

EXHIBIT "A"

Easement No. III-15
Section 26
Tax Lot No. 3800
136 Lineal Feet

Donald Wiest &
Bonnie Wiest
37430 S.E. Bluff Rd.
Boring, Oregon 97009

A PERMANENT EASEMENT

A portion of that tract of land in Section 26., Township 1 South, Range 4 East, of the Willamette Meridian, Clackamas County, Oregon, conveyed to Donald Wiest and Bonnie Wiest, as described in Recorder's Fee No. 74-23312, deed records of Clackamas County, more particularly described as follows:

A strip of land one-hundred (100) feet wide, and lying adjacent to the Southwesterly boundary of said tract, which is the common boundary with the adjacent parcel of land as described in Recorder's Fee No. 79-13581, deed records of said Clackamas County, extending from the Westerly boundary to the Easterly boundary of said Wiest tract, a distance of 136 feet.

Said permanent easement containing 0.312 acres, more or less.

APPROVED AS TO DESCRIPTION:

Fred Wiest
PLS 1380

WATER LINE EASEMENT

September 12 1981

In consideration of the sum of One Thousand Eight Hundred Seventy and
no/100ths Dollars - - - - - (\$1,870.00).

Donald Wiest and Bonnie Wiest, Ronald C. Ruedi (Grantor) conveys to the City of Portland, a municipal corporation of the State of Oregon, a perpetual easement to use a strip of land for the purpose of constructing, reconstructing, inspecting and maintaining water lines and necessary appurtenances, which is located across the Grantor's property as described in Exhibit "A", which is attached hereto.

The terms of this easement are as follows:

- 1. No surface or underground structures, permanent or temporary, shall be constructed upon the easement without the written consent of the Chief Engineer of the City's Bureau of Water Works.
- 2. No grade change in excess of one (1) foot in elevation shall be allowed without the written consent of the Chief Engineer of the City's Bureau of Water Works.
- 3. No trees shall be planted on the easement without the written consent of the Chief Engineer of the City's Bureau of Water Works.
- 4. No materials storage shall be permitted upon the easement without the written consent of the Chief Engineer of the City's Bureau of Water Works.
- 5. Grantor may place fences upon and across the easement; however, such fences shall have gates or removable panels so as to allow a minimum opening of nine (9) feet in width to permit equipment access for the purpose of maintaining and repairing the water line.
- 6. The Grantor retains the right to use the easement area for all agricultural purposes.
- 7. The City will restore as nearly as practicable the surface of the easement within a reasonable time after completion of construction or maintenance work.

In WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

Ronald C. Ruedi
Donald Wiest

 Grantors
Bonnie Wiest

CONSENT TO WATER LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That Whereas DONALD WIEST AND
BONNIE WIEST have executed an easement to the City of
Portland, dated September 12, 19 81, for the purpose of granting unto
the City of Portland the right to lay down, construct and perpetually maintain
a water line through, under and along a tract of land described as follows:

A portion of that tract of land in Section 26, Township 1 South,
Range 4 East, of the Willamette Meridian, Clackamas County, Oregon,
conveyed to Donald Wiest and Bonnie Wiest, as described in
Recorder's Fee No. 74-23312, deed records of said Clackamas County,
more particularly described as follows:

A strip of land one-hundred (100) feet wide and lying
adjacent to the Southwesterly boundary of said tract,
which is the common boundary with the adjacent parcel of
land as described in Recorder's Fee No. 79-13581, deed
records of said Clackamas County, extending from the
Westerly boundary to the Easterly boundary of said Wiest
tract, a distance of 136 feet.

WHEREAS said above described property is subject to A MORTGAGE
executed by DONALD WIEST AND BONNIE WIEST
to and in favor of U.S. NATIONAL BANK OF OREGON
dated November 20, 1978, recorded November 29, 1978, in
Recorders Fee No. 78-51117, Clackamas County, Oregon

NOW, THEREFORE, In consideration of the sum of ONE AND no/100th Dollars
to them paid, U.S. NATIONAL BANK OF OREGON hereby
consent to the aforesaid water line easement and waive priority of the above
mentioned mortgage and hereby agreed that all their rights shall be subordinate
to the rights granted to the City of Portland under said water line easement,
as though said easement had been both executed and recorded prior to the
execution and recording of said mortgage.

