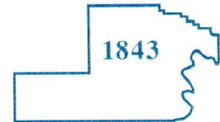


Yamhill County



OFFICE OF COUNTY COUNSEL

535 NE Fifth Street, McMinnville, OR 97128 • 503/434-7502 • Fax 503/434-7553 • TTY 800/735-2900

To: Board of Commissioners
From: Todd Sadlo, Senior Assistant County Counsel
Re: Acceptance of Trail Easements from Ken Wright
Date: December 1, 2017

CHRISTIAN BOENISCH
COUNTY COUNSEL

TODD SADLO
SENIOR ASSISTANT COUNTY COUNSEL

MIKALIE J. FREI
PARALEGAL

Attached are copies of three easements from Ken Wright to the county, allowing the county to construct, maintain and operate a public trail through his property in Carlton, including the historic Carlton Depot property (also known as the "Carlton Red Electric Station"). The easements form a continuous corridor through the property, 16 feet wide and approximately 1,329 feet in length (excluding the width of streets that intersect with the corridor). Mr. Wright, through his company Carlton 2007, LLC, is donating the easements to the county. Board action is needed to accept the dedication of the easements for recordation. The agenda item should read:

"Accept the dedication of three permanent easements granted to the county by Carlton 2007, LLC (Ken Wright) and direct staff to record the easements."

Please contact me if you have additional questions or concerns.

B.O. 17-497

After Recording, Return To:

Yamhill County
Office of County Counsel
535 NE Fifth Street
McMinnville, Oregon 97128

ACCEPTED AND APPROVED BY:



Stan Primozych, Chair, Yamhill County
Board of Commissioners for:
YAMHILL COUNTY

12-7-17

Date

EASEMENT

CARLTON 2007, LLC, an Oregon limited liability company, "Grantor," hereby grants to YAMHILL COUNTY, a political subdivision of the State of Oregon, "Grantee," a permanent, perpetual, non-exclusive easement, over, across and under the real property situated in Yamhill County, as more particularly described in the attached Exhibit A and as shown on the attached survey B, labeled as follows and incorporated herein by reference ("Easement Area"):

EXHIBIT A – Description: File 18332004 Containing "8,022 square feet, more or less"

EXHIBIT B – Survey: "004 PERM EASE FOR MULTI-USE PATH 8,022 ft² ±"

1. Easement uses. The easement conveyed by Grantor to Grantee and Grantee's successors and assigns, the right to future use and development of the Easement Area solely for the installation, replacement and operation of a public trail. The right to construct, maintain and operate a public trail on the Easement Area includes the right to landscape and manage storm water erosion over, under and across the Easement Area, in a manner that does not adversely affect Grantor's property. Grantee shall have no right to install fences or barricades of any sort on the Easement Area, provided Grantee may install bollards, lighting and other safety and/or traffic control devices related to a public trail on the Easement Area if such installations abut public streets. Any landscaping Grantee places on the Easement Area shall be consistent with and of a like quality to the landscaping then on Grantor's property. Grantee may assign or otherwise transfer its rights under this easement to another government entity and/or organization qualified under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which will operate a public trail. No such assignment shall convey rights to the Easement Area in excess of those set forth in this Section 1.

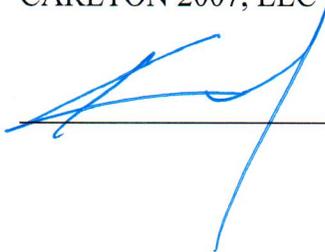
2. Maintenance and Repair. Grantee, its successors and/or assigns, shall be responsible for maintenance and repair of the Easement Area, and Grantor shall have no responsibility for maintenance or repair. Grantee, its successors and/or assigns, shall be responsible for monitoring the Easement Area to ensure ongoing maintenance as necessary to prevent nuisance and/or safety problems from arising or affecting Grantor's property.

3. Consideration. The consideration for grant of this easement consists of the mutual covenants and agreements of the parties contained herein.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on:

Date: 11.30.2017

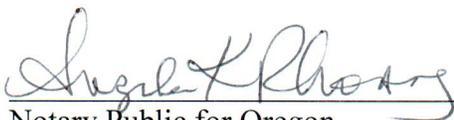
CARLTON 2007, LLC

By: 

STATE OF OREGON)
County of Yamhill)

The foregoing instrument is acknowledged before me this 30th day of November, 2017, by Ken Wright of Carlton 2007, LLC.




