

RECORDING COVER SHEET (Please Print or Type) this cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

City Recorder

PO BOX 3040

Oregon City, OR 97045

SEND TAX STATEMENTS TO:

City Recorder

PO BOX 3040

Oregon City, OR 97045

Clackamas County Official Records
Sherry Hall, County Clerk

2018-011414



02124446201800114140240243

\$168.00

02/22/2018 02:39:20 PM

D-ER Cnt=1 Stn=2 COUNTER3
\$120.00 \$16.00 \$22.00 \$10.00

TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

City of Oregon City Resolution No. 18-03 - A Resolution Vacating a Section of a 10-Foot-Wide Public Waterline Easement at the Hilltop Mall Development

DIRECT PARTY(S) -- (i.e., DEEDS: Seller/Grantor; MORTGAGES: Borrower/Grantor; LIENS: Creditor/Plaintiff)

ORS 205.125(1) (b) and 205.160

City of Oregon City; Hilltop Mall Development, LLC

INDIRECT PARTY(S) -- (i.e., DEEDS: Buyer/Grantee; MORTGAGES: Beneficiary/Lender; LIENS: Debtor/Defendant)

ORS 205.125(1) (a) and 205.160

N/A

TRUE AND ACTUAL CONSIDERATION-- (Amount in dollars or other) ORS 93.030(5)

\$ 0

JUDGMENT AMOUNT-- (obligation imposed by the order or warrant) ORS 205.125(1) (c)

\$ 0

8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244:

"RERECORDED AT THE REQUEST OF N/A

TO CORRECT

PREVIOUSLY RECORDED IN BOOK/PAGE/FEE NUMBER

✓

RESOLUTION NO. 18-03

**A RESOLUTION VACATING A SECTION OF A 10-FOOT-WIDE PUBLIC WATERLINE EASEMENT
AT THE HILLTOP MALL DEVELOPMENT**

WHEREAS, the owner of Tax Lot 200 in Township 3S, Range 2E, Quarter Section 05C (PROPERTY), the Hilltop Mall Development LLC (GRANTOR), constructed a building foundation on said PROPERTY next to an existing public water line; and

WHEREAS, the building foundation was deemed too close to existing public water line; and

WHEREAS, a new water line was constructed meeting the Condition of Approval that it remain at least 5 feet from the building foundation; and

WHEREAS, the new water line was required to lie within a newly-granted 15-foot-wide waterline easement segment; and

WHEREAS, GRANTOR signed and notarized an agreement with the City of Oregon City to grant said 15-foot-wide waterline easement segment on November 16th, 2017 (Exhibit 1); and

WHEREAS, newly-granted 15-foot wide water easement segment replaces the segment of 10-foot-wide Public Utility Easement Number 2 (Dedicated in Clackamas County Recording No. 2011-066460; Exhibit 2), herewith to be vacated; and

WHEREAS, the subject section of 10-foot-wide Public Waterline Easement Number 2 no longer serves its purpose, and should be vacated; and

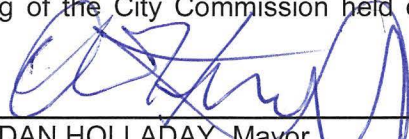
WHEREAS, GRANTOR applied with the City of Oregon City to vacate said section of the 10-foot-wide easement (Exhibit 3).

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. This resolution shall take effect immediately upon its adoption by the City Commission and recordation of the new easement attached as Exhibit 1.

Section 2. The City Commission hereby approves this resolution for the above described vacation.

Approved and adopted at a regular meeting of the City Commission held on the 7th day of February, 2018.



DAN HOLLADAY, Mayor

Attested to this 7th day of February, 2018:



Katie Riggs, City Recorder

Approved as to legal sufficiency:



Cami P.
City Attorney

EXHIBIT A

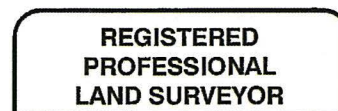
LEGAL DESCRIPTION OF PUBLIC WATERLINE EASEMENT TO BE VACATED

A PORTION OF THAT PUBLIC WATERLINE EASEMENT NUMBER 2 AS DESCRIBED IN PUBLIC UTILITY EASEMENT GRANTED TO THE CITY OF OREGON CITY BY DOCUMENT NUMBER 2011-066460, CLACKAMAS COUNTY DEED RECORDS, SAID PORTION TO BE VACATED LIES 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE TERMINUS OF THE CENTERLINE OF PUBLIC WATERLINE EASEMENT NUMBER 2 AS DESCRIBED IN PUBLIC UTILITY EASEMENT GRANTED TO THE CITY OF OREGON CITY BY DOCUMENT NUMBER 2011-066460, CLACKAMAS COUNTY DEED RECORDS; THENCE NORTHERLY ALONG SAID CENTERLINE THE FOLLOWING SIX (6) COURSES:

- 1) NORTH 07°50'22" EAST 14.01 FEET;
- 2) THENCE NORTH 18°01'40" WEST 21.44 FEET;
- 3) THENCE NORTH 84°43'35" WEST 38.96 FEET;
- 4) THENCE NORTH 04°18'40" WEST 22.20 FEET;
- 5) THENCE NORTH 57°13'30" WEST 19.72 FEET;
- 6) THENCE NORTH 88°26'00" WEST 38.39 FEET TO THE TRUE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED;

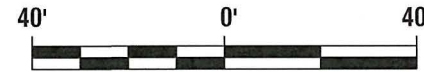
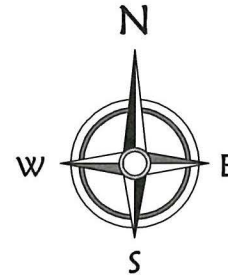
THENCE CONTINUING ALONG SAID CENTERLINE OF PUBLIC WATERLINE EASEMENT NUMBER 2 AS DESCRIBED IN PUBLIC UTILITY EASEMENT GRANTED TO THE CITY OF OREGON CITY BY DOCUMENT NUMBER 2011-066460, NORTH 88°26'00" WEST 133.71 FEET; THENCE NORTH 83°02'24" WEST 54.81 FEET; THENCE NORTH 27°28'20" WEST 57.89 FEET TO THE TERMINUS OF THE CENTERLINE OF THE EASEMENT TO BE VACATED.



