

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Easement Extinguishment

DATE: January 12, 2022
TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT (OWNER)/LOCATION:

City of St. Helens / Proposed public safety facility site @ 4N1W-9AB-1400

PROPOSAL: Removal of storm sewer easement per Deed Book 197 Page 621 (from 1974) and a water easement per Deed Book 262 Page 212 (from 1986)

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: January 19, 2022

Publish date for the notice of this hearing is via the The Chronicle on January 12, 2022

BACKGROUND

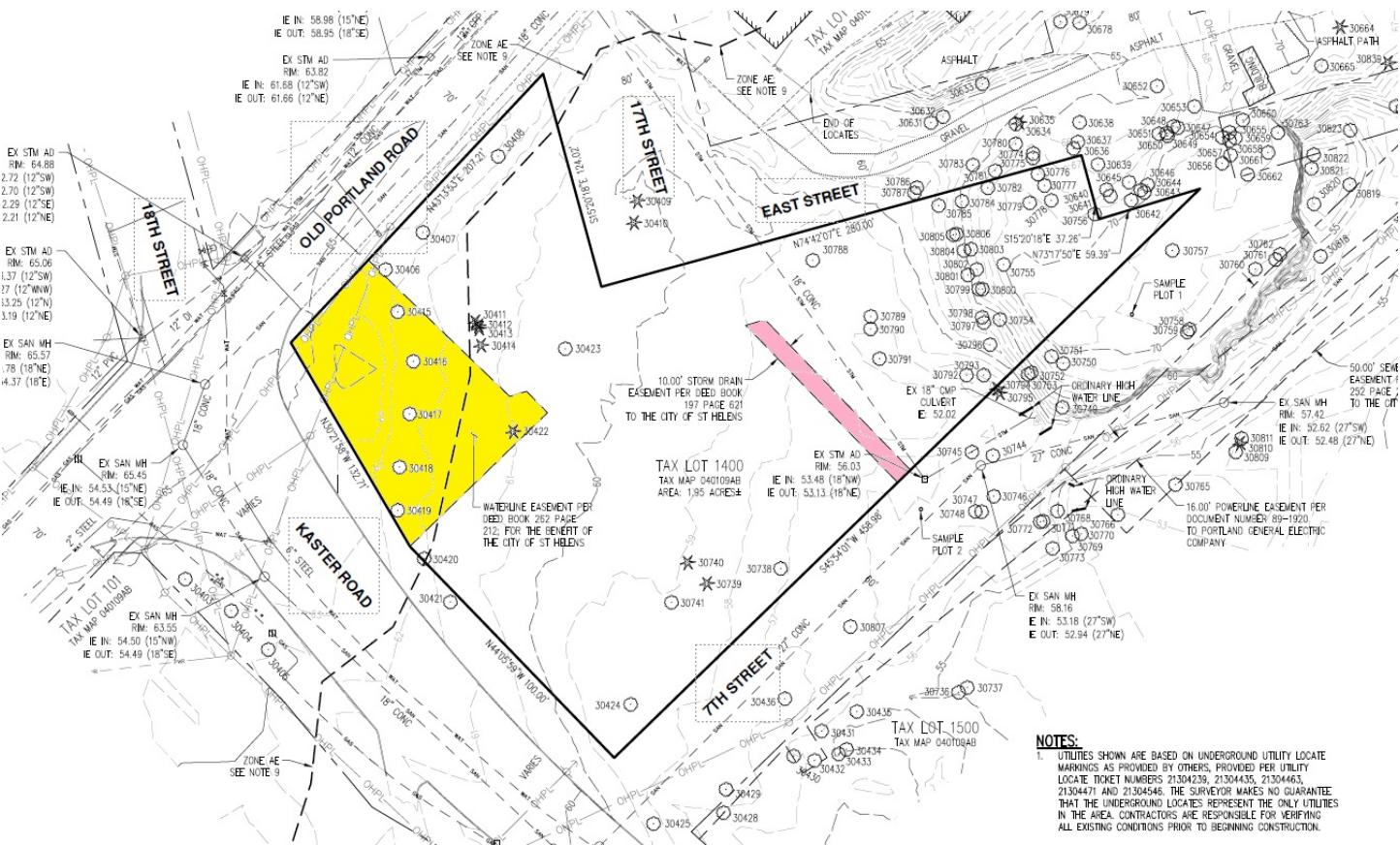
As the city progresses on the efforts for the proposed public safety facility on property at the corner of Old Portland Road and Kaster Road to replace the currently inadequate police station at

150 S. 13th Street some easements have been identified as unnecessary. These easements impact the building envelope of the site.

One is a easement for water infrastructure at the corner of Old Portland Road and Kaster. No water infrastructure was found in this area. This easement has no known purpose. *See yellow highlighted area in the image below.*

The other is a storm easement centered within the property off of the 7th Street right-of-way. In this case, the easement doe does not align with the nearby storm sewer line. *See pink highlighted area in the image below.*

Affected parties: city only



CONCLUSION

The easement may be vacated. No other requirements at this time.

If property is sold/transferred, we would want to make sure easements are reserved as part of that transaction.

