

5AFTER RECORDING RETURN TO:

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

**Project No.: CI 18-011**

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

## **CITY OF OREGON CITY, OREGON SLOPE AND PUBLIC UTILITY(S) EASEMENT**

KNOW ALL BY THESE PRESENTS, THAT Douglas Loftesness and Shao Xia Li, as tenants by the entirety, 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 and slopes 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.

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.

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.

The true consideration of this conveyance is for other value given, SIX THOUSAND THREE HUNDRED SIXTY-TWO AND No/100 DOLLARS (\$6,362.00) 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 12<sup>th</sup> day of October, 2019. The persons whose names are subscribed to the within instrument acknowledge that they executed the instrument in their legally authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

[Signature Page(s) Follow]

GRANTOR: Douglas Loftesness and Shao Xia Li

*[Signature]*  
Douglas Loftesness

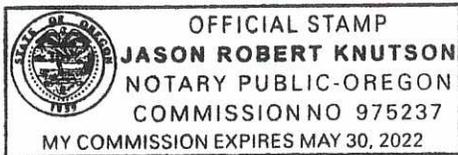
*Shao Xia, Li*  
Shao Xia Li

STATE OF OREGON )  
County of *Clackamas* )

This record was acknowledged before me on (month & day) *October 12*, 20 *19* by Douglas Loftesness.

Stamp notary seal:

WITNESS my hand and official seal.



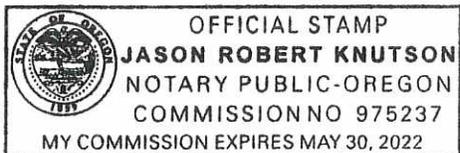
*Jason Knutson*  
Signature of Notary Public  
My commission expires: *May 30, 2022*

STATE OF OREGON )  
County of *Clackamas* )

This record was acknowledged before me on (month & day) *October 12*, 20 *19* by Shao Xia Li.

Stamp notary seal:

WITNESS my hand and official seal.



*Jason Knutson*  
Signature of Notary Public  
My commission expires: *May 30, 2022*

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.

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By: Dan Holladay, Mayor

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Attest: Kattie Riggs, City Recorder

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

**Tax Map 32E08A  
Tax Lot 02200**

**Parcel 1 – Right-of-Way Dedication**

A parcel of land lying in the in the Northeast one-quarter of Section 8 and the Robert Caufield Donation Land Claim (DLC) No.53, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Douglas Loftesness and Shao Xia Li, in that Statutory Warranty Deed recorded July 11, 2017 in Document No. 2017-047082, 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 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>	to	<u>Station</u>	<u>Width on Westerly Side of Center Line</u>
78+40.00		78+83.31	35.50
78+83.31		a 70009+64.44	35.50, along a curve to the right having a radius of 1,535.50 feet, Δ of 3°54'53", length of 104.92 feet and a chord of South 32°14'18" East, 104.89 feet to a point
a 70009+64.44		a 70009+75.25	31.92
			31.22, along a curve to the left having a radius of 1,464.50 feet, Δ of 0°25'25", length of 10.83 feet and a chord of South 33°59'02" East, 10.83 feet to a point
			31.22

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

This parcel of land contains 635 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 in the Northeast one-quarter of Section 8 and the Robert Caufield Donation Land Claim (DLC) No.53, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Douglas Loftesness and Shao Xia Li, in that Statutory Warranty Deed recorded July 11, 2017 in Document No. 2017-047082, 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
78+40.00		a 70009+47.03	43.02 in a straight line to 43.20
a 70009+47.03		a 70011+02.80	43.20 in a straight line to 40.53

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

This parcel of land contains 1,324 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 the in the Northeast one-quarter of Section 8 and the Robert Caufield Donation Land Claim (DLC) No.53, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Douglas Loftesness and Shao Xia Li, in that Statutory Warranty Deed

recorded July 11, 2017 in Document No. 2017-047082, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land 52.46 feet in width and lying between lines at right angles to Stations 79+16.67 and a 70009+27.31 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 1 – Right-of-Way Dedication.

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

This parcel of land contains 320 square feet, more or less, outside the existing right of way.

**Parcel 4 – Temporary Construction Easement (3 Years or duration of Project, whichever is sooner)**

A parcel of land lying in the in the Northeast one-quarter of Section 8 and the Robert Caufield Donation Land Claim (DLC) No.53, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Douglas Loftesness and Shao Xia Li, in that Statutory Warranty Deed recorded July 11, 2017 in Document No. 2017-047082, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land 49.98 feet in width and lying between lines at right angles to Stations a 70009+69.68 and a 70010+13.53 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 1 – Right-of-Way Dedication.

