

**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Easement Extinguishment**

**DATE:** October 12, 2020  
**TO:** City Council  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT (OWNER)/LOCATION:**

Multi/Tech Engineering / 205 Brayden Street, Parcel 1 of Partition Plat 2020-05

**PROPOSAL:** Removal of a *portion* of a sanitary sewer easement on property identified above.

---

**APPLICABLE LAW & PROCESS**

**221.725 Sale of city real property; publication of notice; public hearing.**

(1) Except as provided in ORS 221.727, when a city council considers it necessary or convenient to sell real property or any interest therein, the city council shall publish a notice of the proposed sale in a newspaper of general circulation in the city, and shall hold a public hearing concerning the sale prior to the sale.

(2) The notice required by subsection (1) of this section shall be published at least once during the week prior to the public hearing required under this section. The notice shall state the time and place of the public hearing, a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city council considers it necessary or convenient to sell the property. Proof of publication of the notice may be made as provided by ORS 193.070.

(3) Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. Nothing in this section prevents a city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.

(4) The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.

(5) As used in this section and ORS 221.727, "sale" includes a lease-option agreement under which the lessee has the right to buy the leased real property in accordance with the terms specified in the agreement.

To remove a public easement, the City has typically used a Quit Claim Deed and Release (extinguishment) from each party who benefits from an easement (e.g., utility companies, the City) that is recorded in public records. This requires a public hearing with notice as described per the ORS above.

**PUBLIC HEARING & NOTICE**

Hearing date before the City Council: October 21, 2020

Publish date for the notice of this hearing is via the The Chronicle on October 14, 2020.

## **BACKGROUND**

The easement and sewer line in question was established as part of the Matzen Subdivision in 2018. The lot layout of the Matzen Subdivision has since been modified to accommodate a new grocery store. The property lines were rearranged by a land partition (PP Plat. No. 2020-05), but the partition process cannot remove existing easements. The sewer line is proposed to be reconstructed to accommodate the grocer building and the easement will also need to be modified by extinguishing a portion and creating a new easement to coincide with the moved sewer line.

**Resolving this issue is a requirement of Site Development Review SDR.3.20, which is the land use permit for the grocer.**

**Affected parties:** City of St. Helens and users of said utility

## **CONCLUSION**

The easement may be vacated but only after the sanitary sewer line is rerouted and new easement area established for the relocated line.

Staff asks the Council make this conditional to help with construction timelines, as opposed to delaying the decision until the reroute and new easements are done.

**Attachment(s):** Matzen Subdivision sheets 1 and 2  
PP No. 2020-05 sheet 1  
Grocer site plan with highlighted easements

**NOTES:**

1. ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.

**REFERENCE SURVEYS:**

- |                               |  |
|-------------------------------|--|
| 1. SDV K-734<br>"MILTON PARK" | 13. CSM 261<br>A-346 - PARTITION<br>PLAT 1994-10                                     |
| 2. CS 481                     | 14. A-552 - PARTITION<br>PLAT 1998-05  |
| 3. CS 1495                    | 15. BOOK 2, PAGE 62<br>"THE SUBDIVISION<br>OF TRACTS 11<br>AND 12 OF<br>MILTON PARK" |
| 4. CS 1574                    | 16. BOOK 3, PAGE 30<br>"FIRST ADDITION<br>TO CEDAROAK"                               |
| 5. CS 1768                    | 17. BOOK 7, PAGE 57<br>"MCBRIDE PLACE<br>SUBDIVISION"                                |
| 6. CS 1832                    |  |
| 7. CS 3958                    |  |
| 8. CS 4736                    |  |
| 9. CS 4843                    |  |
| 10. CS 4930                   |  |
| 11. CS 6330                   |  |
| 12. CSL 107                   |  |

