Gregory L. Geist
Director

August 11, 2016

Board of County Commissioners
Clackamas County

Members of the Board:

Acceptance and Approval of Easement between the Tri-City Service District and Country Village Estates, LLC.for Sanitary Sewer Easement (20 Foot)

Purpose/Outcomes	A 20-foot wide easement from Country Village Estates, LLC to the Tri-City Service District for extension of public sanitary sewer in the Rose Village Garden Homes subdivision.
Dollar Amount and Fiscal Impact	There is no fiscal impact to the Tri-City Service District by accepting the easements or for construction. Ongoing operation of maintenance of the sanitary sewer will be budgeted with Tri-City Service District funds.
Funding Source	Tri-City Service District Operating Fund. No General Funds are impacted.
Duration	The subdivision is under construction and the Tri-City Service District required the acceptance and recording of the easement prior to final acceptance. Ongoing operation and maintenance of the sanitary sewer is the responsibility of the Tri-City Service District.
Previous Board Action/Review	None
Strategic Plan Alignment	1. Easement actions are a service of WES's Permits Program. This action supports program results to respond to development review submittals within fifteen (15) days. 2. This action supports the Board of County Commissioners' goal to build a strong infrastructure.
Contact Person	Ron Wierenga, Surface Water Program Manager, WES, 503-742-4581
Contract No.	N/A

BACKGROUND:

This easement is needed for the extension of public sanitary sewer in the Rose Village Garden Homes subdivision and to provide for the Tri-City Service District's ("District") ownership, operation, and maintenance of a conveyance pipe from the subdivision to existing sanitary sewer infrastructure. The subject property is currently within the District and outside of Oregon City. Thus the District will be the owner and operator of the public sanitary sewers and the grantee of the proposed easement. The subdivision is under construction and the District required the acceptance and recording of the easements prior to final acceptance. Ongoing operation and maintenance of the sanitary sewer will be the responsibility of the District.

The attached sanitary sewer easement has been approved by County Counsel.

RECOMMENDATION:

District staff recommends the Board of County Commissioners, acting as the governing body of the Tri-City Service District, accept and approve the Easement between the Tri-City Service District and Country Village Estates, LLC. for Sanitary Sewer Easement.

Respectfully submitted,

Greg Geist, Director
Water Environment Services

After recording, return to:
Tri-City Service District No. 4
150 S. Beavercreek Road, Suite 430
Oregon City, OR 97045

Date Accepted By Tri-City _____

Board Order Approval _____

Reserve this area for recording stamp

SANITARY SEWER ACCESS EASEMENT
TRI-CITY SERVICE DISTRICT

KNOW ALL PERSONS BY THESE PRESENTS, that COUNTRY VILLAGE ESTATES, LLC, an Oregon Limited Liability Company hereinafter referred to as the Grantors, for the consideration hereinafter stated, paid by Tri-City Service District No. 4, hereinafter referred to as the District and the mutual benefit hereby gained, which consideration and benefit are hereby acknowledged and receipted by the Grantor, do hereby grant, bargain, sell, and convey unto the District, a permanent easement and right to lay down, construct, reconstruct, replace, operate, inspect and perpetually maintain sewers, wastewater, storm drainage or surface water pipelines, and all related facilities through, under and along the following described property in the County of Clackamas and State of Oregon:

Tax Lot # 32E04A 00603

See Exhibit "A" the "Grantor Tract"
See Exhibit "B" for permanent easement legal description.
See Exhibit "C" for map of permanent easement.

If a temporary construction easement is granted, the temporary right shall cease when the construction or improvement of said facilities, is completed.

It is understood and agreed that no building shall be erected upon said easement premises without the written consent of the District. Following construction the District will restore area to original grade and stabilize the surface. The District will restore, as near as practical, the landscaping that may exist or be placed within this easement disturbed by construction, maintenance, repair, or replacement. The public, through the District, shall give reasonable notice to the landowner before activities in connection with surface water, storm drainage, or sanitary sewer facility are commenced and shall limit activities to those necessary to achieve the purpose of constructing, reconstructing, enlarging, replacing, repairing, inspecting or maintaining the facility.

