

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT the MLB Trust, an undivided  $\frac{1}{2}$  interest, and Earl and Carol Smithson, husband and wife, an undivided  $\frac{1}{2}$  interest 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 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 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 \$10,000<sup>00</sup>, 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 24<sup>th</sup> day of April, 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

Mr. E. L. Smithson  
Signer's Name (Merle L. Bailey)  
Trustee, MLB Trust

Earl L. Smithson  
Signer's Name (Earl Smithson)

Carol Smithson  
Signer's Name (Carol Smithson)

Corporation  
limited partnership

\_\_\_\_\_  
Corporation/Partnership Name

\_\_\_\_\_  
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 Clackamas ) ss.

Personally appeared the above  
named ~~Earl~~ and Carol Smithson  
and acknowledged the foregoing  
instrument to be their  
voluntary act and deed.

Before me:

Virginia L. Wheeler  
NOTARY PUBLIC FOR OREGON

My Commission Expires: 9/27/93



Earl and Carol Smithson  
19531 S. Molalla Avenue  
Oregon City, Oregon 97045

(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.

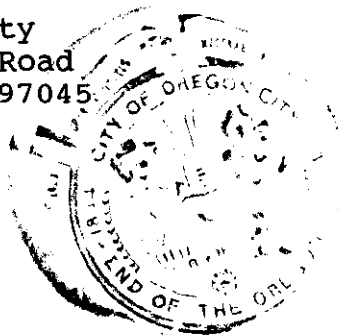
Daniel W. Fawcett

Mayor

Alan K. Elliott  
City Recorder

After Recording Return to:

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



Personal Acknowledgment  
STATE OF Oregon

County of Clackamas ) ss.

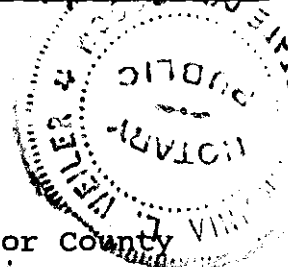
<sup>MRS.</sup>  
~~P.O. Bailey~~ Personally appeared the above <sup>E.L.S.</sup>  
~~Merle L. Bailey~~, Trustee, MLB  
Trust and acknowledged the foregoing  
instrument to be ~~his~~ voluntary  
act and deed. her

Before me:

NOTARY PUBLIC FOR Virginia L. Wheeler

My Commission Expires: 9/27/93

(OFFICIAL SEAL)



Space reserved for County  
Records Office

State Of OREGON

County Of Clackamas

Personally appeared the above named Earld. Smithson  
and acknowledged the foregoing instrument to be his  
voluntary act & deed, Before Me

Rita Swanson

Notary Public

My Commision Expires 4-2-93

4

EASEMENT DESCRIPTION  
"C" TRUNK SANITARY SEWER  
TAX LOT 201 (3-2E-8D)

EXHIBIT "A" PART 1 OF 3

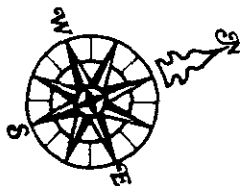
A strip of land fifteen feet wide, in the Southeast-quarter of Section 8, T. 3 S., R. 2 E., W.M., Clackamas County, Oregon, crossing that tract of land described in deed to Merle L. Bailey, recorded May 1, 1973, Clackamas County Deed Record Fee No. 73-13228, the centerline of which is described as follows:

Commencing at a point on the north line of said Bailey tract which is 169.48 feet N. 75° 24' 23" E. of the Northwest corner of said Bailey tract, and also being 150.00 feet southeasterly of the east line of Gaffney Lane Acres, when measured perpendicular thereto; thence S. 17° 04' 20" W., 157.97 feet, more or less, to the southerly line of said Bailey tract, and the terminus of said easement centerline.

Including a temporary easement for construction purposes lying 15 feet on the westerly side and 25 feet on the easterly side of the centerline described, said temporary easement to automatically terminate upon completion of the sewer installation.