# MATZEN SUBDIVISION

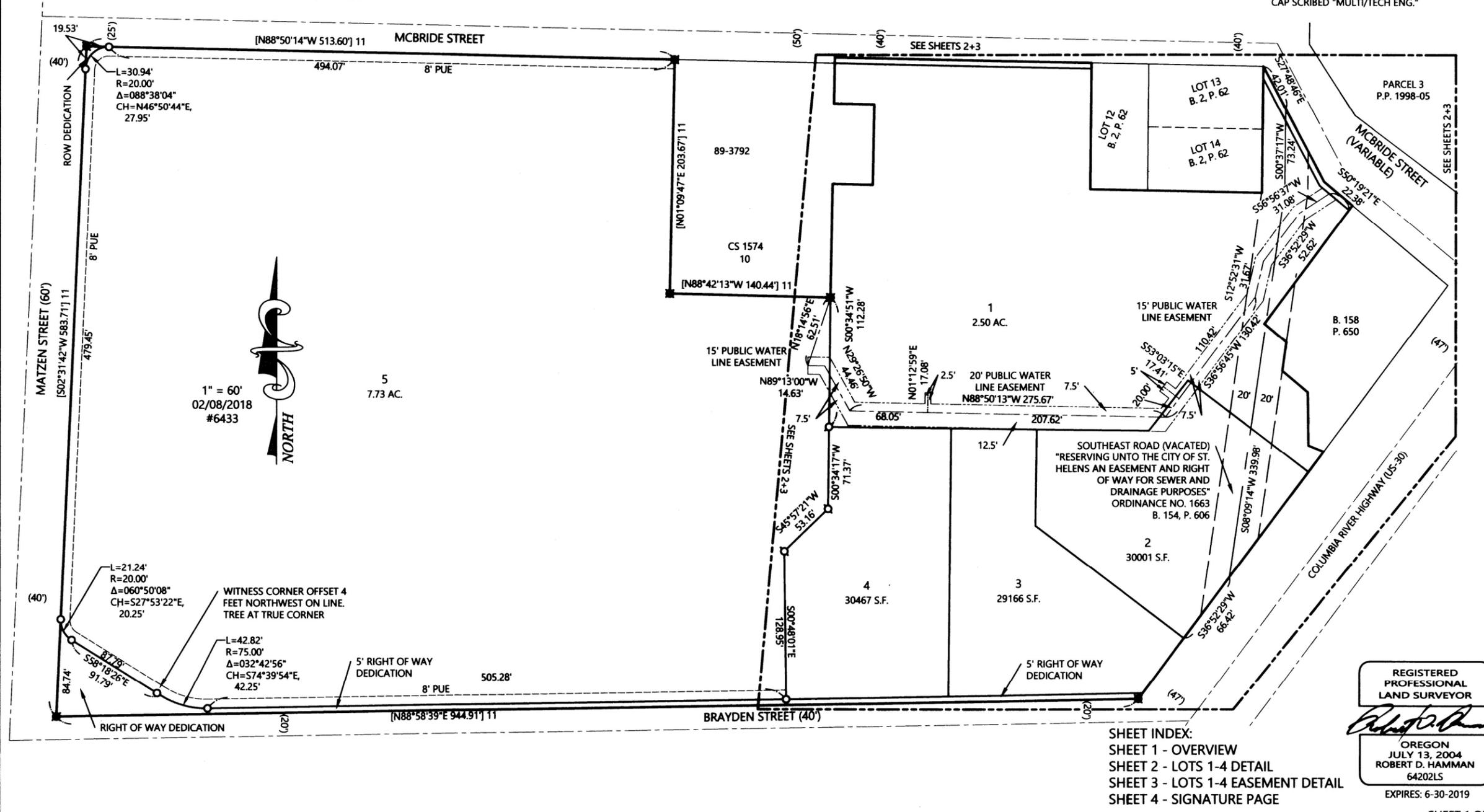
IN THE SE 1/4 S. 05, T. 4N, R. 1W, W.M.  
CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227

**LEGEND:**

- CS = COUNTY SURVEY
- OS = OFFSET
- BL = BLOCK
- L = LOT
- P.P. = PARTITION PLAT
- PC = PARCEL
- B. = BOOK
- P. = PAGE
- PUE = PUBLIC UTILITY EASEMENT
- STA = RIGHT OF WAY CENTERLINE STATION
- [ ] = RECORD AND MEASURED DATA PER SURVEY NOTED
- ( ) = RECORD DATA PER SURVEY NOTED

- = FOUND MONUMENT, SEE TABLE
- = 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "W.B. WELLS & ASSOC. INC." PER CS 3958
- ▲ = 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "SWENSON LS 2596" PER CS 4736
- = 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." PER CS 6330
- = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."
- ⊠ = SET 5/8" X 24" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."



