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

KNOW ALL MEN BY THESE PRESENTS, THAT Lee Kronberg, 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 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.

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 non-monetary 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 easement 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 3rd day of April, 1989; 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.

Lee Kronberg  
Lee Kronberg

STATE OF OREGON           )  
                                  ) ss.  
County of Clackamas    )

Personally appeared the above named Lee Kronberg and acknowledged the foregoing instrument to be his voluntary act and deed.

Before Me:

William L. Finnegan  
NOTARY PUBLIC OF OREGON  
My Commission Expires: 3-09-92

Lee Kronberg  
18120 Stonewood Drive  
Gladstone, OR 97027  
(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 D. Spear  
Mayor

Jan K. Elliott  
City Recorder

After Recording Return To:  
City Engineer  
City of Oregon City  
320 Warner Milne Road  
Oregon City, OR 97045



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EXHIBIT "A"

A tract of land situated in the Northwest quarter of Section 9, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 13 of the duly recorded plat of "CLAIRMONT ACREAGE TRACTS No. 3" said corner is also the Southeast corner of Fir Street on said plat; THENCE east along the North line of that certain tract of land conveyed to Lee Kronberg, etux, by deed recorded under Recorder's Fee No. 68-8065, Clackamas County Records, a distance of 670.51 feet to the Northeast corner of Parcel I of said Kronberg Tract, and the POINT OF BEGINNING of the tract herein to be described; THENCE South along the east line of said Kronberg tract a distance of 35 feet; THENCE West parallel with the north line of said Kronberg tract a distance of 20 feet to a point; THENCE North parallel with the east line of said Kronberg Tract a distance of 35 feet to the north line of said Kronberg tract; THENCE East along said north line a distance of 20.00 feet to the Point of Beginning.



**CITY OF OREGON CITY**

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

April 5, 1989

Page 1 of 1

**Subject: City Acceptance of Public Utility  
Easement and Acceptance of  
Twelve Inch Water Line -  
Kronberg Property**

**Report No. 89-51**

On the April 5, 1989 City Commission agenda is a public utility easement and water line transfer agreements from Lee Kronberg for Commission acceptance. Attached are copies of both documents for Commission review.

The water line was constructed from Beaver Creek Road into the Kronberg property at the same time the Oregon Department of Transportation constructed a new access road into the property. Also on the agenda, there is a recommendation to accept this access road from the Oregon Department of Transportation.

The water line extension was oversized to 12 inches with the understanding that the City would pay for the oversize cost. Attached is a letter calculating the amount to be reimbursed. The construction plans were reviewed and approved and the construction inspected by the City. The water line is now ready for transfer to the City for operation and maintenance.

Since a portion of the water line was installed on private property, a public utility easement has also been prepared for Commission acceptance.

It is recommended that the City Commission adopt a motion accepting both the Public Utility Easement and the Water Line Transfer Agreement and authorize the Mayor and City Recorder to execute respectively.

THOMAS FENDER III  
City Manager

JGB  
Attach.

cc: Development Services Director  
Civil Engineer



# CITY OF OREGON CITY

Incorporated 1844

March 22, 1989

DEVELOPMENT SERVICES  
DEPARTMENT  
Planning, Building,  
Engineering  
320 Warner Milne Road  
Oregon City, OR 97045  
(503) 657-0895

Lee Kronberg  
18120 Stonewood Drive  
Gladstone, OR 97027

Re: Kronberg 12" waterline  
Located between Beavercreek Road and Oregon City Bypass

Dear Mr. Kronberg:

The City has recently received a resolution from the Oregon Department of Transportation transferring a 70 foot access road to the City. Therefore, we would now like to finalize the transfer of the 12" water line that you built in that access road.

The City is willing to pay you for the oversizing cost between the standard 8" required for development and the 12" line that you installed. Last year you supplied the City your actual construction costs and your engineer cost estimates. Thank you for that information, which we used to calculate the over sizing cost as follows:

1. Engineering costs of \$5,000 does not apply since the same engineering would have been required for an 8" waterline.
2. To determine oversize cost multiply the engineers original cost estimates by an actual cost factor equal to Actual Cost/Cost Estimate (\$34,330/27,900=1.23).
3. Cost differences between 12" and 8" \*

Tap	\$990 <u>vs</u> 1590 =	\$600
Pipe	917 l.f. @ \$4.92 difference =	4,512
Valves	2@ \$308 difference =	616
Thrust Block	\$185 <u>vs</u> 370 =	<u>185</u>

Total Cost Difference \$5,913

\* For actual calculation see attached worksheet.

If this meets with your approval, please indicate to us so we can prepare a staff report for the April 5, 1989 City Commission Meeting. At the April 5 City Commission Meeting there will be a


Page 2  
Lee Kronberg  
March 22, 1989

motion for the City to accept the transfer of the road and waterline. Once that is accepted by the City Commission, then you can be paid for the oversizing of the waterline, and you will need to sign the conveyance document, copy enclosed.

