

25

"C" Trunk Sanitary Sewer
Map 3-2E-8D
Tax Lot 302

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT Meyer's Road Investments, Inc., an Oregon Corporation hereinafter called the GRANTOR, does 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 a sanitary sewer 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 GRANTOR 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.

IN CONSIDERATION of the premises, City of Oregon City agrees that if it or its successors or assigns should cause said sanitary sewer to be vacated, the rights of the public in the above described easement will be forfeited and shall immediately revert to the Grantors, their successors and assigns in the case of any such event.

And the Grantor does covenant that it is lawfully seized in fee simple of the above granted premises and have the right to grant the above described permanent slope easement.

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 5th day of August, 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

Meyer's Road Investments, Inc.
Corporation/Partnership Name

Signer's Name

by: Scott G. Klusmann V.P.
Signer's Name, Title

(if executed by a corporation
affix corporate seal)

Personal Acknowledgment

STATE OF OREGON)
) ss.
County of _____)

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)

Meyer's Road Investments, Inc.
9840 S.E. 17th
Milwaukie, Oregon 97222

(Grantor's Name and Address)

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

(Grantee's Name and Address)

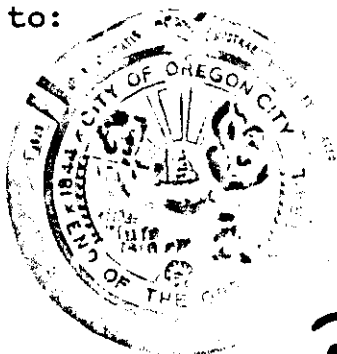
Accepted on behalf of the City of
Oregon City on the condition that
the easement granted is free and
clear from taxes, liens and
encumbrances.

Daniel W. Fowler
Mayor

John 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)
) ss.
County of Clackamas)

Personally appeared Scott G. Klusmann who being duly sworn,
did say that the former is the vice
president of Meyer's Road
Investments, 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 above acknowledged
said instrument to be its voluntary
act and deed.

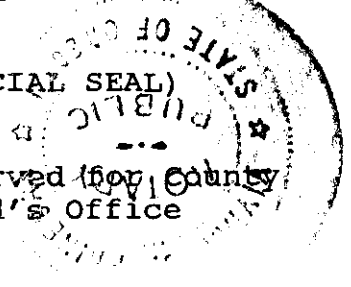
Before me:

William B. Finnegan
NOTARY PUBLIC FOR OREGON

My Commission Expires: 3-29-92

(OFFICIAL SEAL)

Space reserved for County
Record's Office



Job No. 2756
10/18/90 NH
Revised 4/3/91 MAR
Revised 5/23/91 MAR
Revised 5/24/91 TLT

EASEMENT DESCRIPTION
"C" TRUNK SANITARY SEWER
TAX LOT 302 (3-2E-8D)

EXHIBIT "A"

A strip of land, twenty feet wide, in the Southeast-quarter of Section 8, T. 3 S., R. 2 E., W. M., Clackamas County, Oregon, crossing that tract of land described in deed to Meyers Road Investment Inc., an Oregon Corporation, recorded Clackamas County Deed Record Fee No. 90-60336, the centerline of which is described as follows:

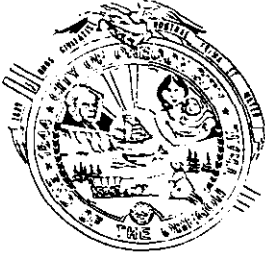
Commencing at a point on the northerly line of said Meyers Road Investment Inc., tract which is 170.29 feet N. $75^{\circ} 24' 23''$ E. from the northwest corner of said tract, and also being 150.00 feet southeasterly of the east line of Gaffney Lane acres, when measured perpendicular thereto; thence S. $17^{\circ} 04' 20''$ W., 10.00 feet; thence, parallel with the north line of said tract S. $75^{\circ} 24' 23''$ W., 165.00 feet, more or less, to a point 10.00 feet easterly of the east line of Gaffney Lane Acres, when measured perpendicular thereto; thence, parallel with the east line of Gaffney Lane Acres and the east line of Gaffney Lane Acres No. 2, S. $17^{\circ} 13' 52''$ W., 278.61 feet; thence N. $77^{\circ} 29' 13''$ W., 10.03 feet, more or less, to the east line of Gaffney Lane Acres No. 2, and the terminus of said easement centerline.

Including a temporary easement for construction purposes lying 35 feet southerly and easterly of the above described permanent easement.

The bearings in this description are based on the map of survey number 20410 on file in the Clackamas County Surveyor's Office, and said map by reference is made a part hereof.

