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AFTER RECORDING RETURN TO:

City of Oregon City Recorder (Leilani Bronson-Crelly)
P.O. Box 3040
Oregon City, Oregon 97045-0304

Map No.: 22E 31CA
Tax Lots: 04000
Street: S 2nd Street
Planning No.: N/A

Clackamas County Official Records
Sherry Hall, County Clerk

2005-030392



\$46.00

04/06/2005 01:57:18 PM

D-E Cnt=1 Snt=2 BEV L
\$25.00 \$11.00 \$10.00

GRANTOR: WHITE, JOHN D. & ROSE R.

**CITY OF OREGON CITY, OREGON
PUBLIC UTILITY EASEMENT**

KNOW ALL BY THESE PRESENTS, THAT John D. & Rose R. White 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 temporary construction easement and a permanent public utility easement, including the right to construct utility improvements and right to access, ingress, and egress over and across the easement area for construction and maintenance, bounded and described as follows, to wit:

See attached EXHIBIT "A" Legal description and attached
EXHIBIT "B" Sketch for Legal Description

TO HAVE AND TO HOLD, the above described and granted premises unto the said CITY, its successors in interest and assigns forever.

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 the CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above named premises, free from all encumbrances (no exceptions) and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

In construing this deed and where the text 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.

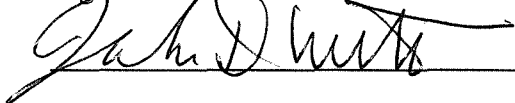
IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 22 day of February, 2005; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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

Individuals, general partnerships

Corporation/limited partnership

Signer's Name



Signer's Name



(if executed by a corporation
affix corporate seal below)

Corporation/Partnership Name

Signer's Name, Title

Signer's Name, Title

Signer's Name, Title

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

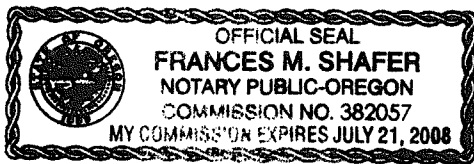
Personal Acknowledgment

STATE OF OREGON)
) ss.
County of Clackamas)

On this 22 day of February, 2005,
before me, the undersigned Notary Public,
personally _____ appeared
JOHN & ROSE WHITE
who acknowledged the foregoing instrument to
be his/her voluntary act and deed.

Frances M. Shafer
NOTARY PUBLIC FOR OREGON

My Commission Expires: 7/21/2008
Stamp seal below



JOHN & ROSE WHITE
1603 NE 50th AVE.
PORTLAND, OR 97213

(Grantor's Name and Address)

City of Oregon City
P.O. Box 3040
320 Warner Milne Road
Oregon City, OR 97045-0304
(Grantee's Name and Address)

Accepted on behalf of the City of Oregon City
on the condition that the dedication conveyed
is free and clear from taxes, liens, and
encumbrances.

Mayor Alice Morris

City Recorder DeLani Branson-Crelly

Corporate Acknowledgment

STATE OF OREGON)
) ss.
County of _____)

On this _____ day of _____, 20____,
before me, _____,
the undersigned Notary Public, personally
appeared _____
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.

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____
Stamp seal below

NLV SERVICES, INC.
SURVEYING – MAPPING

16395 S.E. HWY. 212, CLACKAMAS, OREGON 97015
PHONE 503-329-5703 FAX 503-658-6453

EXHIBIT "A" – SANITARY SEWER EASEMENT DESCRIPTION

(For attachment to legal instrument)

Date: February 8, 2005

Reference Documents

1. Clackamas County Assessor's Map No. 2 2E 31CA
2. Clackamas County Deed Document No. 2003-155081
3. Clackamas County Survey No. 9626
4. Exhibit "B", Vicinity Map, Sanitary Sewer Easement

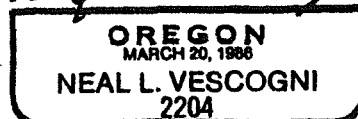
A 10 foot wide strip of land situated in the S.W. ¼ of Section 31, T.2S., R2E., W.M., City Of Oregon City, Clackamas County, Oregon for the purpose of constructing and maintaining sanitary sewer piping and appurtenances, being 5 feet either side at right angles thereto the following described centerline (extending or shortening the sidelines to meet the southerly right-of-way line of S. 2nd St.):

Beginning at the most westerly corner of Lot 7, Block 1, "Falls Vista"; thence N51°32'00"W 62.14 feet parallel with and 5 feet northerly thereof the most westerly and southerly line of that tract of land conveyed to John D. and Rose R. White by deed recorded November 26, 2003 as Clackamas County Document No. 2003-155081; thence N35°53'24"E 50.78 feet to the terminus point on the most northerly and westerly line of said White tract of land, also being a point on the southerly right-of-way line of S. 2nd St.

