

EXHIBIT "A"

Easement No. III-13A
Section 26
Tax Lot No. 3000
0.047 Acres

Edwin C. and Dianne L. Frank
37575 S.E. Dodge Park Blvd.
Boring, Oregon 97009

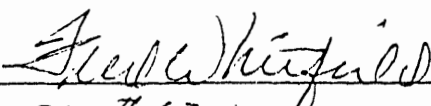
A PERMANENT EASEMENT

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 Catherine Bowers as described in Recorder's Fee No. 71-29983, deed records of Clackamas County, more particularly described as follows:

Beginning at the Southwest corner of said tract; thence North 1°59' West along the Westerly boundary of said Bowers tract, also the Easterly boundary of that tract of land described and recorded in Book 484, page 427, of deed records of Clackamas County, a distance of 82.58 feet; thence South 43°46'37" East a distance of 74.54 feet, more or less, to a point on the Northerly boundary of Dodge Park Blvd. Right-of-Way; thence Westerly along the said Right-of-Way a distance of 65.48 feet, more or less, to the point of beginning.

Said permanent easement containing 0.047 acres, more or less.

APPROVED AS TO DESCRIPTION:


PLS # 1350

WATER LINE EASEMENT

Feb 3 1982

In consideration of the sum of Two Thousand Eight Hundred Seventy-Six & no/100ths Dollars (\$ 2,876.00), Dianne L. Frank and Edwin C. Frank, (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 excepting the cultivation of trees.

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.

8. The City shall reimburse the Grantor for any merchantable timber which the City removes from the easement area. The City shall pay the fair market value for the timber removed. As an alternative, the Grantor, at his option and without reimbursement, may remove all timber within the easement area. The City shall notify the Grantor one year prior to construction of the Grantor's right to exercise the option. If the Grantor has not notified the City of his intent to exercise the option within 30 days of the City's notice, or has not removed the timber within the one-year period following the City's notice, then the Grantor shall be deemed to have waived his right to exercise the option.

9. The above consideration includes an amount for the landscaping items contained in the easement area.

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

Edwin C. Frank
Dianne L. Frank
Grantors

ORDINANCE No. 152912

AV 46920

3-4-82

152912

An Ordinance accepting a permanent easement for a water supply line for proposed Conduit No. 5 from Edwin C. and Dianne L. Frank, grantors, authorizing the drawing and delivery of a warrant for \$2,876.00 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 3000, 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, Edwin C. and Dianne L. Frank, have agreed to grant the City an easement on 0.047 acres for the sum of \$2,876.00. The Mayor has approved payment in that amount.

NOW, THEREFORE, The Council directs:

- a. A permanent easement for Conduit No. 5 from Edwin C. and Dianne L. Frank, as described in the attached Exhibit "A" is accepted.
- b. A warrant is authorized in the amount of \$2,876.00, in favor of Edwin C. and Dianne L. Frank, 37575 S.E. Dodge Park Blvd., 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 Council.

Passed by the Council, MAR 3 1982

Mayor Ivancie
February 26, 1982
M. Anoushiravani:ls
BUC 18600374

Attest:


Auditor of the City of Portland