



August 5, 2021

Water Environment Services Board
 Board of County Commissioners
 Clackamas County

Members of the Board:

Approval of an Amendment to the Conservation Easement Granted to Water Environment Services by the Athey Creek Christian Fellowship for the Church’s Accessible Parking Improvements Project.

Purpose/Outcomes	Approval of an amendment to a conservation easement granted to WES to allow for the Fellowship's proposed site improvement project to proceed, while also minimizing impacts to wetlands and water quality buffers on the site, and further enhancing water quality function through planting native vegetation.
Dollar Amount and Fiscal Impact	None
Funding Source	N/A
Duration	There is no termination date in the amended conservation easement granted to WES.
Previous Board Action/Review	Issues discussion on July 27, 2021
Counsel Review	The amended conservation easement was reviewed and approved by County Counsel on January 25, 2021
Strategic Plan Alignment	1) Streams within WES’ jurisdiction meet or exceed water quality standards. 2) Honor, Utilize, Promote and Invest in our Natural Resources.
Contact Person	Ron Wierenga, Environmental Services Manager, 503-742-4581
Contract No.	N/A

BACKGROUND:

The Athey Creek Christian Fellowship near West Linn is seeking approval to expand their parking area to provide better access for persons of limited mobility and families. The project will encroach into a conservation easement area previously granted to Water Environment Services for the wetlands and natural resource buffers on the property. The original easement was granted in 2007 as part of the development of the church property. The Fellowship is proposing to retain a portion of the wetlands in the conservation easement area, and to enhance wetlands and water quality function through planting the remaining easement and resource areas on the site. WES staff worked with Fellowship to limit the impacts to the existing easement area, and to propose actions to improve water quality function. In addition, the Fellowship has agreed to provide educational signage on wetlands and water quality, furthering WES’s watershed health education goals. All other necessary approvals from state and federal agencies with wetlands jurisdiction will be acquired by the applicant prior to construction.

RECOMMENDATION:

WES staff recommends the Board, acting as the governing body of Water Environment Services, approve the Approval of an amendment to a conservation easement granted to WES to allow for the Fellowship's proposed site improvement project to proceed, while also minimizing impacts to wetlands and water quality buffers on the site, and further enhancing water quality function through planting native vegetation.

Respectfully submitted,



Greg Geist (Jul 21, 2021 15:30 PDT)

Greg Geist
Director, Water Environment Services

Attachments: Amended and Restated Grant of Conservation Easement and Exhibits

After recording, return to:
Surface Water Management Agency of Clackamas County
150 Beaver Creek Rd, Suite 430
Oregon City, Oregon 97045

Amended and Restated Grant of Conservation Easement

WATER ENVIRONMENT SERVICES

KNOW ALL PERSONS BY THESE PRESENTS, that **Athey Creek Christian Fellowship**, the owner of the real property described herein ("Grantor"), on June 21, 2007 granted and conveyed to the Surface Water Management Agency of Clackamas County ("SWMACC") a conservation easement, which was then recorded as Clackamas County Official Record document 2007-076610 (the "Conservation Easement").

On June 28th, 2018, SWMACC assigned its interest in the Conservation Easement to **Water Environment Services** ("WES" or "Grantee"), which was recorded as Clackamas County Official Record Document 2018-041407.

The Conservation Easement signed and recorded in 2007 and assigned in 2018 is hereby amended by replacing the Conservation Easement Exhibits as follows:

The Conservation Easement description document Exhibits "A", "B" & "C" are hereby replaced with the attached Exhibits "A" & "B".

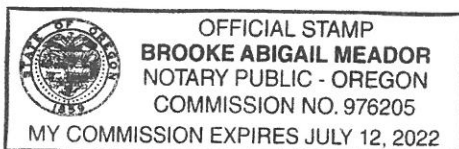
The drawings depicting the Conservation Easement on Exhibits "D" & "E" are hereby replaced with the attached Exhibits "C", "D" & "E".

The new Conservation Easement configuration will preserve a portion of the existing wetlands, and mitigation for loss of existing Conservation Easement area will enhance the water quality functions of the remaining Conservation Easement area.

All other aspects of the Conservation Easement remain in effect as written.

IN WITNESS WHEREOF, the undersigned have set their hands and seals:

GRANTOR



Representing Athey Creek Christian Fellowship

By: Thomas D Moore

Printed Name: Thomas D Moore

STATE OF OREGON)

)ss.

County of Clackamas)

This instrument was acknowledged before me on this 31st day of March, 2021 by Thomas Moore to be the free act and deed of said corporation/individual.

