

RESOLUTION NO. 2557

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easements:

Grantor

PACIFICORP, dba Pacific Power & Light Company

Purpose

- 1) To install, maintain, operate, repair, and remove an underground water pipeline located in Block 6, excepting Lot 6, and all of Lots 9, 10, 11, and 12 of Block 5 Rosemont Addition to the City of Albany.
- 2) Access to a trash rack or bar screen for the purpose of constructing, reconstructing, maintaining, cleaning, removing and replacing trash rack or bar screen located in the Albany-Santiam Canal.
- 3) Constructing and operating a water transmission and distribution pipeline under and across the east twenty-five (25) feet of the west thirty-two (32) feet of Lot 5, Block 21, Hazlewood Addition.

DATED this 24th day of July, 1985.



Mayor

ATTEST:



City Recorder

ASSIGNMENT OF EASEMENT

FOR THE CONSIDERATION hereinafter stated, receipt of which is acknowledged, PACIFICORP, dba Pacific Power & Light Company, a corporation (hereinafter "Pacific"), does hereby assign, transfer and set over to the CITY OF ALBANY, a municipal corporation of the State of Oregon, (hereinafter the "City"), to the extent that such interests may be assigned, all of that portion of a certain easement granting to Pacific's predecessor the right to construct, operate and maintain across and under lands described therein an underground water pipeline, which easement was granted by Holgate Village to Mountain States Power Company by instrument dated June 23, 1949 and recorded October 8, 1949 at Book 211, Page 17, Records of Linn County, Oregon. A copy of said Easement is attached hereto as Exhibit A and made a part hereof.

Pacific covenants that said easement is free and clear of any liens or encumbrances placed or expressly permitted by Pacific.

The actual consideration paid for this transfer consists of value given for the other property transferred by Pacific.

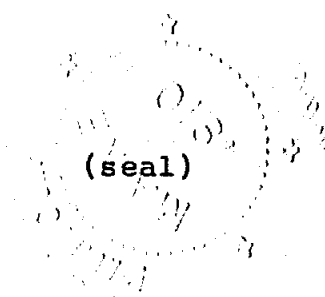
IN WITNESS WHEREOF, Pacific has caused this instrument to be executed by its duly authorized officer as of the 1st day of January, 1985.

PACIFICORP, dba Pacific Power
& Light Company

By Fredric D. Reed
Fredric D. Reed
Vice President

ATTEST:

RA Sampson
Assistant Secretary



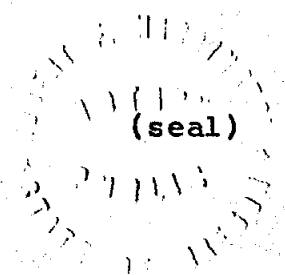
(seal)

STATE OF OREGON)
County of Multnomah) ss.

On the 18th day of January, 1985, personally appeared Fredric D. Reed, who being duly sworn, did say that he is a Vice President of Pacific Power & Light Company and that said instrument was signed in behalf of said corporation by authority of its Board of Directors; and that he acknowledged said instrument to be its voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon
My commission expires: 2/19/85



(seal)

RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That HOLGATE VILLAGE, INC., an Oregon corporation, in consideration of the sum of One Dollar (\$1.00) to it paid by MOUNTAIN STATES POWER COMPANY, a Delaware corporation duly qualified and licensed to transact business in the State of Oregon as a foreign corporation, does hereby give and grant, bargain and convey unto said Mountain States Power Company, its successors and assigns (hereinafter referred to as "The Company") forever, the right, privilege and easement for right of way to erect, maintain, operate, repair and remove an electric power line, telephone or aerial cable line, or either of them, and to install, maintain, operate, repair and remove an underground water pipeline, consisting of the following:

Power poles and necessary anchors, also
underground water pipelines; both to be

~~built along alleys or upon~~ over and across

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It is understood and agreed that the agents, representatives and employees of the Company, together with all necessary tools and equipment shall, at all times, have the right and privilege of access to said right of way and the property thereon for the purpose of construction, operation, maintenance, repair and removal; provided always that said Company shall be held responsible for any damage which it may unnecessarily do to the property above described and for which it may be held legally responsible.

TO HAVE AND TO HOLD for the uses and purposes hereinabove set forth unto the said Mountain States Power Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the said Holgate Village, Inc., has executed and sealed these presents this 23 day of June,



HOLGATE VILLAGE, INC.
BY Russell E. Dahl

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

On this 23rd day of June, 1949, before me, a notary public in and for said county and state, personally appeared the within named Russell E. Dahl and Alma E. O'Halloran, to me known, who being first duly and severally sworn, did say that he, the said Russell E. Dahl, is the President, and that she, the said Alma E. O'Halloran, is the Secretary of Holgate Village, Inc., the corporation hereinbefore named; that the seal affixed to the foregoing instrument is the corporate seal of said corporation; that said instrument was signed and sealed in behalf of said corporation by authority of the board of directors of said corporation; and the said Russell E. Dahl and Alma E. O'Halloran acknowledged the execution of said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal the day and year first in this my

INDEXED
54477 2.25
This Easement supercedes
Easement # R-81

PHOTOCOPY

State of Oregon, }
County of Linn } ss.

I hereby certify that the within
was received and duly recorded
by me in Linn County Records

Book of Deeds

Vol. 211 Page 17 on

the 8th day of October

19 49 at 8:30 o'clock A.M.

