



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT

Date: August 12, 2014
To: Prineville City Council
From: Phil Stenbeck, Planning Director
Re: Intergovernmental Agreement (IGA) with Crook County.

Over the past sixteen years, changes have occurred to the City's Wastewater and Water System under the guidance of the Public Works Director/City Engineer. These changes/improvements were needed to sustain the quality of water and sewer infrastructure we enjoy today in Prineville.

A number of the changes were made on land owned by the County, whereby the County granted the City easements for access and utility purposes upon County owned land.

Recently the County has had discussions with the City Manager and City Attorney about the number of easements that have been granted and how this is being tracked. The County has also expressed an interest in being compensated for the easements.

In follow-up to this discussion, City staff have researched the easements and have crafted what City staff believe is a reasonable approach to addressing this concern by the County.

Attached as Exhibit A to this report is a **DRAFT** Intergovernmental Agreement (IGA). City Staff believe this IGA is a reasonable way of addressing the concerns of the County. The IGA provides a formula for compensating the County for easements granted to the City, thereby establishing a mechanism for City/County interaction on this subject.

City staff is requesting the City Council review the proposed IGA, and discuss the proposed IGA at the August 12, 2014 City Council meeting.

c: Steve Forrester, City Manager
Carl Dutli, City Counsel
Eric Klann, City Engineer

Exhibit A – **DRAFT** City/County Intergovernmental Agreement (IGA).

Draft

INTERGOVERNMENTAL AGREEMENT

REGARDING WATER SYSTEM DEVELOPMENT CHARGE (SDC) CREDIT

Effective this ____ day of August, 2014, this Intergovernmental Agreement ("IGA") is entered into by and between Crook County, a political subdivision of the State of Oregon (the "County") and the City of Prineville, a municipal corporation of the State of Oregon (the "City"), collectively the "Parties" and individually a "Party."

RECITALS

A. On or about July 22, 2014, November 13, 2012, February 15, 2012, and November 4, 2011, County granted to City certain easements on County owned real property for purposes related to the City's municipal water system;

B. The easements between County as grantor and City as grantee were recorded in the official real property records of Crook County, Oregon, on the following dates and with the following microfilm numbers:

- i. Microfilm No. 2012-255245, recorded on November 13, 2012 attached as Exhibit B.i.;
- ii. Microfilm No. 2012-250762, recorded on February 14, 2012 attached as Exhibit B.ii.;
- iii. Microfilm No. 2011-103, recorded on November 4, 2011 and modified by B. ii above. Attached as Exhibit B.iii.
- iv. CC#: 11231 WO#: 5796098 signed on July 22, 2014. Attached as Exhibit B.iv.

C. The Parties have agreed that in consideration for County granting the above-referenced easements to City for its municipal water system, City shall grant County System Development Charge (SDC) credit to be applied to one or more County owned parcels at the County's sole discretion and as more fully described below.

AGREEMENT

Based upon the following covenants, the Parties agree as follows:

1. The above recitals are made a part of this IGA.
2. City grants to the County a water System Development Charge (SDC) credit in the amount of \$250,040.00 to be applied to one or more County owned parcels or real property as determined by County at its sole discretion.

The SDC credit amount has been determined by the easement area found in Recital B above, a total of 7.144 acres, multiplied by \$35,000.00 an acre, for a grand total of \$250,040.00.

3. The SDC credit shall be used to satisfy payments that would otherwise be due to the City ~~from the County~~ for water SDC charges otherwise payable for water supply, treatment, storage, and distribution, but not for any other SDC charges, including but not limited to waste water, transportation, or surface water SDCs.

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4. Claims for SDC credit pursuant to this IGA are fully assignable by the County without the written consent of the City. Copies of any assignment of said credit shall be approved by the County and the assignee and delivered to the City.

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5. SDC credits shall be offset against the SDC fees in effect when such fees are paid due.

6. No interest shall accrue on the SDC credit established by this Agreement.

7. The terms of this IGA shall be binding upon and inure to the benefit of each of the Parties.

8. Neither Party is, by virtue of this IGA, a partner or joint venturer with the other Party, and neither party shall have any obligation with respect to the other Party's debts or liabilities of whatever kind or nature.

9. The failure of either Party to enforce any provision of this IGA shall not constitute a waiver by that Party of that provision or of any other provision of this IGA.

10. Should any provision or provisions of this IGA be construed by a court of competent jurisdiction to be void, invalid, or unenforceable, such construction shall affect only the provision or provisions so construed, and shall not affect, impair, or invalidate any of the other provisions of this IGA which shall remain in full force and effect.

11. This IGA constitutes the entire Agreement between the Parties concerning the subject matter hereof, and supersedes any and all prior or contemporaneous agreements or understandings between the Parties, if any, whether written or oral, concerning the subject matter of this IGA which are not fully expressed herein.

12. This IGA shall supersede and replace that Promissory Note between City and County dated October 12, 2011.

CROOK COUNTY

CITY OF PRINEVILLE

By: _____
Mike McCabe, Crook County Judge

By: _____
Bette J. Roppe, Mayor

By: _____
Ken Fahlgren, County Commissioner

By: _____
Steve Forrester, City Manager

By: _____
Seth Crawford, County Commissioner

Date: _____, 2014

Date: _____, 2014

After Recording Return To:
Dutli & Borneman, LLP
545 NE Seventh Street
Prineville, OR 97754

EXHIBIT — B.i.

Crook County Official Records 2012-255245
DEED-ESMT 11/13/12 04:07 PM
Total Fees: \$89.00
\$45.00 \$11.00 \$16.00 \$2.00 \$5.00 \$10.00



01077434201202552450090097

I, Deanna Berman, County Clerk for Crook
County, Oregon, certify that the instrument
identified herein was recorded in the Clerk
records.



Deanna Berman

ENTERED NOV 19 2012

EASEMENT

THIS EASEMENT ("Easement") is entered into this 3 day of Oct., 2012, by and between Crook County, a political subdivision of the State of Oregon, (hereafter "County") and the City of Prineville, an Oregon municipal corporation, its successors and assigns, (hereafter "City").

RECITALS:

- A. County owns real property in Crook County, Oregon, described as Tax Lot 300 in Section 11 in Township 15 South, Range 15 East of the Willamette Meridian (hereafter the "Property").
- B. City has drilled test wells at two different locations on the Property and has determined that the test wells have sufficient water quantity and quality to be used for municipal water wells. City has identified the location of the two wells on the Property upon which to locate easements to place a water well or water wells and other structures and appurtenants to be used for production of municipal water wells.
- C. City desires to drill a monitoring well on the Property to enable City to monitor the water level in the aquifer below the Property.
- D. The parties have agreed on the terms of the Easement and desire to memorialize their agreement.

