

118

AFTER RECORDING RETURN TO:

Clackamas County Official Records
Sherry Hall, County Clerk

2010-008496

City Recorder *Nancy Ide*
City of Oregon City
P.O. Box 3040
Oregon City, Oregon 97045-0304



\$97.00

02/08/2010 02:49:39 PM

D-E Cnt=1 Stn=1 JANISKEL
\$55.00 \$16.00 \$16.00 \$10.00

Map No.: 3-1E-12A8
Tax Lots (53 & 54) 3310 + 3311
Planning No.: PD 04-02

Grantor: D. R. Horton, Inc. - Portland

Pg	Item
1406	15a + 15b
1506	15a + 15b

CITY OF OREGON CITY, OREGON
PUBLIC SIDEWALK AND EMERGENCY VEHICLE ACCESS EASEMENT
(Dawn Meadows Lots 53 and 54)

KNOW ALL BY THESE PRESENTS, that **D. R. Horton, Inc.-Portland**, a Delaware corporation, hereinafter called the "GRANTOR," does hereby grant unto the **City of Oregon City, Oregon**, hereinafter called the "CITY," its successors in interest and assigns and on behalf of the public, a permanent public sidewalk easement and an easement for emergency vehicles over and on the following described land:

See attached Exhibit "A" Legal Descriptions of sidewalk easement areas and emergency vehicle access easement areas and attached Exhibit "B" Sketch of sidewalk easement areas and emergency vehicle access easement areas for Legal Descriptions

TO HAVE AND TO HOLD, the above described public sidewalk and emergency vehicle access easement unto the CITY, its successors in interest and assigns forever in favor of the public.

GRANTOR shall construct the sidewalks in the easement areas. The Dawn Meadows Homeowner Association, an Oregon non-profit corporation, shall be responsible for maintaining the portion of the sidewalk located on Lot 53 and on Lot 54.

GRANTOR shall construct the emergency vehicle accesses located on Lot 53 and Lot 54 and such emergency access areas shall be maintained by the Dawn Meadows Homeowner Association.

GRANTOR, its successors and assigns shall retain the right to use the sidewalk easement areas in a manner consistent with the public's rights granted herein. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY and public. No obstruction or utility shall be placed upon, under, or within any easement area during the term thereof without the written permission of the CITY.

The public shall have the right to use the sidewalk easement area for a public sidewalk. No other uses shall be allowed, including without limitation, skateboards, roller blades and scooters which shall be specifically prohibited. No motorized devices except for electrically powered wheelchairs and similar devises shall be allowed to use the easement area.

No public use shall be made of the emergency access areas except for access by emergency vehicles.

The GRANTOR and its successors in interest, shall be entitled to all of the immunities from liability provided by ORS 105.672 through ORS 105.700.

The true consideration of this conveyance is \$1.00, the receipt of which is hereby acknowledged by GRANTOR.

GRANTOR 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.

CITY takes the easement granted herein subject to all existing encumbrances on title to the premises, whether recorded or unrecorded.

In the event that the terms of this easement and the terms of the Conditions, Covenants and Restrictions of Dawn Meadows should conflict, the terms of this easement shall control for purposes of the easement areas.

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 15th day of February, 2010; if a corporate grantor, it has caused its name to be signed 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

D. R. HORTON, INC. – PORTLAND, a
Delaware corporation

By: 

Its: Vice President

By: _____

Its: _____

The foregoing commitments of the Dawn Meadows Homeowner Association are hereby acknowledged and agreed to.

**DAWN MEADOWS HOMEOWNER
ASSOCIATION, INC.**

By: 

Its: President

By: 

Its: Secretary

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.

Mayor

Ann Fournier

City Recorder

Nancy Able

Corporate Acknowledgment

STATE OF OREGON)
) ss.
County of Clackamas)

Personally appeared

Gott Clark
and _____

who being duly sworn,
each for himself/herself and not one for the
other did say that the former is the Vice-President
and that the latter is the _____ of D. R.
Horton, Inc.-Portland, a Delaware 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

Mary Kay Kraft
Notary's signature

My Commission Expires: July 30, 2013

Stamp seal below



Corporate Acknowledgment

STATE OF OREGON

County of

Clackamas

) ss.

