

## EXHIBIT "A"

Easement No. III-9A  
Section 26  
Tax Lot No. 2100  
300 Lineal Feet

Derrick Investments, Ltd.  
4820 N.E. Cully Blvd.  
Portland, OR 97218

## 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 Derrick Investments, Ltd., as described in Recorder's Fee No. 80-08338 of the deed records of Clackamas County, more particularly described as follows:

A strip of land one-hundred (100) feet wide and lying adjacent to the southerly boundary of said tract, extending from the westerly boundary, which is the common boundary with the adjacent parcel of land described in Recorder's Fee No. 73-37667 of the deed records of Clackamas County, Oregon, to the easterly boundary of said tract, which is the common boundary with the adjacent parcel of land described in Recorder's Fee No. 76-42781 of the deed records of Clackamas County, for a distance of 300 feet, more or less.

Said permanent easement containing 0.689 acres, more or less.

APPROVED AS TO DESCRIPTION:

*J. W. King*  
PLS 1380

## WATER LINE EASEMENT

March 3 1982

In consideration of the sum of Four Thousand Dollars Dollars  
(\$ 4,000.00 ), Helen M. Andrews d/b/a H & S Enterprises, and ~~Helen M. Andrews~~ HW

~~Helen M. Andrews d/b/a~~ Derick Investments, Ltd. (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.

Helen M Andrews, D B A  
H & S Enterprises

DERICK INVESTMENT LTD.

Grantors

By Harold Kupper  
(GENERAL PARTNER)

CONSENT TO WATER LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That Whereas Harold and Patricia Nippert have executed an easement to the City of Portland, dated March 3, 1982, 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 Derrick Investments, Ltd., as described in Recorder's Fee No. 80-08338 of the deed records of Clackamas County, more particularly described as follows:

A strip of land one-hundred (100) feet wide and lying adjacent to the southerly boundary of said tract, extending from the westerly boundary, which is the common boundary with the adjacent parcel of land described in Recorder's Fee No. 73-37667 of the deed records of Clackamas County, Oregon, to the easterly boundary of said tract, which is the common boundary with the adjacent parcel of land described in Recorder's Fee No. 76-42781 of the deed records of Clackamas County, for a distance of 300 feet, more or less.

WHEREAS said above described property is subject to a mortgage executed by First State Bank of Oregon to and in favor of Harold and Patricia Nippert dated June 16, 1969, recorded June 27, 1969, in Recorder's Fee No. 69-12016, Clackamas County, Oregon.

NOW, THEREFORE, In consideration of the sum of One and no/100ths Dollars to them paid, First State Bank of Oregon hereby consents to the aforesaid water line easement and waives priority of the above mentioned mortgage and hereby agrees 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.

IN WITNESS WHEREOF, FIRST STATE BANK OF OREGON  
has caused this instrument to be executed this 29th day of  
March, 1982.

By [Signature]  
SENIOR VICE PRESIDENT (Title)

By [Signature]  
ASSISTANT VICE PRESIDENT (Title)

By \_\_\_\_\_  
\_\_\_\_\_  
(Title)

STATE OF OREGON )  
                          ) ss:  
County of Multnomah)

On this 29th day of March, 1982 before me appeared  
Ronald D. Johnson and Barbara W. McVicar,  
both to me known to be the Senior Vice President and  
Assistant Vice President respectively of First State Bank of  
Oregon who stated that said instrument was  
signed and sealed in behalf of said corporation by authority of its Board  
of Directors, and acknowledged that said instrument is the free and  
voluntary act and deed of said corporation for the uses and purposes  
therein mentioned, and on oath stated that they were authorized to execute  
said instrument and that the seal affixed to said instrument is the seal  
of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year first  
above written.

[Signature]  
Notary Public for Oregon

My commission expires 7-5-85

APPROVED:

\_\_\_\_\_  
City Attorney

AV 52793  
\$ 4,000.00  
4-21-82

153081

## ORDINANCE No. 153081

An Ordinance accepting a permanent easement for a water supply line for proposed Conduit No. 5 from Helen M. Andrews DBA H & S Enterprises, and Derick Investments, Ltd., grantors, authorizing the drawing and delivery of a warrant for \$4,000.00, 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 2100, 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, Helen M. Andrews DBA H & S Enterprises, and Derick Investments, Ltd., have agreed to grant the City an easement on 0.689 acres for the sum of \$4,000.00. The Mayor has approved payment in that amount.
3. Consent to easement has been granted by the property owner's mortgagee, and is attached hereto.

NOW, THEREFORE, The Council directs:

- a. A permanent easement for Conduit No. 5 from Helen M. Andrews DBA H & S Enterprises, and Derick Investments, Ltd., as described in the attached Exhibit "A" is accepted.
- b. A warrant is authorized in the amount of \$4,000.00, in favor of Helen M. Andrews DBA H & S Enterprises, and Derick Investments, Ltd., 12590 S.E. Stanley Ave, 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.

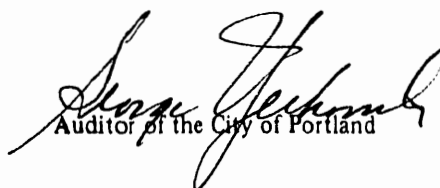
Section 2. The Council further directs that an emergency exists because any delay in proceeding with this purchase may result in additional expense to the City and will unnecessarily deprive the Bureau of Water Works of the benefit of completion of the easement at an early date; therefore, this Ordinance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

Passed by the Council,

APR 14 1982

Mayor Ivancie  
April 7, 1982  
M. Anoushiravani:ls  
BUC 18600374

Attest:

  
Auditor of the City of Portland

Calendar No. 954

ORDINANCE No. 153081

Title

An Ordinance accepting a permanent easement for a water supply line for proposed Conduit No. 5 from Helen M. Andrews DBA H & S Enterprises, and Derick Investments, Ltd., grantors, authorizing the drawing and delivery of a warrant for \$4,000.00, and declaring an emergency.

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
Mayor Francis J. Ivancie

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <i>FJI</i> / <i>10</i>
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau:	
Water Works	
Prepared By: M. Anoushiravani	Date: 4/7/82
Budget Impact Review:	
<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head: <i>Carl Goebel</i>	
Carl Goebel, Administrator	

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

NOTED BY
City Attorney
City Auditor
City Engineer

Filed APR 9 1982

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

*George Croell*  
Deputy