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

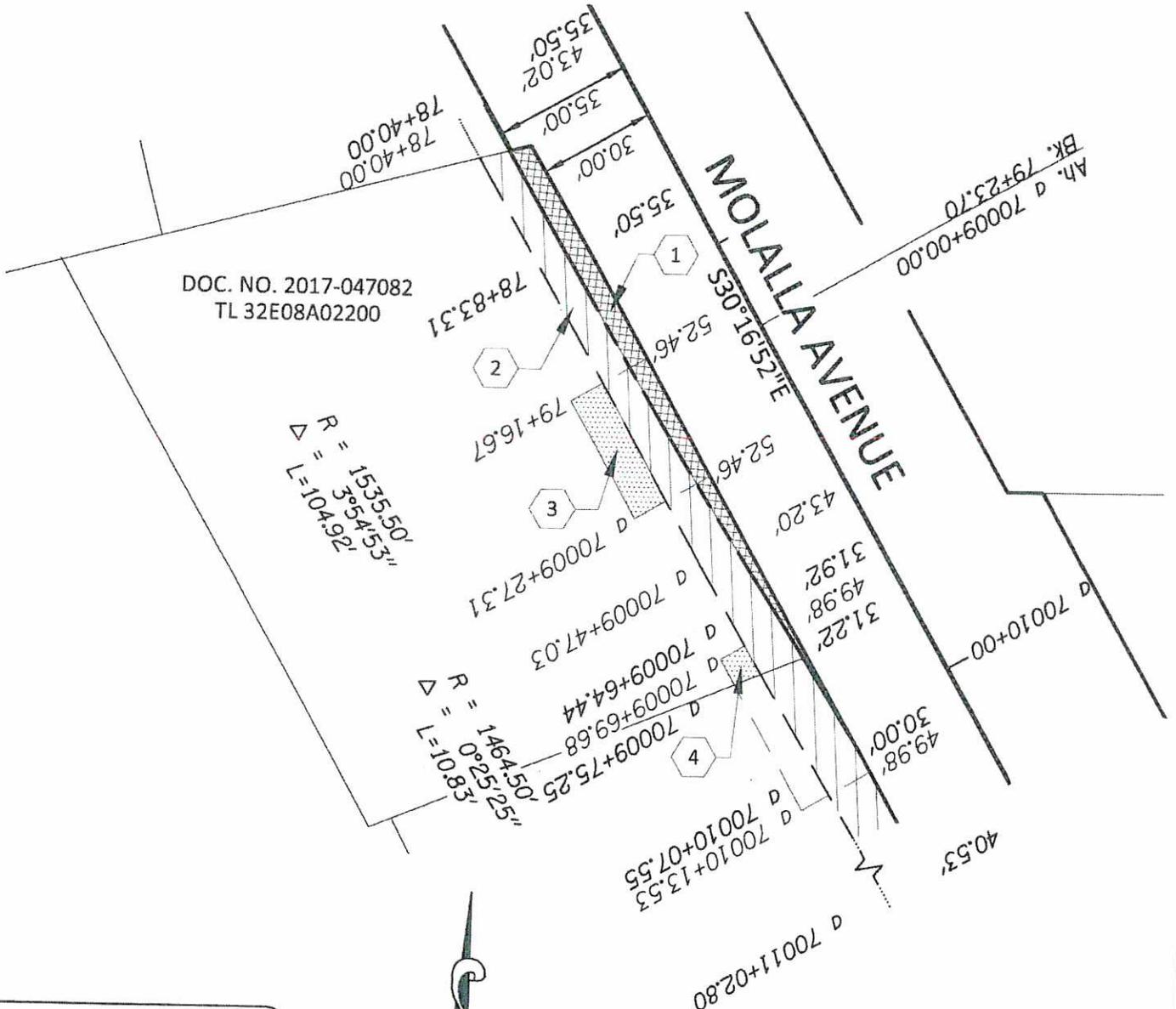
This parcel of land contains 58 square feet, more or less, outside the existing right of way.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*James W. Colton*  
OREGON  
JAN. 12 1999  
JAMES W. COLTON  
\*58756

RENEWS: DEC. 31, 2019  
SIGNED: 5/13/2019

EXHIBIT "B"



DOC. NO. 2017-047082  
TL 32E08A02200

$R = 1535.50'$   
 $\Delta = 3^{\circ}54'53''$   
 $L = 104.92'$

$R = 1464.50'$   
 $\Delta = 0^{\circ}25'52''$   
 $L = 10.81'$

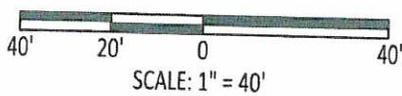
Bk. 79+23.70  
d 70009+00.00

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*[Signature]*

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

RENEWS: DEC. 31, 2019  
SIGNED: 5/13/2019



LEGEND

- RIGHT OF WAY DEDICATION
- 635 SQ. FT. ±
- PERMANENT SLOPE & PUBLIC UTILITY EASEMENT  
1,324 SQ. FT. ±
- TEMPORARY CONSTRUCTION EASEMENT  
320 SQ. FT. ±
- TEMPORARY CONSTRUCTION EASEMENT  
58 SQ. FT. ±

MOLALLA AVENUE PHASE 3  
BEAVERCREEK ROAD TO OR 213

FILE NO: 011	SUBMITTAL DATE: MAY 13, 2019
TAX LOT: 02200	ADDRESS: 19461 MOLALLA AVENUE
TAX MAP: 32E08A	OREGON CITY, OR 97045