

RESOLUTION NO. 5769

A RESOLUTION GRANTING AN EASEMENT ACROSS A PORTION OF KINDER PARK TO PACIFIC POWER FOR THE PURPOSE OF ESTABLISHING ELECTRICAL SERVICE TO THE PARK, AND AUTHORIZING THE CITY MANAGER TO SIGN THE EASEMENT AGREEMENT.

WHEREAS, the City of Albany is constructing Kinder Park; and

WHEREAS, electrical power must be established to serve the park; and

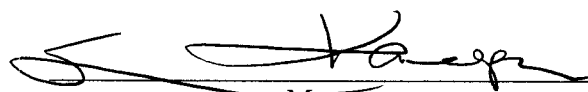
WHEREAS, Pacific Power will establish electrical service and needs an easement across the park for this purpose; and

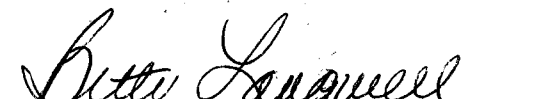
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Albany, Oregon does hereby grant the requested easement to Pacific Power; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign the easement agreement.

DATED AND EFFECTIVE THIS 11th DAY OF MAY 2009.

ATTEST:


Mayor


City Clerk

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

CC#: 11256 WO#: 05273768

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, *City of Albany* (“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 **300** 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:

Assessor’s Map No. 11S3W8BC

Parcel No.01400

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 12 day of May, 2009. Resolution Nö. 5769

Wes Hare

REPRESENTATIVE ACKNOWLEDGEMENT

Wes Hare City Manager
City of Albany, OR

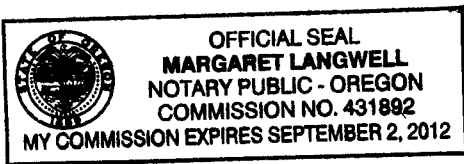
State of Oregon

County of Linn

This instrument was acknowledged before me on this 12 day of May, 2009,


by Wes Hare, as City Manager,
Name of Representative Title of Representative

of the City of Albany.
Name of Entity on behalf of whom instrument was executed



Margaret Langwell
Notary Public
My commission expires: Sept. 2, 2012

Property Description

Section: 8 Township: 11 N of S Range: 3 E of W 
WILLAMETTE Meridian
County: Linn State: OREGON
Map and Tax Lot Number: 11S3W8BC1400

LEGAL DESCRIPTION

"EXHIBIT A"

Exhibit "A"

Beginning at a point which is 40.0 feet North 0°27'56" West; 654.53 feet South 89°50' West; 1172.71 feet North 25°05'00" West from the Southeast corner of the Abram Hackleman Donation Land Claim No. 62 in Section 8, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; and running thence North 25°05'00" West 206.73 feet; thence North 0°02'00" East 554.79 feet; thence North 6°11'02" West 356.81 feet; thence North 79°48'15" East 170.24 feet; thence South 6°11'02" East 174.22 feet; thence North 73°24'58" East 589.41 feet; thence South 3°26'20" East 61.61 feet; thence South 73°24'58" West 18.11 feet; thence South 44°03'59" West 326.42 feet; thence South 0°16'01" East 819.57 feet; thence South 89°50' West 388.89 feet to the point of beginning.

SAVE AND EXCEPT: Beginning at a 5/8" rod which bears North 0°27'56" West, 40.00 feet; and South 89°50' West, 654.53 feet; and North 25°50'00" West, 1379.25 feet from the Southeast corner of Abram Hackleman D.L.C. No. 62 Township 11 South, Range 3 West; Willamette Meridian; North 0°02'00" East 25.00 feet; thence South 89°58'00" East 25.00 feet; thence South 0°02'00" West, 76.56 feet; thence North 25°50'00" West 57.30 feet to the place of beginning.

CC#: WO#: 11256-05273768
Landowner Name: CITY OF ALBANY
Drawn By: BEN


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.