Personally appeared

Andy Tumann

and

Mitch Bonell

who being duly sworn,

each for himself/herself and not one for the other did say that the former is the President and that the latter is the Secretary of Dawn Meadows Homeowner Association, an Oregon nonprofit 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

Mary Kay Kraft

Notary's signature

My Commission Expires:

July 30, 2013

Stamp seal below

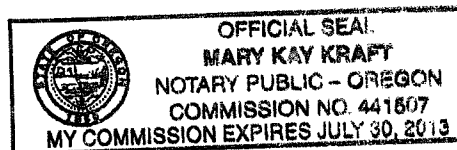


EXHIBIT "A"

January 26, 2010

LEGAL DESCRIPTIONS

Job No. 101-007

Four parcels of land being a portion of Lots 53 and 54, "Dawn Meadows" in the Northeast Quarter of Section 12, Township 3 South, Range 1 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon, more particularly described as follows:

PARCEL 1: PUBLIC SIDEWALK EASEMENT

BEGINNING at the most Northerly corner of said Lot 53;

thence along the Southwesterly right-of-way line of Chanelle Way, South 42°58'44" East, a distance of 41.35 feet;

thence leaving said right-of way line, South 09°54'57" East, a distance of 10.17 feet;

thence South 16°42'21" West, a distance of 7.74 feet;

thence South 09°25'48" West, a distance of 6.93 feet;

thence South 18°27'27" West, a distance of 4.42 feet;

thence South 34°57'46" West, a distance of 3.62 feet to a point on the Northwesterly right-of-way line of Darling Way;

thence along said right-of-way line South 52°44'04" West, a distance of 12.75 feet;

thence along a 281.15 foot radius tangential curve to the right, through a central angle of 05°46'17", arc length of 28.32 feet, chord bearing of South 55°17'08" West, and chord distance of 28.31 feet;

thence South 58°10'16" West, a distance of 41.20 feet to the most Southerly corner of said Lot 53;

thence along the Southwesterly line of said Lot 53, North 42°58'17" West, a distance of 5.61 feet;

thence leaving said line, North 58°10'16" East, a distance of 46.36 feet;
thence along a 341.52 foot radius tangential curve to the left, through a central angle of 05°23'35", arc length of 32.15 feet, chord bearing of North 55°11'48" East, and chord distance of 32.13 feet;

thence North 51°25'36" East, a distance of 8.42 feet;

thence North 09°03'12" East, a distance of 24.20 feet;

thence North 42°58'44" West, a distance of 26.16 feet;

thence along a 9.50 foot radius tangential curve to the left, through a central angle of 34°33'37", arc length of 5.73 feet, chord bearing of North 60°15'32" West, and chord distance of 5.64 feet;

thence along a 15.50 foot radius tangential curve to the right, through a central angle of 34°33'37", arc length of 9.35 feet, chord bearing of North 60°15'32" West, and chord distance of 9.21 feet;

thence North 42°58'44" West, a distance of 0.13 feet to the Northwesterly line of said Lot 53;

thence along said Northwesterly line, North 47°01'35" East, a distance of 9.91 feet to the POINT OF BEGINNING.

PARCEL 2: PUBLIC SIDEWALK EASEMENT

BEGINNING at a point on the Southwesterly right-of-way line of Chanelle Way, said point bearing North 42°58'44" West a distance of 8.23 feet from the most Easterly corner of said Lot 54;

thence South 47°01'16" West, a distance of 5.50 feet;

thence North 42°58'44" West, a distance of 64.17 feet;

thence along a 22.50 foot radius tangential curve to the left, through a central angle of 66°31'30", arc length of 26.12 feet, chord bearing of North 76°14'29" West, and chord distance of 24.68 feet;

thence North 18°13'50" West, a distance of 5.50 feet;

thence along a 28.00 foot radius non-tangential curve, concave southerly, with a radius point bearing South 19°15'14" East, central angle of 66°16'30", arc length of 32.39 feet, chord bearing of South 76°06'59" East, and chord distance of 30.61 feet to a point on the said right-of-way line;

thence along said right-of-way line, South 42°58'44" East, a distance of 64.17 feet to the POINT OF BEGINNING.