Notary Public for Oregon
My Commission Expires: April 4, 2020

Accepted by Yamhill County
Board of Commissioners on
12-7-17 by Board Order
17-497

PARCEL 1 – Permeant Easement for Multi-Use Path

A parcel of land lying in the Peter Smith Donation Land Claim Number 64, Township 3 South, Range 4 West, W.M., Yamhill County, Oregon, and being a portion of that property described in that Quitclaim Deed to Carlton 2007, L.L.C., recorded September 13, 2013 on Instrument No. 201314620, Records of Yamhill County; the said parcel being that portion of said property included in a strip of land 16.00 feet in width, lying 8.00 feet on each side of the following described centerline:

Beginning at a point, being North 22°26'46" West, 1904.14 feet of the Northeast corner of the William S. Adams, Executor of the James Ramage Donation Land Claim No. 65 Township 3 South, Range 4 West, W.M.; thence North 07°03'01" West, 619.89 feet; thence North 05°22'49" West, 167.39 feet; thence North 04°34'04" West, 202.74 feet; thence North 07°02'42" West., 586.628 feet to the terminus of said centerline which bears North 15°15'05" West, 5447.46 feet from said Donation Land Claim Corner.

Bearings are based County Survey Number 13132 recorded in Yamhill County Surveyor's office.

This parcel of land contains 8,022 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



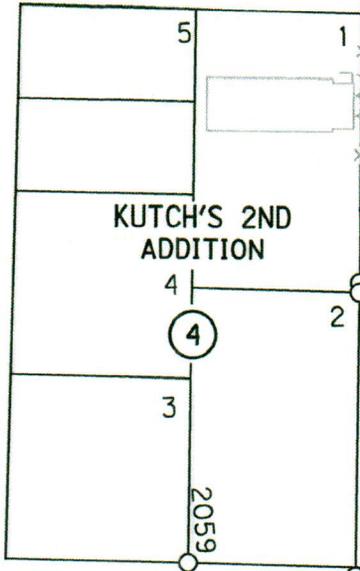
OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2016

SIGNED: 01/29/2016

EXHIBIT "B"

JEFFERSON ST



KUTCH'S 2ND ADDITION

MADISON ST



LAKE ADDITION

CARLTON 2007, LLC
INST. NO. 2013-14620
1.96 AC± Rem.



GILWOOD ADDT.

GILWOOD STREET

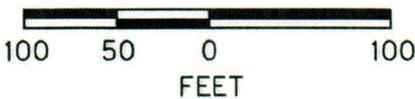
POINT OF TERMINUS
N15°15'05"W 3,447.46'
FROM THE NE CORNER
OF DLC NO. 65

MONROE

STREET



SCALE 1" = 100'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Andrew J. Silbernagel

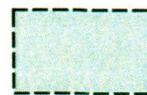
OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
*79198

RENEWES: JUNE 30, 2016

SIGNED: *9/02/10/10*

OREGON DEPARTMENT OF TRANSPORTATION

SECTION	YAMHELAS WESTSIDER TRAIL		
DRG. NO.	18332_004	KEY NO.	18332
HIGHWAY	YAMHELAS		
COUNTY	LANE COUNTY		
SCALE :	1"=100'		
DATE :	JANUARY 28, 2016		



004
PERM EASE FOR
MULTI-USE PATH
8,022 ft²±



Regional Office: 810 COUNTY CLERK ROAD, SUITE 200B, ERIE, OREGON 97401-8088, 541-825-6000
3800 FAIRVIEW INDUSTRIAL DR. SE, SUITE 800, SALEM, OREGON 97302-1106, 503-588-4100
431 OPAVE PARKWAY, HEFFORD, OREGON 97504-4055, 541-774-5590
5000 HEADERS ROAD, SUITE 400, LAKE OSWEGO, OREGON 97035, 503-682-8100
1111 MAIN STREET, SUITE 401, VANCOUVER, WASHINGTON 98002, 360-314-8391

After Recording, Return To:

Yamhill County
Office of County Counsel
535 NE Fifth Street
McMinnville, Oregon 97128

ACCEPTED AND APPROVED BY:



Stan Primozych, Chair, Yamhill County
Board of Commissioners for:
YAMHILL COUNTY

12-7-17

Date

EASEMENT

CARLTON 2007, LLC, an Oregon limited liability company, "Grantor," hereby grants to YAMHILL COUNTY, a political subdivision of the State of Oregon, "Grantee," a permanent, perpetual, non-exclusive easement, over, across and under the real property situated in Yamhill County, as more particularly described in the attached Exhibit A and as shown on the attached survey B, labeled as follows and incorporated herein by reference ("Easement Area"):

EXHIBIT A – Description: File 18332003 Containing "6,377 square feet, more or less"

EXHIBIT B – Survey: "003 PERM EASE FOR MULTI-USE PATH 6,377 ft² ±"

1. Easement uses. The easement conveyed by Grantor to Grantee and Grantee's successors and assigns, the right to future use and development of the Easement Area solely for the installation, replacement and operation of a public trail. The right to construct, maintain and operate a public trail on the Easement Area includes the right to landscape and manage storm water erosion over, under and across the Easement Area, in a manner that does not adversely affect Grantor's property. Grantee shall have no right to install fences or barricades of any sort on the Easement Area, provided Grantee may install bollards, lighting and other safety and/or traffic control devices related to a public trail on the Easement Area if such installations about public streets. Any landscaping Grantee places on the Easement Area shall be consistent with and of a like quality to the landscaping then on Grantor's property. Grantee may assign or otherwise transfer its rights under this easement to another government entity and/or organization qualified under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which will operate a public trail. No such assignment shall convey rights to the Easement Area in excess of those set forth in this Section 1.

2. Maintenance and Repair. Grantee, its successors and/or assigns, shall be responsible for maintenance and repair of the Easement Area, and Grantor shall have no responsibility for maintenance or repair. Grantee, its successors and/or assigns, shall be responsible for monitoring the Easement Area to ensure ongoing maintenance as necessary to prevent nuisance and/or safety problems from arising or affecting Grantor's property.

3. Consideration. The consideration for grant of this easement consists of the mutual covenants and agreements of the parties contained herein.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on:

Date: 11-30-2017

CARLTON 2007, LLC

By: [Signature]

STATE OF OREGON)
County of Yamhill)

The foregoing instrument is acknowledged before me this 30th day of November, 2017, by Ken Wright of Carlton 2007, LLC.



[Signature]
Notary Public for Oregon
My Commission Expires: April 4, 2020

Accepted by Yamhill County Board of Commissioners on 12-7-17 by Board Order # 17-497

PARCEL 1 – Permeant Easement for Multi-Use Path

A parcel of land lying in the Peter Smith Donation Land Claim Number 64, Township 3 South, Range 4 West, W.M., Yamhill County, Oregon, and being a portion of that property described as Parcel 3 in that Quitclaim Deed to Carlton 2007, L.L.C., recorded April 11, 2008 on Instrument No. 200806366, Records of Yamhill County; said parcel being that portion of said property included in a strip of land 16.00 feet in width, lying 8.00 feet on each side of the following described centerline:

Beginning at a point, being North 22°26'46" West, 1904.14 feet of the Northeast corner of the William S. Adams, Executor of the James Ramage Donation Land Claim No. 65 Township 3 South, Range 4 West, W.M.; thence North 07°03'01" West, 619.89 feet; thence North 05°22'49" West, 167.39 feet; thence North 04°34'04" West, 202.74 feet; thence North 07°02'42" West., 586.628 feet to the terminus of said centerline which bears North 15°15'05" West, 5447.46 feet from said Donation Land Claim Corner.

Bearings are based County Survey Number 13132 recorded in Yamhill County Surveyor's office.

