

10
AFTER RECORDING RETURN TO:

Clackamas County Official Records
Sherry Hall, County Clerk

2011-066457

~~City Recorder (Nancy Ide)~~
City of Oregon
P.O. Box 3040
Oregon City, Oregon 97045-0304

Kelly Burgoyne



\$77.00

11/17/2011 01:00:26 PM

D-E Cnt=1 Stn=4 KANNA
\$35.00 \$16.00 \$16.00 \$10.00

Map No.: 3-2E-05C

Tax Lot: 200, 203-206 & 300

Planning No.: CP10-01 / DP10-02

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 Traffic Control 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 7th 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 MAN LLC

Corporation/Partnership Name (PRINTED)

CRAIG T DANIELSON

Signer's Name, Title (SIGNATURE)

Ct Danielson
MANAGER OF HILLTOP PROPERTIES LLC

Signer's Name, Title

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

Nancy Ide

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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 _____ president
and that the latter is the _____ secretary
of Hilltop Mail, 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: Kelly E. Burgoyne

NOTARY PUBLIC FOR OREGON

Kelly E. Burgoyne

Notary's signature

My Commission Expires: 03-11-2013

Stamp seal below

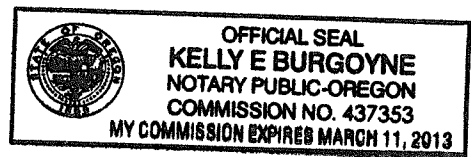


EXHIBIT A (SHEET 1 OF 2)

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 TRAFFIC SIGNAL LOOP 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 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 515.55 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE LEAVING SAID SOUTH LINE SOUTH 11°06'33" EAST 15.86 FEET TO THE NORTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD (43 FEET FROM CENTERLINE); THENCE ALONG SAID RIGHT OF WAY LINE 36.11 FEET ALONG THE ARC OF A 2043.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH THROUGH A CENTRAL ANGLE OF 01°00'46" (LONG CHORD BEARS NORTH 83°55'20" WEST 36.11 FEET); THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 05°34'17" EAST 9.55 FEET; THENCE NORTH 10°01'35" EAST 18.70 FEET; THENCE NORTH 09°54'01" WEST 17.94 FEET; THENCE NORTH 21°06'09" WEST 24.22 FEET; THENCE NORTH 63°41'21" EAST 29.89 FEET; THENCE SOUTH 11°06'33" EAST 71.02 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT A (SHEET 2 OF 2)

PUBLIC TRAFFIC SIGNAL LOOP 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 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

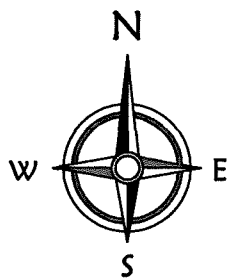
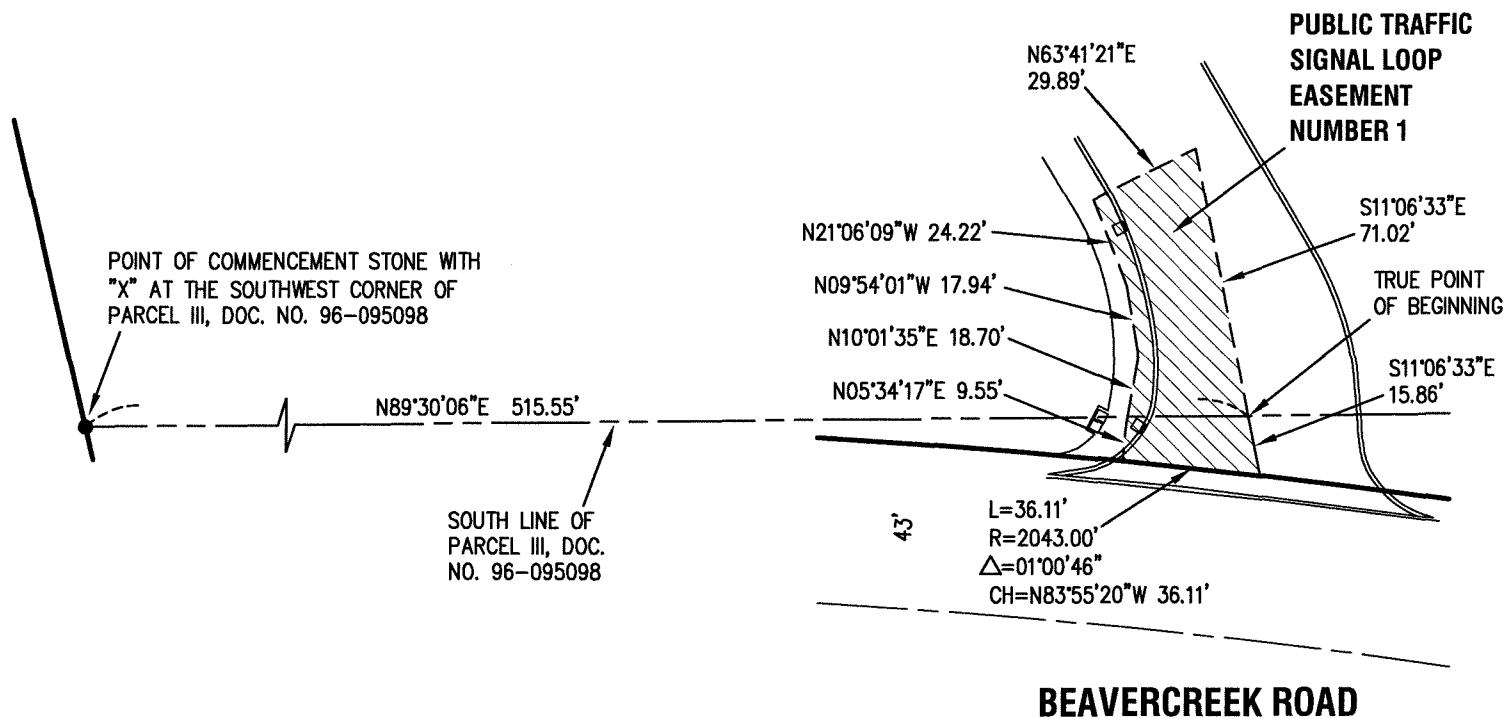
COMMENCING AT THE MOST EASTERLY CORNER OF PARCEL 2, PARTITION PLAT NO. 1991-102, CLACKAMAS COUNTY PARTITION PLAT RECORDS; THENCE ALONG THE WEST RIGHT OF WAY LINE OF MOLALLA AVENUE (50 FEET FROM CENTERLINE) SOUTH 28°50'10" EAST 234.74 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH 60°05'42" WEST 94.47 FEET; THENCE SOUTH 30°19'13" EAST 34.00 FEET; THENCE NORTH 60°05'42" EAST 93.59 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF MOLALLA AVENUE; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 28°50'10" WEST 34.00 FEET TO THE TRUE POINT OF BEGINNING.