DATE OF SIGNATURE: 11/15/17

EXPIRES 12/31/2019

EXISTING PUBLIC WATERLINE
EASEMENT NUMBER 2 PER
DOC. NO. 2011-066460



Scale: 1" = 40'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAMINCK
1634

DATE OF SIGNATURE: *[Signature]*
EXPIRES 12/31/2019

TERMINUS

N27°28'20"W
57.89'

EASEMENT TO BE VACATED
(AND BE REPLACED WITH A
NEW 15' PUBLIC WATERLINE
EASEMENT BY SEPARATE
DOCUMENT)

N83°02'24"W
54.81'

EASEMENT TO BE VACATED
(AND BE REPLACED WITH A
NEW 15' PUBLIC WATERLINE
EASEMENT BY SEPARATE
DOCUMENT)

N88°26'00"W
133.71'

NEW BUILDING

TRUE POINT
OF BEGINNING

N88°26'00"W
38.39'

N57°13'30"W
19.72'

N84°43'35"W
38.96'

N18°01'40"W
21.44'

EXISTING PUBLIC
WATERLINE EASEMENT
NUMBER 2 PER DOC.
NO. 2011-066460

N04°18'40"W
22.20'

N07°50'22"E
14.01'

BEAVERCREEK ROAD

POINT OF
COMMENCEMENT

(TERMINUS OF CENTERLINE OF
PUBLIC WATERLINE EASEMENT
NUMBER 2 PER DOC. NO.
2011-066460)

3509.21 WaterEase2Nov2017

EXHIBIT "B"



Land Surveyors

4107 SE International Way, Suite 705

Milwaukie, Oregon 97222 503-653-9093

EASEMENT VACATION OF A PORTION OF
PUBLIC WATERLINE EASEMENT NUMBER 2,
DOC. NO. 2011-066460

S.W. 1/4 OF SECTION 5, T. 3S., R. 2 E., W.M.
CITY OF OREGON CITY
CLACKAMAS COUNTY, OREGON

EXHIBIT 1

AFTER RECORDING RETURN TO:

57
City Recorder
City of Oregon
P.O. Box 3040
Oregon City, Oregon 97045-0304

Map No.: 3-2E-05C

Tax Lot: 200

Planning No.: DP 16-02

Grantor: HILLTOP MALL LLC

CITY OF OREGON CITY, OREGON PUBLIC UTILITY(S) EASEMENT

KNOW ALL BY THESE PRESENTS, THAT HILLTOP MALL LLC hereinafter called the GRANTOR, does hereby grant unto the City of Oregon City, hereinafter called the CITY, its successors in interest and assigns, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain Public Water Facilities on the following described land:

See attached Exhibit "A" Legal Description and attached

Exhibit "B" Sketch for Legal Description

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

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

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.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 16 day of NOVEMBER, 2017; 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.

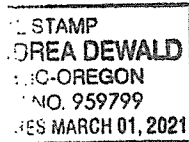
Corporation/limited partnership

HILLTOP MALL LLC

Signer's Name, Title (signature)

C. Danielson

Manager, Hilltop Mall LLC



C. Danielson

Signer's Name, Title (printed)

Craig T. Danielson, Manager

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
625 Center Street
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

City Recorder

Page 3

Corporate Acknowledgment
STATE OF OREGON)
) ss.
County of Clackamas)

Personally appeared Craig Danielson
and _____
who being duly sworn,
each for himself and not one for the other did
say that the former is the MANAGER ~~president~~ ^{mgr}
and that the latter is the _____ secretary
of Hutton Properties LLC
~~is a corporation~~, and that the seal affixed
to the foregoing instrument was signed and
sealed in behalf of said corporation by authority
of its board of directors; and each of them
acknowledged said instrument to be its
voluntary act and deed.

Before me: November 16, 2017

NOTARY PUBLIC FOR OREGON

Maricela Dewald
Notary's signature
My Commission Expires: 3/01/2021
Stamp seal below



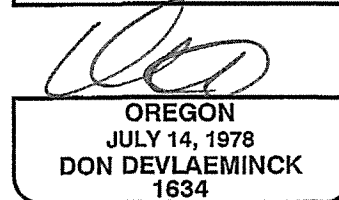
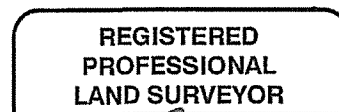
EXHIBIT A
LEGAL DESCRIPTION OF PUBLIC WATERLINE EASEMENT

A 15.00 FOOT WIDE STRIP OF LAND, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN QUITCLAIM DEED TO HILLTOP MALL, LLC, RECORDED AS DOCUMENT NUMBER 2006-022739, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE TERMINUS OF THE CENTERLINE OF PUBLIC WATERLINE EASEMENT NUMBER 2 AS DESCRIBED IN PUBLIC UTILITY EASEMENT GRANTED TO THE CITY OF OREGON CITY BY DOCUMENT NUMBER 2011-066460, CLACKAMAS COUNTY DEED RECORDS; THENCE NORTHERLY ALONG SAID CENTERLINE THE FOLLOWING SIX (6) COURSES:

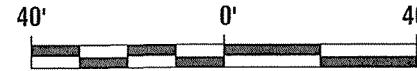
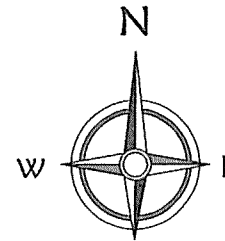
- 1) NORTH 07°50'22" EAST 14.01 FEET;
- 2) THENCE NORTH 18°01'40" WEST 21.44 FEET;
- 3) THENCE NORTH 84°43'35" WEST 38.96 FEET;
- 4) THENCE NORTH 04°18'40" WEST 22.20 FEET;
- 5) THENCE NORTH 57°13'30" WEST 19.72 FEET;
- 6) THENCE NORTH 88°26'00" WEST 38.39 FEET TO THE TRUE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED;

THENCE LEAVING SAID CENTERLINE NORTH 01°34'00" EAST 5.00 FEET; THENCE NORTH 88°26'00" WEST 126.02 FEET; THENCE SOUTH 85°24'40" WEST 50.85 FEET; THENCE NORTH 27°28'20" WEST 68.47 FEET; THENCE SOUTH 62°31'40" WEST 15.00 FEET; THENCE SOUTH 27°28'20" EAST 78.42 FEET; THENCE NORTH 85°24'40" EAST 59.99 FEET; THENCE SOUTH 88°26'00" EAST 125.22 FEET; THENCE NORTH 01°34'00" EAST 10.00 FEET TO THE TRUE POINT OF BEGINNING.



DATE OF SIGNATURE: 11/15/17
 EXPIRES 12/31/2019

EXISTING PUBLIC WATERLINE
EASEMENT NUMBER 2 PER
DOC. NO. 2011-066460



Scale: 1" = 40'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAEMINCK
1634

DATE OF SIGNATURE: *[Signature]*
EXPIRES 12/31/2019

NEW BUILDING

TRUE POINT
OF BEGINNING

15' PUBLIC
WATERLINE
EASEMENT

15' PUBLIC
WATERLINE
EASEMENT

EXISTING PUBLIC
WATERLINE EASEMENT
NUMBER 2 PER DOC.
NO. 2011-066460

POINT OF
COMMENCEMENT
(TERMINUS OF CENTERLINE OF
PUBLIC WATERLINE EASEMENT
NUMBER 2 PER DOC. NO.
2011-066460)

BEAVERCREEK ROAD

3509.21 Water Ease2017

EXHIBIT "B"

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

15' PUBLIC WATERLINE EASEMENT

S.W. 1/4 OF SECTION 5, T. 3S., R. 2 E., W.M.
CITY OF OREGON CITY
CLACKAMAS COUNTY, OREGON

AFTER RECORDING RETURN TO:

Clackamas County Official Records
 Sherry Hall, County Clerk

2011-066460

City Recorder Kelly Burgoyne
 City of Oregon
 P.O. Box 3040
 Oregon City, Oregon 97045-0304



\$92.00

11/17/2011 01:00:26 PM

D-E Cnt=1 Stn=4 KANNA
 \$50.00 \$16.00 \$16.00 \$10.00

Map No.: 3-2E-05C
 Tax Lot: 203 AND 200
 Planning No.: CP 10-01/DP 10-02

Grantor: HILLTOP MALL LLC

CITY OF OREGON CITY, OREGON PUBLIC UTILITY(S) EASEMENT

KNOW ALL BY THESE PRESENTS, THAT HILLTOP MALL LLC 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 and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain Public Water Facilities on the following described land:

See attached Exhibit "A" Legal Description and attached

Exhibit "B" Sketch for Legal Description

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

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

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.

IN WITNESS WHEREOF, the GRANTOR has executed this 2nd day of November, 2011; 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

Signer's Name

Signer's Name

(if executed by a corporation
affix corporate seal below)

Corporation/limited partnership

HILLTOP MALL LLC

Corporation/Partnership Name

Signer's Name, Title (SIGNATURE)

Craig T. Danielson
MANAGER HILLTOP PROPERTIES, LLC
Signer's Name, Title (PRINTED)

CRAIG T DANIELSON

Signer's Name, Title

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

625 Center Street

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

City Recorder

Page 3

Corporate Acknowledgment

STATE OF OREGON)
) ss.
County of Clackamas)

Personally appeared Craig T. Danielson
_____ and _____

_____ who being duly sworn, each for himself and not one for the other did say that the former is the Manager ~~president~~ and that the latter is the _____ secretary of Hilltop Mall, LLC

_____, a corporation, and that the seal affixed to the foregoing instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: November 2, 2011

NOTARY PUBLIC FOR OREGON

Kelly E. Burgoyne

Notary's signature

My Commission Expires: 3-11-2013

Stamp seal below

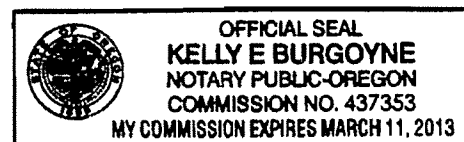


EXHIBIT A (SHEET 1 OF 3)

PROJECT: Hilltop Mall Redevelopment

LOCATION: TAX LOTS 200, 203 AND 300 3 2E 5C

PROPERTY OWNER:
Hilltop Mall, LLC
P.O. Box 2200
Oregon City, Oregon 97045

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

PUBLIC WATERLINE EASEMENT NUMBER 1:

