

## MEMORANDUM

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: CONSENT AGENDA – ACCEPTANCE OF AN EASEMENT FOR AN 8” SANITARY SEWER EXTENSION INTO COTTAGE GROVE STATE AIRPORT

DATE: December 7, 2022

### Background

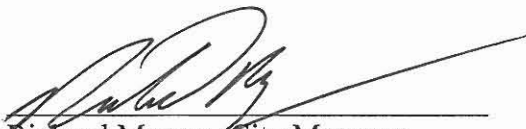
The City is in the process of extending an 8” sanitary sewer line into the Cottage Grove State Airport. This new publicly owned sanitary sewer line will allow for the further development of the northwest portion of the airport property. Approximately 200’ of the new sewer line will be constructed on airport property and therefore an easement is required to allow the City to lay and maintain sewer line. Staff has worked with staff at the Oregon Department of Aviation to ensure the necessary language is included in the easement and the Director of the Department of Aviation has signed the easement.


### Recommendation

That the City Council accept the Sanitary Sewer easement and authorize the Mayor to sign the Acceptance of the Easement.

### Cost

Staff time and recording fees.

  
Richard Meyers, City Manager

  
Eric Mongan, City Planner

**After recording return to:**  
City of Cottage Grove  
400 E. Main Street  
Cottage Grove, Oregon 97424

**GRANTOR:**  
OREGON DEPARTMENT OF AVIATION  
3040 25TH STREET SE  
SALEM, OR 97310

**GRANTEE:**  
CITY OF COTTAGE GROVE  
400 E MAIN STREET  
COTTAGE GROVE, OR 97424

**CITY OF COTTAGE GROVE, OREGON  
SANITARY SEWER EASEMENT**

**Oregon Department of Aviation**, successor in interest to the State of Oregon, Board of Aeronautics, hereinafter referred to as "Grantors," own the real property described below and do hereby give and grant unto the **City of Cottage Grove**, a municipal corporation in Lane County, Oregon, hereinafter referred to as "Grantee," a non-exclusive perpetual easement to lay, construct and maintain a 8-inch PVC sanitary sewer line, and all related appurtenances, hereinafter referred to as "Sanitary Sewer," to be constructed and located under the surface of the following described real property:

PROPERTY DESCRIPTION

See **EXHIBIT A**

EASEMENT AREA

See **EXHIBIT B & C**

The true and actual consideration for this easement is other than money.

This grant is intended to exclude all other below surface installations, except as may be specifically approved by Grantor, which may include but is not limited to additional lateral sewer connections serving additional facilities. Grantee and their contractors, subcontractors, agents or employees shall have the right to enter and occupy the easement for the purpose of constructing, operating and maintaining the sanitary sewer line.

Approval is required by the Grantee for any new sewer lateral connection including inspection, repair, replacement, removal or renovation of the sanitary sewer line. Permits for approved work will be issued upon payment of System Development Charges and permit fees. All work is subject to at least 72 hours advance written notice to the Grantor and Grantee, except in an emergency. Grantor and Grantee may utilize the easement area provided, above ground, if said use is not inconsistent or does not interfere with the use and purpose of this easement.

Grantors shall be responsible for landscape and surface maintenance within the Sanitary Sewer easement. In carrying out this responsibility, Grantors agree not to plant any tree, shrub or plant within the Sanitary Sewer easement, nor build any structure or place any fence in the easement without first obtaining written permission from Grantee. Balm, poplar, locust, cottonwood or willow trees should not be planted near the



**ACCEPTANCE OF EASEMENT**

The City of Cottage Grove, Oregon, does hereby accept the above-described Sanitary Sewer Easement this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jeffrey D. Gowing, Mayor  
City of Cottage Grove, Oregon

STATE OF OREGON )  
                              ) ss.  
County of Lane     )

This instrument was acknowledged before me, the undersigned Notary Republic, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Jeffrey D. Gowing as Mayor of the City of Cottage Grove.

