

AFTER RECORDING RETURN TO:

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



\$46.00

0066230020040030044005059

04/08/2004 03:15:21 PM

D-E Cnt=1 Snt=2 DIANNAV/  
\$25.00 \$11.00 \$10.00

Map No.: 22E28A  
Tax Lot: 01717 (ON 1722)  
Planning No.: PD00-01

Grantor: Lowell Gene Wittke

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

KNOW ALL BY THESE PRESENTS, THAT Lowell Gene Wittke  
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 Utility Easement 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 instrument this 30<sup>th</sup> day of January, 2004; 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

Farewell Gene White

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

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

(if executed by a corporation  
affix corporate seal below)

Corporation/limited partnership

\_\_\_\_\_  
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 )

Personally appeared the above named

Lowell Gene Wittke

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

Before me:

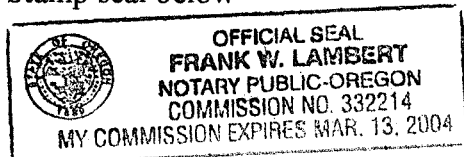
NOTARY PUBLIC FOR OREGON

Frank W. Lambert

Notary's signature

My Commission Expires: 3-13-04

Stamp seal below



Lowell Gene Wittke

PO Box 2193

Lake Grove, OR 97035

(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 easement granted is free and clear from any taxes, liens, and encumbrances.

Mayor

Muri Morris

City Recorder

Leilani Bronson-Crelly

Page 3

Corporate Acknowledgment

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

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.

Before me:

NOTARY PUBLIC FOR OREGON

Notary's signature

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

Stamp seal below

January 23, 2004

Public Utility Easement  
Job No. 1999-143

Two (2) Strips Of Land Being Portions Of That Tract Of Land Conveyed To Lowell Gene Wittke By Deed Recorded As Fee No. 2000-14520, Clackamas County Deed Records, Situated In The Northeast One-Quarter Of Section 28, Township 2 South, Range 2 East of the Willamette Meridian, In The George Abernethy Donation Land Claim No. 58, In The City Of Oregon City, County Of Clackamas And State Of Oregon, More Particularly Described As Follows:

Strip 1

A 5.00 Foot Wide Strip Of Land Lying Parallel With And Southwesterly Of The Following Described Line:

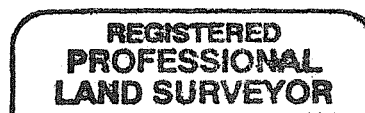
Commencing At The Southeast Corner Of Said Wittke Tract, Also Being A Point On the Southerly Right-Of-Way Line Of Oak Tree Terrace (50 Feet Wide); Thence North 00°30'25" West, Along The Easterly Line Of Said Wittke Tract And Said Southerly Right-Of-Way Line, A Distance Of 9.13 Feet To The Intersection With The Southerly Line Of The Proposed Plat Of Wittke Estates, Also Being The Southerly Right-Of-Way Line Of The Proposed Westerly Extension Of Said Oak Tree Terrace; Thence North 75°24'08" West, Along Said Proposed Southerly Right-Of-Way Line, A Distance Of 24.00 Feet To The True Point Of Beginning Of This Description; Thence Continuing North 75°24'08" West Along Said Proposed Southerly Right-Of-Way Line, A Distance Of 10.00 Feet To A Point Hereinafter Referred To As Point "A", And The Point Of Terminus.

Strip 2

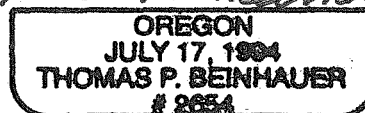
Also And Together With A 10.00 Foot Wide Strip Of Land Lying Parallel With And Southwesterly Of The Following Described Line:

Beginning At The Hereinabove Described Point "A"; Thence Along The Aforementioned Proposed Southerly Right-Of-Way Line, North 75°24'08" West, A Distance Of 111.50 Feet To The True Point Of Beginning Of This Description; Thence Continuing North 75°24'08" West Along Said Proposed Southerly Right-Of-Way Line, A Distance Of 10.21 Feet To A Point Of Tangent Circular Curve Therein; Thence A Distance Of 4.90 Feet Along The Arc Of A 25.00 Foot Radius Curve To The Left, Through A Central Angle Of 11°14'26" (Long Chord Bears North 81°01'21" West, A Distance Of 4.90 Feet), To The Point Of Terminus.

