

RESOLUTION NO. 5604

A RESOLUTION GRANTING THE FOLLOWING UNDERGROUND ELECTRICAL POWER EASEMENT FOR THE ALBANY OPERATIONS FACILITY:

Grantor: **City of Albany**

Purpose

Grantee: **PacificCorp**

To provide primary power connection, metering and miscellaneous appurtenances for the Albany Operations Facility

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby grant this underground electrical power easement.

DATED AND EFFECTIVE THIS 14th DAY OF MAY 2008.



Mayor

ATTEST:



City Clerk

UNDERGROUND ELECTRICAL POWER EASEMENT, ALBANY OPERATIONS FACILITY

THIS EASEMENT, granted this 14th day of May 2008 by the **City of Albany**, a Municipal Corporation, herein called "Grantor," to **PacificCorp**, an Oregon Corporation, its successors and assigns, herein called "Grantee."

WITNESSETH:

For value received, the Grantor hereby grants an irregular shaped easement and right-of-way, the right to enter upon the real property hereinafter described, for construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's underground electric distribution and communication lines, including without limitation: wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, cabinets, vaults on across or under the surface of the real property of Grantor in Linn County, State of Oregon, as more particularly described as follows and/or as shown on Exhibit A attached hereto and by this reference made a part hereof:

An irregular shaped easement described as follows: Beginning on the south property line of Lot 19, Block 25 of Burkhart Park Addition to Albany in Linn County Oregon, said Point of Beginning lying 35 feet East of the Southwest corner Lot 19: thence east 42.6 feet along the South line of Lot 19 and Lot 18; thence North 35 feet, parallel with the west line of Lot 19; thence West 20 feet, parallel with the south line of Lot 19 and 18; thence South 16 feet, parallel with the West line of Lot 19; thence West 22.6 feet, parallel with the South line of Lot 19; thence South 19 feet, parallel with the West line of Lot 19 to the point of Beginning, as shown on the attached map labeled Exhibit A.

Together with the right of access, for Grantee, its contractors, or agents, to the right of way from adjacent lands of the Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep this right of way clear of all brush, trees, buildings and other hazards which might endanger the Grantee's facilities or impede Grantee's activities.

At no time shall the Grantor place or store flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year above written.

GRANTOR:
City of Albany

CITY OF ALBANY:

By:

Stewart Taylor
Stewart Taylor,
Finance Director

STATE OF OREGON)
County of Linn) ss.
City of Albany)

STATE OF Oregon)
County of Linn) ss.
City of Albany)

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5604, do hereby grant on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of May 2008.

The instrument was acknowledged before me this 23 day of May 2008 by Stewart Taylor, Finance Director, City of Albany.

