



City of Woodburn
Community Development Dept.

Memorandum

270 Montgomery Street Woodburn, Oregon 97071 Phone (503) 982-5246 Fax (503) 982-5244

Date: June 21, 2022
To: Phillip Iverson, Iverson Law, LLC
Cc: James "Jim" Hepler, Azimuth Surveying
Sarah Hendren, Hendren Construction Co. LLC
Doug Templeton, landowner
Dago Garcia, P.E., City Engineer
From: Colin Cortes, AICP, CNU-A, Senior Planner *CC*
Subject: **CU 2020-01 Templeton Apts.: Planning and Engineering Divisions review comments on original/1st submittal June 13 of cross access easement draft**

Summary

You e-mailed June 13 the attached copy of a draft cross access easement for review and comment. (CU 2020-01 Condition D4 requires cross access open to the public.) City staff has review comments.

Revision Items

The applicant needs to address the items below.

Planning Division

A. Irrevocability: CU 2020-01 Templeton Apartments Condition D4c is not met regarding irrevocability. The condition states:

“D4. Access management / cross access: To meet the TSP, H99ECP, & WDO 3.04.03B.1 & 3, the developer shall:

- a. Extend a drive aisle stub 20 ft width min between faces of curb to the property line along Tax Lots 051W18DA01400 (1444 Cleveland), (2) 051W18DA01101 (225 S. Pacific Hwy) at Schwenke Lane, and (3) 051W18DA09300 (275 S. Pacific Hwy).
- b. At the interface of a property line and a drive aisle stub, not install fixed obstructions including curbing. (The developer may instead place a signed barricade or barricades atop the pavement.) However, along the interface of a(3), chain-link or wood fencing is permissible if 3½ ft high max.
- c. To meet WDO 3.04.03B.1 & 3, establish one or more CAEs (and if the developer opts, a private maintenance agreement) to the satisfaction of the Director and revocable only with written request to the Director and written concurrence by the Director.
- d. The CAE(s) shall be 20 ft wide min, centered on driveway and drive aisle centerlines, and span between ROW and each drive aisle stub.
- e. The CAE shall grant public access to and from Cleveland via the driveway and drive aisles to the benefit of the two properties that a(1) & (2) describe.”

The simple and easy way to meet D4c is for the developer to copy and paste into the legal instrument the following text: ““Per Woodburn Development Ordinance (WDO) 3.04.03B.3 amended by Ordinance No. 2579 on April 13, 2020, the public shared access (ingress and egress) right of this easement is revocable only with the written concurrence of the City of Woodburn Community Development Director”.

B. Easement exhibits unclear: Clarify drawings and labels.

1. There are two similar exhibit maps, one dated May 18 labeled Exhibit B and one dated June 7 and not labeled as an exhibit. (These are PDF pages 10 & 12.) Clarify.
2. Consolidation: The land use approval and apartment complex are premised on lot consolidation through PLA 2020-02. Both of the above drawings show the subject property as five parcels. The proposed three beneficiary parcels (Tax Lots 1101, 1400, & 9300) are an exhaustive list only if the subject property is a consolidated lot. Clarify.
3. Labels: Clarify exhibit labels by labeling each page of an exhibit. For example, it appears at first that there are two exhibit maps, the first labeled “B” and the second with no label. However, if the developer means Exhibit B to consist of two pages, then revise to label each “Exhibit B Page 1 of 2” and “Exhibit B Page 2 of 2” respectively. Label also Exhibit A pages similar to “Exhibit A Page 1 of *n*”.

Engineering Division

PW1. How to grant: The City Engineer asked me the morning of June 21 to respond on his behalf, indicating that he wants the legal instrument that implements Condition D4c & e (cross access open to the public) met in way that makes clear that the City doesn't intend to and wouldn't accept maintenance responsibility for drive aisles. I recommend that you follow whatever he tells you to do provided it does not conflict with the conditions of approval. Contact him with questions about this, (503) 982-5248, dago.garcia@ci.woodburn.or.us.

Next Steps

When you submit a 2nd submittal / 1st revised submittal, provide PDF and print copies of the materials and specify a desired due date for City review comments.

Include a cover or transmittal letter including:

- master/parent land use case file number
- project name
- subject property street address
- submittal date
- summary of what is requested of City staff
- A response that addresses each revision item and identifies the specific sheet or page number that illustrates or notes how each item is met.

Feel free to contact me at (503) 980-2485 or <colin.cortes@ci.woodburn.or.us>.

