

SR

AFTER RECORDING RETURN TO:

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

Planning No.: GLUA-20-00026

Tax Map & Lot: 32E05C 00402

GRANTOR: Clairmont MHC, LLC, an Oregon limited liability company

Clackamas County Official Records  
Sherry Hall, County Clerk

2021-045337



\$113.00

D-E Cnt=1 Stn=9 COUNTER1  
\$25.00 \$16.00 \$62.00 \$10.00

05/04/2021 10:44:13 AM

## CITY OF OREGON CITY, OREGON PUBLIC UTILITY(S) EASEMENT

KNOW ALL BY THESE PRESENTS, THAT Clairmont MHC, LLC, an Oregon limited liability company, hereinafter called "**Grantor**", does hereby grant unto the City of Oregon City, hereinafter called the "**City**", and its successors in interest and assigns, a permanent easement, including the permanent right to construct, reconstruct, operate, and maintain utilities within the easement, described as follows:

See attached **Exhibit A** Legal Description, and

**Exhibit B** Drawing for Legal Description

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against all loss, cost, or damage arising out of the exercise of the rights granted herein.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

The true consideration of this conveyance is for other value given, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances (no exceptions), and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through or under the GRANTOR.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the Permittee has executed this instrument this 17 day of March, 20 21. The person(s) whose name(s) is are subscribed to the within instrument acknowledge that he/she/they executed the instrument in his/her/their legally authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[Signature Page(s) Follow]

**GRANTOR:**

**CLAIRMONT MHC, LLC,**  
an Oregon limited liability company

By: Hogan Woods Apartments, LLC,  
an Oregon limited liability company,  
its Sole Member

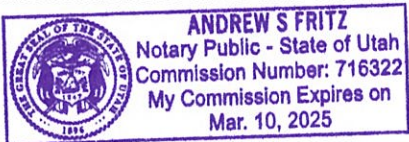
By: BLF Holdings, LLC,  
a Washington limited liability company,  
its Manager

By: The Brian L. Fitterer Revocable Trust,  
a California trust,  
its Sole Member

By:   
Brian L. Fitterer, Trustee

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF SUMMIT        )


On this 17 day of March, 2021, before me Andrew S. Fritz, a notary public, personally appeared Brian L. Fitterer, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

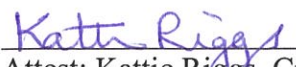


  
Notary Public

**Accepted on behalf of the City of Oregon City:**

  
By: Anthony J. Konkol III, City Manager

  
By: John M. Lewis, Public Works Director

  
Attest: Katie Riggs, City Recorder



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 | www.aks-eng.com

AKS Job #6495

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT A

### Public Utility Easement Description

A tract of land located in the North One-Half of Section 8, Township 3 South, Range 2 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon, and being more particularly described as follows:


Beginning at the southeasterly corner of Lot 1, Block 12 of the plat "Hillendale No. 4", Plat No. 2209, Clackamas County Plat Records, also being on the northwesterly right-of-way line of Clairmont Way (30.00 feet from centerline); thence along the northeasterly line of said Lot 1, North 45°25'05" West 10.01 feet to a line which is parallel with and 10.00 feet northwesterly of, when measured at right angles to, said northwesterly right-of-way line; thence along said parallel line, North 46°56'48" East 974.08 feet to the northeasterly line of Document Number 2019-012650, Clackamas County Deed Records; thence along said northeasterly line, South 28°39'16" East 10.32 feet to said northwesterly right-of-way line of Clairmont Way; thence along said northwesterly right-of-way line, South 46°56'48" West 971.10 feet to the Point of Beginning.

The above described tract of land contains 9,726 square feet, more or less.

Bearings for this description are based on State Plane Grid bearing, Oregon State Plane, North Zone 3601, NAD83(2011) Epoch: 2010.0000. Distances shown are International Foot ground values.

