

Clackamas County Official Records
Sherry Hall, County Clerk

2020-007605

02/03/2020 09:32:02 AM

D-E Cnt=1 Stn=75 TIFFANY
\$35.00 \$16.00 \$10.00 \$62.00

\$123.00

AFTER RECORDING RETURN TO:

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

Project No.: CI 18-009

Tax Map & Lot: 32E08A003201 GRANTOR: Citizens Bank

TEMPORARY CONSTRUCTION & ACCESS EASEMENT

This TEMPORARY CONSTRUCTION and ACCESS EASEMENT is entered into this 26th day of November, 2019, by and between, property owner Citizens Bank, (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 45141905379.01 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 **SIXTY NINE AND No/100 Dollars (\$69.00)**, the receipt of which is hereby acknowledged by GRANTOR.

[Signature Page(s) Follow]

GRANTOR: Citizens Bank
As shown on Page 1 (name of organization or individual property owner(s))

Bill Stah
Signature No. 1

Bill Humphreys EVP/COO
Signer's printed name Title (if applicable)

Signature No. 2

Signer's printed name Title (if applicable)

STATE OF OREGON)

County of Benton)

This record was acknowledged before me on (month & day) November 26, 20 19

by Bill Humphreys, as EVP/COO
Signer's printed name Title (write "N/A" if not applicable)

of Citizens Bank
Name of Corporation on whose behalf record is executed (write "N/A" if not applicable)

Stamp notary seal:

WITNESS my hand and official seal.



Elizabeth A Coulombe
Signature of Notary Public

My commission expires: 7.5.2020

Accepted on behalf of the City of Oregon City:

[Signature]
By: Dan Holladay, Mayor

[Signature]
By: John M. Lewis, Public Works Director

Katie Riggs
Attest: Katie Riggs, City Recorder

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

**Tax Map 32E08AB
Tax Lot 03201**

Parcel 1 – Right-of-Way Dedication

A parcel of land lying in Parcel 2 of Partition Plat 2001-58 being located 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 Citizens Bank, Corvallis, Oregon, in that Receiver's Deed recorded October 14, 2009 as Document No. 2009-072843, 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:

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width on Westerly Side of Center Line</u>
66+62.55		66+79.25	40.00 in a straight line to 72.33
66+79.25		67+00.00	72.33 in a straight line to 65.63

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

This parcel of land contains 182 square feet, more or less, outside the existing right of way.

Parcel 2 – Permanent Slope Easement

A parcel of land lying in Parcel 2 of Partition Plat 2001-58 being located 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 Citizens Bank, Corvallis, Oregon, in that Receiver's Deed recorded October 14, 2009 as Document No. 2009072843, 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 in Parcel 1.

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

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width on Westerly Side of Center Line</u>
59+50.95		66+57.78	40.86 in a straight line to 41.64
66+57.78		66+76.75	41.64 in a straight line to 78.38
66+76.75		67+00.00	78.38 in a straight line to 70.88

EXCEPT therefrom that portion lying within the above described Parcel 1 – Right-of-Way Dedication.

This parcel of land contains 450 square feet, more or less, outside the existing right of way

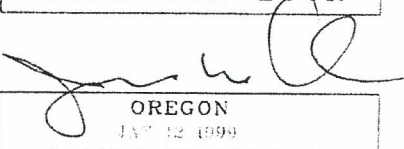
Parcel 3 – Temporary Construction Easement (3 Years or duration of Project, whichever is sooner)

A parcel of land lying in Parcel 2 of Partition Plat 2001-58 being located 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 Citizens Bank, Corvallis, Oregon, in that Receiver's Deed recorded October 14, 2009 as Document No. 2009072843, 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 2 - Permanent Slope and Public Utility Easement.

This parcel of land contains 59 square feet, more or less, outside the existing right of way.