FOR GOOD AND valuable consideration, receipt of which is hereby acknowledged, including the following covenants, the parties agree as follows:

- 1. County hereby grants to City:
 - a. A perpetual, exclusive easement to use the portion of the property described as the well easement on Exhibit 1 attached hereto and by this reference made a part hereof for municipal well purposes. The well described on Exhibit 1 is hereafter referred to as "Well No. 1."
 - b. A perpetual, exclusive easement to use the portion of the property described on Exhibit 2 attached hereto and by this reference made a part hereof for municipal well purposes. The well described on Exhibit 2 is hereafter referred to as "Well No. 2."

c. A perpetual 30-foot wide non-exclusive easement to use the portion of the Property described on Exhibit 1, as well access easement for access from George Millican Road to Well No. 1 and for the placement, replacement, maintenance, repair, and operation of electrical lines and water lines to be used in the operation of Well No. 1 and to provide water from Well No. 1 to the City's municipal water system (the "Access Easement"). Upon any excavation of the Access Easement by City or its employees, agents, or contractors, City shall restore the Access Easement to the same condition that existed prior to such excavation. No permanent improvements or vegetation, other than grass, shall be placed on the Access Easement.

d. A perpetual, non-exclusive easement to use the portion of the Property described on Exhibit 3 attached hereto and by this reference made a part hereof for a monitoring well. In conjunction with such well, the City shall have the right to drill, redrill, maintain, repair, and operate a monitoring well, and to locate equipment to be used to monitor water in the aquifer below the Property. The City and their employees, agents, and contractors shall also have the right of access across the Property to and from the easement area described on Exhibit 3 at a location acceptable to City.

2. As used in paragraph 1 above, municipal well purposes shall include, but not be limited to drilling and developing a municipal water production well or wells, construction of a well house or well houses, construction of security fence on the perimeter of the easements, or any of them, and maintaining and repairing the wells, fences, and associated plumbing and electrical connections, and the well house or houses.

3. City shall procure, at City's expense, an access permit for access off George Millican Road to the Access Easement at a location approved by County, which approval shall not be unreasonably withheld.

4. The easements granted by this document are subject to all prior easements or encumbrances of record.

5. City and County acknowledge that these wells, and their respective easements, are located near US Highway 126. Highway 126, and especially near the intersection with George Millican Road, is the subject of proposed traffic safety changes the details of which are not finalized. City and County acknowledge that the implementation of these changes, consistent with the adopted Highway 126 Corridor Plan, is of critical importance to both City and County and may require the relocation of the water wells. If such relocation is required, City and County agree in good faith to

work together to assist each other in the relocation of the wells, upon terms which they may later agree.

Crook County

By: Mike McCabe
Mike McCabe, County Judge

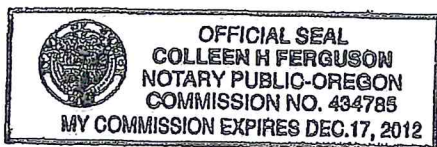
By: Ken Fahlgren
Ken Fahlgren, Commissioner

By: Seth Crawford
Seth Crawford, Commissioner

STATE OF OREGON)
)ss.
County of Crook)

Personally appeared the above-named Mike McCabe, County Judge, Ken Fahlgren, Commissioner, and Seth Crawford, Commissioner, for Crook County and acknowledged the foregoing instrument to be their voluntary act and deed on behalf of Crook County this 3rd day of ~~July~~, 2012.

October



Colleen H. Ferguson
Notary Public for Oregon
My Commission Expires: 12-17-2012

City of Prineville

By: Steve Forrester
Steve Forrester, City Manager

By: Betty J. Roppe
Betty J. Roppe, Mayor

STATE OF OREGON)
)ss.
County of Crook)

Personally appeared the above-named Steve Forrester, City Manager, and Betty J. Roppe, Mayor, for the City of Prineville and acknowledged the foregoing instrument to be their voluntary act and deed on behalf of the City this 31st day of ~~July~~, 2012.

October



Lisa K. Morgan
Notary Public for Oregon
My Commission Expires: 9-11-16

Armstrong Surveying & Engineering, Inc.

267 NE Second Street, STE 100 - Prineville, Oregon 97754 (541) 447-7791 - fax: (541) 416-1602

**LEGAL DESCRIPTION FOR A WELL EASEMENT AND WELL ACCESS
EASEMENT LOCATED IN THE SE1/4 OF SECTION 11, T.15S., R.15E., W.M.,
CROOK COUNTY, OREGON
W.O. 12-4232.**

LEGAL DESCRIPTION

Legal description for a well easement located in Parcel 2 of Partition Plat No. 2011-08, Records of Crook County, Oregon in the Southeast one-quarter (SE1/4) of Section 11, Township 15 South, Range 15 East, Willamette Meridian, Crook County, Oregon, more particularly described as follows: Beginning at the South one-quarter corner of said Section 11, thence North $89^{\circ}50'13''$ East along the South line of said Section 11 a distance of 112.61 feet to the TRUE POINT OF BEGINNING of this legal description; thence North $00^{\circ}09'47''$ West a distance of 300.00 feet; thence North $89^{\circ}50'13''$ East a distance of 300.00 feet; thence South $00^{\circ}09'47''$ East a distance of 300.00 feet to the South line of said Section 11; thence South $89^{\circ}50'13''$ West along said South line of Section 11 a distance of 300.00 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a well access easement described as follows: Beginning at the South one-quarter corner of said Section 11, thence North $89^{\circ}50'13''$ East along the South line of said Section 11 a distance of 412.61 feet to the TRUE POINT OF BEGINNING of this legal description; thence North $89^{\circ}50'13''$ East along said South line of Section 11 a distance of 933.85 feet to the West right-of-way line of Millican Road; thence North $00^{\circ}29'43''$ East along said right-of-way line a distance of 30.00 feet; thence South $89^{\circ}50'13''$ West a distance of 934.20 feet; thence South $00^{\circ}09'47''$ East a distance of 30.00 feet to the TRUE POINT OF BEGINNING.



EXHIBIT MAP FOR A WELL
EASEMENT LOCATED IN THE SE1/4
OF SECTION 11, T.15S., R.15E.,
W.M., CROOK COUNTY, OREGON
W.O. 12-4232

MILLIGAN ROAD

N00°29'43"E
30.00'

(.64) ACRES

S89°50'13"W - 934.20'

933.85'

N89°50'13"E - 1345.46'

TRUE POINT OF
BEGINNING
WELL ACCESS
EASEMENT

N89°50'13"E - 300.00'

N00°09'47"W - 300.00'

TRUE POINT OF
BEGINNING
WELL EASEMENT

POINT OF
BEGINNING
LEGAL
DESCRIPTIONS

12.61'

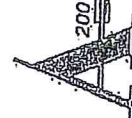
1/4 S11

S14



SCALE

1" = 200'



MAY 13, 2012

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Todd R. Gatterson

5/13/12 OREGON
JAN. 15, 2002
TODD R. GATTERSON
55270

REVISED 12/31/13

Exhibit 1
Page 2 of 2

Armstrong Surveying & Engineering, Inc.

