

AFTER RECORDING RETURN TO:

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

Map No.: 2E-28A

Tax Lots.: 1709

Planning No.: WR05-06 & BB-05-120



00825103200500363980050054

04/22/2005 03:21:38 PM

\$46.00

D-E Cnt=1 Sln=3 ELIZABETH
\$25.00 \$11.00 \$10.00

Grantor: Smelser Homes, an Oregon Corporation

CITY OF OREGON CITY, OREGON WATER RESOURCE AREA VEGETATED CORRIDOR EASEMENT

KNOW ALL BY THESE PRESENTS, THAT Steve Smelser Homes, an Oregon Corporation 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, including the permanent right to access and to maintain a Water Resources Area Vegetated Corridor Easement, hereinafter called EASEMENT, on the following described land:

See attached Exhibit "A" (Legal Description)

Exhibit "B" (Sketch)

TO HAVE AND TO HOLD, the above described EASEMENT unto the CITY, its successors in interest and assigns forever.

GRANTOR hereby agrees that said EASEMENT shall remain undisturbed, except for the removal of nuisance vegetation and planting of native plantings approved by the City of Oregon City. The EASEMENT shall be protected and maintained per City of Oregon City Municipal Code (Section 17.49) to ensure that the Water Resource Area and Vegetated Corridor shall not be adversely impacted.

The CITY is hereby given permission to maintain said easement at no cost to the CITY in the event that any respective property owner fails to maintain said easement to the satisfaction of the CITY, its successors in interest and assigns.

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.

to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 12 day of April, 2005; if a corporate grantor, it has caused its name to be signed by its president, 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

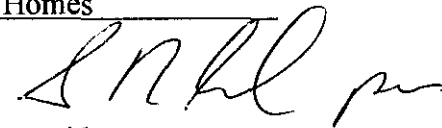
Signer's Name

Corporation

Corporation/Partnership Name

Signer's Name

Steve Smelser Homes

Signer's Name, Title 
S. R. Smelser, president

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

Notary's signature
My Commission Expires: _____
Stamp seal below

(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 Alvin T. Lewis

City Recorder. Leilani Bronson-Crelly

Corporate Acknowledgment

STATE OF OREGON)
) ss.
County of Clackamas)

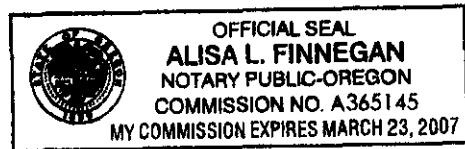
Personally appeared S. R. Smelser

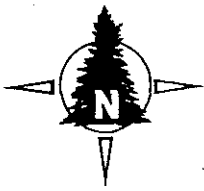
_____ who being duly sworn, did say that he is the president of Steve Smelser Homes, an Oregon Corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its board of directors; and acknowledged said instrument to be its voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON

Alisa L. Finnegan
Notary's signature
My Commission Expires: 03-23-07
Stamp seal below





GAYLORD
LAND SURVEYING, INC.

- Surveying Oregon Since 1970 -

2910 S.E. Oak Grove Blvd. • Milwaukie, OR 97267

Phone 503-654-1492 • Fax 503-654-7878

E-mail: pat@gaylordlandsurveying.com

April 11, 2005

Exhibit "A"
Legal Description

LEGAL DESCRIPTION FOR WATER QUALITY RESOURCE AREA

**LEGAL DESCRIPTION FOR A WATER QUALITY RESOURCE AREA
BOUNDARY IN THE NORTHEAST ONE QUARTER OF SECTION 28, T2S, R2E,
W.M., CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, THE
BOUNDARY OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