**SHEET INDEX:**  
SHEET 1 - OVERVIEW  
SHEET 2 - LOTS 1-4 DETAIL  
SHEET 3 - LOTS 1-4 EASEMENT DETAIL  
SHEET 4 - SIGNATURE PAGE

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Robert D. Hamman*

OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS  
EXPIRES: 6-30-2019

# MATZEN SUBDIVISION

IN THE SE 1/4 S. 05, T. 4N, R. 1W, W.M.  
CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227

### NOTES:

- ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.
- NO MINERAL RIGHTS ON PORTIONS OF LOT 1 PER (A) B. 191, P. 415 AND (B) B. 259, P. 67.

### MONUMENT TABLE:

- |    |  |
|----|--|
| A. | IRON PIPE, ORIGIN UNKNOWN, N07°05'43"W<br>0.67' FROM TRUE CORNER |
| B. | 5/8" IRON ROD PER CSL 107  |
| C. | FOUND X ON STONE TIED IN CSM 261                                 |
| D. | 1/2" IRON ROD TIED IN CS 3958                                    |
| E. | 1" IRON BOLT, BENT AND SPUN, TIED IN CS 3958                     |

### LEGEND:

- CS = COUNTY SURVEY  
OS = OFFSET  
BL = BLOCK  
L = LOT  
P.P. = PARTITION PLAT  
PC = PARCEL  
B. = BOOK  
P. = PAGE  
PUE = PUBLIC UTILITY EASEMENT  
[ ] = RECORD AND MEASURED DATA PER SURVEY NOTED  
( ) = RECORD DATA PER SURVEY NOTED

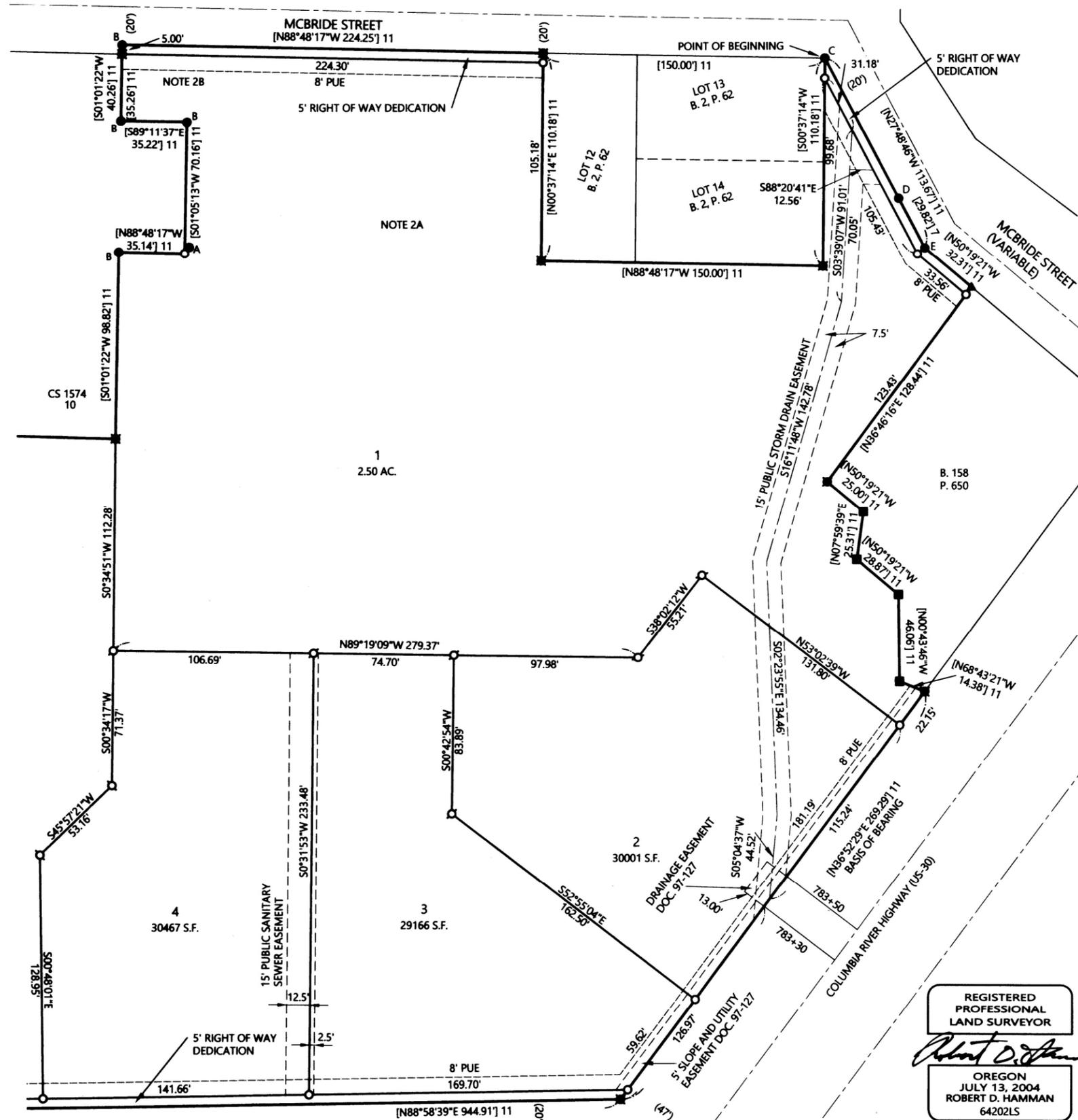
- = FOUND MONUMENT, SEE TABLE
- = 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "W.B. WELLS & ASSOC. INC." PER CS 3958
- ▲ = 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "SWENSON LS 2596" PER CS 4736
- = 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." PER CS 6330
- = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."
- ◻ = SET 5/8" X 24" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."

