

ACCESS EASEMENT
(Easement No. 1 of 3)

KNOW ALL MEN BY THESE PRESENTS, That CITY OF PORTLAND (hereinafter called "the Grantors"), for and in consideration of the payment of the sum of Ten and 0/100ths Dollars (\$ 10.00), the receipt of which is hereby acknowledged, hereby grant, sell and convey to Raymond C. Kays of 37827 S.E. Lusted Road (hereinafter called "the Grantee"), his successors and assigns, a perpetual easement and right-of-way over, and across the following described parcel of land situated in Clackamas County, Oregon, being a strip of land 40 feet in width, extending 20 feet across CITY OF PORTLAND property at S.E. Lusted Rd., East of Dodge Park Blvd. Bull Run Conduit No. 3 is located in said 20 feet.

A tract of land in the northeast one-quarter of Section 26, Township 1 South, Range 4 East, Willamette Meridian, County of Clackamas, State of Oregon, more particularly described as follows:

Beginning at a point in the northeasterly line of that certain tract of land conveyed to the City of Portland by Deed recorded November 19, 1923 in Book 172, Page 283, Deed Records, said point being North 52°18'00" West a distance of 465.77 feet from the intersection of said northeasterly line with the east line of said Section 26; thence continuing North 52°18'00" West, along said northeasterly line, a distance of 40.00 feet; thence South 37°42'00" West a distance of 20.00 feet to a point in the southwesterly line of said City of Portland tract; thence South 52°18'00" East, along said southwesterly line, a distance of 40.00 feet; thence North 37°42'00" east a distance of 20.00 feet to the point of beginning.

Said easement and right-of-way shall be only for the following purpose, namely: the perpetual right to enter upon and to erect, maintain, repair, rebuild and use an access driveway across the above described parcel of land.

The terms of this access easement are as follows:

1. No surface or underground structure or utilities, 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. The City will restore as nearly as practical the surface of the easement to the condition that existed prior to granting the easement within a reasonable time after completion of construction or maintenance work, and the grantee shall be responsible for any resurfacing cost, if any.
5. If the Grantee, his successors and assigns, shall fail to use said right-of-way for the purposes mentioned for a continuous period of five years, then and in that event this easement shall terminate and all rights and privileges granted hereunder shall revert to the Grantors, their heirs and assigns.

The Grantors hereby warrant that they are possessed of a marketable title to the property covered by this easement, and have the right to grant the same.

IN WITNESS WHEREOF, the Grantors have caused this easement to be executed this _____ day of _____, 19 __.

Grantor: _____ (SEAL)

Grantor: _____ (SEAL)

ACCESS EASEMENT
(Easement No. 2 of 3)

KNOW ALL MEN BY THESE PRESENTS, That CITY OF PORTLAND (hereinafter called "the Grantors"), for and in consideration of the payment of the sum of Ten and 0/100ths Dollars (\$ 10.00), the receipt of which is hereby acknowledged, hereby grant, sell and convey to Raymond C. Kays of 37827 S.E. Lusted Road (hereinafter called "the Grantee"), his successors and assigns, a perpetual easement and right-of-way over, and across the following described parcel of land situated in Clackamas County, Oregon, being a strip of land 40 feet in width, extending -- feet across CITY OF PORTLAND property at S.E. Lusted Rd., East of Dodge Park Blvd. Bull Run Conduit No. 3 is located in said 20 feet.

A tract of land in the northeast one-quarter of Section 26, Township 1 South, Range 4 East, Willamette Meridian, County of Clackamas, State of Oregon, more particularly described as follows:

Beginning at a point in the northeasterly line of that certain tract of land conveyed to the City of Portland by Deed recorded November 19, 1923 in Book 172, Page 283, Deed Records, said point being North 52°18'00" West a distance of 465.77 feet from the intersection of said northeasterly line with the east line of said Section 26; thence continuing North 52°18'00" West, along said northeasterly line, a distance of 40.00 feet; thence South 37°42'00" West a distance of 20.00 feet to a point in the southwesterly line of said City of Portland tract; thence South 52°18'00" East, along said southwesterly line, a distance of 40.00 feet; thence North 37°42'00" east a distance of 20.00 feet to the point of beginning.

Said easement and right-of-way shall be only for the following purpose, namely: the perpetual right to enter upon and to erect, maintain, repair, rebuild and use an access driveway across the above described parcel of land.

The terms of this access easement are as follows:

1. No surface or underground structure or utilities, 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. The City will restore as nearly as practical the surface of the easement to the condition that existed prior to granting the easement within a reasonable time after completion of construction or maintenance work, and the grantee shall be responsible for any resurfacing cost, if any.
5. If the Grantee, his successors and assigns, shall fail to use said right-of-way for the purposes mentioned for a continuous period of five years, then and in that event this easement shall terminate and all rights and privileges granted hereunder shall revert to the Grantors, their heirs and assigns.

