

STAFF REPORT

For Meeting of February 22, 2016

MAYOR AND MEMBERS OF THE CITY COUNCIL

Agenda Item #

NO. 2016-

**SUBJECT: Res.
2016 UEC Easement**

Subject

Resolution 2016 will authorize granting to the Umatilla Electric Cooperative (UEC) a utility easement along the west twenty-five feet of City land abutting Geer Road, beginning at the southeast corner of the intersection of Geer Road and W. Dusk Avenue.

Summary and Background

UEC has a 69 kilovolt powerline along Geer Road which is located in the county right of way. UEC is planning to rebuild and make certain improvements to its powerline. As part of those improvements, UEC would like to move the powerline outside of the Geer Road right of way so it does not have to move the powerline again if the width of Geer Road is widened to the limit of the right of way.

Fiscal Information

There is no fiscal impact to the City by granting this easement to UEC. There may be a physical impact to the affected City property since any future use of the twenty-five-foot strip by the City will be subject to the easement.

Alternatives and Recommendation

Alternatives The council has the binary option of either granting the easement to UEC or denying to grant the easement to UEC.

Recommendation City staff, including the departments of Parks and Recreation, Recycled Water and Water, has reviewed UEC's request and recommends granting the easement.

Requested Action/Motion

Motion to approve Resolution No. 2016

Reviewed by:



Department Head

City Manager Approval



City of Hermiston

RESOLUTION NO. 2016

A RESOLUTION APPROVING THE GRANT OF A UTILITY EASEMENT TO UMATILLA ELECTRIC COOPERATIVE ALONG THE WEST TWENTY-FIVE FEET OF CITY LAND ABUTTING GEER ROAD BEGINNING AT THE SOUTHEAST CORNER OF THE INTERSECTION OF GEER ROAD AND W. DUSK AVENUE, AND AUTHORIZING THE CITY MANAGER TO SIGN THE EASEMENT GRANT ON BEHALF OF THE CITY OF HERMISTON

WHEREAS, the Umatilla Electric Cooperative (UEC) currently has a powerline along Geer Road which is located in the county right of way;

WHEREAS, UEC is planning to rebuild the powerline and increase the electrical current from 69 kilovolts to 115 kilovolts and make other improvements to the powerline; and

WHEREAS, those improvements include moving the powerline onto UEC easements outside of the Geer Road right of way to avoid moving the powerline again if Geer Road is ever fully developed; now, therefore,

IT IS RESOLVED that the form, terms and provisions of the draft of the Easement copies of which have been presented to and reviewed by the Council, be, and they are, in all respects, hereby approved and adopted;

IT IS FURTHER RESOLVED that the City Manager be, and is, hereby authorized to execute and deliver the Easement to UEC substantially in the form heretofore approved and adopted by the City Council; and

IT IS FINALLY RESOLVED that pursuant to the City Charter and ORS 221.310(3), this resolution is effective immediately upon its passage.

Dated this 22nd day of February, 2016.

CITY OF HERMISTON

ATTEST:

Mayor

City Recorder

NW 1/4 SECTION 3, TWP. 4N R1G. 28E

NE 1/4 SECTION 3, TWP. 4N R1G. 28E

GEER ROAD

*Existing
Power Line*

OHE OHE OHE OHE

25.0'



NW DUSK AVENUE

BUILDING

1" = 20'

AFTER RECORDING, RETURN TO:

Umatilla Electric Cooperative
P.O. Box 1148
Hermiston, Oregon 97838

UEC REFERENCE: Tax Lot #4000

EASEMENT

The City of Hermiston, a municipal corporation of the State of Oregon, Grantor(s), for good and valuable consideration, receipt of which is hereby acknowledged, grants to Umatilla Electric Cooperative, an Oregon cooperative corporation, Grantee, and to its licensees, successors or assigns, a perpetual and exclusive easement and right of way, the purpose of which is to construct, operate, maintain, repair and replace utility lines and facilities, including, but not limited to, lines for the transmission or distribution of electrical power, telephone lines, television and communication lines, or any related system and facilities on, across, over, or under a strip of land in Umatilla County, Oregon, Township 4 North, Range 28 East of the Willamette Meridian, Section 03, and more particularly described as follows:

The west 25 feet of the real property described in a Bargain and Sale Deed, recorded in Umatilla County, Oregon as Document Number 2003-4510441, dated November 5, 2003.

