

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT Maurice DeMann and Hazel C. DeMann, husband and wife

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 storm drain 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 and other good and valuable consideration, 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.

Individuals,
general partnerships

Corporation
limited partnership

Hazel C. Le Man
Signer's Name

Corporation/Partnership Name

Maurice Le Man / by Hazel Le Man
Signer's 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 _____

_____ and
acknowledged the foregoing
instrument to be _____
voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

(OFFICIAL SEAL)

Hazel C. Demann

374 Warner-Parrott Road

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.

David D. 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

Corporate Acknowledgment
STATE OF OREGON

County of Clackamas

ss.

Personally appeared Hazel C. Demann
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:

Jim P. Nollit
NOTARY PUBLIC FOR OREGON

My Commission Expires: 9-28-93

(OFFICIAL SEAL)

Space reserved for County
Record's Office



3

T. L. 2300
3-2E-6CA

EXHIBIT "A"

LEGAL DESCRIPTION FOR DRAINAGE EASEMENT

A tract of land being a part of the M. M. McCarver Donation Land Claim No. 40, situated in Section 6, Township 3, South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, being more particularly described as follows:

COMMENCING at a point on the Northerly line of said Donation Land Claim No. 40, which is 26 18.22 feet westerly from the Northeast corner thereof, said point also being the Northwest corner of a tract of land described in a Deed to C. R. Moe recorded June 10, 1937 in Book 237, Page 635, Deed Records; THENCE South along the west line of said Moe Tract a distance of 30 feet to the Southerly line of Warner-Parrott Road and the POINT OF BEGINNING of the tract herein to be described; THENCE S. $0^{\circ} 01' 45''$ W. along the west line of that certain tract of land conveyed to Maurice DeMan, et ux, by deed recorded under Recorder's Fee No. 89-18638, a distance of 110.00 feet to the Southwest corner thereof; THENCE N. $89^{\circ} 13' 57''$ E. along the south line of said DeMan tract a distance of 24.22 feet to a point; THENCE N. $1^{\circ} 31' 41''$ W. a distance of 110.00 feet to a point in the South line of said Warner-Parrott Road; THENCE S. $89^{\circ} 13' 57''$ W. along said south line a distance of 21.20 feet to the POINT OF BEGINNING.

4



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA
DATED

February 7, 1990

Page 1 of 1

TO THE HONORABLE MAYOR AND COMMISSIONERS

**Subject: Maurice and Hazel DeMann
Public Utility Easement Acceptance**

Report No 90-21

On the February 7, 1990 City Commission agenda is a public utility easement from Hazel and Maurice DeMann for Commission acceptance. The easement was obtained as part of a City storm drain improvement project across a portion of their property at 374 Warner-Parrott Road.

It is recommended that a motion be approved accepting the easement. Following acceptance the City Recorder will record in Clackamas County Deed Records.

THOMAS FENDER III
City Manager

JGB:im

attach.

cc: Development Services Director
John Hawthorne, Civil Engineer

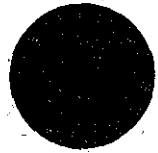
STORM DRAIN EASEMENT

1990

(29)

Maurice/Hazel DeMann
TL 2300, 3-2E-6CA

3-2E-6CA 2300



DOC#90-09577

pg	item
1309	1

Env. 383