: Public Sidewalk and Utility  
Easement Acceptance - Correction Document  
Deerbrook Estates

Report No. 92-46

On the March 18, 1992 City Commission agenda is a corrected public sidewalk and utility easement correction document for Deerbrook Estates for Commission acceptance. The correction was necessary when Deerbrook constructed a sidewalk outside of the public right-of-way to miss some trees. The easement document is attached for Commission review.

It is recommended that the City Commission adopt a motion accepting the easement correction document and authorize the Mayor and City Recorder to execute respectively.

CHARLES LEESON  
City Manager

JGB/im

attach.

cc - Development Services Director  
- John Hawthorne, Civil Engineer

Deed of Dedication

1991

98

Robert C. Cannon (Ellis Family)

Deerbrook View Estates



35-1E-1AD 3800, 3900, 4000 (purple)

DOC# 92-23928

DOC# 91-22125

Pg	Item
1207	3

Env#

525