Brooke Abigail Mead

Notary Public for Oregon

My commission expires: July 12, 2022

GRANTEE

WATER ENVIRONMENT SERVICES

By: _____
Chair

Printed Name: _____

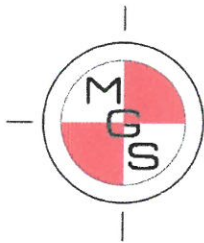
STATE OF OREGON)

)ss.

County of Clackamas)

This instrument was acknowledged before me on this ____ day of _____, 202__ by
_____ to be the free act and deed of the Chair of Water Environment Services.

Notary Public for Oregon
My commission expires: _____



**MINISTER-GLAESER
SURVEYING INC.**

*Vancouver Office - 2200 E. Evergreen Blvd., Vancouver, Washington 98601
(360) 694-3313 (360) 694-3410 FAX*

12/8/2020

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

DECEMBER 8, 2020

EXHIBIT "A "

ADJUSTED CONSERVATION EASEMENT

OREGON
JUNE 30, 1997
DANIEL A. RENTON
2830

Expires 12-31-2020

A tract of land located in a portion of the James Athey Donation Land Claim Number 59, in a portion of the Southeast quarter of Section 29 and the Southwest quarter of Section 28, Township 2 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

COMMENCING at the Northeast corner of the Athey Creek Christian Fellowship parcel as described in Document Number 2014-007727, records of Clackamas County, and shown in Survey Number "SN2006-035", said point also being on the Southerly Right-of-Way line of "Ek Road";

Thence North 60°58'48" West, along said Southerly Right-of-Way line, 472.36 feet and the **TRUE POINT OF BEGINNING:**

Thence continuing along said Southerly Right-of-Way line, North 60°58'48" West, 187.80 feet to an angle point;

Thence continuing along said Southerly Right-of-Way line, North 89°50'15" West, 220.86 feet;

Thence leaving said Southerly Right-of-Way line, South 45°04'25" East, 177.78 feet;

Thence North 62°22'29" East, 122.88 feet;

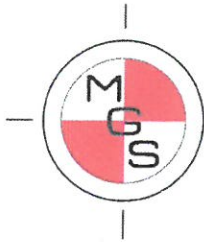
Thence North 77°40'39" East, 32.49 feet;

Thence South 84°12'23" East, 23.21 feet;

Thence South 61°28'08" East, 96.96 feet;

Thence North 29°02'30" East, 21.23 feet and the **TRUE POINT OF BEGINNING.**

CONTAINING 22,797 square feet of land, more or less.



**MINISTER-GLAESER
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12/8/2020

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

DECEMBER 8, 2020

EXHIBIT " B "

RETAINED CONSERVATION EASEMENT

OREGON
JUNE 30, 1997
DANIEL A. RENTON
2830

Expires 12-31-2020

A tract of land located in a portion of the James Athey Donation Land Claim Number 59, in a portion of the Southwest Quarter of Section 28, Township 2 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Southeast corner of the Athey Creek Christian Fellowship parcel as described in Document Number 2014-007727, records of Clackamas County, said point also shown in survey number "SN2006-035", records of said county;

Thence North 89°14'01" West, along the South line of said "Athey Creek Christian Fellowship" parcel, for a distance of 114.97 feet;

Thence leaving said South line, North 65°57'09" West, for a distance of 31.36 feet;

Thence North 13°32'01" East, for a distance of 52.95 feet;

Thence North 06°35'05" West, for a distance of 42.59 feet;