\_\_\_\_\_  
Notary Public for Oregon

## EXHIBIT A

Beginning at the Northeast corner of John Partin Donation Land Claim No. 64 within Section 27 of Township 20 South, Range 3 West of the Willamette Meridian, Lane County Oregon; Thence South 1761.54 feet; Thence South  $2^{\circ} 31'44''$  West 478.50 feet; Thence South  $66^{\circ} 36' 07''$  West 175.74 feet more or less to a point on the Westerly line of the Cottage Grove Airport as conveyed to the STATE OF OREGON by and through its BOARD OF AERONAUTICS, being 250 feet measured at right angle to the Centerline of the said Cottage Grove Airport and the TRUE POINT OF BEGINNING; Thence South  $66^{\circ} 36' 07''$  West 56.58 feet more or less to the Southeast corner of the tract of land that was conveyed to the TAYLOR LIVING TRUST, dated April 18, 2000, by deed recorded on Document No. 2011-004915, Lane County Oregon Deed and Records; Thence along the South line of said TAYLOR LIVING TRUST parcel of land, North  $87^{\circ} 28' 18''$  West 1251.00 feet more or less to a point on the East line of County Road No. 728; Thence North  $87^{\circ} 28' 16''$  West 21.25 feet to the Centerline of said County Road; Thence along the Centerline of said County Road, North  $22^{\circ} 15' 51''$  East 41.64 feet to the intersection with the South line of a County Road No. 728 (this portion of County Road No. 728 that goes east and west from Row River Road Connector); Thence along the South line of said County Road the following bearing and distances: Thence along a 178.65 foot radius curve to the right (the long chord of which bears South  $61^{\circ} 04' 33''$  West 31.91 feet) a distance of 31.94 feet; Thence along a 178.65 foot curve to the right (the long chord of which bears North  $78^{\circ} 44' 23''$  West 205.25 feet) a distance of 218.32 feet; Thence North  $46^{\circ} 04' 51''$  West 168.89 feet; Thence along a 249.48 foot curve to the left (the long chord of which bears North  $46^{\circ} 26' 19''$  West 24.15 feet) a distance of 24.16 feet; Thence leaving the South line of said County Road, South  $22^{\circ} 31' 48''$  West 98.51 feet; Thence North  $68^{\circ} 42' 24''$  West 60.04 feet; Thence North  $22^{\circ} 32' 47''$  East 111.70 feet to a point on the South line of said County Road; Thence along the South line of said County Road along a 249.48 foot radius curve to the left (the long chord of which bears North  $81^{\circ} 38' 42''$  West 157.09 feet) a distance of 159.80 feet; Thence continuing the South line of said County Road, South  $80^{\circ} 00' 18''$  West 50.59 feet; Thence leaving the South line of said County Road, South  $10^{\circ} 08'43''$  East 163.12 feet; Thence South  $12^{\circ} 13' 03''$  East 174.91 feet; Thence South  $79^{\circ} 49' 59''$  West 9.76 feet to the most Northerly angle point of Parcel 1 of the approved Partition Plat 2004-P1781; Thence along the North line of said Partition Plat, South  $67^{\circ} 44' 53''$  East 457.94 feet to a point on the West line of said County Road No. 728; Thence along the West line of said County Road the following bearing and distances: North  $22^{\circ} 15' 51''$  East 1.72 feet; Thence along a portion of said County Road that has been conveyed to Lane County by deed on Reel 585-R/ 98197 and Reel 615-R/ 31227, as recorded in Lane County Deed and Records, the following bearing and distances; Thence North  $30^{\circ} 51' 59''$  West 49.99 feet; Thence along a 50.00 foot radius curve to the right (the long chord of which bears North  $28^{\circ} 04' 39''$  East 85.70 feet) a distance of 102.94 feet; Thence North  $87^{\circ} 01' 18''$  East 34.62 feet more or less to a point on the original West

