

EASEMENT DEED

FOR AND IN CONSIDERATION of the sum of One and No/100 Dollar (\$1.00) in hand paid, receipt of which is hereby acknowledged, and the benefits which will accrue to the land of the grantors by the exercise of the rights herein granted, the CITY OF PORTLAND, a municipal corporation of the State of Oregon, does hereby grant, bargain, sell and convey unto the SOUTHEAST JOHNSON CREEK WATER CONTROL DISTRICT, a municipal corporation of the State of Oregon and its successors and assigns as easement and right of way on special limitation for the purposes hereinafter stated over, through, under, along and across that certain parcel of land situate in the County of Multnomah, State of Oregon, described as follows, to wit:

An easement over the bed of Johnson Creek and an additional area extending all along the northwesterly bank thereof, said additional area not to exceed 40 feet in width during the calendar years 1962 and 1963 and not to exceed 25 feet in width thereafter, each distance measured from the dyke top, and an additional area extending all along the southerly and easterly bank top of said Johnson Creek not to exceed 10 feet in width, all of said easement over and across Tax Lot 162, more fully described as follows:

A tract of land in Section 24, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the south line of S. E. Tenino Street (platted as "A" Street in the town of Willsburg) which point is North 81°01' east 250 feet, along the southerly line of S. E. Tenino Street, from the easterly line of a 60-foot railroad right of way of the Southern Pacific Company (formerly the right of way of the Portland and Oregon City Railway Company); thence south 69°44' East 140 feet; thence South 51°03' East 240 feet; thence South 72°06'45" East 60.29 feet to a stone set by T. M. Hurlbert, October 1889, at the north corner of a tract of land conveyed to School District No. 70, by deed recorded May 21, 1877 in Book 31, page 239, Deed Records; thence North 15°00' East 78.10 feet to a point in the west side line of S. E. Tacoma Avenue, County Road No. 1090; thence northerly following the west line of S. E. Tacoma Avenue 207.8 feet, more or less, to the point of intersection of the easterly extension of the south line of that certain tract of land conveyed by Andrea Guglielmino and Jennie Guglielmino to the City of Portland and recorded September 30, 1954, in Book 1683, page 228, Deed Records; thence westerly following the southerly boundary line of the said Guglielmino tract and the southerly line of S. E. Tenino Street, a distance of 412 feet, more or less, to the point of beginning.

Said easement and right of way are for the following purposes, namely: the right to enter upon the above described right of way and to construct, reconstruct, maintain, repair, operate and patrol a bank protection and/or a channel improvement and rectification project including the appurtenances thereto, together with any enlargement or reconstruction thereof and to trim, cut, fell and remove all such trees, brush and other natural growth and obstruction as are necessary to

provide adequate clearance and to eliminate interference with or hazards to the structures or utilities placed or constructed on, over and under said right of way except that the herein named grantor reserves unto itself, its successors and assigns the right to construct and perpetually maintain or reconstruct any sewer line or lines and the appurtenances thereto that now traverse the above described property in accordance with the terms and provisions set forth in that certain instrument from Olga Gutknecht and Adolph Gutknecht, wife and husband, to the City of Portland, dated September 11, 1922, recorded August 9, 1923 in Book 925, page 359, Deed Records, Multnomah County, and in accordance with the terms and provisions set forth in that certain instrument from the West Coast Tanning Company to the City of Portland, dated September 11, 1922, recorded August 9, 1923, in Book 936, Page 175, Deed Records of Multnomah County, and the perpetual right to lay down, construct, reconstruct, maintain and repair any additional sewer line or lines as may in the determination of the grantor be necessary or convenient for public use. The herein named grantor further reserves unto itself, its successors and assigns, the right to construct and perpetually maintain or reconstruct any water-main, street, road, bridge, overpass or underpass under, over, above, along or upon the easement way herein granted as may be necessary or convenient for public use.

