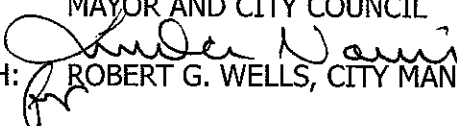



FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:
PUBLIC WORKS FILE NO.:

October 1, 2007

4.3 (j)

TO: MAYOR AND CITY COUNCIL
THROUGH:  ROBERT G. WELLS, CITY MANAGER
FROM: TIM GERLING, P.E., PUBLIC WORKS DIRECTOR 

SUBJECT: **QUITCLAIM A 10-FOOT-WIDE "GRANT OF RIGHT-OF-WAY"
PERMANENT EASEMENT ALONG WITH AN ADDITIONAL STRIP OF LAND
BEING 30 FEET EACH SIDE OF THE EXISTING CENTERLINE, NOT TO
EXCEED 60 FEET IN TOTAL WIDTH, PREVIOUSLY REQUIRED FOR THE
CONSTRUCTION OF THE 36-INCH TRANSMISSION MAIN, STAYTON
ISLAND FILTRATION FACILITY TO FAIRMOUNT RESERVOIR IN 1936**

ISSUE:

Shall the City Council authorize staff to relinquish a portion of water main easement lying within the now developing subdivision, Sam Berry Estates?

RECOMMENDATION:

Staff recommends City Council authorize staff to execute a quitclaim deed for the easement area to the underlying owner as shown on Exhibit B (attached).


BACKGROUND:

The City acquired the "Grant of Right-of-Way" easement from J.E. Gearhart, August 11, 1936, and recorded in Volume 226, Page 120, Deed Records Marion County Oregon.

FACTS AND FINDINGS:

Developer/Owner C.H.H. Enterprises, Inc., the current owner, has submitted for processing through the City, a subdivision to be known as Sam Berry Estates (Planning File Case #06-12).

During the review process, the true location of the existing 36-inch transmission main was found to be not within the recorded easement area. As part of the subdivision plat, Sam Berry Estates' Developer will provide the City with a replacement easement 20 feet in width over the true location of the 36-inch transmission main within their development as shown on Attachment C, map.


Peter Fernandez, P.E.
Assistant Public Works Director

LN/JP:QUITCLAIMSAMBERRYESTATES.WPD

Attachments:

- A. Legal Description
- B. Exhibit Map "B"
- C. Easement Location Map

Ward 3 / September 12, 2007 (8:13am)

Prepared by: Jon Bolliger, CEA

ATTACHMENT A

Legal Description of Existing Transmission Main Easement to be Relinquished

Transmission Main Easement 10 feet wide plus 30 feet each side of centerline, described as follows:

A portion of that Grant of Right-of-way Easement conveyed to the City of Salem by that instrument recorded in Volume 226, Page 120 of Deed Records for Marion County Oregon, said portion described as follows: Beginning at a point that is 330 feet South and 750 feet North 89° 50 feet East and 223.67 feet South 36°14' 52" East from the Northwest corner of the Abijah Cary Donation Land Claim #41, said point also being on the most southerly North line of that tract of land conveyed to C.H.H. Enterprises, incorporated by instrument recorded in Reel 2592, Page 124 of Deed Records for Marion County, Oregon; thence south 36° 14' 52" East 407.21 feet to a point on the East line of said Reel 2592, Page 124, and thereby terminating.

