

AFTER RECORDING RETURN TO:

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

Clackamas County Official Records
Sherry Hall, County Clerk

2020-010865

02/14/2020 08:46:02 AM

D-E Cnt=1 Stn=53 CINDY
\$35.00 \$16.00 \$10.00 \$62.00

\$123.00

Project No.: CI 18-004

Tax Map & Lot: 32E08AB03000 GRANTOR: FMK Properties – Molalla, LLC

TEMPORARY CONSTRUCTION & ACCESS EASEMENT

This TEMPORARY CONSTRUCTION and ACCESS EASEMENT is entered into this 5th day of

February, 2020, by and between, property owner FMK Properties – Molalla, LLC, an Oregon 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 descriptions on Exhibit “A”, and illustrated on Exhibit “B”, attached hereto (hereafter referred to as “Easement Area(s)”).
2. Grantor desires to grant to Grantee, for good and valuable consideration a temporary, non-exclusive easement over, under, and across the Easement Area(s), together with the right to go upon said Easement Area(s) for the purpose of driveway reconstruction as part of the Molalla Avenue Streetscape Project.
3. This TEMPORARY CONSTRUCTION and ACCESS EASEMENT is intended to allow the City of Oregon City, or its assigns to undertake the driveway reconstruction and all other activities that the Grantee deems necessary and appurtenant to the above noted activities in conjunction with the Molalla Avenue Streetscape 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(s), together with the right to go upon said Easement Area(s) for the purpose of driveway reconstruction.
2. **Term of Easement.** This TEMPORARY CONSTRUCTION and ACCESS EASEMENT shall be temporary and shall terminate when both the City of Oregon City and property owner has approved the completion of the Molalla Avenue Streetscape project.

Fidelity National Title of Oregon 45141905378-01 COMM

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3. **Hold Harmless Clause.** Grantee shall have the right to conduct temporary construction and maintenance activities within the Easement Area(s), so long as such activities do not unreasonably interfere with the use of the adjoining lands by the Grantor. Upon completion of any work by Grantee in the Easement Area(s), Grantee shall restore the area to its prior condition, at Grantee's sole cost and expense. Grantee shall indemnify Grantor and hold it harmless from any and all claims, actions, damages, liability and expense in connection with damage to person or property arising from any occurrence in or at the Easement Area(s) related to the use by Grantee, its agents, employees, invitees, or licensees, of the Easement Area(s); or occasioned wholly or in part by any act or omission for which Grantee, its agents, contractors, employees, servants, lessees, concessionaires or invitees are legally liable.

The true consideration for this conveyance is ONE THOUSAND FOUR HUNDRED THIRTY AND No/100 (\$1,430.00), the receipt of which is hereby acknowledged by GRANTOR.

[Signature Page(s) Follow]

GRANTOR: FMK Properties – Molalla, LLC

BY: FMK Properties, LLC, a Washington limited liability company, its Member

James F. Keller
Signature No. 1

JAMES F. KELLER, MANAGER
Signer printed name, Title (if any)

Signature No. 2

Signer printed name, Title (if any)

STATE OF OREGON)
County of MULTNOMAH)

This record was acknowledged before me on (date) NOVEMBER 20, 20 19

by JAMES F. KELLER

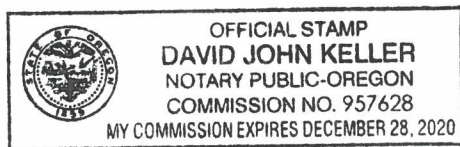
Signer's printed name FMK Properties, LLC, a Washington limited liability company

as MANAGER OF *MEMBER, of FMK
Properties – Molalla, LLC, an Oregon limited liability company.

Title and (if applicable) Name of Corporation or Party on whose behalf the record is executed

Stamp notary seal:

WITNESS my hand and official seal.



David John Keller
Signature of Notary Public

My commission expires: 12/28/2020

STATE OF OREGON)
County of _____)

This record was acknowledged before me on (date) _____, 20____

by _____
Signer's printed name

as _____, of FMK
Properties – Molalla, LLC, an Oregon limited liability company.

