

**MEMORANDUM**

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: CONSENT AGENDA – ACCEPTANCE OF MODIFICATION TO AGREEMENT FOR EASEMENT FOR A CITY WATER LINE EASEMENT AT 900 N DOUGLAS

DATE: September 21, 2022

Background

Recently, staff was contacted by Rebecca Knapp of Knapp Law Office, P.C. regarding a pending transaction for the property located at 900 N Douglas, Cottage Grove Housing, due to a discovered encroachment of a City water line easement (hydrant fire line) of approximately 2'. Staff reviewed the survey documents provided by Ms. Knapp and reviewed the easement (89-14725, LCDR) and determined that a modification of the granted easement would be acceptable to the City. The proposed Modification to Agreement for Easement would reduce the easement area by 2' where the encroachment lies and maintain the 15' wide easement in all other areas.

Ms. Knapp and an Oregon Professional Land Surveyor prepared the modification document and the City Attorney has reviewed it on behalf of the City.

Recommendation

That the City Council accept the Modification to Agreement for Easement and authorize the Mayor to sign the Acceptance of the Easement.

Cost

Staff time.

  
Richard Meyers, City Manager

  
Eric Mongan, City Planner

After Recording Return to:

Knapp Law Office, P.C.  
P.O. Box 236  
103 W. Greenwood  
Enterprise, OR 97828

## MODIFICATION TO AGREEMENT FOR EASEMENT

### RECITALS:

**A.** COTTAGE GROVE SENIOR LIVING CENTER, LIMITED PARTNERSHIP, an Oregon limited partnership ("CGSLC"), is the owner of that certain real property situated in Lane County, Oregon more particularly described in Exhibit A attached hereto (the "Burdened Property"). The Burdened Property is developed for multi-family uses, including (without limitation) apartment buildings and accessory structures.

**B.** The City of Cottage Grove ("City") is the grantee under that certain Agreement For Easement ("Easement") dated March 2, 1989, which was recorded in the Lane County Official Records on April 6, 1989, as Reception No. 89-14725, for the installation and maintenance of a water main over and across the Burdened Property.

**C.** One of CGLSC's apartment buildings and attached shed located on the Burdened Property encroach upon a segment of the Easement by approximately two feet (2').

**D.** CGSLC and the City desire to modify the Easement to remove the building and shed encroachment described in Recital C above.

### EASEMENT MODIFICATION:

The legal description of the Easement is hereby deleted and replaced with the legal description set forth in Exhibit B attached hereto, which legal description is incorporated herein by reference. The Easement is depicted generally in Exhibit C attached hereto.

In all other respects, the Easement shall remain in full force and effect.

*[SIGNATURES AND NOTORIAL ACKNOWLEDGEMENTS ON THE FOLLOWING PAGES]*

COTTAGE GROVE SENIOR LIVING CENTER, LIMITED PARTNERSHIP,  
an Oregon limited liability partnership

By: Lovelace Development, LLC, an  
Oregon limited liability company  
Its: General Partner

By: \_\_\_\_\_  
William Lovelace  
Its: Manager

STATE OF OREGON            )  
  )ss.  
County of \_\_\_\_\_        )

Personally appeared before me the above-named WILLIAM LOVELACE, Manager of Lovelace Development, LLC, an Oregon limited liability company, which is the General Partner of Cottage Grove Senior Living Center, Limited Partnership, an Oregon limited partnership, and acknowledged the foregoing instrument to be his voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

CITY OF COTTAGE GROVE, a  
Municipality

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF OREGON                    )  
  )ss.  
County of \_\_\_\_\_            )

Personally appeared before me the above-named \_\_\_\_\_, the  
\_\_\_\_\_ of CITY OF COTTAGE GROVE, a municipality, and acknowledged the foregoing  
instrument to be his or her voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