267 NE Second Street, STE 100 - Prineville, Oregon 97754 (541) 447-7791 - Fax (541) 416-1602

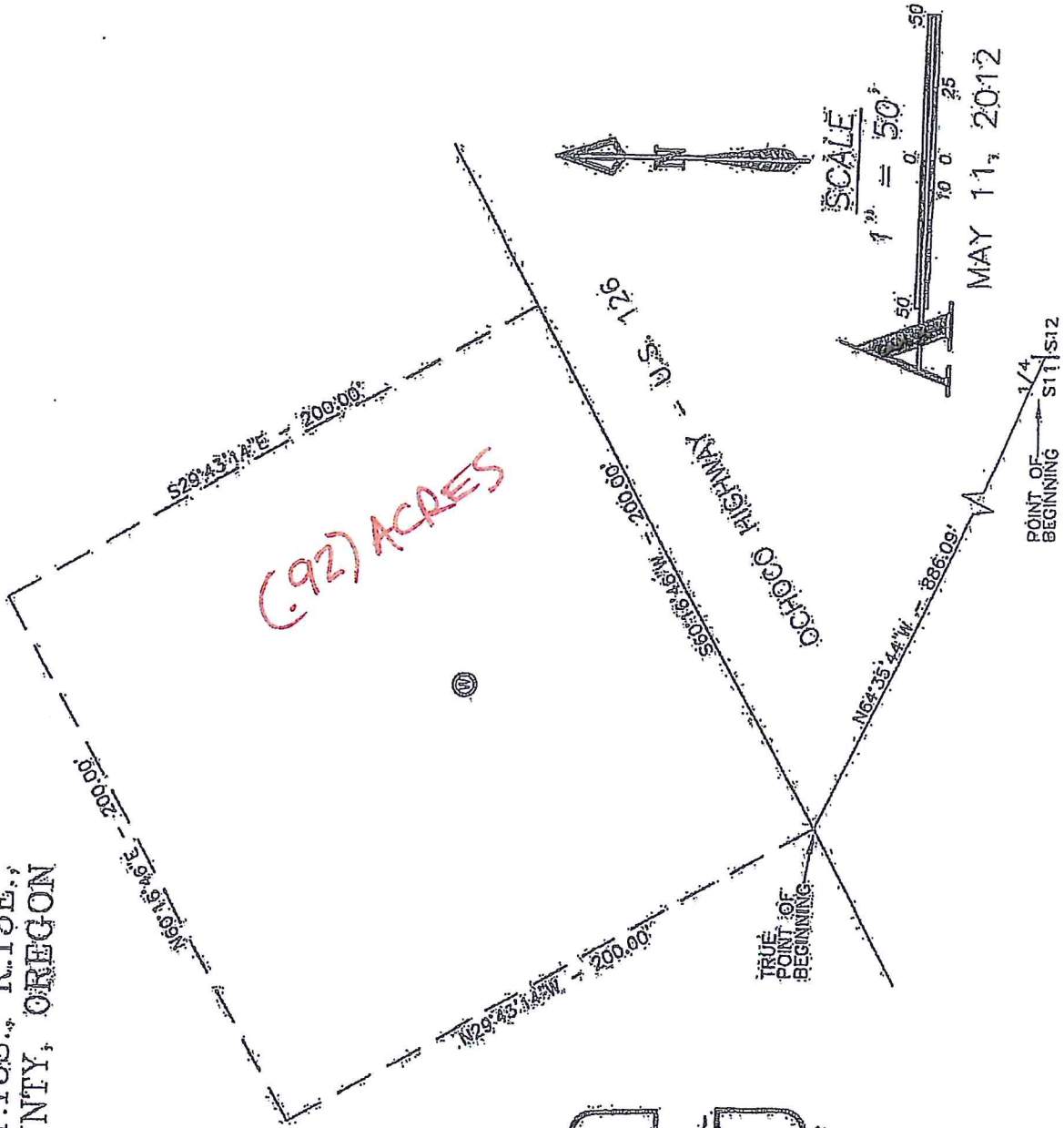
LEGAL DESCRIPTION FOR A WELL EASEMENT LOCATED IN THE NE1/4 OF
SECTION 11, T.15S., R.15E., W.M., CROOK COUNTY, OREGON,
W.O. 12-4232

LEGAL DESCRIPTION

Legal description for a well easement located in Parcel 2 of Partition Plat No. 2011-08, Records of Crook County, Oregon in the Northeast one-quarter (NE1/4) of Section 11, Township 15 South, Range 15 East, Willamette Meridian, Crook County, Oregon, more particularly described as follows: Beginning at the East one-quarter corner of said Section 11, thence North $64^{\circ}35'44''$ West a distance of 886.09 feet to the TRUE POINT OF BEGINNING of this description, said point being located on the Northerly right-of-way line of Ochoco Highway - U.S. 126; thence North $29^{\circ}43'14''$ West a distance of 200.00 feet; thence North $60^{\circ}16'46''$ East a distance of 200.00 feet; thence South $29^{\circ}43'14''$ East a distance of 200.00 feet to said Northerly right-of-way line of Ochoco Highway - U.S. 126; thence South $60^{\circ}16'46''$ West along said right-of-way line a distance of 200.00 feet to the TRUE POINT OF BEGINNING.



EXHIBIT MAP FOR A WELL
 EASEMENT LOCATED IN THE NE1/4
 OF SECTION 11, T.15S., R.15E.,
 W.M., CROOK COUNTY, OREGON
 W.O. 12-4232



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John R. Gatterson

STATE OF OREGON
 JAN 15, 2002
 TODD R. GATTERSON
 53270

RENEWED 12/12/13

Exhibit 2
 page 2 of 2

Armstrong Surveying & Engineering, Inc.

267 NE Second Street, STE 100 - Prineville, Oregon 97754 (541) 447-7791 - fax (541) 416-1602

LEGAL DESCRIPTION FOR A WELL EASEMENT LOCATED IN THE SW 1/4 OF SECTION 11, T.15S., R.15E., W.M., CROOK COUNTY, OREGON W.O. 12-4232.

LEGAL DESCRIPTION:

Legal description for a well easement located in Parcel 2 of Partition Plat No. 2011-08, Records of Crook County, Oregon in the Southwest one-quarter (SW 1/4) of Section 11, Township 15 South, Range 15 East, Willamette Meridian, Crook County, Oregon, more particularly described as follows: Beginning at the Southwest corner of said Section 11, thence North 56°33'51" East a distance of 1802.20 feet to the TRUE POINT OF BEGINNING of this legal description; thence North 44°56'41" East a distance of 277.82 feet; thence South 45°05'49" East a distance of 180.92 feet, more or less, to the Northerly right-of-way line of Ochoco Highway - U.S. 126; thence South 50°28'02" West along said right-of-way line a distance of 279.36 feet; thence North 45°00'52" West a distance of 154.04 feet to the TRUE POINT OF BEGINNING.

