

25  
(99)

CITY OF OREGON CITY, OREGON  
PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT James R. Irvine

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 \$1.00 (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 12<sup>th</sup> day of July, 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

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

\_\_\_\_\_  
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

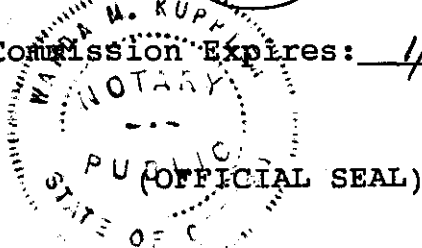
County of Clackamas ) ss.

Personally appeared the above  
named James R. Irvine and  
acknowledged the foregoing  
instrument to be his  
voluntary act and deed.

Before me:

Wanda M. Kupp  
NOTARY PUBLIC FOR OREGON

My Commission Expires: 1/20/94



James R. Irvine  
3140 S. E. Hawthorne  
Portland, Oregon 97214

(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.

David D. Spear  
Mayor

Sean 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

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.

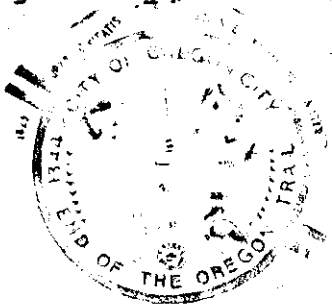
Before me:

NOTARY PUBLIC FOR OREGON

My Commission Expires: \_\_\_\_\_

(OFFICIAL SEAL)

Space reserved for County  
Record's Office



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EASEMENT DESCRIPTION  
LELAND ROAD SANITARY SEWER  
TAX LOT 100 (3-2E-6DC)

EXHIBIT "A"

A strip of land, fifteen feet wide, in the Southeast-quarter of Section 6, T. 3 S., R. 2 E., W.M., Clackamas County, Oregon, crossing that tract of land described in deed to James R. Irvine, recorded 1979, Clackamas County Deed Record Fee No. 79-877 , the centerline of which is described as follows:

Commencing at a stone inscribed with an "X" in a monument box at the Southwest corner of the William Holmes D.L.C. No. 38 and running thence, along the Northeast boundary of the S.S. White D.L.C. No. 41, S. 11° 40' 28" E., 1189.45 feet; thence S. 77° 59' 52" W., 187.00 feet; thence N. 45° 53' 27" W., 175 feet, more or less, to the Northwesterly line of that tract of land described in deed to Jon A. Lane and R. Gail Lane, Clackamas County Deed Record Fee No. 87-49442, and the true point-of-beginning; thence from said point-of-beginning the easement centerline continues N. 45° 53' 27" W., 250 feet, more or less, to a point which lies 7.5 feet southeasterly of, when measured perpendicular to, the Northwesterly line of said Irvine tract; thence, parallel with and 7.5 feet from said Northwesterly line of said Irvine tract, S. 41° 37' W., 120 feet, more or less, to a point-of-intersection with the southeasterly extension of the southwesterly line of that tract described in deed to Harold L. Chapin, Arlo C. Gassner and Kenneth W. Leavens, recorded January 12, 1971, Clackamas County Deed Record Fee No. 71-604; thence continuing S. 41° 37' W., 20 feet to the terminus of said centerline.

Including a temporary easement for construction purposes lying 20 feet on the easterly side and 20 feet on the westerly side of the first segment of the centerline described, and 37.5 feet on the southerly side of the second and third segments of the centerline described; said temporary easement to automatically terminate upon completion of the sewer installation.

The bearings in this description are based on information contained 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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**CITY OF OREGON CITY**

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

14  
FOR AGENDA  
DATED

August 15, 1990

Page 1 of 2

Subject: Public Utility Easement Acceptance  
James R. Irvine

Report No. 90-216

On the August 15, 1990 City Commission agenda is a public utility easement from James R. Irvine for Commission acceptance. The easement is necessary for the construction of the M-6 Sewer project. Attached is a copy of the easement for Commission review.

It is recommended the City Commission accept the easement and authorize the Mayor and City Recorder to execute respectively. Following execution the City Recorder will record in Clackamas County deed records.

CHARLES LEESON  
Interim City Manager

JGB:im  
attach.  
cc:

Development Services Director  
John Hawthorne, Civil Engineer  
James R. Irvine

NO. 41

3

12.85 CH  
5.5113062 = 845.1'  
from CH Co. O. 598

R-10

LINE DLC 41

MAP 3 ZE 600

CO. RD. 342

40' TEMPORARY  
CONSTRUCTION  
EASEMENT

62-20

SANITARY SEWER EASE. → 15'

205  
500.0 75' w/ line of R1

546.4  
1200  
3.01 Ac.

350.0

250.0

100  
40.4 Ac.

542.40' 6 652.6'  
129.0

110.0  
1201  
0.51 Ac.  
200.0

548.6 577.02'

1202  
3.48 Ac.

640.0 by deed

County of  
ment of  
s of said

MAN  
Clerk

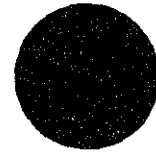
SEWER EASEMENT

1990

(99)

TL 100, 3-2E-6DC

James R. Irvine



(purple)

3-2E-6DC 100

Env. 416

DOCH# 90-44246

pg 1 item  
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