

109  
AFTER RECORDING RETURN TO:

Clackamas County Official Records  
Sherry Hall, County Clerk

2011-066460

~~City Recorder~~ Kelly Burgoyne  
City of Oregon  
P.O. Box 3040  
Oregon City, Oregon 97045-0304



\$92.00

11/17/2011 01:00:26 PM

D-E Cnt=1 Stn=4 KANNA  
\$50.00 \$16.00 \$16.00 \$10.00

Map No.: 3-2E-05C

Tax Lot: 203 AND 200

Planning No.: CP 10-01/DP 10-02

Grantor: HILLTOP MALL LLC

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

**KNOW ALL BY THESE PRESENTS, THAT HILLTOP MALL LLC** 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 Public Water Facilities 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 2nd day of November, 2011; 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.

**NOTICE: No stamp or corporate seal is allowed over any typed information.**

Individuals, general partnerships

\_\_\_\_\_  
Signer's Name

\_\_\_\_\_  
Signer's Name

\_\_\_\_\_  
(if executed by a corporation  
affix corporate seal below)

Corporation/limited partnership

HILLTOP MAIL LLC

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

\_\_\_\_\_  
Signer's Name, Title (SIGNATURE)

Craig T Danielson  
MANAGER HILLTOP PROPERTIES, LLC  
Signer's Name, Title (PRINTED)

CRAIG T DANIELSON

~~\_\_\_\_\_  
Signer's Name, Title~~

**NOTICE TO NOTARIES: No notary stamp or corporate seal is allowed over any typed information.**

Personal Acknowledgment

STATE OF OREGON )  
 ) ss.  
County of \_\_\_\_\_ )

Personally appeared the above named \_\_\_\_\_

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

Before me:

NOTARY PUBLIC FOR OREGON

\_\_\_\_\_  
Notary's signature

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

Stamp seal below

\_\_\_\_\_  
(Grantor's Name and Address)

**City of Oregon City**

**P.O. Box 3040**

**625 Center Street**

**Oregon City, OR 97045-0304**

\_\_\_\_\_  
(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 any taxes, liens, and encumbrances.

Mayor \_\_\_\_\_

City Recorder \_\_\_\_\_

Page 3

Corporate Acknowledgment

STATE OF OREGON )  
 ) ss.  
County of Clackamas )

Personally appeared Craig T. Danielson  
\_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_ who being duly sworn, each for himself and not one for the other did say that the former is the Manager ~~president~~ and that the latter is the \_\_\_\_\_ secretary of Hilltop Mall, LLC

\_\_\_\_\_, 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.

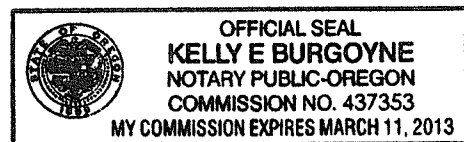
Before me:

NOTARY PUBLIC FOR OREGON

Kelly E. Burgoyne  
\_\_\_\_\_  
Notary's signature

My Commission Expires: 3-11-2013

Stamp seal below



**EXHIBIT A (SHEET 1 OF 3)**

**PROJECT:**            **Hilltop Mall Redevelopment**

**LOCATION:**            **TAX LOTS 200, 203 AND 300 3 2E 5C**

**PROPERTY OWNER:**  
**Hilltop Mall, LLC**  
**P.O. Box 2200**  
**Oregon City, Oregon 97045**

**PREPARED BY:**  
**Compass Engineering**  
**4105 SE International Way, Suite 501**  
**Milwaukie, Oregon 97222**  
**(503) 653-9093**

