

AFTER RECORDING RETURN TO:

ZEK, LLC  
5200 SE Harney Street  
Portland, Oregon 97206

(ABOVE SPACE FOR RECORDER'S USE)

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## **PUBLIC CURB RAMPS AND ACCESS EASEMENT**

THIS EASEMENT is made this 14th day of May, 2019, by ZEK, LLC, an Oregon LLC, whose mailing address is 5200 SE Harney St., Portland, Oregon 97206 ("Grantor"), to the CITY OF OREGON CITY, an Oregon municipal corporation, whose mailing address is PO Box 3040, Oregon City, Oregon 97045 ("Grantee").

WHEREAS, the Grantor is the owner of real property commonly known as 13825 South Meyers Road, Oregon City, Oregon and legally described in Exhibit "A" attached hereto ("Grantor's Land"); and

WHEREAS, the Grantee desires a perpetual, non-exclusive curb ramp and access easement for public use and other appropriate purposes incidental thereto, in, on, over, under, and across a portion of Grantor's Land; and

WHEREAS, the Grantor is willing to grant such an easement on a portion of Grantor's Land to the Grantee; and

WHEREAS, the Grantee, at its expense, shall cause curb ramps to be constructed, maintained, replaced, and repaired on a portion of Grantor's Land, which portion is more particularly described in the attached Exhibit "B" ("Easement Land");

**NOW, THEREFORE**, for and in consideration of mutual covenants each to the other running and One Thousand Six Hundred Dollars (\$1,600.00) and other good and valuable consideration, the Grantor does hereby grant unto the Grantee, its successors and assigns, subject to the terms hereof, a curb ramp and public access easement for public use, in perpetuity, in, on, over, under, and across the Easement Land.

1. Recitals Incorporated. The foregoing recitals are incorporated by reference and made a part of this grant of easement.

2. Grant of Easement. The Grantor hereby grants to Grantee a perpetual, non-exclusive easement in, on, over, under, and across the Easement Land for curb ramps, in perpetuity. This grant of easement shall not be construed as a dedication to the public of the underlying fee simple ownership of the Easement Land.

3. Construction and Maintenance of Curb Ramps. At Grantee's sole cost and expense, Grantee shall construct curb ramps within the Easement Land pursuant to a site plan approved for Grantor's Land, and Grantee shall maintain, replace, and repair the curb ramps as necessary.

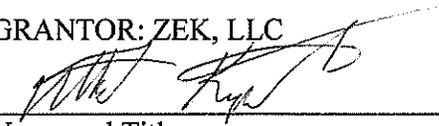
4. Title Warranties. Grantor warrants that Grantor has good and indefeasible fee simple title to and possession of the Easement Land and that it has good and lawful right to grant this easement.

5. Benefits and Burdens Run with Land. All provisions of this Easement, including the benefits and burdens, run with the Easement Land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

6. Termination or Relocation. Should the Grantee cease using the Easement Land for curb ramps for a period of more than twelve (12) months, this grant of easement shall automatically terminate.

7. Terms. Wherever used herein, the terms, "Grantor" and "Grantee" shall include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships (including joint ventures and LLCs), public bodies and quasi-public bodies.

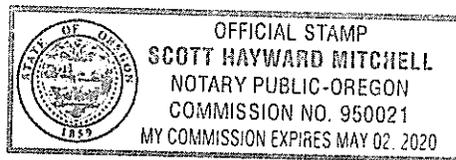
GRANTOR: ZEK, LLC

  
Name and Title

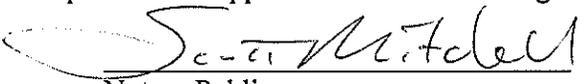
STATE OF OREGON )

County of Multnomah )

ss.



On this 14<sup>th</sup> day of May, 2019 Albert A. Kryszek, personally appeared before me and acknowledged this instrument to be his or her voluntary act and deed, and further affirmed that he or she is a duly authorized officer of ZEK, LLC with full power and authority to sign and acknowledge this document for and on behalf of ZEK, LLC. I further certify that the individual who signed this instrument before me was either personally known to me, or that I have satisfactory evidence that he or she is in fact the person who appeared before me and signed this instrument.

  
Notary Public

(Grantor's Name and Address)

**City of Oregon City**  
**P.O. Box 3040**  
**625 Center Street**  
**Oregon City, OR 97045-0304**

Accepted on behalf of the City of Oregon City on the condition that the easement granted is free and clear from any taxes, liens, and encumbrances.

