

RESOLUTION NO. 5740

A RESOLUTION GRANTING THE FOLLOWING EASEMENT:

Grantee

PacifiCorp (Pacific Power)

Purpose

A variable width Pacific Power easement for power lines and service required for the new sewer lift station located at 120 34<sup>th</sup> Avenue SE.

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

DATED AND EFFECTIVE THIS 11TH DAY OF FEBRUARY 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

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

CC# 11256 WO# 5211655

## **UNDERGROUND ELECTRICAL POWER EASEMENT, 34TH AVENUE SEWER PUMP STATION**

THIS EASEMENT, granted this 11th day of February 2009 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 easement and right-of-way, 10 feet in width and 85 feet in length, more or less, 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 easement to allow access to Pacific Power to construct and maintain their facilities across that City of Albany property described in Linn County Deed Records MF5-699. The property and easement are further described on the attached schematic and maps labeled Exhibits A, B, C, and D.**

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

By:

*Stewart Taylor*  
Stewart Taylor,  
Finance Director

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

The instrument was acknowledged before me this  
13 day of February 2009 by Stewart Taylor,  
Finance Director, City of Albany.

**CITY OF ALBANY:**

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

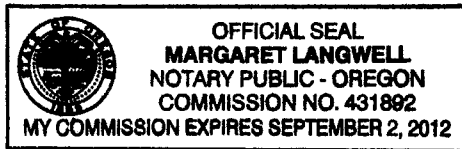
I, Wes Hare, as City Manager of the City of Albany,  
Oregon, pursuant to Resolution Number 5740, do  
hereby grant on behalf of the City of Albany, the above  
instrument pursuant to the terms thereof this  
13 day of February 2009.

*Wes Hare*  
City Manager

ATTEST:

*Margaret Langwell*  
Notary Public for Oregon  
My Commission Expires: Sept. 2, 2012

