

RESOLUTION NO. 288

A RESOLUTION FOR THE APPROVAL OF WASTEWATER TREATMENT PLANT  
OUTFALL EASEMENT AND FEE

WHEREAS, the City Staff has prepared a report on the above captioned subject which is attached hereto as Exhibit "A", and

WHEREAS, the City Council has duly considered the subject and the recommendation(s) contained in the staff report, and


WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the recommendation(s) contained therein and further instructs that action appropriate to the recommendation(s) be taken.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 7th day of February, 1983, and filed with the Wilsonville City Recorder this same day.

  
\_\_\_\_\_  
WILLIAM G. LOWRIE, Mayor

ATTEST:

  
\_\_\_\_\_  
DEANNA J. THOM, City Recorder

CITY OF WILSONVILLE

# MEMO

February 3, 1983  
DATE

EXHIBIT "A"  
Staff Report

Council Mtg: 2-7-83  
Section: Legal  
Business

TO: Mayor and City Council

FROM: Larry R. Blanchard *LB.*  
Public Works Director

SUBJECT: Wastewater Plant Outfall Easement Approval - Division of State  
Lands

Recently the City Council approved the payment of \$1,000 to the State of Oregon - Department of Transportation - Right-of-Way Division for processing the necessary changes for the easement for final documentation. The fee paid to the State was for the time and materials necessary for reviewing and processing the revisions to the Outfall Easement.

Attached is a letter I received from Mr. Joe Ryan dated January 10, 1983, from the Division of State Lands - State of Oregon. Mr. Ryan indicates that the State will now process the easement upon receipt of \$325. This is standard policy by the State for use of State lands, and presently the City pays fees for other State property for which we have easements on or through.

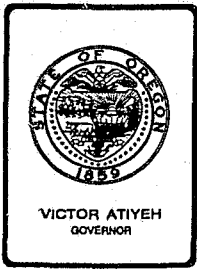
### Recommendation

Approve the payment of \$325 to the State of Oregon Division of State Lands for the Treatment Plant Outfall Easement. Fund to be appropriated from Account 02-50 60640.

Attachments:  
Ryan letter of 1-10-83  
Easement

LRB:ks

cc:  
7-106(g)  
3-81(g)  
Outfall File



## *Division of State Lands*

1445 STATE STREET, SALEM, OREGON 97310 PHONE 378-3805

January 10, 1983

RECEIVED  
JAN 11 1983  
CITY OF WILSONVILLE

OREGON STATE  
LAND BOARD

VICTOR ATIYEH  
Governor

NORMA PAULUS  
Secretary of State

CLAY MYERS  
State Treasurer

Mr. Larry R. Blanchard  
City of Wilsonville  
P. O. Box 220  
Wilsonville, OR 97070

Dear Mr. Blanchard:

Enclosed is a copy of the OUTFALL EASEMENT document for your sewer treatment outfall extension on the Willamette River. Please review the document, and if acceptable, return it with your check for \$325. Upon receipt, we will have the easement completed and return one copy for your records.

If you have any questions, please contact me.

Sincerely,

Joseph J. Ryan  
Waterway Leasing Specialist

JJR:k1

Enc.

## OUTFALL EASEMENT

The STATE OF OREGON, by and through its Division of State Lands (GRANTOR), for and in consideration of Three Hundred Twenty Five and no/100 (\$325) Dollars, the receipt of which is hereby acknowledged, hereby grants to the CITY OF WILSONVILLE (GRANTEE) an easement including the right to enter, lay, maintain, operate, and replace a sewer treatment outfall extension in, over, under, and across the State-owned submerged and submersible lands of the Willamette River in Clackamas County, Oregon, being more particularly described as follows:

A strip of submerged and submersible land lying 10 feet on each side of the following described line: Beginning at a point that is North 68.8 feet and East 142.5 feet from the Southeast corner of the Thomas Bailey Donation Land Claim No. 45; thence South 06° 35' 00" East 135.0 feet to the termination of the easement; said parcel lying entirely within the Northwest quarter of the Southeast quarter of Section 23, Township 3 South, Range 1 West, Willamette Meridian and containing .04 acres more or less.

TO HAVE AND TO HOLD the same unto GRANTEE in perpetuity, subject to the following conditions:

1. The bed and banks shall be restored to a natural condition as soon as construction or maintenance is completed.

2. Any blasting which may be necessary in forming the trench for the pipe shall be performed according to the laws of GRANTOR.

3. All effluent discharged through this outfall must be subjected to an approved secondary treatment process.

4. GRANTOR reserves the right, upon written consent of GRANTEE, to lease or otherwise utilize the State-owned lands within the granted areas hereinabove described in a manner and for uses that will not be detrimental to the primary use for which this easement is granted. No such leasing or utilization shall take place without said written consent.

5. GRANTOR shall have the right to stop operation of outfall or pipeline for noncompliance with the conditions of this easement or any lawful requirement by a regulatory agency of this State.

6. If the facilities for which this easement is granted are not used for a period of five (5) consecutive years, this easement may be terminated by written notice from GRANTOR to GRANTEE at its last known address. Upon termination, GRANTEE will have 90 days to remove the pipeline and appurtenances from the State-owned lands.

7. Nothing in this easement may be construed as permission except during construction or maintenance periods, to GRANTEE to interfere with navigation or reduce the public's right to the free and unimpeded use of the navigable waters of the State of Oregon within the boundaries of this easement; provided, however, that to the extent necessary to facilitate construction and maintenance of the facilities or to prevent injury to persons in the vicinity of such facilities, GRANTEE may so interfere, but shall keep such interference to an absolute minimum.

8. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the leasehold or STATE by the assessing agency.

This easement does not convey an estate in fee simple to the lands used for a right-of-way. This grant is an easement only, and title remains in the State of Oregon.

WITNESS the seal of the Division of State Lands affixed this \_\_\_\_\_ day of \_\_\_\_\_,

STATE OF OREGON, acting by and through  
its Division of State Lands

Ed Zajonc, Director