

RESOLUTION NO. 1663

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL POINT AUTHORIZING THE
RELEASE AND TERMINATION OF A PORTION OF A 10-FOOT WIDE WATERLINE EASEMENT
CREATED BY PARTITION PLAT NO. P-72-2007

RECITALS:

- A. WHEREAS, the City received approval to construct a new Public Works facility to be located on Parcel 1 of Partition Plat No. P-72-2007, recorded in Volume 18 at Page 75 of the Records of Partition Plats of Jackson County, Oregon, and filed as Survey Number 19847 in the Office of the Jackson County Surveyor (hereinafter "Parcel 1"), and a portion of Parcel 2 of Partition Plat No. P-33-2016, recorded in Volume 27 at Page 33, of the Records of Partition Plats of Jackson County, Oregon, and filed as Survey Number 22068, in the Office of the Jackson County Surveyor (hereinafter "Parcel 2").
- B. WHEREAS, construction of the new Public Works facility conflicts with the location of an existing 10-foot wide waterline easement, which runs approximately north/south across Parcel 1 and a portion of Parcel 2 that was granted to the City by Partition Plat Number P-72-2007 (the "Easement").
- C. WHEREAS, the Public Works Department has confirmed there is no further public need for the north/south portion of this Easement. The east/west portion of the Easement across Parcel 2 will remain in existence.
- D. WHEREAS, the City Council deems it appropriate to authorize the partial release and termination of the north/south portion of the Easement.

The City of Central Point resolves as follows:

Section 1. Recitals. The recitals to this Resolution are incorporated herein for all purposes.

Section 2. Release and Termination of Easement. The north/south portion of the Easement granted by Partition Plat Number P-72-2007 shall be released and terminated.

Section 3. Approval of Instrument. The Partial Termination of Easement instrument attached hereto as Exhibit "A" is hereby approved.

Section 4. Execution of Agreement. The City Manager is hereby authorized to execute the Partial Termination of Easement instrument in substantially the form attached hereto as Exhibit "A" and take such other actions necessary to facilitate the purpose of this Resolution.

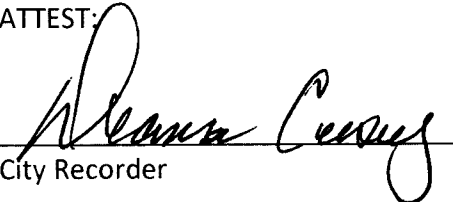
Res. No. 1663; May 27, 2021

Passed by the Council and signed by me in authentication of its passage this 27th day of May 2021.



Mayor Hank Williams

ATTEST:



City Recorder

Res. No. 1663; May 27, 2021

EXHIBIT "A" TO RESOLUTION

After recording return to:

City Recorder
City of Central Point
140 S. Third Street
Central Point, OR 97502

**Until a change is requested,
All tax statements shall be sent
To the following address:**
No Change

PARTIAL EASEMENT TERMINATION

THIS PARTIAL EASEMENT TERMINATION (the "Easement Termination") is given this ____ day _____, 2021 by the City of Central Point, an Oregon municipal corporation ("City") whose address is 140 S. Third Street, Central Point, OR 97502.

Recitals

- A. Whereas City is the owner of certain real property more particularly described in the attached **Exhibit "A"** incorporated herein by reference (hereinafter "Parcels 1 and 2").
- B. Whereas a nonexclusive 10-foot wide waterline easement was granted to the City by Partition Plat number P-72-2007, a portion of which runs approximately north/south across Parcel 1 (the "Easement").
- C. Whereas the City intends to construct a Public Works facility on the Parcels and the north/south portion of the Easement will be relocated, such that the existing north/south portion of the Easement is no longer deemed necessary. The portion of the Easement to be released and terminated is depicted at **Exhibit "B"** incorporated herein by reference. The City intends to retain the remainder of said Easement which runs approximately east/west across Parcel 2.
- D. Whereas the City desires to terminate the north/south portion of the Easement because the north/south portion of the easement has been abandoned for all practical purposes.

Agreement

NOW, THEREFORE, the City agrees as follows:

- 1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by reference.

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2. **Partial Termination of Easement.** The City hereby terminates, releases, and relinquishes the north/south portion of the Easement created or reserved in favor of the City by virtue of plat number P-72-2007, the portion of which being terminated is depicted at **Exhibit "B"**.

3. **Binding Effect.** The terms, covenants, conditions and agreements contained herein shall run with the land and shall be binding upon and inure to the benefit of the successors and assigns of the City.

IN WITNESS WHEREOF, this partial easement termination has been executed on this ___ day of _____, 2021.

The City of Central Point,
a municipal corporation

By:
Chris Clayton, City Manager

Attest:
City Recorder

STATE OF OREGON)
)ss
County of Jackson)

On this ___ day of _____, 2021, personally appeared before me Chris Clayton, City Manager of the City of Central Point, a municipal corporation, and acknowledged said instrument to be its voluntary act and deed.

Notary Public
My Commission Expires:

Exhibit "A"

Legal Description of Parcels

PARCEL A:

PARCEL 1, AS SHOWN ON THE PARTITION PLAT FILED IN THE OFFICE OF THE JACKSON COUNTY OREGON SURVEYOR AS NO. 19847, AND RECORDED AS PARTITION PLAT NO. P-72-2007 OF "RECORD OF PARTITION PLATS" IN JACKSON COUNTY, OREGON.

