

EASEMENT FOR PUBLIC ACCESS AND UTILITIES

THIS AGREEMENT, made and entered into this 8th day of June, 2021 by and between HALEY LEASING, LLC, (Address:) PO Box 2350 Lebanon, Oregon 97355, herein called Grantors, and the CITY OF LEBANON (Address: 925 Main Street, Lebanon, Oregon 97355), a Municipal corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the Grantor does bargain, sell, convey and transfer unto the City of Lebanon, a perpetual and permanent easement and right-of-way, including the right to enter upon the real property hereinafter described, construct sidewalk, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

- 1. The right-of-way hereby granted is described as follows:

SEE EXHIBIT "A" and EXHIBIT "B" ATTACHED

- 2. The permanent easement described herein grants to the City and to its successors, assigns, authorized agents or contractors, the perpetual right to enter upon said easement at any time that it may see fit for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$ 0.00, the receipt of which is hereby acknowledged, and in further consideration of the public improvements to be placed upon said property and the benefits Grantor may obtain therefrom. Nothing herein shall reduce or limit grantor's obligation to pay any costs or assessments which may result from the improvements.
4. One 8-inch sanitary sewer pipe stubbed from the Westside Interceptor sanitary sewer pipe in Walker Rd to the grantors property line terminating with a clean-out.
5. 6-inch Public waterline extended onto grantors property.
6. 8-inch Public storm drain extended onto grantors property.
7. Any permanent fencing that is removed during construction will be reconstructed with new fencing of the same materials.
11. The Grantor does hereby covenant with the City that Grantor is lawfully seized and possessed of the real property above described, has a good and lawful right to convey it or any part thereof, and will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
12. Upon performing any maintenance, the City will make reasonable efforts to return the site to its original condition.
13. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, we have set our hands hereto this 8 day of June, 2021.

IN WITNESS WHEREOF, we have set our hands hereto this 14 day of July, 2021.

STATE OF Oregon )
County of Linn ) ss.
City of Lebanon )

STATE OF OREGON )
County of Linn ) ss.
City of Lebanon )

Randall J Haley, MEMBER
HALEY LEASING, LLC
Joni Haley, MEMBER
HALEY LEASING, LLC
GRANTOR(S)

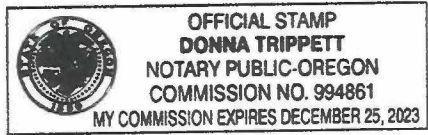
By: Paul R Aziz, Mayor
Jason Bolen, Council President
By: Kim Scheafer, MMC, City Clerk Recorder

On the 8 day of June, 2021, personally appeared the within named Randy Haley, MEMBER and Joni Haley, MEMBER HALEY LEASING, LLC who acknowledged the foregoing instrument to be a voluntary act and deed.

GRANTEES
On the 14 day of July, 2021, personally appeared Paul R. Aziz and Kim Scheafer, who each being duly sworn, did say that the former is the Mayor/Council President and the latter is the Recorder for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument was signed and sealed in behalf of said corporation by authority of its City Council, which accepted this easement on the 14 day of July, 2021, and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME: Kara Mae Rouse
NOTARY PUBLIC FOR OREGON
Commission Expires: March 21, 2022

BEFORE ME: Donna Trippett
NOTARY PUBLIC FOR OREGON
Commission expires: 12/25/2023



Recording information box containing: LINN COUNTY, OREGON 2021-21846, E-PA, Cnt=2 Stn=10130 COUNTER 09/15/2021 10:59:32 AM, \$120.00, barcode, and County Clerk Steve Druckenmiller's signature and seal.

EXHIBIT "A"

7' UTILITY EASEMENT

AN AREA IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF LEBANON, LINN COUNTY OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY OF WALKER ROAD, SAID POINT MARKS THE SOUTHWEST CORNER OF PARCEL 2 OF LINN COUNTY PARTITION PLAT NO. 2020-12; THENCE ALONG SAID RIGHT-OF-WAY, NORTH 88°19'08" WEST 122.44 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 01°44'06" EAST 7.00 FEET; THENCE SOUTH 88°19'08" EAST 122.44 FEET; THENCE SOUTH 01°44'06" WEST 7.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA CONTAINS 857 SQUARE FEET.



HORAK  
TAX LOT 3700  
MAP 12S02W15CD

HARMONY SUBDIVISION  
LOT 9

HALEY LEASING LLC  
TAX LOT 3600  
MAP 12S02W15CD

GOOD WELL LAND LLC  
TAX LOT 3501  
MAP 12S02W15CD

N01°44'06"E  
7.00'

S01°44'06"W  
7.00'

S88°19'08"E 122.44'


N88°19'08"W 122.44'

7.00'

SW CORNER  
PARCEL 2  
PP 2020-12

WALKER ROAD (60') R/W

LEGEND

- R/W RIGHT OF WAY
-  PROPOSED 7' EASEMENT



SCALE: 1" = 30'



SHEET 1  
of 1  
SCALE: AS NOTED

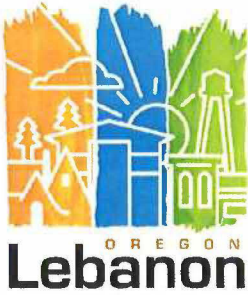


Date 4/15/2020  
Project 18-157 WSI  
AIRWAY SEGMENT  
Drawn by BWP  
Checked by BSV

EASEMENT EXHIBIT "B"

HALEY LEASING LLC  
LEBANON, OREGON

UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON, 97355  
541-451-5125



925 S. Main Street  
Lebanon, Oregon 97355

TEL: 541.258.4918  
www.ci.lebanon.or.us

# MEMORANDUM

*Engineering Services*

Date: July 6, 2021

To: Mayor Aziz and City Council  
From: Ron Whitlatch, Engineering Services Director  
Subject: **Easements – Walker Road**

## I. INTRODUCTION

The attached easements are being presented for consideration on the July 14<sup>th</sup> Lebanon City Council Agenda.

The easements are for utilities in Walker Road (please see attached maps) for the Westside Interceptor Project.

Staff will be available should Council have any questions

## I. RECOMMENDATION

Staff recommends City Council approve the attached Public Utility Easements by motion.