

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

2020-089990

10/28/2020 10:44:02 AM

D-E Cnt=1 Stn=7 LISA  
\$35.00 \$16.00 \$10.00 \$62.00

\$123.00

Project No.: CI 18-011

Tax Map & Lot: 32E08A002200 GRANTOR: Douglas Loftesness and Shao Xia Li

## TEMPORARY CONSTRUCTION & ACCESS EASEMENT

This TEMPORARY CONSTRUCTION and ACCESS EASEMENT is entered into this 12<sup>th</sup> day of October, 20 19, by and between, property owner Douglas Loftesness and Shao Xia Li, as tenants by the entirety (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.

45141905385-01 COMM  
Fidelity National Title of Oregon

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**Tax Map & Lot:** 32E08A002200 **GRANTOR:** Douglas Loftesness and Shao Xia Li

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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.

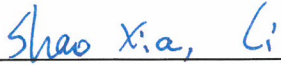
The true consideration for this conveyance is THREE HUNDRED TWENTY-SEVEN AND No/100 (\$327.00), the receipt of which is hereby acknowledged by GRANTOR.

[Signature Page(s) Follow]

GRANTOR: Douglas Loftesness and Shao Xia Li



Douglas Loftesness



Shao Xia Li

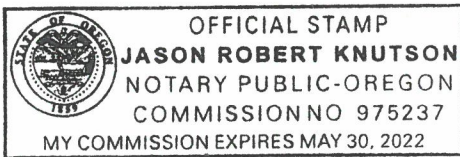
STATE OF OREGON )

County of Clackamas )

This record was acknowledged before me on (month & day) October 12, 2019 by Douglas Loftesness.

Stamp notary seal:

WITNESS my hand and official seal.





Signature of Notary Public

My commission expires: May 30, 2022

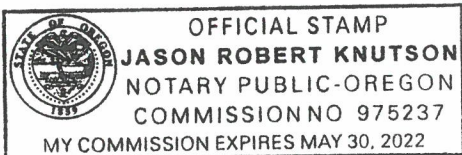
STATE OF OREGON )

County of Clackamas )

This record was acknowledged before me on (month & day) October 12, 2019 by Shao Xia Li.

Stamp notary seal:

WITNESS my hand and official seal.

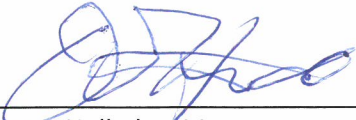




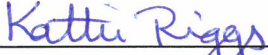
Signature of Notary Public

My commission expires: May 30, 2022

Accepted on behalf of the City of Oregon City:

A handwritten signature in blue ink, appearing to read "Dan Holladay", written over a horizontal line.

By: Dan Holladay, Mayor

A handwritten signature in blue ink, appearing to read "Kattie Riggs", written over a horizontal line.

Attest: Kattie Riggs, City Recorder





## EXHIBIT A

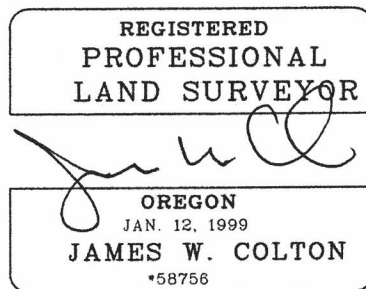
### Description of the Temporary Construction Easement 1

A parcel of land lying in the Robert Caufield Donation Land Claim No. 53, Section 8, Township 3 South, Range 2 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon, and being a portion of that property described in that Statutory Warranty Deed to Douglas Loftesness and Shao Xia Li, husband and wife, recorded July 11, 2017, as Recorder's Fee No. 2017-047082 and being more particularly described as follows:

Commencing at a found 5/8" iron rod at the Northwest corner of said property; thence along the North line of said property, North 75°19'51" East a distance of 110.50 feet; thence leaving said North line, South 30°12'16" East a distance of 65.59 feet to the true Point of Beginning; thence South 30°16'52" East a distance of 34.34 feet; thence South 59°43'08" West a distance of 9.29 feet; thence North 30°16'52" West a distance of 34.34 feet; thence North 59°43'08" East a distance of 9.33 feet to the true Point of Beginning.

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

This parcel of land contains 320 square feet, more or less.



