



AGENDA

ASTORIA CITY COUNCIL

Wednesday, May 29 2019

2:00 PM

2nd Floor Council Chambers,
1095 Duane Street
Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. PROCLAMATIONS

(a) EMS Week

4. REGULAR AGENDA ITEMS

All agenda items are open for public comment following deliberation by the City Council. Rather than asking for public comment after each agenda item, the Mayor asks that audience members raise their hands if they want to speak to the item and they will be recognized. In order to respect everyone's time, comments will be limited to 3 minutes.

a) Termination of Easement for Blue Heron Hotel Properties LLC

5. NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA), ADJOURN TO WORK SESSION

THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING THE CITY MANAGER'S OFFICE, 503-325-5824.

THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING JENNIFER BENOIT WITH THE CITY MANAGER'S OFFICE AT 503-325-5824



AGENDA

ASTORIA CITY COUNCIL WORK SESSION

**Wednesday, May 29, 2019
To Follow City Council Meeting
2nd Floor Council Chambers,
1095 Duane Street
Astoria OR 97103**

- 1) CALL TO ORDER**
- 2) ROLL CALL**
- 3) REGULAR AGENDA ITEM**
 - a) **AMENDMENTS RECOMMENDED BY PLANNING COMMISSION**
- 4) ADJOURNMENT**

**THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE
HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY
CONTACTING JENNIFER BENOIT WITH THE CITY MANAGER'S OFFICE
AT 503-325-5824**

P R O C L A M A T I O N

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW, THEREFORE, I Bruce Jones, Mayor of the City of Astoria, do hereby proclaim the week of May 19th-25th, as

EMERGENCY MEDICAL SERVICES WEEK

With the theme, Beyond the Call, I encourage the community to observe this week with appropriate programs, ceremonies and activities.

IN WITNESS WHEREOF, I have herewith set my hand and caused the seal of the City of Astoria to be affixed this 6th day of May, 2019.

Mayor



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • PUBLIC WORKS DEPARTMENT

DATE: May 23, 2019
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: TERMINATION OF EASEMENT FOR BLUE HERON HOTEL
PROPERTIES LLC

DISCUSSION/ANALYSIS

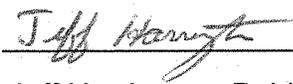
Blue Heron Hotel Properties LLC, owners of the Holiday Inn Express located at 204 W. Marine Drive has requested that the City process a Termination of Easement document in order to clear the title on their property. A sewer line easement was created in 1977 where the Astoria Holiday Inn Express is now standing. In 2004, the hotel was built, necessitating the movement of the sewer line and creation of a new easement. This was done at the property owner's expense. The new sewer line easement was recorded on July 22, 2004 documenting the location of the new sewer line and its current location, however, the abandoned 1977 sewer line easement was never terminated, so it remains on the County records.

The property owner is selling the building and the abandoned 1977 sewer line easement shows up as a cloud on title, even though it is no longer used or needed by the City. Accordingly, the property owner is requesting that the City sign the Termination of Easement to remove the 1977 easement from the deed records. Because the 2004 easement is in place, the 1977 easement is no longer needed, therefore, signing the Termination of Easement is appropriate. The Termination of Easement is attached along with a copy of the recorded easement being terminated showing the location of the old easement. Once approved, the document will be record with the County.

The attached Termination of Easement document has been reviewed and approved as to form by City Attorney Blair Henningsgaard.

RECOMMENDATION

It is recommended that City Council approve the Termination of Easement document allowing the easement to be properly terminated.

By: 
Jeff Harrington, Public Works Director

AFTER RECORDING RETURN TO:

Gregory E. Harris, Esq.
Harris & Bowker LLP
10300 SW Greenburg Road, Suite 530
Portland, OR 97223

TAX STATEMENTS:

No change

TERMINATION OF EASEMENT

RECITALS:

A. Blue Heron Hotel Properties, LLC, an Oregon limited liability company owns certain real property identified on Exhibit A, attached hereto and incorporated into this instrument by this reference ("Grantor's Property").

B. The City of Astoria, Oregon ("Grantee"), previously recorded an easement for a sewer line affecting Grantor's Property recorded November 30, 1977 (the "1977 Easement"), which sewage line and easement was moved in 2004 to a new location affecting Grantor's property, abandoning the 1977 Easement. The new location and associated easement for utilities including, but not limited to, sanitary sewage line in favor of Grantee was recorded July 22, 2004.

