

RESOLUTION NO. 5643

A RESOLUTION GRANTING THE FOLLOWING EASEMENT:

Grantee

PacifiCorp (Pacific Power)

Purpose

A 10-foot wide Pacific Power easement for new power lines required to serve street lights on Waverly Drive between Grand Prairie Road and Brookside Drive. The easement is located at the south end of Grand Prairie Park between Waverly Drive and Page Court.

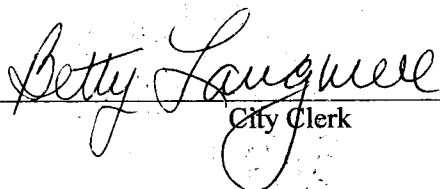
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby grant this easement.

DATED AND EFFECTIVE THIS 13TH DAY OF AUGUST 2008.



Mayor

ATTEST:



City Clerk

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

CC#: 11256 WO#: 5133636

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, *City of Albany, a Municipal corporation* ("Grantor"), hereby grants to PacificCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual easement for a right of way *10* feet in width and *196* 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 therefor; 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&B* attached hereto and by this reference made a part hereof:

A portion of:

See Exhibit B

Assessor's Map No. 11S03W17 Parcel No.3200

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 therefor) 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 (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 and shall run with the land.

Dated this 13 day of August, 2008.

Wes Hare
Wes Hare, City Manager **Representative**

Representative

REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }
County of Linn } SS.

This instrument was acknowledged before me on this 13 day of August, 2008,
by Wes Hare, as City Manager,
Name of Representative Title of Representative
of City of Albany,
Name of Entity on behalf of whom instrument was executed

Margaret Langwell

Notary Public

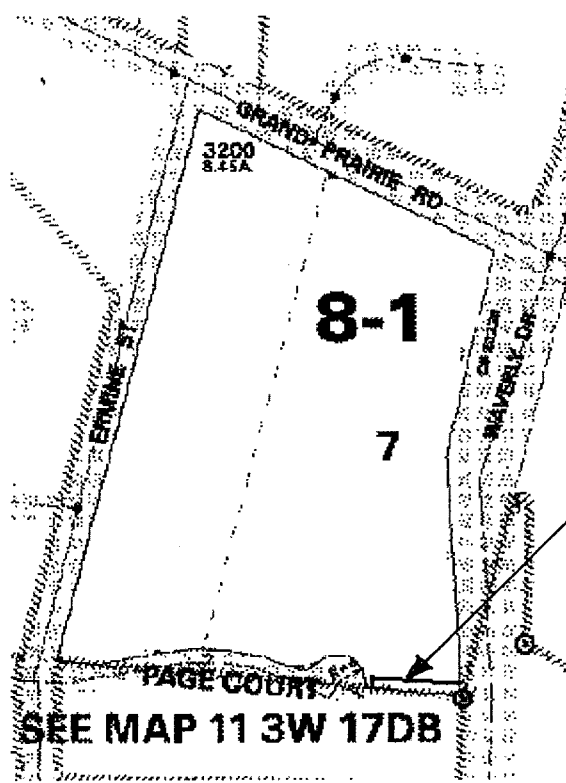
My commission expires: September 2, 2008

[Seal]



Property Description

Section: 17 Township: 11 S Range: 03 W
Willamette Meridian
County: Linn State: Oregon
Map and Tax Lot Number: 11S03W17 3200



Appx 196' in length
and 10' wide

CC#: 11256 WO#: 5133636
Landowner Name: City of Albany
Drawn By: Timberlake

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



Property Description



Lot No. 7, Plat of the Survey of Jason Wheelers Home Farm;
ALSO: Beginning at the Southeast corner of Lot No. 6, Plat of the
Survey of Jason Wheelers Home Farm; thence North 13°5' East 11.86
chains; thence North 66° West 4.06 chains; thence South 13°5' West
13.26 chains to the South line of said Lot 6; thence Easterly along
the South line of said lot to the place of beginning.

EXCEPT therefrom that tract deeded to Mabel Bowman in deed recorded
February 27, 1951, in Book 219, at page 688, being a strip lying
West of Ermine Street.

ALSO EXCEPT therefrom a 50-foot tract deeded to the public, September 4,
1952, in Book 228, at page 465, being Ermine Street.

CC#: 11256 WO#: 5133636

Landowner Name: City of Albany

Drawn By: Timberlake

EXHIBIT B



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-16371**
E-UNDER
Cnt=1 Stn=1 COUNTER **08/19/2008 10:56:45 AM**
\$25.00 \$11.00 \$10.00 **\$46.00**



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



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)

UNDERGROUND RIGHT-OF-WAY 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

PacifiCorp

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

\$0.00

Resolution No. 5643

Recorded Document Recorder File No. 5148