



Gregory L. Geist
Director

June 21, 2018

Board of Directors
Clackamas County

Members of the Board:

Approval of Amendment to Easement 43139-EA
between Oregon Department of State Lands and Clackamas County

Purpose/Outcomes	To amend an easement with the State of Oregon, Department of State Lands, for the Kellogg Creek Water Resource Recovery Facility
Dollar Amount and Fiscal Impact	No impact.
Funding Source	Not applicable.
Duration	Perpetual until terminated.
Previous Board Action	Approved by the Board on June 29, 2017.
Strategic Plan Alignment	1. WES customers will continue to benefit from a well-managed utility 2. Build public trust through good government
Contact Person	Randy Rosane, Civil Engineering Supervisor, WES, 503-742-4573

BACKGROUND:

On June 19th, 1973, the State of Oregon, through the State Land Board, granted an easement to construct and maintain a sanitary sewer outfall on state-owned submersible and submerged lands in the Willamette River ("outfall easement"). This easement provides for the current sewer outfall from the Kellogg Creek Water Resource Recovery Facility ("WRRF"). A project modifying Kellogg Creek WRRF's outfall required a modification of the outfall easement description, which requires approval by both parties to the original easement agreement.

This amendment is necessary to allow continued operation of the Kellogg Creek WRRF. If accepted, the State of Oregon Department of State Lands will amend the easement to Clackamas County for a period of 99 years.

The amendment was reviewed by County Counsel.

This amendment was approved by the Board on June 29, 2017; however, a signed version of the document cannot be found. The recommendation below is housekeeping to replace the lost document.

RECOMMENDATION:

Staff respectfully recommends that the Board of Commissioners approve and execute the Amendment to Easement 43139-EA on behalf of Clackamas County.

Respectfully submitted,

Greg Geist, Director

STATE OF OREGON
DEPARTMENT OF STATE LANDS

Amendment to Easement 43139-EA

Effective 6/11/2017, the following terms and conditions are modified in that certain easement between the STATE OF OREGON, acting by and through the Department of State Lands (STATE) and Clackamas County, (GRANTEE), which is dated and signed on June 19, 1973. All terms of the easement not specifically changed by this modification remain unchanged and in full force.

CURRENT EASEMENT

LEGAL DESCRIPTION

All of the state-owned submersible and submerged land lying 20 feet on each side of the following described centerline:

Using bearings based on the Oregon, State System of Plane Coordinates, North Zone (Lambert Grid) and beginning at a 2-inch iron pipe, said pipe being located S 81° 21' 37" W deed distance 209.8 feet from the 114 section corner between Sections 35 and 36, Township 1 South, Range 1 East, W.M., as recorded in Book 71, Page 2034, Deed Records; thence S 81° 21' 37" W, 377.54 feet; thence N 8° 38' 23" W, 96.00 feet to the True Point of Beginning; thence S 81° 21' 37" W, 32.0 feet; thence N 71° 38' 23" W, 185.0 feet to the terminus of the outfall line.

TO HAVE AND TO HOLD the same unto CLACKAMAS COUNTY for a period of 99 years from the date of this instrument, subject to the following conditions:

1. All the new construction within the area described above must be completed by July 1, 1974.

SUCH CONDITIONS ARE HEREBY DELETED AND IN THEIR PLACE ARE SUBSTITUTED THE FOLLOWING CONDITIONS:

LEGAL DESCRIPTION

All state-owned submerged and submersible lands in the Willamette River in Section 35, Township 1 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, included in a strip of land 100.00 feet wide, lying 50.00 feet on each side of the following described centerline:

Commencing at a point at the intersection of the North line of Tax Lot 1600 (Clackamas County Assessor's Map Number 11E 35 AD, as of February 24th, 2015) and the line of Ordinary High Water on the East bank of the Willamette River;

thence Southwesterly along said line of Ordinary High Water a distance of 30 feet, more or less, to the center of the Outfall Pipe of the Kellogg Creek Water Pollution Control Plant and the TRUE POINT OF BEGINNING of said Centerline;

thence Northwesterly along the center of said Pipe, and extension thereof, 300.00 feet to the TERMINUS of said Centerline.

Containing an area of approximately 30,000 square feet, or 0.68 acres, more or less, as shown on the attached Exhibit A.

TO HAVE AND TO HOLD the same unto CLACKAMAS COUNTY, for a period of 99 years from the date of this instrument, subject to the following conditions:

1. All new construction within the area described above must be completed by November 1, 2016.

IN WITNESS WHEREOF the parties have executed this easement AMENDMENT.