line of said County Road; Thence North 22° 15' 51" East 20.97 feet; Thence leaving the West line of said County Road, South 87° 44' 09" East 42.57 feet to a point on the East line of said County Road; Thence along the East line of said County Road, South 22° 15' 51" West 50.72 feet more or less to the Northwest corner of the approved Partition Plat 2007-P2142; Thence leaving the East line of said County Road and going along the North line of said Partition Plat, South 88° 14' 57" East 610.22 feet; Thence continuing along the North line of said Partition Plat, South 87° 33' 42" East 369.50 feet to the Northeast corner of the said Partition Plat, which is also on the North line of Cook's Industrial Park as platted and recorded in File 73 Slide 195 Lane County Plat Records; Thence along the North line of said Cook's Industrial Park, North 65° 27' 27" East 16.64 feet to the Northeast corner of said Cook's Industrial Park; Thence along the East line of said Cook's Industrial Park, South 11° 16' 31" East 356.12 feet to the Southeast corner of said Cook's Industrial Park; Thence leaving the East line of said Cook's Industrial Park, South 87° 54' 08" East 410.93 feet more or less to a point on the West line of a tract of land that was conveyed to the STATE OF OREGON by and through its BOARD OF AERONAUTICS by deed, being 250 feet measured at right angle to the Centerline of said Cottage Grove Airport; Thence along the West Line of said Airport, South 12° 53' 15" East 543.99 feet more or less to the Southwest corner of a parcel of land that was conveyed to the STATE OF OREGON by and through its BOARD OF AERONAUTICS by deed, within Section 22 of Township 20 South, Range 3 West of the Willamette Meridian. Said parcel being a strip of land of variable in width, lying on each side of the center line of the runway of the Cottage Grove Airport, said Southwest corner being at Centerline Station 10+00, also being the Westerly interior corner of Lot 6 of Davidson Industrial Subdivision as recorded on File 73, Slide 770-772, Lane County Plat Records, Lane County Oregon; Thence along the Interior line of said Lot 6, which is the same line as the South line of the Cottage Grove Airport, North 77° 06' 45" East 500.00 feet to the Southeast corner of the said Cottage Grove Airport and being the Easterly interior corner of said Lot 6; Thence along the East line of the said Cottage Grove Airport, and along the Easterly interior line of said Lot 6, North 12° 53' 15" West 606.50 feet; Thence leaving the East line of said Cottage Grove Airport, and along the North line of said Lot 6, North 65° 28' 24" East 181.93 feet more or less to a point, being the Northeast corner of said Lot 6, said point also being on the West line of the Absolem Alexander Donation Land Claim No. 71 within Township 21 South Range 3 West of the Willamette Meridian; Thence leaving the said Lot 6 and going along the West line of said Donation Land Claim North 0° 21' 03" East 607.63 feet more or less to the Northwest corner of said Donation Land Claim, said Northwest corner being within Row River; Thence leaving the said Donation Land Claim and going along the Centerline of said Row River, Northerly to a point that is on the North line of the said Cottage Grove Airport, being at Station 50+00; Thence continuing along the Centerline of said Row River, Northerly to the North line of a parcel of land that was conveyed by deed to the STATE OF OREGON by and through its BOARD OF AERONAUTICS, on Reel 438-D/ 65547; Thence along the North line of said parcel of land, South 77° 06' 45" West 181.7 feet more or less to the Northwest corner of said parcel of land, said point also being on the

East line of that tract of land conveyed to Oregon Department of Transportation by deed and recorded Reel 55-D, Instrument No. 33005, Lane County Deed and Records; Thence South along the East line of said Oregon Department of Transportation and the West line of the line of a parcel of land that was conveyed by deed to the STATE OF OREGON by and through its BOARD OF AERONAUTICS , South 2° 06'27" West 322.70 feet more or less to the most Easterly Northeast corner of Parcel 2 of the approved Land Partition 2002-P1626, as recorded on Document No. 2002-034112, in the Lane County Oregon Deed and Records; Thence along the East line of said Land Partition and the West line of a parcel of land that was conveyed by deed to the STATE OF OREGON by and through its BOARD OF AERONAUTICS the following bearing and distances; Thence South 2° 06' 27" West 297.33 feet; Thence continuing along the East Line and West line, South 78° 51' 09" West 32.03 feet; Thence continuing along the East Line and West line, South 16° 51' 29" East 95.93 feet; Thence continuing along the East Line and West line, South 2° 06' 27" West 152.99 feet; Thence continuing along the East Line and West line, South 89° 27' 24" East 52.11 feet; Thence continuing along the East Line and West line, South 16° 51' 29" East 145.80 feet; Thence continuing along the East Line and West line, South 78° 51' 09" West 65.00 feet; Thence continuing along the East Line and West line, South 11° 08' 51" East 669.50 feet to the Southeast of said East line; Thence continuing along the West line of the said STATE OF OREGON by and through its BOARD OF AERONAUTICS, Southerly 1870 feet more or less to the TRUE POINT OF BEGINNING, all in Lane County, Oregon.

The bearing and distances of the above description is based on County Survey No. 40920.

**EXCEPT:**

Except any portion that is within County Road No. 728

Also include any part of County Road No. 728 by the Vacation Order No. 3409.

