

AFTER RECORDING RETURN TO:

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

**Project No.: CI 18-004**

**Tax Map & Lot:** 32E08A002600 **GRANTOR:** David A. Hefenider

## TEMPORARY CONSTRUCTION & ACCESS EASEMENT

This TEMPORARY CONSTRUCTION and ACCESS EASEMENT is entered into this 25<sup>th</sup> day of September, 2019, by and between, property owner David A. Hefenider (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.

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 **FOUR HUNDRED FORTY ONE AND No/100 Dollars (\$441.00)**, the receipt of which is hereby acknowledged by GRANTOR.

[Signature Page(s) Follow]

GRANTOR: David A. Hefenider

David Hefenider  
Signature

David Hefenider  
Signer's printed name

Title (if applicable)

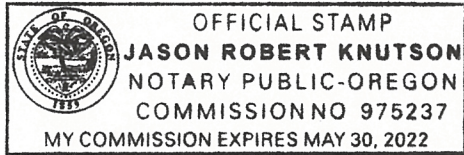
STATE OF OREGON )

County of Clackamas )

This record was acknowledged before me on (month & day) September 25, 20 19, by David A. Hefenider.

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:

By: Dan Holladay, Mayor

By: John M. Lewis, Public Works Director

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 02600**

### **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 Lyle D. Walters and Elaine L. Walters, in that Warranty Deed recorded November 10, 1964 in Book 649, Page 68, 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
74+85.00		76+36.95	35.50
76+36.95		76+50.99	35.50 in a straight line to 51.24
76+50.99		76+48.02	51.24 in a straight line to 61.97
76+48.02		76+55.00	61.97 in a straight line to 63.90

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

This parcel of land contains 1,834 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 Lyle D. Walters and Elaine L. Walters, in that Warranty Deed recorded November 10, 1964 in Book 649, Page 68, 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
70+55.00		76+36.74	42.03 in a straight line to 42.78
76+36.74		76+45.45	42.78 in a straight line to 52.53
76+45.45		76+41.87	52.53 in a straight line to 65.45
76+41.87		76+55.00	65.45 in a straight line to 69.09

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

This parcel of land contains 1,183 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)**

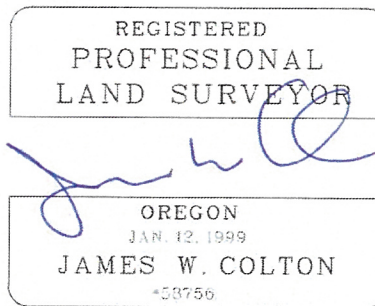
A parcel of land lying in the in the Northeast one-quarter of Section 8 and the Robert Caufield Donation Land Claim (DLC) No.53, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Lyle D. Walters and Elaine L. Walters, in that Warranty Deed recorded November 10, 1964 in Book 649, Page 68, 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.

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 448 square feet, more or less, outside the existing right of way.



RENEWS: DEC. 31, 2019

SIGNED: 5/12/2019

# EXHIBIT "B"

BOOK 649, PAGE 68  
TL 32E08A02600

STATION/OFFSET TABLE

PT ID	STATION	OFFSET
11	76+36.95	35.50'
12	76+36.74	42.78'
13	76+45.45	52.53
14	76+41.87	65.45'
15	76+48.02	61.97'
16	76+50.99	51.24




REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

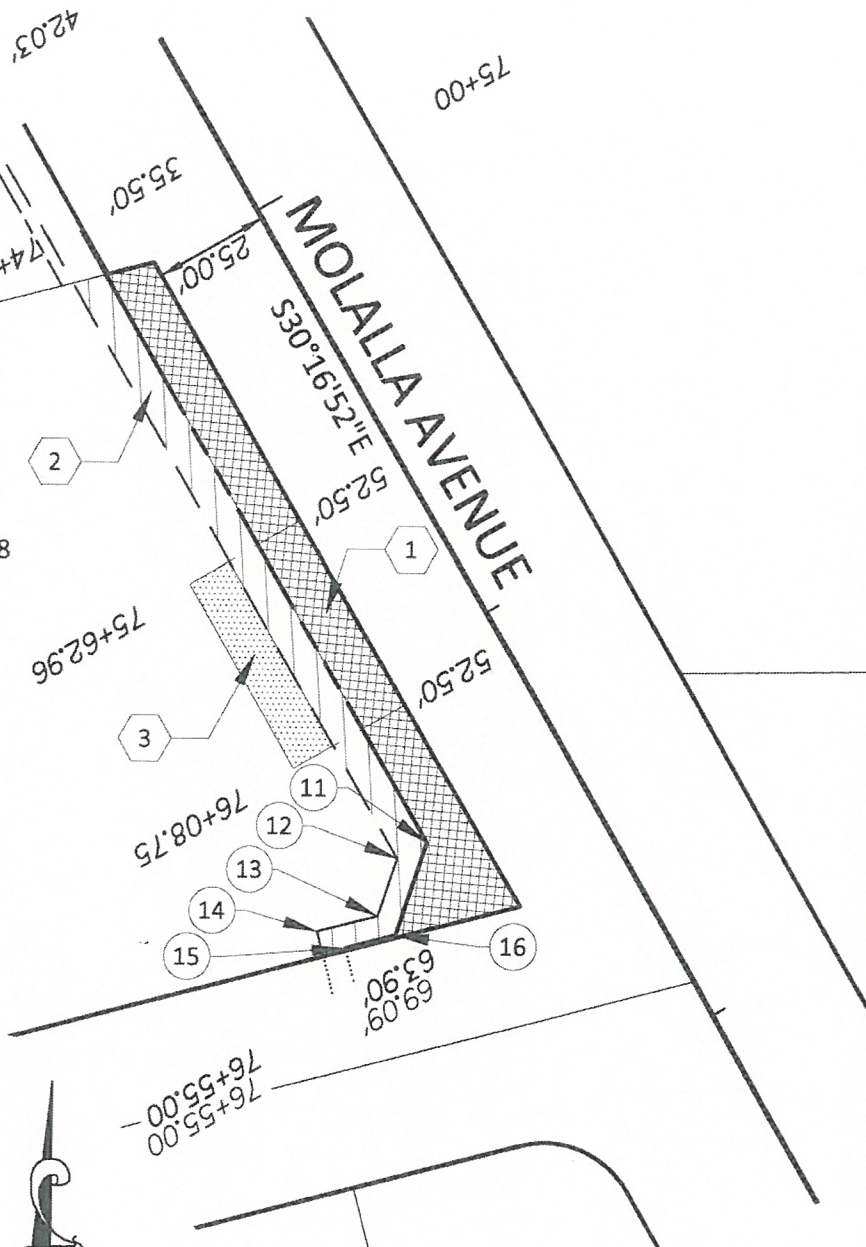
OREGON  
JAN. 12, 1999  
JAMES W. COLTON  
\*58756

RENEW: DEC. 31, 2019  
SIGNED: *3/13/2019*

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

## LEGEND

-  RIGHT OF WAY DEDICATION  
1,834 SQ. FT. ±
-  PERMANENT SLOPE & PUBLIC UTILITY  
EASEMENT  
1,183 SQ. FT. ±
-  TEMPORARY CONSTRUCTION EASEMENT  
448 SQ. FT. ±



## MOLALLA AVENUE PHASE 3 BEAVERCREEK ROAD TO OR 213

FILE NO: 010	SUBMITTAL DATE: MAY 13, 2019
TAX LOT: 02600	ADDRESS: 19389 MOLALLA AVENUE
TAX MAP: 32E08A	OREGON CITY, OR 97045