Title and (if applicable) Name of Corporation or Party on whose behalf the record is executed

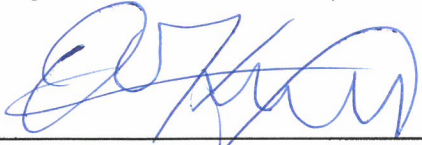
Stamp notary seal:

WITNESS my hand and official seal.

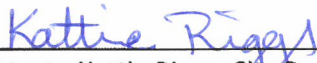
Signature of Notary Public

My commission expires: _____

Accepted on behalf of the City of Oregon City:



By: Dan Holladay, Mayor



Attest: Kattie Riggs, City Recorder

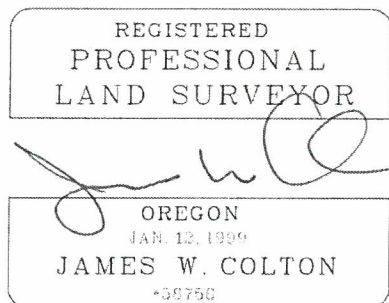
Parcel 2 – Temporary Construction Easement (3 Years or duration of Project, whichever is sooner)

A parcel of land lying in the Northeast one-quarter of Section 8, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to FMK Properties – Molalla, LLC, in that Warranty Deed recorded January 3, 2012 as Document No. 2012-000072, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of 54.08 feet in width and lying between lines at right angles to Stations 64+63.46 and 65+24.50 lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described in Parcel 1.

EXCEPT therefrom that portion lying within the above described Parcel 1 - Permanent Slope and Public Utility Easement.

ALSO EXCEPT therefrom that portion lying that Receiver's Deed, recorded October 14, 2009 as Document No. 2009-072843, Clackamas County Deed Records.

This parcel of land contains 706 square feet, more or less, outside the existing right of way.



RENEWS: DEC. 31, 2019

SIGNED: 5/13/2019

EXHIBIT "B"

FIR STREET

MOLALLA AVENUE
S30°16'52"E

DOC. NO. 2012-000072
TL 32E08AB03000



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 12, 1999
JAMES W. COLTON
*58756

RENEWES: DEC. 31, 2019
SIGNED: 5/13/2019

40' 20' 0 40'
SCALE: 1" = 40'

LEGEND

-  PERMANENT SLOPE & PUBLIC UTILITY EASEMENT
1,555 SQ. FT. ±
-  TEMPORARY CONSTRUCTION EASEMENT
706 SQ. FT. ±

MOLALLA AVENUE PHASE 3
BEAVERCREEK ROAD TO OR 213

FILE NO: 008	SUBMITTAL DATE: MAY 13, 2019
TAX LOT: 03000	ADDRESS: 19201 MOLALLA AVENUE
TAX MAP: 32E08AB	OREGON CITY, OR 97045

**Molalla Avenue Phase 3:
Beavercreek Road to OR 213
City of Oregon City
May 13, 2019**

**Tax Map 32E08AB
Tax Lot 03000**

Parcel 1 – Permanent Slope and Public Utility Easement

A parcel of land lying in the Northeast one-quarter of Section 8, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to FMK Properties – Molalla, LLC, in that Warranty Deed recorded January 3, 2012 as Document No. 2012-000072, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land variable in width and lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described as follows:

The center line of said road is described as follows:

Beginning at center line Station 38+67.42, said station bears North 76°42'53" West 5,355.98 feet from the one-quarter corner common to Sections 4 and 9, Township 3 South, Range 2 East, Willamette Meridian; thence South 30°16'52" East 4,056.28 feet (Station 79+23.71 = Station a 70009+00.00 ahead); thence South 30°16'52" East 272.51 feet to a point of curvature (Station a 70011+72.51); thence along the arc of a 572.96 foot radius curve to the left, through a central angle of 49°48'36", an arc distance of 498.10 feet (the long chord of which bears South 55°11'10" East 482.57 feet) to a point of tangency (Station a 70016+70.61), said point bears South 43°25'20" West 3,831.55 feet from the one-quarter corner common to said Sections 4 and 9.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
59+50.95		66+57.78	40.86 in a straight line to 41.64

Bearings are based on the Oregon Coordinate Reference System – Portland Zone, NAD 83 (2011) epoch 2010.00.

This parcel of land contains 1,555 square feet, more or less, outside the existing right of way.