*Betty Langwell*  
City Recorder/Clerk

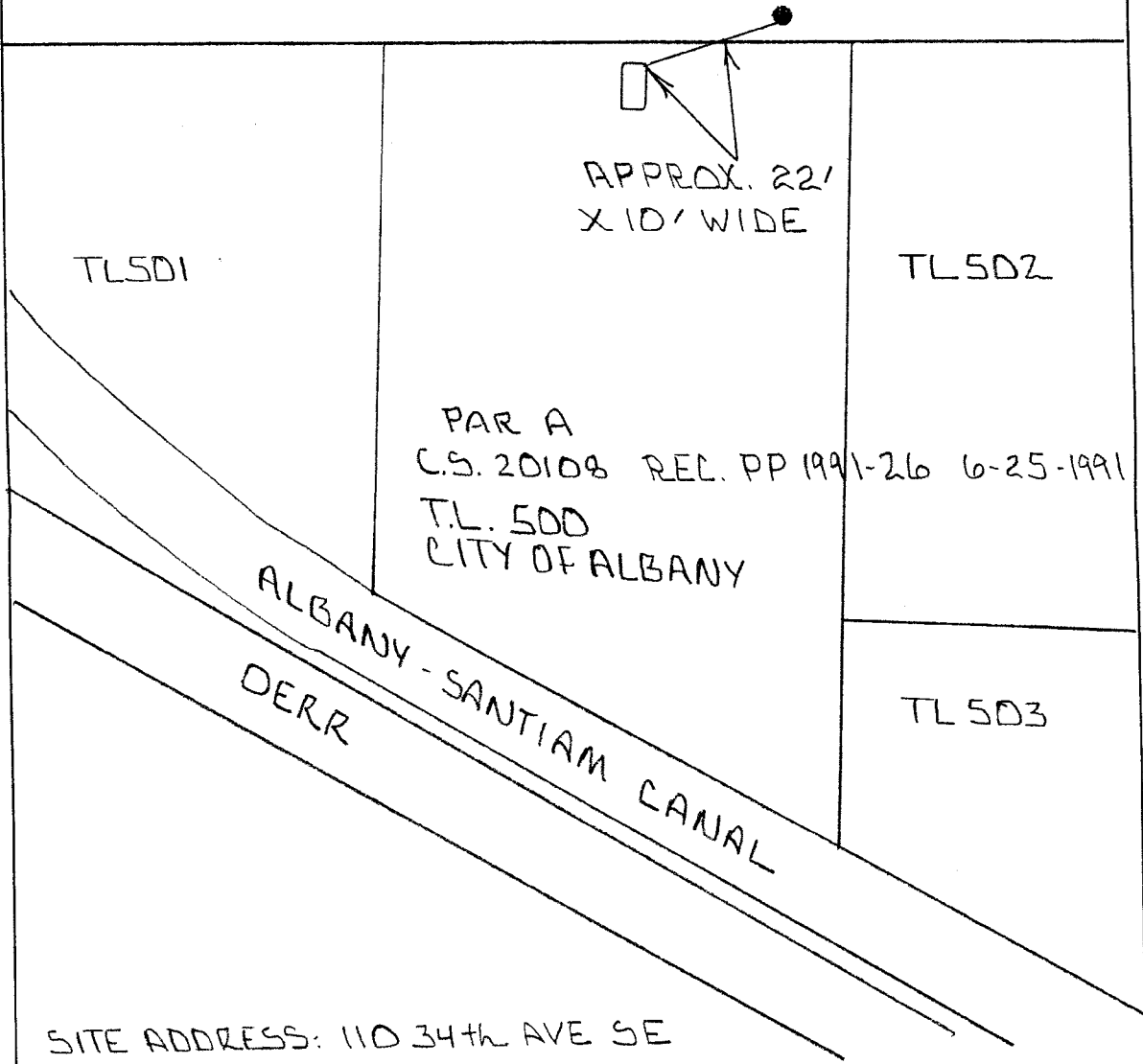


**Property Description**

Section: 18 Township: 11S Range: 03W, Willamette Meridian  
County: Linn State: Oregon  
Map and Tax Lot Number: 11S03W18C Lot 500



34 TH AVE



CC#: 11256 WO#: 5211655

Landowner Name: City of Albany

Drawn By: Timberlake, revised Carol

**EXHIBIT A**

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.



**Property Description**



Parcel A of C.S. 20108, Minor Partition, Partition Plat No. 1991-26 recorded June 25, 1991 in the office of the County Recorder of Linn County, State of Oregon.

Said Parcel A, lying within the Southwest Quarter of Section 18, Township 11 South, Range 3 West, Willamette Meridian.