A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO HILLTOP PROPERTIES, LLC, RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS, BEING A 10.00 FOOT WIDE STRIP LAND LYING 5.00 FEET ON EACH SIDE OF THE CENTERLINE WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE WITH "X" AT THE SOUTHWEST CORNER OF PARCEL III AS DESCRIBED IN BARGAIN AND SALE DEED TO HILLTOP PROPERTIES, LLC RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID PARCEL III NORTH 13°14'59" WEST 326.79 FEET TO THE TRUE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED; THENCE LEAVING SAID WEST LINE NORTH 59°34'28" EAST 193.10 FEET TO POINT "A"; THENCE CONTINUING NORTH 59°34'28" EAST 105.75 FEET; THENCE SOUTH 88°10'14" EAST 295.69 FEET TO POINT "B"; THENCE NORTH 77°53'47" EAST 103.88 FEET; THENCE SOUTH 85°45'35" EAST 97.15 FEET; THENCE NORTH 68°30'18" EAST 86.80 FEET TO POINT "C"; THENCE CONTINUING NORTH 68°30'18" EAST 14.47 FEET TO POINT "D"; THENCE NORTH CONTINUING 68°30'18" EAST 174.36 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MOLALLA AVENUE (50 FEET FROM CENTERLINE) WHICH IS LOCATED SOUTH 28°50'10" EAST 192.32 FEET FROM THE MOST EASTERLY CORNER OF PARCEL 2, PARTITION PLAT NO. 1991-102, AND THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES OF THE ABOVE DESCRIBED STRIP SHALL BE EXTENDED OR SHORTENED AS NECESSARY TO TERMINATE (AT THE WESTERLY END OF SAID STRIP) ON THE AFOREMENTIONED WEST LINE OF PARCEL III AND (AT THE EASTERLY END OF SAID STRIP) ON THE WEST RIGHT OF WAY LINE OF MOLALLA AVENUE (50 FEET FROM CENTERLINE).

ALSO: THE FOLLOWING THREE (3) TEN FOOT WIDE STRIPS OF LAND, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINES:

EXHIBIT A (SHEET 2 OF 3)

- 1) BEGINNING AT POINT "B" AS DESCRIBED ABOVE; THENCE NORTH 11°12'17" WEST 18.78 FEET TO THE TERMINUS OF SAID CENTERLINE.
- 2) BEGINNING AT POINT "C" AS DESCRIBED ABOVE; THENCE NORTH 21°29'42" WEST 11.14 FEET TO THE TERMINUS OF SAID CENTERLINE.
- 3) BEGINNING AT POINT "D" AS DESCRIBED ABOVE; THENCE SOUTH 25°53'13" EAST 43.49 FEET TO THE TERMINUS OF SAID CENTERLINE.

PUBLIC WATERLINE EASEMENT NUMBER 2:

A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO HILLTOP PROPERTIES, LLC, RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS, BEING A 10.00 FOOT WIDE STRIP LAND LYING 5.00 FEET ON EACH SIDE OF THE CENTERLINE WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT "A" AS DESCRIBED ABOVE IN PUBLIC WATERLINE EASEMENT NUMBER 1; THENCE SOUTH 30°33'49" EAST 12.52 FEET TO POINT "E"; THENCE CONTINUING SOUTH 30°33'49" EAST 181.38 FEET TO POINT "F"; THENCE CONTINUING SOUTH 30°33'49" EAST 114.40 FEET TO POINT "G"; THENCE SOUTH 27°28'20" EAST 99.02 FEET; THENCE SOUTH 83°02'24" EAST 54.81 FEET; THENCE SOUTH 88°26'00" EAST 172.10 FEET; THENCE SOUTH 57°13'30" EAST 19.72 FEET; THENCE SOUTH 04°18'40" EAST 22.20 FEET; THENCE SOUTH 84°43'35" EAST 38.96 FEET; THENCE SOUTH 18°01'40" EAST 10.27 FEET TO A POINT ON THE SOUTH LINE OF THE AFOREMENTIONED PARCEL III WHICH IS LOCATED NORTH 89°30'06" EAST 580.75 FEET FROM A STONE WITH "X" AT THE SOUTHWEST CORNER THEREOF; THENCE CONTINUING SOUTH 18°01'40" EAST 11.17 FEET ; THENCE SOUTH 07°50'22" WEST 14.01 FEET TO THE TERMINUS OF SAID CENTERLINE ON THE NORTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD (43 FEET FROM CENTERLINE).

THE SIDELINES OF THE ABOVE DESCRIBED STRIP SHALL BE EXTENDED OR SHORTENED AS NECESSARY TO TERMINATE (AT THE SOUTHERLY END OF SAID STRIP) ON THE NORTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD.

ALSO: THE FOLLOWING THREE (3) TEN FOOT WIDE STRIPS OF LAND, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINES:

- 1) BEGINNING AT POINT "E" AS DESCRIBED ABOVE; THENCE NORTH 59°26'11" EAST 10.45 FEET TO THE TERMINUS OF SAID CENTERLINE.
- 2) BEGINNING AT POINT "F" AS DESCRIBED ABOVE; THENCE NORTH 59°26'11" EAST 9.06 FEET TO THE TERMINUS OF SAID CENTERLINE.

5 14

EXHIBIT A (SHEET 3 OF 3)

- 3) BEGINNING AT POINT "G" AS DESCRIBED ABOVE; THENCE SOUTH 59°42'27" WEST 11.93 FEET TO THE TERMINUS OF SAID CENTERLINE.

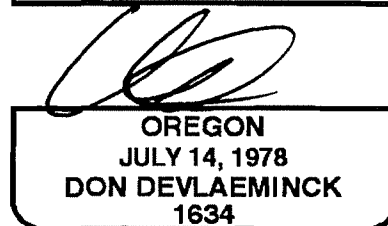
PUBLIC WATERLINE EASEMENT NUMBER 3:

A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO HILLTOP PROPERTIES, LLC, RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS, BEING A 10.00 FOOT WIDE STRIP LAND LYING 5.00 FEET ON EACH SIDE OF THE CENTERLINE WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE WITH "X" AT THE SOUTHWEST CORNER OF PARCEL III AS DESCRIBED IN BARGAIN AND SALE DEED TO HILLTOP PROPERTIES, LLC RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE SOUTH LINE OF SAID PARCEL III NORTH 89°30'06" EAST 904.47 FEET; THENCE LEAVING SAID SOUTH LINE SOUTH 00°58'44" EAST 52.00 FEET TO THE NORTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD AND THE TRUE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED: THENCE NORTH 00°58'44" WEST 31.00 FEET TO THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES OF THE ABOVE DESCRIBED STRIP SHALL BE EXTENDED OR SHORTENED AS NECESSARY TO TERMINATE (AT THE SOUTHERLY END OF SAID STRIP) ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD (43 FEET FROM CENTERLINE).