RENEWS: DEC. 31, 2021  
SIGNED: 10/05/2020



## EXHIBIT A

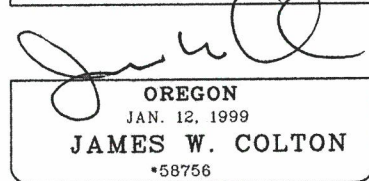
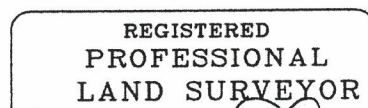
### Description of the Temporary Construction Easement 2

A parcel of land lying in the Robert Caufield Donation Land Claim No. 53, Section 8, Township 3 South, Range 2 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon, and being a portion of that property described in that Statutory Warranty Deed to Douglas Loftesness and Shao Xia Li, husband and wife, recorded July 11, 2017, as Recorder's Fee No. 2017-047082 and being more particularly described as follows:

Commencing at a found 5/8" iron rod at the Northwest corner of said property; thence along the West line of said property, South 30°04'58" East a distance of 165.69 feet; thence leaving said West line and along the South line of said property, North 67°34'32" East a distance of 101.00 feet to the true Point of Beginning; thence leaving said South line, North 30°17'08" West a distance of 7.46 feet; thence North 59°43'08" East a distance of 7.18 feet; thence South 31°15'40" East a distance of 8.47 feet to a point on said South line; thence along said South line, South 67°34'32" West a distance of 7.39 feet to the true Point of Beginning.

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

This parcel of land contains 58 square feet, more or less.



RENEWS: DEC. 31, 2021  
SIGNED: 10/05/2020

# EXHIBIT "B"

SEC. 8, T. 3S, R. 2E, W.M.

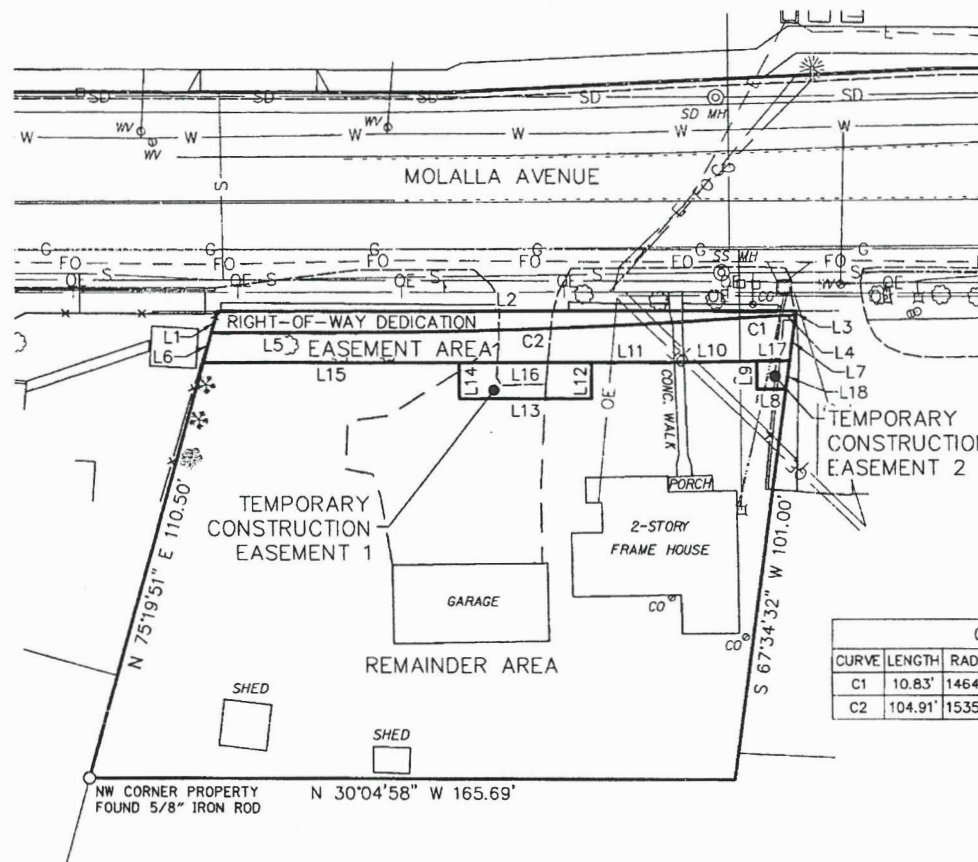
## SURVEYOR'S DECLARATION

I, JAMES W. COLTON, DECLARE THAT ON FEBRUARY 4, 2020 I HAD A SURVEY CREW, WORKING UNDER MY DIRECT SUPERVISION, SURVEY THE ABOVE GROUND IMPROVEMENTS ON THIS PROPERTY AND THIS SKETCH MAP REFLECTS THE RESULTS OF THAT SURVEY. TO MY KNOWLEDGE THERE ARE NO SEPTIC SYSTEMS OR WELLS ON THE PROPERTY.

