

RETURN TO:  
City Recorder  
320 Warner Milne Road  
Oregon City, OR 97045

### TEMPORARY CONSTRUCTION EASEMENT

This TEMPORARY CONSTRUCTION EASEMENT is entered into this 30 day of October, 2006, by and between, property owner **NEWELL CREEK PLAZA, LLC a 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 description on Exhibit 'A', and illustrated on Exhibit 'B', attached hereto (hereafter referred to as "Easement Area").
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 the purpose of reconstructing a driveway and intersection improvements as part of the Beavercreek Road Improvements Project.
3. This TEMPORARY CONSTRUCTION EASEMENT is intended to allow the City of Oregon City, or its assigns to undertake the reconstruction of driveway and intersection improvements and all other activities that the Grantee deems necessary and appurtenant to the above noted activities in conjunction with the Beavercreek Road Improvements 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, together with the right to go upon said Easement Area for the purpose of driveway and intersection improvements.
2. **Term of Easement.** This TEMPORARY CONSTRUCTION EASEMENT shall be temporary and shall terminate when both the City of Oregon City has approved the completion of the Beavercreek Road Improvements project.

LS.  
#67.10  
The true consideration for this conveyance is ~~\$61.00~~.

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

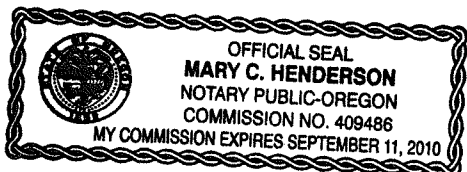
**GRANTOR:**

Newell Creek Plaza LLC  
By: [Signature] By: \_\_\_\_\_  
Leslie A. Smeber  
Manager

STATE OF OREGON )

County of Clatsop )

On this 30 day of October, 2006, before me the undersigned, a Notary Public, personally appeared Mary Leslie Smeber, Manager and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: [Signature]  
Notary Public for Oregon

My commission expires: 9/11/2010

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 [Signature]

City Recorder [Signature]

## EXHIBIT A

PROJECT: BEAVERCREEK ROAD

LOCATION: TAX LOT 808, 3 2E 4C

DOCUMENT: 2000-050696

PROPERTY OWNER:  
Newell Creek Plaza LLC  
8200 S.W. Maxine Lane, No. 60  
Wilsonville, Oregon 97070

PREPARED BY:  
Compass Engineering  
6564 S.E. Lake Road  
Milwaukie, Oregon 97222  
(503) 653-9093

### TEMPORARY CONSTRUCTION EASEMENT:

A TRACT OF LAND IN THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON (AND BEING A PORTION OF PARCEL 3, PARTITION PLAT NO. 1996-139, CLACKAMAS COUNTY PARTITION PLAT RECORDS), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF PARCEL 3, PARTITION PLAT NO. 1996-139, CLACKAMAS COUNTY PARTITION PLAT RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 3 NORTH 18°06'09" EAST 30.69 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE LEAVING SAID EASTERLY LINE NORTH 71°53'51" WEST 4.58 FEET; THENCE NORTH 86°16'28" WEST 42.72 FEET; THENCE NORTH 18°06'09" EAST 15.61 FEET; THENCE SOUTH 71°53'51" EAST 45.96 FEET TO THE AFOREMENTIONED EASTERLY LINE OF PARCEL 3, PARTITION PLAT NO. 1996-139; THENCE ALONG SAID EASTERLY LINE SOUTH 18°06'09" WEST 5.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 449 SQUARE FEET, MORE OR LESS.



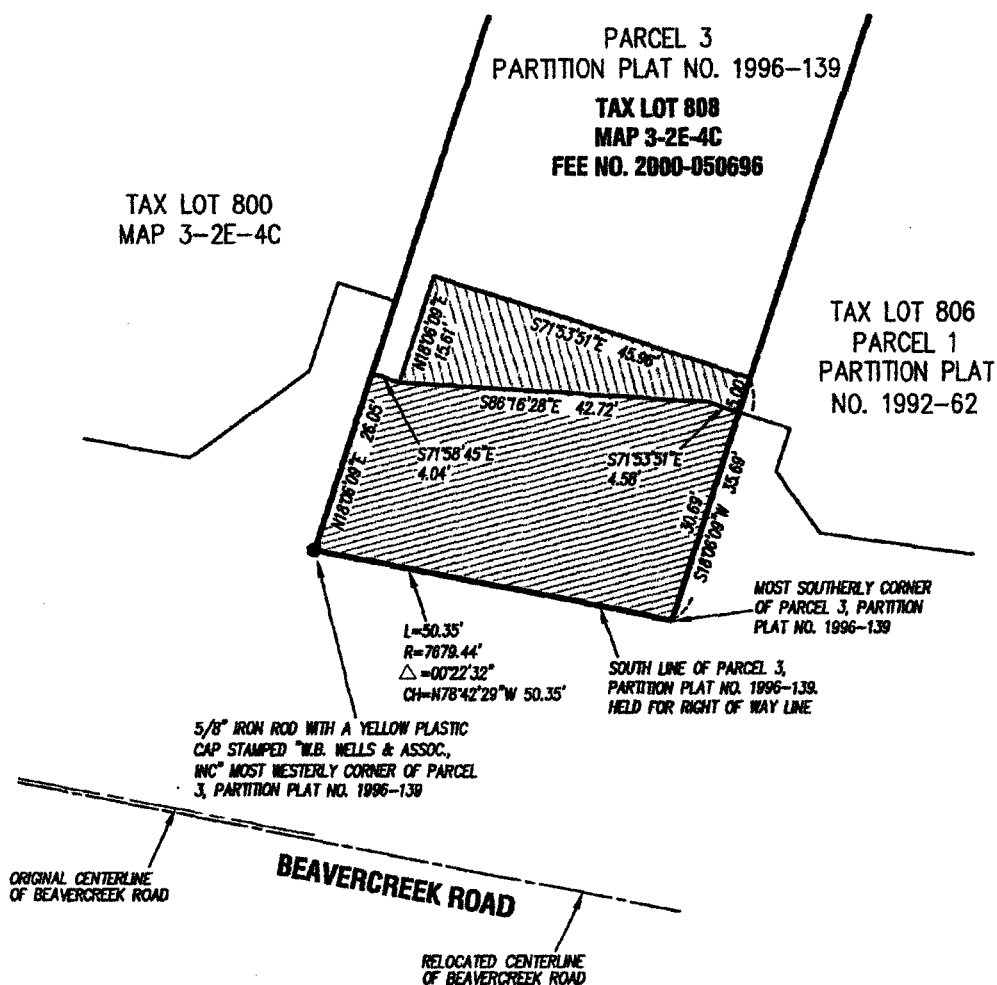
DATE OF SIGNATURE: 10/27/04  
VALID UNTIL 12/31/2007

 **TEMPORARY CONSTRUCTION  
EASEMENT, 449 SQUARE FEET**

 **RIGHT-OF-WAY DEDICATION  
1,420 SQUARE FEET**



Scale: 1" = 20'



## EXHIBIT "B"



### COMPASS ENGINEERING

ENGINEERING SURVEYING PLANNING  
4105 INTERNATIONAL WAY, SUITE 501 (503) 953-9893 PHONE  
MILWAUKEE, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

NEWELL CREEK PLAZA LLC  
8200 S.W. MAXINE LANE, NO. 60  
WILSONVILLE, OREGON 97070