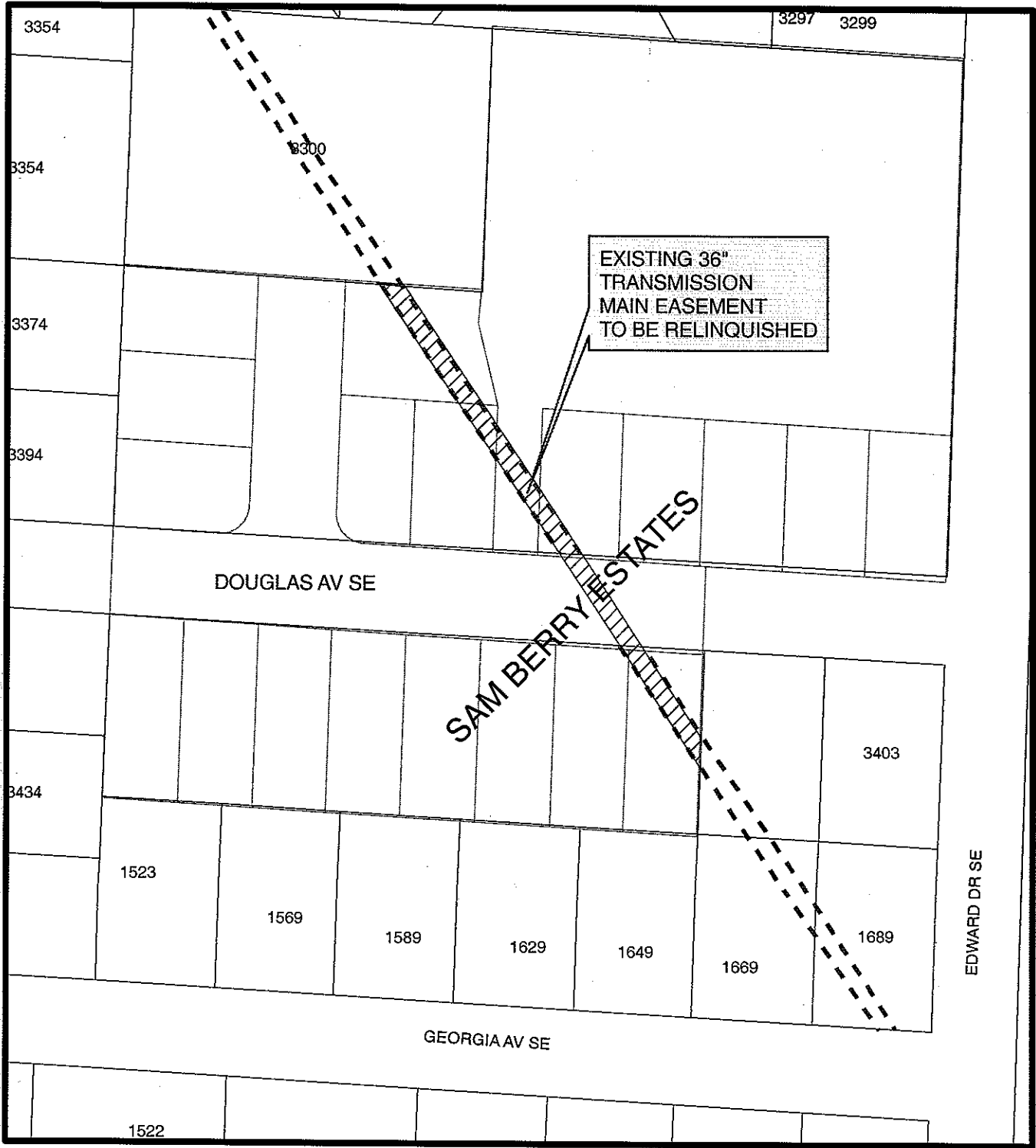
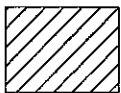


EXHIBIT MAP "B"



EASEMENT AREA TO BE RELINQUISHED



SCALE: 1' = 100'

SAM BERRY ESTATES

A REPLAT OF A PORTION OF UNDIVIDED LOT, TRI-MOUNTAIN VIEW SUBDIVISION IN N.W. QUARTER OF SEC. 02, T. 8 S., R. 3 W., W.M. CITY OF SALEM, MARION COUNTY, OREGON