Grantors agree to undertake no activity or otherwise harm or impair the easement area to prevent or impede the proper functioning of the District's system.

This instrument does not grant or convey to the District any right or title to the surface of the soil along the route of said sewer except for the purpose of laying down, constructing, reconstructing, replacing, operating, inspecting and maintaining the same. This instrument gives immediate possession of the foregoing premises.

The true and actual consideration for this transfer is: $ Ø to be paid prior to construction; Gift ☒ Non-monetary ☐ Should a gift or non-monetary value be indicated, the Grantors acknowledge their right to just compensation and hereby waive their right to said compensation.

Grantor and Grantee signatures on following page:

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IN WITNESS WHEREOF, the Grantor above named, has here-unto set its hand and seal this 25 day of May, 2016.

GRANTOR

Representing Country Village Estates, LLC
By: _____
Name: C. Joseph Van Haverbeke

STATE OF OREGON)
)ss.
County of ~~Clackamas~~ Multnomah)

This instrument was acknowledged before me on this 25 day of May, 2016, by C. Joseph Van Haverbeke to be the free act and deed os said individual.

OFFICIAL STAMP
DONNA JEAN GELDERMAN
NOTARY PUBLIC - OREGON
COMMISSION NO. 937013
MY COMMISSION EXPIRES MARCH 10, 2019

_____
Notary Public for Oregon
My Commission expires: 3-10-2019

GRANTEE

TRI-CITY SERVICE DISTRICT NO 4.
By: _____
Tri-City Service District Chair
Name: John Ludlow

STATE OF OREGON)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this _____ day of _____, 2016, by John Ludlow, on behalf of Tri-City Service District No. 4.

_____
Notary Public for Oregon
My Commission expires: _____

EXHIBIT "A" (Grantor's Tract)

Grantor's tract is described in Document No. 98-007646, Clackamas County Deed Records, maor particularly described as follows:

A tract of land in the LD.C Latourette Donation Land Claim No. 39 in the Northeast quarter of Section 4, township 3 South, Range 2 East and the Latourette Donation Land Claim No. 45 in the Southeast quarter of Section 3s, Township 2 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Commencing at the Southeast corner of said Latourette Donation Land Claim No. 39, which is monumented with a stone in a monument box; thence North 57®49'27" West, 1391.54 feet to a 2 inch iron pipe found at the initial point of COUNTRY VILLAGE AT-WALDOW VIEW ACRES, a subdivision plat of record (Book 87, page 8 in daid Clackamas County), said initial point being the true point of beginning; thence along the boundary line as follows: South 01®09'59" East, 831.72 feet; Souith 87®47'84" West, 177.00 feet; South 01®09'59" 120.00 feet; South 87®47'54" West,985.54 feet; North 02®24'43" West, 1152.60 feet; North 38®40'22" West, 1077 feet; North 21®01''1" East, 1722.22 feet: North 89®35'53" East, 424.50 feet; North 00®04'.90 feet; North 00®04'00" West, 801.90 feet; North 88®11' 00" East, 247.07 feet; South 00®04'00" East, 42.54 feet; South 04®48'03"West, 128.08 feet; South 89®56'00" West, 29.46 feet; South 00®04'00"" East, 270.00 feet; North 89®56'00" East, 31.54 feet; South 03®59' 32" East, 129.83 feet; South 05®19'19" West, 214.34 feet; South 02®45'55" East, 231.34 feet; South 80® 58'39" East, 689.10 feet; South 48®16'03" East, 324,48 feet; South 26®13'42" West, 195.59 feet; South 01®06''49" East, 561.00 feet; South 87®24'01" West, 135.45 feet; South 07®17'44" East, 66.00 feet; North 87®38'48" East, 121.81 feet; South 01®07'43" East, 691.00 feet; South 01®29'25" East, 589.71 feet; to the above described true point of beginning.