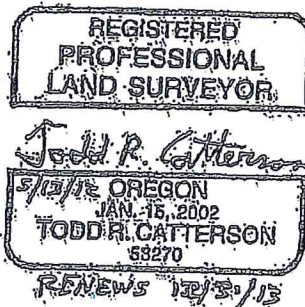


EXHIBIT MAP FOR A WELL
EASEMENT LOCATED IN THE SW1/4
OF SECTION 11, T.15S., R.15E.,
W.M.; CROOK COUNTY, OREGON
W.O. 12-4232

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Todd R. Gatterson

STATE OF OREGON
JAN 15 2002
TODD R. GATTERSON
55270

RENEWED 12/31/12

(1.07) ACRES

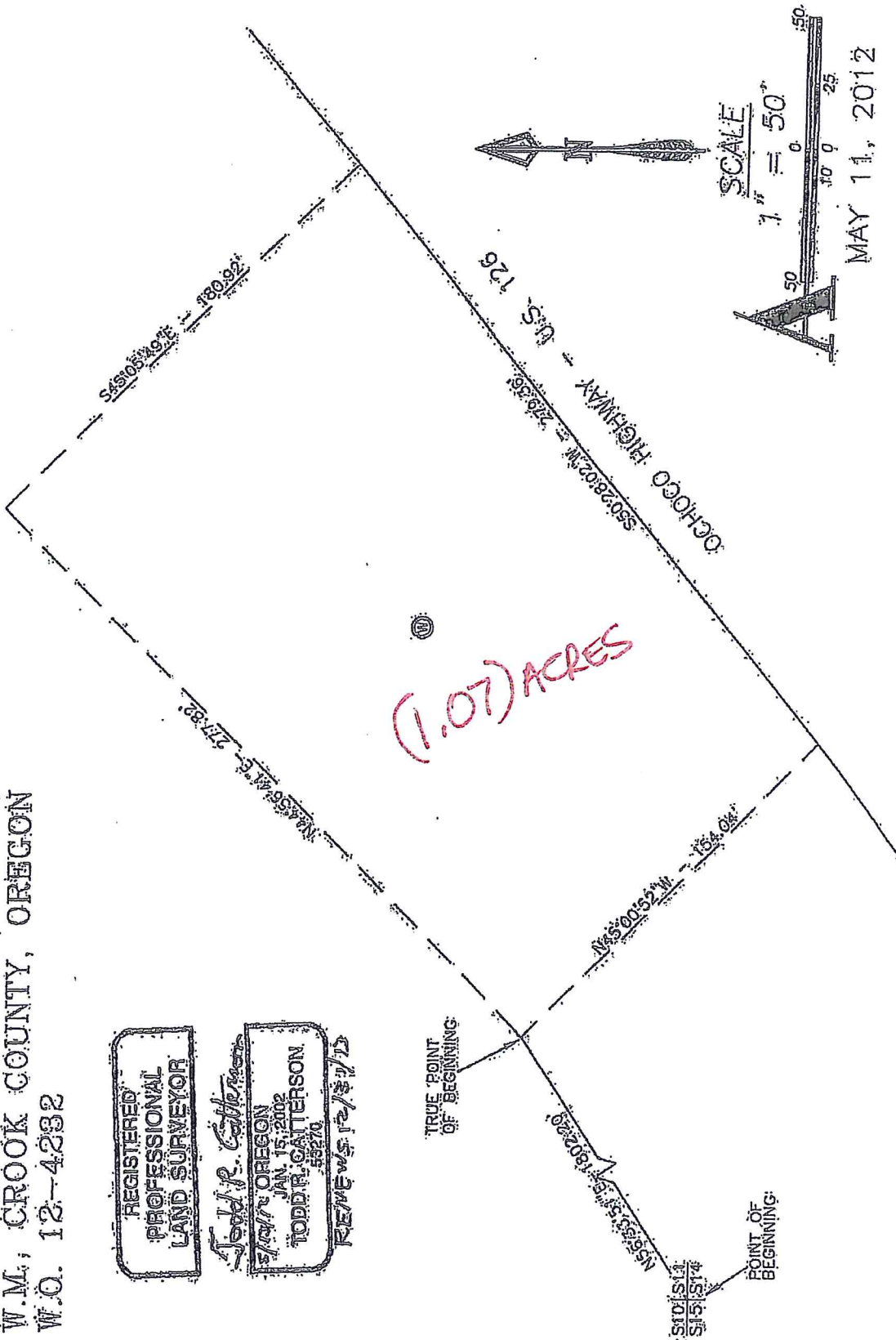


Exhibit 3
Page 2 of 2

EXHIBIT-B. ii.

After Recording Return To:
Dutli & Borneman, LLP
545 NE Seventh Street
Prineville, OR 97754

Grantor's Address:
300 NE Third Street
Prineville, OR 97754

Grantee's Address:
387 NE Third Street
Prineville, OR 97754

Crook County Official Records 2012-250762
DEED-MODIFY 02/14/12 01:56 PM
Total Fees: \$59.00
\$15.00 \$11.00 \$16.00 \$2.00 \$5.00 \$10.00



01071027201202507620030031

I, Deanna Berman, County Clerk for Crook County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Deanna Berman



MODIFICATION OF EASEMENT ENTERED FEB 15 2012

THIS MODIFICATION of Easement is entered into this 1st day of February, 2012, by and between Crook County, a political subdivision of the State of Oregon (hereafter "Grantor") and the City of Prineville, an Oregon municipal corporation (hereafter "Grantee").

RECITALS:

- A. Grantor and Grantee entered into an Easement recorded November 4, 2011, as MF No. 2011-103 Commissioner's Journal Records of the Crook County, Oregon (hereafter the "Easement").
- B. Under the terms of the Easement, Grantor granted Grantee a public utility and road access easement (hereafter "Access Easement") and easement for water storage tanks and appurtenant uses (hereafter "Storage Tank Easement") on Grantor's property described in the Easement.
- C. The parties desire to amend the Easement to expand the size of the Storage Tank Easement, widen the Access Easement, and allow other public utilities use of the Storage Tank Easement area.

FOR GOOD AND valuable consideration, the receipt of which is hereby acknowledged by Grantor, the parties agree as follows:

1. The Easement is amended in the following respects:

- a. In addition to the uses granted in the Easement, Grantor grants to Grantee the right to authorize other providers of public utilities to use the Storage Tank Easement for the placement, replacement, maintenance, repair, and operation of public utilities.
- b. The Storage Tank Easement is increased in size from approximately 1.15 acres to approximately 1.25 acres. The width of the Access Easement is increased in size from 60 feet to 80 feet.
- c. The legal descriptions of the Storage Tank Easement and the Access Easement are described on Exhibit A attached hereto and by this reference made a part hereof.

2. In all other respects, the Easement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed effective the date first written above.

59.00
378

Armstrong Surveying & Engineering, Inc.

267 NE Second Street, STE 100 - Prineville, Oregon 97754-(541) 447-7791 - fax: (541) 416-1602

WATER STORAGE TANK, PUBLIC UTILITY AND ROAD ACCESS EASEMENT LOCATED IN THE SE1/4 OF SECTION 1 AND IN THE NE1/4 OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M., CROOK COUNTY, OREGON
W.O. 11-4132 REVISED

LEGAL DESCRIPTION

An easement for water storage tank and appurtenant uses located in the Southeast one-quarter (SE1/4) of Section 1, Township 15 South, Range 15 East, W.M., Crook County, Oregon, more particularly described as follows: Beginning at the South one-quarter corner of said Section 1, thence North 00°01'36" East along the west line of said SE1/4 a distance of 248.13 feet to the TRUE POINT OF BEGINNING of this legal description. Thence continuing along said west line North 00°01'36" East a distance of 220.93 feet, more or less, to the southerly line of that public utility easement conveyed to the City of Prineville in Deeds MF 138446, Records of Crook County, Oregon; thence North 64°54'29" East along said southerly line a distance of 155.82 feet; thence North 64°55'59" East along said southerly line a distance of 116.26 feet; thence South 00°01'36" West a distance of 221.00 feet; thence South 64°55'59" West a distance of 272.05 feet to the TRUE POINT OF BEGINNING.