It is expressly understood and agreed that in granting the easement and right of way herein above described there is included as an appurtenance the right of access thereto over and across the herein above described parcel of land but any such entering or crossing shall be done with the least possible damage resulting therefrom and any such damage caused by any such entering or crossing shall be promptly repaired by the grantee at its own expense.

It is expressly understood and agreed that the Grantee shall give the City Engineer of the CITY OF PORTLAND ten days written notice prior to entering on the easement herein granted, except in the event of an emergency, and that any cutting or removal of trees or other natural growth as herein above provided for shall not be done without prior written approval of the City Engineer of the CITY OF PORTLAND.

TO HAVE AND TO HOLD the said easement and right of way unto the Southeast Johnson Creek Water Control District, a municipal corporation of the State of Oregon and its assigns so long as the herein named grantee, its successors or assigns shall use the easement and right of way herein granted for the purposes hereinabove set forth; and in the event the grantee, its successors or assigns shall fail to so use said easement and right of way for said purposes then all rights herein granted shall terminate and said easement and right of way with all appurtenances thereto shall automatically revert to the grantor or its successors or assigns.

The grantors covenant with the Southeast Johnson Creek Water Control District, a municipal corporation for the State of Oregon, that it is lawfully seized and possessed of the land aforesaid. That the easement herein above described is free and clear of all encumbrances except as hereinabove noted, and as appear of record and that it will forever warrant and defend the title thereto and quiet possession thereof against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the CITY OF PORTLAND has by Ordinance No. 114736 authorized execution of this instrument by its Mayor and Auditor, and its corporate seal to be herein affixed this 16th day of April, 1962.

CITY OF PORTLAND

By /s/ Stanley H. Ford
Acting Mayor

By /s/ Ray Smith
Auditor

STATE OF OREGON

} ss.

County of Multnomah)

BE IT REMEMBERED, that on this 16th day of April, 1962, before me, the undersigned, a notary public in and for said county and state, appeared Stanley W. Earl and Ray Smith, to me personally known, who being first duly and severally sworn, did say that he, the said Stanley W. Earl is the Acting Mayor of the City of Portland, and he, the said Ray Smith is the Auditor of the City of Portland, the municipal corporation which executed the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said City, and that said instrument was signed and sealed on behalf of said municipal corporation by authority of Ordinance No. 114736 and said Stanley W. Earl and Ray Smith acknowledged said instrument to be the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year first in this my certificate written.

/s/ Sylvia L. Bradenier
Notary Public for Oregon

My commission expires Jan. 30, 1965

Approved as to form:

Alvanda A. Brown
City Attorney

Approved:

[Signature]
City Engineer

EASEMENT DEED

FOR AND IN CONSIDERATION of the sum of One and No/100 Dollar (\$1.00) in hand paid, receipt of which is hereby acknowledged, and the benefits which will accrue to the land of the grantor by the exercise of the rights herein granted, the CITY OF PORTLAND, a municipal corporation of the State of Oregon, does hereby grant, bargain, sell and convey unto the SOUTHEAST JOHNSON CREEK WATER CONTROL DISTRICT, a municipal corporation of the State of Oregon, and its successors and assigns, an easement and right of way on special limitation for the purposes hereinafter stated, over, through, under, along and across that certain parcel of land situate in the County of Multnomah, State of Oregon, described as follows, to wit:

An easement over the bed of Johnson Creek and an additional area extending all along the northwesterly bank thereof, said additional area not to exceed 40 feet in width during the calendar years 1962 and 1963 and not to exceed 25 feet in width thereafter, each distance measured from the dyke top, across Tax Lot 39 more fully described as follows:

A tract of land in Section 24, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at the intersection of the east line of that tract of land described in deed from Highly J. Hickum, a widow, to Portland and Oregon City Railway Company, a corporation, recorded April 30, 1915, in Book 679, Page 308, Deed Records, with the south line of S.E. Tacoma Street, formerly Willsburg County Road No. 1090; thence south 9° 10' east along the east line of said Portland and Oregon City Railway Company tract, 90 feet to the true point of beginning of the tract of land herein described; thence north 81° 25' east parallel with the south line of said S.E. Tacoma Street, 35 feet; thence south 89° 29' 30" east a distance of 126.59 feet to a point; thence south 79° 00' 30" east a distance of 238.80 feet to a point; thence north 81° 25' east a distance of 236.44 feet to the east line of the tract of land conveyed to Andrea Guglielmino by deed recorded January 7, 1920, in Book 796, Page 330, Deed Records; thence south 30° 10' east along the east line of said Guglielmino tract 35.61 feet; thence south 0° 32' 20" east along the east line of said Guglielmino tract 22.25 feet to an iron pipe at the southeast corner thereof; thence south 81° 32' 30" west along the south line of the said Guglielmino tract, 627.47 feet to an iron pipe on the east line of the Portland and Oregon City Railway Company tract; thence north 9° 10' west along said east line of the Portland and Oregon City Railway Company tract 153.8 feet to the true point of beginning.

Said easement and right of way are for the following purposes, namely: the right to enter upon the above described right of way and to construct, reconstruct, maintain, repair, operate and patrol a bank protection and/or channel improvement and rectification project including the appurtenances thereto, together with any enlargement or reconstruction thereof and to trim, cut, fell and remove all such trees, brush and other natural growth and obstructions as are necessary to provide adequate clearance and to eliminate interference with or hazards

APPROVED AS TO DESCRIPTION

W. C. ...

to the structures or utilities placed or constructed on, over and under said right of way except that the herein named grantor reserves unto itself, its successors and assigns, the right to perpetually maintain or reconstruct any sewer line or lines and the appurtenances thereto that now traverse the above described property and the perpetual right to lay down, construct, reconstruct, maintain and repair any additional sewer line or lines as may in the determination of the grantor be necessary or convenient for public use. The herein named grantor further reserves unto itself, its successors and assigns, the right to construct and perpetually maintain or reconstruct any water main, street, road, bridge and overpass or underpass under, over, above, along or upon the right of way herein granted as may be necessary or convenient for public use.

It is expressly understood and agreed that in granting the easement and right of way hereinabove described there is included as an appurtenance the right of access thereto over and across the hereinabove described parcel of land but any such entering or crossing shall be done with the least possible damage resulting therefrom and any such damage caused by any such entering or crossing shall be promptly repaired by the grantee at its own expense.

It is expressly understood and agreed that the grantee shall give the City Engineer of the City of Portland ten days written notice prior to entering on the easement herein granted, except in the event of an emergency, and that any cutting or removal of trees or other natural growth as hereinabove provided for shall not be done without prior written approval of the City Engineer of the City of Portland.

The easement and right of way herein granted are subject and subordinate to and encumbered by that certain option to purchase granted to H. Hos & Co., Inc., by Ordinance No. 101089 and extended for two year periods by subsequent ordinances numbered 104737 and 108459.

TO HAVE AND TO HOLD the said easement and right of way unto the SOUTHEAST JOHNSON CREEK WATER CONTROL DISTRICT, a municipal corporation of the State of Oregon, and its assigns so long as the herein named grantee, its successors and assigns, shall use the easement and right of way herein granted for the purposes hereinabove set forth; and in the event the grantee, its successors or assigns, shall fail to so use said easement and right of way for said purpose, then all rights herein granted shall terminate and said easement and right of way with all appurtenances thereto shall automatically revert to the grantor or its successors or assigns.

The grantors covenant with the SOUTHEAST JOHNSON CREEK WATER CONTROL DISTRICT, a municipal corporation of the State of Oregon, that it is lawfully seized and possessed of the land aforesaid. That the easement hereinabove described in free and clear of all encumbrances except as hereinabove noted, and as appear of record and that it will forever warrant and defend the title thereto and quiet possession thereof against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the CITY OF PORTLAND has by Ordinance No. 114736 authorized the execution of this instrument by its Mayor and Auditor, and its corporate seal to be herein affixed this 16th day of April, 1962.