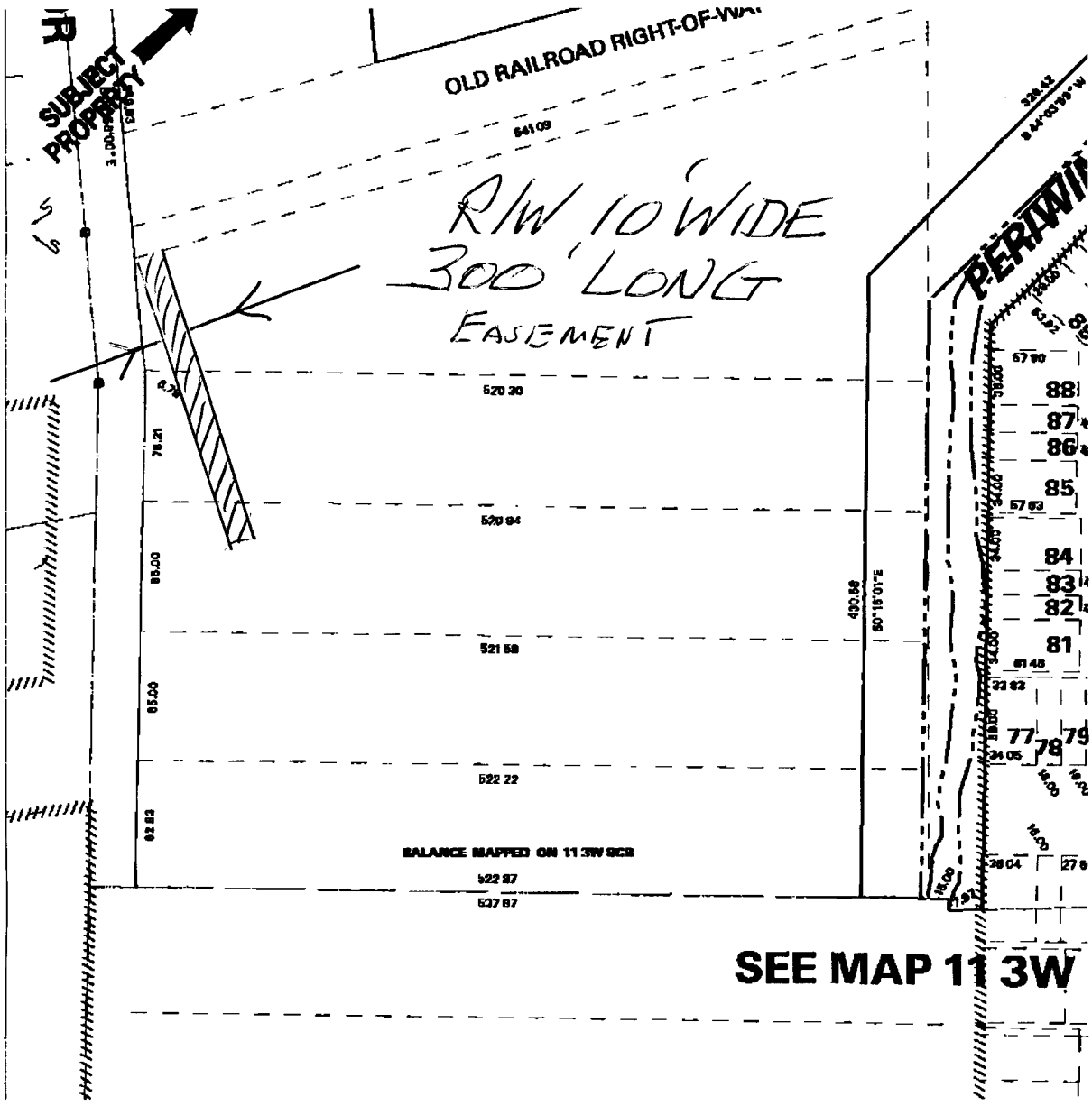
EXHIBIT A



Between Queen Avenue and Pacific Boulevard on Oak Street
Kinder Park

Property Description

Section: 8 Township: 11 N or S Range: 3 E or W 
WILLAMETTE Meridian
County: LANE State: OREGON
Map and Tax Lot Number: 1153W 8 80 1400



CC#: WO#: 11256-05273768
Landowner Name: CITY OF ALBANY
Drawn By: BEN

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EXHIBIT B



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON
E-UROW
Cnt=1 Str=7 M. FISHER
\$25.00 \$11.00 \$10.00

2009-08734

05/13/2009 11:49:20 AM

\$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:

NA

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

PacificCorp aka Pacific Power

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

\$0.00

Resolution No. 5769

Recorded Document Recorder File No. 5321