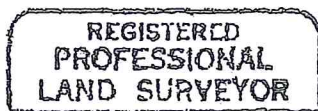
(1.38) ACRES

ALSO TOGETHER WITH a non-exclusive easement for public utility and road access purposes variable in width located in the Southeast one-quarter (SE1/4) of Section 1 and in the Northeast one-quarter (NE1/4) of Section 12, Township 15 South, Range 15 East, W.M., Crook County, Oregon, and being appurtenant to the previously described water storage tank easement, more particularly described as follows: Beginning at the South one-quarter corner of said Section 1, thence South 89°21'05" East along the south line of said Section 1 a distance of 30.00 feet to a point on the east right of way line of Baldwin Road, being the TRUE POINT OF BEGINNING of this legal description. Thence North 00°29'58" East along said east right of way line a distance of 3.37 feet; thence North 12°00'28" West along said east right of way line a distance of 144.01 feet to the west line of said SE1/4; thence North 00°01'36" East along said line a distance of 104.24 feet to the southwest corner of said water storage tank easement; thence North 64°55'59" East along the southerly line of said storage tank easement a distance of 88.34 feet; thence South 00°01'36" West a distance of 286.46 feet to the south line of said SE1/4; thence North 89°21'05" along said south line a distance of 20.01 feet; thence South 00°29'58" West a distance of 859.84 feet; thence North 89°30'02" West a distance of 30.00 feet to the east right of way line of said Baldwin road; thence North 00°29'58" East along said line a distance of 859.92 feet to the TRUE POINT OF BEGINNING.

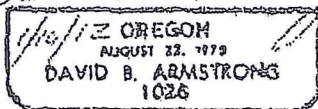
(.42) ACRES

(.59) ACRES

SUBJECT TO all other existing easements and rights of way.



4132cop



TOTAL 2.39 ACRES

Crook County

By: Mike McCabe
Mike McCabe, County Judge 2-1-2012

By: Ken Fahlgren 2-1-2012
Ken Fahlgren, Commissioner
By: Seth Crawford 2-1-2012
Seth Crawford, Commissioner

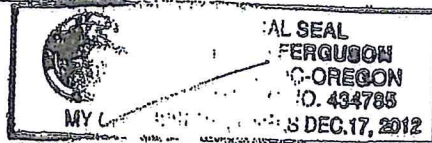
STATE OF OREGON)
)ss.
County of Crook)



Personally appeared the above-named Mike McCabe, County Judge, Ken Fahlgren, Commissioner, and Seth Crawford, Commissioner, for Crook County and acknowledged the foregoing instrument to be their voluntary act and deed on behalf of Crook County this 1st day of February, 2012.



Colleen H. Ferguson
Notary Public for Oregon
My Commission Expires: 12-17-2012
Comm. # 434785



City of Prineville

By: Steve Forrester
Steve Forrester, City Manager

By: Betty J. Roppe
Betty J. Roppe, Mayor

STATE OF OREGON)
)ss.
County of Crook)

Personally appeared the above-named Steve Forrester, City Manager, and Betty J. Roppe, Mayor, for the City of Prineville and acknowledged the foregoing instrument to be their voluntary act and deed on behalf of the City this 8th day of February, 2012.



Lisa K. Morgan
Notary Public for Oregon
My Commission Expires: 9-11-2012

B.iii.

Crook County Official Records 2011-249461
DEED-ESMT
Total Fees: NO FEE
This is a no fee document
11/08/11 09:29 AM



I, Deanna Berman, County Clerk for Crook County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Deanna Berman



ENTERED NOV 09 2011

RE-RECORDING COVER SHEET
Any errors in this cover sheet DO NOT affect the transactions(s) contained in the instrument itself.

AFTER RECORDING RETURN TO:

Name: Clerk's Vault
Address: _____
City/State/Zip: _____

RE-RECORDED TO CORRECT Recording Number

AT THE REQUEST OF County Clerk

PREVIOUSLY RECORDED AS MICROFILM # Commissioner's Journal 2011-103

OR BOOK # _____ PAGE # _____

The undersigned hereby certifies the above information to be true and correct.

Leslie Trammell

Leslie Trammell, Deputy

PRINTED NAME AND TITLE:

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS (only for instruments conveying or contracting to convey fee title to any real estate):

Name: _____ Address: _____

City/State/Zip: _____

DOCUMENT TITLE): EASEMENT

GRANTOR (DIRECT) or CLAIMANT (PLAINTIFF) CROOK COUNTY

GRANTEE (INDIRECT) or DEBTOR (DEFENDANT) CITY OF PRINEVILLE

TRUE AND ACTUAL CONSIDERATION PAID (only for instruments conveying or contracting to convey fee title to any real estate):

\$

THE AMOUNT OF THE CIVIL PENALTY OR THE AMOUNT, INCLUDING PENALITIES, INTEREST AND OTHER CHARGES, FOR WHICH THE WARRANT, ORDER OR JUDGMENT WAS ISSUED (for instruments to be recorded in Lien Records): \$

After Recording Return To:
Dutli & Borneman, LLP
545 NE Seventh Street
Prineville, OR 97754

2.23 ac-s



STATE OF OREGON } ss 2011-103
COUNTY OF CROOK

I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 4th DAY OF
November 2011 AT 11:50 AM.

AND RECORDED IN CJRL

RECORDS OF SAID COUNTY MF NO. 2011-103

DEANNA E. BERMAN, CROOK COUNTY CLERK

BY Deanna E. Berman DEPUTY

ENTERED NOV 07 2011

EASEMENT

SCANNED

FOR GOOD AND valuable consideration, receipt of which is hereby acknowledged, Crook County, a political subdivision of the State of Oregon, as Grantor, conveys to the City of Prineville, an Oregon municipal corporation, as Grantee, the following easements:

- A. A perpetual, exclusive easement for water storage tanks and appurtenant uses on Grantor's real property described in the first paragraph of Exhibit A attached hereto and by this reference made a part hereof (hereafter the "Storage Tank Easement"); and
- B. A perpetual nonexclusive easement for public utility and road access purposes on Grantor's real property described in the second paragraph of Exhibit A for access to the Storage Tank Easement (hereafter the "Access Easement").

The terms of this Easement are as follows:

1. Grantee, its agents, independent contractors, representatives, and employees shall use the Storage Tank Easement for the placement, replacement, maintenance, repair, and operation of water storage tanks and appurtenances including, but not limited to pumps, electrical lines and connections, plumbing lines and connections, well houses, and other appurtenances necessary or convenient for Grantee's use in the storage and distribution of water as part of Grantee's municipal water system.

2. Grantee, its agents, independent contractors, representatives, and employees shall use the Access Easement for the placement of public utilities, for access to the Storage Tank Easement and for access to the easement strip described on the Declaration of Easement executed by Crook County, a political subdivision of the State of Oregon on January 14, 1998, in Crook County Deed Records as MF No. 138446.

3. Grantee agrees to indemnify and defend Grantor from any loss, claim, or liability to Grantor arising in any manner out of Grantee's use of the easement areas, or either of them. Grantee assumes all risk arising out of its use of the easement areas, and each of them, and Grantor shall have no liability to Grantee or others for any condition existing thereon.