JAMES W. COLTON, PLS 58756

## LEGEND

---	ASPHALT PAVEMENT LINE
- - -	GRAVEL LINE
- x - x -	FENCE LINE
---	EDGE OF CONCRETE
---	CONCRETE CURB
- G -	GAS LINE
- S -	SANITARY SEWER LINE
- SD -	STORMWATER DRAIN LINE
- E -	POWER LINE
- C -	TV COMMUNICATION LINE
- FO -	FIBER OPTIC LINE
- W -	WATER LINE
- T -	OVERHEAD TELEPHONE LINE
- OE -	OVERHEAD ELECTRIC LINE
SS MH ⊙	SANITARY SEWER MANHOLE
SD MH ⊙	STORMWATER MANHOLE
WM	WATER METER
WV	WATER VALVE
CO	SANITARY SEWER CLEANOUT
⊙	TREE
I	SIGN



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N 75°19'51" E	5.71'
L2	S 30°16'52" E	148.88'
L3	S 67°34'32" W	1.06'
L4	S 32°26'24" E	4.50'
L5	S 30°16'52" E	30.13'
L6	N 75°19'51" E	7.82'
L7	S 67°34'32" W	11.73'
L8	S 30°17'08" E	7.46'
L9	S 59°43'08" W	7.18'
L10	S 31°15'40" E	22.65'
L11	S 30°12'16" E	19.72'
L12	S 59°43'08" E	9.29'
L13	S 30°16'52" E	34.34'
L14	S 59°43'08" W	9.33'
L15	S 30°12'16" E	65.59'
L16	S 30°12'16" E	34.34'
L17	S 31°15'40" E	8.47'
L18	S 67°34'32" W	7.39'

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	10.83'	1464.50'	0°25'25"	N 33°59'02" W 10.83'
C2	104.91'	1535.50'	3°54'53"	S 32°14'18" E 104.89'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

