

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

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

KNOW ALL BY THESE PRESENTS, THAT David A. Hefenider, 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 FOUR HUNDRED SEVENTY ONE AND No/100 DOLLARS (\$6,471.00) 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 25 day of September, 20 19. The person whose name is subscribed to the within instrument acknowledge that he executed the instrument in his legally authorized capacity, and that by his signature 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: David A. Hefenider

David Hefenider  
Signature

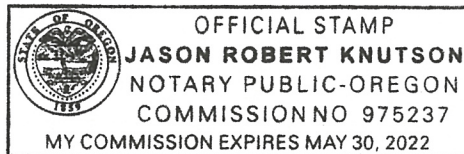
STATE OF OREGON )

County of Clackamas )

This record was acknowledged before me on (date) September 25, 2019, 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 on the condition that the easement granted is free and clear from any taxes, liens, and encumbrances.

\_\_\_\_\_  
By: Dan Holladay, Mayor

\_\_\_\_\_  
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)**

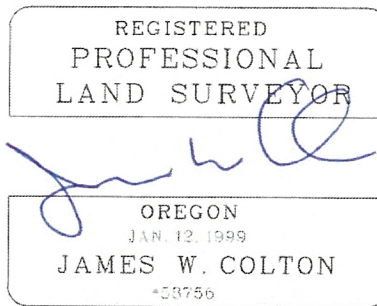
A parcel of land lying in the in the Northeast one-quarter of Section 8 and the Robert Caufield Donation Land Claim (DLC) No.53, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Lyle D. Walters and Elaine L. Walters, 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-Wat 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<br>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

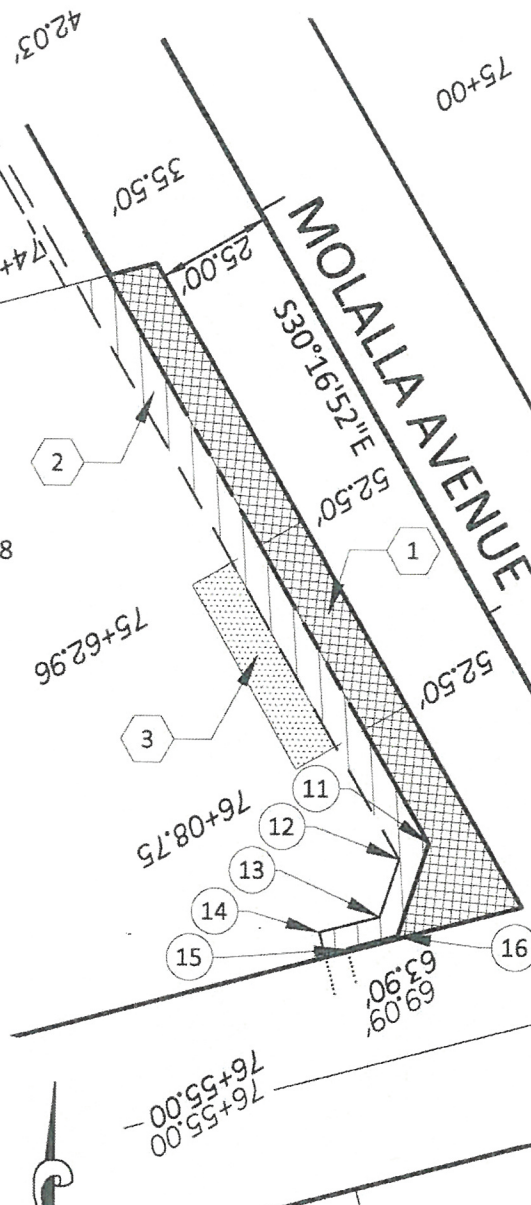
OREGON  
JAN. 12, 1999  
JAMES W. COLTON  
\*58756

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

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

## 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         |



### LEGEND

- RIGHT OF WAY DEDICATION  
1 1,834 SQ. FT. ±
- PERMANENT SLOPE & PUBLIC UTILITY EASEMENT  
2 1,183 SQ. FT. ±
- TEMPORARY CONSTRUCTION EASEMENT  
3 448 SQ. FT. ±