



925 S. Main Street
Lebanon, Oregon 97355

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

MEMORANDUM

Engineering Services

To: Ron Whitlatch, PE
City Manager &
Engineering Services Director

Date: October 28, 2024

From: Shana Olson 
Project Manager

Subject: Easement – Weldwood Storage

The attached easement for public access and dedication is to be presented for City Council approval. This easement is for the newly constructed fire hydrant and sewer connection.

Staff recommendation is to approve the easement dedication and authorize the City Manager to sign it.

THE CITY THAT FRIENDLINESS BUILT



EASEMENT FOR PUBLIC ACCESS AND UTILITIES

THIS AGREEMENT, made and entered into this 5th day of Sept, 2024 by and between NEUHAUS DEVELOPMENT, LLC C/O BEN NEUHAUS, (Address): 63169 WATERCRESS WAY BEND, OR 97701, 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 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" ATTACHED
SEE "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 5th day of September, 2024

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

[Signature]



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

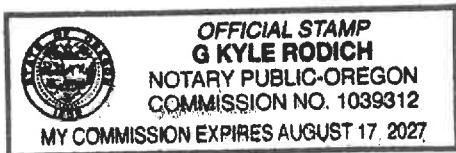
By: Ron Whitlatch, Interim City Manager

GRANTOR(S)

On the 5th day of September 2024 personally appeared the within named Benjamin Neuhaus who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: [Signature]
NOTARY PUBLIC FOR OREGON

Commission Expires: August 17, 2027

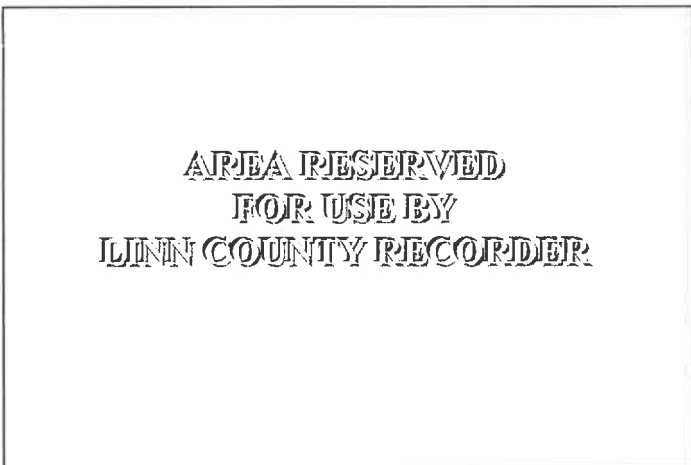


GRANTEES

On the day of , 2023 personally appeared 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 in behalf of said corporation by authority of its City Council, which accepted this easement on the day of

BEFORE ME:
NOTARY PUBLIC FOR OREGON

Commission expires:



AREA RESERVED
FOR USE BY
LINN COUNTY RECORDER

Legal Description
Exhibit "A"
Sewer Easement

An area of land located in the Northwest 1/4 of Section 23, Township 12 South, Range 2 West of the Willamette Meridian in Linn County and being more specifically described as follows:

Beginning at a point that is South 01°58'46" West 87.88 feet from the Northwest corner of Parcel 3 of Linn County Partition Plat No. 2017-72; thence South 88°01'14" East 17.67 feet; thence South 01°58'46" West 20.00 feet; thence North 88°01'14" West 17.67 feet; thence North 01°58'46" East 20.00 feet to the point of beginning.

The above-described area contains ±353 square feet. See exhibit "B" for a map of the described area.