**PUBLIC WATERLINE EASEMENT NUMBER 1:**

A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO HILLTOP PROPERTIES, LLC, RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS, BEING A 10.00 FOOT WIDE STRIP LAND LYING 5.00 FEET ON EACH SIDE OF THE CENTERLINE WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE WITH "X" AT THE SOUTHWEST CORNER OF PARCEL III AS DESCRIBED IN BARGAIN AND SALE DEED TO HILLTOP PROPERTIES, LLC RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID PARCEL III NORTH 13°14'59" WEST 326.79 FEET TO THE TRUE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED; THENCE LEAVING SAID WEST LINE NORTH 59°34'28" EAST 193.10 FEET TO POINT "A"; THENCE CONTINUING NORTH 59°34'28" EAST 105.75 FEET; THENCE SOUTH 88°10'14" EAST 295.69 FEET TO POINT "B"; THENCE NORTH 77°53'47" EAST 103.88 FEET; THENCE SOUTH 85°45'35" EAST 97.15 FEET; THENCE NORTH 68°30'18" EAST 86.80 FEET TO POINT "C"; THENCE CONTINUING NORTH 68°30'18" EAST 14.47 FEET TO POINT "D"; THENCE NORTH CONTINUING 68°30'18" EAST 174.36 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MOLALLA AVENUE (50 FEET FROM CENTERLINE) WHICH IS LOCATED SOUTH 28°50'10" EAST 192.32 FEET FROM THE MOST EASTERLY CORNER OF PARCEL 2, PARTITION PLAT NO. 1991-102, AND THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES OF THE ABOVE DESCRIBED STRIP SHALL BE EXTENDED OR SHORTENED AS NECESSARY TO TERMINATE (AT THE WESTERLY END OF SAID STRIP) ON THE AFOREMENTIONED WEST LINE OF PARCEL III AND (AT THE EASTERLY END OF SAID STRIP) ON THE WEST RIGHT OF WAY LINE OF MOLALLA AVENUE (50 FEET FROM CENTERLINE).

**ALSO:** THE FOLLOWING THREE (3) TEN FOOT WIDE STRIPS OF LAND, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINES:

## **EXHIBIT A (SHEET 2 OF 3)**

- 1) BEGINNING AT POINT "B" AS DESCRIBED ABOVE; THENCE NORTH 11°12'17" WEST 18.78 FEET TO THE TERMINUS OF SAID CENTERLINE.
- 2) BEGINNING AT POINT "C" AS DESCRIBED ABOVE; THENCE NORTH 21°29'42" WEST 11.14 FEET TO THE TERMINUS OF SAID CENTERLINE.
- 3) BEGINNING AT POINT "D" AS DESCRIBED ABOVE; THENCE SOUTH 25°53'13" EAST 43.49 FEET TO THE TERMINUS OF SAID CENTERLINE.

### **PUBLIC WATERLINE EASEMENT NUMBER 2:**

A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO HILLTOP PROPERTIES, LLC, RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS, BEING A 10.00 FOOT WIDE STRIP LAND LYING 5.00 FEET ON EACH SIDE OF THE CENTERLINE WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT "A" AS DESCRIBED ABOVE IN PUBLIC WATERLINE EASEMENT NUMBER 1; THENCE SOUTH 30°33'49" EAST 12.52 FEET TO POINT "E"; THENCE CONTINUING SOUTH 30°33'49" EAST 181.38 FEET TO POINT "F"; THENCE CONTINUING SOUTH 30°33'49" EAST 114.40 FEET TO POINT "G"; THENCE SOUTH 27°28'20" EAST 99.02 FEET; THENCE SOUTH 83°02'24" EAST 54.81 FEET; THENCE SOUTH 88°26'00" EAST 172.10 FEET; THENCE SOUTH 57°13'30" EAST 19.72 FEET; THENCE SOUTH 04°18'40" EAST 22.20 FEET; THENCE SOUTH 84°43'35" EAST 38.96 FEET; THENCE SOUTH 18°01'40" EAST 10.27 FEET TO A POINT ON THE SOUTH LINE OF THE AFOREMENTIONED PARCEL III WHICH IS LOCATED NORTH 89°30'06" EAST 580.75 FEET FROM A STONE WITH "X" AT THE SOUTHWEST CORNER THEREOF; THENCE CONTINUING SOUTH 18°01'40" EAST 11.17 FEET ; THENCE SOUTH 07°50'22" WEST 14.01 FEET TO THE TERMINUS OF SAID CENTERLINE ON THE NORTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD (43 FEET FROM CENTERLINE).

THE SIDELINES OF THE ABOVE DESCRIBED STRIP SHALL BE EXTENDED OR SHORTENED AS NECESSARY TO TERMINATE (AT THE SOUTHERLY END OF SAID STRIP) ON THE NORTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD.

