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10P

Clackamas County Official Records  
Sherry Hall, County Clerk

2019-038153

AFTER RECORDING RETURN TO  
City of Oregon City Recorder  
P.O. Box 3040  
Oregon City, Oregon 97045-0304



02241600201900381530100104

\$143.00

07/02/2019 08:59:36 AM

D-D Cnt=2 Stn=9 COUNTER1  
\$50.00 \$5.00 \$16.00 \$62.00 \$10.00

Map No.: 34E29AD

Tax Lot: 34E29AD01100

Planning No.: BCOMM 19-00065

Grantor(s): City of Oregon City

**QUITCLAIM DEED**  
**Partial Vacation of Public Utility Easement**

**The City of Oregon City**, a municipal corporation, duly organized and existing under the laws of the State of Oregon ("Grantor"), for good and valuable non-monetary consideration, does hereby remise, release and quitclaim unto **Oregon City Auto, LLC**, an Oregon limited liability company ("Grantee"), and unto Grantee's successors and assigns, all of Grantor's right, title and interest in and to that portion of that certain Public Utility Easement granted on Partition Plat No. 1996-137 recorded in in the Official Records of Clackamas County, Oregon on December 17, 1996, situated in the County of Clackamas, State of Oregon ("Public Utility Easement"), as described on the attached and incorporated Exhibit A (the "Vacated Property"). The Vacated Property is depicted on the attached and incorporated Exhibit B (the "Vacated Property Map"). Written releases of interest from all applicable utility companies are attached and incorporated hereto as Exhibit C ("Utility Releases").

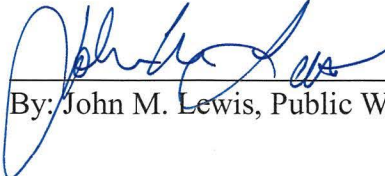
THE INTENT OF THIS INSTRUMENT is to release all interest Grantor may have in and to the Vacated Property described on Exhibit A and depicted on Exhibit B hereto.

The Public Utility Easement shall be of no further force and effect with respect to the Vacated PUE Property. Except for the partial release granted above with respect to the Vacated Property, the Public Utility Easement shall remain unmodified and in full force and effect.

IN WITNESS WHEREOF, the Grantor above named has caused this instrument to be executed by its City Manager and Public Works Director, this 1<sup>st</sup> day of July, 2019.

GRANTOR: CITY OF OREGON CITY

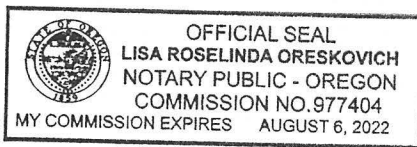
  
By: Anthony J. Konkol III, City Manager

  
By: John M. Lewis, Public Works Director

[notary acknowledgments on following page]

STATE OF OREGON           )  
  )  
County of Clackamas        )

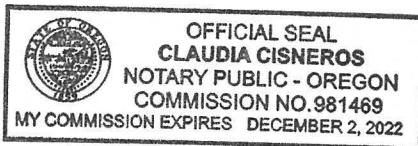
On this 1<sup>st</sup> day of July, 2019, personally appeared Anthony J. Konkol III, who being duly sworn, did say that he is the City Manager of the City of Oregon City, a municipal corporation, and that said instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be its voluntary act and deed.



Lisa R. Konkol  
Notary Public for OREGON  
My Commission expires August 6, 2022

STATE OF OREGON           )  
  )  
County of Clackamas        )

On this 1 day of July, 2019, personally appeared John M. Lewis, who being duly sworn, did say that he is the Public Works Director of the City of Oregon City, a municipal corporation, and that said instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be its voluntary act and deed.



Before me Claudia Cisneros  
Notary Public for OREGON  
My Commission expires December 2, 2022

*[acknowledgments continue on following page]*

**Oregon City Auto, LLC,**  
an Oregon limited liability company

STATE OF WASHINGTON )  
 )  
County of Clark ) ss.