### REFERENCE SURVEYS:

- |     |                         |     |  |
|-----|-------------------------|-----|--|
| 1.  | SDV K-734 "MILTON PARK" | 12. | CSL 107  |
| 2.  | CS 481                  | 13. | CSM 261  |
| 3.  | CS 1495                 | 14. | A-346 - PARTITION PLAT 1994-10                                       |
| 4.  | CS 1574                 | 15. | A-552 - PARTITION PLAT 1998-05                                       |
| 5.  | CS 1768                 | 16. | BOOK 2, PAGE 62 "THE SUBDIVISION OF TRACTS 11 AND 12 OF MILTON PARK" |
| 6.  | CS 1832                 | 17. | BOOK 3, PAGE 30 "FIRST ADDITION TO CEDAROAK"                         |
| 7.  | CS 3958                 | 18. | BOOK 7, PAGE 57 "MCBRIDE PLACE SUBDIVISION"                          |
| 8.  | CS 4736                 |     |  |
| 9.  | CS 4843                 |     |  |
| 10. | CS 4930                 |     |  |
| 11. | CS 6330                 |     |  |



1" = 40'  
02/08/2018  
#6433



REGISTERED PROFESSIONAL LAND SURVEYOR  
*Robert D. Hamman*  
OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS  
EXPIRES: 6-30-2019

**PARTITION PLAT 2020-05**  
**INSTRUMENT NUMBER 2020-7495**  
**A REPLAT OF LOTS 2, 3, AND 4, MATZEN SUBDIVISION**  
**IN THE SE 1/4 S. 05, T. 4N, R. 1W, W.M.**  
**CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON**

**NOTES:**  
 1. ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.

**REFERENCE SURVEY:**  
 1. MATZEN SUBDIVISION PLAT BOOK 7, PAGES 104-107

**LEGEND:**  
 SUB. = SUBDIVISION  
 P.P. = PARTITION PLAT  
 PC = PARCEL  
 B. = BOOK  
 P. = PAGE  
 PUE = PUBLIC UTILITY EASEMENT  
 [ ] = RECORD AND MEASURED DATA PER MATZEN SUBDIVISION  
 ( ) = RECORD DATA PER MATZEN SUBDIVISION

