

A RESOLUTION GRANTING THE FOLLOWING EASEMENT:

Grantor: CITY OF ALBANY

Purpose

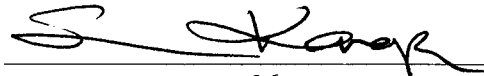
Grantee: PacificCorp (Pacific Power)

A 4 foot by 5 foot by 6.4 foot triangular easement for Pacific Power, adding to an existing easement to provide electrical equipment to service the Penney'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.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 9TH DAY OF NOVEMBER 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Betty Langhelle  
City Recorder



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

**ELECTRICAL POWER EASEMENT, JC PENNEY BUILDING, (Addition to existing easement)**

THIS EASEMENT, granted this 9<sup>th</sup> day of November 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, 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 5867, do hereby grant on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10 day of November 2009.

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

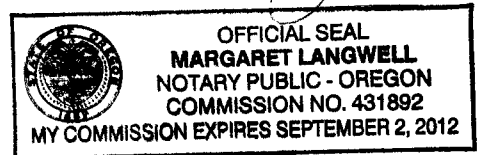
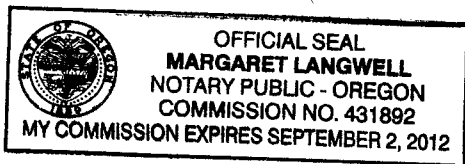
The instrument was acknowledged before me this 10 day of November 2009 by Stewart Taylor, Finance Director, City of Albany.

*Wes Hare*  
City Manager

ATTEST:

*Margaret Langwell*  
Notary Public for Oregon  
My Commission Expires September 2, 2012

*Margaret Langwell*  
City Recorder




# Public Utility Easement

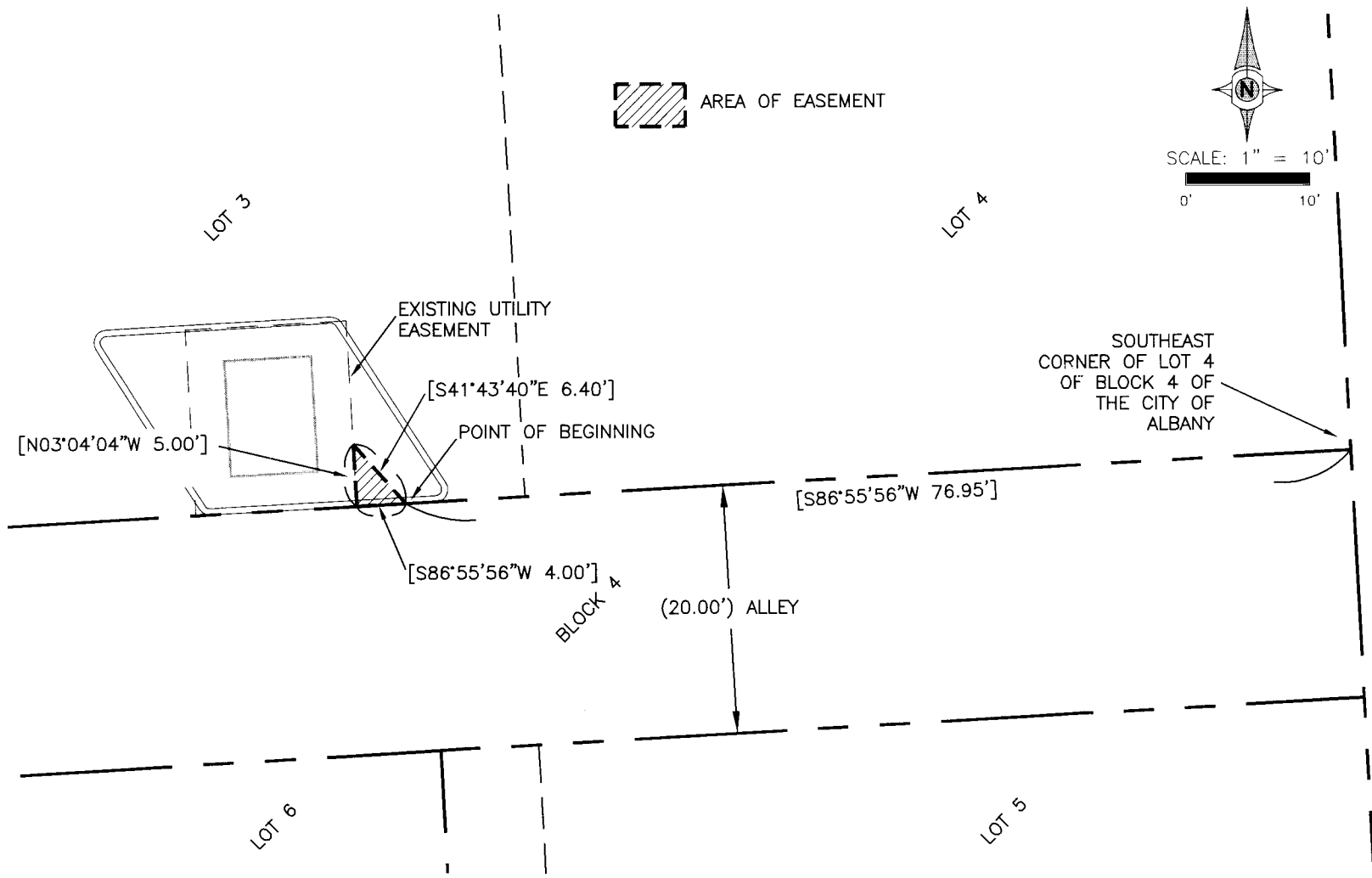
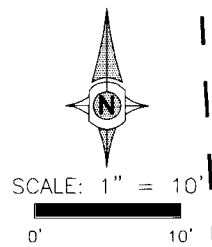
## Legal Description

