

RESOLUTION NO. 5752

A RESOLUTION GRANTING THE FOLLOWING EASEMENT:

Grantee

PacifiCorp (Pacific Power)

Purpose

A 13 foot by 15 foot Pacific Power easement for electrical equipment to service the Penny's building and future development on the City's property.

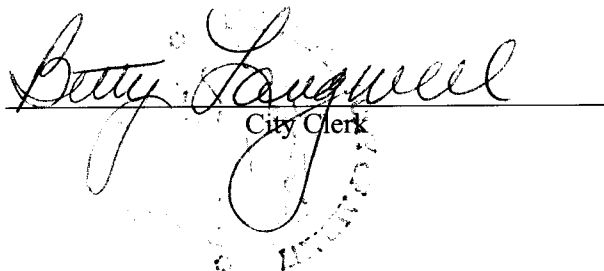
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby grant this easement.

DATED AND EFFECTIVE THIS 25 DAY OF February 2009.

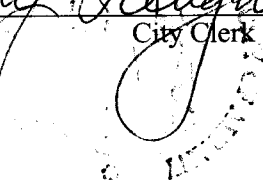


Mayor

ATTEST:



City Clerk



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

CC# 11256 WO# 5211655

ELECTRICAL POWER EASEMENT, JC PENNEY BUILDING

THIS EASEMENT, granted this 25th 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 and aboveground 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 Exhibits A, B, and C 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 attached Exhibit A and shown on attached Exhibits B and C.

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.

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.

CITY OF ALBANY:

GRANTOR:
City of Albany

By:

Stewart Taylor
Stewart Taylor,
Finance Director

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 5752, do hereby grant on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25th day of February 2009.

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

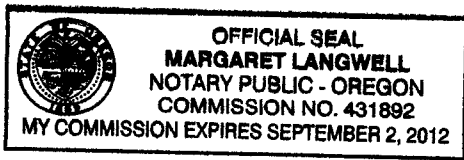
The instrument was acknowledged before me this 26 day of February 2009 by Stewart Taylor, Finance Director, City of Albany.

Wes Hare
City Manager

ATTEST:

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

Jetty Langwell
City Recorder/Clerk



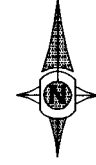
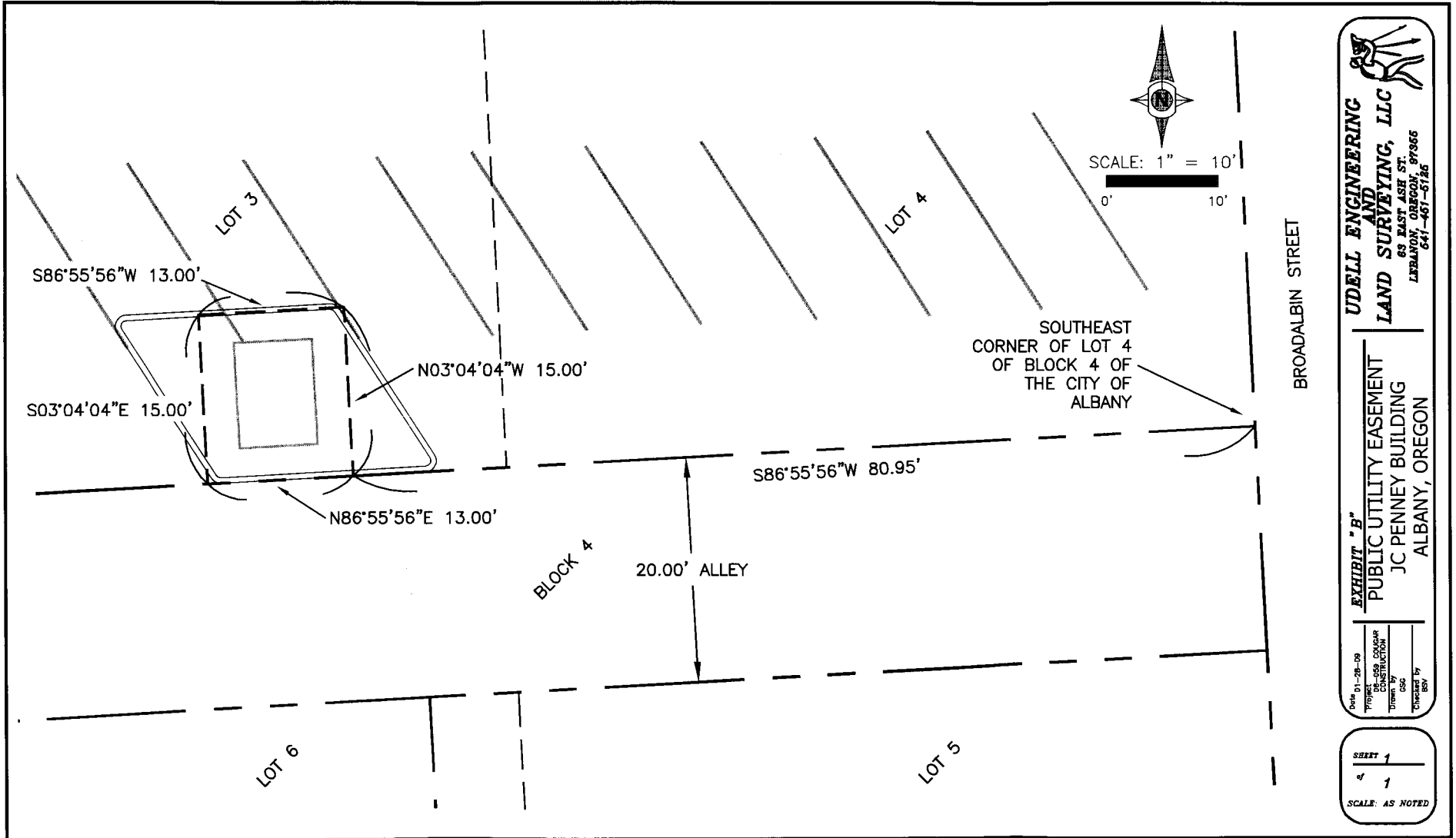
Public Utility Easement

