

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

25
KNOW ALL MEN BY THESE PRESENTS, THAT Willard H. and Celia M. Smith 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 storm drainage easement 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 \$ 1.00 , 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 (no exceptions)

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 16 day of July, 1999 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

William H. Smith
Signer's Name

Corporation/Partnership Name

Lelia M. Smith
Signer's Name

Signer's Name, Title

(if executed by a corporation
affix corporate seal)

Signer's Name, Title

Signer's Name, Title

2

Personal Acknowledgment

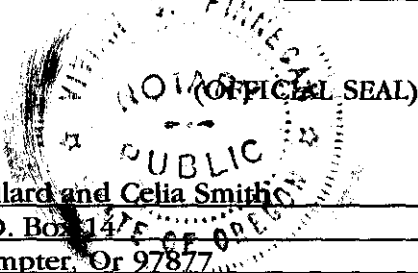
STATE OF OREGON)
) ss.
County of CLACKAMAS

Personally appeared the above named Willard H. and Celia M. Smith and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

William D. Lammigan
NOTARY PUBLIC FOR OREGON

My Commission Expires: 3-09-92


Willard and Celia Smith
P.O. Box 1475
Sumpter, Or 97877

(Grantor's Name and Address)

Corporate Acknowledgment

STATE OF OREGON)
) ss.
County of _____

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)

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.

David R. Spear
Mayor

Alan K. Elliott
City Recorder

After Recording Return to:

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



Space reserved for County
Record's Office

EXHIBIT "A"

[3-2E-5BA T.L. 2400]
[Hilda Street]

**LEGAL DESCRIPTION
of
STORM DRAINAGE EASEMENT**

1

A tract of land situated in the W.M. Holmes D.L.C. No. 38, in the Northwest quarter of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

The Westerly 10 feet of that certain tract of land described in a contract to Raymond E. Fillis, et ux., as recorded under Recorders Fee No. 88-7889, Clackamas County Deed Records.

4

700
0.23Ac.
701

EXHIBIT "B"

VACATED

ORD. NO. 1559

HOOD ST.

VACATED

ORD. NO. 1559

MAGNOLIA

VACATED
ORD. NO. 1559

VERMILYEA

800
0.50Ac.
302

1200
3.58Ac.

900
311
12

1101

901
813
11

1000
0.23Ac.
703

1100
711

DUANE STREET

STREET

1900
0.12Ac.
706

1800
0.12Ac.
710

1700
0.31Ac.
712

1600
0.12Ac.
714

1500
0.13Ac.
718

1400
0.13Ac.
316

1300
0.26Ac.
320

1301
0.14Ac.
15,20850

2000
0.12Ac.
445

2100
0.12Ac.
449

2200
0.13Ac.
459

2300
0.18Ac.
461

400
0.15Ac.
465

2500
0.16Ac.
467

2501
0.14Ac.
471

2600
0.14Ac.
473

STREET

GLEASON STREET

TOOLE

ADDITION

3600
0.29Ac.
428

3500
0.17Ac.
416

3401
0.32Ac.

3400
0.02Ac.

3200
0.14Ac.
440

3101
0.14Ac.
444

3100
0.22Ac.
913

3300
0.38Ac.
935

3000
1.00Ac.

2900
1.00Ac.

2800
1.00Ac.

2700
1.00Ac.
478



CITY OF OREGON CITY
INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

14
FOR AGENDA
DATED

November 7, 1990

1 1

Page ____ of ____

**Subject: Public Utility Easement Acceptance
Hilda/Barclay Drainage Improvement**

Report No. 90-266

On the November 7, 1990 City Commission agenda is a public utility easement From Willard H. and Celia M. Smith and Raymond E. And Laura L. Fillis for Commission acceptance.

The easement is necessary for the City to repair a storm drainage pipe on private property. Attached is a copy of the easement for Commission review.

It is recommended that the Commission adopt a motion accepting the easement and authorizing the Mayor and City Recorder to execute respectively. Following execution the City Recorder will record in Clackamas County deed records.

CHARLES LEESON
City Manager

attach.

**cc: Development Services Director
Engineering Division**

STORM DRAIN EASEMENT 1990

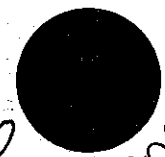
3-2E-5BA TL 2400 (Hilda St.)

Willard/Celia Smith

34

3-2E-5BA 2400

DOCH# 90-60646



(PAPED)

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Env. 126