CITY OF PORTLAND

By /s/ Stanley W. Earl
Acting Mayor

By /s/ Ray Smith
Auditor

STATE OF OREGON)
) ss.
County of Multnomah)

BE IT REMEMBERED that on this 16th day of April, 1962, before me, the undersigned, a notary public in and for said county and state, appeared Stanley W. Earl and Ray Smith to me personally known, who being first duly and severally sworn, did say that he, the said Stanley W. Earl is the Acting Mayor of the City of Portland, and he, the said Ray Smith is the Auditor of the City of Portland, the municipal corporation which executed the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said City, and that said instrument was signed and sealed on behalf of said municipal corporation by authority of Ordinance No. 114736 and said Stanley W. Earl and Ray Smith acknowledged said instrument to be the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year first in this my certificate written.

/s/ Sylvia L. Bredemeier
Notary Public for Oregon

My commission expires Jan. 30, 1965

Approved as to form:

Alexander S. Brown
City Attorney

Approved:

[Signature]
City Engineer

CITY OF PORTLAND
INTER-OFFICE CORRESPONDENCE
(NOT FOR MAILING)

Ord 114736

From Office of City Engineer
To City Attorney
Addressed to Alexander G. Brown, City Attorney
Subject Easements through T.L. 39 and 162, Section 24, T.1S., R.1E., W.M., (City to Southeast Johnson Creek Water Control District).

March 13, 1962

Dear Sir:

I transmit herewith, approved by this office, two easements crossing City property which abuts Johnson Creek in the vicinity of S.E. Tacoma Street.

Also attached is a copy of the Right of Way Agent's letter advising that upon approval by your office, the easements should be forwarded to Mr. Hamill in the City Auditor's Office for processing.

Very truly yours,



L. H. ROSENTHAL, P.E.

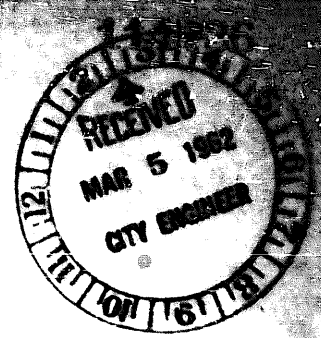
City Engineer

CS: jh

Encls.

CITY OF PORTLAND
INTER-OFFICE CORRESPONDENCE
(NOT FOR MAILING)

March 2, 1962



From: Finance, Right of Way Agent
To: Public Works, City Engineer
Addressed to: Mr. L. H. Rosenthal
Subject: Easements Across Tax Lots 39 and 162, Section 24, T1S, R1E, W.M.

Dear Mr. Rosenthal:

Returned herewith are the easements across Tax Lots 139 and 162, Section 24, T1S, R1E, W.M., authorized by Ordinance No. 114736.

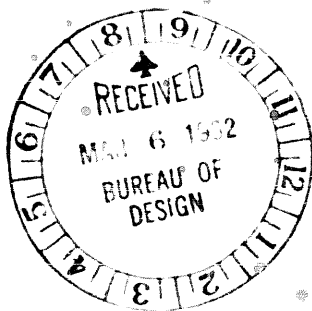
I trust you will find that the changes requested in your letter of February 26, 1962, are satisfactory so that said easements can be approved by your office.

Upon your approval of said easements, please forward them to the City Attorney for his approval as to form. After the City Attorney has approved the easements as to form, said documents should be submitted to Mr. Hamill in the Auditor's office for processing.

Very truly yours,

Orvin E. Ahern, Jr.
Orvin E. Ahern, Jr.
Right of Way Agent

OEA: jw
Attachments



NO.	8192	SUBJECT	Easements
		LHP/Daw/WTM/sbart	
		JL Daw	
SENT TO FILES BY		DATE	

April 18, 1942

Mr. Donald Alderton
Attorney at Law
8320 S. E. Stark
Portland 16, Oregon

Dear Mr. Alderton:

Enclosed please find five executed Easement Deeds authorized by Ordinances No. 114735, 114794, and 114930 to the southeast Johnson Creek Water Control District.