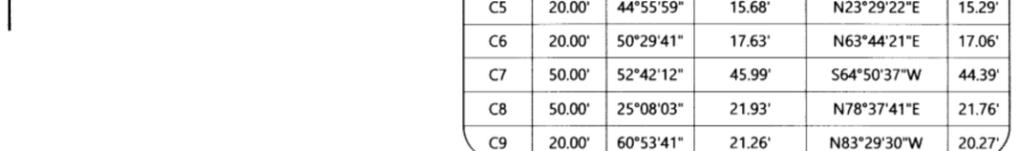
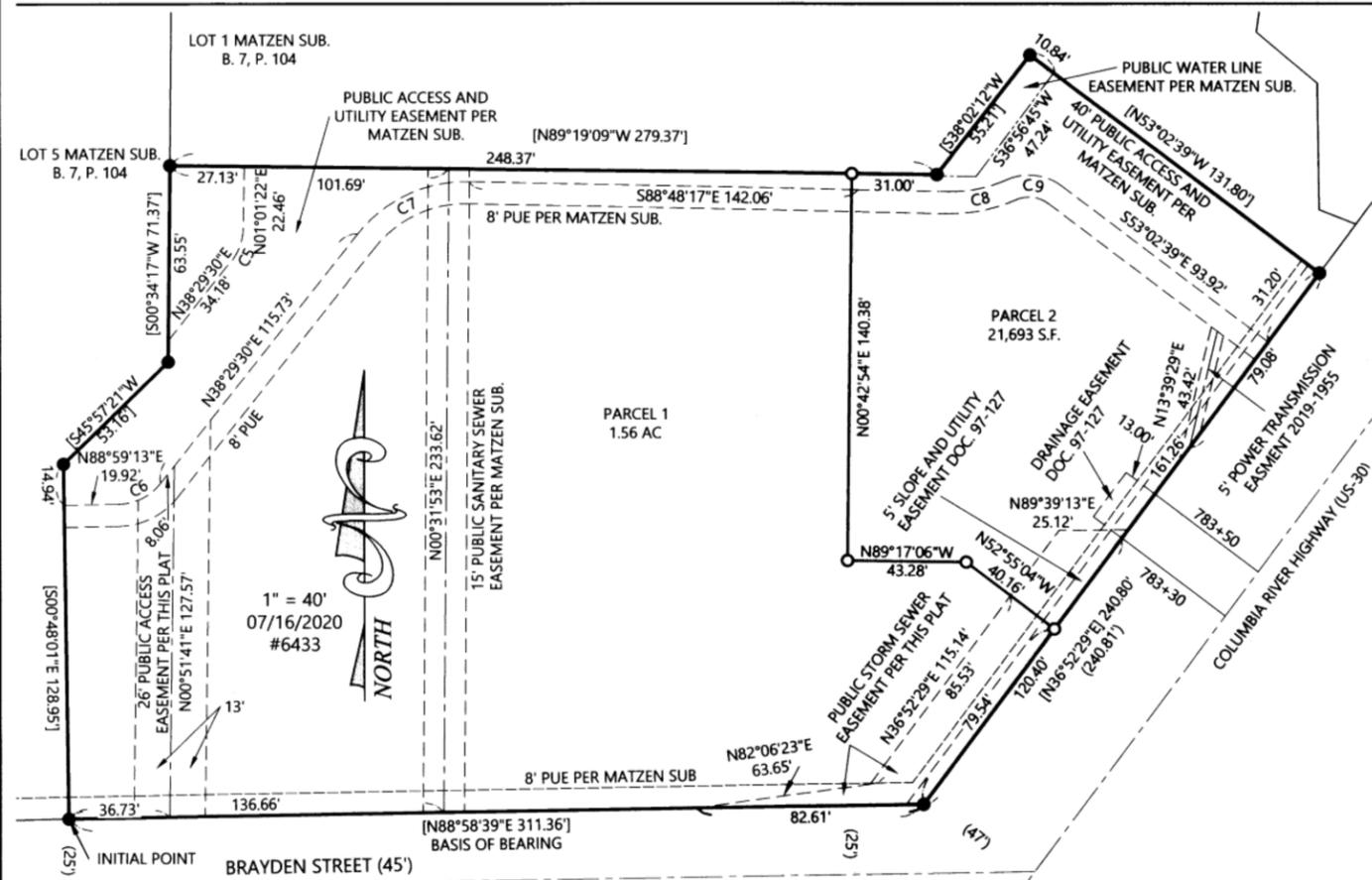
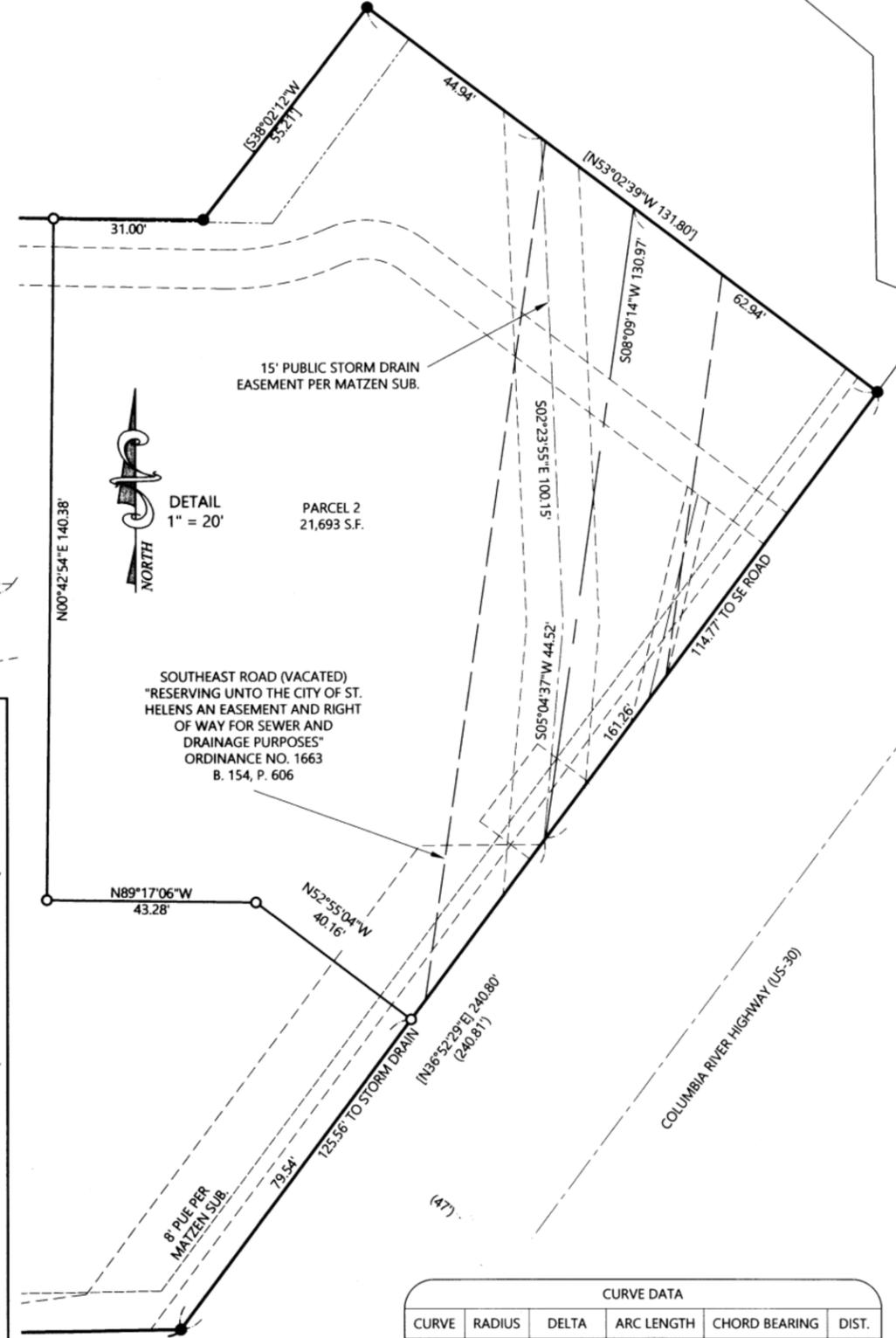
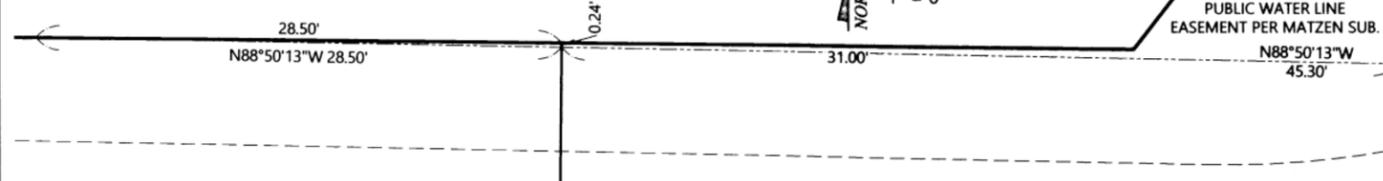
BY:  
**MULTI/TECH ENGINEERING SERVICES, INC.**  
 1155 13TH ST. S.E. SALEM, OREGON 97302  
 503-363-9227