Easement contains 1,132 square feet.

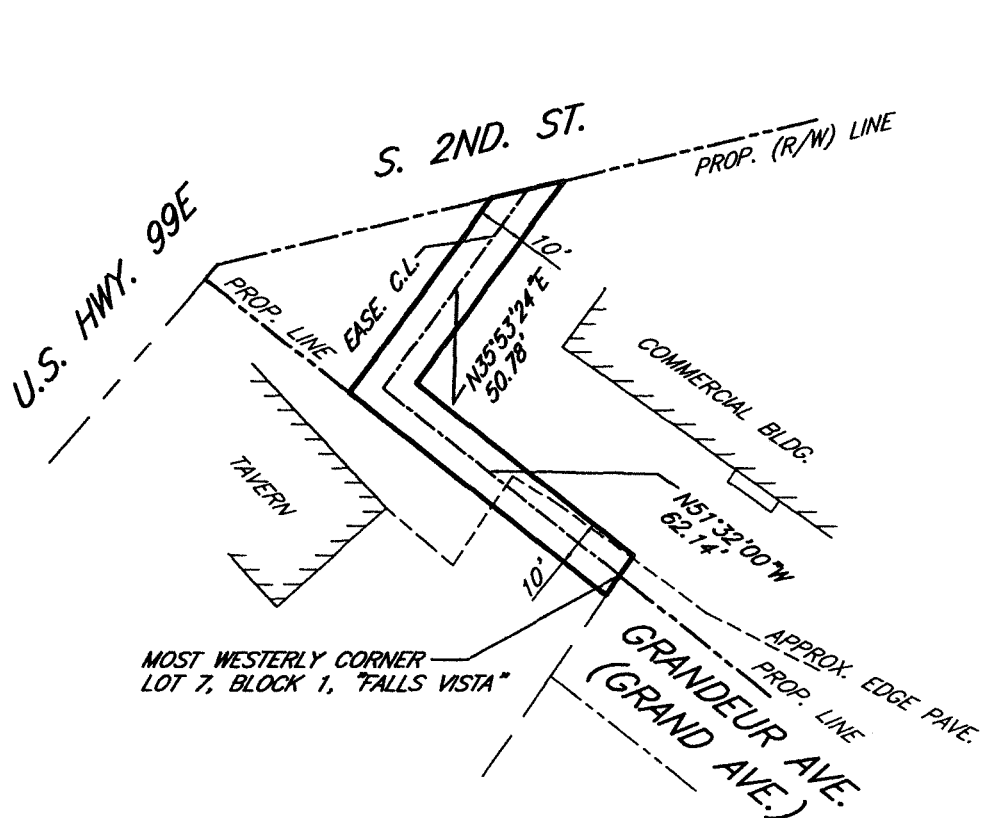


Neal L. Vescozni



EXP. 6/30/2006

N NLV SERVICES, INC.
L 16395 S.E. HWY. 212
V CLACKAMAS, OR 97015



NO SCALE
2/18/2005

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Neal L. Vesco

OREGON
MARCH 20, 1986
NEAL L. VESCOGNI
2204

EXP. 6/30/2006

EXHIBIT "B". VICINITY MAP. SANITARY SEWER EASEMENT

EASEMENT SITUATED IN THE S.W. 1/4 OF SEC. 31, T.2S., R.2E., W.M., CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON.


EASEMENT CONTAINS 1,132 SQUARE FEET.

BEARINGS BASED ON CLACKAMAS COUNTY SURVEY NO. 9626.

VICINITY MAP ACCOMPANIED BY EXHIBIT "A", SANITARY SEWER EASEMENT DESCRIPTION.

COMMISSION REPORT: CITY OF OREGON CITY TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road----(503) 657-0891

 INCORPORATED 1844	Agenda Item No.: 5.1	Topic: Resolution No. 05-05 – Declaring A Nuisance In The Area Of Tumwater Street And Authorizing Abatement Of The Same
	Report No.: 05-020	
	Agenda Type: PUBLIC HEARING	
	Meeting Date: February 16, 2005	Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Prepared By: J. M. Lewis	Reviewed By: N. Kraushaar	Approved By: L. Patterson

RECOMMENDATION:

Staff recommends that the City Commission adopt proposed Resolution No. 05-05 declaring the discharge of raw sewage from the "Tumwater Houses" (316 and 320 Tumwater Street) a public nuisance and authorizing the Oregon City Public Works (OCPW) Department to abate the nuisance and seek recovery of a portion of its costs from the owners of the properties.