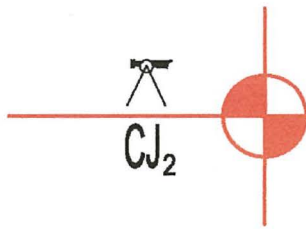
Dated: June 21, 2019

Danya K. Dewby  
Notary Public in and for the State of Washington  
My Appointment Expires: 3/1/2020





# EXHIBIT A



**CHASE, JONES & ASSOCIATES INC.**

FORMERLY BOOTH & WRIGHT  
LAND SURVEYORS & ENGINEERS SINCE 1885

716 SE 11TH AVENUE PORTLAND, OR 97214  
PHONE: (503) 228-9844

Date: May 20, 2019  
Project No.: 15467

## Public Utility Easement Vacation

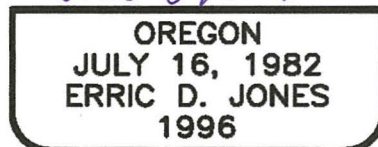
A portion of the Public Utility Easement granted on Partition Plat No. 1996-137 recorded in Clackamas County, Oregon on December 17, 1996, situate in the Southeast Quarter of Section 5, Township 3 South, Range 2 East, Willamette Meridian, described as follows:

**COMMENCING** at the Northwest Corner of Parcel 2 of said Partition Plat No. 1996-137 (said point also being the Initial Point of said Partition Plat), thence along the northerly line of said Parcel 2, South 79°23'09" East 230.35 feet to an angle point therein; thence continuing along said northerly line, South 18°06'09" West 20.00 feet to an angle point therein; thence continuing along said northerly line South 71°53'51" East 74.22 feet to the most Easterly corner of said Parcel 2, also being the **POINT OF BEGINNING** of the herein described Vacation; thence along said northerly line and its westerly prolongation, North 71°53'51" West 84.22 feet to a westerly line of said Public Utility Easement; thence along said westerly line, South 18°06'09" West 10.00 feet to a southerly line of said Public Utility Easement; thence along said southerly line and its easterly prolongation, South 71°53'51" East 84.22 feet to the easterly line of said Parcel 2; thence along said easterly line, North 18°06'09" East 10.00 feet to the **POINT OF BEGINNING**.

The above described vacation contains 842 square feet, more or less.