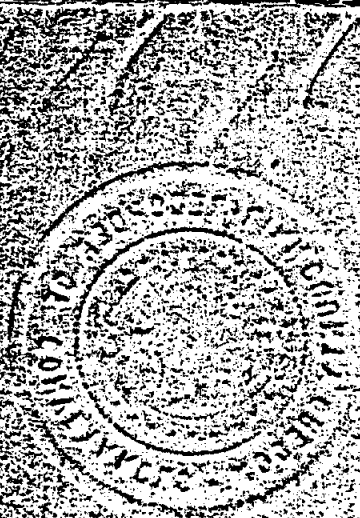
Stella E. Hoover

Recorder of Linn County, Oregon

Barclay C. Butte
Deputy

KING, WOOD, MILLER & ANDERSON

ATTORNEYS AT LAW
AMERICAN BANK BUILDING
PORTLAND 5, OREGON



EASEMENT

FOR VALUE RECEIVED, PACIFICORP, dba PACIFIC POWER & LIGHT COMPANY, a Maine corporation ("Pacific"), does hereby grant to the CITY OF ALBANY, its successors and assigns, ("the City"), a municipal corporation, an easement over, under and across the real property described in Exhibit A attached hereto and made a part hereof.

Said easement is granted solely for the purpose of allowing the City access to a trash rack or bar screen for the purpose of constructing, reconstructing, maintain, cleaning, removing and replacing said trash rack or bar screen, which is located in the Albany-Santiam Canal adjacent to Pacific's land described in Exhibit A hereto.

Pacific reserves the right to use said right-of-way for purposes not inconsistent with the easement hereby granted, including but not limited to the right to construct, operate and maintain power lines, communications lines and other utility facilities thereon.

Said real property is utilized by Pacific in its electric utility operations and the City, its successors and assigns, shall conform strictly to the provisions of any then applicable safety code or regulation pertaining to required

clearances from the wires and conductors of any transmission or distribution line located over, across and upon said real property.

All rights granted hereunder shall cease if and when the City's use of said trash rack or bar screen shall terminate.

DATED this 18th day of January, 1985.

PACIFICORP, dba Pacific Power & Light Company

By Fredric D. Reed
Fredric D. Reed

ATTEST:

R.A. Sampson
Assistant Secretary

(seal)

STATE OF OREGON)
) ss.
County of Multnomah)

On the 18th day of January, 1985, personally appeared Fredric D. Reed, who being duly sworn, did say that he is a Vice President of Pacific Power & Light Company and that said instrument was signed in behalf of said corporation by authority of its Board of Directors; and that he acknowledged said instrument to be its voluntary act and deed.

Before me:

Robert A. [Signature]
Notary Public for Oregon
My commission expires: 2/19/85

(seal)

EASEMENT FOR ACCESS TO TRASH RACK
PACIFICORP - CITY OF ALBANY

An easement and right of way over and across the westerly 45 feet of even width of the northerly 250 feet of the following described parcel (as measured southerly from the true point of beginning along the westerly boundary of said parcel):

A parcel of real property situated in the Truett Davis D.L.C. #54, Section 18, Township 11 South, Range 3 West, Willamette Meridian, being more particularly described as:

Commencing at a point in the centerline of 34th Street, said point being the southwest corner of the Hiram W. Smead D.L.C. #53;

thence North 88° 58' East 295.60 feet to a point on the centerline of said 34th Street, said point being the intersection of the easterly boundary line of the Albany-Santiam Water Ditch and the centerline of said 34th Street and also being the true point of beginning of the property to be herein described;

thence South 34° East 29.80 feet along said easterly boundary line to an iron rod on the south right of way line of said 34th Street;

thence continuing South 34° East along said boundary line a distance of 39.42 feet to a 1/2 inch iron rod;

thence continuing along said boundary line through a 5° curve to the left, the long chord of which bears South 46° 43' 30" East 494.07 feet to a 5/8 inch iron rod, which lies South 60° 49' East a distance of 54 feet from a 1/2 inch iron rod lying at the southeast end of said curve to the left;

thence North 01° 02' West 378.19 feet to a 5/8 inch iron rod on the south right of way line of said 34th Street;

thence continuing North 01° 02' West 25 feet, more or less, to the centerline of said 34th Street, said centerline also being the southerly line of the Hiram W. Smead D.L.C. #53;

thence South 88° 58' West 393 feet, more or less, to the true point of beginning.

EASEMENT

FOR VALUE RECEIVED, PACIFICORP, dba PACIFIC POWER & LIGHT COMPANY, a Maine corporation ("Pacific"), does hereby grant to the CITY OF ALBANY, its successors and assigns, ("the City"), a municipal corporation, an easement over, under and across the East twenty-five (25) feet of the West thirty-two (32) feet of Lot 5, Block 21, Hazelwood Addition to the City of Albany, Linn County, Oregon for the purpose of constructing and operating thereon a water transmission and distribution pipeline and all necessary or desirable appurtenances thereto, together with the right to construct, reconstruct, operate, enlarge, replace, maintain and remove such facilities.

The City shall pay to Pacific reasonable compensation for any damage caused by the City, or its agents, to any property or landscaping on the above-described real property, arising out of the construction, reconstruction, operation, maintenance and replacement of said water line.

Said real property is utilized by Pacific in its electric utility operations and the City, its successors and assigns, shall conform strictly to the provisions of any then applicable safety code or regulation pertaining to required clearances from the wires and conductors of any transmission or distribution line located over, across and upon said real property.

All such rights hereunder shall cease if and when said pipeline shall have been abandoned.

DATED this 18 day of January, 1985.

PACIFICORP, dba Pacific Power & Light Company

By Fredric D. Reed
Fredric D. Reed

ATTEST:

R.A. Simpson
Assistant Secretary

(seal)

STATE OF OREGON)
) ss.
County of Multnomah) R

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Before me:

Robert L. Vayh
Notary Public for Oregon
My commission expires 2/19/85

(seal)