EXHIBIT "A"

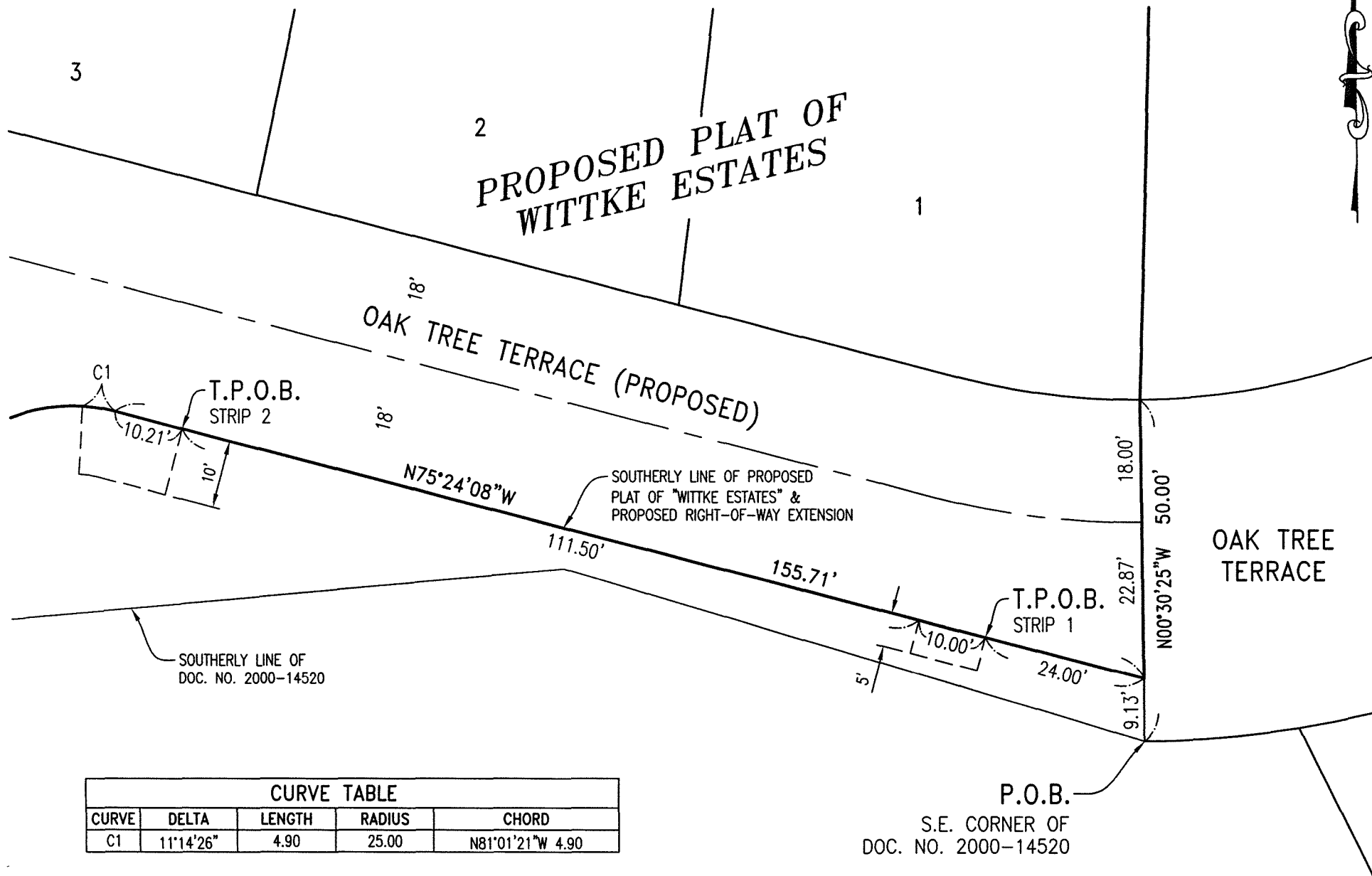


*Thomas P. Beinbauer*



EXP. 12-31-05

# PROPOSED PLAT OF WITKE ESTATES




CURVE TABLE

CURVE	DELTA	LENGTH	RADIUS	CHORD
C1	11°14'26"	4.90	25.00	N81°01'21"W 4.90

# COMMISSION REPORT: CITY OF OREGON CITY

## TO THE HONORABLE MAYOR AND COMMISSIONERS

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

 INCORPORATED 1844	<b>Agenda Item No.:</b> 3.2	<b>Topic:</b> Public Utility Easement for the Proposed Oak Tree Estates Project  (PD00-01)
	<b>Report No.:</b> 04-020	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> March 3, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> John Knapp	<b>Reviewed By:</b> Jay Toll	<b>Approved By:</b> L. Patterson

### RECOMMENDATION:

It is recommended that the City Commission adopt a motion accepting this public utility easement and authorize the Mayor and City Recorder to execute it.

### REASON FOR RECOMMENDATION:

This Instrument provides the needed public easement for public utility facilities to serve the proposed Oak Tree Estates subdivision. The easement instrument is attached for Commission review.

### BACKGROUND:

The Proposed Oak Tree Estates subdivision is currently under construction and this public utility easement is needed to serve this development. This instrument is needed since the area of this easement is outside the limits of the proposed plat of this development.

On the March 3, 2004 agenda is the Public Utility Easement Instrument for the proposed Oak Tree Estates subdivision – City Engineering File No. PD00-01.