**ALSO:** THE FOLLOWING THREE (3) TEN FOOT WIDE STRIPS OF LAND, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINES:

- 1) BEGINNING AT POINT "E" AS DESCRIBED ABOVE; THENCE NORTH 59°26'11" EAST 10.45 FEET TO THE TERMINUS OF SAID CENTERLINE.
- 2) BEGINNING AT POINT "F" AS DESCRIBED ABOVE; THENCE NORTH 59°26'11" EAST 9.06 FEET TO THE TERMINUS OF SAID CENTERLINE.

**EXHIBIT A (SHEET 3 OF 3)**

- 3) BEGINNING AT POINT "G" AS DESCRIBED ABOVE; THENCE SOUTH 59°42'27" WEST 11.93 FEET TO THE TERMINUS OF SAID CENTERLINE.

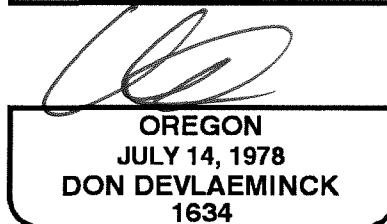
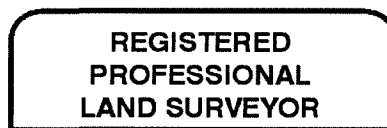
**PUBLIC WATERLINE EASEMENT NUMBER 3:**

A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO HILLTOP PROPERTIES, LLC, RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS, BEING A 10.00 FOOT WIDE STRIP LAND LYING 5.00 FEET ON EACH SIDE OF THE CENTERLINE WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE WITH "X" AT THE SOUTHWEST CORNER OF PARCEL III AS DESCRIBED IN BARGAIN AND SALE DEED TO HILLTOP PROPERTIES, LLC RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE SOUTH LINE OF SAID PARCEL III NORTH 89°30'06" EAST 904.47 FEET; THENCE LEAVING SAID SOUTH LINE SOUTH 00°58'44" EAST 52.00 FEET TO THE NORTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD AND THE TRUE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED: THENCE NORTH 00°58'44" WEST 31.00 FEET TO THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES OF THE ABOVE DESCRIBED STRIP SHALL BE EXTENDED OR SHORTENED AS NECESSARY TO TERMINATE (AT THE SOUTHERLY END OF SAID STRIP) ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD (43 FEET FROM CENTERLINE).

