

## TEMPORARY CONSTRUCTION EASEMENT

This TEMPORARY CONSTRUCTION EASEMENT is entered into this 25<sup>th</sup> day of April, 2009, by and between, property owner CJK2, an Oregon limited liability company (hereafter referred to as "Grantor") and the City of Oregon City, a Municipal Corporation of the State of Oregon (hereafter referred to as "Grantee").

### RECITALS

1. Grantor is the owner of certain real property located in the City of Oregon City, Clackamas County, Oregon, legal descriptions on Exhibit "A", and illustrated on Exhibit "B", attached hereto (hereafter referred to as "Easement Area(s)").
2. Grantor desires to grant to Grantee, for good and valuable consideration a temporary, non-exclusive easement over, under, and across the Easement Area(s), together with the right to go upon said Easement Area(s) for the purpose of construction in connection with the Warner Milne Rd: Beaver Creek Molalla Project.
3. This TEMPORARY CONSTRUCTION EASEMENT is intended to allow the City of Oregon City, or its assigns to undertake a signal pole and ADA sidewalk ramp installation and all other activities that the Grantee deems necessary and appurtenant to the above noted activities in conjunction with the Warner Milne Rd: Beaver Creek Molalla Project.

### AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by each of the parties, it is agreed as follows:

1. **Grant of Easement.** Grantor hereby grants to Grantee a non-exclusive temporary easement over, under, and across the Easement Area(s), together with the right to go upon said Easement Area(s) for the purposes of construction.
2. **Term of Easement.** This TEMPORARY CONSTRUCTION EASEMENT shall be temporary and shall become effective on the date the City of Oregon City issues notice to proceed to the contractor for construction of the Warner Milne Rd: Beaver Creek Molalla Project and shall terminate when construction on the property is completed or when the City of Oregon City has made final acceptance of the project, whichever is earlier.

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

This TEMPORARY CONSTRUCTION EASEMENT has been executed as of the date and year first written above.

**GRANTOR:**

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

Individuals, general partnerships

Limited liability company

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

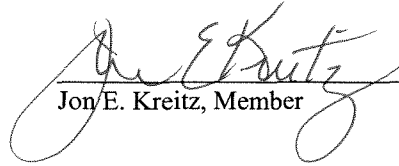
\_\_\_\_\_  
CJK2, LLC

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

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

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

\_\_\_\_\_  
Jon E. Kreitz, Member



**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

WITNESS my hand and official seal.

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

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

Stamp seal below

Corporate Acknowledgment

STATE OF OREGON )  
 ) ss.  
County of Clackamas )

This instrument was acknowledged before me on 25<sup>th</sup>  
day of April, 2009 by Jon E. Kreitz member of  
CJK2, LLC.

Before me:

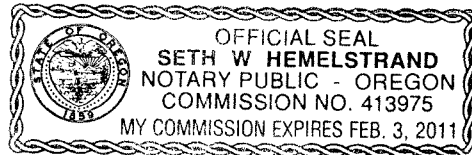
NOTARY PUBLIC FOR OREGON

WITNESS my hand and official seal.

Seth W Hemelstrand  
Notary's signature

My Commission Expires: Feb 3, 2011

Stamp seal below



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

**City of Oregon City**  
**320 Warner Milne Road**  
**P.O. Box 3040**

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 Alvin Harris

City Recorder Nancy Soble

## **EXHIBIT A**

Sheet 1 of 2

PROJECT:           **Warner Milne Road**

LOCATION:           **TAX LOT 3400 3 2E 5CA**

PROPERTY OWNER:  
**CJK2, LLC**  
**17514 Brookhurst Drive**  
**Lake Oswego, Oregon 97034**

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

### **TEMPORARY CONSTRUCTION EASEMENT:**

A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO CJK2, LLC BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 2008-069587, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD WITH RED PLASTIC CAP STAMPED "CENTERLINE CONCEPTS INC." AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF MOLALLA AVENUE (FORMERLY KNOWN AS STATE HIGHWAY NO. 213, SAID WEST RIGHT OF WAY LINE BEING 46.00 FEET FROM CENTERLINE) WITH THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER 2006-050633, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID NORTH LINE SOUTH 89°22'33" EAST 6.75 FEET TO A POINT WHICH IS 40.00 FEET WESTERLY OF (WHEN MEASURED IN A DIRECTION PERPENDICULAR THERETO) THE CENTERLINE OF SAID MOLALLA AVENUE; THENCE PARALLEL WITH AND 40.00 FEET FROM SAID CENTERLINE SOUTH 26°42'40" EAST 9.02 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID CJK2, LLC TRACT 45.00 FEET ALONG THE ARC OF A 42.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF 61°23'12" (LONG CHORD BEARS SOUTH 22°20'28" WEST 42.88 FEET; THENCE LEAVING SAID SOUTHEASTERLY LINE NORTH 36°57'56" WEST 5.00 FEET; THENCE 39.64 FEET ALONG THE ARC OF A 37.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF 61°23'12" (LONG CHORD BEARS NORTH 22°20'28" EAST 37.77 FEET); THENCE NORTH 81°38'52" EAST 5.00 FEET TO THE TRUE POINT OF BEGINNING.

## EXHIBIT A

Sheet 2 of 2

### TEMPORARY CONSTRUCTION EASEMENT (CONTINUED):

#### EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND:

A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO CJK2, LLC BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 2008-069587, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD WITH RED PLASTIC CAP STAMPED "CENTERLINE CONCEPTS INC." AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF MOLALLA AVENUE (FORMERLY KNOWN AS STATE HIGHWAY NO. 213, SAID WEST RIGHT OF WAY LINE BEING 46.00 FEET FROM CENTERLINE) WITH THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER 2006-050633, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID NORTH LINE SOUTH 89°22'33" EAST 6.75 FEET TO A POINT WHICH IS 40.00 FEET WESTERLY OF (WHEN MEASURED IN A DIRECTION PERPENDICULAR THERETO) THE CENTERLINE OF SAID MOLALLA AVENUE; THENCE PARALLEL WITH AND 40.00 FEET FROM SAID CENTERLINE SOUTH 26°42'40" EAST 9.02 FEET; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID CJK2, LLC TRACT 18.57 FEET ALONG THE ARC OF A 42.00 FOOT RADIUS CURVE CONCAVE TO THE WEST THROUGH A CENTRAL ANGLE OF 25°20'04" (LONG CHORD BEARS SOUTH 04°18'54" WEST 18.42 FEET) TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE EXCEPTED; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE 5.00 FEET ALONG THE ARC OF A 42.00 FOOT RADIUS CURVE CONCAVE TO THE WEST THROUGH A CENTRAL ANGLE OF 06°49'38" (LONG CHORD BEARS SOUTH 20°23'45" WEST 5.00 FEET); THENCE LEAVING SAID SOUTHEASTERLY LINE NORTH 69°36'11" WEST 5.01 FEET; THENCE 5.00 FEET ALONG THE ARC OF A 37.00 FOOT RADIUS CURVE CONCAVE TO THE WEST THROUGH A CENTRAL ANGLE OF 07°44'55" (LONG CHORD BEARS NORTH 20°23'49" EAST 5.00 FEET); THENCE SOUTH 69°36'11" EAST 5.01 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 186 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS: SN 25313

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 1978  
DON DEVLAMINCK  
1634

DATE OF SIGNATURE: *4/22/09*

VALID UNTIL 12/31/2009

