

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT Hafner Properties, Inc.

hereinafter called the GRANTOR, do(es) hereby grant unto the City of Oregon City, hereinafter called the CITY, its successors in interest and assigns, permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate and maintain a detention basin and drainage ditch 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.

The GRANTORS bargain, sell, convey, transfer and deliver unto CITY a temporary easement and right-of-way upon, across and under so much of the aforesaid land as described as:

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

It being understood that said temporary easement is only for the original excavation and construction of said utility line and upon the completion of the construction thereof shall utterly cease and desist, save and except for that portion hereinbefore described as being a permanent easement.

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 one dollar, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors 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 23rd day of September, 1991; 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.

Individuals,
general partnerships

Corporation
limited partnership

Signer's Name

Hafner Properties, Inc.
Corporation/Partnership Name

Signer's Name

David Hafner SECRETARY
President
Signer's Name, Title

(if executed by a corporation
affix corporate seal)

Signer's Name, Title

Signer's Name, Title

Personal Acknowledgment
STATE OF OREGON)
County of _____) ss.

Personally appeared the above
named _____ and
acknowledged the foregoing
instrument to be _____
voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

(OFFICIAL SEAL)

HAFNER PROPERTIES, INC.
P.O. BOX 4346
SALEM, OR 97302
(Grantor's Name and Address)

City of Oregon City
320 Warner Milne Road
Oregon City, OR 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. Fawcett
Mayor
Alan K. Elliott
City Recorder

After Recording Return to:

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



Corporate Acknowledgment
STATE OF OREGON)
County of Marion) ss.

Personally appeared Dave Hafner
and LAVE HAFNER
who being duly sworn, each for
himself and not one for the other
did say that the former is the _____
president and that the latter is
the _____ secretary of _____
Hafner Properties Inc., a corporation, and
that the seal affixed to the
foregoing instrument was signed and
sealed in behalf of said corporation
by authority of its board of
directors; and each of them
acknowledged said instrument to be
its voluntary act and deed.

Before me:

Kay Mumper
NOTARY PUBLIC FOR OREGON

My Commission Expires: _____



Space reserved for County
Record's Office

Exhibit "A"

