

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

ORDER NO.

11-11-30-5

(IN THE MATTER OF AUTHORIZING THE
(COUNTY ADMINISTRATOR TO SIGN AN
(AMENDMENT TO THE EASEMENT
(AGREEMENT BETWEEN LANE COUNTY
(AND LANE TRANSIT DISTRICT FOR
(ACCESS TO LANE COUNTY TAX LOT 501
(ON LANE COUNTY ASSESSOR'S MAP 17-
(04-13-22.

WHEREAS, by Order 08-4-30-04, the Board approved the sale of a portion of the River Road Transit Station to Lane Transit District, and the retention of a portion of the property to be leased to provide a revenue stream to support Road Fund operations in the future; and

WHEREAS, by Order 10-8-3-4, the Board subsequently authorized a lease of this retained parcel with Marc Sales and Leasing, LLC (Marc Sales) so that they may construct a furniture, appliance and electronics rental and leasing store on the property; and

WHEREAS, the terms of the Easement Agreement between Lane Transit District and Lane County, and the Lease Agreement between Marc Sales and Lane County allow modifications to the driveway approach if required as part of the site development process; and

WHEREAS, Lane Transit District has executed the First Amendment to Easement Agreement, a copy of which is shown on Attachment 1, which will increase the width and area of the access easement serving the County-owned leased property, and the document requires the acceptance and approval by Lane County prior to being recorded; and

WHEREAS, approval and acceptance of the First Amendment to Easement Agreement is consistent with the terms of above-referenced Easement Agreement and Lease Agreement, and will enhance the utility and accessibility of the County-owned leased property; and

WHEREAS the acceptance of the First Amendment to Lease Agreement requires no additional expenditure beyond what has been previously agreed to in the Lease Agreement.

IT IS HEREBY ORDERED that the County Administrator is authorized to sign the First Amendment to Easement Agreement, a copy of which is shown on Attachment 1.

IT IS FURTHER ORDERED, that this Order be entered in to the records of the Board of Commissioners of the County and that the First Amendment to Easement Agreement be recorded in the deed records of Lane County following execution.

ADOPTED this 30th day of November, 2011.



Faye Stewart, Chair
Board of County Commissioners

APPROVED AS TO FORM

Date 11-21-11 Lane County



OFFICE OF LEGAL COUNSEL

FILED

DEC 01 2011

COUNTY CLERK

BY 

Grantee, Lessee and their respective employees, agents, tenants, subtenants, invitees, customers, successors and assigns). Accordingly, the legal description of the Easement as set forth in Exhibit C of the Easement is amended and restated in its entirety to read as set forth on Exhibit C attached hereto and incorporated herein by this reference. A site plan showing the Easement area, as modified by this Amendment, is attached hereto as Exhibit D and incorporated herein by this reference.

In addition, to facilitate Lessee's development and use of Parcel 1, Grantor will cooperate with Lessee with respect to any pruning or trimming of trees on Parcel 2 near the boundary between Parcel 1 and Parcel 2, to the extent reasonably necessary for Lessee's construction, maintenance and repair of improvements on Parcel 1.

3. **Entire Amendment.** Except as otherwise amended or modified by this Amendment, the Easement Agreement is and will remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Easement Agreement effective as of the date first above written.

GRANTOR:

GRANTEE:

LANE TRANSIT DISTRICT

LANE COUNTY

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Attachments: Exhibit A - Legal Description of Grantee's Property (Parcel 1)
Exhibit B - Legal Description of Grantor's Property (Parcel 2)
Exhibit C - Amended and Restated Legal Description of Easement
Exhibit D - Site Plan Drawing (Amended Easement Location)

STATE OF OREGON)
) ss.
COUNTY OF LANE)

This instrument was acknowledged before me on _____, 2011, by _____ as _____ and on behalf of LANE TRANSIT DISTRICT, a municipal subdivision of the State of Oregon.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
COUNTY OF LANE)

This instrument was acknowledged before me on _____, 2011, by _____ as _____ and on behalf of LANE COUNTY, a political subdivision of the State of Oregon.

Notary Public for Oregon

My Commission Expires: _____

EXHIBIT C
AMENDED AND RESTATED LEGAL DESCRIPTION OF EASEMENT

An easement, variable in width, being more particularly described as follows:

Beginning at a the Northeast corner of that certain tract of land described as 'Tract 2 in Exhibit "C" of a Declaration of Property Line Adjustment recorded June 20, 2008, Document No. 2008-034635 n the Lane County Oregon Deeds and Records, said tract also being depicted as Parcel "B" in County Survey File 41271 on file in the Lane County Oregon Surveyor's Office, said Northeast corner bearing SOUTH 2370.04 feet and WEST 1462.37 feet from the South Southeast corner of the L. Poindexter Donation Land Claim No. 52, in Section 12, Township 17 South, Range 4 West of the Willamette Meridian; thence South 54°14'05" West 104.81 feet; thence South 39°05'00" West 113.82 feet; thence South 19°11'36" West 240.22 feet to the north margin of River Avenue; thence along said north margin South 82°51'00" West 113.68 feet to the True Point of Beginning; thence North 20°07'26" East 160.27 feet; thence South 73°06'55" East 23.13 feet; thence South 19°03'28" West 58.59 feet; thence South 07°15'59" West 83.08 feet; thence South 82°51'00" West 48.01 feet to the True Point of Beginning, all in Lane County, Oregon.

Bearings and distances as described hereon are based on County Survey File 41271 on file in the Lane County Oregon Surveyor's Office.

MAP SHOWING REVISED ACCESS EASEMENT AREA

SITE PLAN DRAWING SHOWING LOCATION OF AMENDED AND RESTATED EASEMENT AREAS