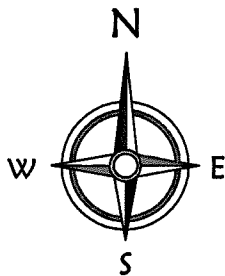
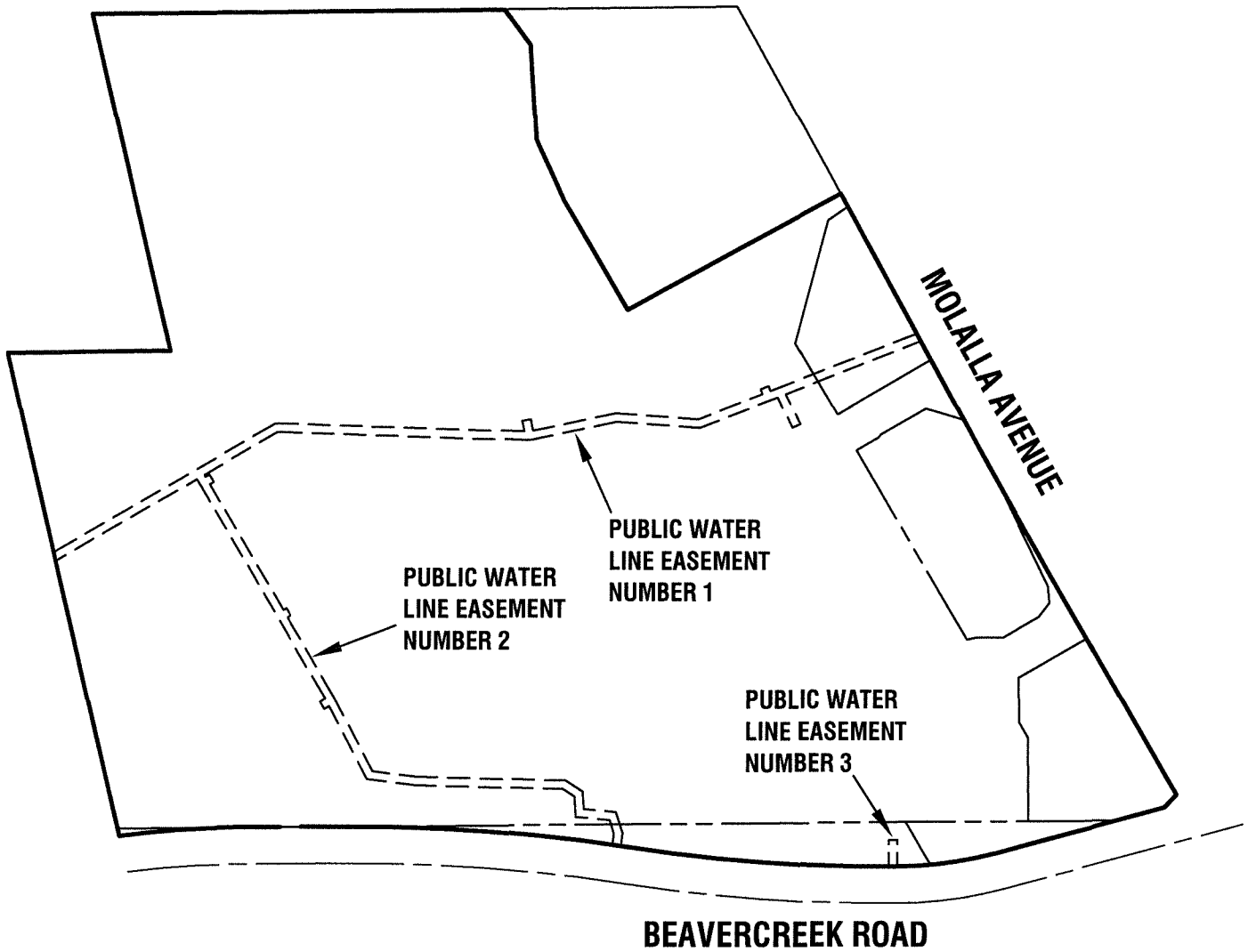
BASIS OF BEARINGS: SN 20410.