BASIS OF BEARINGS: SN 20410.

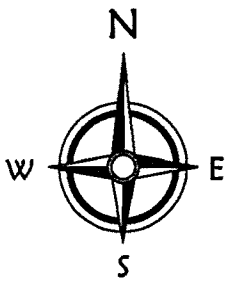
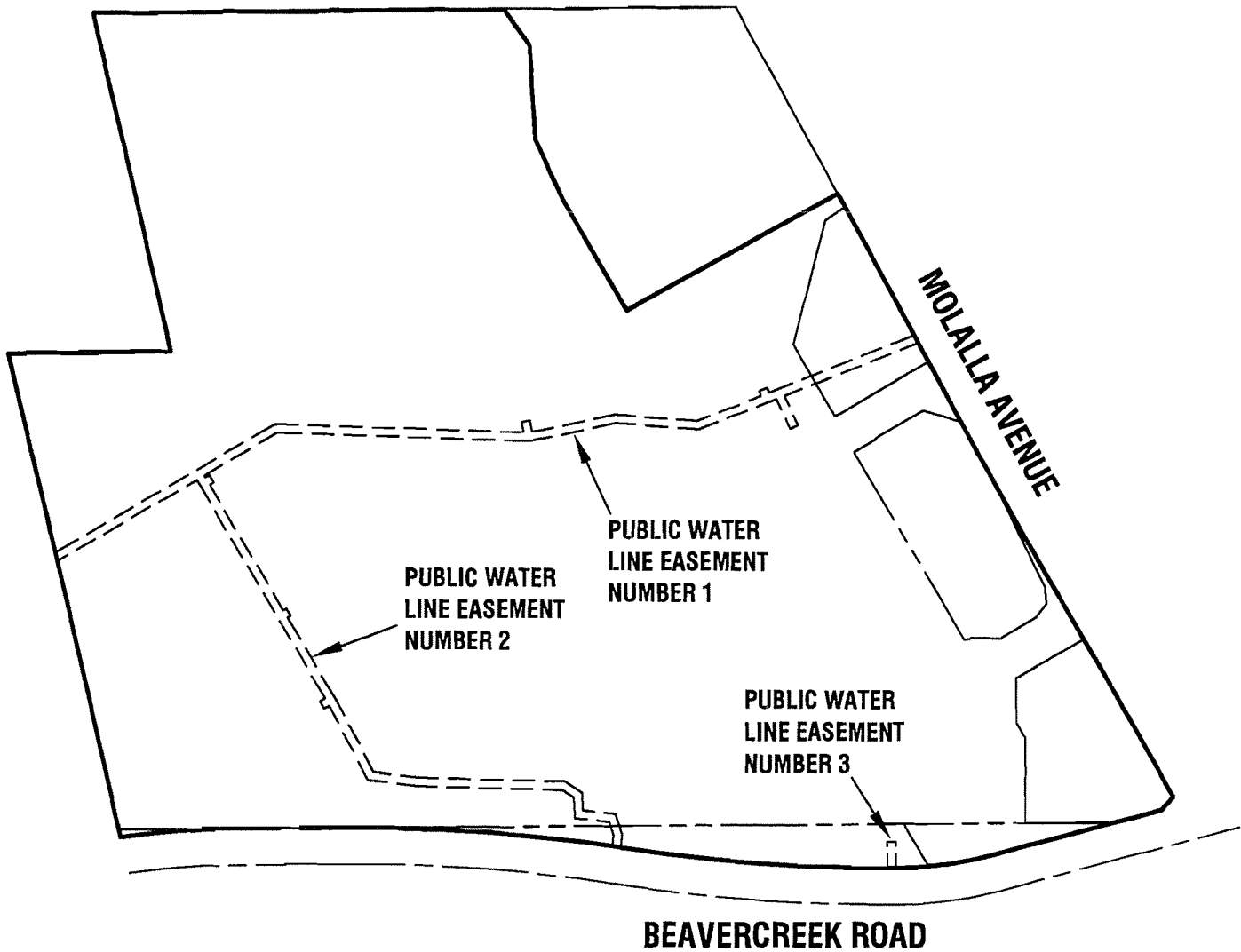


DATE OF SIGNATURE: 10/31/11

EXPIRES 12/31/2011

6 15

WARNER MILNE ROAD



Scale: 1" = 200'

EXHIBIT "B"
PUBLIC WATER LINE EASEMENT

3509.17 Water Ease.dwg

engineering surveying planning
COMPASS ENGINEERING
4105 SE International Way, Suite 501 503.653.9093
Milwaukie, Oregon 97222 www.compass-engineering.com

LOCATED IN THE SOUTH 1/2 OF SECTION
5, T.3S., R.2E., W.M., CITY OF OREGON
CITY, CLACKAMAS COUNTY, OREGON

1

4

7 14

EXHIBIT "B"
PUBLIC WATER LINE EASEMENT

3509.17 Water Ease2.dwg

engineering surveying planning
COMPASS ENGINEERING
4105 SE International Way, Suite 501 503.653.9093
Milwaukie, Oregon 97222 www.compass-engineering.com