Mayor

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City Recorder

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## EXHIBIT A

### LEGAL DESCRIPTION

Part of the Donation Land Claim of Robert Caufield No. 53, T.3S., R.2E., of the W.M., in the County of Clackamas and State of Oregon, described as follows: Beginning at the Southeast or most Southerly corner of the Samuel N. Vance D.L.C. No. 51 in said township and range; which beginning point is a stone set in the ground; running thence North 17°55' East 5.19 chains; thence North 74°50' East 37.65 chains to the center of the Molalla and Oregon City road; thence South 29°30' East following said road 4.56 chains; thence South 74°50' West 41.50 chains to the place of beginning,

### EXCEPTING THEREFROM A PARCEL DESCRIBED AS:

Beginning at the Southeast or most Southerly corner of the Samuel N. Vance D.L.C. No. 51 in said township and range, which beginning point is a stone set in the ground; running thence North 74°50' East along the Southerly line of the Lilly Tract described in Book 312, page 145, Deed Records, a distance of 852.00 feet; thence North 15°10' West a distance of 137.00 feet to a point which is South 15°10' East and 150.00 feet distant from the Northerly line of the aforementioned Lilly Tract and the true place of beginning of the tract herein described, from said true place of beginning; thence South 74°50' West parallel with and 150.00 feet distant from the Northerly line of said Lilly Tract a distance of 260.00 feet; thence South 15°10' East 122.00 feet; more or less, to a point which is 15.00 feet distant from the Southerly line of said Lilly Tract; thence South 74°50' West parallel with and 15.00 feet distant from the Southerly line of said Lilly Tract a distance of 583.00 feet, more or less, to the Westerly line of said Lilly Tract; thence North 17°55' East along said Westerly line a distance of 330.00 feet, more or less, to the Northwesterly corner of said Lilly Tract; thence North 74°50' East along the Northerly line of said Lilly Tract a distance of 666.00 feet, more or less, to a point which bears North 15°10' West from the true place of beginning; thence South 15°10' East 150.00 feet to the true place of beginning

### FURTHER EXCEPTING A PARCEL DESCRIBED AS:

Beginning at the Southeast or most Southerly corner of the Samuel Vance D.L.C. No. 51 in T.3S., R.2E., of the W.M., which beginning point is a stone set in the ground; thence North 74°50' East 41.50 chains to the true place of beginning; thence North 29°30' West 105.00 feet; thence South 74°50' West 205.00 feet; thence South 29°30' East 105.00 feet; thence North 74°50' East 205.00 feet to the true place of beginning. Subject to the right of the public in Molalla-Oregon City Road, in the County of Clackamas and State of Oregon,

### AND FURTHER EXCEPTING THE FOLLOWING DESCRIBED PARCEL:

Beginning at the Southeast or most Southerly corner of the Samuel Vance D.L.C. No. 51 in T.3S., R.2E., of the W.M., which beginning point is a stone set in the ground; thence North 74°50' East 41.50 chains; thence North 29°30' West 4.56 chains to the true place of beginning; thence South 74°50' West 660.00 feet; thence South 29°30' East 132.00 feet; thence North 74°50' East 660.00 feet; thence North 29°30' West 132.00 feet to the true place of beginning.

### AND ALSO FURTHER EXCEPTING THE FOLLOWING DESCRIBED PARCEL:

Beginning at the Southeast or most Southerly corner of the Samuel N. Vance D.L.C. No. 51 in said township and range; which beginning point is a stone set in the ground; running thence North 74°50' East along the Southerly line of the Lilly Tract described in Book 312, page 145, Deed Records a distance of 852.00 feet; thence North 15°10' West a distance of 137.00 feet, more or less, to a point which is South 15°10' East and 150.00 feet distant from the Northerly line of the aforementioned Lilly Tract; thence South 74°50' West parallel with and 150.00 feet distant from the Northerly line of said Lilly Tract, 260.00 feet; thence South 15°10' East a distance of 122.00 feet, more or less, to a point which is 15.00 feet distant from the Southerly line of said Lilly Tract; thence South 74°50' West parallel with and 15.00 feet distant from the Southerly line of said Lilly Tract, 583.00 feet, more or less, to the Westerly line of said Lilly Tract; thence South 17°55' West along said Westerly line 16 1/2 feet, more or less, to the place of beginning.

AND FURTHER EXCEPTING THEREFROM that portion described in Deed to State of Oregon, by and through its Department of Transportation, Highway Division, dated June 26, 1981, recorded July 24, 1981 as Recorders Fee No. 81 25983, Film Records.

AND FURTHER EXCEPTING THEREFROM a tract of land in the Robert Caufield Donation Land Claim No. 53, Clackamas County, Oregon, more fully described as follows: That portion of the tract described in a Real Estate Contract from the State of Oregon By and Through the Director of Veterans' Affairs to Columbia Knit, Inc. (which contract was dated September 7, 1984 and recorded September 11, 1984 in Clackamas County Records as Recorder's Fee No. 84-31844) which lies within the boundaries of Meyers Road.

