



\$51.00

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05/08/2003 10:46:53 AM

AFTER RECORDING RETURN TO:

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

D-E Cnt=1 Sm=10 BEVL
\$30.00 \$11.00 \$10.00

Map No.: 32E16B

Tax Lots.: 500

Planning No.: _____

Grantor: Warren E. & Robin S. Smith

City File No.: CI 02-001

**CITY OF OREGON CITY, OREGON
TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is entered into this 20 day of MARCH, 2003 by and between Warren E. & Robin S. Smith, property owner (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 Clackamas County, Oregon, illustrated on Exhibit "B" attached hereto (hereafter referred to as "Easement Area") and more generally described as follows:

See Exhibit "A" attached to and by reference made a part of this document.
2. Grantor desires to grant to Grantee, for good and valuable consideration a temporary, non-exclusive easement over, under, and across the Easement Area, together with the right to go upon said Easement Area for purpose of construction of the Glen Oak Road Project.
3. This **TEMPORARY CONSTRUCTION EASEMENT** is intended to allow the City of Oregon City to undertake the construction of project and all other activities that the Grantee deems necessary and appurtenant to the above noted activities in conjunction with the Glen Oak Road Project.

AGREEMENT

NOW THEREFORE, in consideration of the sum of \$1.00 and other good and valuable consideration paid by the City of Oregon City, 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, together with the right to go upon said Easement Area for the purpose of constructing said project.
2. **Term of Easement.** This **TEMPORARY CONSTRUCTION EASEMENT** shall be temporary and shall terminate one year from the date the City issues the notice to proceed to the contractor or when the project is completed, whichever comes first.

3. **Grantor's Covenants.** Grantor covenants and warrants that (a) Grantor holds full legal and equitable title to the property; (b) Grantee's rights to the use and enjoyment of the Easement Area shall not be disturbed; (c) no new structures or landscaping of any kind shall be erected by Grantor in the Easement Area while this TEMPORARY CONSTRUCTION EASEMENT is in effect.
4. **Allowed Uses.**
5. **Restoration.** Upon completion of the identified work by Grantee in the Easement Area, Grantee shall restore the Easement Area to its prior condition, at Grantee's sole cost and expense. Restoration shall be limited to re-grading the area outside of the Glean Oak Road Right-of-Way and providing reseeding of grass.
6. **Run with the Land.** The terms and provisions of this TEMPORARY CONSTRUCTION EASEMENT shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.
7. **Indemnification.** Each party agrees to indemnify and hold the other party harmless from any loss, claim or liability arising in any manner out of such party's use of the Easement Area or the breach of this TEMPORARY CONSTRUCTION EASEMENT. In addition, Grantor agrees to indemnify and hold Grantee harmless from any loss, claim or liability arising from subsurface conditions, hazardous wastes and hazardous substances existing on or under the Easement Area as of the date of this TEMPORARY CONSTRUCTION EASEMENT.
8. **Attorney Fees.** If legal action is commenced in connection with this TEMPORARY CONSTRUCTION EASEMENT, the prevailing party in such action shall be entitled to recover its reasonable attorney fees and costs incurred in the trial court and in the appeal therefrom. The term "action" shall be deemed to include action commenced in the bankruptcy courts of the United States and any other court of general or limited jurisdiction.

IN WITNESS WHEREOF, this TEMPORARY CONSTRUCTION EASEMENT has been executed as of the date and year first written above.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 20 day of MARCH 20 ; 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

Warren E Smith

Corporation/Partnership Name

Signer's Name

Robin S Smith

Signer's Name, Title

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

Personal Acknowledgment

STATE OF OREGON)

County of Clackamas) ss.

Personally appeared the above named

Warren E Smith
Robin S Smith

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

Before me:

NOTARY PUBLIC FOR OREGON

WITNESS my hand and official seal.

Melinda Dee Briggs
Notary's signature

My Commission Expires: 3-14-04

Stamp seal below

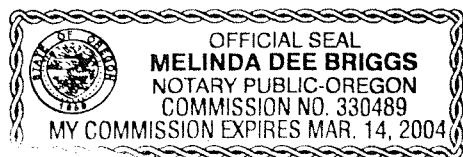
(Grantor's Name and Address)

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 Quijano

City Recorder Leilani Bronson-Crelly





DAVID EVANS
AND ASSOCIATES INC.