PARCEL 3: EMERGENCY VEHICLE ACCESS EASEMENT

BEGINNING at a point on the Southwesterly right-of-way line of Chanelle Way, said point bearing South 42°58'44" East, a distance of 41.35 feet from the most Northerly corner of said Lot 53;

thence along said right-of-way line, South 42°58'44" East, a distance of 6.02 feet;

thence along a 14.50 foot radius tangential curve to the right, through a central angle of 95°42'48", arc length of 24.22 feet, chord bearing of South 04°52'40" West, and chord distance of 21.50 feet to a point on the Northwesterly right-of-way line of Darling Way;

thence along said right-of-way line, South 52°44'04" West, a distance of 9.25 feet;

thence leaving said line, North 34°57'46" East, a distance of 3.62 feet;

thence North 18°27'27" East, a distance of 4.42 feet;

thence North 09°25'48" East, a distance of 6.93 feet;

thence North 16°42'21" East, a distance of 7.74 feet;

thence North 09°54'57" West, a distance of 10.17 feet to the POINT OF BEGINNING.

PARCEL 4: EMERGENCY VEHICLE ACCESS EASEMENT

BEGINNING at a point on the Southeasterly right-of-way line of Darling Way, said point bearing North 52°44'04" East, a distance of 11.02 feet from the most Westerly corner of said Lot 54;

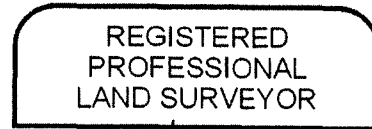
thence along said right-of-way line, North 52°44'04" East, a distance of 12.22 feet;

thence along a 14.50 foot radius tangential curve to the right, through a central angle of 84°17'12", arc length of 21.33 feet, chord bearing of South 85°07'20" East, and chord distance of 19.46 feet to a point on the Southwesterly right-of-way line of Chanelle Way;

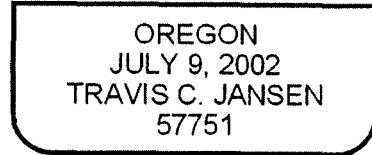
thence along said right-of-way line, South 42°58'44" East, a distance of 12.22 feet;

thence leaving said line, along a 28.00 foot radius reverse tangential curve to the left, through a central angle of $84^{\circ}17'12''$, arc length of 41.19 feet, chord bearing of North $85^{\circ}07'20''$ West, and chord distance of 37.58 feet to the POINT OF BEGINNING.

Basis of bearing per plat of "Dawn Meadows".