NOW THEREFORE, in consideration for value received and the recitals contained herein:

TERMINATION OF 1977 EASEMENT

1. Grantee hereby terminates all rights in favor of Grantee under the easement for sewer line including the terms and provision thereof, in favor of the Grantee, recorded November 30, 1977 in Book 465, Page 896, Clatsop County Deed Records.
2. The easement for utilities, including but not limited to sanitary sewage line, including the terms and provisions thereof, in favor of the Grantee, recorded July 22, 2004 as Instrument No. 20048696, Clatsop County Deed Records, shall remain in full force and effect.

GRANTEE:
City of Astoria,
a municipal corporation of the State of Oregon

by: _____
Its Authorized Agent or Officer

Dated: _____

w:\clients\welter, david & linda (wld)\estate planning\termination of easement 190521.docx

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 2019 by
_____, the duly authorized agent of officer of the City
of Astoria, Oregon.

Notary Public for Oregon
My Commission Expires:_____

EXHIBIT A

Legal Description

The Land referred to herein below is situated in the County of Clatsop, State of Oregon, and is described as follows:

PARCEL NO. 1:

THAT PROPERTY SITUATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 9 WEST, WILLAMETTE MERIDIAN, CITY OF ASTORIA, CLATSOP COUNTY, OREGON, BEING PARCELS 1, 2 AND 5 DESCRIBED IN BOOK 370, PAGES 215-218, AND THAT PROPERTY DESCRIBED IN BOOK 389, PAGE 43, BOOK 424, PAGE 432, BOOK 435, PAGE 471, AND BOOK 443, PAGE 862, CLATSOP COUNTY DEED RECORDS, THE EXTERIOR BOUNDARIES OF WHICH ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF MARINE DRIVE (TAYLOR AVENUE), AS WIDENED, AND THE WEST LINE OF COLUMBIA AVENUE EXTENSION, DESCRIBED IN BOOK 55, PAGE 276, SAID POINT MARKED BY A 3/4 INCH IRON PIPE; THENCE NORTH 00°02'40" WEST, ALONG SAID WEST LINE OF COLUMBIA AVENUE, A DISTANCE OF 267.26 FEET TO THE SOUTHERLY LINE OF THE CITY OF ASTORIA'S RAILROAD RIGHT OF WAY, AS DESCRIBED IN BOOK 924, PAGES 648-657 (FORMERLY BURLINGTON NORTHERN RAILROAD), AND MARKED BY A 5/8 INCH REBAR WITH A YELLOW PLASTIC CAP INSCRIBED "HLB & ASSOC. INC."; THENCE SOUTHWESTERLY, ALONG A SPIRAL ON SAID SOUTHERLY RIGHT OF WAY LINE, BEING 25 FEET DISTANT FROM THE SPIRAL ON THE CENTER LINE OF SAID RAILROAD BETWEEN STATIONS 18+86.4 P.C.S. AND 20+36.4 P.T., AS DESCRIBED BY SAID DEED, THE SUB-CHORD OF WHICH BEARS SOUTH 57°02'19" WEST A DISTANCE OF 50.25 FEET TO SAID P.T., SAID POINT BEING MARKED BY A 5/8 INCH REBAR WITH A YELLOW PLASTIC CAP INSCRIBED "HLB & ASSOC. INC."; THENCE SOUTH 56°52'09" WEST, CONTINUING ALONG SAID SOUTHERLY LINE, PARALLEL WITH AND 25 FEET DISTANCE FROM THE CENTER LINE, A DISTANCE OF 214.28 FEET TO THE EAST LINE OF THAT PROPERTY DESCRIBED IN BOOK 435, PAGE 471, BEING THE WEST LINE OF THAT PROPERTY DESCRIBED IN BOOK 53, PAGE 20, CLATSOP COUNTY DEED RECORDS; THENCE NORTH 06°11'00" WEST, ALONG SAID WEST LINE, A DISTANCE OF 377.25 FEET, MORE OR LESS, TO THE BULKHEAD LINE AS ESTABLISHED BY THE U.S. GOVERNMENT; THENCE NORTH 88°35'00" WEST, ALONG SAID BULKHEAD LINE, A DISTANCE OF 129.76 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED BY SAID BOOK 435, PAGE 471, AND THE WEST LINE OF THAT PROPERTY DESCRIBED IN BOOK 53, PAGES 237-239; THENCE SOUTH 09°35'29" EAST, ALONG SAID WEST LINE, A DISTANCE OF 580.12 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF THE OREGON COAST HIGHWAY (HIGHWAY 101), SAID POINT MARKED BY A 5/8 INCH REBAR WITH A YELLOW PLASTIC CAP INSCRIBED "HLB & ASSOC. INC."; THENCE SOUTH 19°21'47" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 16.65 FEET TO THE BEGINNING OF A SPIRAL AT HIGHWAY STATION 313+47.92 P.S., SAID POINT MARKED BY A 5/8 INCH REBAR WITH A YELLOW PLASTIC CAP INSCRIBED "HLB & ASSOC. INC."; THENCE CONTINUING SOUTHEASTERLY, ALONG SAID EASTERLY LINE, ON A SPIRAL BEING 30.00 FEET DISTANT FROM THE SPIRAL ON THE CENTER LINE OF SAID HIGHWAY BETWEEN STATIONS 313+47.92 P.S. AND 316+67.92 P.S.C., AS DEPICTED AND NOTES ON STATE HIGHWAY DRAWING 9F 14-6, THE SUB-CHORD OR WHICH BEARS SOUTH 19°17'16" EAST, A DISTANCE OF 28.33 FEET TO THE NORTH LINE OF THAT PROPERTY DESCRIBED IN BOOK 840, PAGE 285, CLATSOP COUNTY DEED RECORDS; THENCE NORTH 56°51'06" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 94.15 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT MARKED BY A 1/2 INCH IRON PIPE; THENCE SOUTH 06°11'00" EAST, ALONG THE EAST PROPERTY LINE DESCRIBED IN SAID