Map 11S03W18C Tax Lot 500

CC#:11256 WO#: 5211655

Landowner Name: City of Albany

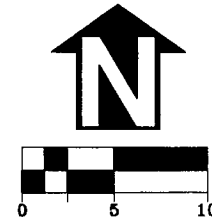
Drawn By: Carol

**EXHIBIT B**

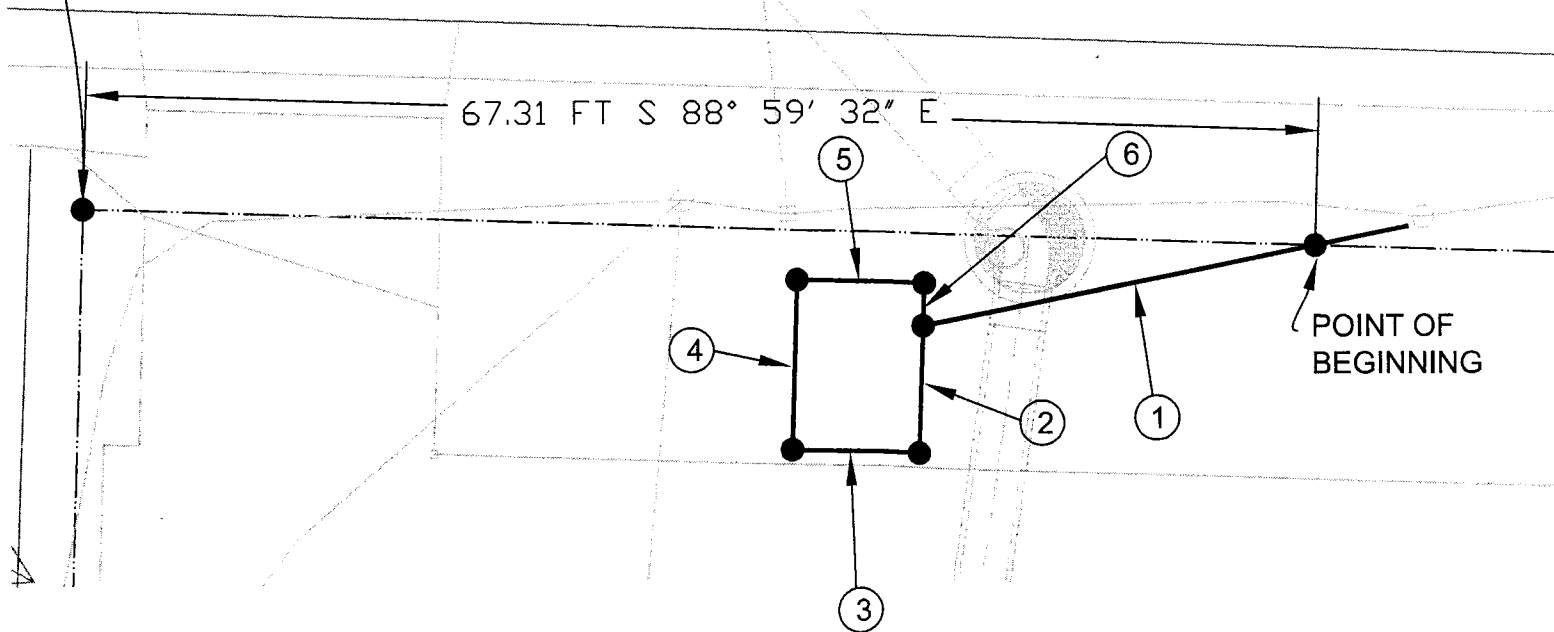


INITIAL REFERENCE POINT  
5/8" IRON ROD NORTHEAST CORNER PARCEL A  
CITY OF ALBANY, LINN COUNTY  
C.S. 20101

THIS DRAWING PROVIDED BY  
THE CITY OF ALBANY-As a  
representation of the easement  
location



- ① S 78° 37' 15" W 21.98 FEET ALONG  
CENTERLINE OF 10 FT WIDE EASEMENT
- ② S 2° 0' 0" W 6.93 FT
- ③ N 88° 0' 0" W 7.0 FT
- ④ N 2° 0' 0" E 9.2 FT
- ⑤ S 88° 0' 0" E 7.0 FT
- ⑥ S 2° 0' 0" W 2.35 FT TO THE POB



DESIGNED: S. BELCASTRO	REVISIONS
DRAWN: S. BELCASTRO	NO:
CHECKED:	BY:
DATE:	
DATE:	

CC#: 11256 WO#: 5211655  
LANDOWNER NAME: CITY OF ALBANY  
EXHIBIT C  
11S03W18CA LOT 500, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON

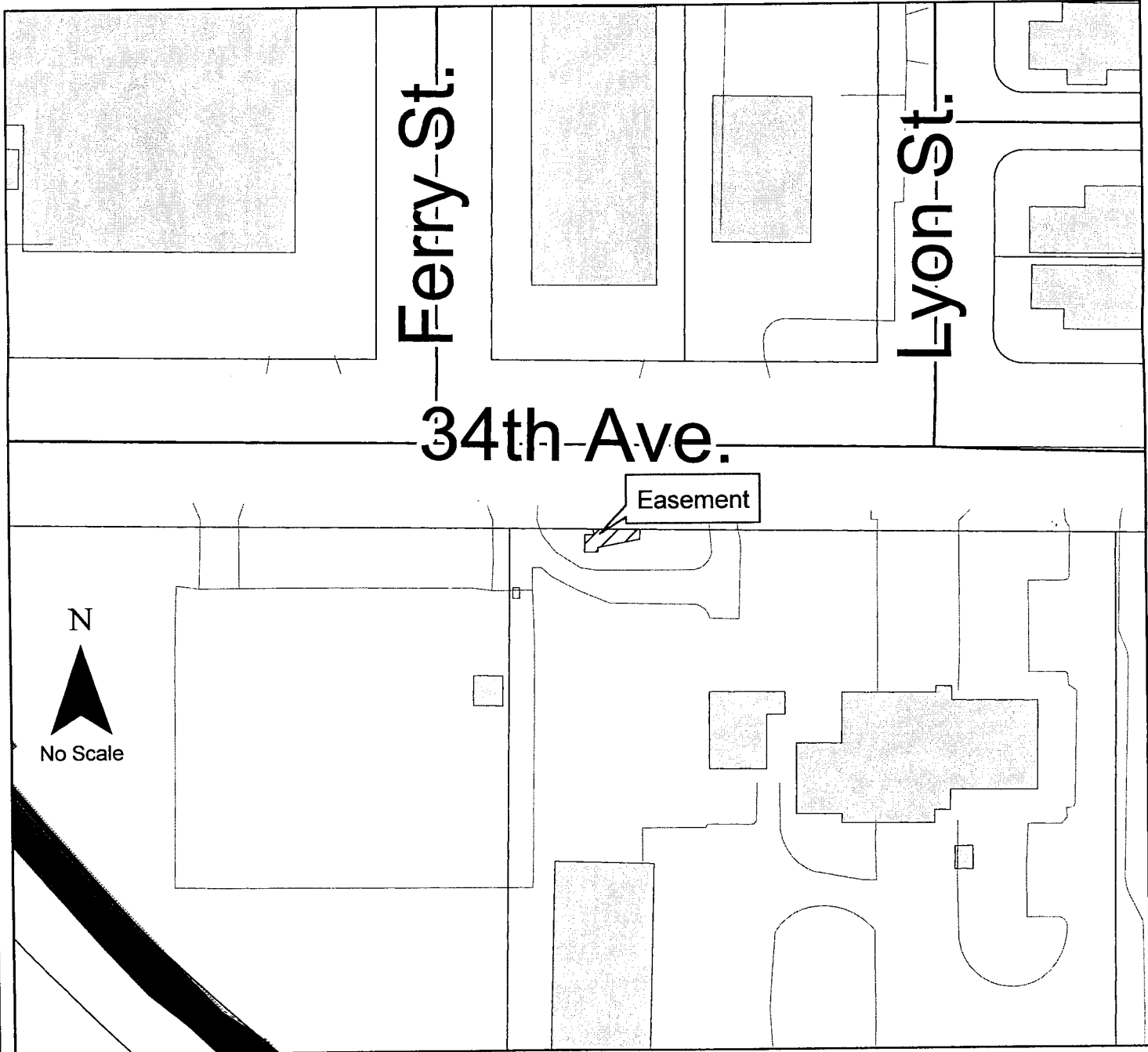
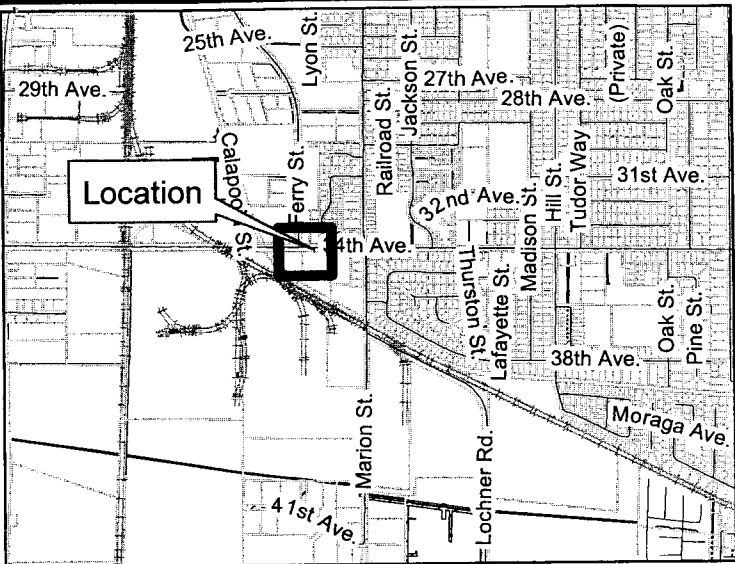
# EXHIBIT D

11SO3W18C 00500

A variable width Pacific Power easement for power lines and service required for the new sewer lift station located at 120 34th Avenue SE.



Geographic Information Services



**LINN COUNTY**  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2009-03387**  
E-UNDER  
Cnt=1 Stn=1 COUNTER **02/25/2009 02:51:09 PM**  
\$35.00 \$11.00 \$10.00 **\$56.00**



00103444200900033870070076

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:

PacificCorp (a division of Pacific Power)

120 34<sup>th</sup> Avenue SE

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

UNDERGROUND ELECTRICAL POWER EASEMENT, 34<sup>TH</sup> AVENUE SEWER PUMP STATION.

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

PacificCorp

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

\$0.00



Resolution No. 5740

Recorded Document Recorder File No. 5290