

**RESOLUTION NO. 1579
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION APPROVING AN EASEMENT AGREEMENT WITH CROOK
COUNTY**

Whereas, the City of Prineville (“City”) and Crook County (“County”) have negotiated an Easement Agreement (“Easement”) involving approximately 3.64 acres for purposes of public utilities; and

Whereas, the City has previously agreed with the County that a fair market value for easement rights is \$32,000.00 per acre.

Whereas, an Easement Agreement has been prepared by the City, which is attached to this Resolution; and

Whereas, City staff recommends that the attached Easement Agreement be approved by City Council.

Now, Therefore, the City of Prineville resolves as follows:

1. The attached Easement Agreement is approved.
2. The Mayor and City Manager are authorized and instructed to execute on behalf of the City the Easement Agreement.

Approved by the City Council this 26th day of September, 2023.



Rodney J. Beebe

ATTEST:



Lisa Morgan, City Recorder

After Recording Return To:
Jered Reid
35 SE C Street
Madras, OR 97741

EASEMENT AGREEMENT
Public Utility Easement

1. **PARTIES:** **Crook County**, a political sub-division of the State of Oregon, 300 NE Third Street, Prineville, Oregon 97754, hereinafter referred to as "Grantor." **City of Prineville**, an Oregon Municipal Corporation, 387 NE Third Street, Prineville, OR 97754, hereinafter referred to as "Grantee."
2. **AFFECTED PROPERTY:** Grantor is currently the owner of the following described real property (property) located in Crook County, Oregon:

Parcel 1, Partition Plat No. 2019-24, recorded under Instrument 2019-297467, Crook County Clerk's Office (Crook County Survey No. 4380), located within the South half (S1/2) of the Southeast one-quarter (SE1/4) of Section 1, Township 15 South, Range 15 East, Willamette Meridian, Crook County, Oregon.

Parcel 1, Partition Plat 2014-06, recorded under Instrument number 2014-263181, Crook County Clerk's Office (Crook County Survey Number 4033), located in Government Lot 1, (the Northwest one-quarter (NW1/4) of the Northwest one-quarter (NW1/4)) of Section 7, township 15 South, Range 16 East, Willamette Meridian, Oregon.
3. **GRANT OF EASEMENT:** Grantor does hereby grant unto the Grantee, its successors, and assigns, and Grantee hereby accepts, a Public Utility Easement (PUE) for a portion of Grantor's property as described on Exhibits A and C and depicted on Exhibits B and D, each attached hereto and incorporated herein.
4. **CONSIDERATION:** Consideration shall consist of One Hundred Sixteen Thousand Four Hundred Eighty and 00/100 Dollars (\$116,480.00) which consists of the entire consideration.
5. **STATEMENT OF PURPOSE:** The easement described above shall be used to construct and maintain public utilities (utilities), limited to City water, sewer, and storm drainage facilities and for unrestricted ingress and egress to Grantor's property for the purpose of installing, repairing, testing, maintaining, and replacing the utilities and related facilities.
6. **TYPE OF EASEMENT:** The easement (PUE) described above shall be non-exclusive except Grantee and utilities shall have the exclusive right to construct, install, maintain and operate the utilities, their equipment and all related facilities above and below ground within the PUE including the right of access to such facilities and the right to require the removal of any obstructions including trees and vegetation that may be placed within the PUE at Grantor's expense. Grantor may use the surface of the PUE provided such use does not interfere with Grantee's rights contained in this easement. Grantor shall not permit any other use or utilities to be located in the PUE without the written consent of Grantee. Approved uses within the PUE shall consist of, but are not limited to, landscaping, paved driveway or parking areas, trails, paths, sidewalks or other uses that will not affect the ability of the City or utilities to access the PUE. Prohibited uses shall consist of, but are not limited to, permanent structures, buildings, or any other obstruction, excavation or alteration of the PUE. The PUE shall perpetually encumber the property.
7. **MAINTENANCE:** Grantee and utilities shall be responsible for the maintenance of the utilities and related facilities located within the PUE. Grantor shall be responsible for landscape and surface maintenance within the easement. Grantee's use of the easement shall not unreasonably interfere with Grantor's use of its property.