4. Grantee shall have the right to place fences or barriers around or on the Storage Tank Easement area and otherwise take appropriate steps to protect Grantee's water tanks or other items located thereon.

5. This Easement shall be perpetual. However, upon Grantee's determination that it no longer needs the easement areas, or either of them, Grantee shall execute such documents requested by Grantor to release the easement area or areas not needed by Grantee.

6. The Access Easement is appurtenant to the Storage Tank Easement area.

7. Grantor makes no representations as to the condition of the easement areas or their utility for Grantee's intended purposes. Grantee takes the easement areas in as-is condition.

IN WITNESS WHEREOF, the parties have executed this Easement effective the 2ND day of November, 2011.

Crook County

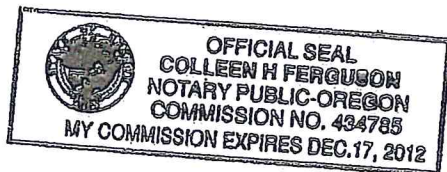
By: Mike McCabe
Mike McCabe, County Judge

By: Ken Fahlgren
Ken Fahlgren, Commissioner

By: Seth Crawford
Seth Crawford, Commissioner

STATE OF OREGON, County of Crook)ss.

Personally appeared the above-named Mike McCabe, County Judge, Ken Fahlgren, Commissioner, and Seth Crawford, Commissioner, for Crook County and acknowledged the foregoing instrument to be their voluntary act and deed on behalf of Crook County this 2ND day of November, 2011.



Colleen H. Ferguson
Notary Public for Oregon
My Commission Expires: 12-17-2012
Comm # 434785

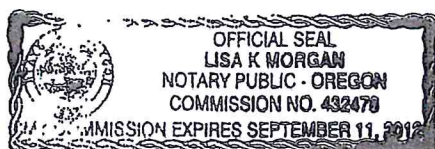
City of Prineville

By: Steve Forrester
Steve Forrester, City Manager

By: Betty J. Roppe, Mayor
Betty J. Roppe, Mayor

STATE OF OREGON, County of Crook)ss.

Personally appeared the above-named Steve Forrester, City Manager, and Betty J. Roppe, Mayor, for the City of Prineville and acknowledged the foregoing instrument to be their voluntary act and deed on behalf of the City this 1ST day of November, 2011.



Lisa K. Morgan
Notary Public for Oregon
My Commission Expires: 9-11-2012

G:\WP61\CHRIS\COPEASEMENT\County\Easement-Oct2011.doc

Armstrong Surveying & Engineering, Inc.

267 NE Second Street, STE 100 – Prineville, Oregon 97754-(541) 447-7791 – fax: (541) 416-1602

WATER STORAGE TANK, PUBLIC UTILITY AND ROAD ACCESS EASEMENT LOCATED IN
THE SE1/4 OF SECTION 1 AND IN THE NE1/4 OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 15
EAST, W.M., CROOK COUNTY, OREGON
W.O. 11-4132

LEGAL DESCRIPTION

An easement for water storage tank and appurtenant uses located in the Southeast one-quarter (SE1/4) of Section 1, Township 15 South, Range 15 East, W.M., Crook County, Oregon, more particularly described as follows: Beginning at the South one-quarter corner of said Section 1, thence North 00°01'36" East along the west line of said SE1/4 a distance of 248.13 feet to the TRUE POINT OF BEGINNING of this legal description. Thence continuing along said west line North 00°01'36" East a distance of 220.93 feet, more or less, to the southerly line of that public utility easement conveyed to the City of Prineville in Deeds MF 138446, Records of Crook County, Oregon; thence North 64°54'29" East along said southerly line a distance of 155.82 feet; thence North 64°55'59" East along said southerly line a distance of 94.18 feet; thence South 00°01'36" West a distance of 221.00 feet; thence South 64°55'59" West a distance of 249.97 feet to the TRUE POINT OF BEGINNING.

OLD
1.27 ACRES

ALSO TOGETHER WITH a non-exclusive easement for public utility and road access purposes variable in width located in the Southeast one-quarter (SE1/4) of Section 1 and in the Northeast one-quarter (NE1/4) of Section 12, Township 15 South, Range 15 East, W.M., Crook County, Oregon, and being appurtenant to the previously described water storage tank easement, more particularly described as follows: Beginning at the South one-quarter corner of said Section 1, thence South 89°21'05" East along the south line of said Section 1 a distance of 30.00 feet to a point on the east right of way line of Baldwin Road, being the TRUE POINT OF BEGINNING of this legal description. Thence North 12°00'28" West along said east right of way line a distance of 143.88 feet to the west line of said SE1/4; thence North 00°01'36" East along said line a distance of 107.74 feet to the southwest corner of said water storage tank easement; thence North 64°55'59" East along the southerly line of said storage tank easement a distance of 66.25 feet; thence South 00°01'36" West a distance of 276.88 feet to the south line of said SE1/4; thence South 00°29'58" West a distance of 859.84 feet; thence North 89°30'02" West a distance of 30.00 feet to the east right of way line of said Baldwin road; thence North 00°29'58" East along said line a distance of 859.92 feet to the TRUE POINT OF BEGINNING.

OLD
.86 ACRES

OLD
.6 ACRES

SUBJECT TO all other existing easements and rights of way.

**EXHIBIT MAP FOR A WATER STORAGE
TANK, PUBLIC UTILITY AND ROAD
ACCESS EASEMENT LOCATED IN THE
SE1/4 OF SECTION 1 AND IN THE NE
1/4 OF SECTION 12, T.15S., R.15E.,
W.M., CROOK COUNTY, OREGON
W.O. 11-4132**