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EXHIBIT "A"



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

September 18, 1991

TO THE HONORABLE MAYOR AND COMMISSIONERS

Page 1 of 1

Subject: Public Utility Easement Acceptance
"C" Trunk Sanitary Sewer Project

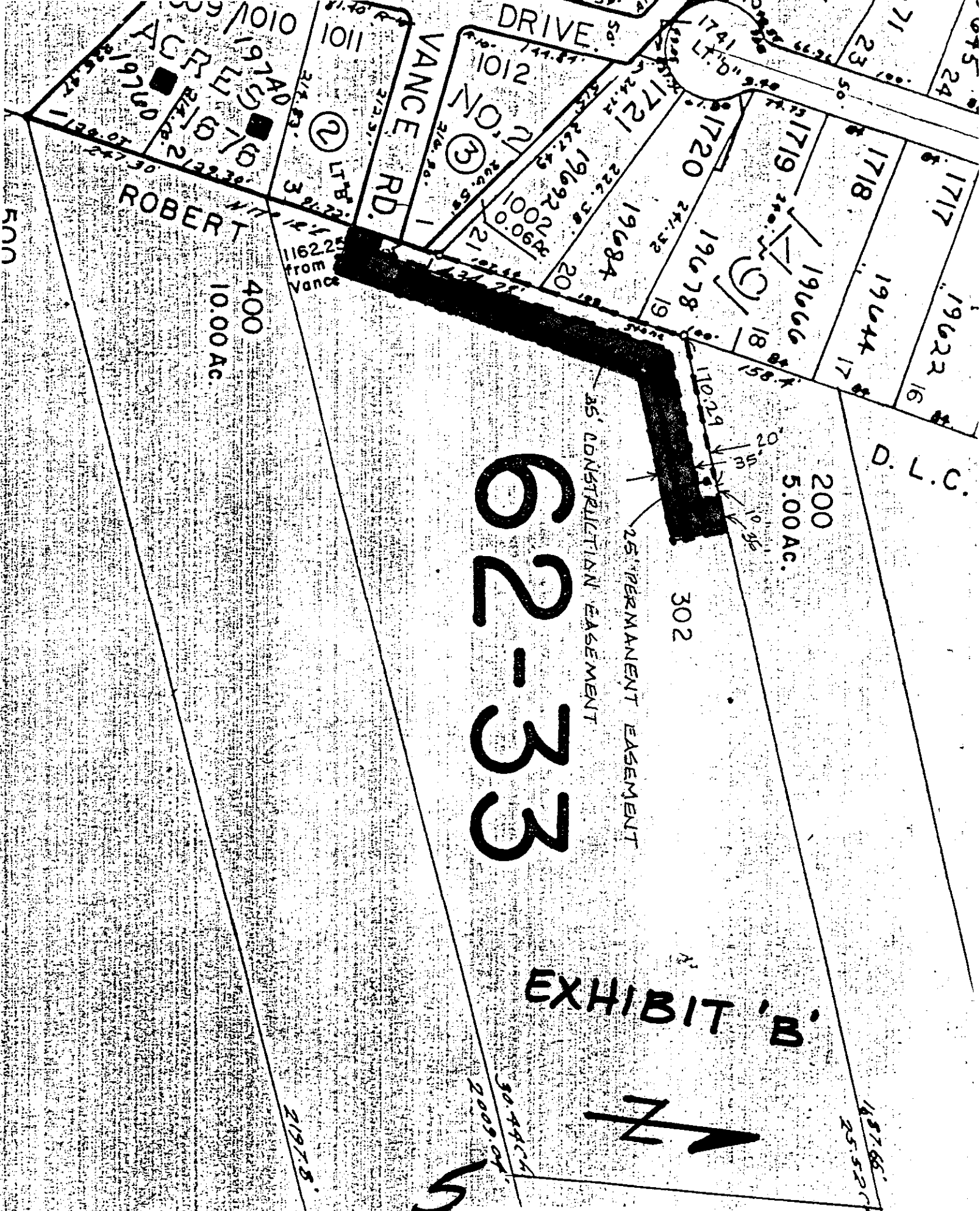
Report No. 91-173

On the September 18, 1991 City Commission agenda is a recommendation to accept a public utility easement along a portion of the "C" Trunk Sanitary Sewer Project. Attached is the easement document for review. The easement is one of several the Development Services Department is currently negotiating.

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

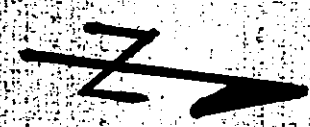
CHARLES LEESON
City Manager

cc: Development Services Director
Neal Robinson, Project Manager
Meyer's Road Investments, Inc.



62-33

EXHIBIT 'B'



2009

SEWER EASEMENT
Meyers Road Investments, Inc.
"C" Trunk Sewer Project

1991

110

3-2E-8D 302

DOC# 91-50948

(PURPLE)

Pg	Item
1714	20

Env#
506