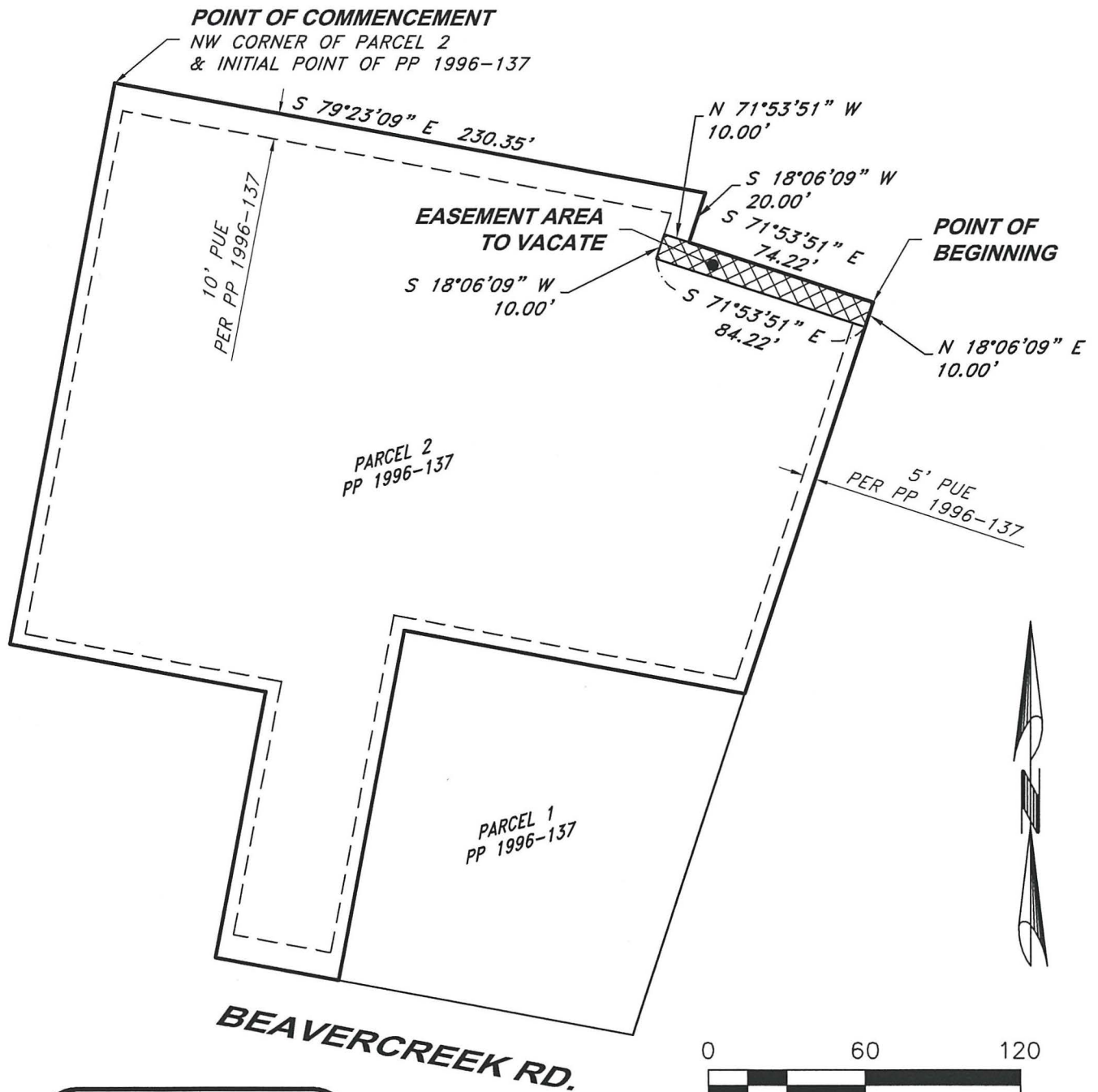


*Eric D. Jones*



RENEWS: 6-30-19

# EXHIBIT B



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Eric D. Jones*

OREGON  
JULY 16, 1982  
ERRIC D. JONES  
1996

RENEWS: 6-30-19

## PUBLIC UTILITY EASEMENT VACATION

OVER  
A PORTION OF PARCEL 2 OF PARTITION PLAT 1996-137  
SITUATED IN THE  
SOUTHEAST 1/4 OF SECTION 5, T 3 S, R 2 E, WM  
CITY OF OREGON CITY, COUNTY OF CLACKAMAS, STATE OF OREGON

BY:

**CHASE, JONES & ASSOCIATES INC.**  
716 S. E. 11TH AVE. PORTLAND, OREGON 97214  
PHONE (503) 228-9844

PROJECT NO.: 15467

DATE: MAY 20, 2019

SCALE: 1" = 60'

**Exhibit C**  
**Public Utility Easement Vacation**  
**Utility Company Written Releases**

[attached]

## Allison Brennan

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**From:** Baxter, Stephanie <Stephanie.Baxter@nwnatural.com>  
**Sent:** Monday, June 10, 2019 12:29 PM  
**To:** Allison Brennan  
**Cc:** Girard, Richard L.; Walti, Steven  
**Subject:** 13851 Beaver Creek Rd, Oregon City - PUE Partial Vacation Request  
**Attachments:** RE BCOMM-19-00065 13851 Beaver Creek Rd retaining walls; Quitclaim Deed - PUE Vacation Monolith Oregon City Auto LLC (00114443xDD....pdf; Quitclaim Deed Exhibits A B - PUE Vacation Monolith Oregon City Auto, ....pdf

Good afternoon Allison-

Forgive me for the delay in getting back to you. I have been out of the office and just returned this morning. This email shall serve as our official approval of the proposed partial vacation request by your client, Oregon City Auto LLC. NW Natural does not have any objection to the request. Our natural gas facilities come off of Beaver Creek Road to serve this address.

Please let me know if you need anything further from us,  
Stephanie

**Stephanie R. Baxter**

NW Natural – Senior Risk & Land Agent  
503.721.2470 | [nwnatural.com](http://nwnatural.com)

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**From:** Allison Brennan [mailto:[abrennan@brixlaw.com](mailto:abrennan@brixlaw.com)]  
**Sent:** Friday, May 24, 2019 12:24 PM  
**To:** Girard, Richard L. <[Richard.Girard@nwnatural.com](mailto:Richard.Girard@nwnatural.com)>  
**Cc:** Kyle Wuepper <[kwuepper@brixlaw.com](mailto:kwuepper@brixlaw.com)>  
**Subject:** [External]13851 Beaver Creek Rd, Oregon City - PUE Partial Vacation Request

**CAUTION:** This email originated outside NW Natural. Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Rich:

This follows my voicemail. Our firm represents Oregon City Auto, LLC, owner of the above-referenced property. The City of Oregon City is requiring that the owner obtain written approval of a partial vacation of a PUE easement from all "dry" utility companies and then build a retaining wall within the vacated area.