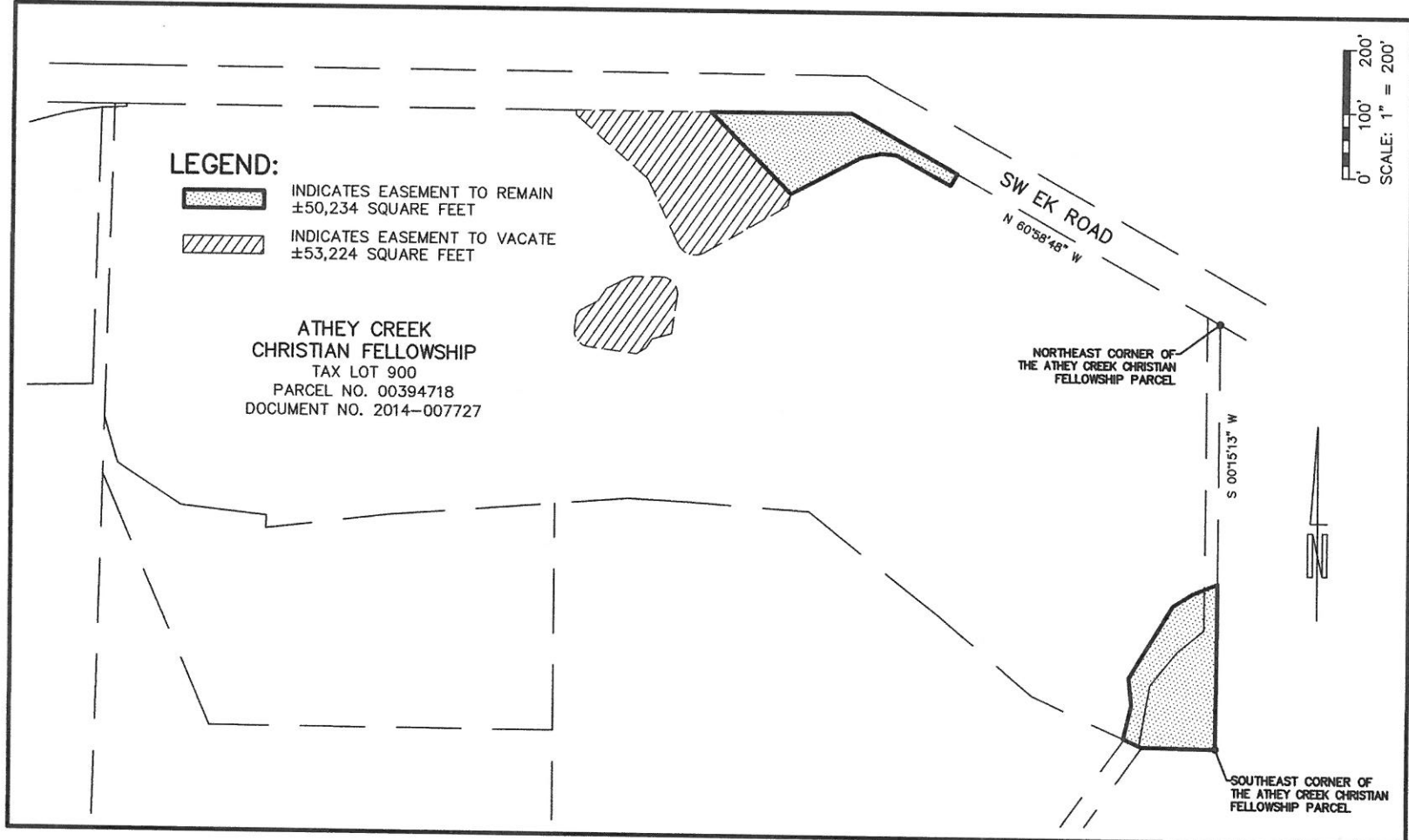
Thence North 31°11'39" East, for a distance of 131.92 feet;

Thence North 57°01'52" East, for a distance of 36.16 feet;



Thence North 67°50'06" East, for a distance of 41.64 feet to the East line of said "Athey Creek Christian Fellowship" parcel;

Thence South 00°15'13" West, along said East line, for a distance of 256.35 feet to the **POINT OF BEGINNING**.

CONTAINING: 27,437 square feet of land, more or less.



LEGEND:

-  INDICATES EASEMENT TO REMAIN
±50,234 SQUARE FEET
-  INDICATES EASEMENT TO VACATE
±53,224 SQUARE FEET

ATHEY CREEK
CHRISTIAN FELLOWSHIP
TAX LOT 900
PARCEL NO. 00394718
DOCUMENT NO. 2014-007727

SW EK ROAD
N 60°38'48" W

NORTHEAST CORNER OF
THE ATHEY CREEK CHRISTIAN
FELLOWSHIP PARCEL

S 00°15'13" W

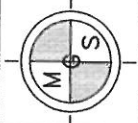
SOUTHEAST CORNER OF
THE ATHEY CREEK CHRISTIAN
FELLOWSHIP PARCEL

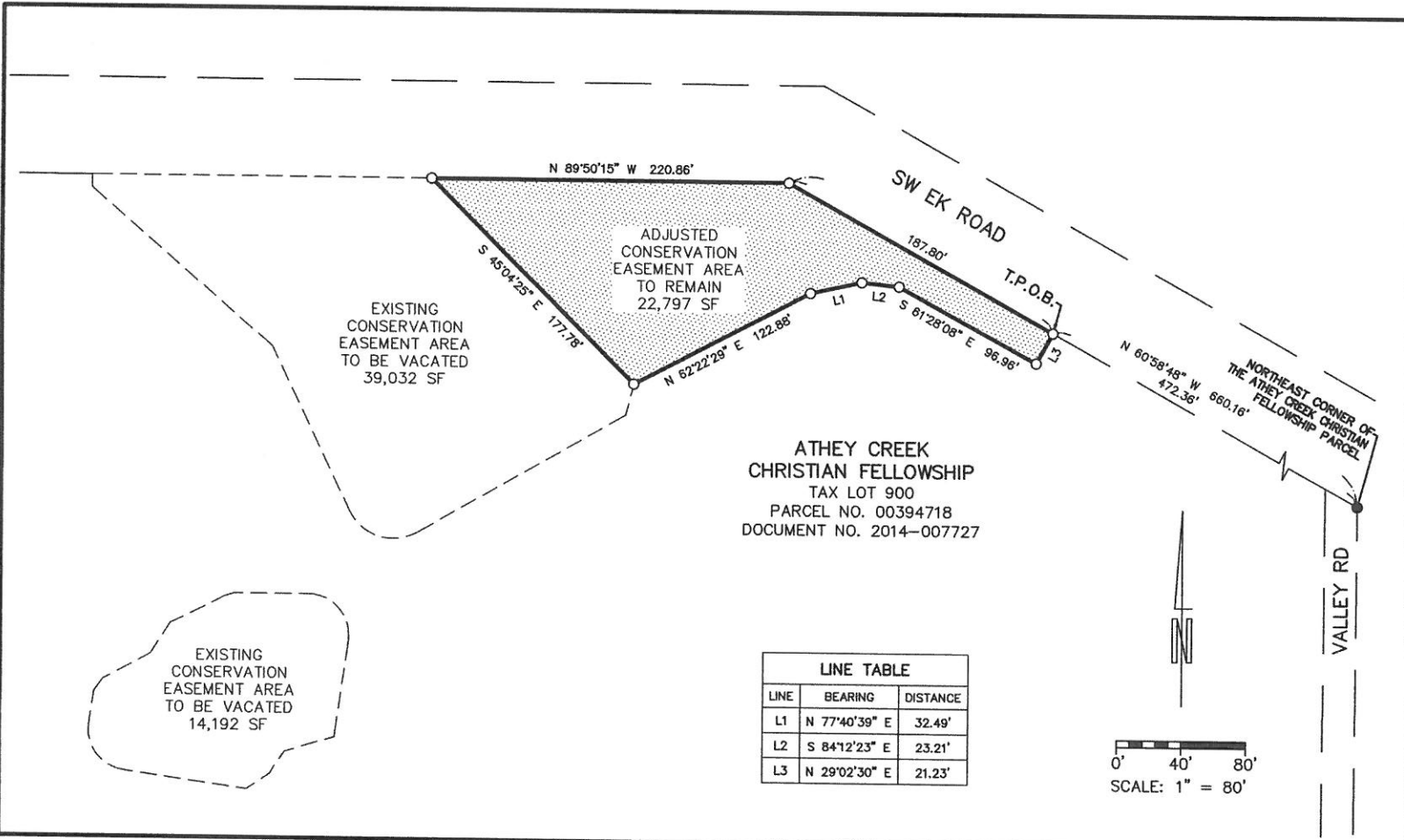


SCALE: 1"=200'
JOB NO. 20-448
DATE: 12/8/2020
DWG FILE: 20448L1
DRAWN BY: RDH

EXHIBIT "C"
CONSERVATION EASEMENT

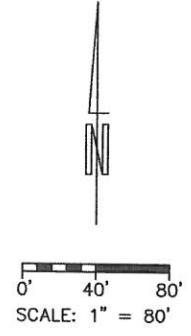
PREPARED BY:
**MINISTER-GLAESER
SURVEYING INC.**
2200 E. EVERGREEN BLVD.
VANCOUVER, WA 98661
(360) 694-3313





ATHEY CREEK
CHRISTIAN FELLOWSHIP
TAX LOT 900
PARCEL NO. 00394718
DOCUMENT NO. 2014-007727

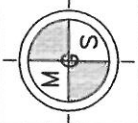
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 77°40'39" E	32.49'
L2	S 84°12'23" E	23.21'
L3	N 29°02'30" E	21.23'