Attachment(s): Deed Book 197 Page 621 (from 1974)
Deed Book 262 Page 212 (from 1986)

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BOOK 197 PAGE 021

EASEMENT

Eva Fielding, formerly Eva Alcorn, Formerly Eva Brown, hereinafter called grantor, conveys to the City of St. Helens, Oregon, a municipal corporation, grantee, a permanent easement and right of way for storm drain, culvert and pipe, or pipes, over, under, through or across the following described real property in Columbia County, State of Oregon, to-wit:

The Southwesterly 5.0 Feet of even width of Lot 6, Block 32, South St. Helens in Section 4, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, and the Northeasterly 5.0 feet of even width of Lot 7, Block 32, of said South St. Helens,

together with the right to enter upon said premises for the purpose of excavating for, constructing and establishing such storm drain, culvert and pipe line, and for the further purpose of entering to repair and improve such storm drain, culvert and pipe line when necessary; such use and right to be at all times exercised so as to avoid all unnecessary damage; and grantee agrees to repair the surface in a workmanlike manner.

Grantor further conveys to said grantee a temporary easement to excavate, construct and establish said storm drain, culvert and pipeline over and across the following described real property, to-wit:

The Southwesterly 10 feet of even width of Lot 6, Block 32, South St. Helens, in Section 4, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, and the Northeasterly 10 feet of even width of Lot 7, Block 32 of said South St. Helens.

Said temporary easement to terminate upon completion of storm drain, culvert and pipeline.

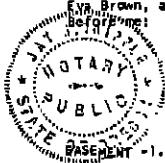
Dated this 27 day of August, 1974.

Eva E. Fielding

STATE OF OREGON
County of Columbia
August 27, 1974.

Personally appeared the above named Eva Fielding, formerly Eva Alcorn, formerly Eva Brown, and acknowledged the foregoing instrument to be her voluntary act.
Before me:

Say W. Wilkins
Notary Public for Oregon
My commission expires: 11-14-75



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127 PAGE 621
ADMITTED TO CIR
BY W. H. Helder DEP.

ATTORNEY
211 Harrison St.
Seattle, WA 98101

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PERMANENT WATERLINE EASEMENT 262-212

BOISE CASCADE/DELAWARE CORPORATION, hereinafter called Grantor, conveys to the CITY OF ST. HELENS, OREGON, a municipal corporation, hereinafter called Grantee, a permanent easement and right-of-way for waterline pipe or pipes through, under, or across the following described property:

Beginning at the most Northerly corner of Lot 9, Block 32, South St. Helens in Section 9, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, as per plat on file and of record in the Clerk's office of Columbia County, Oregon; thence South 45°46' East, along the Northeasterly line of said Lot 9, a distance of 16.77 feet to the most Northerly corner of that tract as described in Book 59, Page 125, Deed Records of Columbia County, Oregon; thence South 43° 14' West, along the Northwesterly line of said tract, a distance of 157.85 feet to the Northeasterly right of way line of Kaster Road; thence North 42°37' West, along said Northeasterly right of way line, a distance of 94.51 feet to a point on the Southerly line of the H. M. Knighton Donation Land Claim which is North 70°24' East 32.59 feet from the Southwest corner of said Knighton Donation Land Claim; thence continuing along said Northeasterly right of way line North 42°37' West a distance of 4.21 feet; thence North 20°14' West a distance of 32.56 feet to the Southeasterly right of way line of Old Portland Road; thence North 43°49' 30" East, along said Southeasterly right of way line, a distance of 123.47 feet; thence South 46°48' 49" East a distance of 109.41 feet to the Southerly line of said Knighton Donation Land Claim; thence North 70°24' East along said Southerly line a distance of 9.90 feet to the point of beginning.

The permanent easement and right of way shall include the right to enter upon said premises at any time for the purpose of excavation, construction, maintenance, improvement, replacement, repair, removal or any other activity requiring

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ST. HELENS

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BOOK 262 PAGE 213

access to the water line, water pipes, or any other erected structure, in connection with the easement. Such use and right shall at all times be exercised to avoid unnecessary damage.

Grantor further conveys to Grantee, its officers, agents and employees, the right to enter upon the described real property and remove any and all shrubs, bushes, trees and other growth for the purpose of construction, maintenance, repair, removal or preservation of the water line structures. Grantor further acknowledges and agrees that the City of St. Helens, its officers, agents and employees shall have no duty or obligation to replace any such shrubs, bushes, trees or other growth. However, the surface of the ground shall be restored in a workmanlike manner.

Dated this 13 day of May, 1986.

BOISE CASCADE/DELAWARE CORPORATION

By: Dick McDonald

STATE OF OREGON }
County of Columbia } ss.

On this 13 day of May, 1986, before me, the undersigned, a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared Dick McDonald, to me known to be the President of BOISE CASCADE/DELAWARE CORPORATION, the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Alancine D. Clark
Notary Public for Oregon
My commission expires: 1-19-87

PERMANENT WATERLINE EASEMENT - 2

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STATE OF OREGON
COLUMBIA COUNTY
RECORDED & FILED

1986 MAY 14 PM 4:33

BOOK 262 PAGE 212

REG'D. CLERK, CO. CLK

BY *John* DEP.

PLS SIGN & DATE
After recording, please
return to:
CITY OF ST. HELENS
P. O. Box 278
St. Helens, Oregon 97051

ST. HELENS