



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

From: Shana Olson
Project Manager 

Subject: Easement – Hickory Lake Apartments

Date: March 3, 2025

The attached public utility easement for public access and dedication is to be presented for City Council approval. This easement is for the newly constructed hydrant and water main extension as part of the requirements for Hickory Lake Apartments.

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

EASEMENT FOR PUBLIC ACCESS AND UTILITIES

THIS AGREEMENT, made and entered into this 25 day of February, 2025 by and between Hickory Lake Apartments, LLC, (Address): 3625 River Rd North, Suite 250, Keizer, OR 97303, 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 25 day of February, 2025.

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

By: Logan deVos, Manager
SMI Fund Management, LLC, Manager
of Hickory Lake Apartments, LLC

IN WITNESS WHEREOF, we have set our hands hereto this ___ day of ___, 2025.

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

By: Ron Whitlatch, City Manager

GRANTOR(S)

On the 25 day of February, 2025 personally appeared the within named Logan deVos, Manager, SMI Fund Management, LLC Manager of Hickory Lake Apartments, LLC who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: [Signature]
NOTARY PUBLIC FOR OREGON

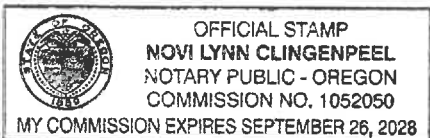
Commission Expires: September 26, 2028

GRANTEES

On the ___ day of ___, 2025 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"

An area of land located in the Northwest ¼ of the Southwest ¼ of Section 14, Township 12 South, Range 2 West of the Willamette Meridian in City of Lebanon, Linn County, State of Oregon and being more specifically described as follows:

Area 1

Beginning at a point on the easterly right-of-way of Airport Rd that is South 00°32'41" West 79.24 feet from the Northwest corner of Parcel 1 of Linn County Partition Plat 2022-63; thence along said right-of-way South 02°10'54" West 40.23 feet; thence leaving said right-of-way South 88°19'53" East 14.04 feet; thence North 01°40'07" East 40.23 feet; thence North 88°19'53" West 13.68 feet to the point of beginning.

The above-described area contains 558 square feet. See exhibit "B" for a map of the described area.

Together with

Area 2

Beginning at a point on the easterly right-of-way of Airport Rd that is North 16°41'42" West 197.23 feet from the Northwest corner of Parcel 1 of Linn County Partition Plat 2022-63; thence along said right-of-way along the arc of a 437.00 foot radius curve to the left 12.15 feet (chord bears North 30°32'02" West 12.15 feet); thence leaving said right-of-way North 59°59'55" East 13.63 feet; thence South 25°58'53" East 13.07 feet; thence South 64°01'07" West 12.63 feet to the point of beginning.

The above-described area contains 165 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



SCALE:



$\Delta=1^{\circ}35'37''$
 $R=437.00'$
 $L=12.15'$
 $LC=N30^{\circ}32'02''W 12.15'$

N59°59'55"E 13.63'

S25°58'53"E 13.07'

AREA 2 WATERLINE EASEMENT: 165 SF

S64°01'07"W 12.63'

ALBANY AND EASTERN
RAILROAD
(100' R/W)

N16°41'42"W 197.23'

AIRPORT RD
(R/W VARIES)

HICKORY LAKE
APARTMENTS LLC
MAP 12S-02W-14CB
TAX LOT 00101
LINN CO P.P. 2022-63
PARCEL 2

POINT OF BEGINNING
NORTHWEST CORNER OF PARCEL 1
LINN COUNTY P.P. 2022-63

S0°32'41"W 79.24'

HICKORY LAKE
APARTMENTS LLC
MAP 12S-02W-14CB
TAX LOT 00100
LINN CO P.P. 2022-63
PARCEL 1

S2°10'54"W 40.23'

AREA 1 WATERLINE EASEMENT: 558 SF

N88°19'53"W 13.68'

N1°40'07"E 40.23'

S88°19'53"E 14.04'

LEGEND

R/W RIGHT OF WAY
CO COUNTY
P.P. PARTITION PLAT
RD ROAD

SHEET 1
of 1



Date 1/15/25
Project #
21-318
Drawn: NDJ
Checked: BSV

EXHIBIT "B"
WATERLINE EASEMENT
305 E AIRPORT RD
LEBANON, OR 97355

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