

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

2020-010797

02/13/2020 03:57:02 PM

D-E Cnt=1 Stn=73 LESLIE
\$40.00 \$16.00 \$10.00 \$62.00

\$128.00

Project No.: CI 18-004

Tax Map & Lot: 32E08A000900 GRANTOR: The Holland, Inc., a Washington corporation

TEMPORARY CONSTRUCTION & ACCESS EASEMENT

This TEMPORARY CONSTRUCTION and ACCESS EASEMENT is entered into this 2nd day of October, 2019, by and between, property owner The Holland, Inc., Washington corporation, (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.

45141905373-01 COMM
Fidelity National Title of Oregon

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P.O. Box 3040
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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 **FIVE HUNDRED FIFTY ONE AND No/100 Dollars (\$551.00)**, the receipt of which is hereby acknowledged by GRANTOR.

[Signature Page(s) Follow]

GRANTOR: The Holland, Inc.
As shown on Page 1 (name of organization or individual property owner(s))

Jennifer Mears
Signature No. 1

Jennifer A. Mears, President
Signer's printed name Title (if applicable)

Signature No. 2

Signer's printed name Title (if applicable)

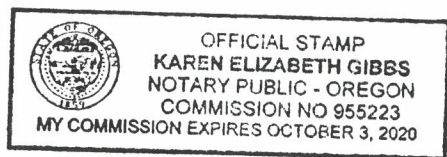
STATE OF ~~OREGON~~ Washington
County of Clark

This record was acknowledged before me on (month & day) October 3, 2019

by Jennifer A. Mears, as President
Signer's printed name Title (write "N/A" if not applicable)

of The Holland, Inc.
Name of Corporation on whose behalf record is executed (write "N/A" if not applicable)

Stamp notary seal:



WITNESS my hand and official seal.

Karen Elizabeth Gibbs
Signature of Notary Public

My commission expires: 10/3/2020

Accepted on behalf of the City of Oregon City:

[Signature]
By: Dan Holladay, Mayor

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

Kattie Riggs
Attest: Kattie Riggs, City Recorder

**Molalla Avenue Phase 3:
Beavercreek Road to OR 213
City of Oregon City
Rev. August 1, 2019**

**Tax Map 32E08AB
Tax Lot 00900**

Parcel 1 – Right-of-Way Dedication

A parcel of land lying in the Northeast one-quarter of Section 8 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to The Property 2002, LLC, a Delaware limited liability company in that Statutory Bargain and Sale Deed, recorded March 8, 2002 as Document No. 2002-022535, 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
58+60.79		58+79.31	30.00 in a straight line to 42.86
58+79.31		58+84.67	42.86 in a straight line to 57.21
58+84.67		58+95.00	57.21 in a straight line to 53.36

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

This parcel of land contains 117 square feet, more or less, outside the existing right of way.

Parcel 2 – Permanent Slope and Public Utility Easement

A parcel of land lying in the Northeast one-quarter of Section 8 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to The Property 2002, LLC, a Delaware limited liability company in that Statutory Bargain and Sale Deed, recorded March 8, 2002 as Document No. 2002-022535, 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:

Station	to	Station	Width on Westerly Side of Center Line
57+20.00		58+67.51	40.55 in a straight line to 40.75
58+67.51		58+75.17	40.75 in a straight line to 46.07
58+75.17		58+81.73	46.07 in a straight line to 63.64
58+81.73		58+95.00	63.64 in a straight line to 58.67

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

EXCEPT therefrom that portion lying within the above described Parcel 3 – Permanent Traffic Signal Easement.

This parcel of land contains 1,596 square feet, more or less, outside the existing right of way.

Parcel 3 – Permanent Traffic Signal Easement

A parcel of land lying in the Northeast one-quarter of Section 8 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to The Property 2002, LLC, a Delaware limited liability company in that Statutory Bargain and Sale Deed, recorded March 8, 2002 as Document No. 2002-022535, Clackamas County Deed Records; said parcel being that portion of said property lying within the following described tract:

Beginning at a point opposite and 30.00 feet Southwesterly of Engineer's Station 58+60.79 on the center line of Molalla Avenue; thence Southwesterly in a straight line to a point opposite and 41.13 feet Southwesterly of Engineer's Station 58+70.16 on said center line; thence Southeasterly in a straight line to a point opposite and 42.86 feet Southwesterly of Engineer's Station 58+79.61 on said center line; thence Northeasterly in a straight line to the point of beginning.

The centerline is described in Parcel 1.

This parcel of land contains 43 square feet, more or, less, outside of the existing right of way.

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

Parcel 4 - Temporary Construction Easement (1 Year or duration of Project, whichever is sooner)

A parcel of land lying in the Northeast one-quarter of Section 8 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to The Property 2002, LLC, a Delaware limited liability company in that Statutory Bargain and Sale Deed, recorded March 8, 2002 as Document No. 2002-022535, 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.