**EXCEPT:**

A parcel of land that was conveyed to Mary G. Cook Revocable Living Trust, dated January 24, 2006, by deed as recorded on Document No. 2006-012348, in the Lane County Deed and Records, being recognized as tax lot 401 of tax map 20-03-27-40, more particularly described as follows:

**Parcel 1**

Lot 6, Block 4, WILDISH SUBDIVISION, as platted and recorded in Book 37, Page 15, Lane County Oregon Plat Records, in Lane County, Oregon

**Parcel 2**

Beginning at the stone marking the Southeast corner of the John Cochran Donation Land Claim No. 55, in Township 20 South, Range 3 West of the Willamette Meridian; thence East 1188.07 feet and North 854.14 feet to an iron pin set on the Southeasterly line of the right of way of County Road No. 728 (being 40 feet in width) and marking the TRUE POINT OF BEGINNING; thence South 47° 00' East 75.66 feet to a point marked by an iron pin; thence South 78° 32' East 86.83 feet to a point marked by an iron pin; thence South 25° 00' East 282.46 feet to a point marked by an iron pin; thence South 65° 00' West 104.41 feet to an iron pin set on the Easterly right of way line of the Row River Connector Road which is 40 feet easterly from when measured radially to the center line of said road as found monumented on the ground; thence along the arc of a curve to the right having a radius of 3234.05 feet and along the easterly right of way line of said road to a point marked by an iron pin which bears North 33° 32' 39" West 244.78 feet from the last described point; thence North 31° 22' 33" West 134.39 feet continuing along the easterly right of way line of the Row River Road to an iron pin set on the Southerly right of way line of County Road No. 728; thence North 38° 33' 27" East 64.23 feet the TRUE POINT OF BEGINNING, all Lane County, Oregon.

**ALSO:**

Beginning at the stone marking the Southeast corner of the John Cochran Donation Land Claim No. 55, Township 20 South, Range 3 West of the Willamette Meridian; thence East 1188.07 feet and North 854.14 feet to an iron pin set the Southeasterly line of the right of way of County Road No. 728 (being 40 feet in width) and marking the TRUE POINT OF BEGINNING; thence North 38° 33' 27" East 29.69 feet along said right of way line to a point marked by an iron pin; thence South 47° 00' East 75.63 feet to a point marked by an iron pin; thence North 65° 00' East 168.73 feet along a straight line which falls on or very near an existing property line fence to a point; thence South 25° 00' East 347.31 feet to a point; thence South 65° 00' West 125.47 feet to a point marked by an iron pin; thence North 25° 00' West 282.46 feet to a point marked by an iron pin; thence North 78° 32' West 86.83 feet to a point marked by an iron pin; thence North 47° 00' West 75.66 feet the TRUE POINT OF BEGINNING, all in Lane County, Oregon.

**SUBJECT TO AN EASEMENT FOR ROAD PURPOSES OVER A STRIP OF GROUND DESCRIBED AS FOLLOWS:**

Beginning at the stone marking the Southeast corner of the John Cochran Donation Land Claim No. 55, Township 20 South, Range 3 West of the Willamette Meridian; thence East 1188.07 feet and North 854.14 feet to an iron pin set the Southeasterly line of the right of way of County Road No. 728 (being 40 feet in width) and marking the TRUE POINT OF BEGINNING; thence North 38° 33' 27" East 29.69 feet along said right of way line to a point marked by an iron pin; thence South 47° 00' East 75.63 feet to a point marked by an iron pin; thence North 65° 00' East 168.73 feet to a point; thence South 25° 00' East 60.00 feet to a point; thence South 65° 00' West 125.47 feet to a point marked by an iron pin; thence North 25° 00' West 282.46 feet to a point marked by an iron pin; thence North 78° 32' West 78.66 feet to a point marked by an iron pin; thence North 47° 00' West 75.66 feet the TRUE POINT OF BEGINNING, all in Lane County, Oregon.



**EXCLUDING** any property conveyed to the City of Cottage Grove by Mary G. Cook including: "A 116.62 square foot portion of a tract of land located in the Northwest one-quarter of the Southeast one-quarter of Section 27, Township 20 South, Range 3 West, of the Willamette Meridian, City of Cottage Grove, Lane County, Oregon; more particularly described as follows:

Beginning at the Northeast corner of the intersection of Palmer Avenue and Row River Road, said point being the TRUE POINT OF BEGINNING; thence North 32° 03' 49" West along the Easterly right of way of Row River Road, a distance of 15.57 feet; thence South 72° 33' 35" East 23.07 feet to the Northerly right of way of Palmer Avenue; thence South 65° 27' 22" West along the Northerly right of way of Palmer Avenue a distance of 15.11 feet to the Point of Beginning.