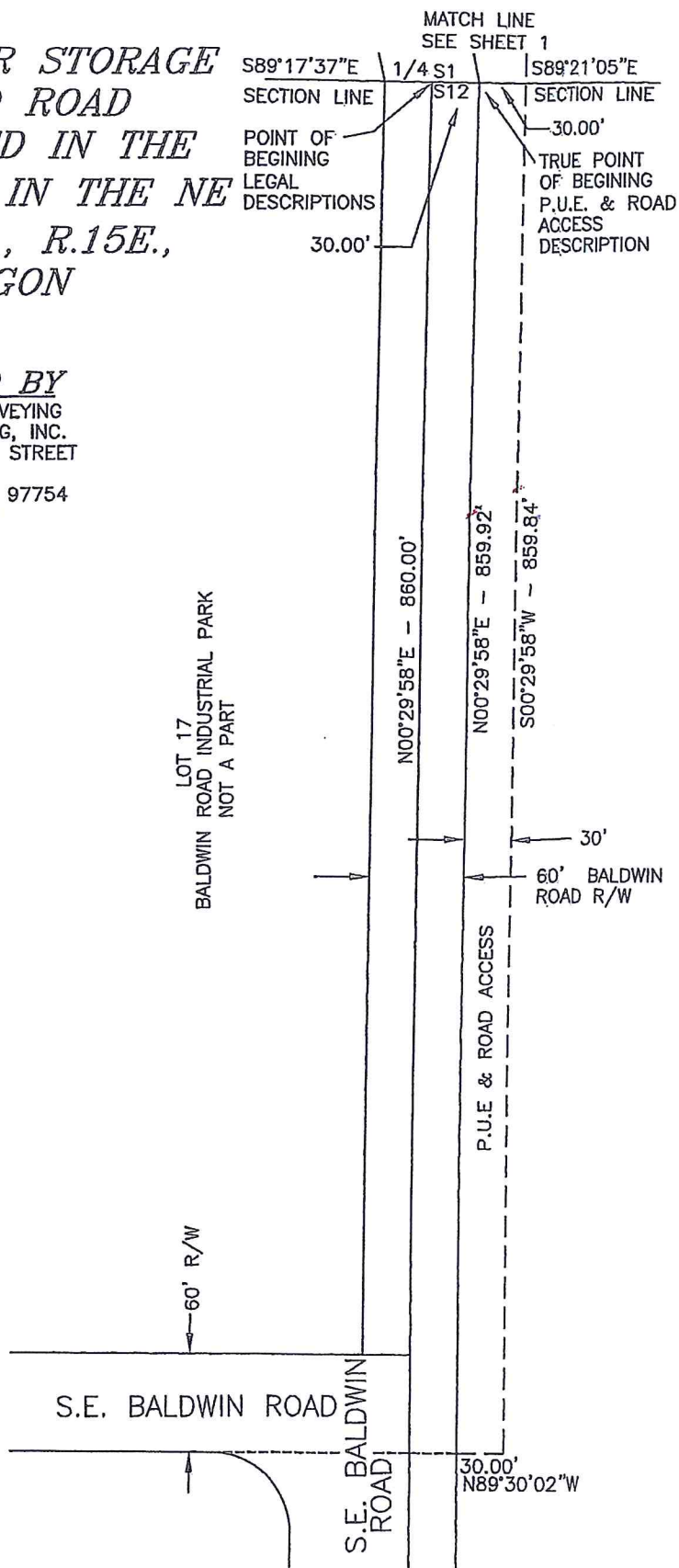
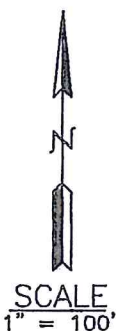
PREPARED FOR

CITY OF PRINEVILLE
387 NE THIRD STREET
PRINEVILLE, OR 97754
(541) 447-5627

CROOK COUNTY
300 NE THIRD STREET
PRINEVILLE, OR 97754
(541) 447-6555

PREPARED BY

ARMSTRONG SURVEYING
& ENGINEERING, INC.
267 NE SECOND STREET
SUITE 100
PRINEVILLE, OR 97754
(541) 447-7791



SHEET 2 OF 2

DRG. NO. 08-3843

W.O. 11-4132

PAGE 6 OF 6 (32)

Return to: Pacific Power
 1655 NW Mill St
 Madras, OR 97741

CC#: 11231 WO#: 5796098

RIGHT OF WAY EASEMENT

For value received, *Crook County* ("Grantor"), hereby grants to PacificCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual easement for a right of way ~~10(ten)~~ feet in width and ~~365(three hundred sixty five)~~ feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchor, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, vaults and cabinets, along the general course now located by Grantee on, over, across or under the surface of the real property of Grantor in *Crook County*, State of *Oregon*, more particularly described as follows and/or shown on Exhibit(s) A attached hereto and by this reference made a part hereof:

A portion of:

PARTITION PLAT NO. 2011-08 PARTITION PLAT OF A PORTION OF PARCEL 2 OF PARTITION PLAT NO. 2002-06 LOCATED IN PORTIONS OF SECTIONS 1, 2, 3, 10, 11, 12 AND 13, TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M., CROOK COUNTY, OREGON LP-11-4132

Assessor's Map No. 15S 15E 11

Parcel No. 300

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 and adjacent lands 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, use or permit any equipment, material or vegetation of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials, 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 other purposes not inconsistent, as defined by the Grantee, with the purposes for which this easement has been granted.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this easement. Each party further waives any right to consolidate, or to request the consolidation of, any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this 21 day of Jul, 2011.

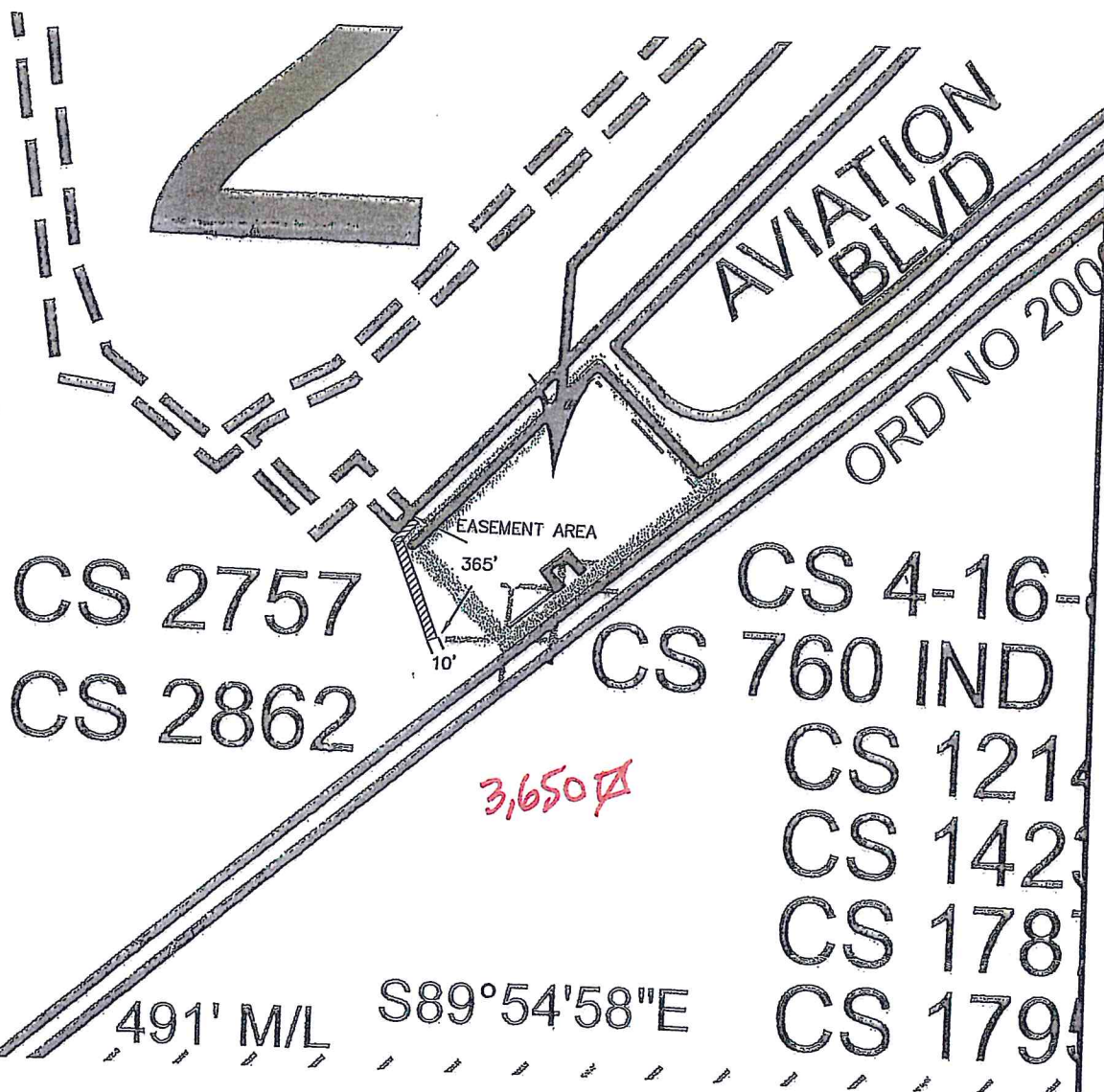
State of Georgia } SS.
County of DeKalb

My commission expires: 12/31/2011



PROPERTY DESCRIPTION

SECTION: II TOWNSHIP: 15.S., RANGE: 15.E. WILLAMETTE MERIDIAN
CROOK COUNTY, OREGON PARCEL NUMBER: 0300



ST CENTER 11231 WO# 5796098

NDOWNER NAME: CROOK COUNTY

AWN BY: D. SHELTON

THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES AND APPURTENANCES IS SUBJECT TO CHANGE.