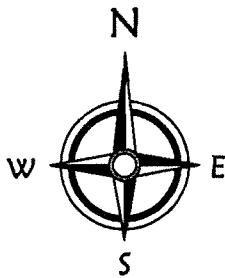
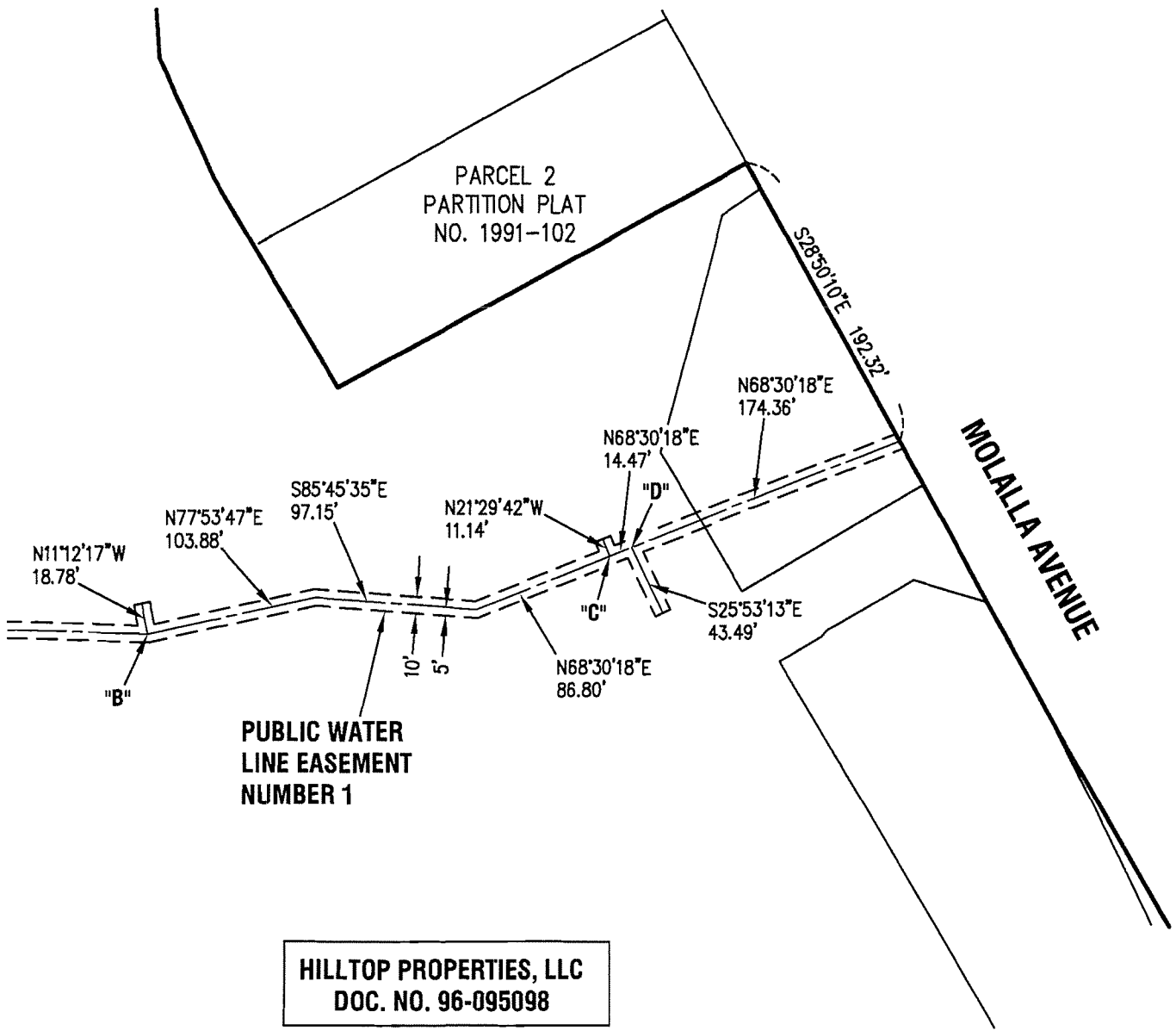
**LOCATED IN THE SOUTH 1/2 OF SECTION
5, T.3S., R.2E., W.M., CITY OF OREGON
CITY, CLACKAMAS COUNTY, OREGON**

2

4

8 17

CONTINUED ON SHEET 2 OF 4



Scale: 1" = 100'

