BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 20-10-27-03

IN THE MATTER OF AUTHORIZING A GRANT OF AN OVERHEAD FIBER OPTICS LINE EASEMENT OVER AND ACROSS COUNTY OWNED REAL PROPERTY TO EWEB, MAP NO. 17-04-14-21, TAX LOT 00101, BY DONATION.

WHEREAS, the Eugene Water and Electric Board (EWEB) is in the process of installing a security system for its pump station and 20 million-gallon reservoir located at 1000 Ruby Lane, Eugene, Oregon; and

WHEREAS, EWEB has requested that Lane County grant a perpetual overhead fiber optics line easement to support the security system by donation; and

WHEREAS, the Lane County-owned property will be made subject to the Perpetual, Overhead Fiber Optics Line Easement, identified as Tax Lot 101 as shown on Assessor’s Map 17-04-14-21; and

WHEREAS, ORS 271.310 provides the County may sell, exchange, convey or lease all or any part of its interest in property to a governmental body, private corporation or individual whenever the public interest may be furthered; and

WHEREAS, the easement will be a benefit to the County and City of Eugene by providing better security for the reservoir; and

NOW, THEREFORE, the Board of County Commissioners of Lane County ORDERS as follows:

IT IS ORDERED the Board authorize the execution of the easement in the form as shown on “EXHIBIT A.”

IT IS FURTHER ORDERED this Order shall be entered into the records of the Board of Commissioners of the County.

ADOPTED this [20th] day of [October], 2020.

Heather Buch, Chair
Lane County Board of Commissioners
BE IT KNOWN, THAT LANE COUNTY, a political subdivision of the State of Oregon, the Grantor herein, does hereby covenant that the Grantor is the owner of the following referenced real property in Lane County, Oregon to wit:

That parcel of land conveyed to Grantor by that certain WARRANTY DEED, recorded on November 22, 1961, as Instrument Number 510225, REEL 0183D, Lane County OFFICIAL Records, Lane County, Oregon.

The undersigned, as Grantor, does hereby grant unto the CITY OF EUGENE, LANE COUNTY, OREGON, by and through the EUGENE WATER & ELECTRIC BOARD, 500 E. 4th Avenue, Eugene, Oregon 97401 (EWES), as Grantee, a perpetual easement for utility purposes to construct, maintain and repair, remove and replace overhead Fiber Optic line facilities; over, and across the above-referenced real property along the route and location as actually constructed and installed. Said easement being more particularly described as follows:

Legal Description: See attached Exhibit A.

Other than the agreements herein contained there is no consideration for this conveyance.

The Grantor herein acknowledges that any and all equipment or replacement thereof, installed in or upon said real property by said Grantee, shall remain the sole property of said Grantee and may be removed from said real property at any time at the discretion of Grantee.

The Grantee and its joint users with whom it contracts shall at all times have the rights and privileges therein necessary for the full enjoyment and use thereof for the purpose above described, including the right of ingress and egress across the real property of the Grantors over the most convenient and practical route. Grantee shall have rights to trim trees and shrubbery as needed for installation and maintenance of said utility facilities. Grantee agrees to return the easement area to the condition that existed prior to Grantee's work.

At no time shall any structure or sign be erected or placed on said easement area without prior written consent of Grantee. Subject to the foregoing limitations said easement area may be used by the Grantor for any purpose not inconsistent with said easement.

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever; and the rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned have executed this instrument the __ day of __________, 2020.

GRANTOR:

STATE OF OREGON )
COUNTY OF LANE )

On this __ day of __________, 2020, before me personally appeared the within named __________ who did acknowledge that he is the __________ of the LANE COUNTY, a political subdivision of the State of Oregon and that s/he has executed the within instrument freely and voluntarily and with the proper authority on behalf of the LANE COUNTY, a political subdivision of the State of Oregon.

Notary Public - Oregon

EWES accepts this conveyance of real property or easement. Approved by: ___________________________

Title: ___________________________

After recording send document to:
EUGENE WATER & ELECTRIC BOARD
500 E. 4th Ave., Eugene, OR 97401
Oct-20 J-Chief HAXBY
WO # 2002042 Ferc #0-360-00
Exhibit A

Easement Description

A strip of land located in Parker Bryan DLC #49, T17S, R4W of the Willamette Meridian, Lane County Oregon, having a width of 5ft, being 2.5ft on each side of the following described centerline:

Commencing at a railroad rail set at the Southwest corner of a parcel of land conveyed in warranty deed recorded on July 15, 1976 in Reel 803R, Inst #76-35543, Lane County Official Records and being 155ft Northerly from engineers centerline station L^2 68+83.11 P.O.T. of County Road No. 1353 (Beltline Road); thence N89°55'50"E along the South line of said Deed Reel 803R, inst #76-35543 a distance of 128.18ft to the True Point of Beginning of this easement; thence S44°09'21"E 83.40ft more or less to the North line of that parcel of land conveyed on June 22, 1966 in Reel 2890 Inst #51764, Lane County Official Records and ending this easement centerline. The sidelines of this easement are extended and shortened to intersect the parcel boundaries.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

O R E G O N
BRENT W. BACON
2000

Renews 12-31-2021
BE IT KNOWN, THAT LANE COUNTY, a political subdivision of the State of Oregon, the Grantor herein, does hereby covenant that the Grantor is the owner of the following referenced real property in Lane County, Oregon to-wit:

That parcel of land conveyed to Grantor by that certain WARRANTY DEED, recorded on November 22, 1961, as Instrument Number 510225, REEL 0183D, Lane County OFFICIAL Records, Lane County, Oregon.

The undersigned, as Grantor, does hereby grant unto the CITY OF EUGENE, LANE COUNTY, OREGON, by and through the EUGENE WATER & ELECTRIC BOARD, 500 E. 4th Avenue, Eugene, Oregon 97401 (EWEB), as Grantee, a perpetual easement for utility purposes to construct, maintain and repair, remove and replace overhead Fiber Optic line facilities; over, and across the above-referenced real property along the route and location as actually constructed and installed. Said easement being more particularly described as follows:

Legal Description: See attached Exhibit A.

Other than the agreements herein contained there is no consideration for this conveyance.

The Grantor herein acknowledges that any and all equipment or replacement thereof, installed in or upon said real property by said Grantee, shall remain the sole property of said Grantee and may be removed from said real property at any time at the discretion of Grantee.

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TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever; and the rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned have executed this instrument the __ day of _______, 2020.

GRANTOR:

STATE OF OREGON  
COUNTY OF LANE  

On this __ day of ____________, 2020, before me personally appeared the within named ______________ who did acknowledge that he is the ______________ of the LANE COUNTY, a political subdivision of the State of Oregon and that s/he has executed the within instrument freely and voluntarily and with the proper authority on behalf of the LANE COUNTY, a political subdivision of the State of Oregon.

Notary Public - Oregon

EWEB accepts this conveyance of real property or easement. Approved by: ____________________

Title: ____________________

After recording send document to: Map #17-04-14-21 TL 00101  
EUGENE WATER & ELECTRIC BOARD  
LANE COUNTY, Ease.DOC  
500 E. 4th Ave., Eugene, OR 97401  
Oct-20  
J-Chief HAXBY  
WO # 2002042  
Ferc #0-360-00
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Registered Professional Land Surveyor

Renews 12-31-2021