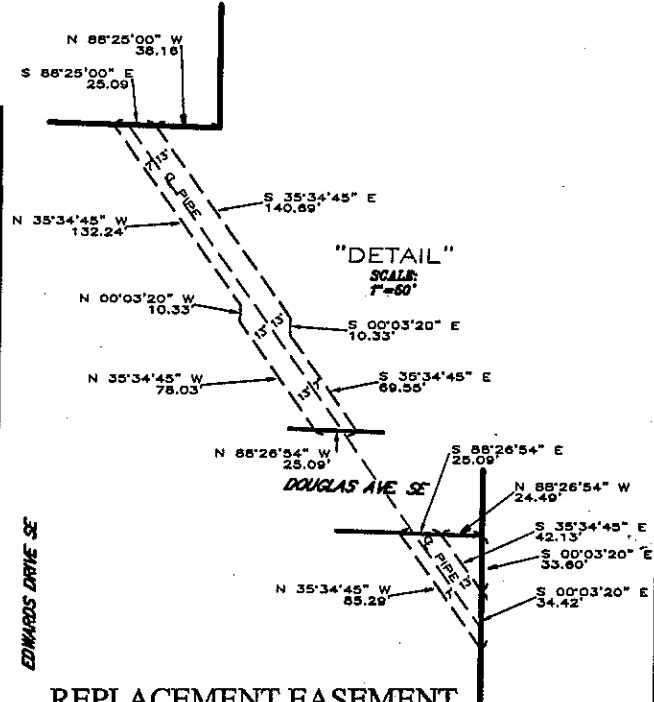
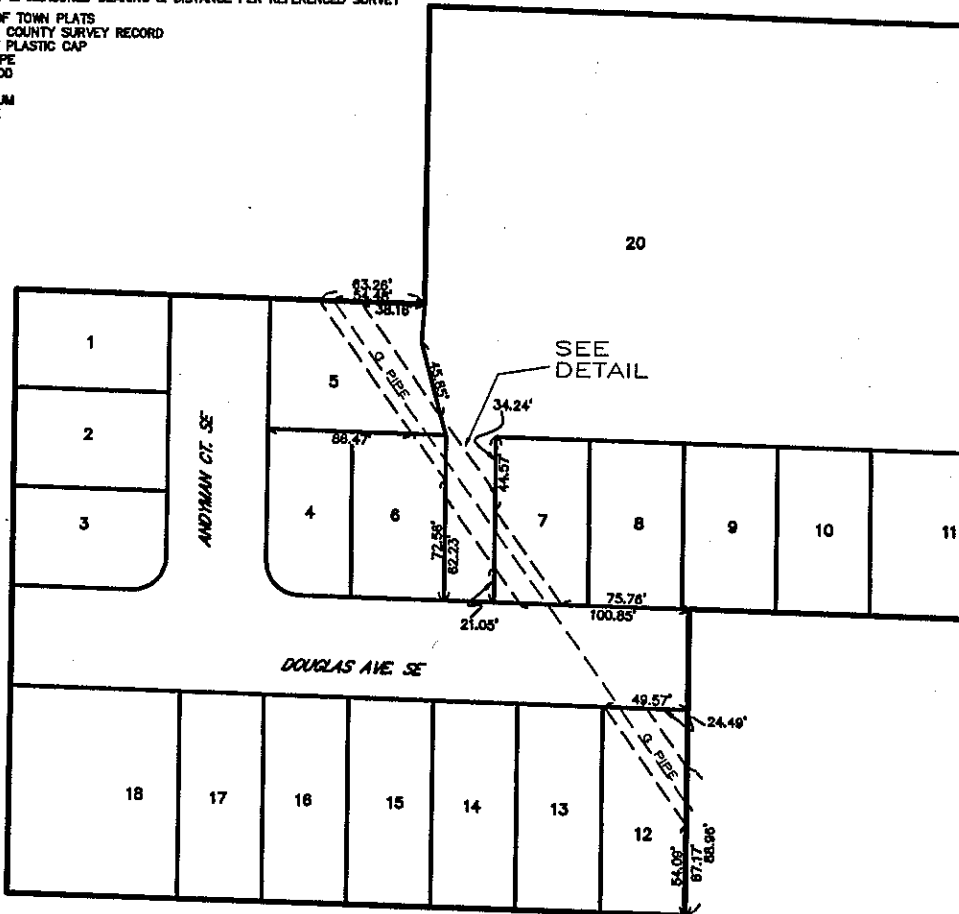
MULTITECH ENGINEERING SERVICES, INC.
1155 15TH ST. S.E.
SALEM, OREGON 97302
503-383-9227

NOTES:

- = MONUMENT SET A 5/8"X30" REBAR WITH A YPC STAMPED "MULTI/TECH ENG"
- ◊ = MONUMENT SET A 5/8"X30" REBAR WITH AN ALUMI CAP STAMPED "MULTI/TECH ENG" TO BE POST-MONUMENTED
- = MONUMENT FOUND AS NOTED
- (R+M) = RECORD & MEASURED BEARING & DISTANCE PER REFERENCED SURVEY
- B.O.T.P. = BOOK OF TOWN PLATS
- MCSR = MARION COUNTY SURVEY RECORD
- YPC = YELLOW PLASTIC CAP
- IP = IRON PIPE
- IR = IRON ROD
- FD = FOUND
- ALUM = ALUMINUM
- V. = VOLUME
- R. = REEL
- P. = PAGE



DATE: 12-12-2006



REPLACEMENT EASEMENT LOCATION

VARIABLE WIDTH WATERLINE EASEMENT TO CITY OF SALEM, SEE NOTE "C", SHEET 1

REGISTERED
PROFESSIONAL
LAND SURVEYOR

GREGGON
ONE PM 202
RICHARD J. GIBONEY
54550 LS
RENEW 01/30/06