Legal Description

Exhibit "A"

An area of land in the Thomas Monteith Donation Land Claim Number 64 in the Southwest 1/4 of Section 6, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon being more particularly described as follows:

Beginning at a point on the North Right-of-Way of a 20.00 foot alley bearing South $86^{\circ}55'56''$ West 80.95 feet from the Southeast corner of Lot 4, Block 4 of the City of Albany in the Southwest 1/4 of Section 6, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence leaving said North Right-of-Way North $03^{\circ}04'04''$ West 15.00 feet; thence South $86^{\circ}55'56''$ West 13.00 feet; thence South $03^{\circ}04'04''$ East 15.00 feet to a point on said North Right-of-Way; thence along said North Right-of-Way North $86^{\circ}55'56''$ East 13.00 feet to the point of beginning.



SCALE: 1" = 10'
 0' 10'

BROADALBIN STREET

SOUTHEAST CORNER OF LOT 4 OF BLOCK 4 OF THE CITY OF ALBANY



UDELL ENGINEERING AND LAND SURVEYING, LLC
 63 EAST ASH ST.
 ALBANY, OREGON, 97366
 541-467-5126

EXHIBIT "B"
 PUBLIC UTILITY EASEMENT
 JC PENNEY BUILDING
 ALBANY, OREGON

Date: 01-28-09
 Project: JC PENNEY BUILDING
 Drawn by: CSC
 Checked by: BSV

SHEET 1
 of 1
 SCALE: AS NOTED

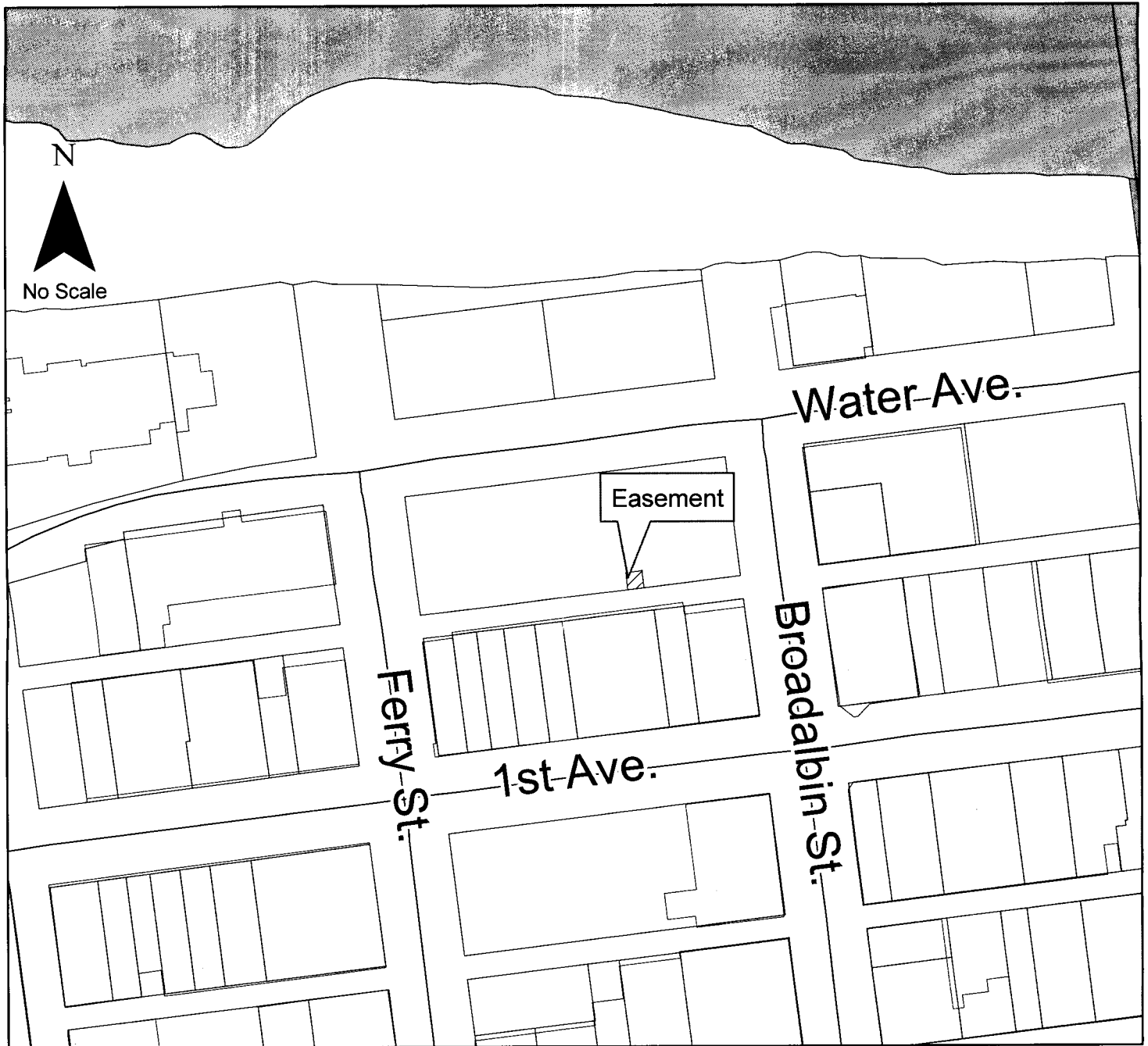
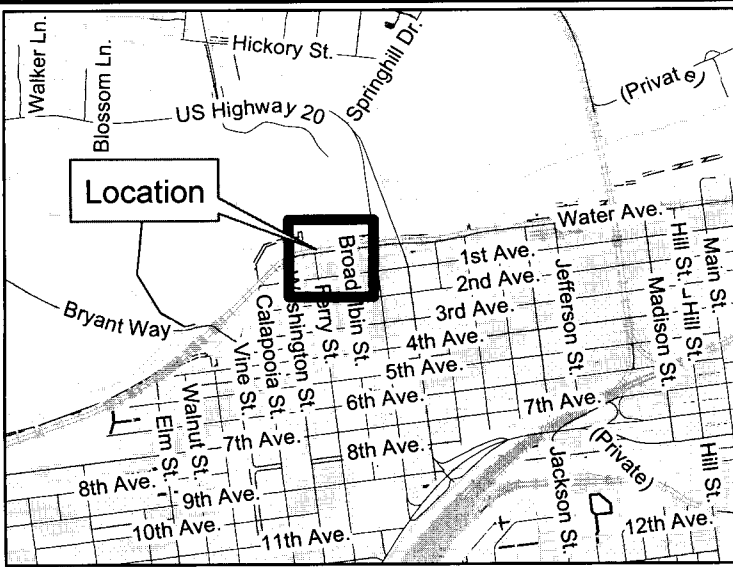
EXHIBIT C

11SO3W06CC01800

A 13-foot by 15-foot Pacific Power easement for electrical equipment.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2009-05287**
E-EAS
Cnt=1 Stn=1 COUNTER **03/23/2009 01:46:21 PM**
\$30.00 \$11.00 \$10.00 **\$51.00**



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:

NA

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

ELECTRICAL POWER 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

PacificCorp

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

\$0.00

Resolution No. 5752

Recorded Document Recorder File No. 5317