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
  
 OREGON  
 JULY 13, 2004  
 ROBERT D. HAMMAN  
 64202LS  
 EXPIRES: 6-30-2021

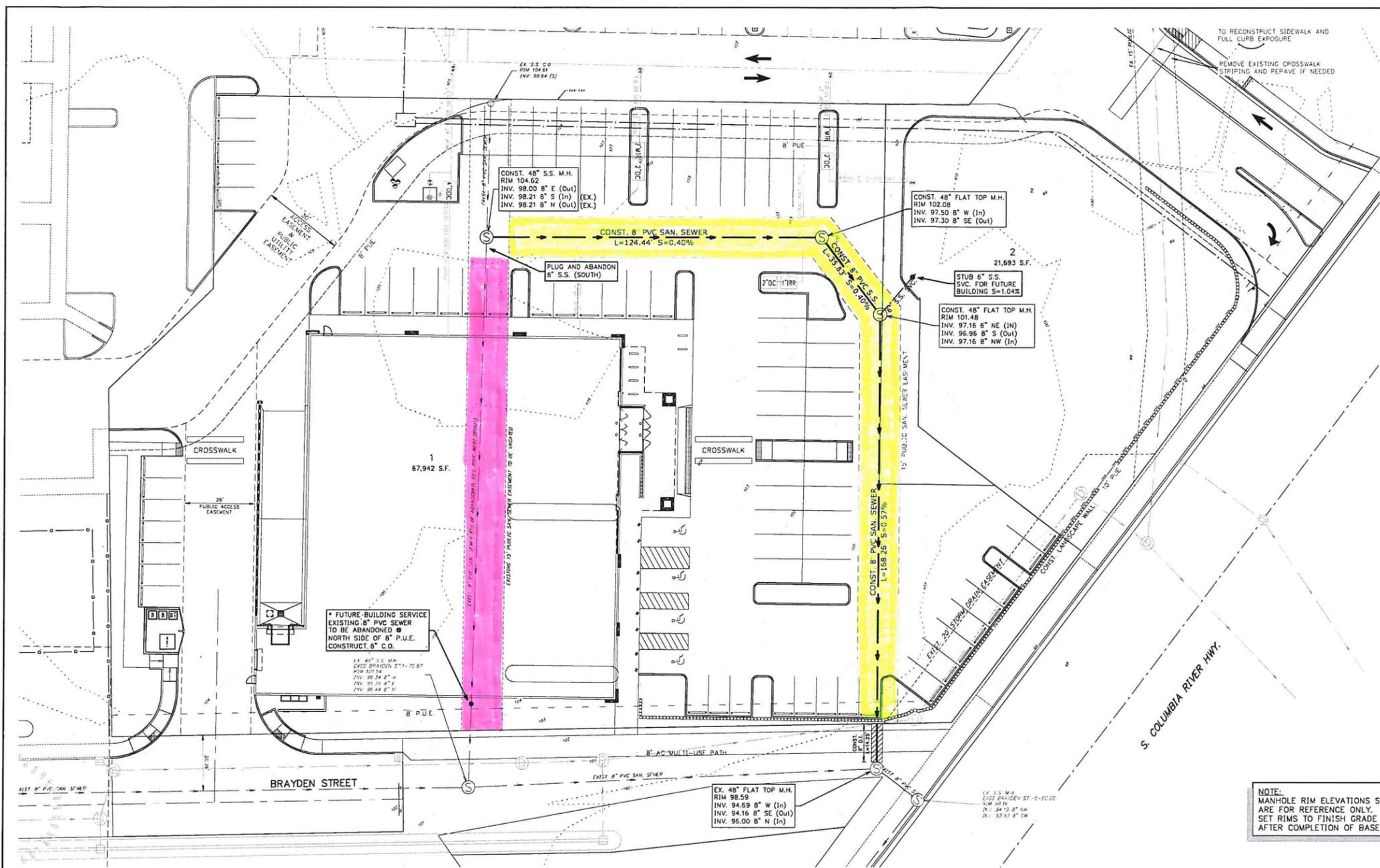
- = 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." PER MATZEN SUB.
- = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."



