

REVIEWED

LEGAL COUNSEL

After recording return to:

City Hall
Attn: Carrie Harris, Engineering
710 NW Wall St
Bend, Oregon 97701

PERMANENT UTILITY EASEMENT

Recitals

- A. Deschutes County (Grantor), owns certain real property located in Bend, Oregon, a portion of which is shown and described in Exhibits A and B (the Property).
- B. The City of Bend (City) wishes to obtain a Permanent Utility Easement over the Property from Grantor.
- C. Grantor and City have agreed that Grantor will provide a Permanent Utility Easement(s) over the Property in accordance with the terms described in this easement agreement, which will be recorded in the records of Deschutes County, Oregon.

Terms of Easement

- 1. Grantor grants the City a Permanent Utility Easement over the Property in the location described and shown in Exhibits A and B (the "Easement Area").
- 2. The Permanent Utility Easement shall be a permanent, perpetual and exclusive right for the City to construct, install, maintain and operate a sanitary sewer and all related facilities on the surface and within the subsurface of the permanent easement area, including a grant of all access necessary to carry out those activities. City shall have the right to immediate access and use of the permanent easement area. City shall have vehicle access to permanent easement area from adjoining easements on separate tax lots to the northeast.
- 3. Grantor shall not erect any structures in the permanent easement area, or interfere with City's construction, installation, operation and maintenance of the sanitary sewer in the easement area.
- 4. On completion of any excavation or other work within the easement areas, the City shall restore disturbed surfaces and generally contour the terrain around the new infrastructure elements and blend to the existing terrain.
- 5. City shall hold Grantor harmless from any liability caused by City's work within

the easement area related to the construction, installation, operation and maintenance of the sanitary sewer within the easement area.

6. Grantor warrants and represents that the property subject to the easement is free and clear of all liens and encumbrances and that Grantor has the right to grant this easement.
7. For and in consideration of \$800.00.

[See following pages for signatures and acceptance]

GRANTOR(S):

DATED this ____ day of _____, 2024

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ANTHONY DEBONE, Vice-Chair

Recording Secretary

PHIL CHANG, Commissioner

STATE OF OREGON)
) ss.
County of Deschutes)

Personally appeared before me this ____ day of _____,
2024, PATTI ADAIR, ANTHONY DEBONE and PHIL CHANG the above-
named BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,
OREGON and acknowledged the foregoing instrument on behalf of Deschutes
County, Oregon.

By:

Notary Public for Oregon
My Commission expires:

CITY:

Accepted by City of Bend

Eric King, City Manager

Date

Approved as to form:

City Attorney's Office

EXHIBIT A

PERMANENT UTILITY EASEMENT

A TRACT OF LAND BEING A PORTION OF TRACT 19 OF LYTLE ACRE TRACTS, AN UNRECORDED SUBDIVISION, LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 32, TOWNSHIP 17 SOUTH, RANGE 12 EAST, CITY OF BEND, DESCHUTES COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-SIXTEENTH (E 1/16) CORNER OF SECTION 29 AND SAID SECTION 32, BEING MARKED BY A BRASS PLUG INSIDE A CONCRETE AND BRICK MONUMENT BOX; THENCE ALONG THE WEST LINE OF THE SAID NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION 32 (BEING COINCIDENT WITH THE CENTERLINE OF NORTHWEST WALL STREET) SOUTH 00°14'12" EAST A DISTANCE OF 642.32 FEET; THENCE LEAVING SAID WEST LINE NORTH 89°45'48" EAST 146.64 FEET TO THE POINT OF BEGINNING, LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF (BEING 40.00 FEET FROM CENTER WHEN MEASURED AT RIGHT ANGLES TO) NORTHWEST OLNEY AVENUE; THENCE ALONG SAID RIGHT-OF-WAY LINE 9.60 FEET ALONG A NON-TANGENTIAL CURVE TO THE LEFT, WITH A RADIUS OF 280.00 FEET, THROUGH A CENTRAL ANGLE OF 01°57'53", AND A CHORD OF NORTH 58°29'19" EAST 9.60 FEET TO THE SOUTH LINE OF PARCEL 2 OF THOSE LANDS DESCRIBED IN STATUTORY WARRANTY DEED 2021-69480; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE SAID SOUTH LINE OF PARCEL 2 NORTH 89°16'22" EAST 27.33 FEET; THENCE LEAVING SAID SOUTH LINE OF PARCEL 2 SOUTH 47°01'44" WEST 7.42 FEET TO THE NORTH LINE OF PARCEL 3 OF SAID STATUTORY WARRANTY DEED 2021-69480; THENCE ALONG SAID NORTH LINE SOUTH 89°25'05" WEST A DISTANCE OF 30.08 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED TRACT OF LAND CONTAINS 142 SQUARE FEET MORE OR LESS.

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

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM (COCS), DESCHUTES 13 TRANSFORMATION, DERIVED FROM THE OREGON REAL-TIME GNSS NETWORK (ORGN).

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally signed by Corey Pacheco
DN: C=US,
E=cpacheco@parametrix.com,
CN=Corey Pacheco
Date: 2024.05.22
14:55:07-07'00

Corey Pacheco

OREGON
JULY 11, 2023
COREY PACHECO
101863

EXPIRES: 12-31-2024





0 40
1 INCH = 40 FT.