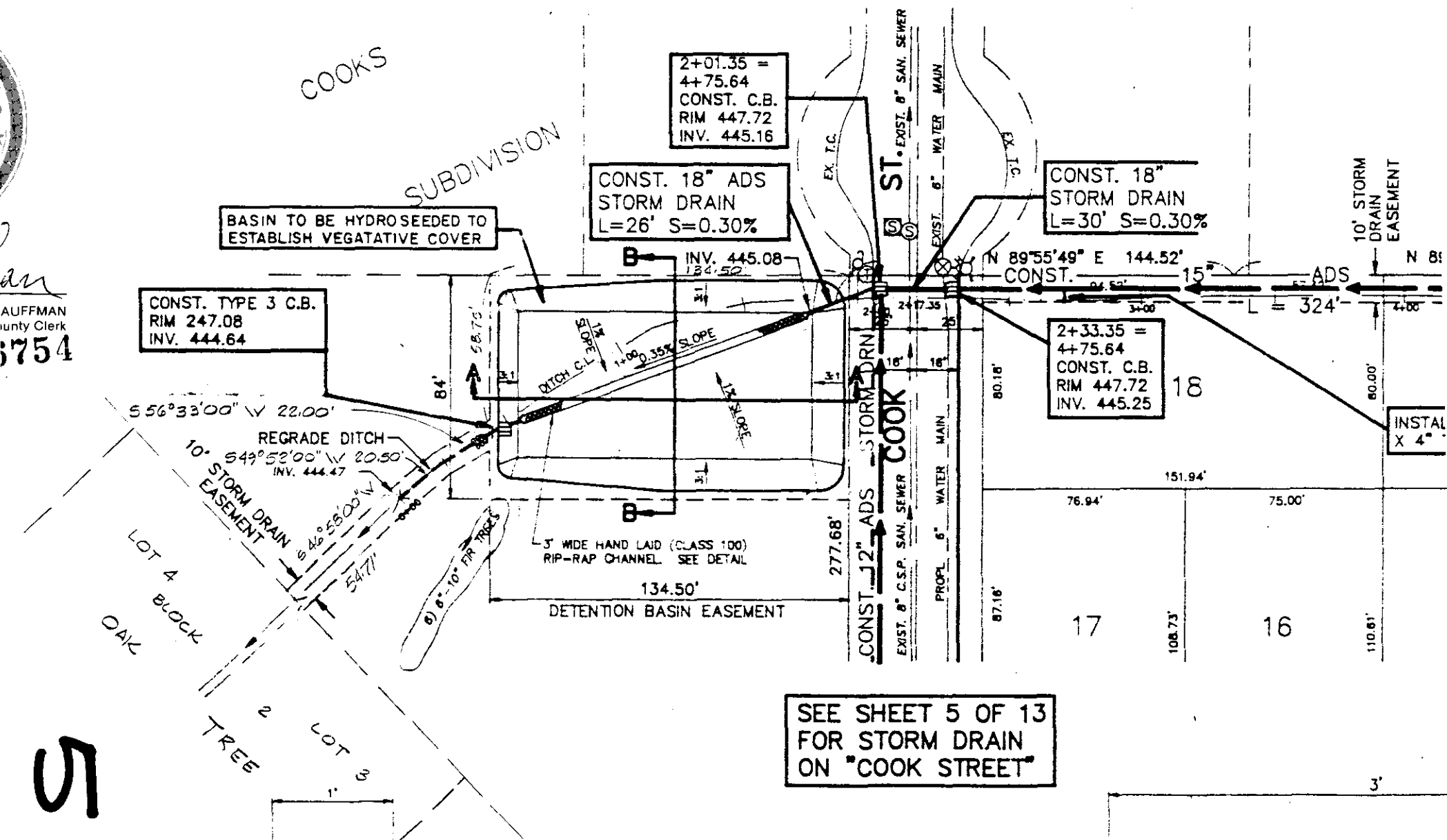
A parcel of land situated in the Absalom F. Hedges Donation Land Claim No. 40 in the Southwest quarter of Section 1, Township 3 South, Range 1 East of the Willamette Meridian in the City of Oregon City, Clackamas County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of Lot 7, Block 2, COOK SUBDIVISION, in said county and state; thence South $00^{\circ}16'25''$ West 84.00 feet; thence South $89^{\circ}55'49''$ West parallel with the South boundary line of said COOK SUBDIVISION, 134.50 feet; thence North $00^{\circ}16'25''$ East 84.00 feet to a point on the North line of that tract of land conveyed to Hafner Properties, Inc. by deed recorded in Recorders Fee No. 90-56233, Records for Clackamas County, Oregon; thence North $89^{\circ}55'49''$ East along said line, 134.50 feet to the point of beginning.

ALSO a 10.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at a point which bears South $89^{\circ}55'49''$ West 134.50 feet and South $00^{\circ}16'25''$ West 58.75 feet from the Southeast corner of Lot 7, Block 2 of said COOK SUBDIVISION; thence South $56^{\circ}33'00''$ West 22.00 feet; thence South $49^{\circ}52'00''$ West 20.50 feet; thence South $46^{\circ}58'00''$ West 54.71 feet to the most easterly corner of Lot 4, Block 2, OAK TREE as said subdivision is platted and recorded in Volume 64, Page 12, Book of Town Plats for Clackamas County, Oregon and being the point of terminus.

EXHIBIT "B"





CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

November 20, 1991

TO THE HONORABLE MAYOR AND COMMISSIONERS

Page 1 of 1

Subject: Public Utility Easement Acceptance - Report No. 91-218
Cook Street Addition

On the November 20, 1991 City Commission agenda is a public utility easement for Commission acceptance. The easement provides for an off-site Storm drainage facility for the Cook Street Subdivision. Attached is the easement document for review.

It is recommended the City Commission adopt a motion accepting the public utility easement and authorize the Mayor and City Recorder to execute respectively.

CHARLES LEESON
City Manager

JGB/im

attachment

cc - Development Services Director
- John Hawthorne, Civil Engineer

STORM DRAIN/Cook Street Addition

Hafner Properties, Inc.

(40
1991

3-1E-1DC 314

DOC# 91-66754

(PURPLE)

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1406 2.

Env#

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