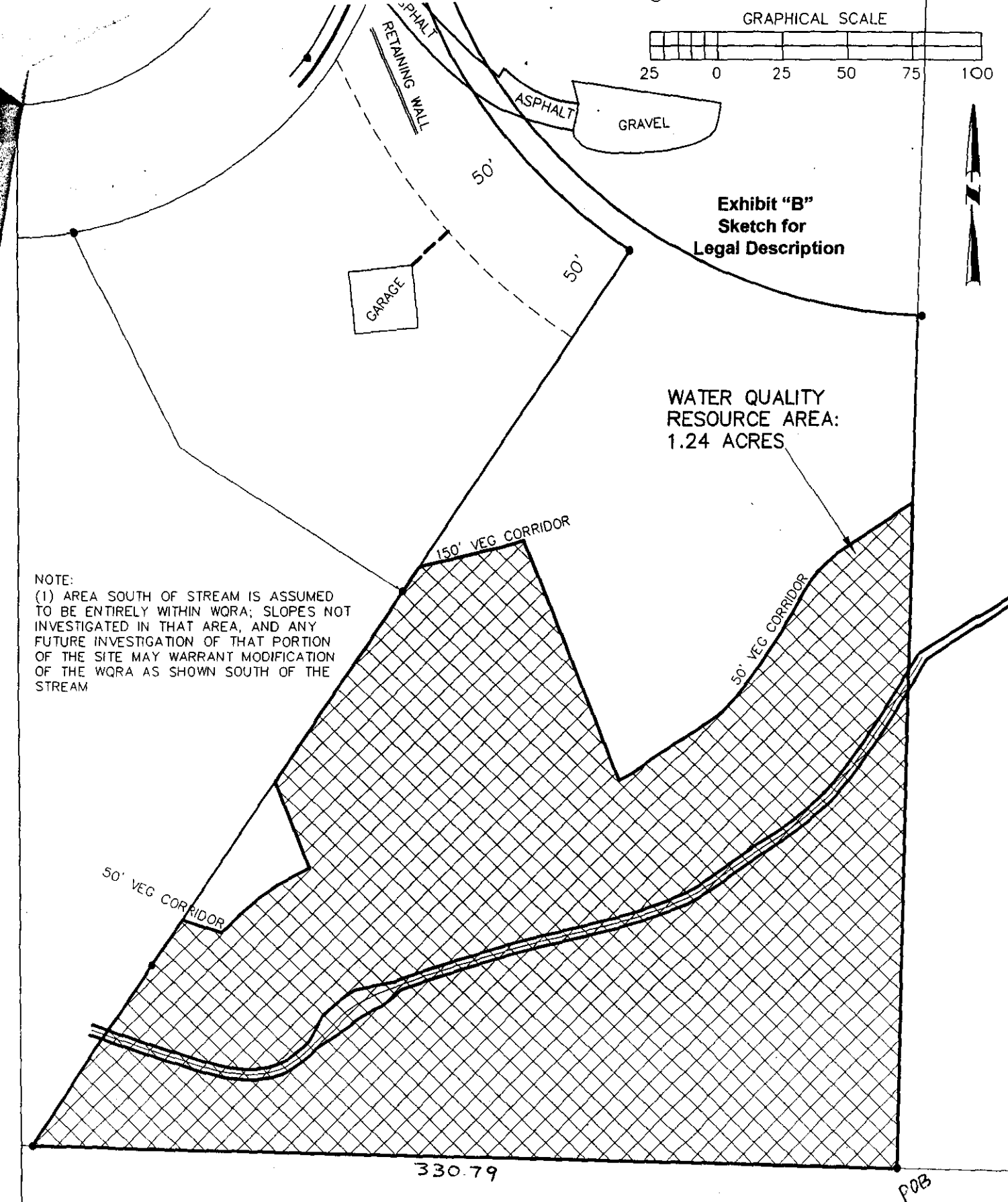
BEGINNING AT THE INTIAL POINT OF THE PLAT OF TRACEY HEIGHTS, PLAT NO. 3858, CLACKAMAS COUNTY RECORDS; THENCE NORTH 88°31'44" WEST 330.79 FEET ALONG THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO HAROLD STUMP, RECORDED AS RECORDERS FEE NO. 71-34525, FILM RECORDS; THENCE ALONG THE EAST LINE OF TRACT B, WITTK ESTATES, PLAT NO. 3840, CLACKAMAS COUNTY RECORDS, AND ITS NORTHEASTERLY PROJECTION NORTH 33°37'43" EAST 104.72 FEET TO A POINT; THENCE LEAVING THE SAID LINE, SOUTH 72°03'34" EAST 15.78 FEET TO A POINT; THENCE NORTH 45°19'24" EAST 9.83 FEET TO A POINT; THENCE NORTH 48°42'46" EAST 8.49 FEET TO A POINT; THENCE NORTH 53°58'34" EAST 10.27 FEET TO A POINT; THENCE NORTH 61°12'21" EAST 13.36 FEET TO A POINT; THENCE NORTH 20°55'33" WEST 35.78 FEET TO A POINT IN THE NORTHEASTERLY PROJECTION OF THE SAID EAST LINE OF TRACT B, WITTK ESTATES; THENCE ALONG THE SAID NORTHEASTERLY PROJECTION NORTH 33°37'43" EAST 99.85 FEET TO A POINT; THENCE LEAVING THE SAID LINE NORTH 75°55'50" EAST 19.56 FEET TO A POINT; THENCE NORTH 76°11'06" EAST 18.48 FEET TO A POINT; THENCE NORTH 70°43'27" EAST 3.52 FEET TO A POINT; THENCE SOUTH 21°01'50" EAST 99.96 FEET TO A POINT; THENCE NORTH 58°47'13" EAST 7.04 FEET TO A POINT; THENCE NORTH 54°48'27" EAST 16.51 FEET TO A POINT; THENCE NORTH 55°41'56" EAST 23.56 FEET TO A POINT; THENCE NORTH 41°42'32" EAST 12.09 FEET TO A POINT; THENCE NORTH 34°59'45" EAST 11.24 FEET TO A POINT; THENCE NORTH 32°06'44" EAST 26.22 FEET TO A POINT; THENCE NORTH 30°04'35" EAST 7.98 FEET TO A POINT OF NON-TANGENT CURVE RIGHT; THENCE AROUND THE NON-TANGENT CURVE RIGHT (RADIAL BEARING SOUTH 60°06'26" EAST, CENTRAL ANGLE = 26°55'19", RADIUS = 50.00 FEET, LONG CHORD BEARS NORTH 43°21'13" EAST 23.28 FEET) 23.49 FEET TO A POINT; THENCE NORTH 56°48'53" EAST 30.64 FEET TO A POINT ON THE WEST LINE OF THE SAID PLAT OF TRACEY HEIGHTS; THENCE ALONG THE WEST LINE OF TRACEY HEIGHTS SOUTH 01°38'00" WEST 256.92 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Patrick M. Gaylord

