



MEMORANDUM

Engineering Services
925 S. Main Street
Lebanon, Oregon 97355

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FAX: 541.258.4954
www.lebanonoregon.gov
engineering@lebanonoregon.gov

Date: August 27, 2026

To: Shana Olson, Development Services Director

From: Kolson Shanks, Project Manager

Subject: Public Access and Utilities Easement - 50 Market Street

BACKGROUND

The development at 50 Market Street (planning file AR-25-04, VAR-25-04) includes a waterline and fire hydrant that was constructed on private property. Although the improvements are situated outside of the public right-of-way, the waterline serving the fire hydrant and the fire hydrant itself are public improvements that will be owned, operated, and maintained by the City.

A Public Access and Utilities Easement is necessary to provide the City with permanent legal access to the waterline and fire hydrant. The easement will allow the City to enter the property as necessary to inspect, operate, maintain, repair, replace, and otherwise access the public water infrastructure.

RECOMMENDATION

Present the attached Public Access and Utilities Easement to City Council for approval.

Recording Cover Sheet

All Transactions (ORS 205.234)

After Recording Return To:

City of Lebanon

925 S Main Street

Lebanon, OR 97355

Mail Tax Statements To:

N/A

Reserved for Recording Label

1. Name / Title of Transaction (ORS 205.234 (1a))

Easement for Public Access and Utilities

2. Grantor / Direct Party Name (ORS 205.125 (1b), 205.160 & 205.234 (1b))

Francisco Villalobos

3. Grantee / Indirect Party Name (ORS 205.125 (1b), 205.160 & 205.234 (1b))

City of Lebanon

4. True and Actual Consideration (ORS 93.030)

\$1.00

5. If this instrument is being re-recorded, complete the following statement (ORS 205.244)

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

EASEMENT FOR PUBLIC ACCESS AND UTILITIES

THIS AGREEMENT, made and entered into this _____ day of _____, 2026 by and between **Villalobos Real Estate, LLC**, (Address) 2628 Happy Valley Rd SE Salem, Oregon 97317, 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, a perpetual and permanent easement and right-of-way, including the right to enter upon the real property hereinafter described 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 Attached EXHIBIT A for legal description
See Attached EXHIBIT B for illustration map
- 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 \$1.00, 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
27 day of August, 2026.

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

[Signature]

IN WITNESS WHEREOF, we have set our hands
hereto this
_____ day of _____, 2026

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

By:
Ron Whitlatch, City Manager

Francisco Villalobos

GRANTOR(S)

GRANTEES

On the 27 day of August, 2026
personally appeared the within named
Francisco Villalobos, who
acknowledged the foregoing instrument to be a voluntary
act and deed.

On the _____ day of _____, 2026
personally appeared Ron Whitlatch, who being duly
sworn, did say that the above is the City Manager for the
City of Lebanon, a Municipal Corporation, and that the
seal affixed to the foregoing instrument was signed and
sealed on behalf of said corporation by authority of its
City Council, which accepted this easement on the
_____ day of _____, 2026, and who
acknowledged said instrument to be a voluntary act and
deed.

BEFORE ME: Amanda Albert
NOTARY PUBLIC FOR OREGON

Commission Expires: September 23, 2028

BEFORE ME: _____
NOTARY PUBLIC FOR OREGON

Commission expires: _____

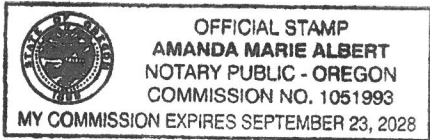


EXHIBIT A

PUBLIC ACCESS AND UTILITY EASEMENT

FOR

CITY OF LEBANON WATERLINE AND FIRE HYDRANT

A STRIP OF LAND IN LOT 1 OF HORN SUBDIVISION IN THE NE 1/4 OF SECTION 22, T. 12 S., R. 02 W., W.M., CITY OF LEBANON, LINN COUNTY, STATE OF OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERN 39.00 FEET OF THE EASTERN 15.00 FEET OF THE WESTERN 29.00 FEET OF SAID LOT 1 IN HORN SUBDIVISION.

CONTAINS 585 SF ±



ABBREVIATIONS LEGEND

- MF

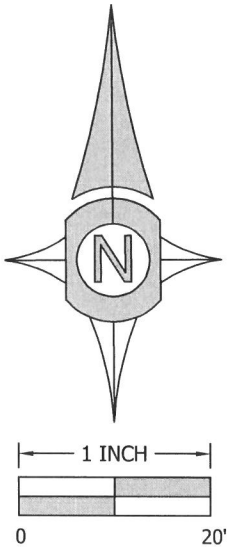
- MICROFILM
- VOL.

