

3
Red Soils Project, Phase I
Tax Lot 200, 203, 204, 300,
Map 3-2-E-5C

CITY OF OREGON CITY, OREGON

STORM DRAIN EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT GILMAN T. DANIELSON and VIRGINIA W. DANIELSON, hereinafter called the GRANTOR, do hereby bargain, sell and convey unto the CITY OF OREGON CITY, hereinafter called the CITY, its successors in interest and assigns, a permanent easement and right of way in accordance with the provisions of a Storm Drain Agreement of the same date as this easement, hereinafter called the AGREEMENT, to construct, reconstruct, operate and maintain a storm drainage facility on the following described land:

See attached Exhibit "A-1" and "B-1" Legal Description and attached Exhibit "A-2" and "B-2" 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 for themselves, their tenants, heirs, successors and assigns the right to use the surface of the property which is subject to the easement for all uses which shall not be inconsistent or interfere with the use of the subject easement area by the CITY, including without limitation walkways, driveways, parking and plantings. 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.

Promptly upon completion of the initial construction and of any subsequent reconstruction, maintenance or other work, the CITY shall restore the surface of the property in accordance with the terms of the AGREEMENT. The CITY shall indemnify and hold the GRANTOR, their tenants, heirs, successors and assigns harmless against any and all loss, liability, cost or damage arising out of the exercise of the rights granted in this instrument.

The CITY shall maintain the surface of the property over which the storm drainage facility runs in accordance with the terms of the AGREEMENT, except that the CITY shall have no obligation to maintain improvements constructed or installed

on the surface of the property by GRANTOR or by GRANTOR'S tenants, heirs, successors or assigns.

The true consideration for this conveyance is certain covenants by the CITY to GRANTOR.

In construing this easement 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.

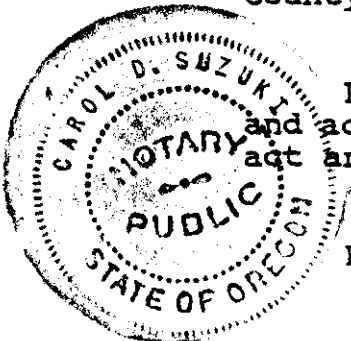
IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 2nd day of July, 1991.

GRANTOR:

Gilman T. Danielson
Gilman T. Danielson

Virginia W. Danielson
Virginia W. Danielson

STATE OF OREGON)
)
County of Clackamas) ss.

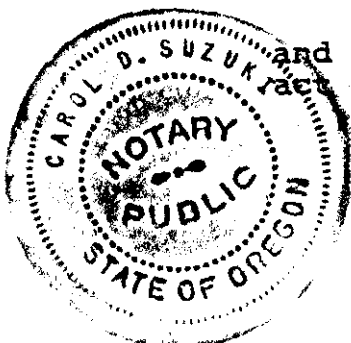


Personally appeared the above named GILMAN T. DANIELSON and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Carol D. Suzuki
Notary Public for Oregon
My Commission Expires: 3/10/93

STATE OF OREGON)
)
County of Clackamas) ss.



Personally appeared the above named VIRGINIA W. DANIELSON and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

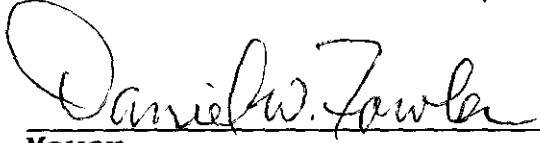
Carol D. Suzuki
Notary Public for Oregon
My Commission Expires: 3/10/93

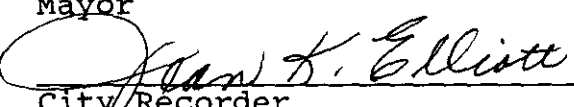
2

GILMAN T. and VIRGINIA W. DANIELSON
P. O. Box 5490
Oregon City, Oregon 97045
(Grantor's Name and Address)

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.