REASON FOR RECOMMENDATION:

The Oregon City Municipal Code includes standards and ordinances that speak specifically to acceptable management of public storm water and sanitary sewer systems. The City has the legal authority and responsibility to enforce these standards and ordinances. After discovering the cross connection of the "Tumwater Houses" private sanitary sewer disposal systems to the municipal storm drainage collection system which thereafter drains directly to the Willamette River, OCPW capped off the cross connection and has continued to pump the private septic tanks regularly. Availability of an accessible sewer will require an extension of the public sewer system.

BACKGROUND:

On November 4, 2004, OCPW was contacted by Northwest Natural Gas Co. to respond to their concern of possible septic system failure. Later testing and examination confirmed that on-site sewage disposal systems were being used by two occupied homes and one vacant home fronting Tumwater Street. The septic tanks serving the two occupied homes were connected directly to a street catch basin.

OCPW determined a feasible solution and assembled a bid package to complete a public sewer extension to serve the three residential properties fronting Tumwater Street. Bids have been solicited from three contractors, two of which submitted bids. K & R Plumbing submitted the lowest qualifying bid of \$39,860.

The designed public sewer extension is troubled by complicated access to an available sewer and by the low-lying "Tumwater Houses". One public sewer easement is required and each home will have an individual pump system with its own electrical source. Costs associated with the individual pumps and electrical equipment is what the City will seek to recover from the owners of the properties.

BUDGET IMPACT: FY(s): 2004-2005 Funding Source: Sanitary Sewer Operations – Capitol Outlay
Attachments: (1) Resolution No. 05-05, (2) Location Map

*Approved
5:0*

RESOLUTION NO. 05-05

A RESOLUTION DECLARING A NUISANCE IN THE AREA OF TUMWATER STREET AND AUTHORIZING ABATEMENT OF THE SAME

WHEREAS, in late 2004, the City discovered that several houses located on Tumwater Street (the "Tumwater Houses") have wastewater collection tanks that discharge directly into the City's storm drainage system and thereafter discharge directly into the Willamette River; and

WHEREAS, the discharge of raw sewage into the City's storm drainage system and, ultimately, the Willamette River endangers the public health and safety and pollutes the waters of the State, specifically the Willamette River; and

WHEREAS, the City has temporarily addressed this illicit discharge of sewage into the storm drainage system by manually draining small tanks at the Tumwater Houses twice a week to ensure that no additional sewage enters the City's storm drainage system or waters of the State; and

WHEREAS, the twice weekly draining of the tanks is a significant cost to the City and is not a solution of the problem of the non-compliant sewage disposal system at the Tumwater Houses; and

WHEREAS, immediate abatement of the illicit discharge of sewage is necessary to prevent harm to the public health and safety; and

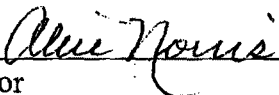
WHEREAS, the City has sought a bid to remedy the improperly designed sewage system, which includes improvements to the City's infrastructure and improvements for each individual property owner of the Tumwater Houses; and

WHEREAS, the total construction cost to abate the nuisance caused by this illicit discharge is anticipated to be \$44,860 and the portion of the cost to be allocated to the properties at 316 and 320 Tumwater for on-site pump stations and electrical work is expected to be \$9,930 each;

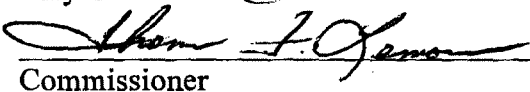
NOW, THEREFORE, BE IT RESOLVED by the City Commission that:

The discharge of raw sewage from the Tumwater Houses is hereby declared a nuisance and the City's Public Works Department is authorized to abate the nuisance and seek recovery of a portion of its costs from the owners of the properties.

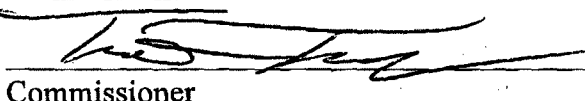
Adopted, signed, and approved this 16th day of February 2005.