EXHIBIT "B"

A 20.00 foot wide strip being 10.00 feet wide on each side of centerline, lying over, across and within a portion of that tract of land described in Document No. 98–007646, Clackamas County Deed Records, situated in the northeast one–quarter of Section 4, Township 3 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, said centerline being more particularly described as follows:

COMMENCING at a five–eighths inch diameter by 30 inch long iron rod with a yellow plastic cap marked "KOESTER 82578PLS" found at the southwest corner of that tract of land described as Parcel I in Document No. 2000–012531, Clackamas County Deed Records; THENCE North 1°27'50" West along the west line of said Parcel I tract, which is coincident with the east line of said Document No. 98–007646 tract, 75.55 feet to a point; THENCE southwesterly 51.98 feet along the arc of a curve to the right which has a radius of 50.00 feet, a central angle of 59°34'10", and a chord of 49.67 feet which bears South 74°29'44" West to a point of reverse curve; THENCE 24.51 feet along the arc of a curve to the left which has a radius of 200.50 feet, a central angle of 7°00'19", and a chord of 24.50 feet which bears North 79°13'21" West to a point of tangency; THENCE North 82°43'31" West, 74.63 feet to a point of curve; THENCE 19.14 feet along the arc of a curve to the left which has a radius of 100.00 feet, a central angle of 10°57'54", and a chord of 19.11 feet which bears North 88°12'28" West to a point of tangency; THENCE South 86°18'35" West, 126.36 feet to a point of curve; THENCE 61.72 feet along the arc of a curve to the left which a radius of 40.00 feet, a central angle of 88°24'51", and a chord of 55.78 feet which bears South 42°06'10" West to a point of tangency; THENCE South 2°06'15" East, 340.11 feet to a point, said point being the TRUE POINT OF BEGINNING of the centerline being described; THENCE South 2°06'15" East, 2.09 feet to a point of curve; THENCE 130.74 feet along the arc of a curve to the right which has a radius of 400.00 feet, a central angle of 18°43'36", and a chord of 130.16 feet which bears South 7°15'32" West to a point of tangency; THENCE South 16°37'20" West, 298.77 feet to the most northerly public right–of–way line of Country Village Drive and the POINT OF TERMINUS of said centerline, and the sidelines of said strip shall be prolonged or shortened so as to terminate at said most northerly public right–of–way line.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 22, 2013
GERHARD K. KOESTER
82578PLS