Mayor


City Recorder

2-5-92



AFTER RECORDING RETURN TO:

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

EXHIBIT "A-1"

June 28, 1991

Project No. 1170.22

Re: Oregon City Urban Renewal Agency
Red Soils Project - Phase 1

BOUNDARY DESCRIPTION
DRAINAGE EASEMENT, DANIELSON TO CITY
3 2E 5C TL 200 and 203

A portion of that tract of land in the Samuel N. Vance D.L.C. No. 51 in the South 1/2 of Section 5, T3S, R2E, W.M., City of Oregon City, Clackamas County, Oregon, conveyed to Gilman T. Danielson and Virginia W. Danielson as described and recorded in Fee No. 87-24028, deed records of Clackamas County, Oregon, more particularly described as follows:

Beginning at the "X" on the stone monument at the southwesterly corner of said Danielson tract; thence N 13°14'59" W along the westerly line of said Danielson tract 347.55 feet; thence N 76°45'01" E 15.00 feet; thence S 13°14'59" E 300.00 feet; thence S 45°29'54" E 35.32 feet; thence along the arc of a 1,073.00 foot radius curve to the right, through a central angle of 5°41'28" (chord bears N 86°39'23" E 106.53 feet) an arc distance of 106.58 feet; thence N 89°30'06" E 217.02 feet; thence S 86°20'48" E 207.20 feet; thence N 89°30'06" E 336.34 feet; thence S 84°28'11" E 142.83 feet to a point on the southerly line of said Danielson tract; thence S 89°30'06" W along said southerly line 1,037.56 feet to the point of beginning

Containing 26,164 square feet, more or less.

The basis of bearings for this description is the survey filed at the Clackamas County Surveyor's Office as LP-042.

ease27.170

WARNER MILNE ROAD

3 2E 5C
TAX LOT 100

EXHIBIT "A-2"

GILMAN T. DANIELSON AND VIRGINIA W. DANIELSON
FEE NO. 87-24028
3 2E 5C
TAX LOT 200

EDGE OF DRAINAGE EASEMENT

"X" ON STONE MONUMENT
SW CORNER FEE NO. 87-24028 AND
NW CORNER FEE NO. 84-11183
N 32°32'41"
E 36.587'00"

NOTE: THE COORDINATE SYSTEM AND BASE OF BEARINGS
CONFORM WITH THE SURVEY FILED AT THE CLATSOP
COUNTY SURVEYOR'S OFFICE AS LP-042.

ROBERT D. RANDALL
FEE NO. 84-11183
3 2E 5C
TAX LOT 401

1/4" IN. AT THE
SW CORNER FEE NO. 88-34370
N 32°30'40"
E 37.507'00"

G.T. DANIELSON AND
VIRGINIA DANIELSON
FEE NO. 88-34370
3 2E 5C
TAX LOT 300

BEAVERCREEK ROAD
MOLALLA AVENUE

DATE	NO.	REVISION	BY	P. NO.	117633	OREGON CITY URBAN RENEWAL AGENCY RED SOILS PROJECT	1/25/91	DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT	LEE ENGINEERING, INC. CONSULTING ENGINEERS OREGON CITY, OREGON	117633
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EXHIBIT "B-1"

June 28, 1991

Project No. 1170.22

Re: Oregon City Urban Renewal Agency
Red Soils Project - Phase 1

BOUNDARY DESCRIPTION
DRAINAGE EASEMENT
3 2E 5C TL 300

A portion of that tract of land in the Samuel N. Vance D.L.C. No. 51 in the South 1/2 of Section 5, T3S, R2E, W.M., City of Oregon City, Clackamas County, Oregon, conveyed to G. T. Danielson and Virginia Danielson as described and recorded in Fee No. 89-54570, deed records of Clackamas County, Oregon, more particularly described as follows:

Commencing at the "X" on the stone monument at the southwesterly corner of that tract of land conveyed to Gilman T. Danielson and Virginia W. Danielson as described and recorded in Fee No. 87-24028, deed records of said Clackamas County, said monument also marking the northwesterly corner of that real property conveyed to Robert D. Randall as described and recorded in Fee No. 84-11183, deed records of said Clackamas County; thence N 89°30'06" E along the southerly line of the last mentioned Danielson tract and the northerly line of said Randall property, 919.73 feet to a 5/8-inch iron rod at the northwesterly corner of said G.T. and Virginia Danielson tract described in Fee No. 89-54570 and the TRUE POINT OF BEGINNING; thence N 89°30'06" E 117.83 feet; thence S 84°28'11" E 92.90 feet; thence S 74°52'20" W 70.86 feet; thence N 84°28'11" W 134.71 feet to a point on the common line between said Randall property and said Danielson tract described in Fee No. 89-54570; thence N 30°09'10" W along said common line 15.54 feet to the TRUE POINT OF BEGINNING.