Since a portion of the terminus of your waterline is outside the boad being transfered to Oregon City we will also need an easement to cover that portion.

Thank you for your cooperation. Per our telephone conversation, I will be seeing you on Monday, March 27 at 11:00 a.m. to discuss this and answer any questions you might have.

Sincerely,



John Hawthorne, P.E.  
Civil Engineer

JH:cej

enc.

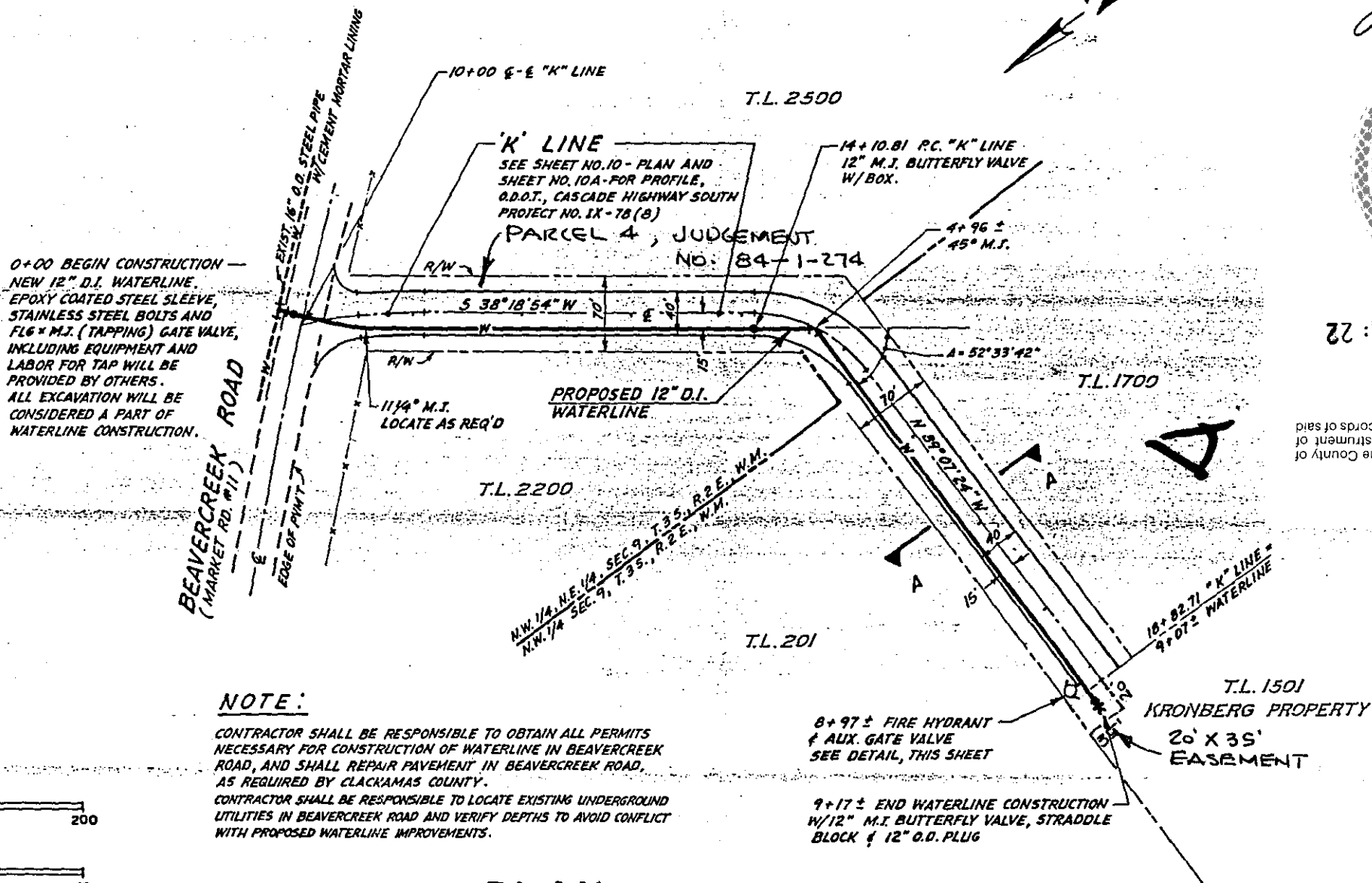
cc: John Block, Development Services Director

# EXHIBIT "B"

15487  
JOHN F. KAUFFMAN  
County Clerk

3 AM 11: 22

Clerk, for the County of  
that the instrument of  
ing in the records of said



PLAN

LINE =  
WATERLINE  
CONSTRUCTION

UTILITY EASEMENT (WATER) 1989  
20 x 35 ft. Water Line

(22)

Lee Kronberg, Clairmont Acreage  
Tracts No. 3

(ODOT 213 | MAJORIE LN)

3-2E-9B 1501 (1506)

Envelope 1 of 2

Doc No. 89-15487



(large)

pg 1517

Item #3

Env. 49

#36