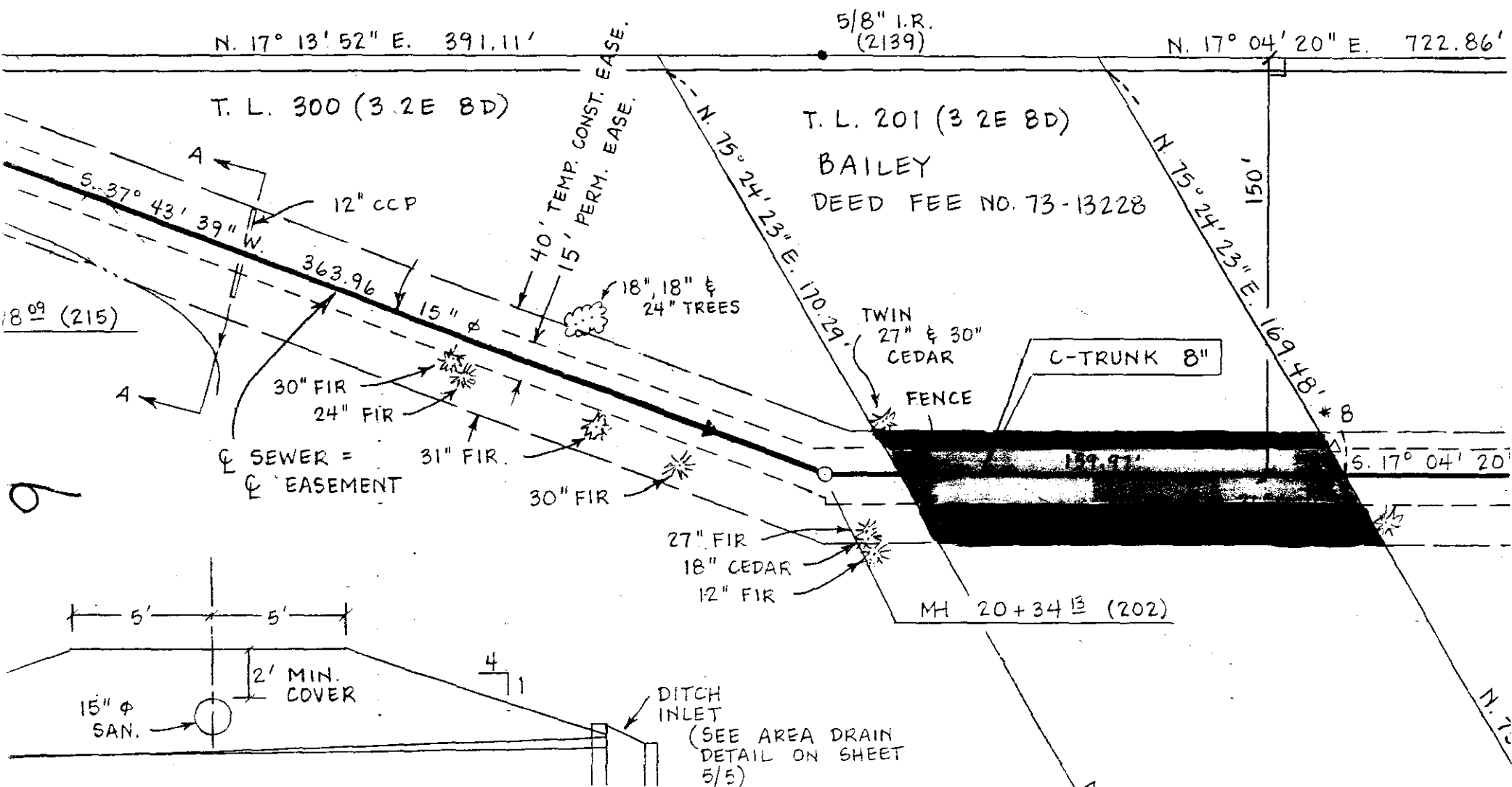
The bearings in this description are based on the map of survey number 20410 on file in the Clackamas County Surveyor's Office, and said map by reference is made a part hereof.

EXHIBIT "B"  
Part 1 of 3



~~SECRET~~ TEMPORARY

~~SECRET~~ PERMANENT



EASEMENT DESCRIPTION  
"C" TRUNK SANITARY SEWER  
TAX LOT 100 (3-2E-8D)

EXHIBIT "A"      PART 2 OF 3

A strip of land variable in width, in the Southeast-quarter of Section 8, T. 3 S., R. 2 E., W.M., Clackamas County, Oregon, crossing that tract of land described as parcel II in deed to Merle L. Bailey, recorded August 26, 1974, Clackamas County Deed Record Fee No. 74-24215, the centerline of which is described as follows:

SEGMENT NO. 1 (15.00 feet wide)

Commencing at a point on the south line of said Bailey tract which is 169.48 feet N. 75° 24' 23" E., of the southwest corner of said tract, said point also being 150.00 feet southeasterly of the east line of Gaffney Lane Acres, when measured perpendicular thereto; thence N. 17° 04' 20" E., 391.15 feet to a point that is 7.5 feet south of the north line of said tract, when measured perpendicular thereto, and 150.00 feet southeasterly of the east line of Gaffney Lane Acres, when measured perpendicular thereto;

SEGMENT NO. 2 (20.00 feet wide)

thence N. 75° 28' 31" E., and parallel with the North line of said tract, 864.60 feet, more or less, to the westerly line of parcel I as described in said deed, and the terminus of said easement centerline.

SEGMENT NO. 3 (20.00 feet wide)

Commencing at a point which is 169.48 feet N. 75° 24' 23" E., and 388.22 feet N. 17° 04' 20" E., of the southwest corner of said Bailey tract, said point being 150.00 feet southeasterly of the east line of Gaffney Lane Acres, when measured perpendicular thereto, and 10.00 feet southerly of the north line of said Bailey tract, when measured perpendicular thereto; thence N. 62° 19' 06" W., 14.89 feet more or less, to the northerly line of said tract.

Including a temporary easement for construction purposes lying 15 feet on the westerly side and 25 feet on the easterly side of segment no. 1 of the centerline described and 32.5 feet on the southerly side of the second and third segment of the centerline described, said temporary easement to automatically terminate upon completion of the sewer installation.