STATE:
The State of Oregon, acting by and through
the Oregon State Land Board and the
Department of State Lands
775 Summer ST NE, STE 100
Salem, OR 97301-1279

ACCEPTED BY GRANTEE:
CLACKAMAS COUNTY 150
S BEAVERCREEK RD
OREGON CITY, OR 97045
503-742-4573

Authorized Signature/Printed Name

Signature/Title

Date

Date

STATE OF _____)
)ss
County of _____)

STATE OF _____)
)ss
County of _____)

The foregoing instrument was acknowledged
before me this _____ day of _____, 2018,
by _____ the
(name of officer or agent of political entity)

The foregoing instrument was acknowledged
before me this _____ day of _____, 2018,
by _____ the
(name of officer or agent of political entity)

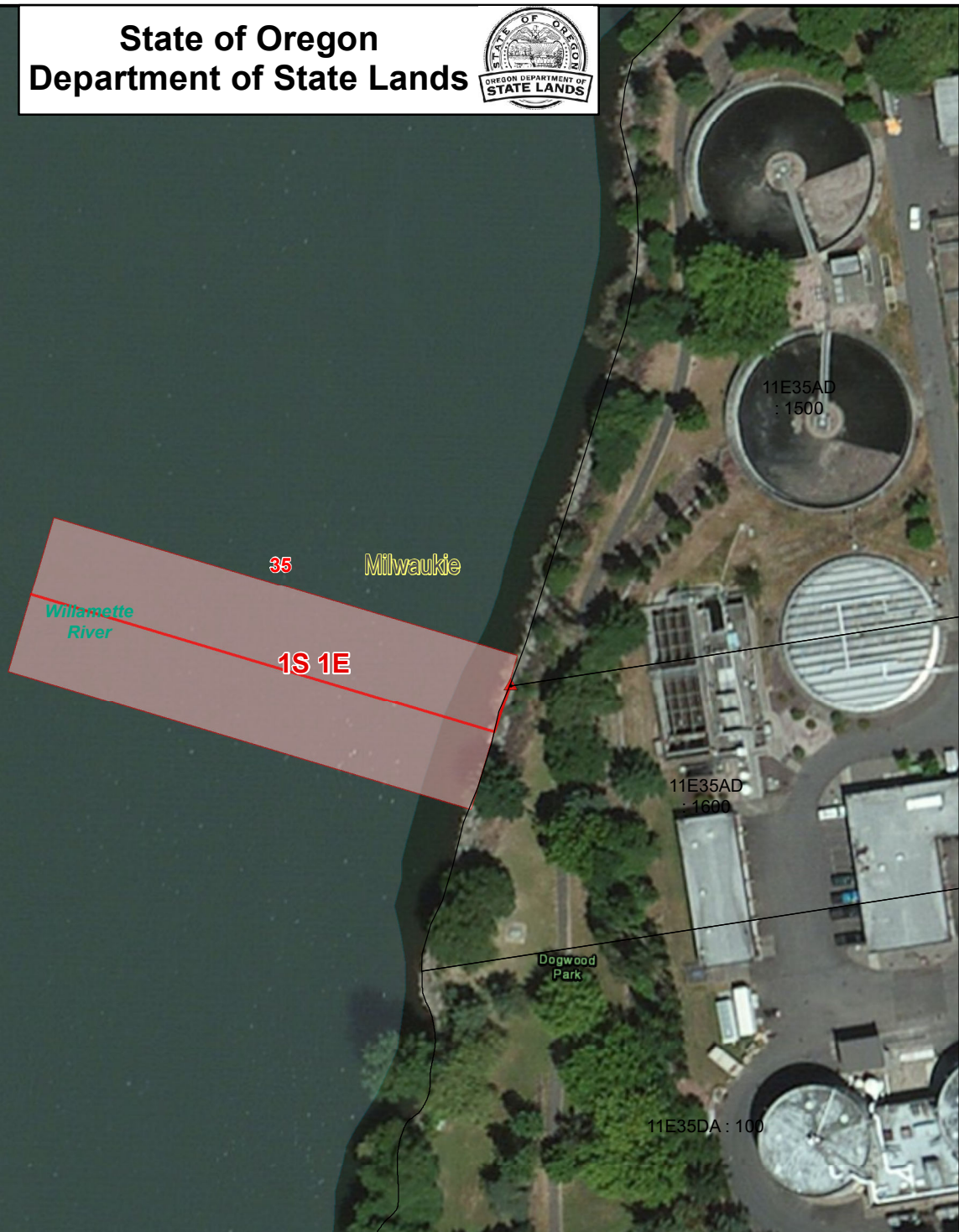
_____ of _____,
(title of officer or agent) (name of political entity)

_____ of _____,
(title of officer or agent) (name of political entity)

Signature
My commission expires _____

Signature
My commission expires _____

State of Oregon
Department of State Lands



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EXHIBIT A

**43139-EA Waterway Easement
T01S, R01E Section 35
30,000 Square Feet
Clackamas County**

- ▲ Points of Beginning
- Description lines
- Use Area

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 50 100

Feet



Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet
State of Oregon
Department of State Lands
775 Summer St NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 6/14/2017

