

RESOLUTION NO. 6280

A RESOLUTION GRANTING THE FOLLOWING EASEMENT:

Grantor

City of Albany

Purpose

A 10 foot wide easement over an underground electric power line to serve the Oak Creek sewer pump station.

Grantee

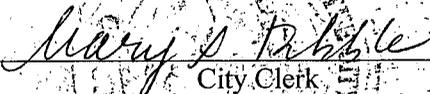
Pacific Power

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

DATED AND EFFECTIVE THIS 6TH DAY OF NOVEMBER 2013.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Clerk

Return to: Pacific Power  
P.O. Box 248  
Albany, OR 97321

CC#: 11256 WO#: 5765596

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, *CITY OF ALBANY, a Municipal corporation* ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way **10** feet in width and **90** feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's underground electric distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, 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 shown on Exhibit(s) *A* attached hereto and by this reference made a part hereof:

A portion of:

*That parcel of land situate in the NE1/4, Section 24, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, which is more particularly described as follows: Beginning at a point on the Easterly right of way line of Highway U.S. 99E, said point bears North 0 33' West 36.50 feet and South 89 38' East 54.91 feet from the Northeast corner of the Robert E. Harmon Donation Land Claim No. 77, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, and running thence South 0 33' East 125.0 feet along said Easterly right of way line to a point; thence North 89 27' East 100.0 feet perpendicular to said Easterly right of way line to a point; thence North 0 33' West 125.0 feet parallel to said Easterly right of way line to a point; thence South 89 27' West 100.0 feet parallel to the Southernly boundary line of the herein described parcel of land to the point of beginning and containing 0.29 acres of land, more or less. The above described parcel lying within that tract of land described in Volume 324, page 286, Linn County Deed Records.*

Assessor's Map No.: *11S03W19-00-00404*

Parcel No.: *404*

Together with the right of ingress and egress for Grantee, its contractors, or agents, to the right of way from adjacent lands of 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 the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place or store any flammable materials 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 other purposes not inconsistent, as determined by the Grantee, with the purposes for which this easement has been granted.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this Agreement. Each party further waives any right to consolidate, or to request the consolidation of, any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

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

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

**GRANTOR: CITY OF ALBANY, OREGON:**

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 6280, do hereby grant on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of November 2013.

Wes Hare  
\_\_\_\_\_  
Wes Hare, City Manager

The foregoing instrument was acknowledged before me this 12 day of November, 2013, by Wes Hare as City Manager of the City of Albany, Oregon.