Containing 3,641 square feet, more or less.

The basis of bearings for this description is the survey filed at the Clackamas County Surveyor's Office as LP-042.

ease25.170

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FFMAN
Clerk

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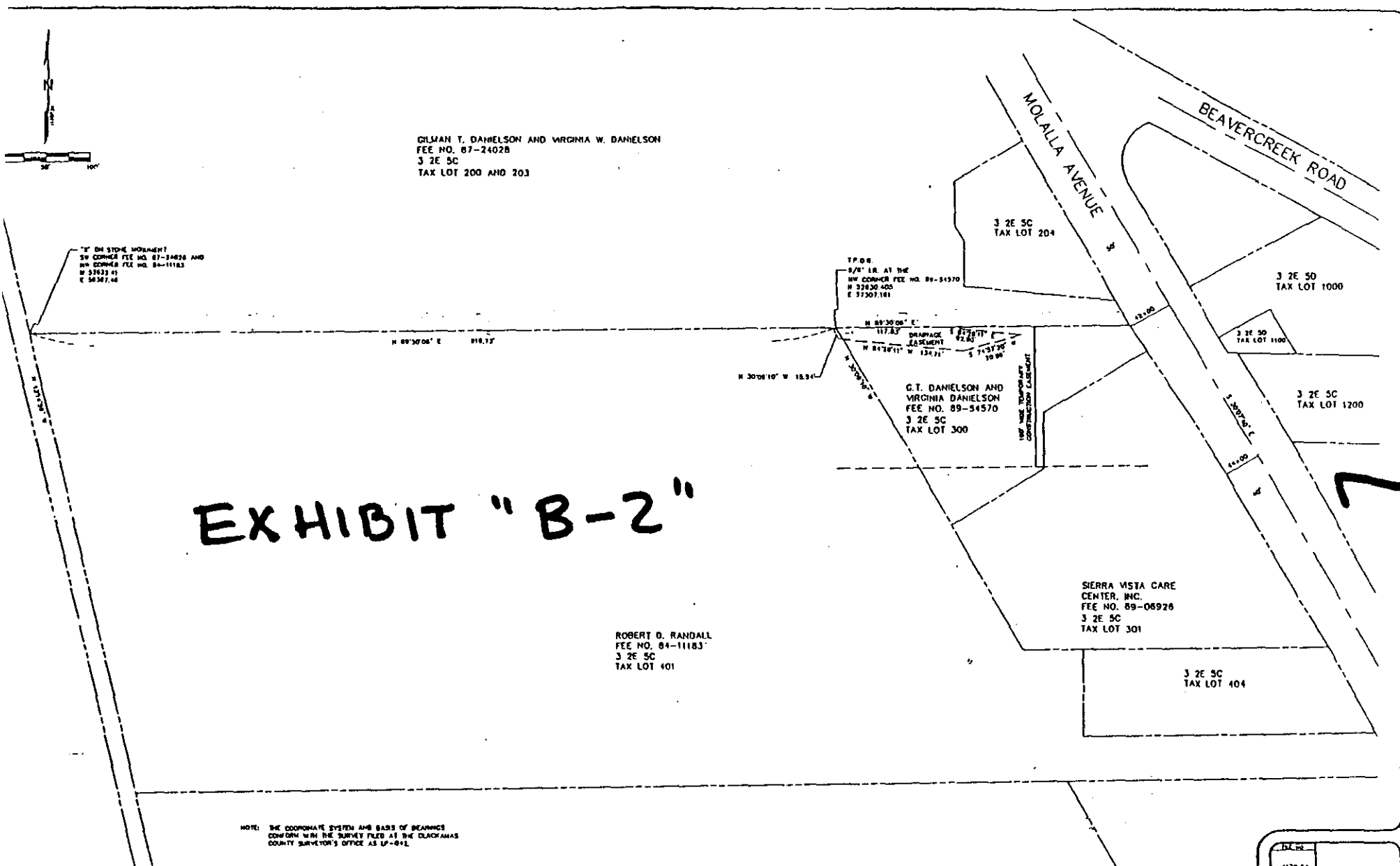