## EXHIBIT A

### PARCEL I:

BEGINNING AT THE INITIAL POINT OF TAYLOR SUBDIVISION, AS PLATTED AND RECORDED IN BOOK 54, PAGE 27, LANE COUNTY OREGON PLAT RECORDS AND DESCRIBED AS BEING NORTH 1813.06 FEET AND EAST 1016.55 FEET FROM THE SOUTHEAST CORNER OF THE J. H. MCFARLAND DONATION LAND CLAIM NO. 58; THENCE NORTH A DISTANCE OF 471.77 FEET; THENCE EAST A DISTANCE OF 244.77 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY OF DOUGLAS STREET; THENCE NORTH 28° 30' EAST ALONG SAID EASTERLY RIGHT OF WAY A DISTANCE OF 221.20 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY SOUTH 68° 10' EAST A DISTANCE OF 166.31 FEET; THENCE SOUTH 21° 50' WEST A DISTANCE OF 110.66 FEET; THENCE ALONG THE ARC OF A 144.31 FOOT RADIUS CURVE RIGHT A DISTANCE OF 114.83 FEET (THE CHORD OF WHICH BEARS SOUTH 39° 18' 40" EAST A DISTANCE OF 111.82 FEET); THENCE SOUTH 74° 57' 59" WEST A DISTANCE OF 91.81 FEET; THENCE NORTH 68° 10' WEST A DISTANCE OF 216.47 FEET TO THE TRUE POINT OF BEGINNING, ALL IN COTTAGE GROVE, LANE COUNTY, OREGON.

### PARCEL II:

BEGINNING AT THE INITIAL POINT OF TAYLOR SUBDIVISION, AS PLATTED AND RECORDED IN BOOK 54, PAGE 27, LANE COUNTY OREGON PLAT RECORDS, AND DESCRIBED AS BEING NORTH 1813.06 FEET AND EAST 1016.55 FEET FROM THE SOUTHEAST CORNER OF THE J. H. MCFARLAND DONATION LAND CLAIM NO. 58; THENCE NORTH A DISTANCE OF 434.86 FEET; THENCE EAST A DISTANCE OF 655.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 77° 06' 26" WEST A DISTANCE OF 121.74 FEET; THENCE ALONG THE ARC OF A 144.31 FOOT CURVE LEFT A DISTANCE OF 122.46 FEET (THE CHORD OF WHICH BEARS NORTH 37° 47' 36" WEST A DISTANCE OF 118.82 FEET); THENCE NORTH 21° 50' EAST A DISTANCE OF 110.66 FEET; THENCE SOUTH 68° 10' EAST A DISTANCE OF 75.69 FEET; THENCE NORTH 02° 30' EAST A DISTANCE OF 149.00 FEET; THENCE SOUTH 61° 30' EAST A DISTANCE OF 127.90 FEET; THENCE SOUTH 09° 37' WEST A DISTANCE OF 232.40 FEET TO THE TRUE POINT OF BEGINNING, ALL IN COTTAGE GROVE, LANE COUNTY, OREGON.

### PARCEL III:

BEGINNING AT THE INITIAL POINT OF TAYLOR SUBDIVISION, AS PLATTED AND RECORDED IN BOOK 54, PAGE 27, LANE COUNTY OREGON PLAT RECORDS AND DESCRIBED AS BEING NORTH 1813.06 FEET AND EAST 1016.55 FEET FROM THE SOUTHEAST CORNER OF THE J. H. MCFARLAND DONATION LAND CLAIM NO. 58; THENCE NORTH A DISTANCE OF 128.79 FEET; THENCE EAST A DISTANCE OF 400.78 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 01° 02' EAST A DISTANCE OF 89.59 FEET; THENCE NORTH 33° 03' 16" WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 35° 43' EAST A DISTANCE OF 98.01 FEET; THENCE NORTH 14° 34' 34" EAST A DISTANCE OF 53.13 FEET; THENCE NORTH 74° 57' 59" EAST A DISTANCE OF 91.81 FEET; THENCE ALONG THE ARC OF A 144.31 FOOT RADIUS CURVE RIGHT A DISTANCE OF 7.64 FEET (THE CHORD OF WHICH BEARS SOUTH 14° 59' 59" EAST A DISTANCE OF 7.64 FEET); THENCE NORTH 77° 06' 26" EAST A DISTANCE OF 121.74 FEET; THENCE SOUTH 9° 37' WEST A DISTANCE OF 192.00 FEET; THENCE NORTH 61° 30' WEST A DISTANCE OF 79.50 FEET; THENCE SOUTH 35° 43' WEST A DISTANCE OF 191.45 FEET; THENCE NORTH 88° 58' WEST A DISTANCE OF 40.56 FEET TO THE TRUE POINT OF BEGINNING, ALL IN COTTAGE GROVE, LANE COUNTY, OREGON.