Attachment(s):

- Cross access easement draft (submitted June 13, 2022)

Colin Cortes

From: iversonlawllc@gmail.com
Sent: Monday, June 13, 2022 4:14 PM
To: Colin Cortes; Dago Garcia
Subject: Templeton Cross-access easement
Attachments: Updated Cross Access Easement Templeton.pdf

**** This email is from an EXTERNAL sender. Exercise caution when opening attachments or click links from unknown senders or unexpected email. ****

Hello Mr. Cortes and Mr. Garcia,

My name is Phillip Iverson, I am helping with the Templeton Apartments on Cleveland. Attached please find a draft of the cross access easements across our property. We would like this easement included in the agenda for the city counsel meeting on June 27, 2022.

Let me know if there is anything else you need.

Thanks,

Phil

Phillip Iverson
Iverson Law, LLC
610 Glatt Cir.
Woodburn, OR 97071
Email: iversonlawllc@gmail.com
Phone [503.980.9529](tel:503.980.9529)

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AFTER RECORDING RETURN TO:

Woodburn City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

**CITY OF WOODBURN, OREGON
PUBLIC ACCESS EASEMENT
FOR THE BENEFIT OF LOT 1400 MAP 051W18DA01400
LOT 1101 MAP 051W18DA01101
AND LOT 9300 MAP 051W18DA09300**

ALF/TEMPLE LLC GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent access easement for the benefit of LOT 1400 MAP 051W18DA01400 as described in the deed recorded at Reel 3584 Page 169, LOT 1101 MAP 051W18DA01101 as described in the deed recorded at Reel 3579 Page 375, AND LOT 9300 MAP 051W18DA09300 as described in the deed recorded at REEL 4492 Page 58, on the following described land:

See attached Exhibit "A" Legal Descriptions of Permanent Easement and attached Exhibit "B" Sketches for Legal Description of Permanent Easement which are by this reference incorporated herein

GRANTOR reserves the right to use the surface and subsurface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by CITY. No building shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of CITY.

Upon completion of the construction, CITY shall restore the surface of the property to its original condition and shall indemnify and hold GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is ZERO (\$0.00), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

GRANTOR covenants to CITY that GRANTOR is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to CITY against the lawful claims and demands of all persons claiming by, through, or under GRANTOR.

DATED this ____ day of _____, 20____.

BY: _____

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by _____, as _____ of _____ a corporation and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,
Approves and Accepts this Conveyance Pursuant to
ORS 93.808.

City Recorder:

Heather Pierson

Exhibit A



AZIMUTH SURVEYING

2015 Market Street NE Salem, Oregon 97301

Phone (503) 364-0026 Fax (503) 364-8687

May 18, 2022

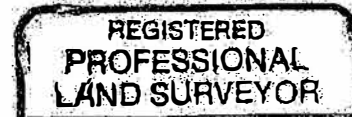
Descriptions

For

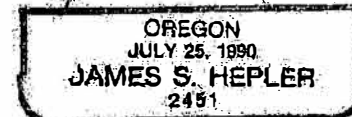
Jimmy and Gwendolyn Templeton

Public Access Easement:

Beginning at a point on the east line of the Parcel 1 of the land conveyed to Jimmy Douglas Templeton and Gwendolyn May Templeton by deed recorded in Reel 4021, Page 210 of Marion County Deed Records, Oregon, which is 32.08 feet South $33^{\circ}19'56''$ West of the northeast corner of said Parcel 1 and running thence North $60^{\circ}47'59''$ West 40.94 feet; thence North $34^{\circ}06'40''$ East 5.02 feet to the future south line of Cleveland Street which is proposed for dedication by partition plat; thence North $60^{\circ}47'59''$ West, along said south line 24.09 feet; thence South $34^{\circ}06'42''$ West 25.09 feet; thence South $60^{\circ}47'59''$ East 65.30 feet to the east line of said Parcel 1; thence North $33^{\circ}19'56''$ East along the east line of Parcel 1, a distance of 20.05 feet to the point of beginning.



James S. Hepler



Expires: 6-30-23



AZIMUTH SURVEYING

2015 Market Street NE Salem, Oregon 97301

Phone (503) 364-0026 Fax (503) 364-8687

May 18, 2022

Descriptions For Jimmy and Gwendolyn Templeton

Public Access Easement:

A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described centerline:

Beginning at a point on the future south line of Cleveland Street, which is proposed for dedication by partition plat and which is 27.07 feet South $32^{\circ}19'56''$ West and 54.17 feet North $60^{\circ}47'59''$ West from the northeast corner of Parcel 1 of the land conveyed to Jimmy Douglas Templeton and Gwendolyn May Templeton by deed recorded in Reel 4021, Page 210 of Marion County Deed Records, Oregon, and running thence South $32^{\circ}09'44''$ West 489.67 feet; thence South $57^{\circ}50'16''$ East 107.88 feet to the east line of Parcel 2 of Partition Plat 95-71 of Marion County, Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