DATE OF SIGNATURE: 10/31/11

EXPIRES 12/31/2011

**WARNER MILNE ROAD**



**Scale: 1" = 200'**

**EXHIBIT "B"**  
**PUBLIC WATER LINE EASEMENT**

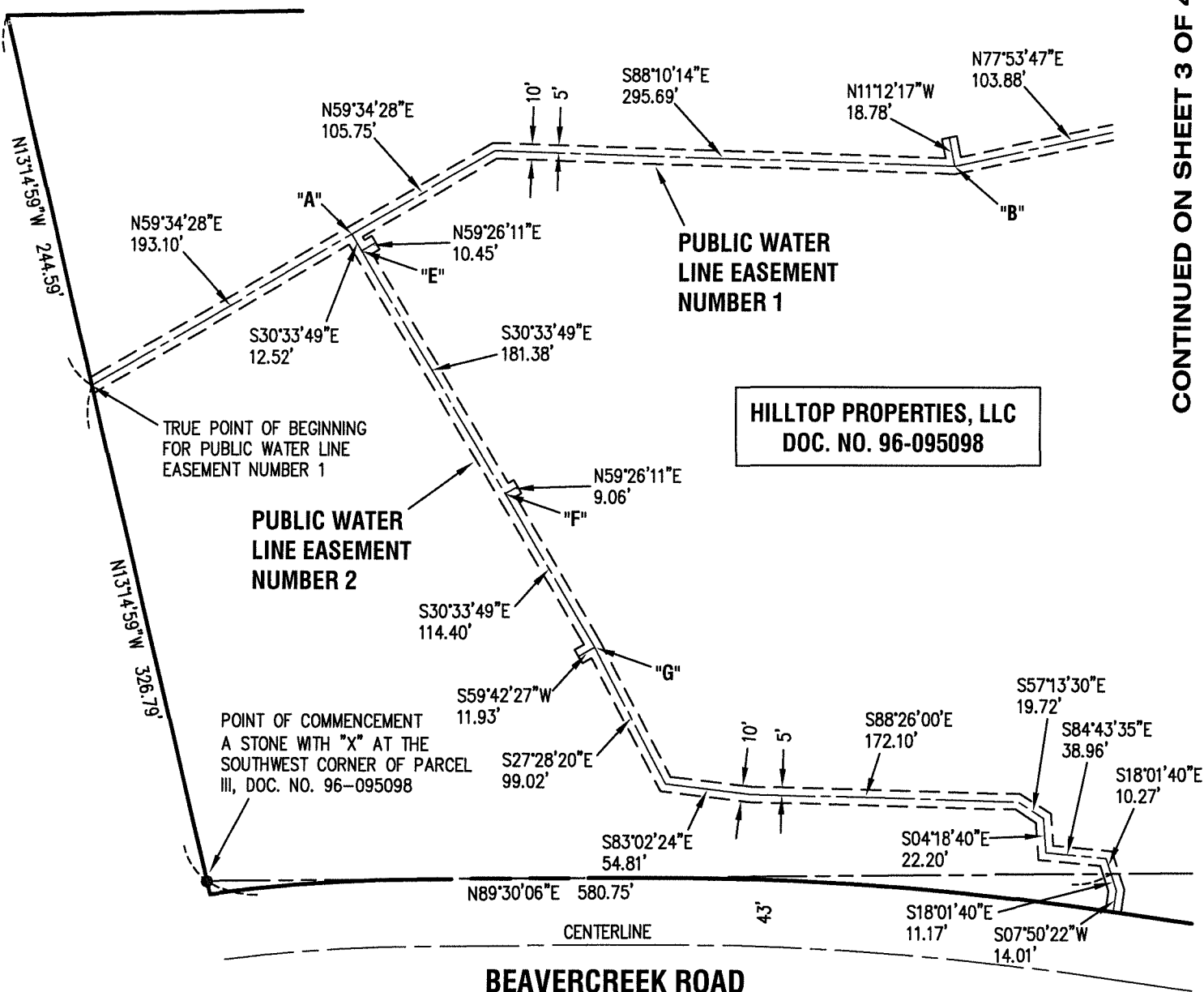
3509.17 Water Ease.dwg

engineering surveying planning  
**COMPASS ENGINEERING**  
4105 SE International Way, Suite 501 503.653.9093  
Milwaukie, Oregon 97222 [www.compass-engineering.com](http://www.compass-engineering.com)

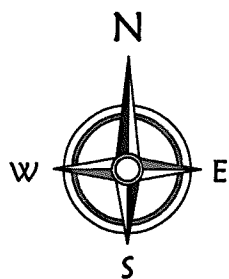
LOCATED IN THE SOUTH 1/2 OF SECTION  
5, T.3S., R.2E., W.M., CITY OF OREGON  
CITY, CLACKAMAS COUNTY, OREGON

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HILLTOP PROPERTIES, LLC  
DOC. NO. 96-095098



Scale: 1" = 100'