EXPIRES 6/30/17

BMP DESIGN LLC

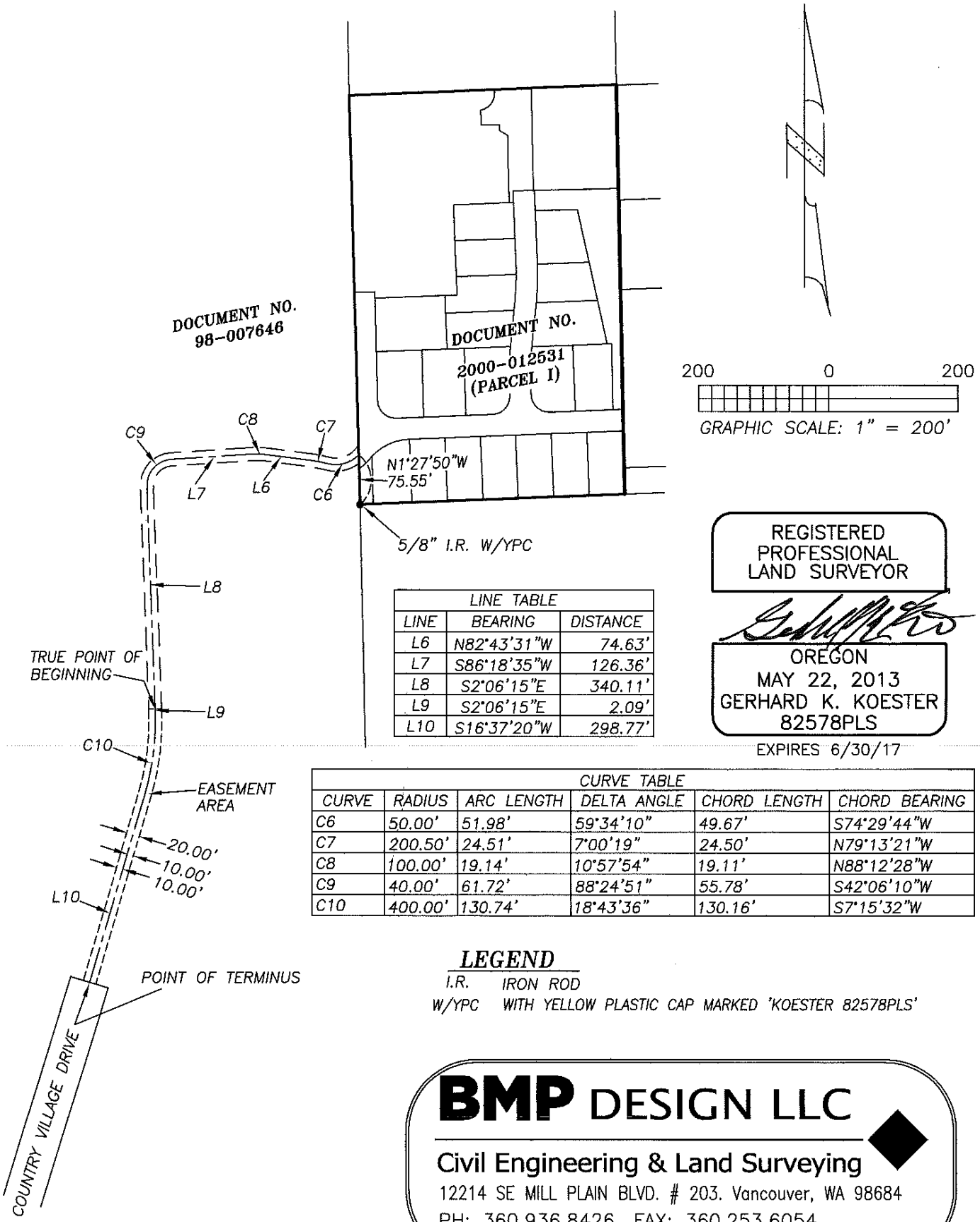
Civil Engineering & Land Surveying

12214 SE MILL PLAIN BLVD. # 203. Vancouver, WA 98684

PH: 360.936.8426, FAX: 360.253.6054

www.bmpdesign.us

EXHIBIT "C"



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
MAY 22, 2013
GERHARD K. KOESTER
82578PLS

EXPIRES 6/30/17

LINE TABLE		
LINE	BEARING	DISTANCE
L6	N82°43'31"W	74.63'
L7	S86°18'35"W	126.36'
L8	S2°06'15"E	340.11'
L9	S2°06'15"E	2.09'
L10	S16°37'20"W	298.77'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C6	50.00'	51.98'	59°34'10"	49.67'	S74°29'44"W
C7	200.50'	24.51'	7°00'19"	24.50'	N79°13'21"W
C8	100.00'	19.14'	10°57'54"	19.11'	N88°12'28"W
C9	40.00'	61.72'	88°24'51"	55.78'	S42°06'10"W
C10	400.00'	130.74'	18°43'36"	130.16'	S7°15'32"W

LEGEND

I.R. IRON ROD
W/YPC WITH YELLOW PLASTIC CAP MARKED 'KOESTER 82578PLS'

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