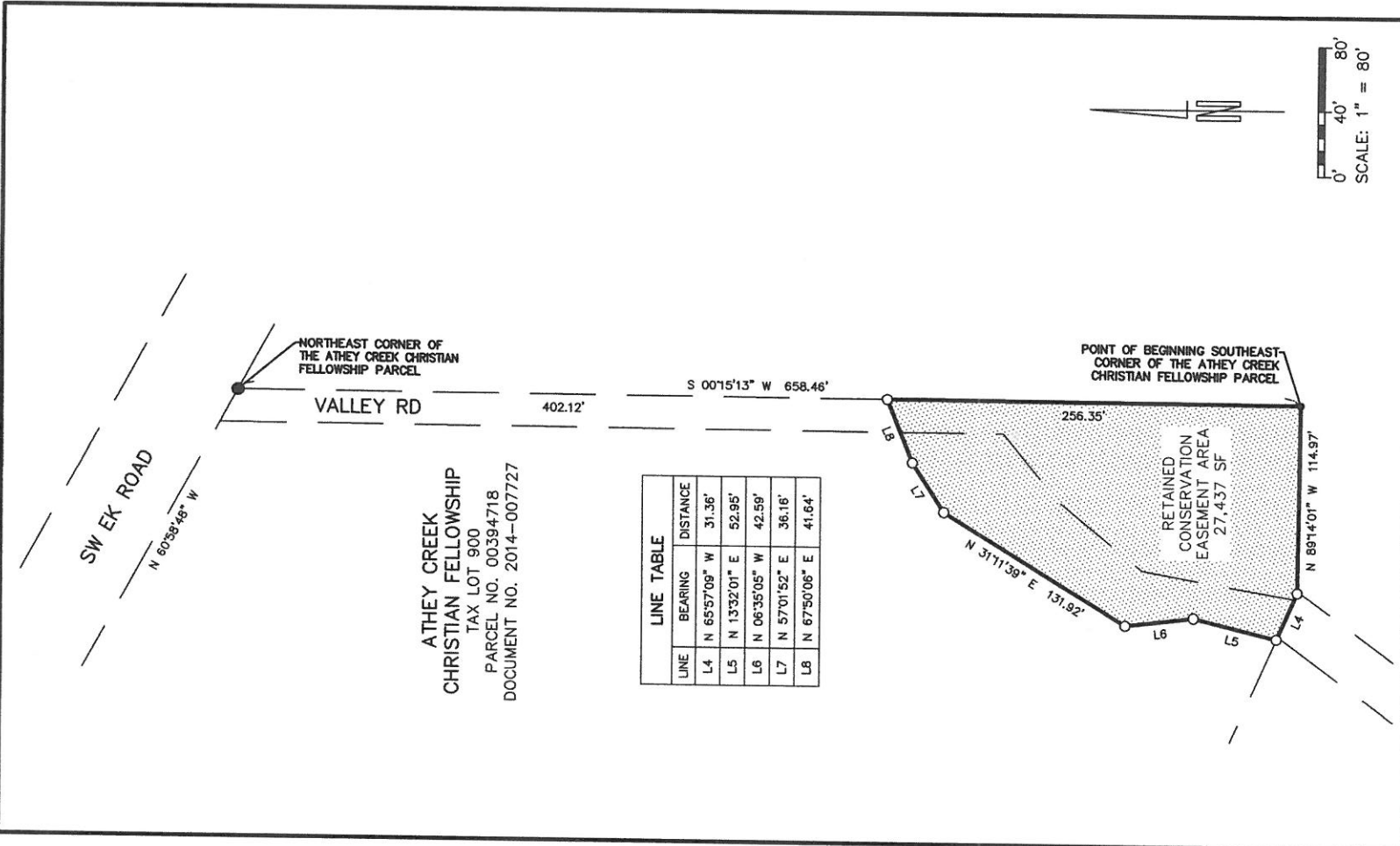


SCALE: 1" = 80'
JOB NO. 20-448
DATE: 12/8/2020
DWG FILE: 20448L1
DRAWN BY: RDH

EXHIBIT "D"
CONSERVATION EASEMENT

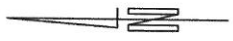
PREPARED BY:
**MINISTER-GLAESER
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VANCOUVER, WA 98661
(360) 694-3313





ATHEY CREEK
 CHRISTIAN FELLOWSHIP
 TAX LOT 900
 PARCEL NO. 00394718
 DOCUMENT NO. 2014-007727

LINE TABLE		
LINE	BEARING	DISTANCE
L4	N 65°57'09" W	31.36'
L5	N 13°32'01" E	52.95'
L6	N 06°35'05" W	42.59'
L7	N 57°01'52" E	36.16'
L8	N 67°50'06" E	41.64'



SCALE: 1"=80'
 JOB NO. 20-448
 DATE: 12/8/2020
 DWG FILE: 20448L1
 DRAWN BY: RDH

EXHIBIT "E"
CONSERVATION EASEMENT

PREPARED BY:
MINISTER-GLAESER
SURVEYING INC.
 2200 E. EVERGREEN BLVD.
 VANCOUVER, WA 98661
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