BASIS OF BEARINGS: SN 20410.



DATE OF SIGNATURE: 11/3/11

EXPIRES 12/31/2011



Scale: 1" = 50'

EXHIBIT "B"

PUBLIC TRAFFIC SIGNAL LOOP EASEMENT

3509.17 Traffic.dwg

engineering surveying planning
COMPASS ENGINEERING
 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

1

2

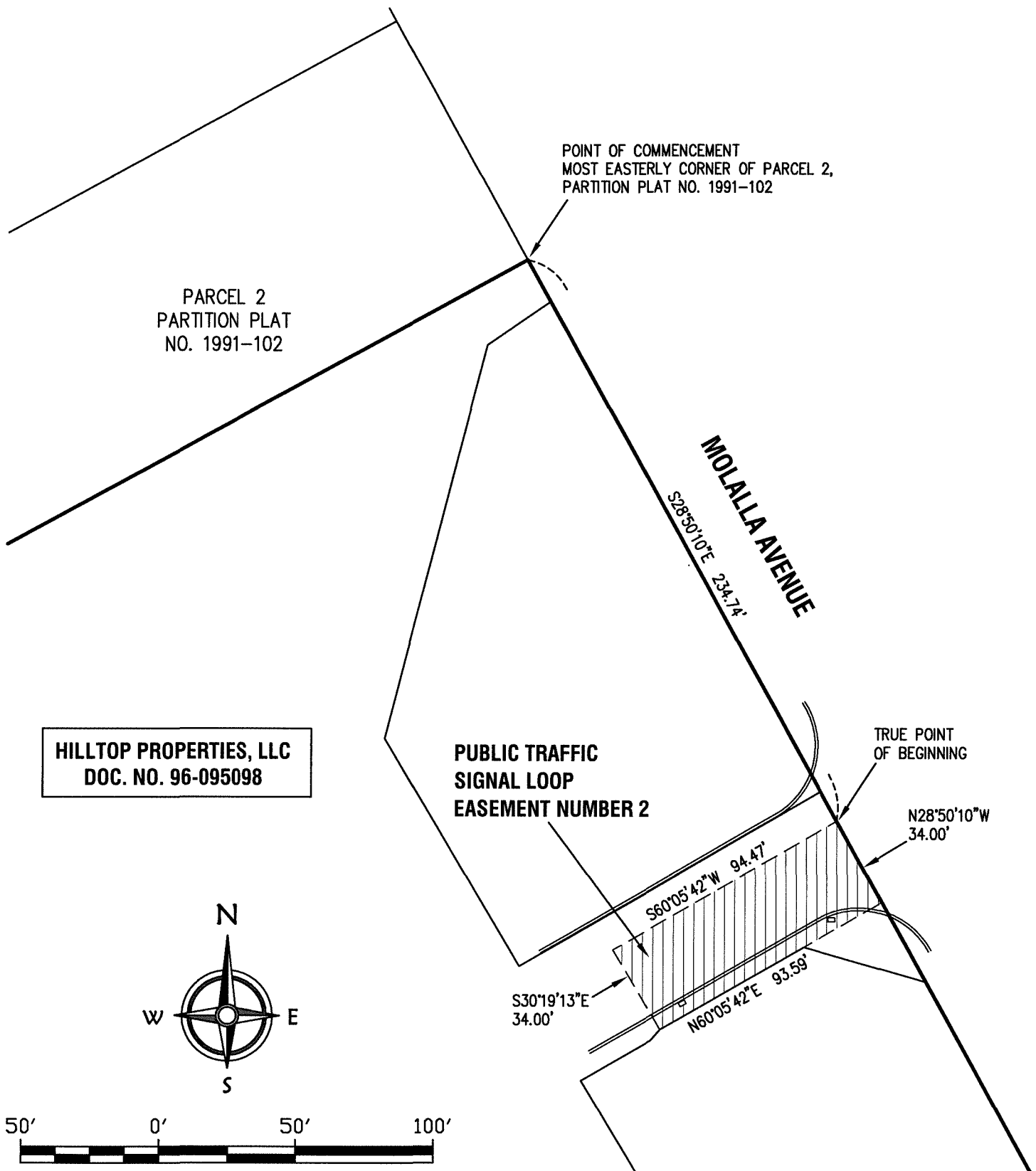


EXHIBIT "B"

PUBLIC TRAFFIC SIGNAL LOOP EASEMENT

3509.17 Traffic Ease2.dwg

engineering surveying planning
COMPASS ENGINEERING

4105 SE International Way, Suite 501
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

2

2

7/1