

After Recording Return to:

City of Oregon City
320 Warner Milne Road
Oregon City, OR 97045



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\$62.00

09/29/2009 02:29:16 PM

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\$15.00 \$5.00 \$16.00 \$16.00 \$10.00

Tax Map No.: 3-2E-05BC

Tax Lot: 7300

File No.: MP07-09

Grantor: Kautz, Hans N.

DECLARATION OF PRIVATE ACCESS & UTILITY EASEMENT
AND MAINTENANCE AGREEMENT

A. DECLARANT: The party (referred to as the "Declarant") to this Declaration is:

Hans N. Kautz

B. PROPERTIES: The properties (collectively referred to as the "Properties") affected by this declaration are:

1. A Parcel of land described on Exhibit "A" attached, herein "Kautz, Parcel 1, 2 and 3 of Partition Plat No. 2009-067

C. EASEMENT means: An access and utility Easement over, under and across that portion of said Kautz Parcels 1, 2 and 3, described on Exhibit "A".

D. PURPOSE OF EASEMENT:

The purpose of this Easement is to create a private access and utility Easement over, under, and across that portion of Kautz Parcels 1, 2 and 3 as described on Exhibit "A", for the benefit of Kautz Parcels 2 and 3, in the City of Oregon City, County of Clackamas, Oregon.

DECLARATION

1. Declaration of Easement. Declarant, as owner of the Properties, declares that the Properties are held, and shall be held and conveyed, subject to and together with the Easement, in accordance with all the terms and provisions of this Declaration, and Declarant grant and convey the Easement as an appurtenance to and encumbrance on the Property, the benefits and burdens of which Easement, as set out in this Declaration, shall run with the Property.
2. Maintenance Obligations and Arbitration. The owners of Kautz Parcels 2 and 3 shall each have 50% responsibility for the maintenance cost of the Easement area. The owners of the property shall require all workers and contractors undertaking maintenance work hereunder to maintain standard liability insurance in a reasonable amount from a reputable insurance company protecting each owner.

3. Additional Provisions. Any person who enjoys the benefits of the Easement shall hold and save the owner or owners of the servient Parcel or Parcels burdened by this Declaration harmless from any and all claims of third parties arising from said benefited person's use of the rights created by this Declaration. Any person who enjoys the benefit of the Easement and who is responsible for damage to a servient Parcel arising from negligence or abnormal use of the Easement shall repair such damage and restore the affected property at the responsible person's sole expense.
4. Future Owners. The Declaration shall run with, benefit and burden the Property and shall benefit and bind the owners of the Property and their respective successors in interest.
5. Attorney Fees. In the event of action, arbitration, litigation or appeal to enforce any Provision of this Agreement, the prevailing party shall be entitled to reasonable attorney fees and courts costs.
6. A fire and emergency services access Easement shall apply to this access Easement.


Dated this 25th day of September, 2009.


Hans N. Kautz

STATE OF OREGON)ss.

County of Clackamas

The foregoing instrument was acknowledged before me on this 25th day of September, 2009, by Hans N. Kautz


Notary for Oregon
My commission expires: 03-11-2013