James S. Hepler

OREGON
JULY 25, 1990
JAMES S. HEPLER
2451

Expires: 6-30-23



AZIMUTH SURVEYING

2015 Market Street NE Salem, Oregon 97301

Phone (503) 364-0026 Fax (503) 364-8687

June 7, 2022

Legal Description for Jimmy and Gwendolyn Templeton

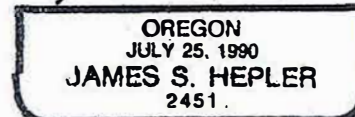
Public Access Easement:

A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described centerline:

Beginning at a point on the future south line of Cleveland Street, which is proposed for dedication by partition plat and which is 27.07 feet South 32°19'56" West and 54.17 feet North 60°47'59" West from the northeast corner of Parcel 1 of the land conveyed to Jimmy Douglas Templeton and Gwendolyn May Templeton by deed recorded in Reel 4021, Page 210 of Marion County Deed Records, Oregon, and running thence South 32°09'44" West 611.94' feet to the south line of Parcel 3 of Partition Plat 95-71 of Marion County, Oregon.



James S. Hepler



Expires: 6-30-23

EXHIBIT MAP

FOR

JIMMY AND GWENDOLYN TEMPLETON

in the SE 1/4 of SECTION 18, T. 5 S., R. 1 W., W.M.

CITY OF WOODBURN, MARION COUNTY, OREGON

MAY 18, 2022



SCALE : 1" = 100'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

James S. Hepler

OREGON
JULY 25, 1990
JAMES S. HEPLER
2451

EXPIRES: 6-30-23

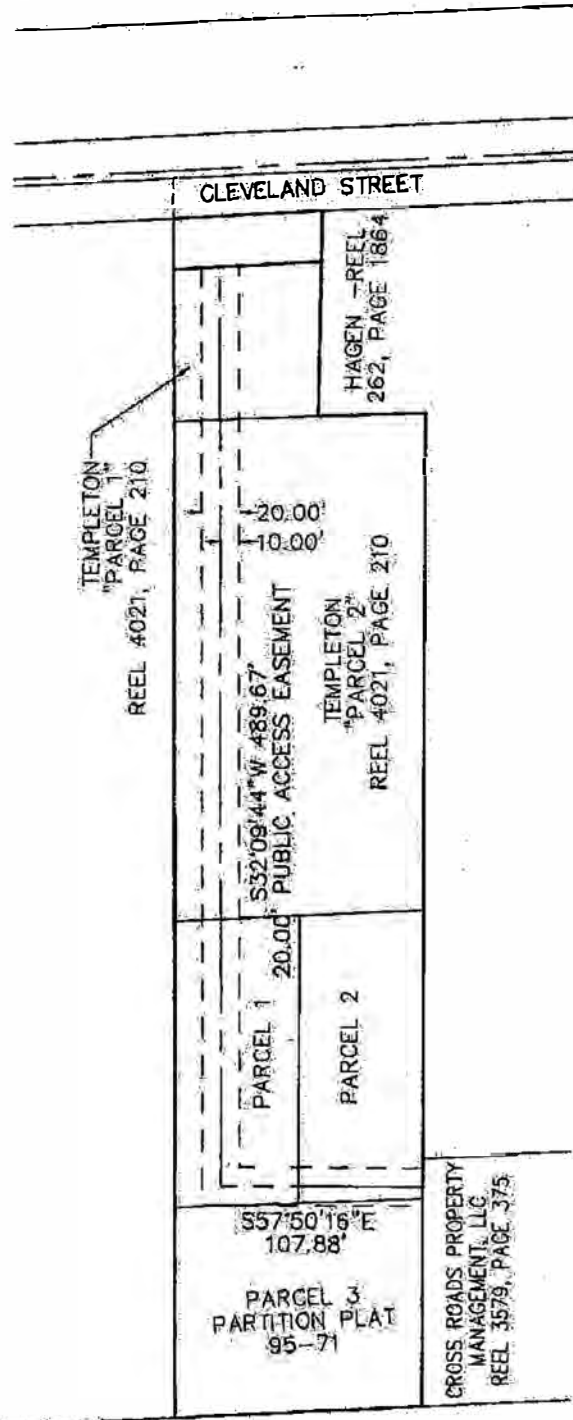
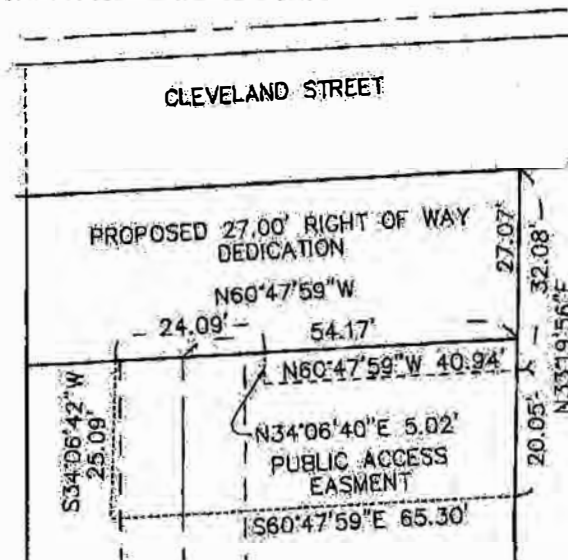