CONSENT TO WATER LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That Whereas DONALD WIEST AND BONNIE WIEST have executed an easement to the City of Portland, dated September 12, 19 81, for the purpose of granting unto the City of Portland the right to lay down, construct and perpetually maintain a water line through, under and along a tract of land described as follows:

A portion of that tract of land in Section 26, Township 1 South, Range 4 East, of the Willamette Meridian, Clackamas County, Oregon, conveyed to Donald Wiest and Bonnie Wiest, as described in Recorder's Fee No. 74-23312, deed records of said Clackamas County, more particularly described as follows:

A strip of land one-hundred (100) feet wide and lying adjacent to the Southwesterly boundary of said tract, which is the common boundary with the adjacent parcel of land as described in Recorder's Fee No. 79-13581, deed records of said Clackamas County, extending from the Westerly boundary to the Easterly boundary of said Wiest tract, a distance of 136 feet.

WHEREAS said above described property is subject to A MORTGAGE executed by DONALD WIEST AND BONNIE WIEST to and in favor of OREGON TRAIL SAVINGS AND LOAN ASSOCIATION dated July 31, 1974, recorded August 1, 1974, in Recorders Fee No. 74-21517, Clackamas County, Oregon

NOW, THEREFORE, In consideration of the sum of ONE AND no/100th Dollars to them paid, OREGON TRAIL SAVINGS AND LOAN ASSOCIATION hereby consent to the aforesaid water line easement and waive priority of the above mentioned mortgage and hereby agreed that all their rights shall be subordinate to the rights granted to the City of Portland under said water line easement, as though said easement had been both executed and recorded prior to the execution and recording of said mortgage.

3-2-82

ORDINANCE No. 152880

An Ordinance accepting a permanent easement for a water supply line for proposed Conduit No. 5 from Donald Wiest, Bonnie Wiest and Ronald C. Ruedi, grantors, authorizing the drawing and delivery of a warrant for \$1,870.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Water Works requires a permanent easement for a proposed water supply line lying within a portion of Tax Lot 3800, Section 26, T1S, R4E, W.M., Clackamas County, Oregon as described in the form of easement attached to the original only and marked Exhibit "A".
2. The owners of the land, Donald Wiest, Bonnie Wiest and Ronald C. Ruedi, contractor purchaser, have agreed to grant the City an easement on .312 acres for the sum of \$1,870.00. The Mayor has approved payment in that amount.
3. Consent to easement has been granted by the property owners mortgagees, and are attached hereto.

NOW, THEREFORE, The Council directs:

- a. A permanent easement for Conduit No. 5 from Donald Wiest, Bonnie Wiest and Ronald C. Ruedi, as described in the attached Exhibit "A" is accepted.
- b. A warrant is authorized in the amount of \$1,870.00, in favor of Donald Wiest, Bonnie Wiest and Ronald C. Ruedi, 37430 S.E. Bluff Road, Boring, Oregon 97009, to be charged to the 1981-82 Budget, Water Fund, BUC 18600374, Object Code 610 (Land), Project 3201, (Conduit No. 5 Right-of-Way).
- c. The Auditor shall record in the appropriate Deed Records document of title necessary for conveyance of the easement.

Section 2. The Council further directs that an emergency exists because any delay in proceeding with this purchase may result in additional expense to the City and will unnecessarily deprive the Bureau of Water Works of the benefit of completion of the easement at an early date; therefore, this Ordinance shall be in force and effect from and after its passage by the

Passed by the Council, Council.

Mayor Ivancie FEB 24 1982
 February 12, 1982
 M. Anoushiravani:ls
 BUC 18600374

Attest:


 Auditor of the City of Portland

Calendar No. 445

ORDINANCE No. 152880

Title

An Ordinance accepting a permanent easement for a water supply line for proposed Conduit No. 5 from Donald Wiest, Bonnie Wiest and Ronald C. Ruedi, grantors, authorizing the drawing and delivery of a warrant for \$1,870.00, and declaring an emergency.

FEB 19 1982

Filed _____

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerkovich*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	/	
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
IVANCIE	/	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
MAYOR IVANCIE

NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	<i>FJI</i>
Safety	
Utilities	/
Works	

BUREAU APPROVAL	
Bureau:	WATER WORKS
Prepared By:	Date:
M. Anoushiravani:ls	2/12/82
Budget Impact Review:	
<input checked="" type="checkbox"/> Completed	<input type="checkbox"/> Not required
Bureau Head:	
Carl Goebel	Admin: <i>[Signature]</i>

CALENDAR	
Consent	<input checked="" type="checkbox"/> Regular

NOTED BY	
City Attorney	
City Auditor	
City Engineer	