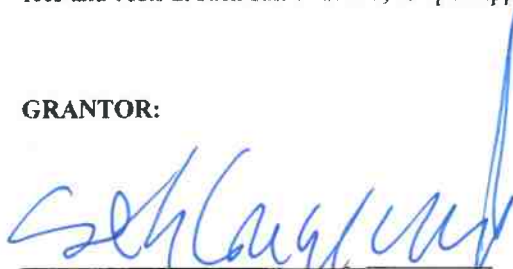
8. **INDEMNIFICATION:** The Grantee does hereby agree to defend, hold harmless, and indemnify Grantor, its successors and assigns, from any claim of liability or any other claim involving the utilities, or arising out of the Grantee's use of the easement described above, unless caused by Grantor's negligent or willful conduct or Grantor's failure to fulfill its maintenance obligations as set forth in Paragraph 7 above.

9. **REMEDIES:** In addition to all other remedies allowed by law, the parties, their successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this agreement.

10. **BINDING EFFECT ON SUCCESSOR INTERESTS:** The terms, conditions and provisions of this agreement shall extend to, be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

11. **ATTORNEY FEES:** In case suit or action is instituted in connection with this agreement, the prevailing party shall be entitled to recover from the losing party such sums as the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.


GRANTOR:



Crook County
By Seth Crawford
Its County Judge



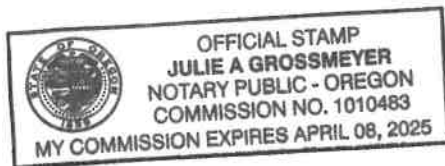
Crook County
By Brian Barney
Its Commissioner



Crook County
By Jerry Brummer
Its Commissioner

STATE OF OREGON)
) ss.
County of Crook)

Personally appeared the above-named **Seth Crawford, County Judge, Brian Barney, Commissioner, and Jerry Brummer, Commissioner**, for Crook County and acknowledged the foregoing instrument to be their voluntary act and deed on behalf of Crook County this 27th day of September, 2023.





Notary Public for Oregon
My Commission Expires: April 08, 2025

EXHIBIT *A*

**TAX LOT 15S16E07 0000100
CROOK COUNTY**

UTILITY AND ACCESS EASEMENT

A 90-FOOT STRIP OF LAND BEING A PORTION OF PARCEL 1, PARTITION PLAT 2014-06, RECORDED UNDER INSTRUMENT NUMBER 2014-263181, CROOK COUNTY CLERK'S OFFICE (CROOK COUNTY SURVEY NUMBER 4033), LOCATED IN GOVERNMENT LOT 1, (THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4)) OF SECTION 7, TOWNSHIP 15 SOUTH, RANGE 16 EAST, WILLAMETTE MERIDIAN, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 AND BEING THE NORTHWEST CORNER OF SAID SECTION 7; THENCE ALONG THE WEST LINE OF SAID SECTION 7, BEING COINCIDENT WITH THE WEST LINE OF SAID GOVERNMENT LOT 1, SOUTH 00°54'29" WEST 26.77 FEET TO THE POINT OF BEGINNING:

THENCE LEAVING SAID WEST LINE OF SECTION 7 SOUTH 38°32'13" EAST 236.09 FEET TO A POINT ON A LINE PARALLEL WITH AND 150.00 FEET EAST OF THE WEST LINE OF SAID SECTION 7;
THENCE SOUTH 00°54'29" WEST ALONG SAID PARALLEL LINE 1110.49 FEET TO THE SOUTH LINE OF GOVERNMENT LOT 1;
THENCE ALONG SAID SOUTH LINE OF GOVERNMENT LOT 1 SOUTH 89°41'47" WEST 90.02 FEET TO A POINT ON A LINE PARALLEL WITH AND 60.00 FEET EAST OF SAID WEST LINE OF SAID SECTION 7;
THENCE LEAVING SAID SOUTH LINE OF SAID GOVERNMENT LOT 1 NORTH 00°54'29" EAST ALONG SAID PARALLEL LINE 1088.00 FEET;
THENCE NORTH 38°32'13" WEST 94.44 FEET TO THE WEST LINE OF SAID SECTION 7;
THENCE ALONG THE WEST LINE OF SAID SECTION 7 NORTH 00°54'29" EAST 133.79 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2.59 ACRES (112,980 SQUARE FEET), MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD AND THOSE COMMON AND APPARENT ON THE LAND.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Christopher J. D'Orazio Digitally Signed by
Christopher J. D'Orazio
Date: 2022.03.17
15:29:25 -0700