EXHIBIT "B"
PUBLIC WATER LINE EASEMENT

3509.17 Water Ease3.dwg

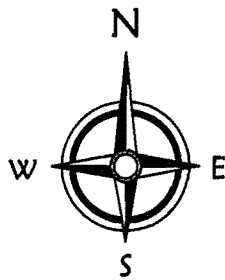
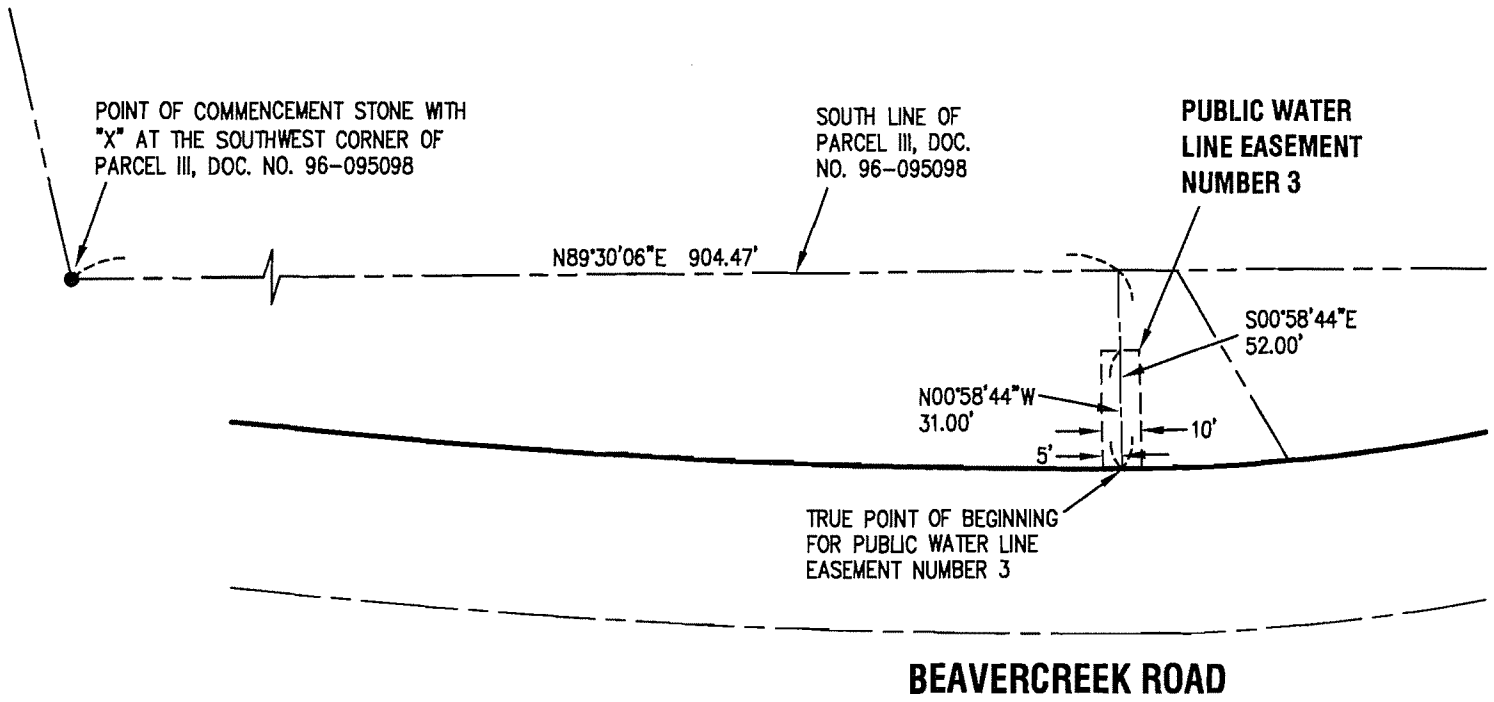
engineering surveying planning
COMPASS ENGINEERING
4105 SE International Way, Suite 501 503.653.9093
Milwaukie, Oregon 97222 www.compass-engineering.com

LOCATED IN THE SOUTH 1/2 OF SECTION 5,
T.3S., R.2E., W.M., CITY OF OREGON CITY,
CLACKAMAS COUNTY, OREGON

3

4

16



Scale: 1" = 50'

EXHIBIT "B"

PUBLIC WATER LINE EASEMENT

3509.17 Water Ease4.dwg

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 Milwaukie, Oregon 97222 www.compass-engineering.com

LOCATED IN THE SOUTH 1/2 OF SECTION
 5, T.3S., R.2E., W.M., CITY OF OREGON
 CITY, CLACKAMAS COUNTY, OREGON

4

4

100 101

EXHIBIT 3



**OREGON
CITY**

Public Works – Development Services

625 Center Street | PO Box 3040 | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7892

APPLICATION STREET/ALLEY VACATION

Property Owner/Authorized Agent	<u>HILLTOP MALL LLC</u>		
Address	<u>PO BOX 2200, OREGON CITY, OREGON 97045</u>		
Telephone	<u>503-719-9621</u>	Location of Property to be Vacated	<u>358 WARNER MILNE ROAD</u>

Note: Legal description of property must be attached for street vacations. The application shall be accompanied by a fully dimensioned accurate and legible site plan, drawn to scale.

Reason for Street/Alley/Easement Vacation and Proposed Use THE OLD 10 FOOT WIDE EASEMENT IS BEING REPLACED BY A NEW 15 FOOT WIDE EASEMENT IN A DIFFERENT LOCATION.

A vacation shall be granted only in the event that all of the following conditions exist:

- a. There is no present or future public need for the street, alley, or easement.
- b. The vacation is in the best public interest.
- c. There would be no impacts to adjacent properties.
- d. Consent of adjacent property owners when appropriate.

Explain how proposed vacation complies with these four conditions:



1. THE EASEMENT PROPOSED TO BE VACATED IS A SMALL PORTION OF A 10 FOOT PUBLIC UTILITY EASEMENT GRANTED TO THE CITY OF OREGON CITY IN 2011 FOR PUBLIC WATER FACILITIES. A NEW BUILDING HAS BEEN CONSTRUCTED IN THE VICINITY OF THE PORTION OF THE 2011 PROPOSED TO BE VACATED. AS PART OF THAT CONSTRUCTION THE OLD WATERLINE IN THE VICINITY OF THE NEW BUILDING HAS BEEN REPLACED WITH A NEW WATERLINE. A NEW 15 FOOT WIDE EASEMENT FOR PUBLIC WATER FACILITIES IS PROPOSED TO BE GRANTED TO THE CITY OF OREGON CITY OVER THE NEW WATERLINE.
2. THE VACATION OF THE OLD EASEMENT IS IN THE BEST INTEREST OF THE PUBLIC AS IT IS NO LONGER NEEDED AND A NEW WATERLINE AND EASEMENT, COMPLYING WITH CURRENT CODE REQUIREMENTS, WILL BE CREATED.
3. THE VACATION WILL NOT IMPACT ANY ADJACENT PROPERTY AS THE PORTION OF THE EASEMENT PROPOSED TO BE VACATED IS LOCATED COMPLETELY ON PROPERTY CURRENTLY OWNED BY HILLTOP MALL LLC.
4. THE ONLY PROPERTY OWNER AFFECTED BY THIS CHANGE IS HILLTOP MALL LLC.

(Attach addendum, if additional space is needed).