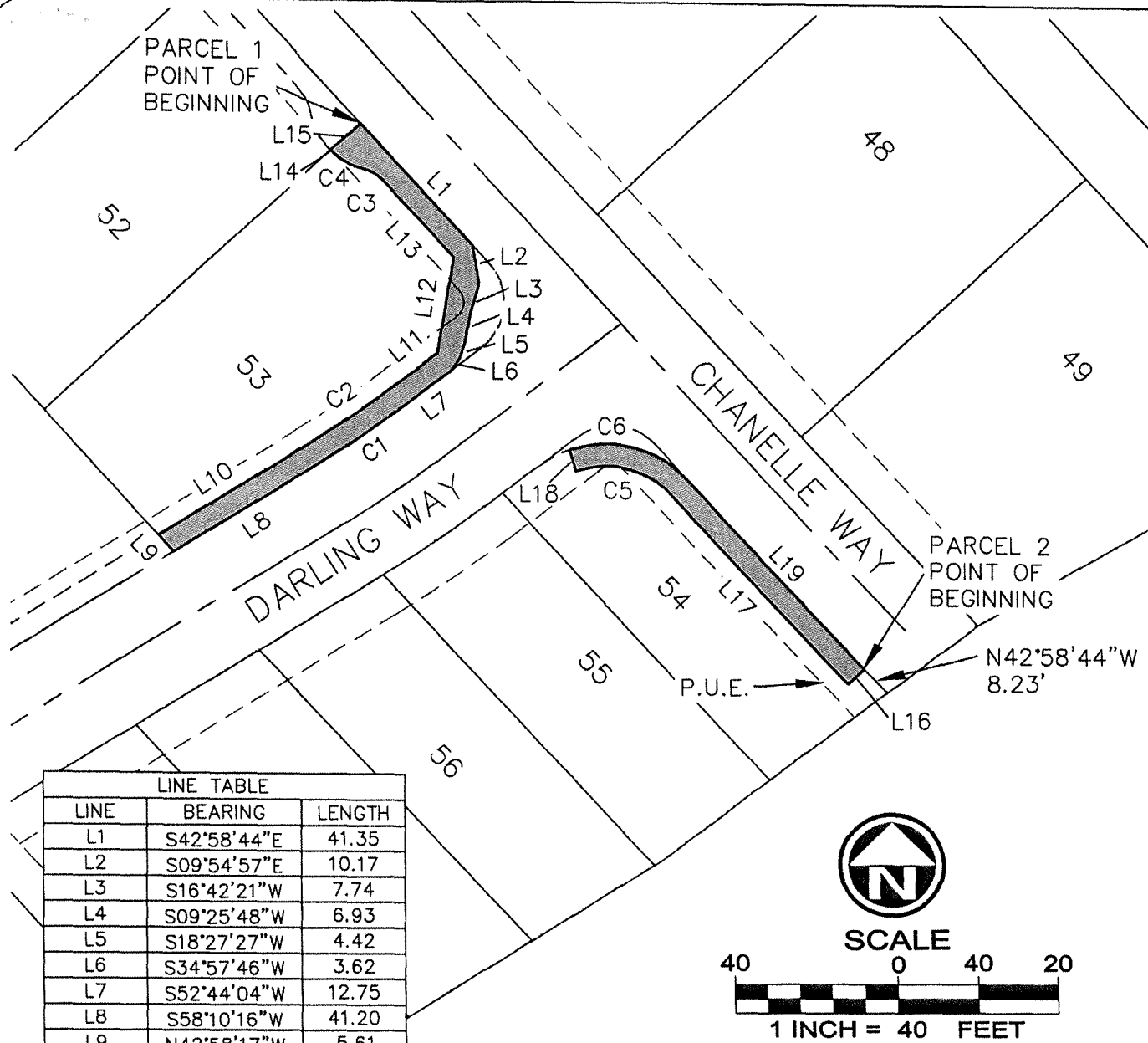


Travis C. Jansen



RENEWS: 6/30/2011

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LINE TABLE		
LINE	BEARING	LENGTH
L1	S42°58'44"E	41.35
L2	S09°54'57"E	10.17
L3	S16°42'21"W	7.74
L4	S09°25'48"W	6.93
L5	S18°27'27"W	4.42
L6	S34°57'46"W	3.62
L7	S52°44'04"W	12.75
L8	S58°10'16"W	41.20
L9	N42°58'17"W	5.61
L10	N58°10'16"E	46.36
L11	N51°25'36"E	8.42
L12	N09°03'12"E	24.20
L13	N42°58'44"W	26.16
L14	N42°58'44"W	0.13
L15	N47°01'35"E	9.91
L16	S47°01'16"W	5.50
L17	N42°58'44"W	64.17
L18	N18°13'50"W	5.50
L19	S42°58'44"E	64.17