ALSO:

BEGINNING at a point on the North right of way of the proposed Meyers Road, said point being N 17°55'00" E 414.29 feet and N 74°45'25" E 1678.33 feet from the most Southerly corner of the Samuel Vance D.L.C. No. 51, in the Robert Caufield D.L.C. No. 53, located in the S.E. 1/4 of Section 8, T. 3S., R. 2E., W.M., City of Oregon City, Clackamas County, Oregon; thence leaving said right of way N 74°45'25" E 144.18 feet; thence S 29°27'37" E 62.81 feet to the North right of way of said Meyers Road, said right of way being on a 600.00 foot radius curve to the right; thence continuing along said right of way, through said curve having a central angle of 7°29'57" (which chord bears N 84°13'08" W 78.48 feet) 78.53 feet to the beginning of a 660.00 foot radius curve to the left; thence, continuing along said right of way, through said curve, having a central angle of 08°01'25" (which chord bears N 84°28'42" W 92.35 feet) 92.42 feet to the POINT OF BEGINNING. Said parcel containing 0.09 acres more or less.

AND FURTHER SUBJECT TO:

1. Any taxes for 2004-2005 when due or payable.
2. Any Right of Redemption as provided by law.
3. Regulations, including levies, liens, assessments, rights of way and easements of Clairmont Water District.
4. The rights of the public in and to that portion of the premises herein described lying within the limits of roads and highways.
5. Covenants, conditions and restrictions, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, including the terms and provisions thereof, recorded February 2, 1979, Recorders Fee No. 79-4752, Clackamas County Records.
6. An easement created by instrument, including the terms and provisions thereof, dated May 14, 1980, recorded June 16, 1980, Recorders Fee No. 80-22140, Clackamas County Records, in favor of Portland General Electric Company for utilities.
7. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which provides that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property. Recorded July 24, 1981, Recorders Fee No. 81-25983, Clackamas County Records and also recorded November 8, 1983, Recorder's Fee No. 83-37498, Clackamas County Records.

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930."



## **EXHIBIT "A"**

Meyers Road Extension  
City of Oregon City  
June 6, 2019

Tax Map 3S2E8D  
Tax Lot 00605

### **PARCEL 1 (PUBLIC CURB RAMPS AND ACCESS EASEMENT)**

A parcel of land situated in the southwest one-quarter of Section 9 and the Robert Caufield DLC No. 53 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to ZEK, LLC in that Bargain and Sale Deed, recorded December 14, 1999 as Document No. 99-114776, Clackamas County Deed Records; said parcel being that portion of said property described as follows:

Beginning at the southwest corner of Cascade Highway (OR 213) and Meyers Road; thence along the westerly right-of-way of Cascade Highway South 29° 07' 28" East, a distance of 11.00 feet; thence leaving said westerly right-of-way North 78° 20' 22" West, a distance of 23.14 feet to the southerly right-of-way of Meyers Road; thence along said southerly right-of-way North 74° 05' 53" East, a distance of 18.00 feet to the point of beginning.

The parcel of land to which this description applies contains 96 square feet, more or less.



PARCEL 2 (TEMPORARY CONSTRUCTION EASEMENT)

A parcel of land situated in the southwest one-quarter of Section 9 and the Robert Caufield DLC No. 53 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to ZEK, LLC in that Bargain and Sale Deed, recorded December 14, 1999 as Document No. 99-114776, Clackamas County Deed Records; said parcel being that portion of said property described as follows:

Beginning at the southwest corner of Cascade Highway (OR 213) and Meyers Road; thence along the westerly right-of-way of Cascade Highway South  $29^{\circ} 07' 28''$  East, a distance of 11.00 feet to the true point of beginning; thence along said westerly right-of-way South  $29^{\circ} 07' 28''$  East, a distance of 3.75 feet; thence leaving said westerly right-of-way North  $78^{\circ} 28' 38''$  West, a distance of 31.09 feet to the southerly right-of-way of Meyers Road; thence along said southerly right-of-way North  $74^{\circ} 05' 53''$  East, a distance of 6.20 feet; thence leaving said southerly right-of-way South  $78^{\circ} 20' 22''$  East, a distance of 23.14 feet to the true point of beginning.

The parcel of land to which this description applies contains 77 square feet, more or less.

The bearings of this description are Oregon Coordinate Reference System, Portland zone.



