

23-
CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT FERNWOOD PHASE II INVESTORS
LIMITED PARTNERSHIP

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 Waterline
_____ 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 -0-, 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 7th day of December, 1990; 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

Fernwood Ph. II Investor's
Corporation/Partnership Name

Signer's Name

W. S. Smith General Partner
Signer's Name, Title

(if executed by a corporation
affix corporate seal)

Signer's Name, Title

Signer's Name, Title

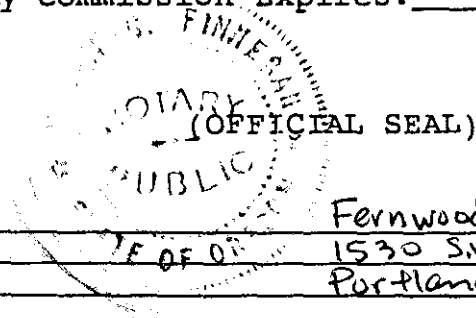
Personal Acknowledgment
STATE OF OREGON)
County of Clackamas) ss.

Personally appeared the above
named Douglas Edwards and
acknowledged the foregoing
instrument to be a
voluntary act and deed.

Before me:

William B. Lunnigan
NOTARY PUBLIC FOR OREGON

My Commission Expires: 3-09-92



Fernwood PH. II Investors
1530 S.W. Taylor
Portland, OR 97205

(Grantor's Name and Address)

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

(Grantee's Name and Address)

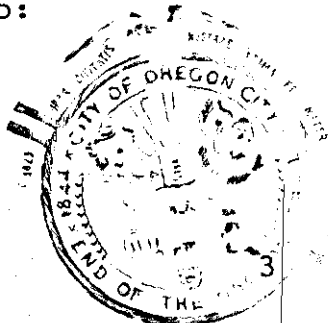
Accepted on behalf of the City of
Oregon City on the condition that
the easement granted is free and
clear from taxes, liens and
encumbrances.

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



3

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

Personally appeared _____
and _____
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 _____
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:

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

(OFFICIAL SEAL)

Space reserved for County
Record's Office

EXHIBIT "A"

**Public Utility Easement
Fernwood Phase IV**

An easement for waterline purposes in a part of the M.M. McCarver D.L.C. No. 40 in Section 6, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Beginning at the northeast corner of said D.L.C. No. 40; thence South $89^{\circ}33'15''$ West along the centerline of Warner-Parrott Road (County Road No. 61) a distance of 537.00 feet to the Northwest corner of that tract conveyed to Andre J. Varrin, by deed recorded November 4, 1965, in Book 665, at page 249, Clackamas County Deed Records; thence South $00^{\circ}25'08''$ East along the west line of said Varrin Tract 40.44 feet; thence 149.37 feet along the arc of a 260.00 foot radius curve to the right through a central angle of $32^{\circ}55'01''$ (the chord of which bears South $70^{\circ}38'52''$ East 147.33 feet) to the TRUE POINT OF BEGINNING of this easement; thence South $00^{\circ}38'47''$ East 38.65 feet; thence South $89^{\circ}21'13''$ West 29.00 feet; thence South $00^{\circ}38'47''$ East 10.00 feet; thence North $89^{\circ}21'13''$ East 20.00 feet; thence South $00^{\circ}38'47''$ West 16.00 feet; thence North $89^{\circ}21'13''$ East 19.00 feet; thence North $00^{\circ}38'47''$ West 56.88 feet to the intersection of a curve; thence 12.67 feet along the arc of a 260.00 foot radius curve to the left through a central angle of $02^{\circ}47'28''$ (the chord of which bears North $52^{\circ}47'37''$ West 12.66 feet) to the TRUE POINT OF BEGINNING.

4



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

January 16, 1991

TO THE HONORABLE MAYOR AND COMMISSIONERS

Page 1 of 1

Subject: Deed of Dedication and Public
Utility Easement Acceptance
Fernwood Development

Report No. 91-08

On the January 16, 1991 City Commission agenda are two deeds of dedication and three public utility easements for Commission acceptance. The documents and accompanying maps are attached for Commission review.

The deeds and easements were a condition of the development approval and necessary to accommodate necessary utility and street improvements.

It is recommended the City Commission adopt a motion approving the deed and easement 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
Fernwood Investors

EXHIBIT "B"