Wes Hare
City Manager

Margaret Langwell
Notary Public for Oregon
My Commission Expires: Sept. 2, 2008

ATTEST:
Betty Langwell
City Recorder/Clerk

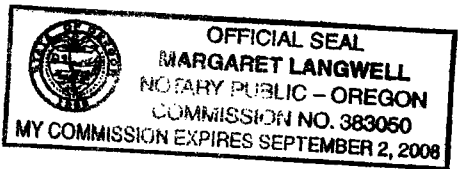


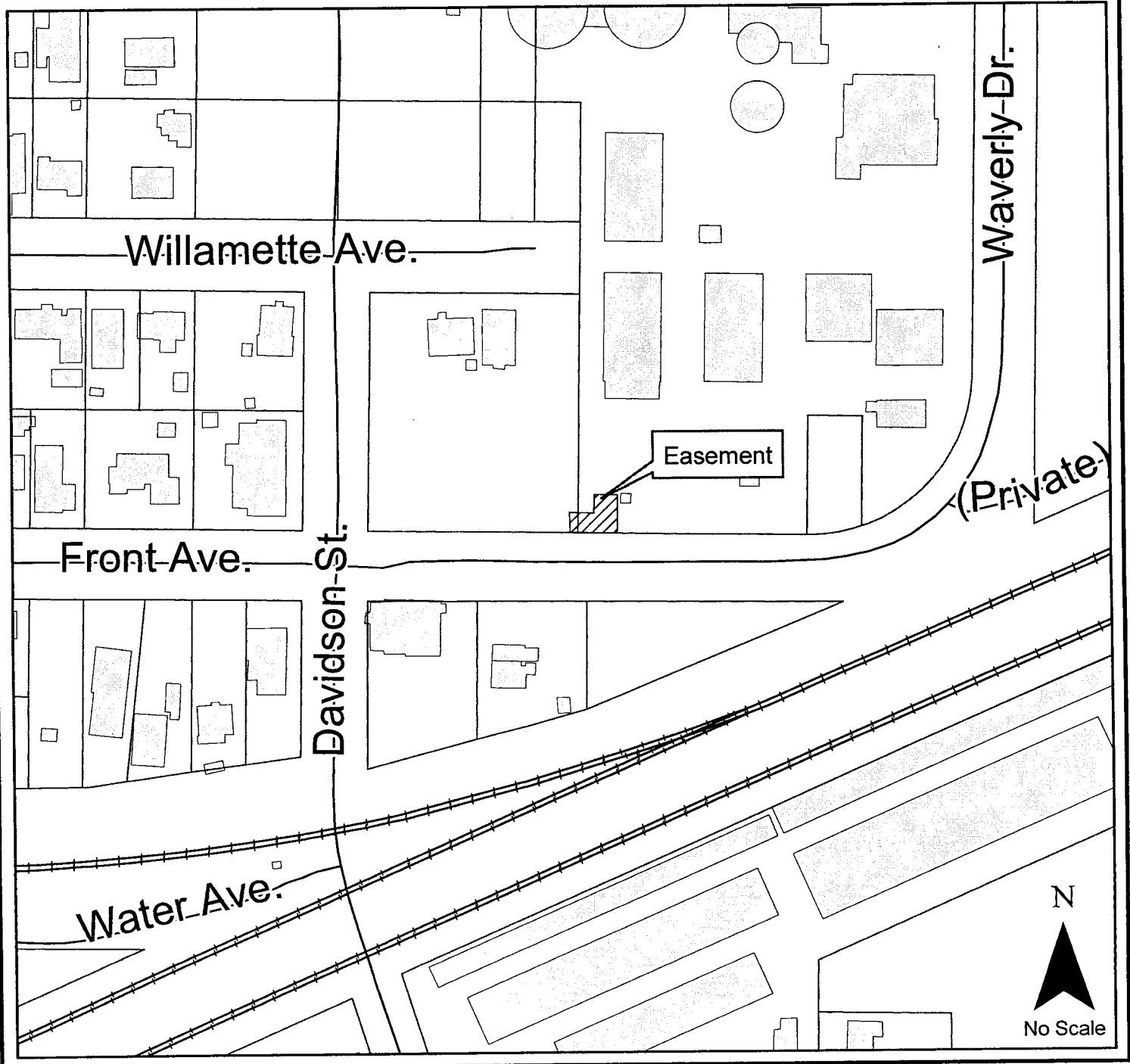
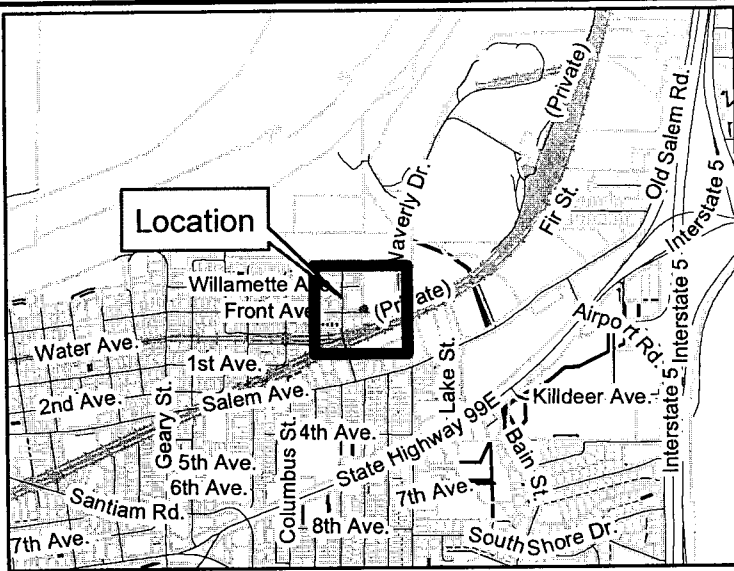
EXHIBIT A

11SO3W05DB04200 and
11SO3W05DB05600

Irregular Shaped Easement
for Underground Electrical
Power - Pole Barn



Geographic Information Services



LINN COUNTY

Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-11023**
E-UNDER
Cnt=1 Str=1 COUNTER **06/02/2008 11:06:55 AM**
\$25.00 \$11.00 \$10.00 **\$46.00**



00083455200800110230050054

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

City of Albany - Exempt

1. Name/Title of Transaction - by ORS 205.234 (a)

EASEMENT FOR UNDERGROUND ELECTRICAL POWER – ALBANY OPERATIONS FACILITY

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

CITY OF ALBANY

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

PACIFIC CORP

4. True and Actual Consideration (if there is one), ORS 93.030

\$0.00

Resolution No. 5604

Recorded Document Recorder File No. 5087