EXHIBIT "B-2"

GILMAN T. DANIELSON AND VIRGINIA W. DANIELSON
FEE NO. 87-24028
3 2E 5C
TAX LOT 200 AND 203

"X" ON STONE MOUNTAIN
SW CORNER FEE NO. 87-24028 AND
NW CORNER FEE NO. 89-11183
N 32°33'41"
E 56°37'44"

TP 108
9/4" IR. AT THE
NW CORNER FEE NO. 89-54570
N 32°30'40"
E 57°30'181"

N 89°30'08" E
117.83
N 84°38'11" W 134.31
S 71°37'30" W 10.96
E 87°38'17" E
62.69
DRAINAGE
EASEMENT

G.T. DANIELSON AND
VIRGINIA DANIELSON
FEE NO. 89-54570
3 2E 5C
TAX LOT 300

100' WIDE TEMPORARY
CONSTRUCTION EASEMENT

SIERRA VISTA CARE
CENTER, INC.
FEE NO. 89-08926
3 2E 5C
TAX LOT 301

ROBERT B. RANDALL
FEE NO. 84-11183
3 2E 5C
TAX LOT 401

NOTE: THE COORDINATE SYSTEM AND BASIS OF MEASUREMENTS
CONFORM WITH THE SURVEY FILED AS THE CLATSOP
COUNTY SURVEYOR'S OFFICE AS LP-842.

FILE NO.	REVISION	BY	DATE	1170.34	1170.34	1170.34	1170.34
				AS SHOWN	1/10/91		
OREGON CITY URBAN RENEWAL AGENCY RED SOILS PROJECT				DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT		LEE ENGINEERING, INC. CONSULTING ENGINEERS OREGON CITY, OREGON	

1170.34	1170.34
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CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

17
FOR AGENDA

DATED

February 5, 1992

Page 1 of 1

Subject: Storm Drainage Easement Acceptance
Danielson Hilltop Mall

Report No. 92-17

On the February 5, 1992 City Commission agenda are storm drainage easements for City Commission acceptance. The easements were a requirement of a storm drainage agreement between the City and Danielson Hilltop Mall relating to the Red Soils Access Road project.

It is recommended that the City Commission adopt a motion accepting the easements 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



CITY OF OREGON CITY

Incorporated 1844

January 24, 1992

DEVELOPMENTAL SERVICES

DEPARTMENT

Planning, Building,
Engineering

320 Warner Milne Road

Oregon City, OR 97045

(503) 657-0895

FAX (503) 657-3339

Carol Suzuki
Danielson Hilltop Mall
P.O. Box 5490
Oregon City, Oregon 97045

Subject: Storm Drain Agreement

Dear Carol:

Since I have not received the storm drain easement documents, and we have not reached each other by telephone, I wanted to let you know in writing of my need to close out this project. I have placed the acceptance of the easements on the February 5, 1992 City Commission agenda. I had hoped to receive the easement documents by today, but since I am leaving town, have told Irmgard to expect the easements by Wednesday, January 29th at the latest. If for some reason the easement documents cannot be delivered by that time, please advise in writing as to the reasons for the delay. I will be back in the office February 3.

In addition, the City has not yet received the \$40,000 owing for drainage improvements. Since the property exchange with Randall is now completed, the City is needing payment as per our agreement. Please advise on the status of the payment. Thank you.

Sincerely,

JOHN G. BLOCK

Development Services Director

JGB/im

cc - Charles Leeson, City Manager

3-2E-5C 200, 203, 204, 300

DOC# 92-09152

pg	ITEM#
1413	1
1413	3

Env. 184