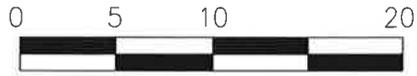
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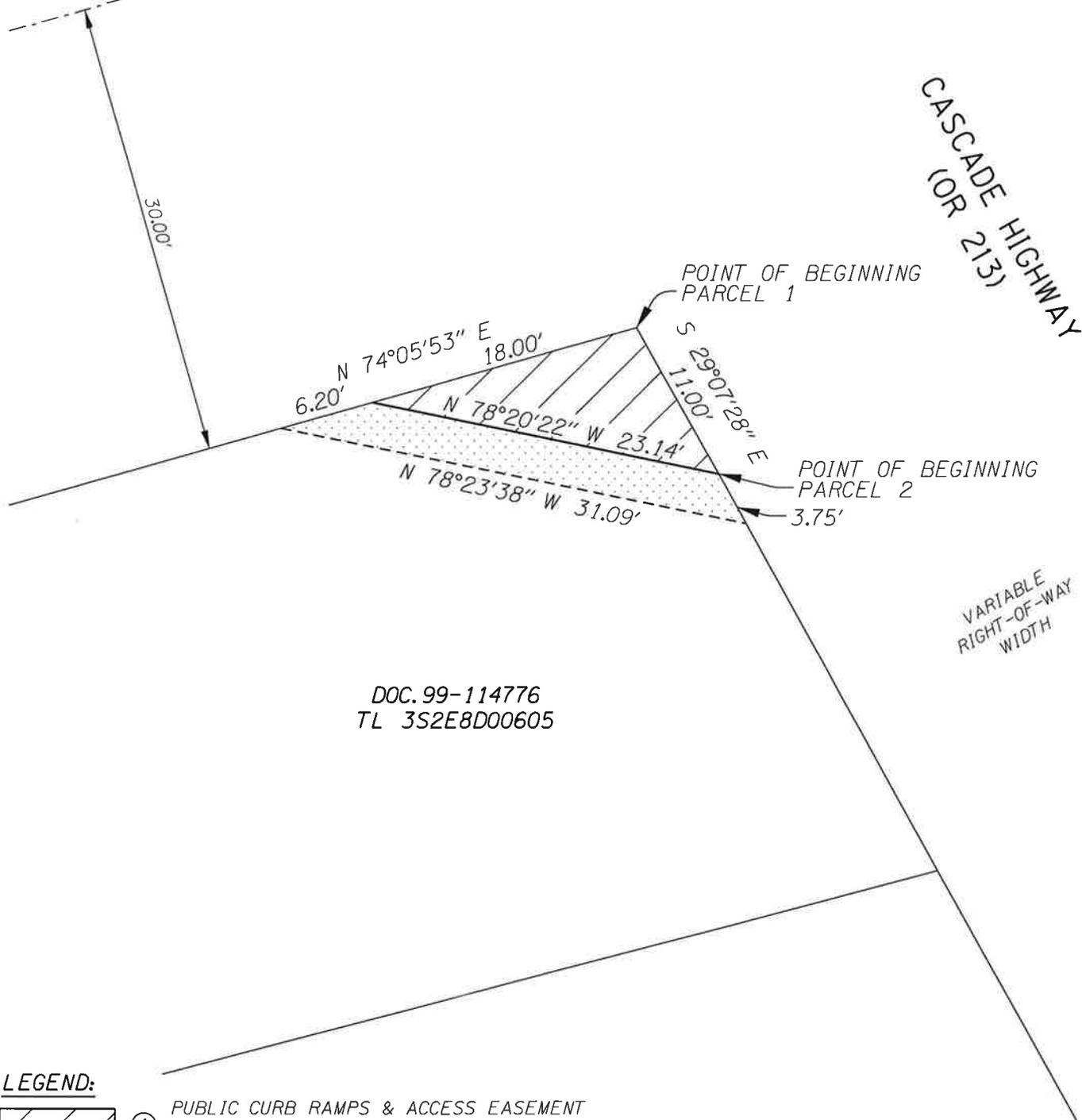
RENEWS: 6/30/20

# EXHIBIT "B"

MEYERS ROAD



CASCADE HIGHWAY  
(OR 213)



**LEGEND:**



① PUBLIC CURB RAMPS & ACCESS EASEMENT  
96 SQ.FT.± (0.007 AC.±)



② TEMPORARY CONSTRUCTION EASEMENT  
77 SQ.FT.± (0.002 AC.±)

MEYERS ROAD EXTENSION  
OREGON CITY

FILE NO: ZEK	SUBMITTAL DATE: 6/06/19	REV'D:
TAX LOT: 00605	ADDRESS: 13825 MEYERS ROAD	
TAX MAP: 3S2E8D		



**DAVID EVANS  
AND ASSOCIATES INC.**  
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Portland Oregon 97201  
Phone: 503.223.6663