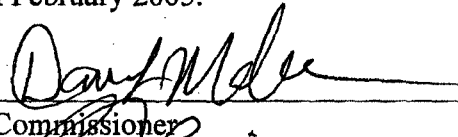
Mayor



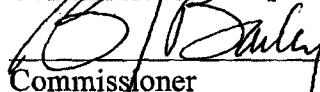
Commissioner



Commissioner



Commissioner



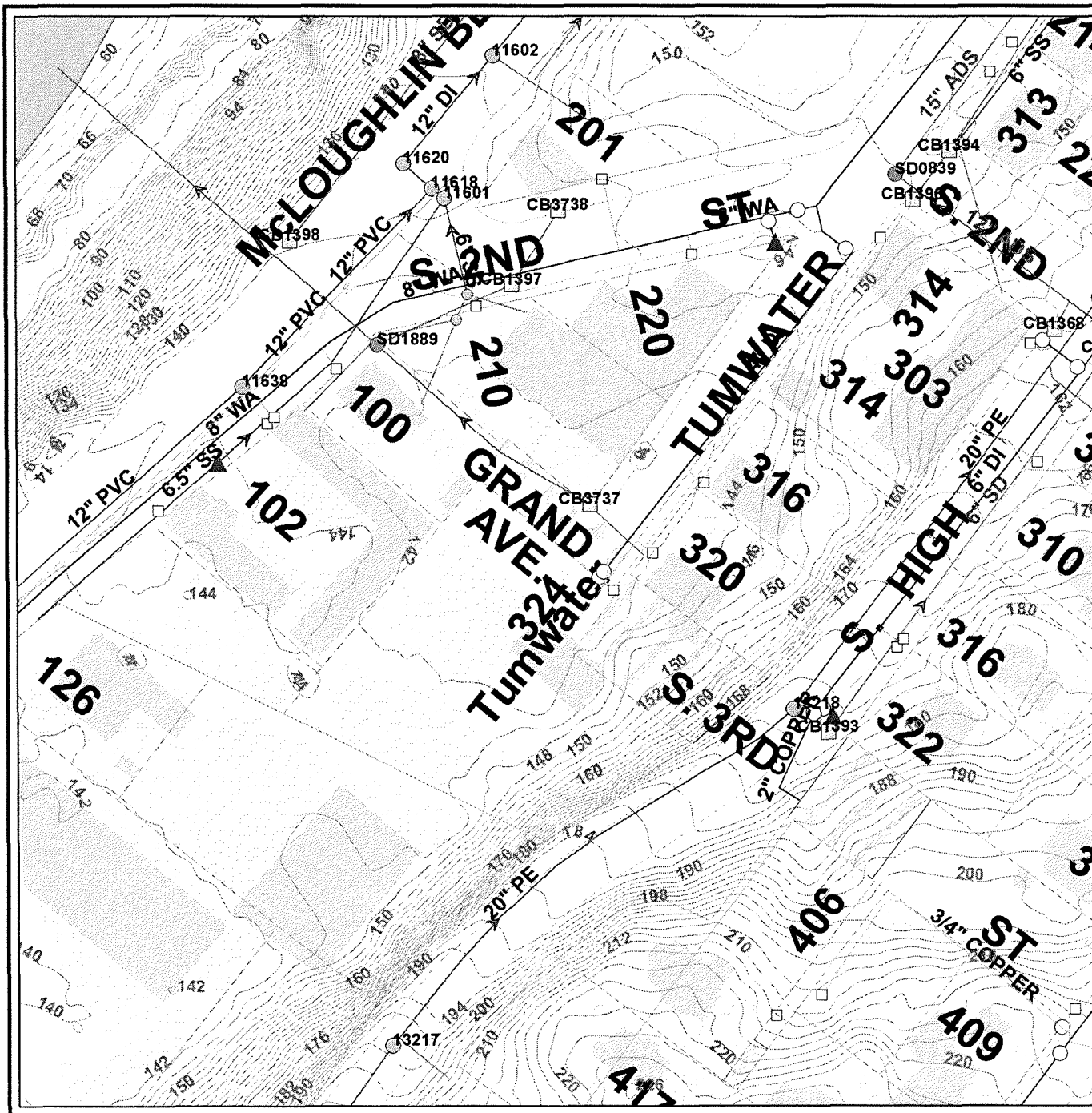
Commissioner

Comprising the City Commission of Oregon
City, Oregon

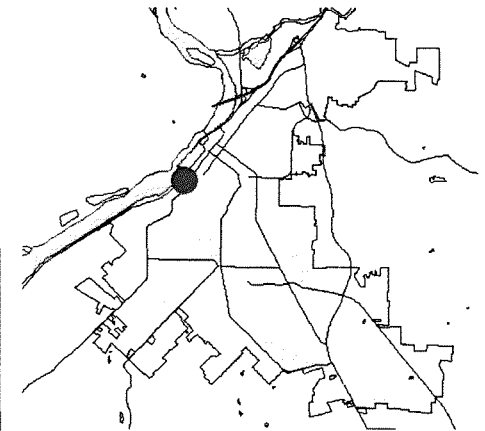
RESOLUTION NO. 05-05

Effective Date: February 16, 2005, upon approval of the City Commission of Oregon City

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Oregon City Public Works



City of Oregon City
P.O. Box 3040
320 Warner Milne Rd
Oregon City, OR 97045
(503) 657-0891
www.oregoncity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMAP 2009

03/09/2009