OREGON
JULY 10, 1996
PATRICK M. GAYLORD
2767

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#6

WATER QUALITY RESOURCE AREA MAP

TL 1709; OAK TREE TERRACE

OREGON CITY, OREGON

APPLICANT: WAYNE FERREN

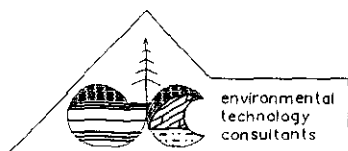
FIGURE: 4 OF X

SCALE: 1"=50'

DRAWN BY: DW

DATE: 12/20/04


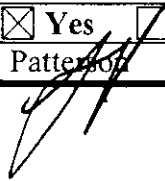
JOB #: 04-034



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COMMISSION REPORT: CITY OF OREGON CITY
TO THE HONORABLE MAYOR AND COMMISSIONERS

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

 INCORPORATED 1844	Agenda Item No.: 4.10	Topic: Public Water Resource Area Vegetated Corridor Easement For Proposed New Single-Family Residence (16306 Oak Tree Terrace) (WR05-06, BB-05-120)
	Report No.: 05-051	
	Agenda Type: DISCUSSION/ACTION	
	Meeting Date: April 20, 2005	Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Prepared By: John Knapp	Reviewed By: Bob Cullison	Approved By: L. Patterson 

RECOMMENDATION:

It is recommended that the City Commission adopt a motion accepting this public water resource area vegetated corridor easement instrument and authorize the Mayor and City Recorder to execute it.

REASON FOR RECOMMENDATION:

The Planning Division approved the developer, Steve Smelser Homes, for a building permit (permit No. BB-05-120) to build a new single-family residence with Conditions of Approval per WR05-06. This instrument provides the needed public easement to provide a vegetated corridor buffer for the water resource at the site. This easement instrument is attached for Commission review.

BACKGROUND:

On the April 20, 2005, agenda is the Public Water Resource Area Vegetated Corridor Easement Instrument for the proposed single-family residence at 16306 Oak Tree Terrace – City File No. WR05-06 & BB05-120.

Map No. ~~8~~-2E-28A

Tax Lot 1709

single-family residence (16306 Oak Tree Terrace)
(WR05-06 & BB05-120)

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

Attachments:

1. Public Water Resource Area Vegetated Corridor Easement Instrument
2. Site Map

Approved

WATER RESOURCE AREA VEGETATED CORRIDOR

SMELSER HOMES

2 ~~X~~-2E-2BA T.L. 1709
(SEE BB05-120 / WROS-06)

CLACK. CO. DOC. # 2005-036398
4-22-05

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