Attached is information from Aaron Parker from the City, which includes the original recorded partition plat showing the PUE and the proposed area to be vacated. Also attached are our proposed form of quitclaim deed from the City, which has been approved by the City pending receipt of written approvals of the proposed vacation from all pertinent utilities, and exhibits with legal description and depiction of the proposed vacation area. I have reached out to you, PGE and Comcast.

We understand there are no utilities located in the area to be vacated, as a portion of the building was inadvertently built into the area to be vacated (and why the city is requiring the vacation). Aaron indicated that the "utilities need to sign off on no present or future need for the easement section."

Could you please review the attached documentation and if acceptable, please provide a written approval of the proposed vacation. An email is acceptable.





**Portland General Electric Company**  
*121 SW Salmon Street • Portland, Oregon 97204*

June 17, 2019

Allison Brennan  
Brix Law LLP  
75 SE Yamhill Street, Suite 202  
Portland, OR 97214

Re: 13851 Beaver Creek Road, Oregon City, OR Utility Easement Vacation

Dear Ms. Brennan:

Portland General Electric Company does not have any facilities in the proposed vacation request area on the subject property. Our facilities come off Beaver Creek Road to serve this address. We do not object to you building a retaining wall on the northeast portion of the property. We do not currently intend to use the PUE located on the northeast property line.

Please feel free to contact me at 503-464-8102 if you have any questions or need additional assistance.

Sincerely,

Mark Lindley  
Manager, Property Services



**From:** [Calo, Peter](#)  
**To:** [Allison Brennan](#)  
**Cc:** [Turner, Jason](#); [Hill, Michael](#); [Kopp, Kevin \(Tigard\)](#); [Bravo, Matthew](#); [Calo, Peter](#)  
**Subject:** RE: [EXTERNAL] FW: 13851 Beavercreek Rd, Oregon City - PUE Partial Vacation Request  
**Date:** Monday, June 24, 2019 2:35:24 PM

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Allison,  
Comcast has no present or future need for the easement section. We approve the proposed area of vacation.

Pete Calo  
Manager 1, Planning & Design  
OR/SW Washington Market  
O (503) 596-3920  
C (503) 213-0425  
Portland, OR 97218  
C (503) 213-0425

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**From:** Allison Brennan  
**Sent:** Wednesday, May 22, 2019 3:12 PM  
**To:** '[matthew\\_bravo@comcast.com](mailto:matthew_bravo@comcast.com)' <[matthew\\_bravo@comcast.com](mailto:matthew_bravo@comcast.com)>  
**Cc:** Kyle Wuepper <[kwuepper@brixlaw.com](mailto:kwuepper@brixlaw.com)>  
**Subject:** 13851 Beavercreek Rd, Oregon City - PUE Partial Vacation Request

Matt:

Thank you again for responding so quickly. As we discussed, our firm represents Oregon City Auto, LLC, owner of the above-referenced property. The City of Oregon City is requiring that the owner obtain written approval of a partial vacation of a PUE easement from all "dry" utility companies and then build a retaining wall within the vacated area.

Attached is information from Aaron Parker from the City, which includes the original recorded partition plat showing the PUE and the proposed area to be vacated, our proposed form of quitclaim deed from the City, which has been approved by the City pending receipt of written approvals of the proposed vacation from all pertinent utilities, and exhibits with legal description and depiction of the proposed vacation area. I have reached out to you, PGE and NW Natural.

We understand there are no utilities are located in the area to be vacated. Aaron indicated that the "utilities need to sign off on no present or future need for the easement section."

Could you please review this information and if acceptable, please provide a written approval of the proposed vacation. An email is acceptable.

Construction of the retaining wall has been stopped due to the utility approval requirement. If you are able to expedite review, I'd greatly appreciate it.

Please call me if you have any questions or need additional information.

Thank you,

Allison

**Allison Brennan** | Paralegal

**BRIX Law LLP**

75 SE Yamhill St, Suite 202, Portland, Oregon 97214

T: (503) 741-2314 | E: [abrennan@brixlaw.com](mailto:abrennan@brixlaw.com) | [Web](#)

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