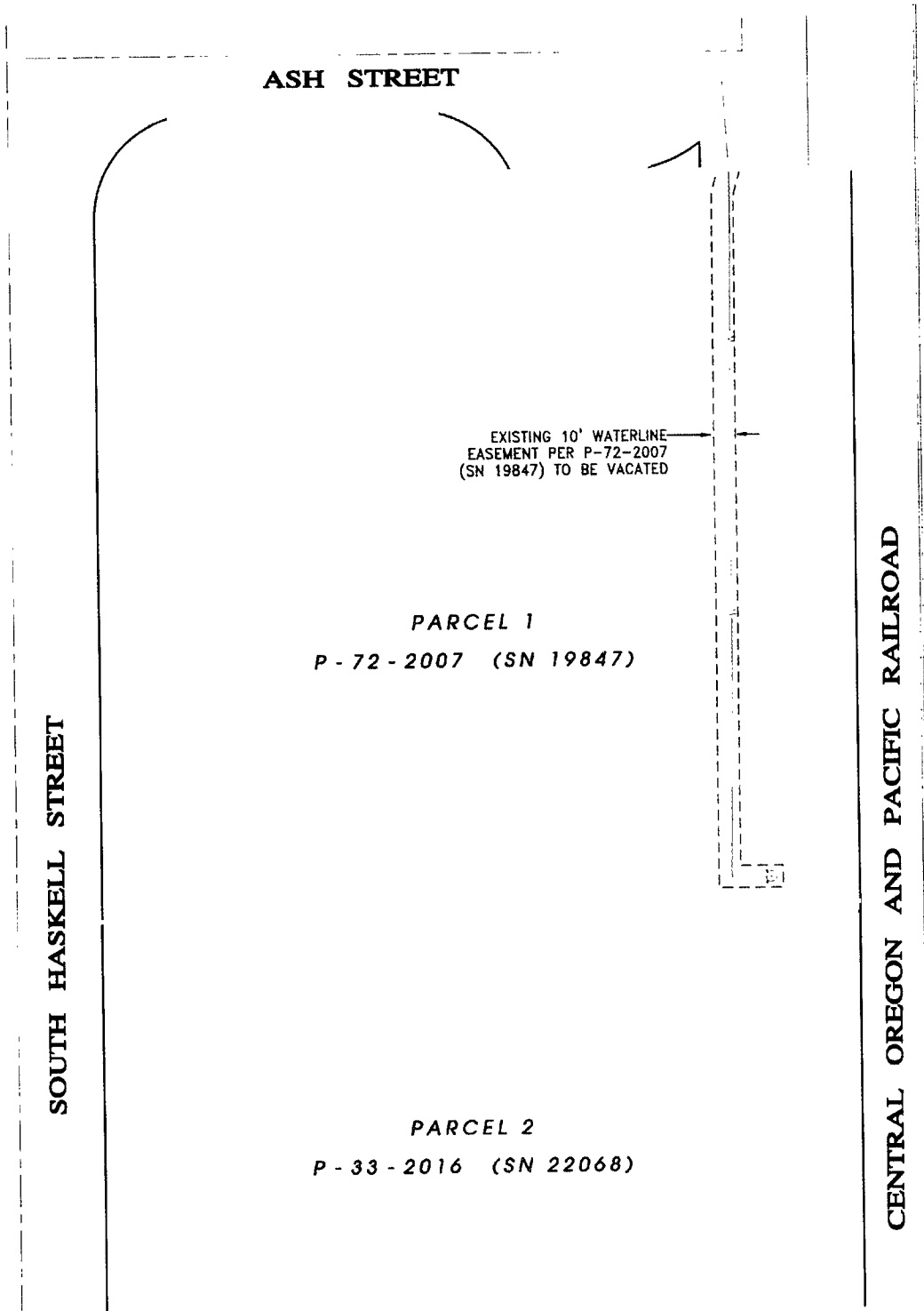
PARCEL B:

PARCEL 2, AS SHOWN ON THE PARTITION PLAT FILED IN THE OFFICE OF THE JACKSON COUNTY OREGON SURVEYOR AS NO. 22068, AND RECORDED AS PARTITION PLAT NO. P-33-2016 OF "RECORD OF PARTITION PLATS" IN JACKSON COUNTY, OREGON.

Map No.: 372W10AD 700 and 372W10AD 798

Tax Account No.: 1-081332-8 and 1-100416-3

EXHIBIT "R"



ASH STREET

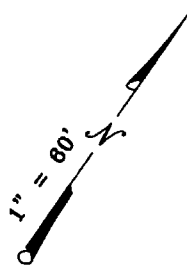
SOUTH HASKELL STREET

CENTRAL OREGON AND PACIFIC RAILROAD

EXISTING 10' WATERLINE
EASEMENT PER P-72-2007
(SN 19847) TO BE VACATED

PARCEL 1
P - 72 - 2007 (SN 19847)

PARCEL 2
P - 33 - 2016 (SN 22068)



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Robert V. Neathamer
OREGON
JULY 19, 1994
ROBERT V. NEATHAMER
2675
Renewal Date 12/31/22