OREGON
MARCH 8, 2022
CHRISTOPHER J. D'ORAZIO
98905

RENEWS: 12-31-2023

EXHIBIT B

TAX LOT 100
TAX MAP 15S16E07
CROOK COUNTY
PORTION OF PP NO. 2014-06

TAX LOT 4600
TAX MAP 15S16E08C
CROSS RYAN LIVING TRUST
BARGAIN AND SALE DEED
INST NO. 2014-262599

NW 1/4 NW 1/4 SEC 7
GOVERNMENT LOT 1
PARCEL 1
PP NO. 2014-06

TAX LOT 100
TAX MAP 15S16E07
CROOK COUNTY

TAX LOT 102
TAX MAP 15S16E07
CROOK COUNTY
GOVERNMENT LOT 2
PP NO. 2014-06

UTILITY AND ACCESS EASEMENT. AREA=112,980 ± S.F. (2.59 ± ACRES)
EASEMENT POINT OF COMMENCEMENT
EASEMENT POINT OF BEGINNING
CROOK COUNTY PARTITION PLAT NUMBER
RECORD NUMBER PER CROOK COUNTY CLERK'S OFFICE
RIGHT-OF-WAY

S89°20'33"E 2666.23'

TAX LOT 315
TAX MAP 15S15E
CROOK COUNTY
PP NO. 2019-24

TAX LOT 312
TAX MAP 15S15E
APPLE INC.
PARCEL 1
PP NO. 2013-05

LINE NO.	DIRECTION	LENGTH
L1	S00°54'29"W	26.77'
L2	S38°32'13"E	236.09'
L3	S89°41'47"W	90.02'
L4	N38°32'13"W	94.44'
L5	N00°54'29"E	133.79'

REGISTERED PROFESSIONAL LAND SURVEYOR
Christopher J. D'Orazio
Date: 2023.02.17 15:27:15
OR 0700

OREGON
MARCH 8, 2022
CHRISTOPHER J. D'ORAZIO
98905

RENEWS: 12-31-2023

Parametrix
ENGINEERING · PLANNING · ENVIRONMENTAL SCIENCES
150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97702
P 541.508.7710
WWW.PARAMETRIX.COM

PROJECT NAME
EASEMENT EXHIBIT MAP
A PORTION OF THE NORTHWEST (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 7, TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M., CROOK COUNTY, OREGON

