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CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

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 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 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 ____ day of _____, 19__; 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

Jay Ellis
860 South End Road
Oregon City, Oregon 97045
(Grantor's Name and Address)

Personal Acknowledgement
STATE OF CALIFORNIA

County of Los Angeles } 3/25/91

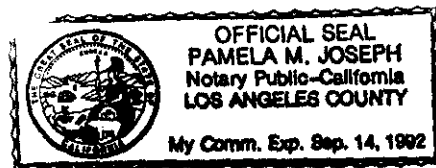
Personally appeared Robert C. Cannon who being duly sworn did say that he signed the foregoing instrument as Trustee in behalf of the Ellis Family Trust, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before Me:

Pamela M. Joseph
NOTARY PUBLIC FOR CALIFORNIA

(OFFICIAL SEAL)

My Commission Expires: 9/14/92



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.

Walter W. Fowler
Mayor

Frank K. Elliott
City Recorder

After Recording Return to:

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



Job No. 2829
1/23/91 WC
Revised 3/5/91
Revised 3/18/91

**METES & BOUNDS DESCRIPTION
UTILITY EASEMENT
ACROSS PROPOSED LOTS 1 AND 2
SOUTH END ROAD PROPERTY
FOR E. & S. DEVELOPMENT**

EXHIBIT "A"

A strip of land, ten feet wide, 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:

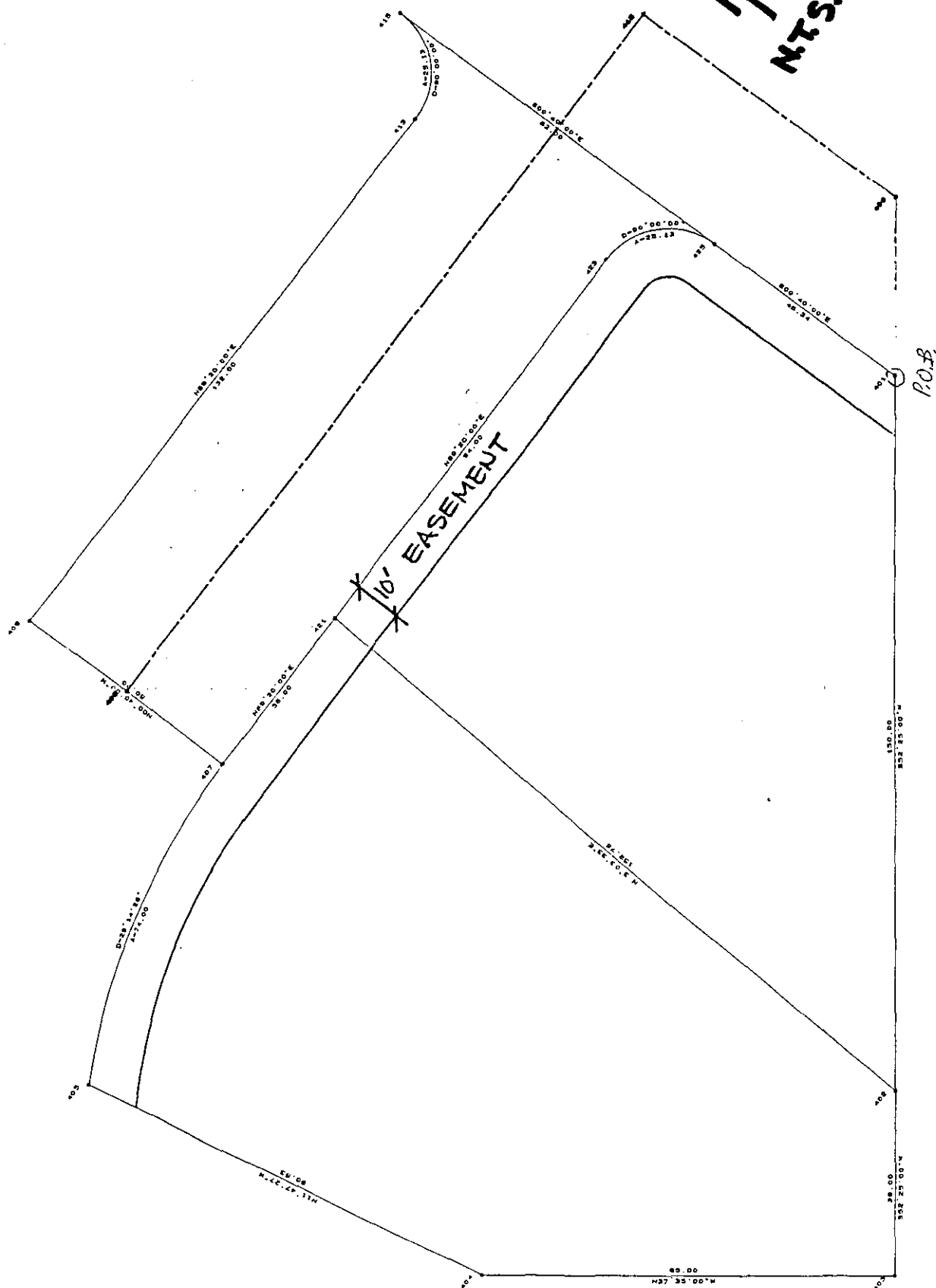
Commencing at the Northwest corner of the M. M. McCarver Donation Land Claim No. 41 and running thence West, 30 feet to a 1 1/2" diameter aluminum cap; thence N. 00° 40' 00" W., 1666.99 feet to the Southeast corner of said Telford tract at a 5/8" diameter iron rod with aluminum cap in monument box on 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., 132.00 feet; thence 74.00 feet along the arc of a curve left, concave south, the radius of which is 145.00 feet, the central angle is 29° 14' 26", and the long chord bears S. 74° 42' 47" W., 73.20 feet; thence, on a non-tangent line, S. 11° 47' 27" E., 10.56 feet; thence, 72.18 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° 38' 05", and the long chord bears N. 74° 00' 57" E., 71.32 feet; thence N. 89° 20' 00" E., 132.00 feet; thence 9.42 feet along the arc of a curve right, concave southwest, the radius of which is 6.00 feet; the central angle is 90° 00' 00", and the long chord bears S. 45° 40' 00" E., 8.49

feet; thence S. 00° 40' 00" E., 53.85 feet to the southeasterly line of said Telford tract; thence N. 52° 25' 00" E., 12.51 feet to the point-of-beginning.

This description was prepared from the map of survey by Wade G. Donovan III, Centerline Concepts, Inc., account no. 150-343, dated November 27, 1990, and said map by reference is made a part hereof.

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NTS.



MAN
Clerk

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CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

April 3, 1991

TO THE HONORABLE MAYOR AND COMMISSIONERS

Page

1 of 1

Subject: Deerbrook View Estates
Deed of Dedication and Public
Utility Easement Acceptance

Report No. 91-51

On the April 3, 1991 City Commission agenda is a Deed of Dedication and Public Utility Easement for the first phase of the Deerbrook View Estates project for Commission acceptance. Attached are the documents for Commission review.

Both documents were a condition of approval of a lot line adjustment on the property (LL-91-03). It is recommended that the City Commission adopt a motion accepting both documents 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


UTILITY EASEMENT

1991 (3)

Deerbrook View Estates
Robert Cannon for Ellis Family Trust

3-1E-1AD 3800, 3900
(3801)

DOC# 91-22126


(purple)

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Env#
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