- VOLUME
- PG.

- PAGE
- BK.

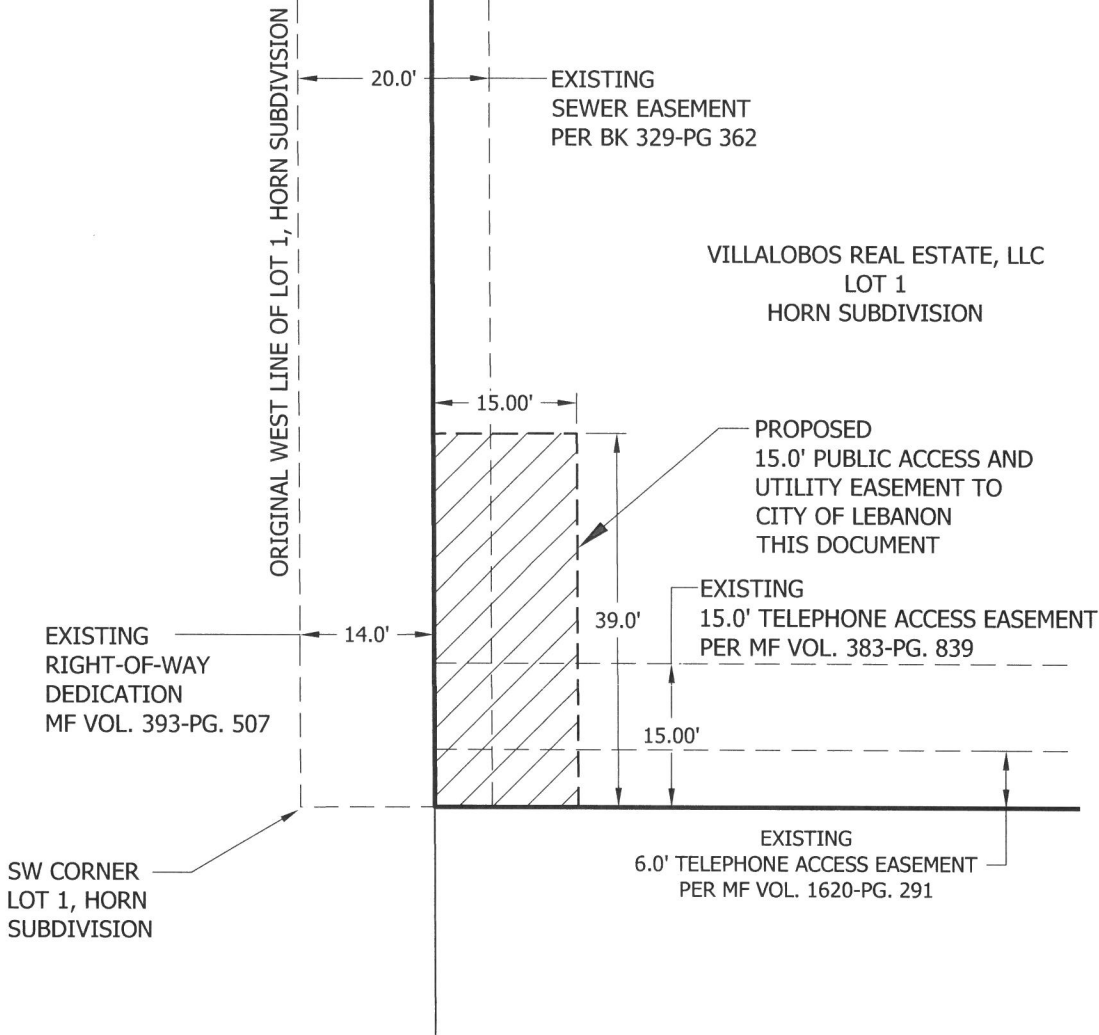
- BOOK
- SW

- SOUTHWEST



S. MAIN ROAD

MARKET STREET



SHEET

01

of

01

SCALE: AS NOTED



DATE:
08-26-2026

PROJECT:
25-026 VILLALOBOS

EXHIBIT B

PUBLIC UTILITY EASEMENT
WATERLINE AND FIRE HYDRANT
LEBANON, OREGON

UDELL ENGINEERING
AND
LAND SURVEYING, LLC

63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125