Grantor(s) further grants the right to inspect and make repairs, changes, alterations, improvements, removals from, substitutions and additions to the facilities as Grantee may from time to time deem advisable, including, by way of example and not by way of limitation, the right to increase or decrease the number of conduits, wires, cables, handholes, manholes, connection boxes, transformers and transformer enclosures; to cut, trim and control the growth by chemical means, machinery or otherwise of trees, shrubbery and vegetation located within the easement area (including any control of the growth of other vegetation in the easement area which may incidentally and necessarily result from the means of control employed); to fell or trim any trees or brush located on Grantor's land adjoining the above described easement area which may pose a hazard to the operation of the facilities within the easement area; to keep the easement clear of all buildings, structures or other obstructions; to license, permit or otherwise agree to the joint use or occupancy of the lines, system or, if any of said system is placed underground, of the trench and related underground facilities, by any other person, association or corporation; and to cross over and to install guys and anchors on Grantor's land adjoining the above described easement area.

Grantor agrees that all poles, wires and other facilities including any equipment, installed in, upon or under the above-described lands at the Grantee's expense shall remain the property of the Grantee, removable at the option of the Grantee.

Grantor covenants that it is the owner of the above-described lands.

DATED this 23rd day of February, 2016.

Byron D. Smith
Title of Officer: City Manager
For City of Hermiston

STATE OF OREGON)
) ss.
County of Umatilla)

THIS CERTIFIES that on this 23rd day of February, 2016, before me the undersigned personally appeared the above named Byron D. Smith who is the City Manager for the City of Hermiston, a municipal corporation of the State of Oregon, on behalf of the corporation, known to me to be the identical person(s) described in and who executed the foregoing instrument and acknowledged to me that he executed the same.

Before me: _____
Notary Public for Oregon

UMATILLA ELECTRIC COOPERATIVE
P.O. Box 1148
Hermiston, OR 97838

EXHIBIT "A"

Said centerline is shown for illustration purposes only

EASEMENT LOCATION

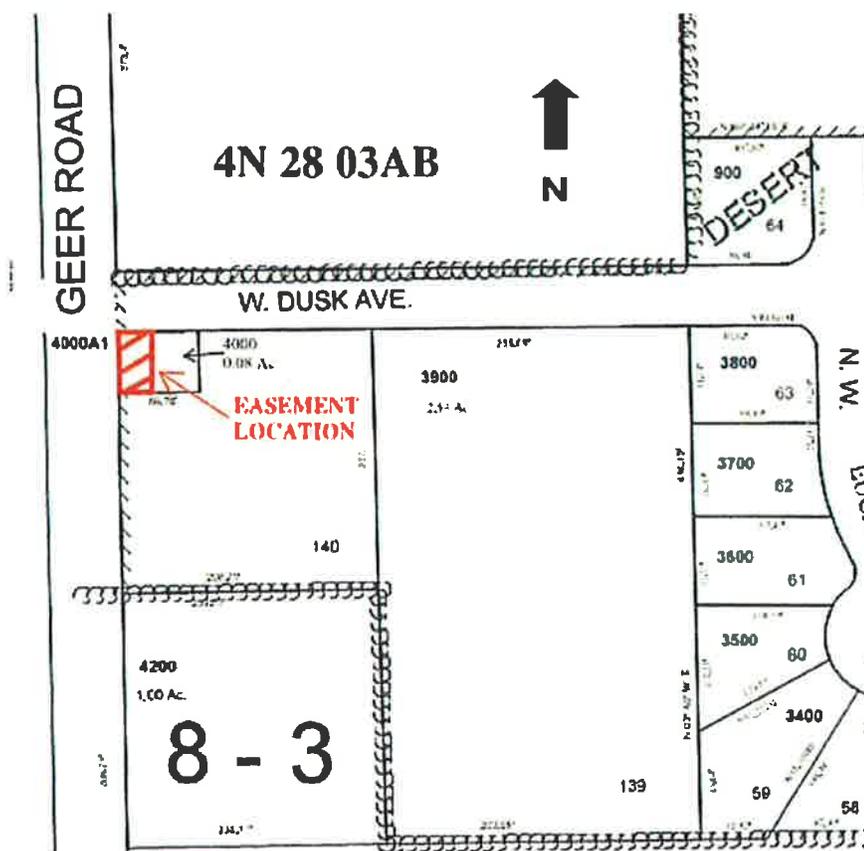


Illustration NOT TO SCALE
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