This parcel of land contains 6,377 square feet, more or less

REGISTERED
PROFESSIONAL
LAND SURVEYOR

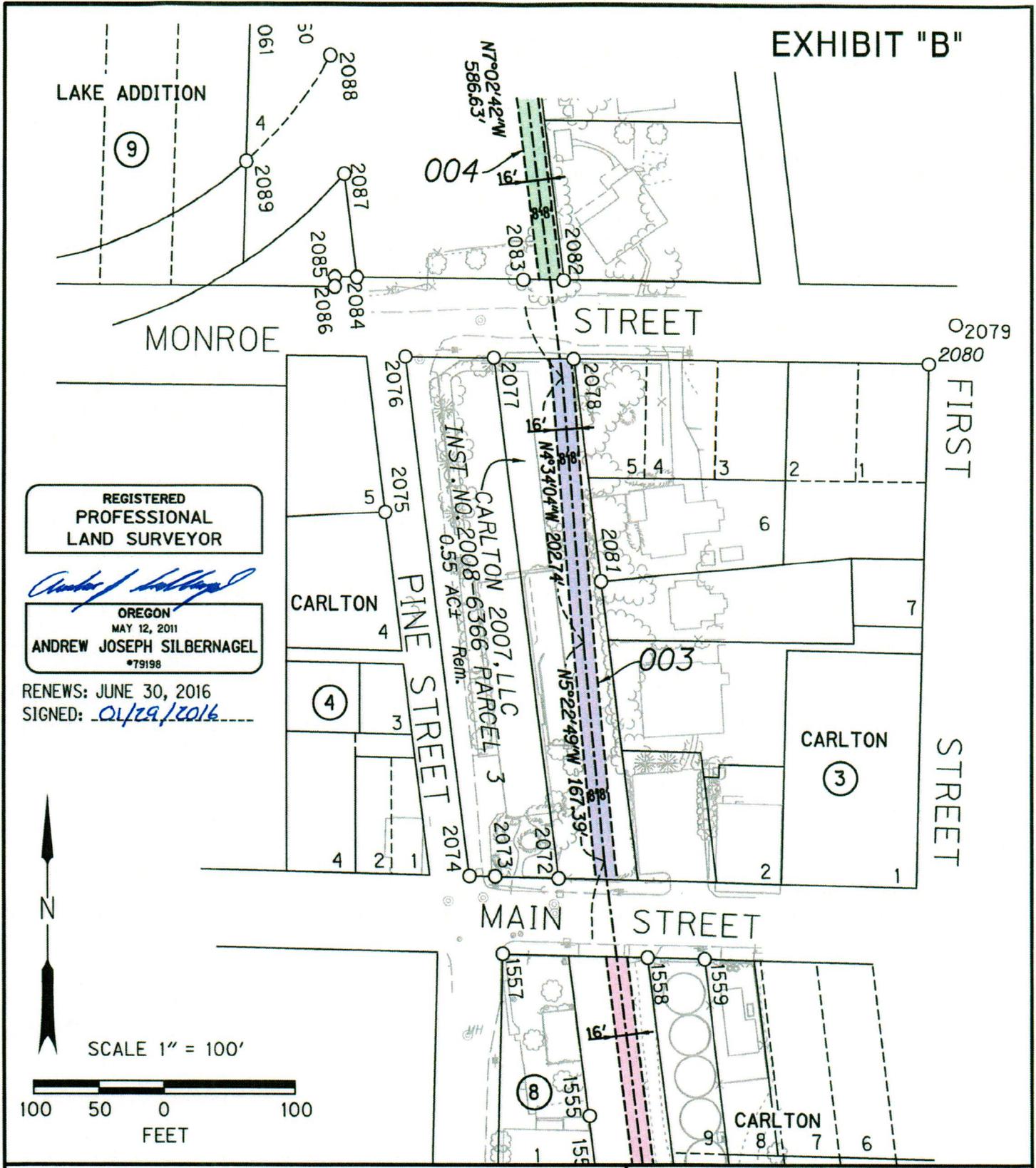


OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
*79198

RENEWS: JUNE 30, 2016

SIGNED: *01/29/2016*

EXHIBIT "B"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Andrew Joseph Silbernagel
OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2016
SIGNED: *01/29/2016*

OREGON DEPARTMENT OF TRANSPORTATION			
SECTION	YAMHELAS WESTSIDER TRAIL		
DRG. NO.	18332_003	KEY NO.	18332
HIGHWAY	YAMHELAS		
COUNTY	LANE COUNTY		
SCALE :	1"=100'		
DATE :	JANUARY 28, 2016		

003

PERM EASE FOR
MULTI-USE PATH

6,377 ft²±

Depot Office: 880 COUNTRY CLUB ROAD, SUITE 2000, ERIE, OREGON 97111-0000, 541-863-4000

3880 FAIRVIEW BROOKS PARK DR SE, SUITE 800, SALEM, OREGON 97302-1186, 503-588-4500

431 OYAHWE PARKWAY, MEDFORD, OREGON 97504-4005, 541-774-2500

5000 HEADERS ROAD, SUITE 400, LAKE OSWEGO, OREGON 97035, 503-682-6103

1111 BARD STREET, SUITE 401, VANCOUVER, WASHINGTON 98006, 360-314-2301

After Recording, Return To:

Yamhill County
Office of County Counsel
535 NE Fifth Street
McMinnville, Oregon 97128

ACCEPTED AND APPROVED BY:



Stan Primozych, Chair, Yamhill County
Board of Commissioners for:
YAMHILL COUNTY

12-7-17

Date

EASEMENT

CARLTON 2007, LLC, an Oregon limited liability company, "Grantor," hereby grants to YAMHILL COUNTY, a political subdivision of the State of Oregon, "Grantee," a permanent, perpetual, non-exclusive easement, over, across and under the real property situated in Yamhill County, as more particularly described in the attached Exhibit A and as shown on the attached survey B, labeled as follows and incorporated herein by reference ("Easement Area"):

EXHIBIT A – Description: File 18332002 Containing "6,872 square feet, more or less"

EXHIBIT B – Survey: "002 PERM EASE FOR MULTI-USE PATH 6,872 ft² ±"

1. Easement uses. The easement conveyed by Grantor to Grantee and Grantee's successors and assigns, the right to future use and development of the Easement Area solely for the installation, replacement and operation of a public trail. The right to construct, maintain and operate a public trail on the Easement Area includes the right to landscape and manage storm water erosion over, under and across the Easement Area, in a manner that does not adversely affect Grantor's property. Grantee shall have no right to install fences or barricades of any sort on the Easement Area, provided Grantee may install bollards, lighting and other safety and/or traffic control devices related to a public trail on the Easement Area if such installations abut public streets. Any landscaping Grantee places on the Easement Area shall be consistent with and of a like quality to the landscaping then on Grantor's property. Grantee may assign or otherwise transfer its rights under this easement to another government entity and/or organization qualified under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which will operate a public trail. No such assignment shall convey rights to the Easement Area in excess of those set forth in this Section 1.

2. Maintenance and Repair. Grantee, its successors and/or assigns, shall be responsible for maintenance and repair of the Easement Area, and Grantor shall have no responsibility for maintenance or repair. Grantee, its successors and/or assigns, shall be responsible for monitoring the Easement Area to ensure ongoing maintenance as necessary to prevent nuisance and/or safety problems from arising or affecting Grantor's property.
3. Consideration. The consideration for grant of this easement consists of the mutual covenants and agreements of the parties contained herein.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on:

Date: 11.30.2017

CARLTON 2007, LLC

By: 

STATE OF OREGON)
)
 County of Yamhill)

The foregoing instrument is acknowledged before me this 30th day of November, 2017, by Ken Wright of Carlton 2007, LLC.




 Notary Public for Oregon
 My Commission Expires: April 4, 2020

Accepted by Yamhill County
 Board of Commissioners on
12-7-17 by Board Order
 # 17-497

PARCEL 1 – Permeant Easement for Multi-Use Path

A parcel of land lying in the Peter Smith Donation Land Claim Number 64, Township 3 South, Range 4 West, W.M., Yamhill County, Oregon, and being a portion of that property described as Parcel 1 in that Quitclaim Deed to Carlton 2007, L.L.C., recorded April 11, 2008 on Instrument No. 200806366, Records of Yamhill County; the said parcel being that portion of said property included in a strip of land 16.00 feet in width, lying 8.00 feet on each side of the following described centerline:

Beginning at a point, being North 22°26'46" West, 1904.14 feet of the Northeast corner of the William S. Adams, Executor of the James Ramage Donation Land Claim No. 65 Township 3 South, Range 4 West, W.M.; thence North 07°03'01" West, 619.89 feet; thence North 05°22'49" West, 167.39 feet; thence North 04°34'04" West, 202.74 feet; thence North 07°02'42" West., 586.628 feet to the terminus of said centerline which bears North 15°15'05" West, 5447.46 feet from said Donation Land Claim Corner.

Bearings are based County Survey Number 13132 recorded in Yamhill County Surveyor's office.