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

WELDWOOD DR
(R/W VARIES)

NORTHWEST CORNER OF
PARCEL 3 LINN COUNTY
PARTITION PLAT NO. 2017-72

FARMWORKER HOUSING
DEV. CORP.
TAX MAP: 12S02W23B
TAX LOT: 1707

NEUHAUS DEVELOPMENT LLC
TAX MAP: 12S02W23B
TAX LOT: 1706
PARCEL 3
LINN COUNTY PP 2017-72

POINT OF BEGINNING

S1°58'46"W 87.88'

S88°01'14"E 17.67'

N1°58'46"E 20.00'

S1°58'46"W 20.00'

N88°01'14"W 17.67'



SCALE:



LEGEND

R/W	RIGHT OF WAY
NO	NUMBER
DR	DRIVE
PP	PARTITION PLAT

SHEET 1
of 1



Date 8/5/2024
Project #
22-029
Drawn: NDJ
Checked: BSV

EXHIBIT "B"

~~SEWER WATER EASEMENT~~
KINZER WELDWOOD
12S-02W-23B 1706

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

EASEMENT FOR PUBLIC ACCESS AND UTILITIES

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SEE "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.

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

[Handwritten Signature]

IN WITNESS WHEREOF, we have set our hands hereto this _____ day of _____, 2023

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



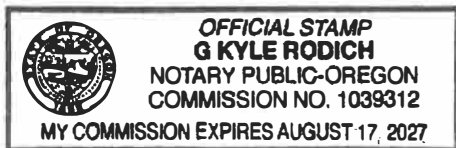
Ron [Name] Interim City Manager

GRANTOR(S)

On the 5th day of September, 2024, personally appeared the within named Benjamin Neuhaus who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: *[Handwritten Signature]*
NOTARY PUBLIC FOR OREGON

Commission Expires: August 17, 2027

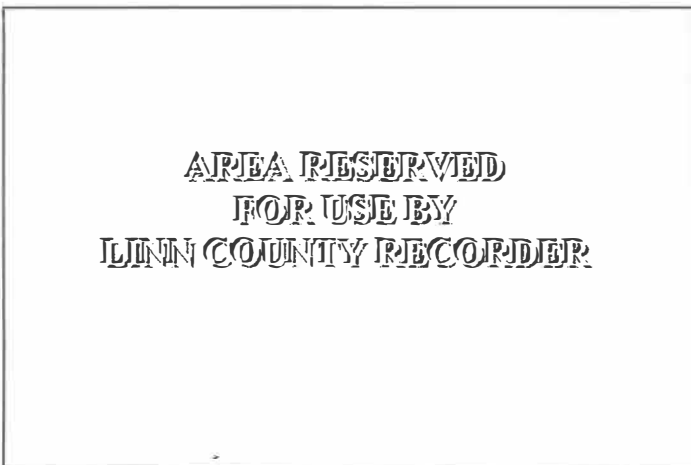


GRANTEES

On the _____ day of _____, 2023 personally appeared 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 in behalf of said corporation by authority of its City Council, which accepted this easement on the _____ day of _____

BEFORE ME: _____
NOTARY PUBLIC FOR OREGON

Commission expires: _____



Legal Description
Exhibit "A"
Fire Water Easement

An area of land located in the Northwest 1/4 of Section 23, Township 12 South, Range 2 West of the Willamette Meridian in Linn County and being more specifically described as follows:

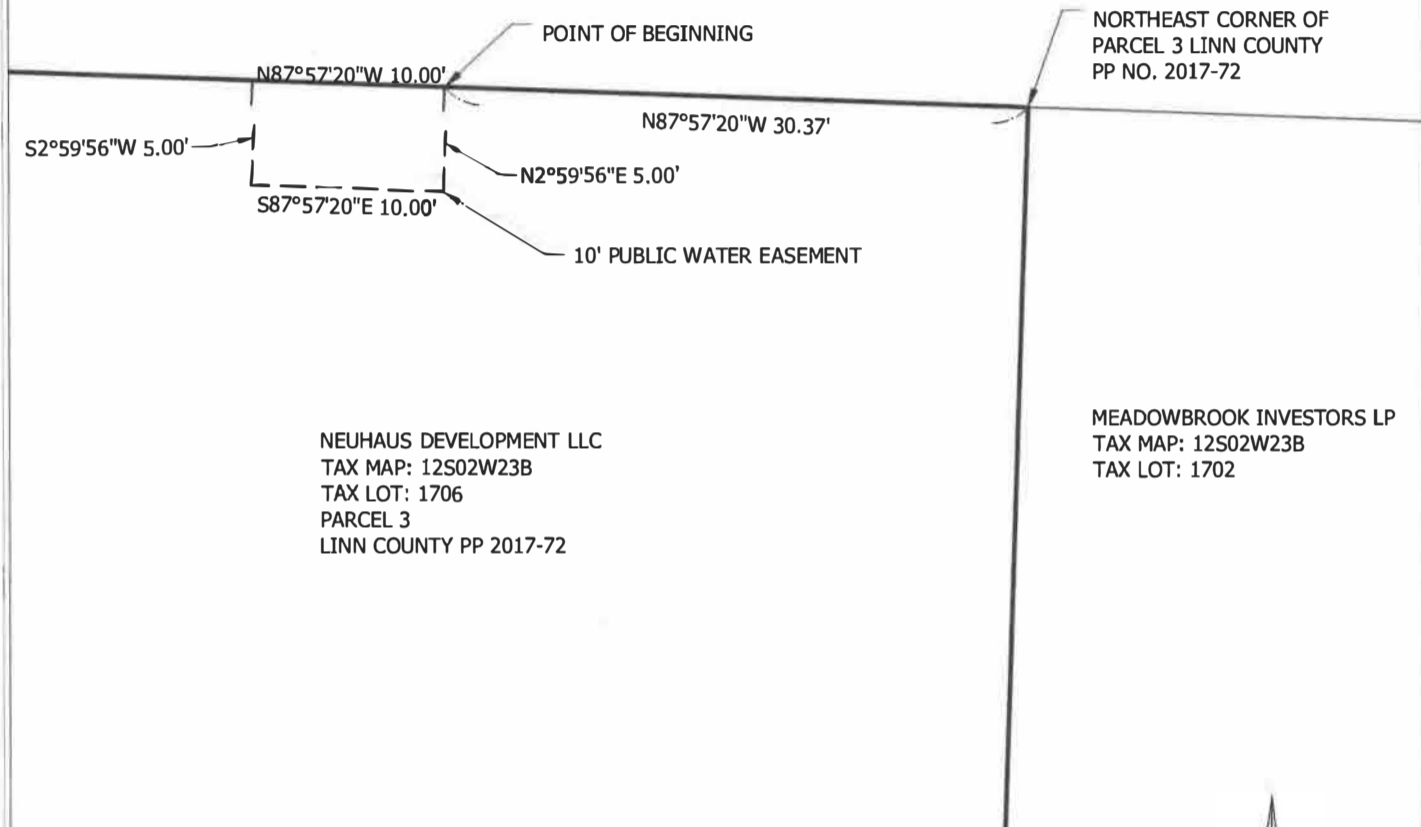
Beginning at a point along the South right-of-way of Weldwood Dr that is North 87°57'20" West 30.37 feet from the Northeast corner of Parcel 3 of Linn County Partition Plat No. 2017-72; thence along the right-of-way North 87°57'20" West 10.00 feet; thence leaving said right of way South 02°59'56" West 5.00 feet; thence South 87°57'20" East 10.00 feet; thence North 02°59'56" East 5.00 feet to the point of beginning.

The above-described area contains ±50 square feet. See exhibit "B" for a map of the described area.



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

WELDWOOD DR
(R/W VARIES)



NEUHAUS DEVELOPMENT LLC
TAX MAP: 12S02W23B
TAX LOT: 1706
PARCEL 3
LINN COUNTY PP 2017-72

MEADOWBROOK INVESTORS LP
TAX MAP: 12S02W23B
TAX LOT: 1702



LEGEND

R/W RIGHT OF WAY
NO NUMBER
DR DRIVE
PP PARTITION PLAT

SCALE:



SHEET 1
of 1



Date 8/5/2024
Project # 22-029-
Drawn: NDJ
Checked: BSV

EXHIBIT "B"

**WATER EASEMENT
KINZER WELDWOOD
12S-02W-23B 1706**

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