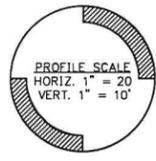
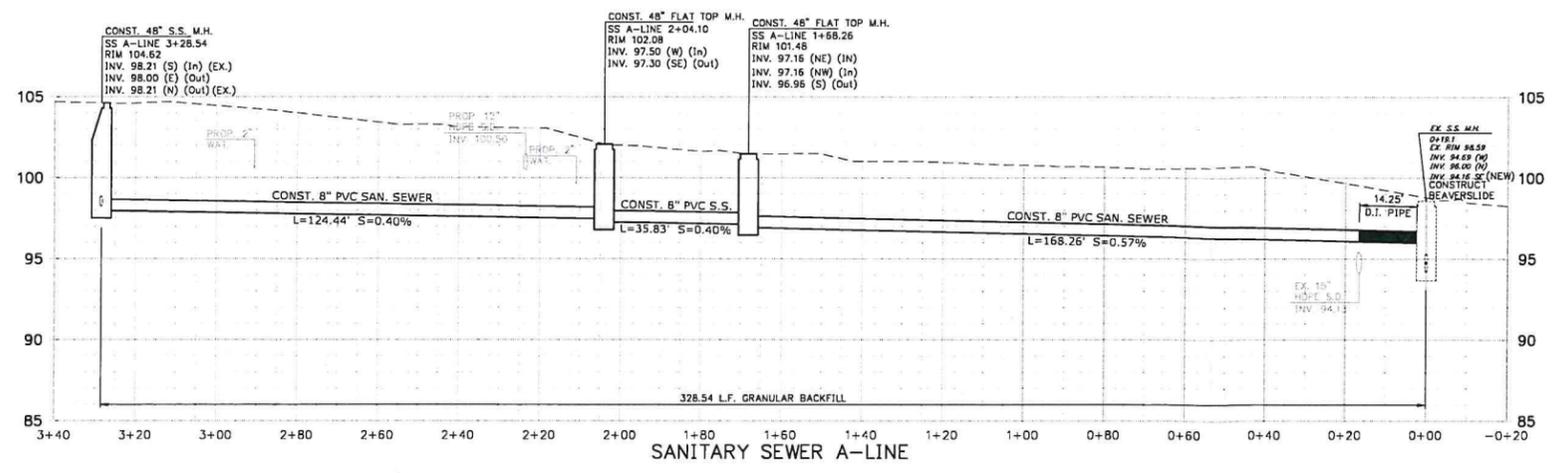
DETAIL  
 1" = 6'



CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C5	20.00'	44°55'59"	15.68'	N23°29'22"E	15.29'
C6	20.00'	50°29'41"	17.63'	N63°44'21"E	17.06'
C7	50.00'	52°42'12"	45.99'	S64°50'37"W	44.39'
C8	50.00'	25°08'03"	21.93'	N78°37'41"E	21.76'
C9	20.00'	60°53'41"	21.26'	N83°29'30"W	20.27'



NOTE:  
MANHOLE RIM ELEVATIONS SHOWN ON PLAN  
ARE FOR REFERENCE ONLY. CONTRACTOR TO  
SET RIMS TO FINISH GRADE IMMEDIATELY  
AFTER COMPLETION OF BASE ROCK GRADING.



**PUBLIC  
SANITARY SEWER  
IMPROVEMENTS**

**ST. HELENS LOT #4  
DEVELOPMENT PLAN**

MULTITECH ENGINEERING DESKTOP FROM  
LIABILITY IF NOT STAMPED APPROVED

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT THE WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

DESIGN: M.D.G.  
DRAWN: C.D.S.  
PROJ/MGR: M.D.G.  
DATE: SEPT. 2017  
SCALE: AS SHOWN  
AS-BUILT:



EXPIRES 06-30-2021  
JOB # 6433