

## RESOLUTION NO.565

### A RESOLUTION VACATING A CONSTRUCTION EASEMENT FOR PROPERTY LOCATED ALONG U.S. PACIFIC HIGHWAY 99 EAST

**WHEREAS**, on October 30, 1978, Herman Hellhake and Clara Bell Hellhake granted an easement to the City of Canby for the purpose of creating a sewer easement which was thereafter recorded in the Clackamas County Records under Fee #78-50723 on November 28, 1978. A copy of said sewer easement is attached hereto as Exhibit "A" and by this reference incorporated herein; and

**WHEREAS**, as part of said sewer easement, a construction easement of twenty (20) feet in width, lying southerly and northeasterly of the permanent easement as described in the recorded sewer easement document, was also granted; and

**WHEREAS**, the heirs and successors of the original grantors, have requested the construction easement be vacated leaving only the sewer easement remaining on said property; and

**WHEREAS**, the Canby City Council feels it is in the best interests of the City to dissolve the construction easement of twenty (20) feet since construction has been completed and since the remaining sewer easement still provides adequate area for the maintenance of the sewer line; and

**BE IT NOW THEREFORE RESOLVED** by the Canby City Council that it hereby vacates, releases and renounces its interest in the construction easement of twenty (20) feet as more particularly described under Fee #78-50723, dated November 28, 1978 and recorded in the Clackamas County, Oregon Deed Records. (Exhibit "A")

**ADOPTED** by the Canby City Council at a regular meeting thereof on the 20th day of July, 1994.

  
Scott Taylor, Mayor

ATTEST:

  
Marilyn K. Perrett, City Recorder

SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That HERMAN HELLAKE and CLARA BELL HELLAKE, husband and wife, hereinafter called the GRANTORS, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby grant unto THE CITY OF CANBY, a municipal corporation of Clackamas County, Oregon, hereinafter called the GRANTEE, an exclusive permanent easement and right-of-way for the purposes hereinafter set forth, in, on, over, and across, a strip of land in the northeast quarter of the southeast quarter of section 33, T3 S., R1 E. of the WM, in Clackamas County, Oregon, more particularly described as follows, to-wit:

Beginning at the point of intersection of the westerly line of that roadway described in Book 159, Page 598, County deed records, with the southerly right-of-way line (60 feet from deed centerline) of U.S. Pacific Highway 99 East; thence along said highway right-of-way line S. 63° 11' W., 395 feet, more or less, to the easterly line of that tract of land conveyed to Dale Morgan by deed recorded as Fee No. 73-24548, County Deed Records; thence S. 27° 00' E., 145.00 feet along said easterly line of the Morgan tract; thence N. 63° 00' E., 10.00 feet; thence N. 27° 00' W., 139.97 feet parallel to said easterly line of the Morgan tract; thence parallel to and 5.00 feet from, when measured perpendicular to said highway right-of-way line N. 63° 11' E., 383 feet more or less, to said westerly roadway line (Book 159, Page 598); thence along said westerly roadway line N. 4° 08' 47" W., 5.42 feet to the point of beginning.

TOGETHER WITH a construction easement 20 feet in width, lying southeasterly and northeasterly of the above described permanent easement.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said Grantee, its successors and assigns, together with the right of ingress and egress to and from the above described right-of-way, and together with the right to go upon and along said right-of-way and dig ditches and lay such pipe and construct man-holes, and do such other things as may be reasonably necessary by

Recorded by  
The Insurance Company  
CLACKAMAS COUNTY  
RECORDS  
244280

00800-330A-00800  
3S 1E 33DA-00800

• .... DENOTES A 3/8" X 30" IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "PACIFIC SURVEYS/ PLS 2219", SET 4/5/99.

( )...DENOTES DATA OF RECORD AS NOTED

~~---~~... DENOTES AN EXISTING FENCE LINE

DEMO 1--DENOTES DOCUMENT FILE NUMBER 93-22323

DESD 2... DENOTES DOCUMENT PAGE NUMBER 4-0468

FOUND CLACKAMAS  
COUNTY ALUMINUM  
DISK IN CONCRETE  
STAMPED 1/4 CORNER  
HELD AS EAST 1/4  
CORNER SEC. 33  
PER B.T. BK. 12  
PG. 98

LIC  
TNA

THIS POINT LOCATED, PER DEEDS,  
AS BEING LOCATED S 42° 18' W  
394.97' SOUTH 167.8' E  
S 63° 00' W 630.4' FROM STONE  
AT NORTH END DIVISION LINE  
BETWEEN HUSBANDS & WIFE'S  
NAMES OF PHILANDER & ANNA LEE'S  
D.I.C.

FOUND 5'X6' STONE  
WITH X HELD AS ON  
N.W. LINE OF HWY  
PER HIGHWAY MAP  
18-25-22 1 HELD  
AS N.W. CORNER  
FEE # 93-22223  
PER DEED

PGF NUMBER 6-0468

DEEDS,  
N

ONE  
AC

EX

53° 44' 05" W 923.92'  
55° 44' 05" W 923.20'

STATE HWY MAP 18-25-22

99 E

PG 217

MAP 18-25-22

25

U. S. HWY 99 E  
DEED BK. 679, PG 217  
STATE HWY MAP II  
W 371.37, 571.37  
POINT OF  
TRANS

BASE  
ROAD 2  
ROAD 1  
ROAD 3  
ROAD 4  
ROAD 5  
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ROAD 100

INITIAL  
POINT  
NORTHEAST RLY  
CORNER OF FERN  
69-8460

PARCEL 1  
1.75 ACRES

20' WIDE CONSTRUCTION  
BASEMENT AND A  
10' WIDE SEWER BASEMENT  
PER PER 70-40723

TYPICAL BASEMENTS  
SEE "BASEMENTS"  
SECTION ON PAGE 2

PARCEL 2  
2.00 ACRES

PUBLIC R  
DEED VC  
PAGE 51

WES  
ROAD  
PG. 1  
\* CA

### CURVE DATA