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.



EASEMENT DESCRIPTION  
"C" TRUNK SANITARY SEWER  
TAX LOT 101 (3-2E-8D)

EXHIBIT "A"      PART 3 OF 3

A strip of land twenty feet wide, 7.5 feet northerly and 12.5 feet southerly of the following described centerline, in the Southeast-quarter of Section 8, T. 3 S., R. 2 E., W.M., Clackamas County, Oregon, crossing that tract of land described as parcel I in deed to Merle L. Bailey, recorded August 26, 1974, Clackamas County Deed Record Fee No. 74-24215 described as follows:

Commencing at a point on the west line of Molalla Avenue, said point being 7.79 feet S. 30° 07' 49" E. from the northeast corner of said Bailey tract; thence S. 75° 28' 31" W. and parallel with the north line of said tract, 200.00 feet, more or less, to the westerly line of said Bailey tract, and the terminus of said easement centerline.

Including a temporary easement for construction purposes lying 27.5 feet on the southerly side of the centerline described, said temporary easement to automatically terminate upon completion of the sewer installation.

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.

8

E: 1" = 50'

L. 2000

T. L. 2100

T. L. 2101

BLDG.

EXISTING  
EDGE OF  
PAVEMENT

5/8" I.R.  
(2010)

6' WOOD FENCE

33" CEDAR

(101)

5. 75° 28' 31" W. 540.00' 15"

18"

#3  
SURVEY  
CONTROL

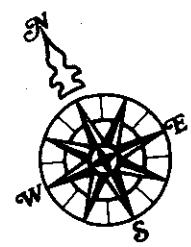
20' PERM.  
EASE.

35'  
TEMP.  
CONST.  
EASE.

MH 3 + 77 <sup>77</sup> AHEAD =  
3 + 68 <sup>18</sup> BACK  
(200)

T. L. 101 (3-2E-8D)  
BAILEY  
DEED FEE NO. 74-24215

EXISTING  
CURB



SCALE: 1" = 50'

TEMPORARY  
PERMANENT

40'  
TEMP.  
CONST.  
EASE.

30'

6" x 6" 10 ga MESH

STM. FLOW

4'-0"

18" 12"

12"

18"

3"

36"

15" φ

3000 PSI  
CONCRETE

AS REQ'D.  
FOUNDATION  
WITH

ENCASEMENT DETAIL

N.T.S.

EXHIBIT "B"  
Part 3 of 3

CLASS "E"  
BACKFILL

EXISTING

January 30, 1991

To Whom it May Concern

This is to verify that I  
have given power of attorney to  
my daughter Mrs E. L. Smithson  
pertaining to the sewer & other work  
on our 14 acres located at  
19531 S. Molalla ave

Oregon City Oregon 97045

Murle L Bailey

State of Hawaii

County of Maui

On this 30 day of January, 1990, 1991

*N.F. Ka*

before me personally appeared MERLE L. BAILEY

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

*LS*

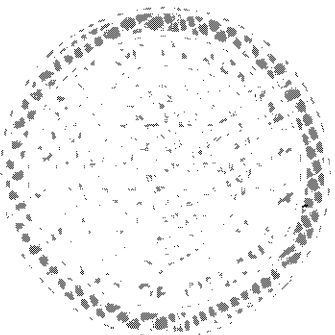
*Harold Edgar*  
State of Hawaii  
Notary Public, Second Judicial Circuit

My commission expires: 11/15/93

STATE OF OREGON )  
County of Clackamas ) ss.

I, John F. Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

91 JUN 11 PM 1:06



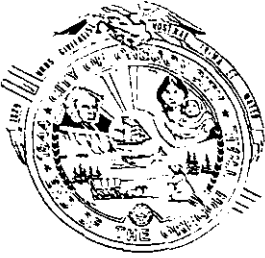
Witness my hand and seal affixed

*John F. Kauffman*  
JOHN F. KAUFFMAN  
County Clerk

Recording Certificate  
CCP-R4 (rev. 12/86)

91 27345

*12*



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

18  
FOR AGENDA

DATED

May 15, 1991

Page 1 of 1

Subject: Public Utility Easement Acceptance  
'C' Trunk Sewer Project

Report No. 91-74

On the May 15, 1991 City Commission agenda is a public utility easement for a portion of the 'C' Trunk Sewer Project for Commission acceptance. This is the first of several easements that will need to be obtained prior to constructing the project. A copy of the easement is attached for Commission review.

It is recommended the City Commission adopt a motion authorizing the acceptance of the Public Utility Easement for the 'C' Trunk Sewer Project and authorize the Mayor and City Recorder to execute respectively. Following execution the easement will be recorded in Clackamas County deed records.

CHARLES LEESON  
City Manager

JGB/im

attach.

cc - Development Services Director  
- John Hawthorne, Civil Engineer

PUBLIC UTILITY EASEMENT - Sewer  
1991

107

"C" Trunk Sanitary Sewer

MLB Trust

3-2E-80 100, 101, 210

DOG# 91-27345

pg	ITEM#
1715	7
1714	21

Env#  
505