Yours very truly,

Auditor of the City of Portland

JH:jc

cc: Property Control
Right-of-Way Agent

ORDINANCE NO. 111736

An Ordinance authorizing execution of easement deeds over Tax Lots 39 and 162, Sec. 24, T1S, R1E, W.M., on special limitation from the City to Southeast Johnson Creek Water Control District, a municipal corporation of Oregon, over the bed of Johnson Creek and abutting land, for the purpose of bank protection and channel improvement for flood control, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. The Council finds that Johnson Creek overflows its banks during the rainy season and causes a great deal of damage to surrounding property including property owned by the City of Portland; that it would be in the public interest to protect the bank of said creek and to improve the channel thereof so as to alleviate the causes of flood condition; that the Southeast Johnson Creek Water Control District has been organized as a municipal corporation of the state of Oregon for this purpose and has offered to maintain, repair, operate and patrol a bank protection and/or channel improvement and rectification project, and that easement deeds on special limitation should be granted over Tax Lots 39 and 162, Sec. 24, T1S, R1E, W.M., to the Southeast Johnson Creek Water Control District, a municipal corporation of the state of Oregon, for the right to enter upon the property to construct, reconstruct, maintain, repair, operate and patrol a bank protection and/or a channel improvement and rectification project including the appurtenances thereto, and to trim, cut, fell and remove all trees, brush and other natural growth and obstruction as are necessary to provide adequate clearance and to eliminate interference to structures or utilities; now, therefore, the Mayor and Auditor hereby are authorized to execute in behalf of the City deeds granting easements and rights of way on special limitation to Southeast Johnson Creek Water Control District, a municipal corporation of the state of Oregon, over the bed of Johnson Creek and an area not to exceed 40 feet in width along the northerly, southerly and easterly banks thereof over and across said Tax Lots 39 and 162, Sec. 24, T1S, R1E, W.M. for the purpose of bank protection and channel improvements of said Johnson Creek.

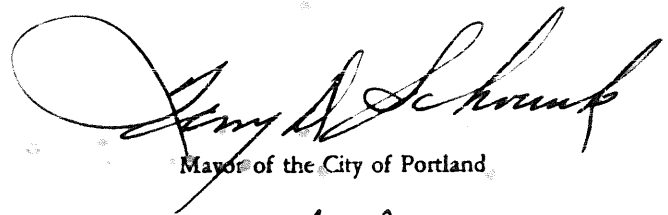
Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that there may be no unnecessary delay in giving the easement deeds mentioned in Section 1 of this ordinance so that work may get

ORDINANCE No.

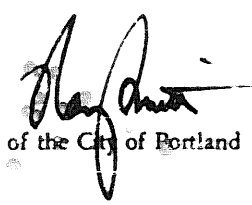
started on improvement of the bed of said creek, all in the public interest; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council,

FEB 14 1962


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 515

515

ORDINANCE NO. 111336

Title

An Ordinance authorizing execution of easement deeds over Tax Lots 39 and 162, Sec. 24, T1S, R1E, W.M., on special limitation from the City to Southeast Johnson Creek Water Control District, a municipal corporation of Oregon, over the bed of Johnson Creek and abutting land, for the purpose of bank protection and channel improvement for flood control, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yes	Nays
Bean	/	
Howes	/	
Earl	/	
Grayson	/	
Schrunk	/	

FOUR FIFTHS CALENDAR		
Bean		
Bowes		
Earl		
Grayson		
Schrunk		

INTRODUCED BY
Commissioner Bean

DRAWN BY
FJC:gm
Date 2-8-62

NOTED BY THE COMMISSIONER

Affairs _____
 Finance _____
 Safety _____
 Utilities _____
 Works _____

City Attorney _____

NOTED FOR CITY AUDITOR

APPROVED

Date _____
 By _____
 City Engineer

Date _____
 By _____

Filed FEB 13 1962

RAY SMITH
Auditor of the CITY OF PORTLAND

By: *[Signature]*
Deputy