INSTRUCTIONS FOR COMPLETING VACATION APPLICATIONS

1. All applications must be either typed or printed (black ink). Please make the words easily readable. Neatness is important.
2. The application must be submitted with the correct fee.
3. If you mail in the application, please verify with the Development Services Division to ensure that it was received and that all necessary fees and information are with the application form.
4. If you wish to modify or withdraw the application, you must notify the Development Services Division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary.
5. Attach all the information with the application form that you have available that pertains to the activity you propose.
6. Prior to submitting the application, you must make an appointment to discuss your proposal with a member of the Development Services Division. If you wish, Development Services personnel will advise you in completing some portions of the application; however, the entire burden is upon the applicant to provide necessary information to justify approval of the application.
7. Detailed legal descriptions, maps, and other relevant information should be attached to the application form and will be available for public review. All applicable standards and criteria must be addressed prior to acceptance of the application. The content of the attached information should be discussed with the City Engineer prior to submission of the application.
8. Incomplete applications will be returned.

APPLICANT'S NAME & SIGNATURE: CT DANIELSON 

MAILING ADDRESS: PO BOX 2200, OREGON CITY, OREGON 97045 503-719-9621

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: CT DANIELSON 

MAILING ADDRESS: PO BOX 2200, OREGON CITY, OREGON 97045 503-719-9621

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: _____

MAILING ADDRESS: _____

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: _____

MAILING ADDRESS: _____

City State Zip Phone No.

If the property owner does not sign this application, then a letter authorizing signature
by an agent must be attached.

FOR OFFICE USE ONLY

DATE SUBMITTED: _____

RECEIVED BY: _____

FEE PAID: _____

RECEIPT NO.: _____

PUBLIC HEARING DATE: _____

ENGINEER ASSIGNED: _____

DATE ACCEPTED AS COMPLETE: _____

EXHIBIT A

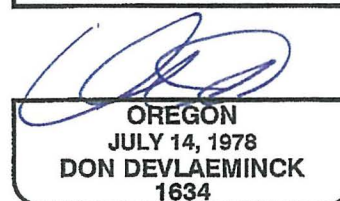
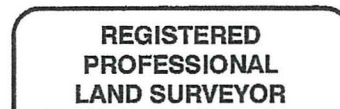
LEGAL DESCRIPTION OF PUBLIC WATERLINE EASEMENT TO BE VACATED

A PORTION OF THAT PUBLIC WATERLINE EASEMENT NUMBER 2 AS DESCRIBED IN PUBLIC UTILITY EASEMENT GRANTED TO THE CITY OF OREGON CITY BY DOCUMENT NUMBER 2011-066460, CLACKAMAS COUNTY DEED RECORDS, SAID PORTION TO BE VACATED LIES 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE TERMINUS OF THE CENTERLINE OF PUBLIC WATERLINE EASEMENT NUMBER 2 AS DESCRIBED IN PUBLIC UTILITY EASEMENT GRANTED TO THE CITY OF OREGON CITY BY DOCUMENT NUMBER 2011-066460, CLACKAMAS COUNTY DEED RECORDS; THENCE NORTHERLY ALONG SAID CENTERLINE THE FOLLOWING SIX (6) COURSES:

- 1) NORTH 07°50'22" EAST 14.01 FEET;
- 2) THENCE NORTH 18°01'40" WEST 21.44 FEET;
- 3) THENCE NORTH 84°43'35" WEST 38.96 FEET;
- 4) THENCE NORTH 04°18'40" WEST 22.20 FEET;
- 5) THENCE NORTH 57°13'30" WEST 19.72 FEET;
- 6) THENCE NORTH 88°26'00" WEST 38.39 FEET TO THE TRUE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED;

THENCE CONTINUING ALONG SAID CENTERLINE OF PUBLIC WATERLINE EASEMENT NUMBER 2 AS DESCRIBED IN PUBLIC UTILITY EASEMENT GRANTED TO THE CITY OF OREGON CITY BY DOCUMENT NUMBER 2011-066460, NORTH 88°26'00" WEST 133.71 FEET; THENCE NORTH 83°02'24" WEST 54.81 FEET; THENCE NORTH 27°28'20" WEST 57.89 FEET TO THE TERMINUS OF THE CENTERLINE OF THE EASEMENT TO BE VACATED.



DATE OF SIGNATURE: 11/15/17

EXPIRES 12/31/2019

EXISTING PUBLIC WATERLINE
EASEMENT NUMBER 2 PER
DOC. NO. 2011-066460

TERMINUS

N27°28'20"W
57.89'

EASEMENT TO BE VACATED
(AND BE REPLACED WITH A
NEW 15' PUBLIC WATERLINE
EASEMENT BY SEPARATE
DOCUMENT)

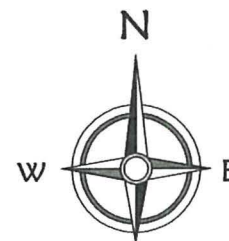
5'
10'

N83°02'24"W
54.81'

EASEMENT TO BE VACATED
(AND BE REPLACED WITH A
NEW 15' PUBLIC WATERLINE
EASEMENT BY SEPARATE
DOCUMENT)

N88°26'00"W
133.71'

NEW BUILDING



Scale: 1" = 40'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAE MINCK
1634

DATE OF SIGNATURE: *[Signature]*

EXPIRES 12/31/2019

TRUE POINT
OF BEGINNING

N88°26'00"W
38.39'

N57°13'30"W
19.72'

N84°43'35"W
38.96'

N18°01'40"W
21.44'

EXISTING PUBLIC
WATERLINE EASEMENT
NUMBER 2 PER DOC.
NO. 2011-066460

N04°18'40"W
22.20'

N07°50'22"E
14.01'

BEAVERCREEK ROAD

POINT OF
COMMENCEMENT

(TERMINUS OF CENTERLINE OF
PUBLIC WATERLINE EASEMENT
NUMBER 2 PER DOC. NO.
2011-066460)

3509.21 WaterEase2Nov2017

EXHIBIT "B"

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

EASEMENT VACATION OF A PORTION OF
PUBLIC WATERLINE EASEMENT NUMBER 2,
DOC. NO. 2011-066460

S.W. 1/4 OF SECTION 5, T. 3S., R. 2 E., W.M.
CITY OF OREGON CITY
CLACKAMAS COUNTY, OREGON