BOOK 840, PAGE 285, A DISTANCE OF 78.44 FEET TO THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN BOOK 1025, PAGE 810, CLATSOP COUNTY DEED RECORDS; THENCE NORTH 56°45'21" EAST, ALONG THE NORTH PROPERTY LINE DESCRIBED IN SAID DEED, A DISTANCE OF 14.53 FEET TO THE WEST LINE OF THAT PROPERTY DESCRIBED IN BOOK 802, PAGE 732, A CORRECTION DEED FOR THAT PROPERTY DESCRIBED IN BOOK 802, PAGE 198, CLATSOP COUNTY DEED RECORDS; THENCE NORTH 33°14'39" WEST, ALONG THE WEST PROPERTY LINE DESCRIBED IN SAID DEED, A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER THEREOF, SAID POINT MARKED BY A 5/8 INCH REBAR WITH A YELLOW PLASTIC CAP INSCRIBED "HLB & ASSOC. INC."; THENCE NORTH 56°45'21" EAST, ALONG THE NORTH PROPERTY LINE, A DISTANCE OF 48.00 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT MARKED BY A 5/8 INCH REBAR WITH A YELLOW PLASTIC CAP INSCRIBED "HLB & ASSOC. INC."; THENCE SOUTH 33°14'39" EAST, ALONG THE EAST PROPERTY LINE, A DISTANCE OF 65.00 FEET TO THE SOUTHEAST CORNER THEREOF AND THE NORTH LINE OF MARINE DRIVE, SAID POINT MARKED BY A LEAD PLUG AND TACK; THENCE NORTH 52°33'21" WEST, ALONG THE NORTH LINE OF MARINE DRIVE AS WIDENED, DESCRIBED IN BOOK 150, PAGE 10, CLATSOP COUNTY DEED RECORDS, A DISTANCE OF 150.76 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 3.00 FOOT WIDE RIGHT OF WAY EASEMENT THROUGH, OVER AND ACROSS THE EASTERLY 3.00 FEET OF THAT PROPERTY DESCRIBED IN BOOK 840, PAGE 285, CLATSOP COUNTY DEED RECORDS.

EXCEPTING ANY PORTION THEREOF LYING WITHIN THE CITY OF ASTORIA'S RAILROAD RIGHT OF WAY.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT CONVEYED TO BAZE PROPERTIES LLC BY DEED RECORDED MAY 26, 2004, INSTRUMENT NO. 200406242, CLATSOP COUNTY RECORDS:

A TRACT OF LAND, BEING A PORTION OF THAT PROPERTY DESCRIBED BY INSTRUMENT NO. 200306260, CLATSOP COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED BY BOOK 802, PAGE 732, CLATSOP COUNTY DEED RECORDS, SAID POINT MARKED BY A 5/8 INCH REBAR WITH A YELLOW PLASTIC CAP INSCRIBED "HLB & ASSOC. INC."; THENCE SOUTH 33°14'39" EAST, ALONG THE WEST LINE OF THAT PROPERTY DESCRIBED BY SAID BOOK 802, PAGE 732, A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED BY BOOK 1025, PAGE 810, CLATSOP COUNTY DEED RECORDS; THENCE SOUTH 56°45'21" WEST, ALONG THE NORTH LINE OF THAT PROPERTY DESCRIBED BY SAID BOOK 1025, PAGE 810, A DISTANCE OF 14.53 FEET TO THE EAST LINE OF THAT PROPERTY DESCRIBED BY INSTRUMENT NO. 200312117; THENCE NORTH 06°11'00" WEST, ALONG SAID EAST LINE, A DISTANCE OF 16.84 FEET; THENCE NORTH 56°45'21" EAST A DISTANCE OF 6.86 FEET TO THE POINT OF BEGINNING, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 9 WEST, WILLAMETTE MERIDIAN, CITY OF ASTORIA, CLATSOP COUNTY, OREGON.

FURTHER EXCEPTING THE FOLLOWING DESCRIBED TRACT CONVEYED TO CAFE, INC. BY DEED RECORDED APRIL 22, 2005, INSTRUMENT NO. 200504717, CLATSOP COUNTY RECORDS:

BEGINNING AT THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED BY BOOK 802, PAGE 732, SAID POINT MARKED BY A 5/8 INCH REBAR WITH A YELLOW PLASTIC CAP INSCRIBED "HLB & ASSOC. INC."; THENCE NORTH 56°45'21" EAST (A RECORD VALUE OF WHICH IS "NORTH 56°53'00" EAST" PER BOOK 802, PAGE 732), ALONG THE NORTH LINE

DESCRIBED BY SAID DEED, A DISTANCE OF 48.00 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT MARKED BY A 5/8 INCH REBAR WITH A YELLOW PLASTIC CAP INSCRIBED "HLB & ASSOC. INC."; THENCE NORTH 33°14'39" WEST (A RECORD VALUE OF WHICH IS "NORTH 33°07'00" WEST" PER BOOK 802, PAGE 732), ALONG THE NORTHERLY EXTENSION OF THE EAST LINE DESCRIBED BY SAID DEED, A DISTANCE OF 15.00 FEET; THENCE SOUTH 56°45'21" WEST (A RECORD VALUE OF WHICH IS "SOUTH 56°53'00" WEST" PER BOOK 802, PAGE 732), PARALLEL TO AND 15.00 FEET DISTANCE FROM SAID NORTH LINE, A DISTANCE OF 47.20 FEET TO THE EAST LINE OF THAT PROPERTY DESCRIBED BY BOOK 840, PAGE 285, CLATSOP COUNTY DEEDS RECORDS; THENCE SOUTH 06°11'00" EAST (A RECORD VALUE OF WHICH IS "IN THE SOUTHERLY DIRECTION" PER BOOK 840, PAGE 285), A DISTANCE OF 1.76 FEET TO AN INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINE DESCRIBED BY BOOK 802, PAGE 732; THENCE SOUTH 33°14'39" EAST (A RECORD VALUE OF WHICH IS "SOUTH 33°07'00" EAST" PER BOOK 802, PAGE 732), ALONG SAID NORTHERLY EXTENSION, A DISTANCE OF 13.43 FEET BACK TO THE POINT OF BEGINNING, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 9 WEST, WILLAMETTE MERIDIAN, CITY OF ASTORIA, CLATSOP COUNTY, OREGON.

KNOW ALL MEN BY THESE PRESENTS, that Holbrook Lumber Company, Inc., 101 East Columbia, Scapoose, Oregon, of the County of Clatsop, State of Oregon, in consideration of the sum of one dollar (\$1.00) to them in hand paid by the City of Astoria, receipt whereof is hereby acknowledged, do hereby grant unto said City of Astoria an easement to construct, and the Northwest Natural Gas Company to use and forever maintain, a sewer along and across the following described real estate situated in the County of Clatsop, State of Oregon, to-wit: Parcel No. 3 and Parcel No. 4 as shown on the attached map marked Exhibit A.

FIRST: The easement hereby granted is hereby expressly limited to the right to construct, use and forever maintain a sewer along and across and above said real estate above described.

SECOND: That in the construction of said sewer, the City of Astoria shall have the right, power and privilege of using the adjoining real estate for the purpose of constructing such sewer and storing and holding any and all materials that may be necessary or convenient in the excavating for and construction of such sewer, so long as he or his agents, contractor or other contractors shall do no damage to any structure, superstructure or substructure on said adjoining real estate.