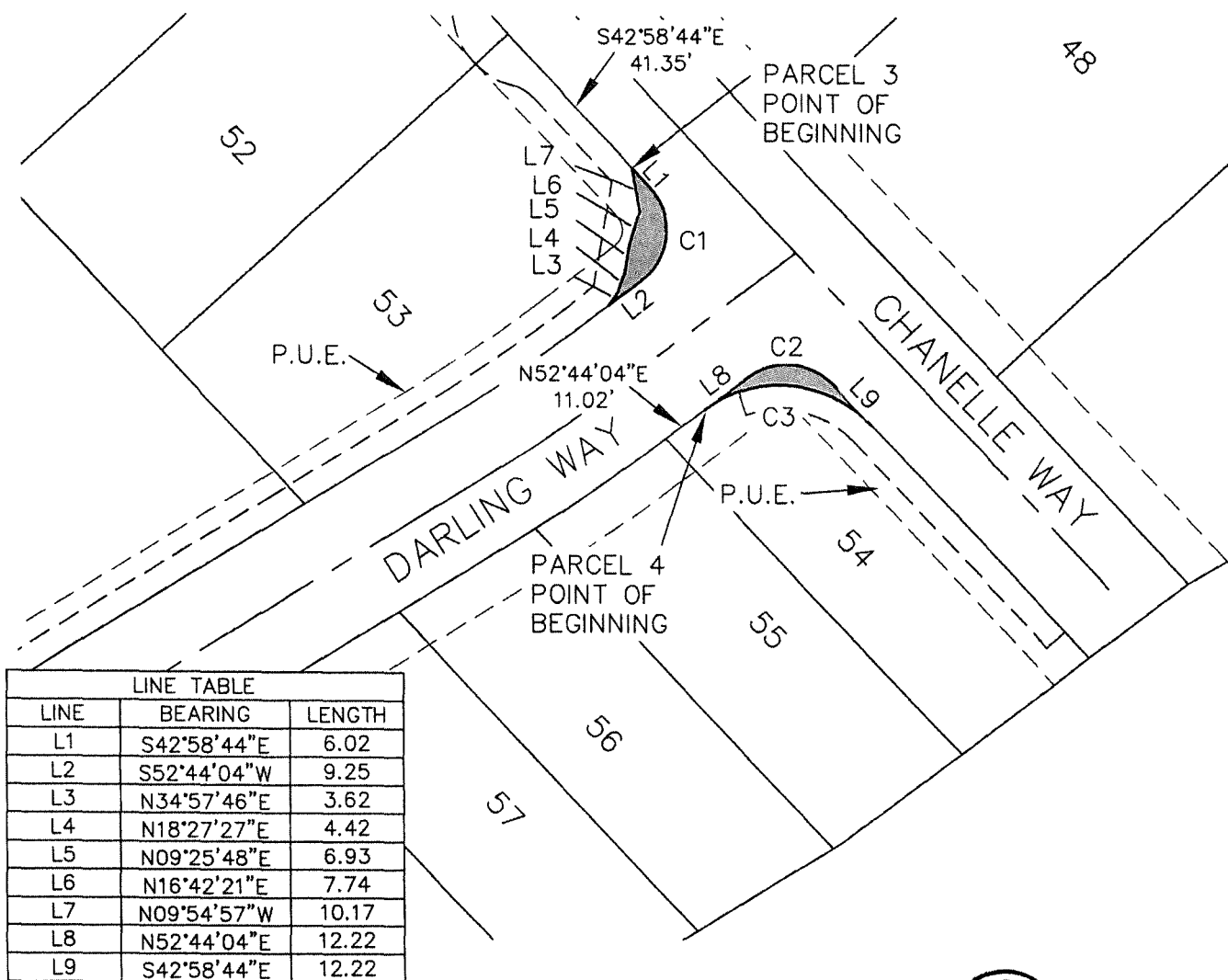
CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	281.15	5°46'17"	28.32	S55°17'08"W	28.31
C2	341.52	05°23'35"	32.15	N55°11'48"W	32.13
C3	9.50	34°33'37"	5.73	N60°15'32"W	5.64
C4	15.50	34°33'37"	9.35	N60°15'32"W	9.21
C5	22.50	66°31'30"	26.12	N76°14'29"W	24.68
C6	28.00	66°16'30"	32.39	S76°06'59"E	30.61

EXHIBIT "B"
PUBLIC SIDEWALK EASEMENT

DRAWN BY: MHK DATE: 1/26/10
REVIEWED BY: TCJ DATE: 1/26/10
PROJECT NO.: 101-007
SCALE: 1" = 40'
PAGE 1 OF 2

Pacific Community Design

[T] 503-941-9484 [F] 503-941-9485



LINE TABLE		
LINE	BEARING	LENGTH
L1	S42°58'44"E	6.02
L2	S52°44'04"W	9.25
L3	N34°57'46"E	3.62
L4	N18°27'27"E	4.42
L5	N09°25'48"E	6.93
L6	N16°42'21"E	7.74
L7	N09°54'57"W	10.17
L8	N52°44'04"E	12.22
L9	S42°58'44"E	12.22

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	14.50	95°42'48"	24.22	S04°52'40"W	21.50
C2	14.50	84°17'12"	21.33	S85°07'20"E	19.46
C3	28.00	84°17'12"	41.19	N85°07'20"W	37.58



SCALE

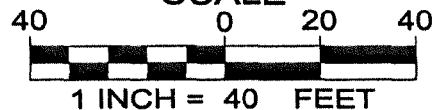


EXHIBIT "B"

EMERGENCY VEHICLE ACCESS EASEMENT

DRAWN BY: MHK DATE: 1/26/10
 REVIEWED BY: TCJ DATE: 1/26/10
 PROJECT NO.: 101-007
 SCALE: 1"=40'
PAGE 2 OF 2

*Pacific Community
Design*



[T] 503-941-9484 [F] 503-941-9485