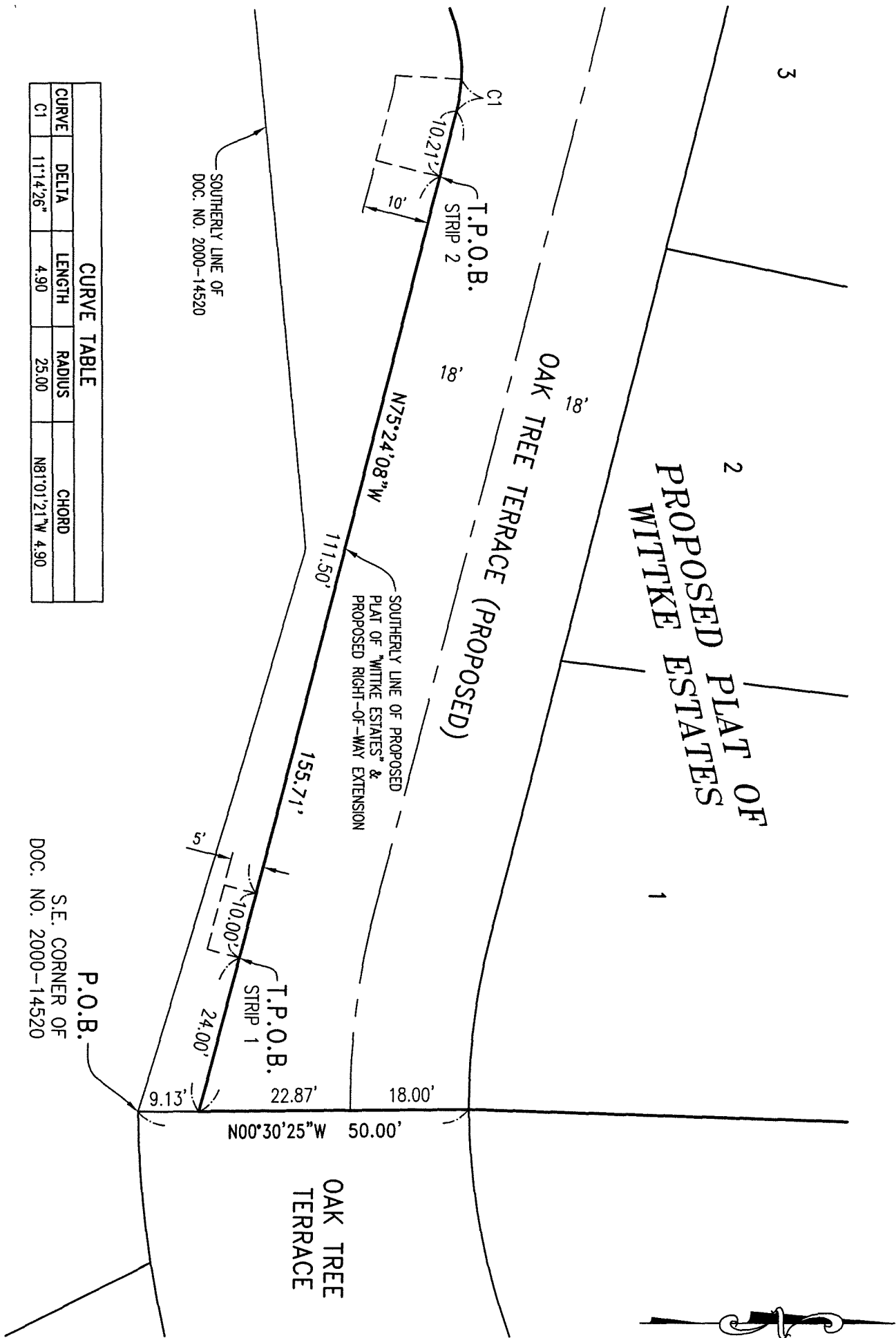
Map No. 2-2E-28A 1722 (for 1717) Oak Tree Estates  
(PD00-01)

**BUDGET IMPACT:** FY(s): N/A Funding Source: N/A

Attachments: Public Utility Easement Instrument

*Approved*

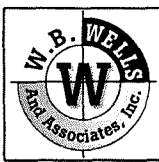
CURVE TABLE				
CURVE	DELTA	LENGTH	RADIUS	CHORD
C1	111°14'26"	4.90	25.00	N81°01'21"W 4.90



## PUBLIC UTILITY EASEMENT EXHIBIT "B"

IN THE NE 1/4 OF SECTION 28, T2S, R2E, W.M.  
OREGON CITY, CLACKAMAS COUNTY, OREGON

(5)



**W.B. WELLS**  
and Associates, Inc.  
ENGINEERS-SURVEYORS-PLANNERS  
4230 N.E. Fremont St.  
Portland, Oregon 97213  
(503) 284-5896 fax (503) 284-8530

DRAWN BY: AMJ CHECKED BY: RR

DATE: 1/23/04 SCALE: 1"=20'

PLOT DATE: 1/23/04 JOB NO.: 99-143

DWG: P:\99-143\99143PUE ESMT SKETCH.DWG