## EXHIBIT "B"

### PUBLIC WATER LINE EASEMENT

3509.17 Water Ease2.dwg

engineering surveying planning

**COMPASS ENGINEERING**

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Milwaukie, Oregon 97222

503.653.9093

www.compass-engineering.com

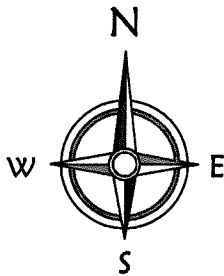
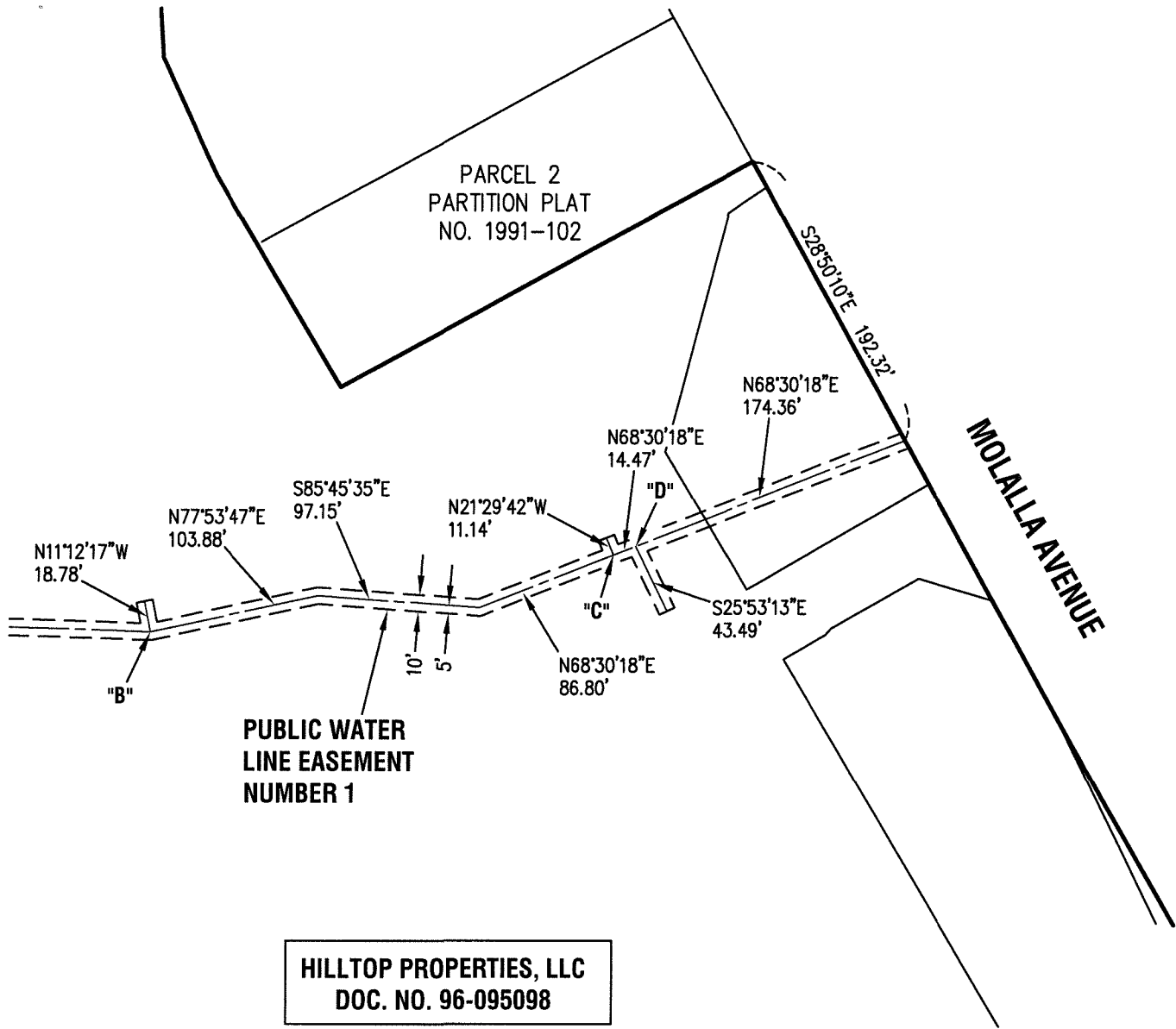
LOCATED IN THE SOUTH 1/2 OF SECTION  
5, T.3S., R.2E., W.M., CITY OF OREGON  
CITY, CLACKAMAS COUNTY, OREGON

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CONTINUED ON SHEET 2 OF 4



Scale: 1" = 100'