THIRD: It is expressly understood that the grantors hereby reserve to themselves, their heirs, executors and assigns forever the full, free and exclusive use and occupation of said real estate hereinbefore described and the whole thereof for all purposes, except as to the space occupied by the sewer hereinbefore mentioned, the same as if such sewer had not been built, doing no damage thereto and granting to the Northwest Natural Gas Company the right to enter such real estate for the purpose of repairing such sewer after the same is constructed, doing no damage to any structure, superstructure or substructure thereon while making such repairs.

IN WITNESS WHEREOF

[Handwritten Signature]

HOLBROOK CORP.

the grantors above named, have hereunto affixed their hands and seals this 17 day of Aug, 1977.

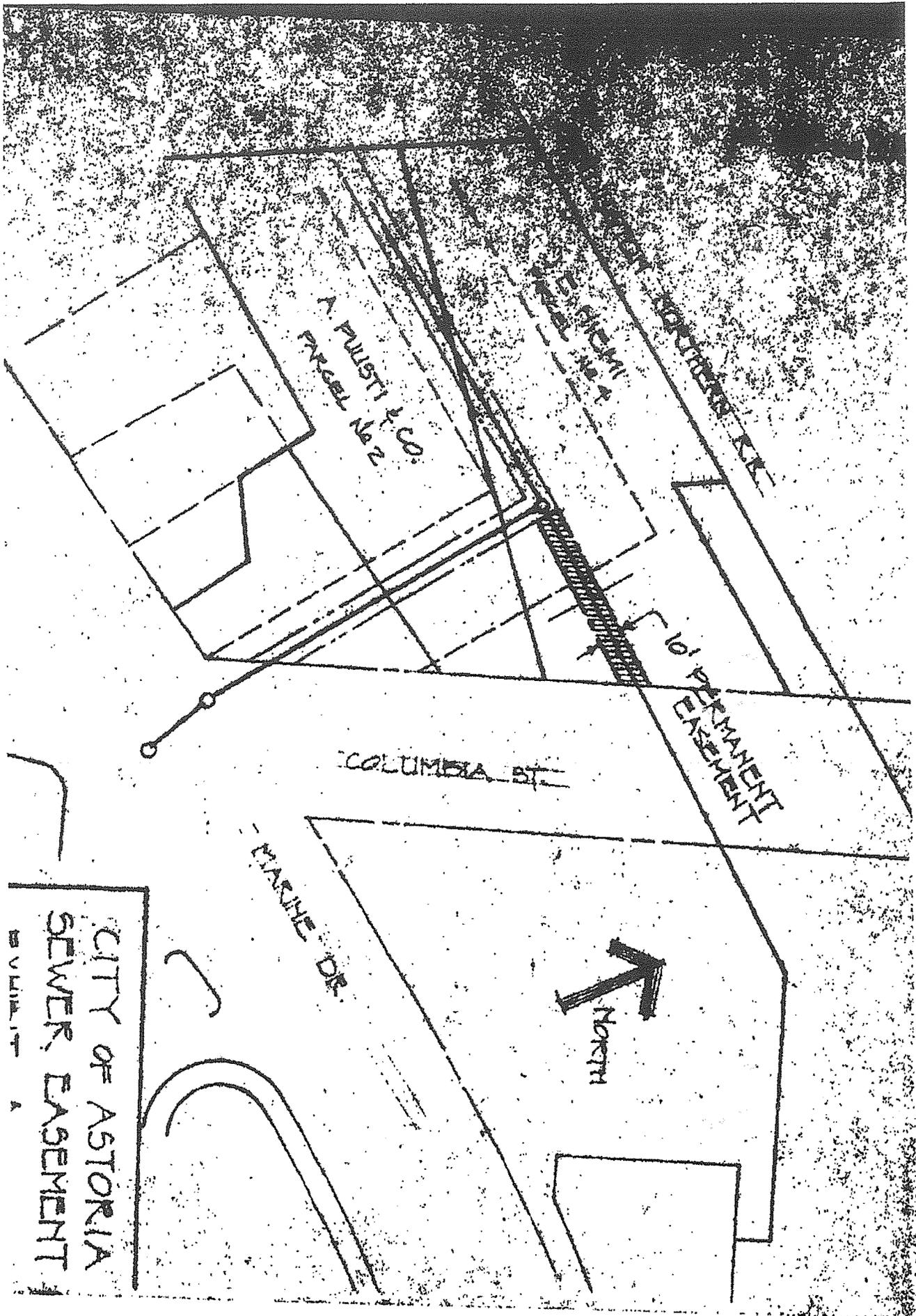
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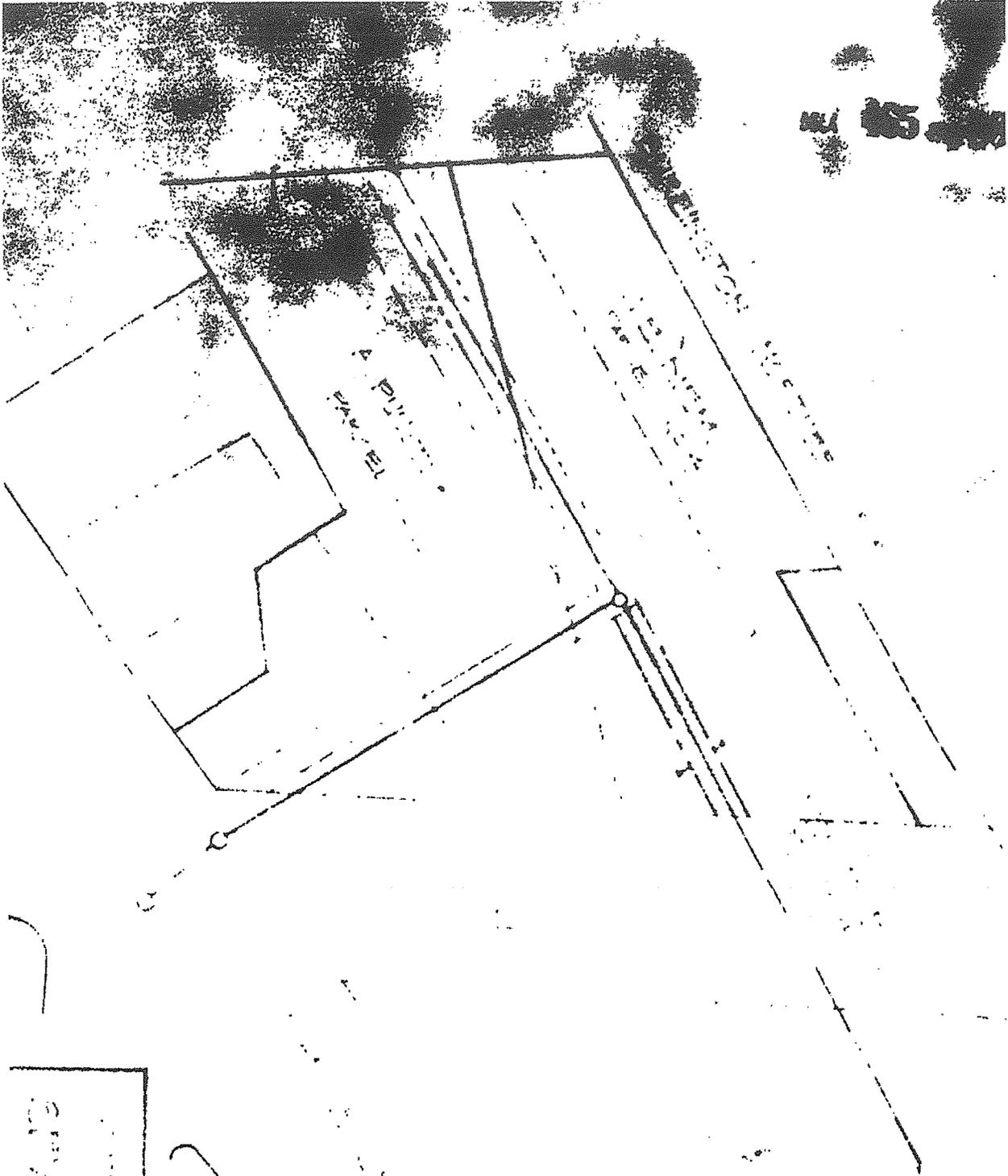
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Seal

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Seal





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STATE OF OREGON, }
County of Clatsop } ss.

I hereby certify that the within instrument was received for record and recorded in the record of

MISCELLANEOUS

of said county on
Nov 30 11 51 AM '77

In Book

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On Page

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Witness my hand and Seal of office affixed

NORMA HUNSINGER
County Clerk

BY *E. M. ...*
Deputy

*rec'd
City of Astoria
Nov 30
Clatsop 97113*