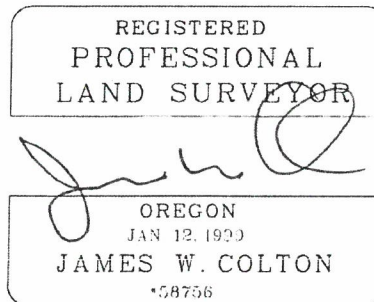
The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
56+88.30		57+54.65	54.93 in a straight line to 54.42

EXCEPT therefrom that portion lying within the above described Parcel 3 – Permanent Traffic Signal Easement.

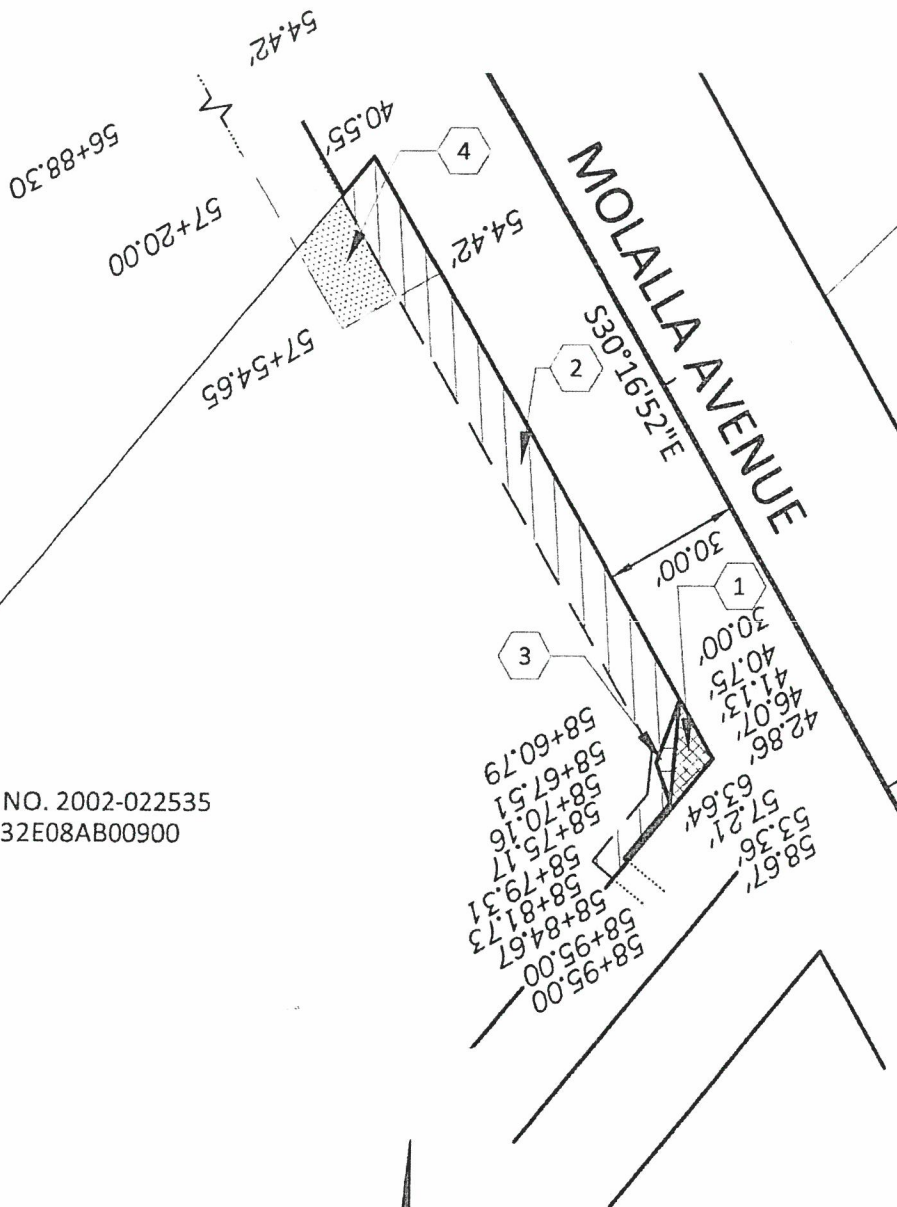
EXCEPT therefrom that portion lying within the above described Parcel 2 - Permanent Slope and Public Utility Easement.

This parcel of land contains 272 square feet, more or less, outside the existing right of way.



RENEWS: DEC 31, 2019
SIGNED: 2/01/2019

EXHIBIT "B"



DOC. NO. 2002-022535
TL 32E08AB00900









REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

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

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

LEGEND

-  RIGHT OF WAY DEDICATION
-  117 SQ. FT. ±
-  PERMANENT SLOPE & PUBLIC UTILITY EASEMENT
-  1,596 SQ. FT. ±
-  PERMANENT TRAFFIC SIGNAL EASEMENT
-  43 SQ. FT. ±
-  TEMPORARY CONSTRUCTION EASEMENT
-  272 SQ. FT. ±

MOLALLA AVENUE PHASE 3 BEAVERCREEK ROAD TO OR 213

FILE NO: 004	SUBMITTAL DATE: AUGUST 1, 2019
TAX LOT: 00900	ADDRESS: 1900 MOLALLA AVENUE
TAX MAP: 32E08AB	OREGON CITY, OR 97045