DRAWING NO.
1 OF 1

DWG NAME
BE7390017Y-BA OFF SITE EA

JANUARY 17, 2023

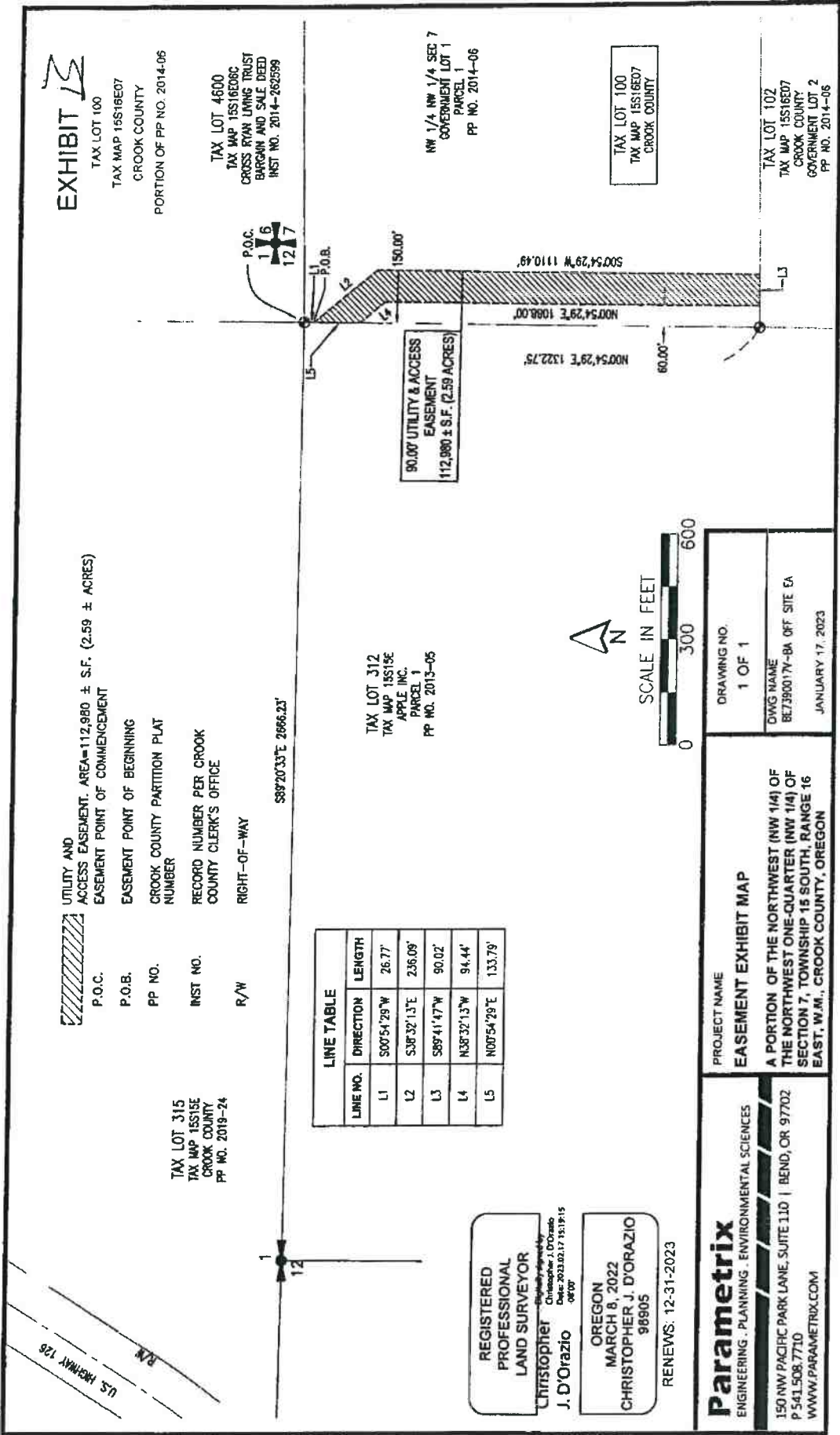


EXHIBIT C

**TAX LOT 15S15E 00000315
CROOK COUNTY**

UTILITY AND ACCESS EASEMENT NO. 1

A TRACT OF LAND, BEING A PORTION OF UNSURVEYED PARCEL 1, PARTITION PLAT NO. 2019-24, RECORDED UNDER INSTRUMENT 2019-297467, CROOK COUNTY CLERK'S OFFICE, (CROOK COUNTY SURVEY NO. 4380), LOCATED WITHIN THE SOUTH HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 15 EAST, WILLAMETTE MERIDIAN, CROOK COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 1;
THENCE NORTH 89°20'33" WEST ALONG THE SOUTH LINE OF SAID UNSURVEYED PARCEL 1, BEING COINCIDENT WITH SAID SOUTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 1, FOR A DISTANCE OF 131.62 FEET;
THENCE NORTH 38°32'13" WEST, A DISTANCE OF 103.19 FEET;
THENCE SOUTH 89°21'05" EAST A DISTANCE OF 196.47 FEET TO THE EAST LINE OF SAID SECTION 1;
THENCE SOUTH 00°23'51" EAST ALONG SAID EAST LINE, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

THIS DESCRIPTION CONTAINS 0.30 ACRES (13,122 SQUARE FEET), MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD AND THOSE COMMON AND APPARENT ON THE LAND.

UTILITY AND ACCESS EASEMENT NO. 2

A 50-FOOT WIDE STRIP OF LAND, BEING A PORTION OF UNSURVEYED PARCEL 1, PARTITION PLAT NO. 2019-24, RECORDED UNDER INSTRUMENT 2019-297467, CROOK COUNTY CLERK'S OFFICE, (CROOK COUNTY SURVEY NO. 4380), LOCATED WITHIN THE SOUTH HALF (S 1/2) OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 15 EAST, WILLAMETTE MERIDIAN, CROOK COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 1;
THENCE NORTH 89°20'33" WEST ALONG THE SOUTH LINE OF SAID UNSURVEYED PARCEL 1, BEING COINCIDENT WITH SAID SOUTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 1, FOR A DISTANCE OF 2368.66 FEET;
THENCE NORTH 00°39'27" EAST, A DISTANCE OF 124.64 FEET TO THE POINT OF BEGINNING:

THENCE NORTH 00°00'41" WEST, A DISTANCE OF 41.59 FEET;
THENCE NORTH 57°00'45" WEST, A DISTANCE OF 390.36 FEET;
THENCE NORTH 11°44'55" WEST, A DISTANCE OF 210.02 FEET;
THENCE NORTH 58°10'57" WEST, A DISTANCE OF 45.90 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY OF HIGHWAY 126;
THENCE SOUTH 32°21'29" WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 50.00 FEET;
THENCE SOUTH 58°10'57" EAST, A DISTANCE OF 24.92 FEET;
THENCE SOUTH 11°44'55" EAST, A DISTANCE OF 209.42 FEET;
THENCE SOUTH 57°00'45" EAST, A DISTANCE OF 407.80 FEET;
THENCE SOUTH 87°08'35" EAST, A DISTANCE OF 30.13 FEET TO THE POINT OF BEGINNING.

THIS DESCRIPTION CONTAINS 0.75 ACRES (32,836 SQUARE FEET), MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD AND THOSE COMMON AND APPARENT ON THE LAND.

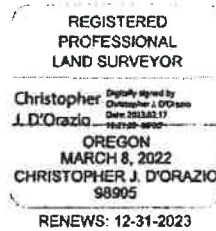


EXHIBIT D

TAX LOT 315
TAX MAP 15S15E
CROOK COUNTY
PARCEL 1 OF PP NO. 2019-24

UTILITY AND ACCESS EASEMENT NUMBER 1. AREA=13,122 ± S.F. (0.30 ± ACRES)
UTILITY AND ACCESS EASEMENT NUMBER 2. AREA=32,836 ± S.F. (0.75 ± ACRES)
EASEMENT POINT OF COMMENCEMENT
EASEMENT POINT OF BEGINNING
CROOK COUNTY PARTITION PLAT NUMBER
RECORD NUMBER PER CROOK COUNTY CLERK'S OFFICE
RIGHT-OF-WAY

P.O.C.
P.O.B.
PP NO.
INST NO.
R/W

TAX LOT 315
TAX MAP 15S15E
CROOK COUNTY
PARCEL 1
PP NO. 2019-24

SE 1/4 SEC. 1

TAX LOT 4600
TAX MAP 15S16E07
CROSS RYAN LIVING TRUST
BARRAN AND SALE DEED
INST NO. 2014-262399

TAX LOT 312
TAX MAP 15S15E
APPLE INC.
PARCEL 1
PP NO. 2013-05

UTILITY & ACCESS
EASEMENT NO. 1
(13,122 S.F.)

SCALE IN FEET
0 300 600

Parametrix
ENGINEERING · PLANNING · ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97702
P 541.508.7710
WWW.PARAMETRIX.COM

PROJECT NAME
EASEMENT EXHIBIT MAP

A PORTION OF THE SOUTH HALF (S 1/2) OF THE
SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION
1, TOWNSHIP 18 SOUTH, RANGE 18 EAST, W.M.,
CROOK COUNTY, OREGON

DRAWING NO
1 OF 1

DWG NAME
8E739003.74-BA OFF SITE EA
FEBRUARY 16, 2023

LINE NO.	DIRECTION	LENGTH
L1	N89°20'33"W	131.62'
L2	N38°32'13"W	103.19'
L3	S89°21'05"E	196.47'
L4	S00°23'51"W	80.00'
L5	N00°00'41"W	41.59'
L6	N57°00'45"W	390.36'
L7	N11°44'55"W	210.02'
L8	N58°10'57"W	45.90'
L9	S32°21'29"W	50.00'
L10	S58°10'57"E	24.92'
L11	S11°44'55"E	209.42'
L12	S57°00'45"E	407.80'
L13	S87°08'35"E	30.13'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Christopher J. D'Orazio
Duly sworn by
C. Christopher J. D'Orazio
Date: 02/02/17 13:10:13
3089

OREGON
MARCH 8, 2022
CHRISTOPHER J. D'ORAZIO
98905

RENEWS: 12-31-2023