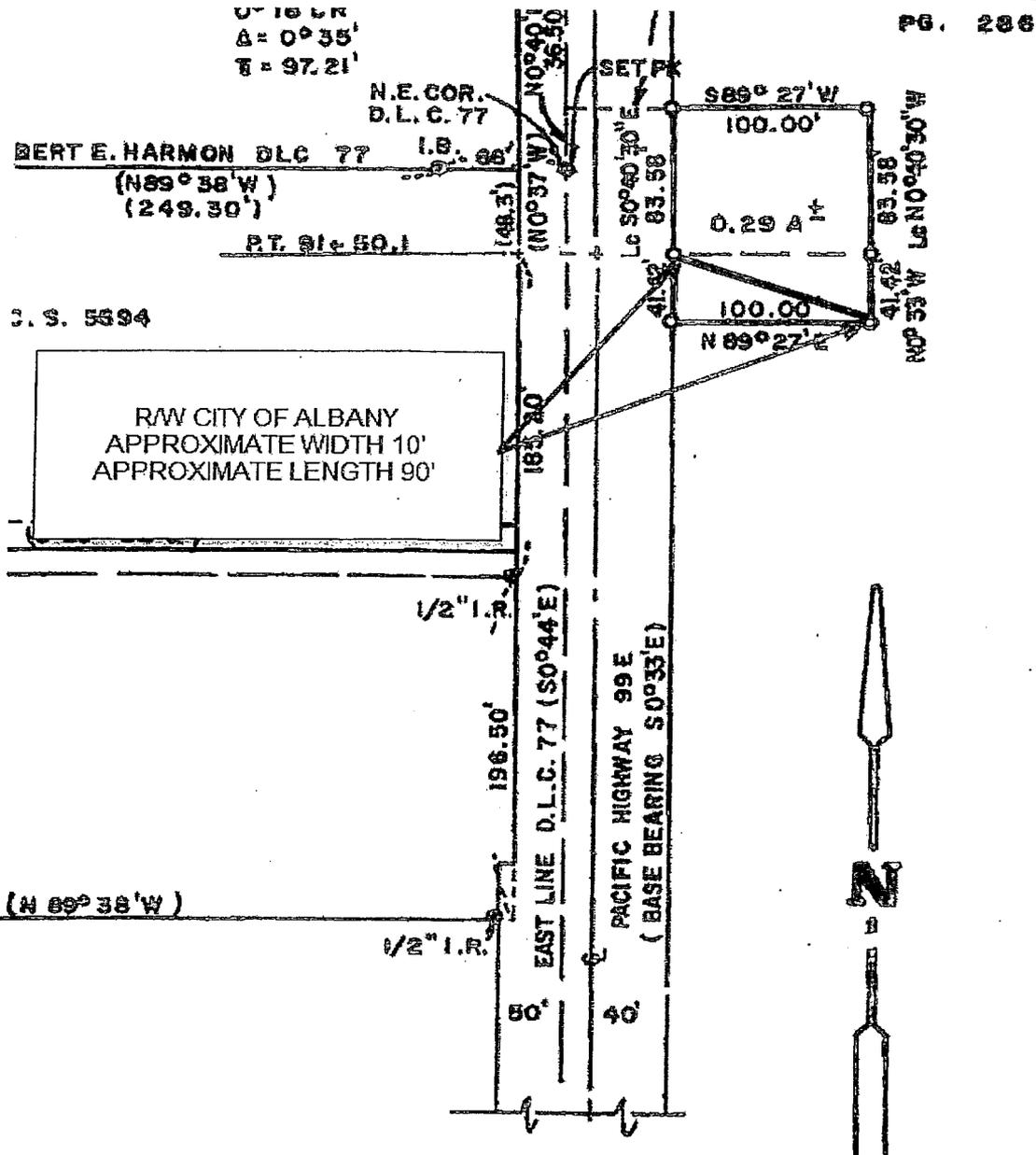
Mary A. Dibble  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 12/5/2016



**PROPERTY DESCRIPTION**

Section: 24, Township: 11S, Range: 04W, Willamette Meridian,  
Linn County, State of Oregon.

Map / Tax Lot or Parcel No.: 11S03W19-00-00404/ TL404



CC#: 11256 WO#: 5765596  
Landowner Name: City Of Albany  
Drawn by: J. Albers

This drawing should be used only as a representation of the location of the easement area. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