**Parcel 3**

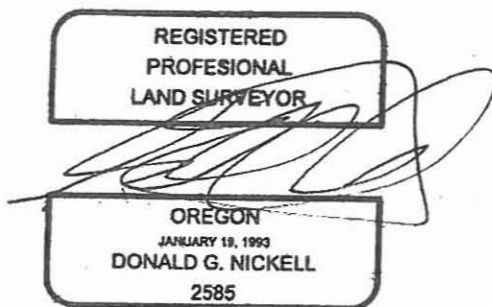
Beginning at a point North 38° 30' East 11.28 chains from a point 10.94 chains East and 4.15 chains North of the Southeast corner of the John Cochran Donation Land Claim No. 55, Township 20 South, Range 3 West of the Willamette Meridian, Lane County Oregon, and running thence North 38° 30' East 0.45 chains; thence South 47° East 1.20 chains; thence North 65° East 34.30 chains; thence South 45° East 5.60 chains; thence South 65° West 35.46 chains; thence North 25° West 4.16 chains; thence North 78° 32' West 1.38 chains; thence North 47° West 1.30 chains to the Point of Beginning, all in the City of Cottage Grove, Lane County, Oregon.

Containing 18.60 acres more or less

**EXCEPT THEREFROM** that portion sold to the State of Oregon for airport purposes.

**Parcel 4**

Lot 10, WALNUT ORCHARD, PHASE 1, as platted and recorded in File 75, Slide 164, Lane County Oregon Plat Records, in Lane County, Oregon.



RENEWAL DATE 12/31/2018

EXHIBIT B

SEWER EASEMENT DESCRIPTION

A STRIP OF LAND BEING 14.00 FEET WIDE, LOCATED IN THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 20 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, CITY OF COTTAGE GROVE, LANE COUNTY, OREGON, THE CENTERLINE OF SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THOSE LANDS CONVEYED IN THAT BARGAIN AND SALE DEED RECORDED AUGUST 28, 1970 ON REEL 494 AS INSTRUMENT NUMBER 18344, SAID CORNER BEING ON THE SOUTH MARGIN OF THORNTON LANE (COUNTY ROAD NO. 728); THENCE 87°10'26" EAST 273.4 FEET, MORE OR LESS, TO THE CENTER OF AN EXISTING WASTEWATER MANHOLE; THENCE SOUTH 5°52'05" WEST 70.71 FEET, MORE OR LESS, TO THE SOUTH MARGIN OF SAID THORNTON LANE, AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 5°52'05" WEST 236.02 FEET, THERE TERMINATING.

THE BEARINGS HEREIN ARE BASED ON COUNTY SURVEY FILE 40920 BY BRIAN SCOTT SAILOR, PLS, FILED FEBRUARY 19, 2008, IN THE LANE COUNTY SURVEYOR'S OFFICE.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

DIGITALLY SIGNED

OREGON  
MAY 12, 2011  
DANIEL ADAM NELSON  
84832LS

RENEWAL DATE: 12/31/2022

# EXHIBIT C

LOCATION MAP  
COTTAGE GROVE SEWER  
EXTENSION  
SEPT 27, 2022  
SCALE: 1"=50'

VILLAGE DR

N87°10'26"E 273.4'

N80°00'18"E 50.59'

L: 245.28'  
R: 249.48'

NW CORNER OF  
INSTRUMENT REELS  
494/18344

JIM WRIGHT WAY  
AKA  
THORNTON LN

S05°52'05"W  
70.71'

POINT OF  
BEGINNING

14.00  
SEWER  
EASEMENT  
7.00

S46°04'51"E  
168.89'

TL 3300

N10°08'43"W 163.12'

TL 3601

TL 3600

TL 3500

N12°13'03"W 174.91'

## LEGEND

- PROPERTY LINE
- - - EASEMENT LINE
- ⊙ WASTE WATER MANHOLE

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

DIGITALLY SIGNED

OREGON  
MAY 12, 2011  
DANIEL ADAM NELSON  
84832PLS

N79°49'59"E  
9.76'

TL 209

S67°44'53"E  
68.57'

PROJECT No. 22-001B

EXPIRES: December 31, 2022