**EXHIBIT "B"**  
**PUBLIC WATER LINE EASEMENT**

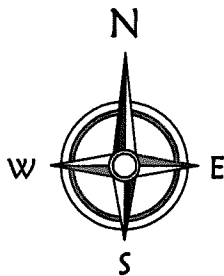
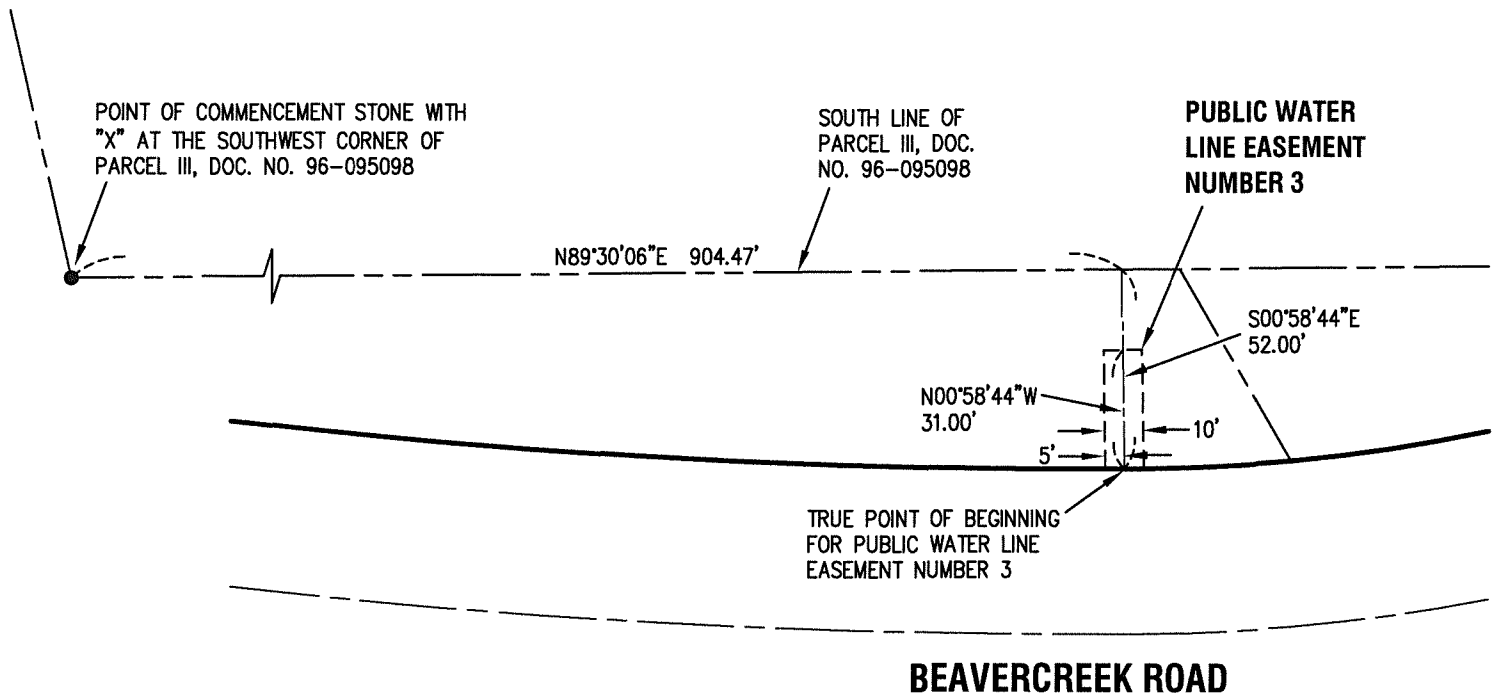
3509.17 Water Ease3.dwg

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4105 SE International Way, Suite 501 503.653.9093  
Milwaukie, Oregon 97222 www.compass-engineering.com

LOCATED IN THE SOUTH 1/2 OF SECTION 5,  
T.3S., R.2E., W.M., CITY OF OREGON CITY,  
CLACKAMAS COUNTY, OREGON

3

4



Scale: 1" = 50'

## EXHIBIT "B"

### PUBLIC WATER LINE EASEMENT

3509.17 Water Ease4.dwg

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 Milwaukie, Oregon 97222 www.compass-engineering.com

LOCATED IN THE SOUTH 1/2 OF SECTION  
 5, T.3S., R.2E., W.M., CITY OF OREGON  
 CITY, CLACKAMAS COUNTY, OREGON

4

4

10