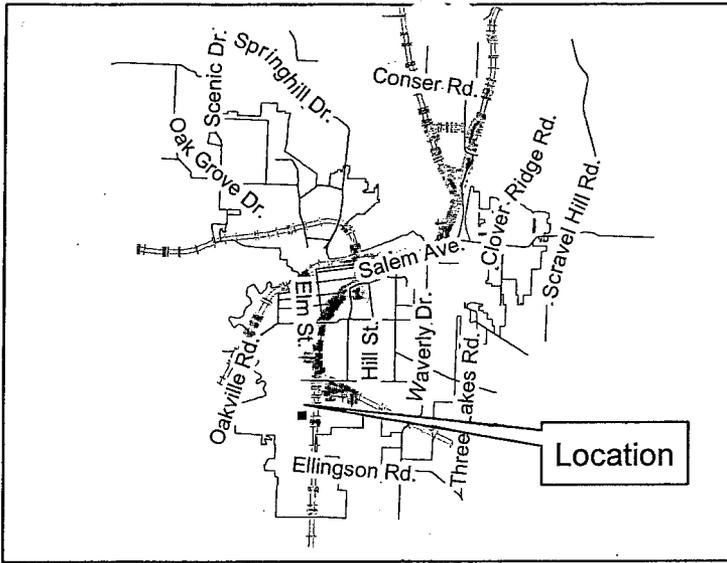
**EXHIBIT A**



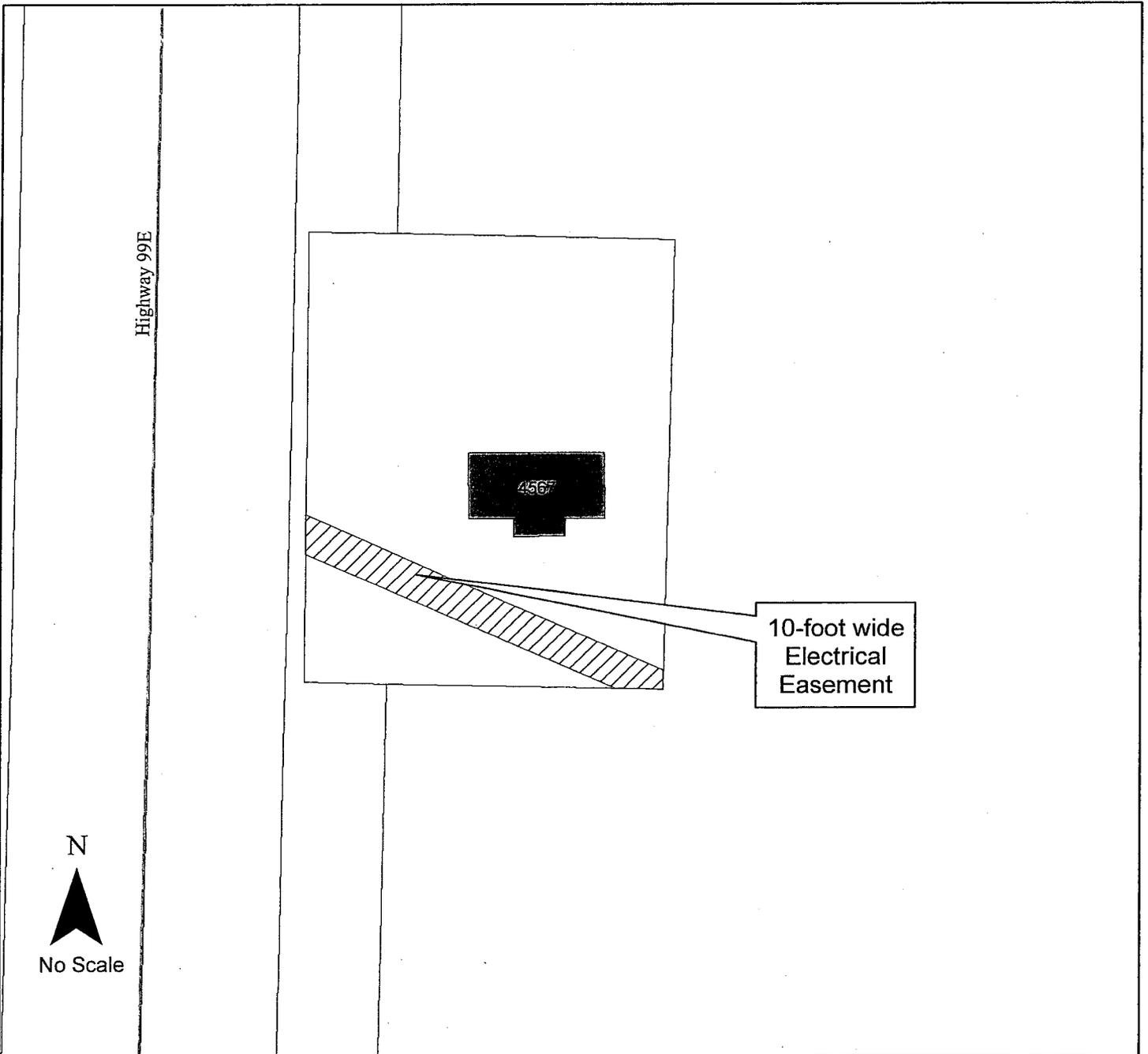
# EXHIBIT B

11S03W19 00404

A 10 foot wide easement over an underground electric power line to serve the Oak Creek sewer pump station.



Geographic Information Services



**RECORDING COVER SHEET (Please Print or Type)**

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

*THIS SPACE RESERVED FOR USE BY  
THE COUNTY RECORDING OFFICE*

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**AFTER RECORDING RETURN TO:**

City of Albany Clerk

PO Box 490

Albany, OR 97321

LINN COUNTY, OREGON

E-EAS

**2013-18482**

Cnt=1 Stn=7 C. ACKER

11/12/2013 11:45:41 AM

\$25.00 \$11.00 \$15.00 \$19.00 \$10.00

**\$80.00**



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



All Tax Statements Should Be Sent To:

Pacific Power

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

Easement

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 Power

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

\$0