### PARCEL IV:

LOT 25, BLOCK 3, ROSE SUBDIVISION, AS PLATTED AND RECODED IN FILE 73, SLIDE 41, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON; EXCEPT THAT PORTION DESCRIBED IN DEED TO THE CITY OF COTTAGE GROVE, RECORDED JULY 11, 1989, RECEPTION NO. 8930161, LANE COUNTY OREGON RECORDS, IN LANE COUNTY, OREGON.



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 | www.aks-eng.com

AKS Job #9167

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

### Exhibit B

#### Description

A tract of land located in the Northeast One-Quarter of Section 28, Township 20 South, Range 3 West, Willamette Meridian, City of Cottage Grove, Lane County, Oregon, and being more particularly described as follows:

Commencing at the northwest corner of Lot 1 of the plat of "North Douglas Subdivision", also being on the southeasterly right-of-way line of N Douglas Street (25.00 feet from the centerline); thence along said southeasterly right-of-way line, North 30°31'13" East 42.81 feet to the Point of Beginning; thence continuing along said southeasterly right-of-way line, North 30°31'13" East 15.11 feet; thence leaving said southeasterly right-of-way line, South 66°16'44" East 197.15 feet; thence North 28°03'16" East 6.89 feet; thence South 61°56'44" East 2.00 feet; thence North 28°03'16" East 30.57 feet; thence North 61°56'44" West 2.00 feet; thence North 28°03'16" East 50.19 feet; thence South 75°00'48" East 147.33 feet; thence North 80°26'16" East 26.28 feet to the westerly right-of-way line of N 16th Street; thence along said westerly right-of-way line, South 12°35'21" West 9.85 feet, to the southwesterly right-of-way line of N 16th Street (25.00 feet from the centerline); thence along said southwesterly right-of-way line, South 56°36'05" East 8.62 feet; thence leaving said southwesterly right-of-way line, South 80°26'16" West 32.14 feet; thence North 75°00'48" West 138.67 feet; thence South 28°03'16" West 132.26 feet; thence North 66°16'44" West 15.04 feet; thence North 28°03'16" East 42.62 feet; thence North 66°16'44" West 197.81 feet, to the Point of Beginning.

The above described tract of land contains 7,496 square feet, more or less.

9/9/2022

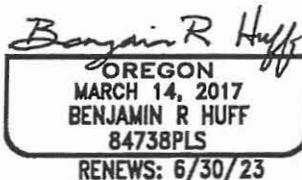
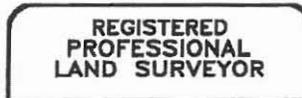
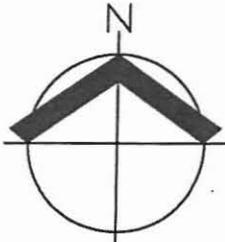
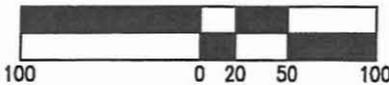


Exhibit C

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 28,  
TOWNSHIP 20 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY  
OF COTTAGE GROVE, LANE COUNTY, OREGON



SCALE: 1"=100 FEET



PREPARED FOR  
CHRISMAN DEVELOPMENT  
200 E MAIN ST  
ENTERPRISE, OR 97828

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Benjamin R Huff*

OREGON  
MARCH 14, 2017  
BENJAMIN R HUFF  
84738PLS  
RENEWS: 6/30/23



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MAP OF DESCRIPTION

DATE: 9/9/2022

DRWN: CC CHKD: BH

AKS JOB:

9167