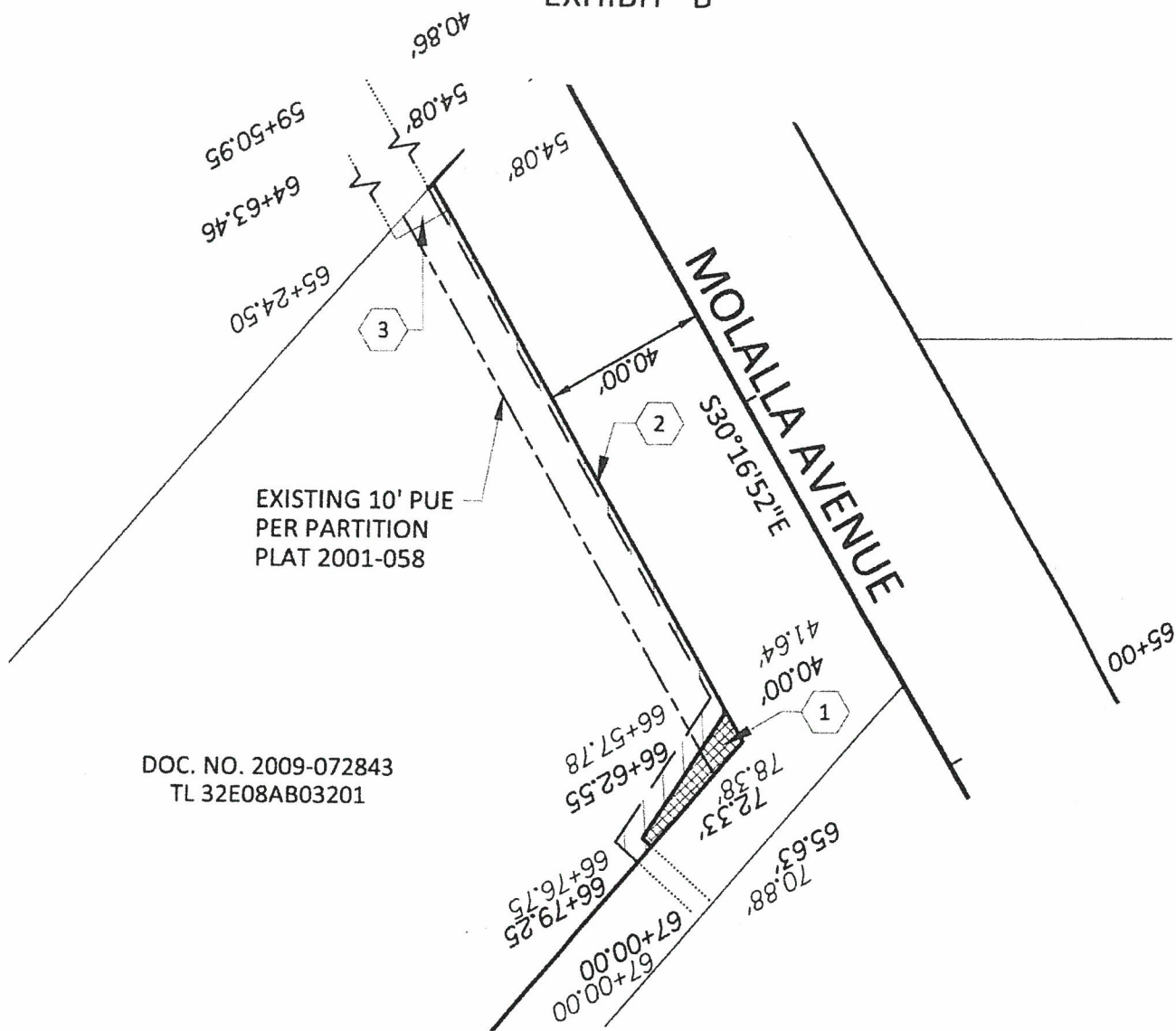
REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JAN 12 1999
JAMES W. COLTON
100752

RENEWS: DEC. 31, 2019

SIGNED: 5/13/2019

EXHIBIT "B"

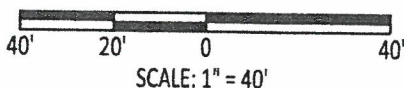


DOC. NO. 2009-072843
TL 32E08AB03201



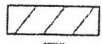



REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

RENEWALS: DEC. 31, 2019
SIGNED: *[Signature]*



LEGEND

-  RIGHT OF WAY DEDICATION
-  182 SQ. FT. ±
-  PERMANENT SLOPE EASEMENT
-  450 SQ. FT. ±
-  TEMPORARY CONSTRUCTION EASEMENT
-  59 SQ. FT. ±

MOLALLA AVENUE PHASE 3 BEAVERCREEK ROAD TO OR 213

FILE NO: 009	SUBMITTAL DATE: MAY 13, 2019
TAX LOT: 03201	ADDRESS: 19245 MOLALLA AVENUE
TAX MAP: 32E08AB	OREGON CITY, OR 97045