The Grantors hereby warrant that they are possessed of a marketable title to the property covered by this easement, and have the right to grant the same.

IN WITNESS WHEREOF, the Grantors have caused this easement to be executed this _____ day of _____, 19__.

Grantor: _____ (SEAL)

Grantor: _____ (SEAL)

ACCESS EASEMENT
(Easement No. 3 of 3)

KNOW ALL MEN BY THESE PRESENTS, That CITY OF PORTLAND (hereinafter called "the Grantors"), for and in consideration of the payment of the sum of Ten and 0/100ths Dollars (\$ 10.00), the receipt of which is hereby acknowledged, hereby grant, sell and convey to Raymond C. Kays of 37827 S.E. Lusted Road (hereinafter called "the Grantee"), his successors and assigns, a perpetual easement and right-of-way over, and across the following described parcel of land situated in Clackamas County, Oregon, being a strip of land 25 feet in width, extending 20 feet across CITY OF PORTLAND property at S.E. Lusted Rd., East of Dodge Park Blvd. Bull Run Conduit No. 3 is located in said 20 feet.

A tract of land in the northeast one-quarter of Section 26, Township 1 South, Range 4 East, Willamette Meridian, County of Clackamas, State of Oregon, more particularly described as follows:

Beginning at a point in the northeasterly line of that certain tract of land conveyed to the City of Portland by Deed recorded November 19, 1923 in Book 172, Page 283, Deed Records, said point being North 52°18'00" West a distance of 1128.79 feet from the intersection of said northeasterly line with the east line of said Section 26; thence continuing North 52°18'00" West, along said northeasterly line, a distance of 25.00 feet; thence South 37°42'00" West a distance of 20.00 feet to a point in the southwesterly line of said City of Portland tract; thence South 52°18'00" East, along said southwesterly line, a distance of 25.00 feet; thence North 37°42'00" east a distance of 20.00 feet to the point of beginning.

Said easement and right-of-way shall be only for the following purpose, namely: the perpetual right to enter upon and to erect, maintain, repair, rebuild and use an access driveway across the above described parcel of land.

The terms of this access easement are as follows:

1. No surface or underground structure or utilities, 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. The City will restore as nearly as practical the surface of the easement to the condition that existed prior to granting the easement within a reasonable time after completion of construction or maintenance work, and the grantee shall be responsible for any resurfacing cost, if any.
5. If the Grantee, his successors and assigns, shall fail to use said right-of-way for the purposes mentioned for a continuous period of five years, then and in that event this easement shall terminate and all rights and privileges granted hereunder shall revert to the Grantors, their heirs and assigns.

The Grantors hereby warrant that they are possessed of a marketable title to the property covered by this easement, and have the right to grant the same.

IN WITNESS WHEREOF, the Grantors have caused this easement to be executed this _____ day of _____, 19 __.

Grantor: _____ (SEAL)

Grantor: _____ (SEAL)

ORDINANCE No. 152913

An Ordinance granting three (3) easements for access to Raymond C. Kays across Bull Run Conduit No. 3 Right-of-Way in the NE Quarter of Section 26, Township 1 South, Range 4 East, Willamette Meridian, Clackamas County, State of Oregon, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Raymond C. Kays, 37827 S.E. Lusted Road, Boring, Oregon has requested that the City grant to him three (3) easements over City-owned property under the control of the Bureau of Water Works for the Bull Run Conduit No. 3 for the purpose of acquiring access to his property.
2. The Chief Engineer of the Bureau of Water Works has determined that operation and maintenance of Bull Run Conduit No. 3 will not be impaired by granting the requested easements.

NOW THEREFORE, the Council directs:

- a. The Mayor and the Auditor hereby are authorized to execute three (3) access easements to Raymond C. Kays, 37827 S.E. Lusted Road, Boring, Oregon, as described in the form of easements attached to the original only and marked as Exhibit "A", for the sum of \$30.00.

Section 2. As this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland, and in order that the easements described in Section 1 hereof may be made available to Raymond C. Kays without undue delay; therefore, an emergency hereby is declared to exist and 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

Attest:


Auditor of the City of Portland

Calendar No. 516

ORDINANCE No. 152913

Title

An Ordinance granting three (3) easements for access to Raymond C. Kays across Bull Run Conduit No. 3 Right-of-Way in the N.E. Quarter of Section 26, Township 1 South, Range 4 East, Willamette Meridian, Clackamas County, State of Oregon, and declaring an emergency.

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed FEB 26 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George C. Hall*
Deputy

INTRODUCED BY
Mayor Francis J. Ivancie

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

BUREAU APPROVAL
Bureau:
<u>Water Works</u>
Prepared By: <u>M. Anoushiravani:ls</u> Date: <u>2/26/82</u>
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>[Signature]</i>
<u>Carl Goebel, Administrator</u>

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

NOTED BY
City Attorney
City Auditor
City Engineer