

EASEMENT FOR PUBLIC ACCESS AND UTILITIES

THIS AGREEMENT, made and entered into this 10th day of August, 2021 by and between Cochran and Smith Investments LLC, (1000 Montessa Way, 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. 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.
5. Upon performing any maintenance, the City will make reasonable efforts to return the site to its original condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, we have set our hands hereto this 10TH day of AUGUST, 2021.

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

Bradley Cochran OWNER
Cochran & Smith Investments, LLC

GRANTOR(S)

IN WITNESS WHEREOF, we have set our hands hereto this 15th day of September, 2021.

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

By: Paul R. Aziz
Paul R Aziz, Mayor ☒
Jason Bolen, Council President ☐

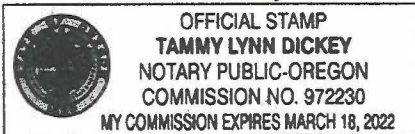
By: Kim Scheafer
Kim Scheafer, MMC, City Clerk ☒ Recorder

GRANTEES

On the 10th day of August, 2021, personally appeared the within named Bradley Cochran who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: T. Scheng
NOTARY PUBLIC FOR OREGON

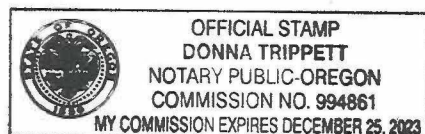
Commission Expires: March 18, 2022



On the 15th day of September, 2021, personally appeared _____ 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 8th day of September, 2021, and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME: Donna Trippett
NOTARY PUBLIC FOR OREGON

Commission expires: 12/25/2023



LINN COUNTY, OREGON 2022-02830
E-PA 02/14/2022 11:11:47 AM
Cnt=2 Stn=10131 S. WILSON
\$15.00 \$5.00 \$11.00 \$60.00 \$19.00 \$120.00
00430729202200028300030035
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Steve Druckenmiller - County Clerk

EXHIBIT "A"

SANITARY SEWER LIFT STATION EASEMENT DESCRIPTION

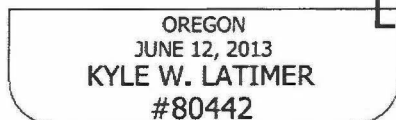
*(PARCEL 1, PARTITION PLAT NO. 2015-11)
(TAX LOT 300, ASSESSORS MAP 12S2W16)*

AN AREA LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, CITY OF LEBANON, LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS:

BEGINNING AT A POINT ON THE EAST LINE OF PARCEL 1, PARTITION PLAT NO. 2015-11, WHICH BEARS SOUTH 0°13'20" EAST 4.09 FEET FROM THE MONTESSA WAY POINT OF CURVATURE ON THE EAST LINE OF SAID PARCEL; THENCE ALONG SAID EAST LINE SOUTH 0°13'20" EAST 17.00 FEET; THENCE LEAVING SAID EAST LINE SOUTH 89°58'50" WEST 37.18 FEET; THENCE NORTH 0°19'37" WEST 36.64 FEET; THENCE NORTH 89°45'19" EAST 27.51 FEET; THENCE SOUTH 0°12'25" WEST 19.75 FEET; THENCE NORTH 89°58'50" EAST 9.89 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA CONTAINS ± 1172 SQUARE FEET.

LINN COUNTY SURVEY 25921 WAS USED AS A REFERENCE.



EXPIRES 12-31-2022

Kyle W
Latimer

Digitally signed
by Kyle W
Latimer
Date: 2021.08.04
11:12:31 -07'00'

Udell Engineering & Land Surveying, LLC
63 East Ash Street, Lebanon, OR 97355
Ph: 541-451-5125 • Fax: 541-451-1366

TAX LOT 300
TAX MAP 12S02W16

BUILDING

PARCEL 1
PARTITION PLAT NO. 2015-11

N89°45'19"E 27.51'

CYCLONE FENCE

S00°12'25"W 19.75'

N89°58'50"E

9.89'

POINT OF CURVATURE
ON EAST LINE OF PARCEL 1
P.P. NO. 2015-11

S00°13'20"E 4.09'

POINT OF BEGINNING

SANITARY SEWER LIFT STATION
EASEMENT TO THE CITY OF LEBANON

GATE

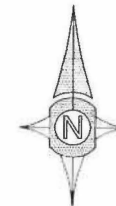
ASPHALT
DRIVEWAY

S00°13'20"E 17.00'

MONTESSA WAY
(60')R/W PRIVATE

S89°58'50"W 37.18'

(S00°13'20"E)



SCALE: 1" = 10'



LEGEND

() RECORD DATA PER COUNTY SURVEY 25921
P.P. PARTITION PLAT

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

EXHIBIT B

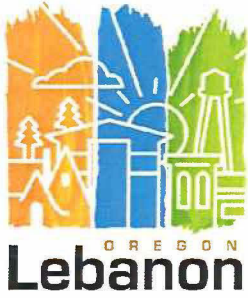
1000 MONTESSA WAY
LEBANON, OREGON

Date 05/26/21
Project COL OAK
21-180
Drawn by GSR
Checked by KWL



SHEET 1
of 1

SCALE: AS NOTED



925 S. Main Street
Lebanon, Oregon 97355

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

MEMORANDUM

Engineering Services

To: Mayor Aziz and City Council
From: Ron Whitlatch, Engineering Services Director 
Subject: **Easement – Montessa Lift Station**

Date: September 1, 2021

I. INTRODUCTION

The attached easement is being presented for consideration on the September 8th Lebanon City Council Agenda.

The easement is for the Montessa Lift Station located at the corner of Montessa and Highway 34 (please see attached maps). The lift station was installed in 2006. Staff has recently discovered that an easement was not obtained at the time of installation, therefore has requested one now from the current owner.

Staff will be available should Council have any questions.

I. RECOMMENDATION

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