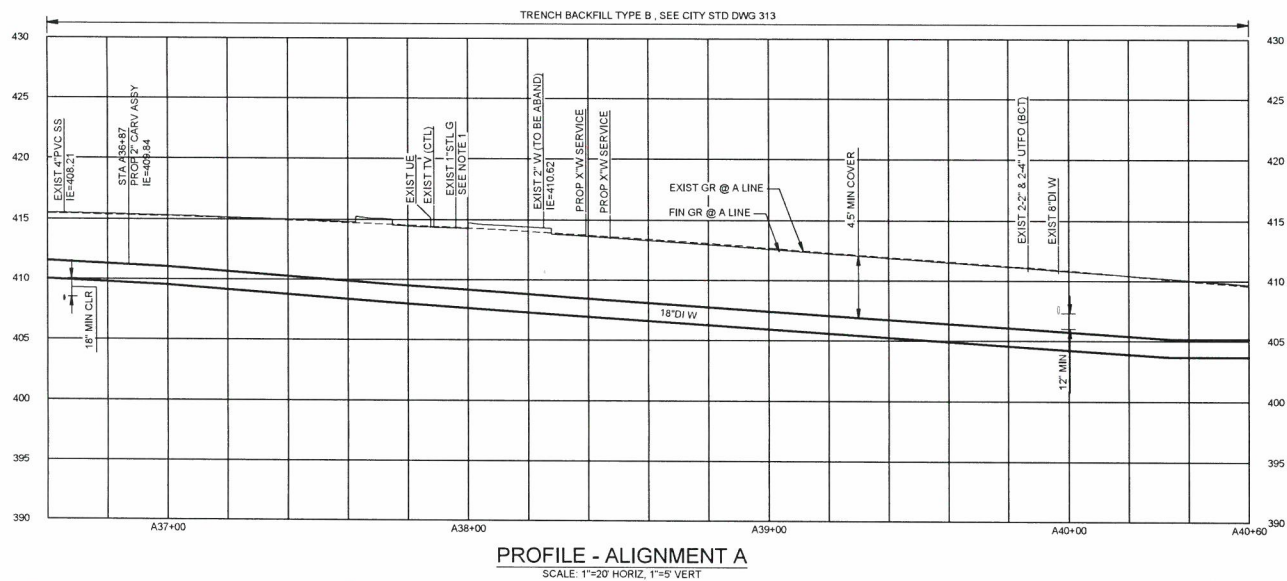
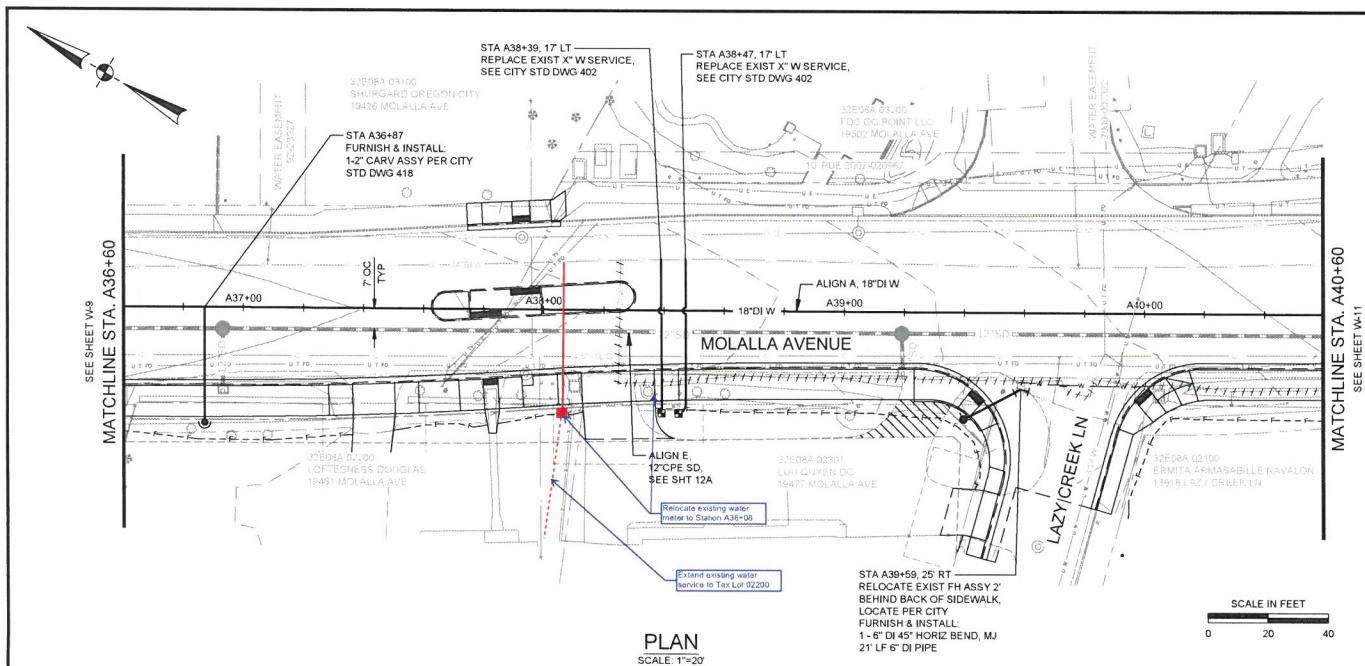
OREGON  
JAN. 12, 1999  
JAMES W. COLTON  
#58756

RENEWS: DEC. 31, 2021

SIGNED: 02/24/2020

SCALE 1" = 30'		DATE February 24, 2020	
Lofness Property - Tax Lot 32E8A02200			
Owner	Street	County	Purpose
	Molalla Avenue	Clackamas	Road Improvements
Sketch Map		Molalla_Sketch_Map.dwg	
DOWL			





#### NOTES

1. INSTALL GEOMEMBRANE LAYER BETWEEN STEEL GAS LINE AND WATER MAIN CROSSING, SEE DETAIL X, SHEET W-XX.



**murray smith**  
REGISTERED PROFESSIONAL ENGINEER  
LICENSE NO. 18-2344  
STATE OF OREGON  
EXPIRATION DATE: OCT 02, 2019  
As Shown

OC PROJECT # CI 18-004  
MOLALLA AVENUE PHASE 3, BEAVERCREEK ROAD TO OR 213  
MOLALLA AVENUE  
CLATSOP COUNTY  
TRANSMISSION MAIN (A-LINE) PLAN AND PROFILE  
STA A36+60 TO STA A40+60

REVISIONS	DATE	BY	DESCRIPTION



CITY OF OREGON CITY  
PUBLIC WORKS DEPARTMENT  
APPROVAL FOR CONSTRUCTION

APPROVED AS SUBMITTED  
APPROVED AS NOTED IN RED

SIGNATURE  
NAME  
DATE

DATE: XX/XX/XXXX  
DC RECORD DRAWING: XXXXXX.XX

DRAWING NUMBER

**W-10**  
SHEET — OF X

#### LEGEND

////// ABANDON