EXHIBIT A

PAGE 30F6 (35)
PACIFICORP

SCALE = NONE

Return to: Pacific Power
1655 NW Mill St
Madras, OR 97741

CC#: 11231 WO#: 5796098

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, *Crook County* ("Grantor"), hereby grants to PacificCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way ~~10(ten)~~ feet in width and ~~130(one hundred thirty)~~ 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 therefore; and pads, transformers, switches, cabinets, vaults on, across, or under the surface of the real property of Grantor in *Crook County, State of Oregon*, as more particularly described as follows and/or shown on Exhibit(s) A attached hereto and by this reference made a part hereof:

A portion of:

*PARTITION PLAT NO. 2011-08 PARTITION PLAT OF A PORTION OF PARCEL 2 OF
PARTITION PLAT NO. 2002-06 LOCATED IN PORTIONS OF SECTIONS 1, 2, 3, 10, 11,
12 AND 13, TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M., CROOK COUNTY, OREGON
LP-11-4132*

Assessor's Map No.: *15S 15E 11*

Parcel No.: *300*

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 therefore) 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 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 other purposes not inconsistent, as determined by the Grantee, with the purposes for which this easement has been granted.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this easement. Each party further waives any right to consolidate, or to request the consolidation of, any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

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 22 day of July, 2014.

By: [Signature]

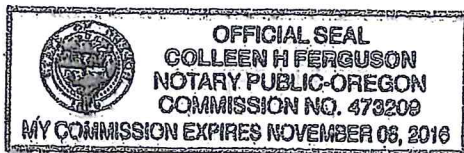
REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon)
County of Clatsop) SS.

This instrument was acknowledged before me on this 22 day of July, 2014,

by Mike McKee, as Chairman,
Name of representative Title of representative

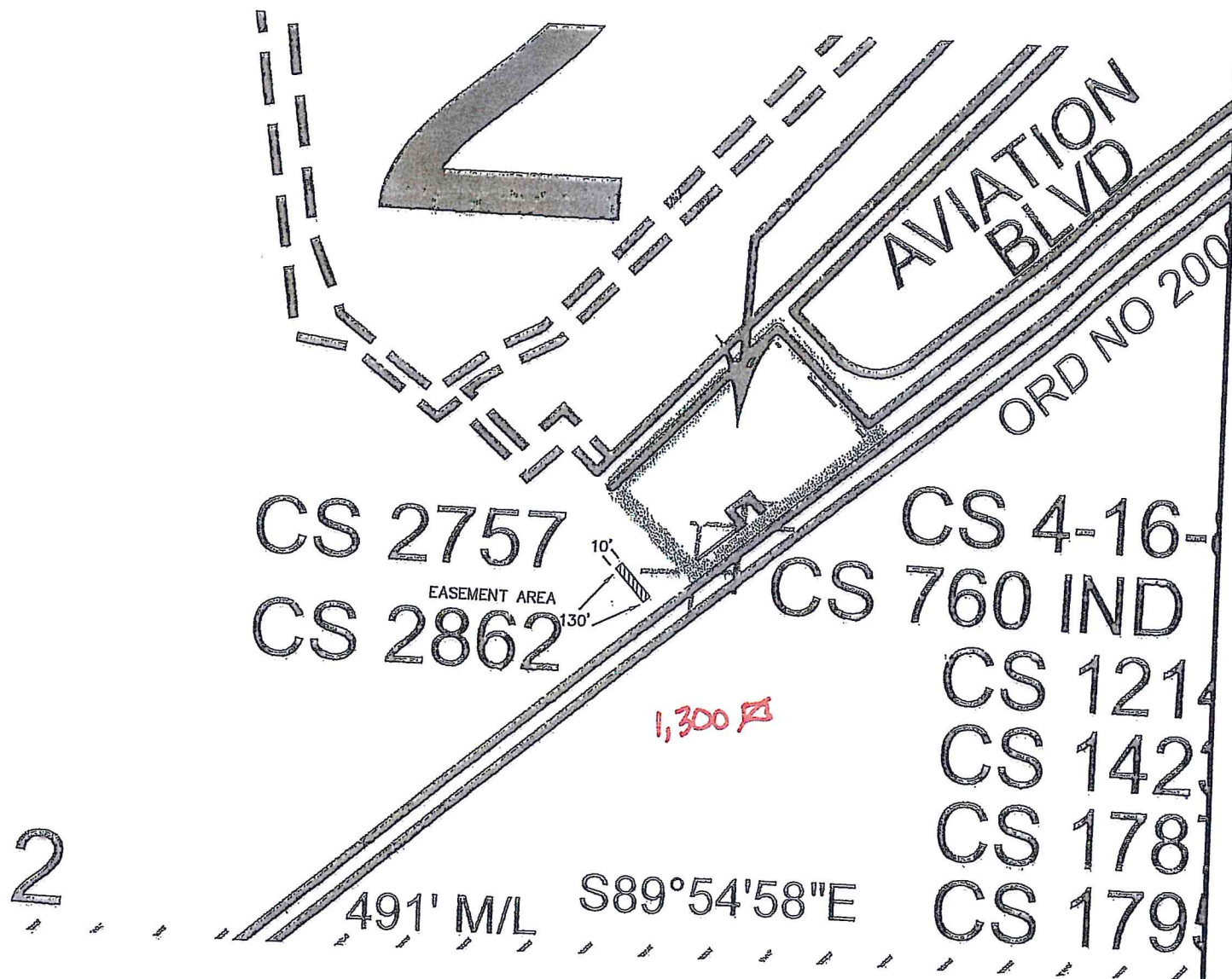
of Clatsop County, Oregon,
Name of entity being represented



[Signature]
Notary Public
My commission expires: Nov 08, 2016
[Signature]

PROPERTY DESCRIPTION

SECTION: 11 TOWNSHIP: 15.S., RANGE: 15.E. WILLAMETTE MERIDIAN
CROOK COUNTY, OREGON PARCEL NUMBER: 0300



ST CENTER 11231 WO# 5796098

VDOWNER NAME: CROOK COUNTY

AWN BY: D. SHELTON

THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES AND APPURTENANCES IS SUBJECT TO CHANGE.

EXHIBIT A

PAGE 6 OF 6 (38)
PACIFICORP

SCALE = NONE