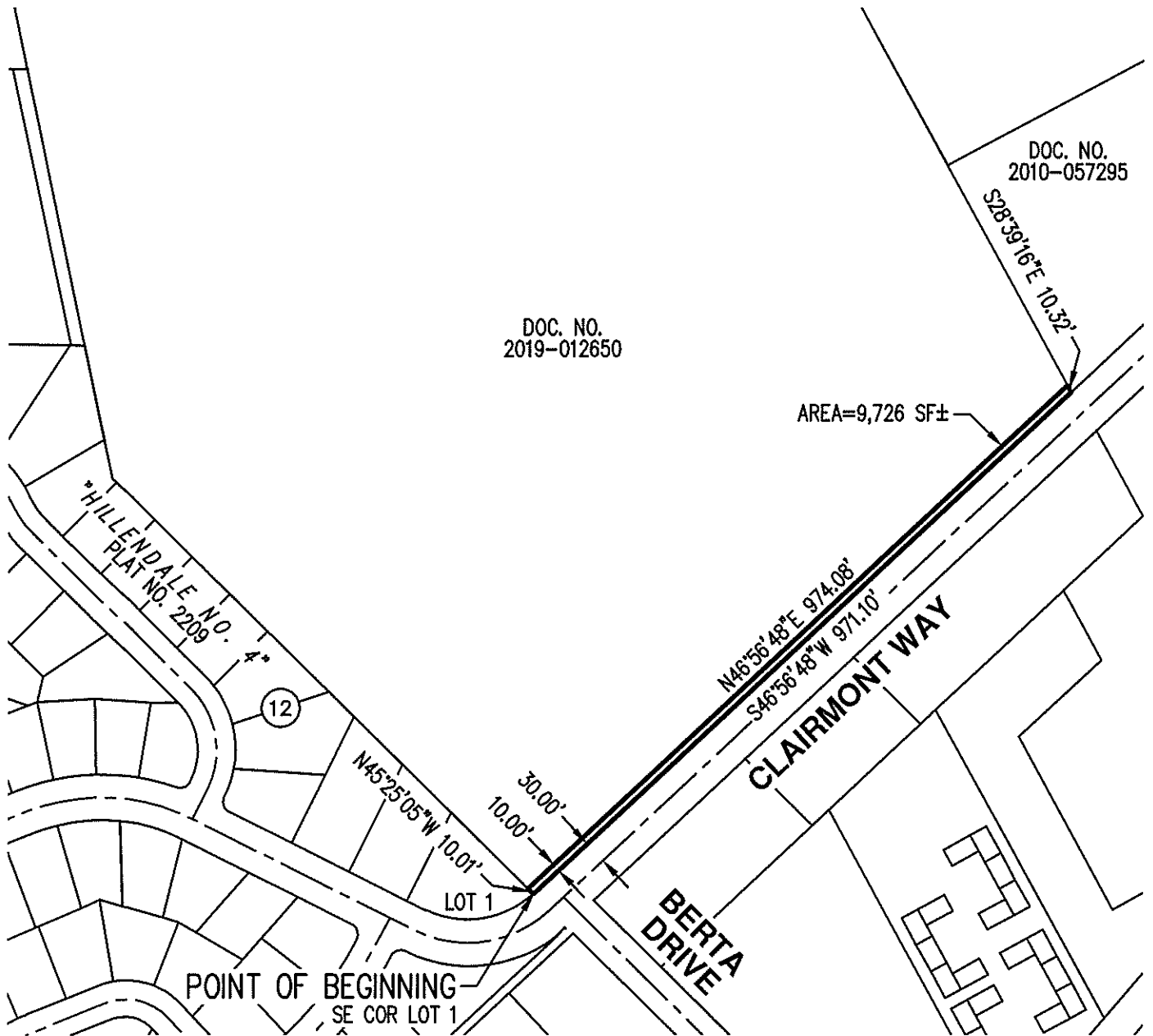
12/21/2020

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

  
OREGON  
JANUARY 11, 2005  
ROBERT D. RETTIG  
60124LS  
RENEWS: 12/31/22

# EXHIBIT B

A TRACT OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 8,  
TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,  
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON



12/21/2020

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

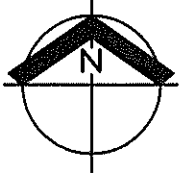
OREGON  
JANUARY 11, 2005  
ROBERT D. RETTIG  
60124LS

RENEW: 12/31/22

## PREPARED FOR

CLAIRMONT MHC LLC  
18006 SKY PARK CIRCLE, SUITE 200  
IRVINE, CA 92614

SCALE: 1" = 200 FEET



## PUBLIC UTILITY EASEMENT MAP

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
503.563.6151 WWW.AKS-ENG.COM

**AKS**

EXHIBIT  
**B**

DRWN: WCB  
CHKD: RDR  
AKS JOB:  
6495