EXHIBIT MAP
 FOR
JIMMY AND GWENDOLYN TEMPLETON
 in the SE 1/4 of SECTION 18, T. 5 S., R. 1 W., W.M.
 CITY OF WOODBURN, MARION COUNTY, OREGON
 MAY 18, 2022



SCALE : 1" = 30'



HAGEN
 REEL 262, PAGE 1864

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

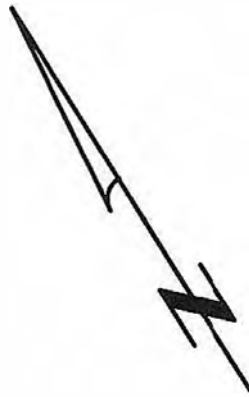
James S. Hepler

OREGON
 JULY 25, 1990
 JAMES S. HEPLER
 2451

EXPIRES: 6-30-23

AZIMUTH SURVEYING
 2015 Market Street, NE
 Salem, Oregon 97301
 Phone (503) 364-0026
 Project No. 19-060

EXHIBIT MAP
 FOR
JIMMY AND GWENDOLYN TEMPLETON
 in the SE 1/4 of SECTION 18, T. 5 S., R. 1 W., W.M.
 CITY OF WOODBURN, MARION COUNTY, OREGON
 JUNE 7, 2022



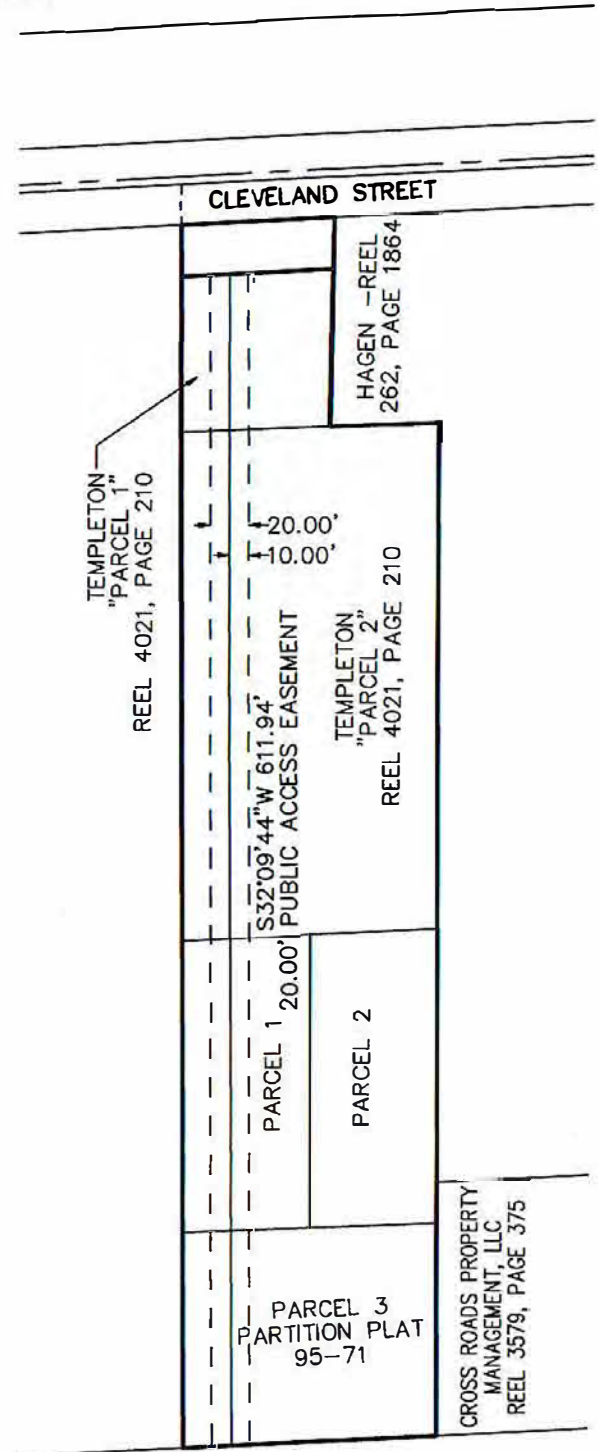
SCALE : 1" = 100'

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

James S. Hepler

OREGON
 JULY 25, 1990
JAMES S. HEPLER
 2451

EXPIRES: 6-30-23



J JESUS MEDINA HERNANDEZ
 REEL 4492, PAGE 58