This parcel of land contains 6,872 square feet, more or less

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
*79198

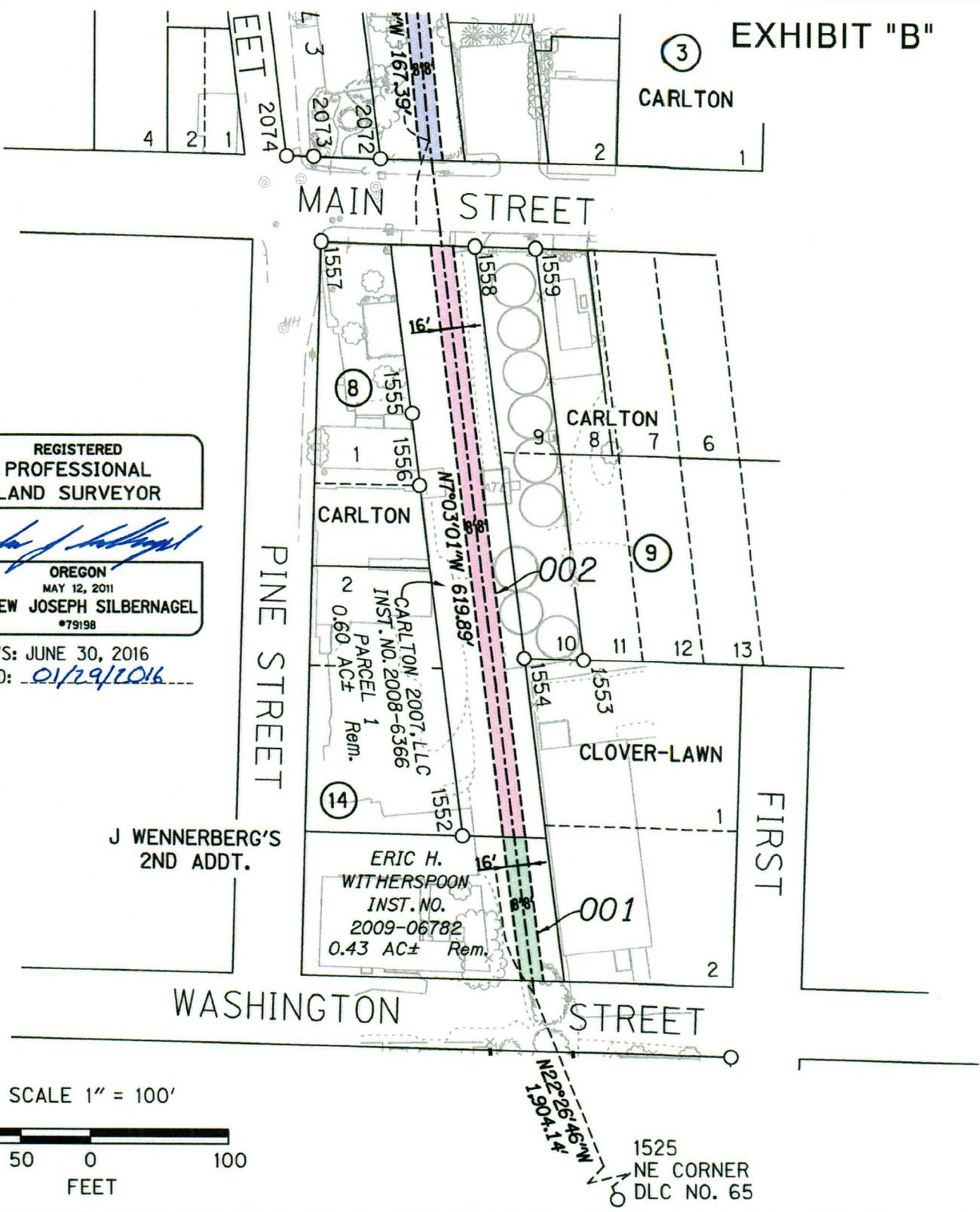
RENEWS: JUNE 30, 2016

SIGNED: 01/29/2016

EXHIBIT "B"

3

CARLTON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

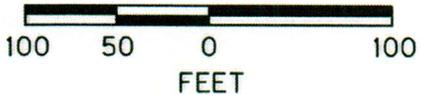
Andrew J. Silbernagel
OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2016
SIGNED: *01/29/2016*



J WENNERBERG'S
2ND ADDT.

SCALE 1" = 100'



OREGON DEPARTMENT OF TRANSPORTATION			
SECTION	YAMHELAS WESTSIDER TRAIL		
DRG. NO.	18332_001	KEY NO.	18332
HIGHWAY	YAMHELAS		
COUNTY	LANE COUNTY		
SCALE :	1"=100'		
DATE :	JANUARY 28, 2016		



002
PERM EASE FOR
MULTI-USE PATH
6,872 ft²±