EXHIBIT "A"

GLEN OAK ROAD, OREGON CITY
CLACKAMAS COUNTY, OREGON
CRG, DEA, INC., 12-19-02
DEA JOB NO. ORCT0000-0013

COUNTY ROAD NO. 1448 & 881
TAX MAP NO. 3 2E 16B 500

PARCEL 1 (DEDICATION)

A parcel of land situated in the Andrew Hood Donation Land Claim No 44, in the northwest quarter of Section 16, Township 3 South, Range 2 East, Willamette Meridian, Oregon City, Clackamas County, Oregon and being a portion of that property described in Warranty Deed to Warren Eugene Smith and Robin S. Smith in Records Fee No. 93-20240, recorded on March 29, 1993, Film Records of Clackamas County, Oregon, said parcel being that portion of land included in a strip of land 50.00 feet wide, lying on the southerly side of and parallel with the relocated centerline of Glen Oak Road, and being located between lines at right angles to said centerline at Engineer's Station 9+50 and 10+25, which centerline is described as follows:

Situated in the southwest quarter and southeast quarter of Section 9, and in the northwest quarter and northeast quarter of Section 16, also being in the Andrew Hood Donation Land Claim No. 44 and the Robert Caufield Donation Land Claim No. 53, all in Township 3 South, Range 2 East, Willamette Meridian, Oregon City, Clackamas County, Oregon, said centerline being more particularly described as follows:

Beginning at a point (referred to as Engineers Station 1+00.00) in the centerline of Cascade Hwy (State Hwy. 213) and Glen Oak Road which bears North 88° 15' 10" West, a distance of 1372.93 feet and South 01° 44' 50" West, a distance of 91.90 feet from the quarter corner common to Sections 9 and 16, Township 3 South, Range 2 East, Willamette Meridian being a found 1/2" iron pipe in a monument box; thence North 67° 46' 19" East, a distance of 99.61 feet (Station 1+99.61) to the beginning of a tangent 196.85 foot radius curve to the right; thence on said curve through a central angle of 23° 27' 51" (the long chord of which bears North 79° 30' 14" East, a distance of 80.05 feet) an arc distance of 80.62 feet to the end thereof (Station 2+80.23); thence South 88° 45' 50" East, a distance of 134.92 feet (Station 4+15.15) to the beginning of a tangent 492.13 foot curve to the left; thence on said curve through a central angle of 07° 48' 11" (the long chord of which bears North 87° 20' 04" East, a distance of 66.97 feet) an arc distance of 67.02 feet to the end thereof (Station 4+82.17); thence North 83° 25' 59" East, a distance of 158.52 (Station 6+40.69) feet to the beginning of a tangent 492.13 foot curve to the right; thence on said curve through a central angle of 08° 18' 52" (the long chord of which bears North 87° 35' 25" East, a distance of 71.35 feet) an arc distance of 71.41 feet to the end thereof (Station 7+12.10); thence South 88° 15' 10" East, a distance of 773.98 feet to said 1/2" iron pipe in a monument box, (Station 14+86.08), being the said quarter corner common to



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Sections 9 and 16: thence South 88° 26' 04" East, a distance of 2660.74 to a Found 3" brass cap in a monumment box (Station 41+46.82), being the section corner common to Sections 9, 10, 15 and 16 of said township and range, and the terminus of this centerline description.

EXCEPT therefrom that portion lying within the existing right-of-way of Glen Oak Road.

The Parcel of land to which this description applies contains 1457 square feet, more or less.

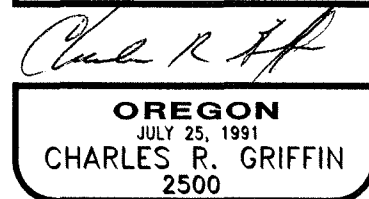
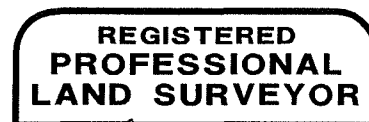
PARCEL 2 (TEMPORARY CONSTRUCTION EASEMENT)

A parcel of land situated in the Andrew Hood Donation Land Claim No 44, in the northwest quarter of Section 16, Township 3 South, Range 2 East, Willamette Meridian, Oregon City, Clackamas County, Oregon and being a portion of that property described in Warranty Deed to Warren Eugene Smith and Robin S. Smith in Records Fee No 93-20240, recorded on March 29, 1993, Film Records of Clackamas County, Oregon, said parcel being that portion of land included in a strip of land 80.00 feet wide, lying on the southerly side of and parallel with the relocated centerline of Glen Oak Road, and being located between lines at right angles to said centerline at Engineer's Station 9+50 and 10+25, which centerline is described in Parcel 1:

EXCEPT therefrom Parcel 1 and that portion lying within the existing right-of-way of Glen Oak Road.

The Parcel of land to which this description applies contains 1457 square feet, more or less.

The basis of bearing for this legal description is based on Survey Number 24286 and being South 88° 26' 04" East on the centerline of Glen Oak Road, also being the south line of said Section 9 as monumented and recorded in Clackamas County Survey Records, Clackamas County, Oregon.



RENEWAL 6/30/03

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