EXHIBIT B
PERMANENT UTILITY EASEMENT EXHIBIT
A TRACT OF LAND LOCATED IN THE NE1/4 OF THE NE1/4
SECTION 32, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,
CITY OF BEND, DESCHUTES COUNTY, OREGON

BASIS OF BEARINGS
BEARINGS FOR THIS EXHIBIT ARE BASED ON THE CENTRAL OREGON
COORDINATE SYSTEM (COCS), DESCHUTES 13 TRANSFORMATION, DERIVED
FROM THE OREGON REAL-TIME GNSS NETWORK (ORGN).

LEGEND



PERMANENT UTILITY EASEMENT
AREA =± 142 SF



BRASS PLUG IN MONUMENT BOX, E1/16 CORNER

SF

SQUARE FEET

ROW

RIGHT-OF-WAY

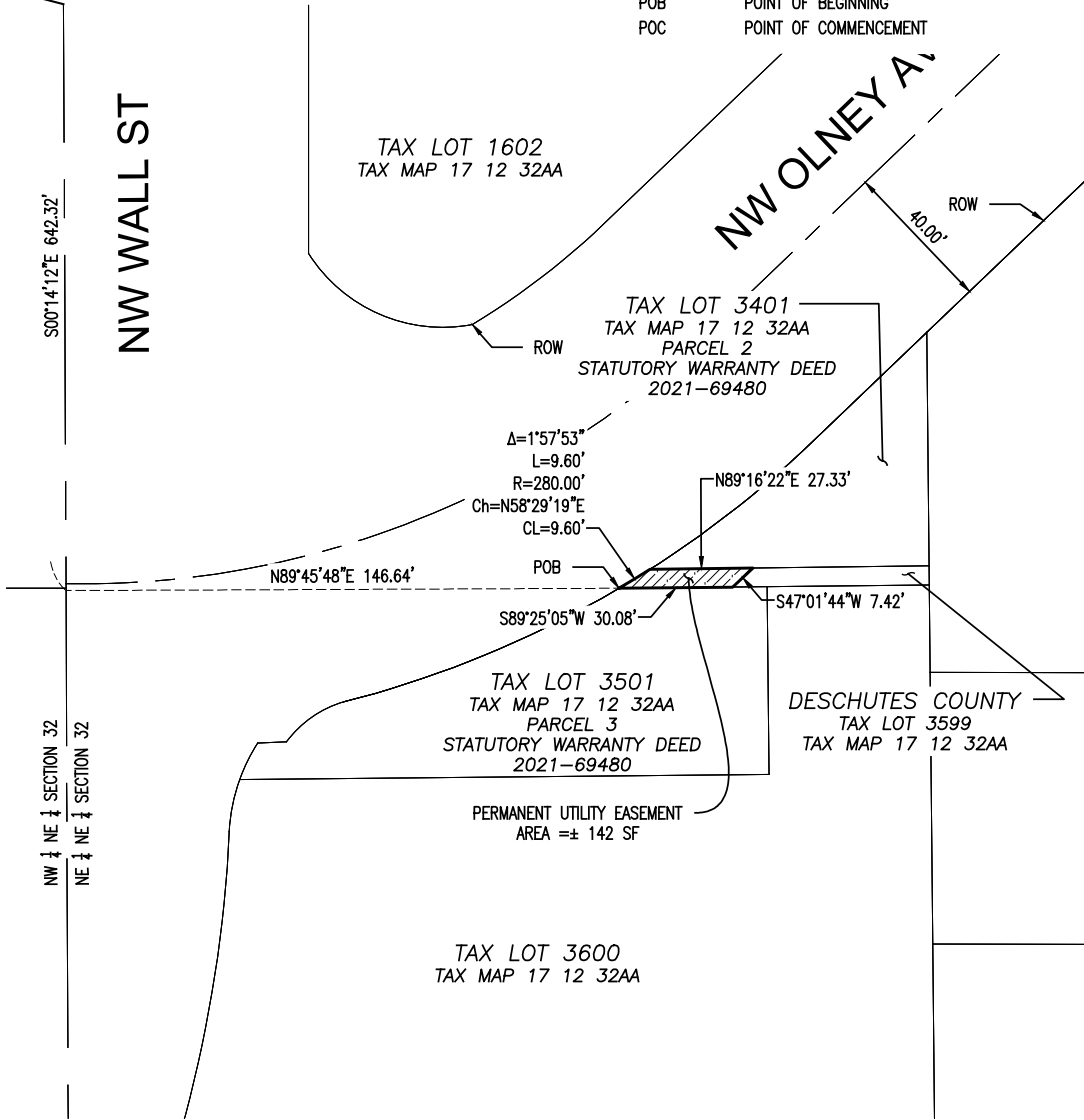
POB

POINT OF BEGINNING

POC

POINT OF COMMENCEMENT

POC
E1/16 CORNER



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Corey Pacheco
Digitally signed by Corey Pacheco
DN: G=US,
E=cpacheco@parametrix.com,
CN=Corey Pacheco
Date: 2024.05.22 14:55:18-07'00'

OREGON
JULY 11, 2023
COREY PACHECO
101863
EXPIRES: 12-31-2024

PREPARED FOR
CITY OF BEND

EXHIBIT: B	NW OLNEY AVE PERMANENT UTILITY EASEMENT
DRWN: CTB	 150 NW Pacific Park Lane, Suite 110 • Bend, OR 97701 Ph: 541.508.7710
CHKD: CAP	
JOB: 297-2763-027	
DATE: APRIL 12, 2024	