



925 S. Main Street  
Lebanon, Oregon 97355

TEL: 541.258.4918  
[www.ci.lebanon.or.us](http://www.ci.lebanon.or.us)

# MEMORANDUM

*Engineering Services*

To: Ron Whitlatch, PE  
Engineering Services Director

Date: January 3, 2024

From: Shana Olson  
Project Manager

Subject: Sewer Easement – River Center Plaza

The attached easement for public access and dedication is to be presented for City Council approval. The existing private sewer main will become a public sewer main to serve multiple businesses in this plaza.

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

THE CITY THAT FRIENDLINESS BUILT

EASEMENT FOR PUBLIC ACCESS AND UTILITIES

THIS AGREEMENT, made and entered into this 21 day of December, 2023 by and between Lebanon Chapel Inc (Address): PO Box 2470 Lebanon, OR 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 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 \$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  
21 day of December, 2023.

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

Warren B Stroup, President of Lebanon Chapel, Inc.

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

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

By:

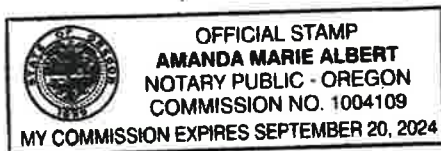
Ron Whitlatch, City Manager

GRANTOR(S)

On the 21 day of December, 2023 personally appeared the within named Warren B. Stroup, president of Lebanon Chapel, Inc. who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: Amanda Albert  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

Commission Expires: September 20, 2024



AREA RESERVED  
FOR USE BY  
LENN COUNTY RECORDER

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 \_\_\_\_\_, 2023, and who acknowledged said instrument to be a voluntary act and deed.

BEFORE ME: \_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

Commission expires: \_\_\_\_\_

Legal Description  
Exhibit "A"

An area of land located in the Northwest 1/4 of 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 45°57'31" East 9.90 feet from the Northern most corner of Parcel 1 of Linn County Partition Plat 2008-73 along the Southern right-of-way of Division Way; thence South 02°03'07" West 283.14 feet; thence South 02°19'20" West 265.73 feet to a point along the Northern right-of-way of Market St; thence South 87°47'58" East 20.00 feet along said right-of-way; thence leaving said right of way North 02°19'20" East 265.74 feet; thence North 02°03'07" East 265.19 feet; thence North 45°57'31" West 26.91 feet to the point of beginning.

The above-described area contains ±10,798 square feet (0.25 acres). 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

NORTHERN MOST CORNER OF PARCEL 1 PP  
2008-73 LINN COUNTY SURVEY RECORDS

POINT OF BEGINNING  
N45°57'31"W 26.91'

S45°57'31"E 9.90'

DIVISION WAY  
(50' R/W)

OWNER: UNITED  
STATES NATL BANK  
OF PORTLAND  
MAP: 12S02W14CC  
LOT: 6500

SANTIAM HIGHWAY  
(R/W VARIES)

S2°03'07"W 283.14'

N2°03'07"E 265.19'

OWNER: CRS  
PROPERTIES  
MAP: 12S02W23B  
LOT: 1401

OWNER: LEBANON  
CHAPEL INC  
MAP: 12S02W23B  
LOT: 1400  
PP 2008-73  
PARCEL 1

S2°19'20"W 265.73'

N2°19'20"E 265.74'

S87°47'58"E 20.00'

MARKET ST  
(60' R/W)



SCALE:



LEGEND

R/W RIGHT OF WAY  
PP PARTITION PLAT

SHEET 1  
of 1



Date 11/20/23  
Project #  
23-217  
Drawn: NDJ  
Checked: BSV

EXHIBIT "B"  
CITY OF LEBANON  
PUBLIC SEWER EASEMENT  
925 S MAIN ST  
LEBANON, OR 97355

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