### 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 76.95 feet along said North right-of-way 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 South  $86^{\circ}55'56''$  West 4.00 feet along said North right-of-way; thence leaving said North right-of-way North  $03^{\circ}04'04''$  West 5.00 feet; thence South  $41^{\circ}43'40''$  East 6.40 feet to the point of beginning.

 AREA OF EASEMENT



BROADALBIN STREET

  
**UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC**  
63 EAST ASH ST.  
LEBANON, OREGON, 97366  
541-461-0125

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

Date: 11-02-09  
PROJECT: JC PENNEY  
CONSTRUCTION  
Drawn by: [blank]  
CSG  
CHECKED BY: [blank]  
BSV

**SHEET 1**  
of  
**1**  
SCALE: AS NOTED

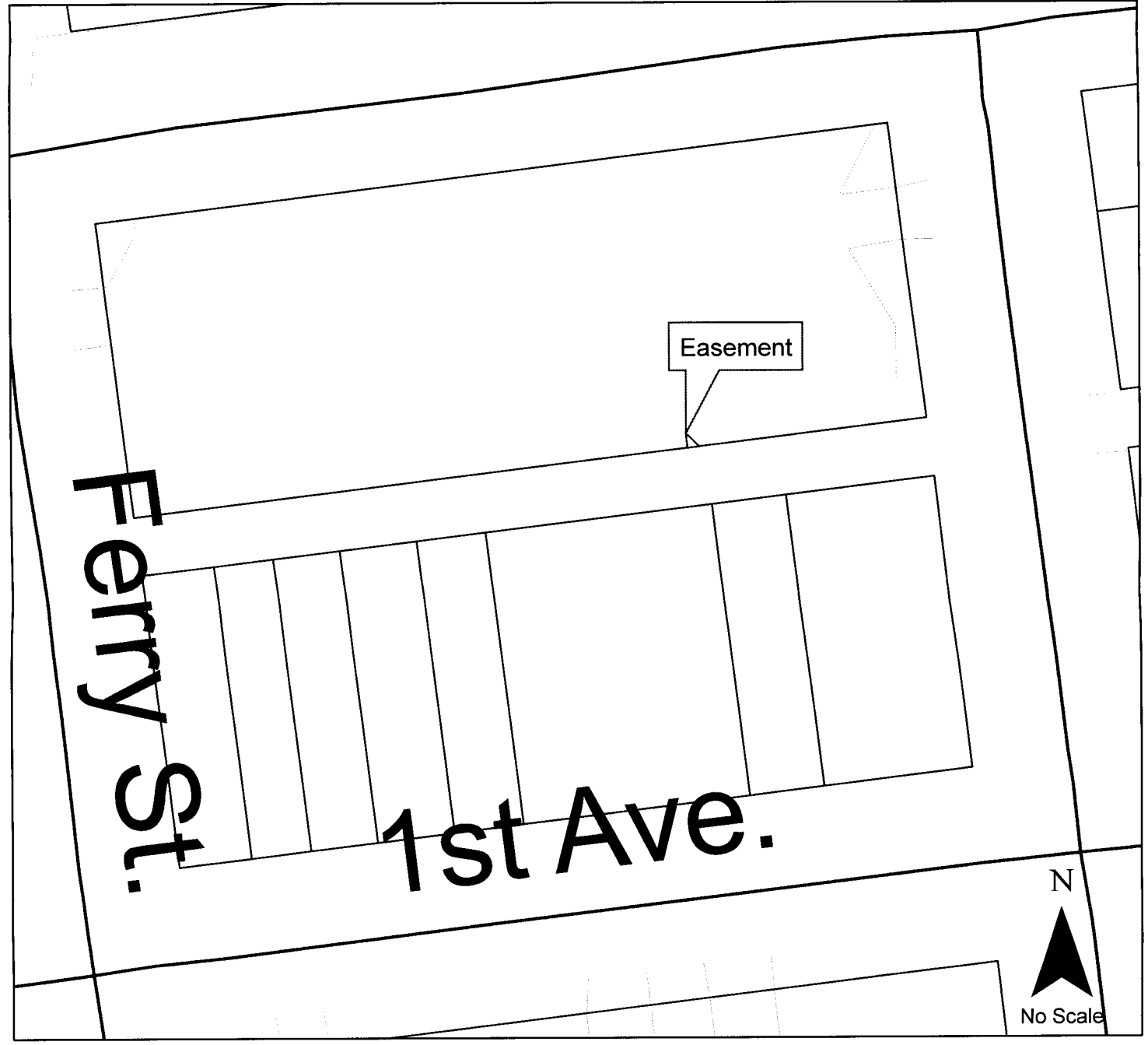
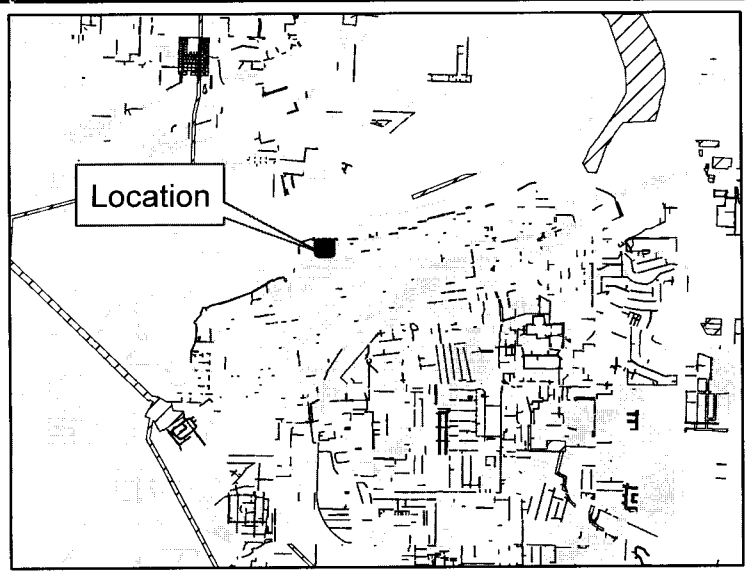
# EXHIBIT C



11SO3W06CC01800

A 4 foot by 5 foot by 6.4 foot  
triangular easement for Pacific  
Power, adding to an existing  
easement to provide electrical  
equipment to service the Penney's  
building and future development  
on the City's property.

Geographic Information Services



LINN COUNTY  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2009-20025  
E-UT  
Cnt=1 Stn=1 COUNTER 11/17/2009 02:56:29 PM  
\$30.00 \$11.00 \$15.00 \$9.00 \$10.00 \$75.00



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, JC PENNEY BUILDING

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. 5867

Recorded Document Recorder File No. 5424