



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of July 20, 2015

Please see directions for completing this document on the next page.

DATE: July 1, 2015

FROM: James Lewis Property & Facilities 541-385-1414

TITLE OF AGENDA ITEM:

Consideration of Board signature of Document 2015-441, the grant of an Easement to Midstate Electric Cooperative, Inc.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

In late June, Deschutes County received a request from Midstate Electric Cooperative Inc. to grant a 10 foot wide easement along the entire northern boundary of property (a residential lot) located at 17163 Elsinore Road, Bend. The easement is for the installation, modification and maintenance of electrical facilities. More specifically, Midstate is proposing to construct/extend an overhead electric service line within the Elsinore Rd. right of way from an existing service line east of the County property, to a point approximately 350 feet west of the County property (see Exhibit A – aerial photo and map). The easement will allow for tree trimming, guy wires, etc., to be placed within the easement. Additionally, pursuant to County zoning regulations, the easement area is within the building setback in which no structures/construction is permitted.

Electric service is currently not directly available to the County property, or the other properties along the proposed extension. The proposed extension is coming at the request and expense of a nearby property owner to the west in order to facilitate residential development on that lot. By virtue of this extension, electric service will be available to the County property at no monetary cost to the County. This easement is similar to others that the County has granted to Midstate in the past for the same purpose – the most recent being in November 2014.

FISCAL IMPLICATIONS:

No direct implications. However, the availability of electric power service directly to the lot can add to the overall property value. Deschutes County will grant the easement to Midstate Electric Cooperative, Inc. for no consideration.

RECOMMENDATION & ACTION REQUESTED:

Staff recommends signature of Document 2015-441

ATTENDANCE: James Lewis, Property Manager

DISTRIBUTION OF DOCUMENTS:

Original to James Lewis.

DESCHUTES COUNTY DOCUMENT SUMMARY

(NOTE: This form is required to be submitted with ALL contracts and other agreements, regardless of whether the document is to be on a Board agenda or can be signed by the County Administrator or Department Director. If the document is to be on a Board agenda, the Agenda Request Form is also required. If this form is not included with the document, the document will be returned to the Department. Please submit documents to the Board Secretary for tracking purposes, and not directly to Legal Counsel, the County Administrator or the Commissioners. In addition to submitting this form with your documents, please submit this form electronically to the Board Secretary.)

Please complete all sections **above** the Official Review line.

Date:

Department:

Contractor/Supplier/Consultant Name:

Contractor Contact:

Contractor Phone #:

Type of Documents: Easement to Midstate Electric Cooperative

Goods and/or Services: N/A

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Agreement Starting Date:

Ending Date:

Annual Value or Total Payment:

N/A

Insurance Certificate Received (check box)

Insurance Expiration Date:

N/A

Check all that apply:

RFP, Solicitation or Bid Process

Informal quotes (<\$150K)

Exempt from RFP, Solicitation or Bid Process (specify – see DCC §2.37)

N/A

Funding Source: (Included in current budget? Yes No)

If **No**, has budget amendment been submitted? Yes No

Is this a Grant Agreement providing revenue to the County? Yes No

Special conditions attached to this grant:

Deadlines for reporting to the grantor:

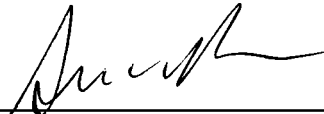
If a new FTE will be hired with grant funds, confirm that Personnel has been notified that it is a grant-funded position so that this will be noted in the offer letter: Yes No

Contact information for the person responsible for grant compliance: Name:

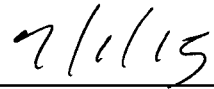
Phone #:

Departmental Contact and Title: James Lewis **Phone #:** 541-385-1414

Department Director Approval:



Signature



Date

Distribution of Document: Original to James Lewis for return to Midstate Electric and recording with the County Clerk.

Official Review:

County Signature Required (check one): BOCC Department Director (if <\$25K)

Administrator (if >\$25K but <\$150K; if >\$150K, BOCC Order No. _____)

Legal Review _____

Date _____

Document Numbers

2015-441

Midstate Electric Easement

20-10-12D / 1800



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Airphoto, USDA, USGS, AeroGRID, IGN, GE, SwireSat, and the GIS User Community, Deschutes County GIS

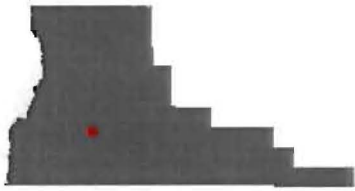


EXHIBIT "A"



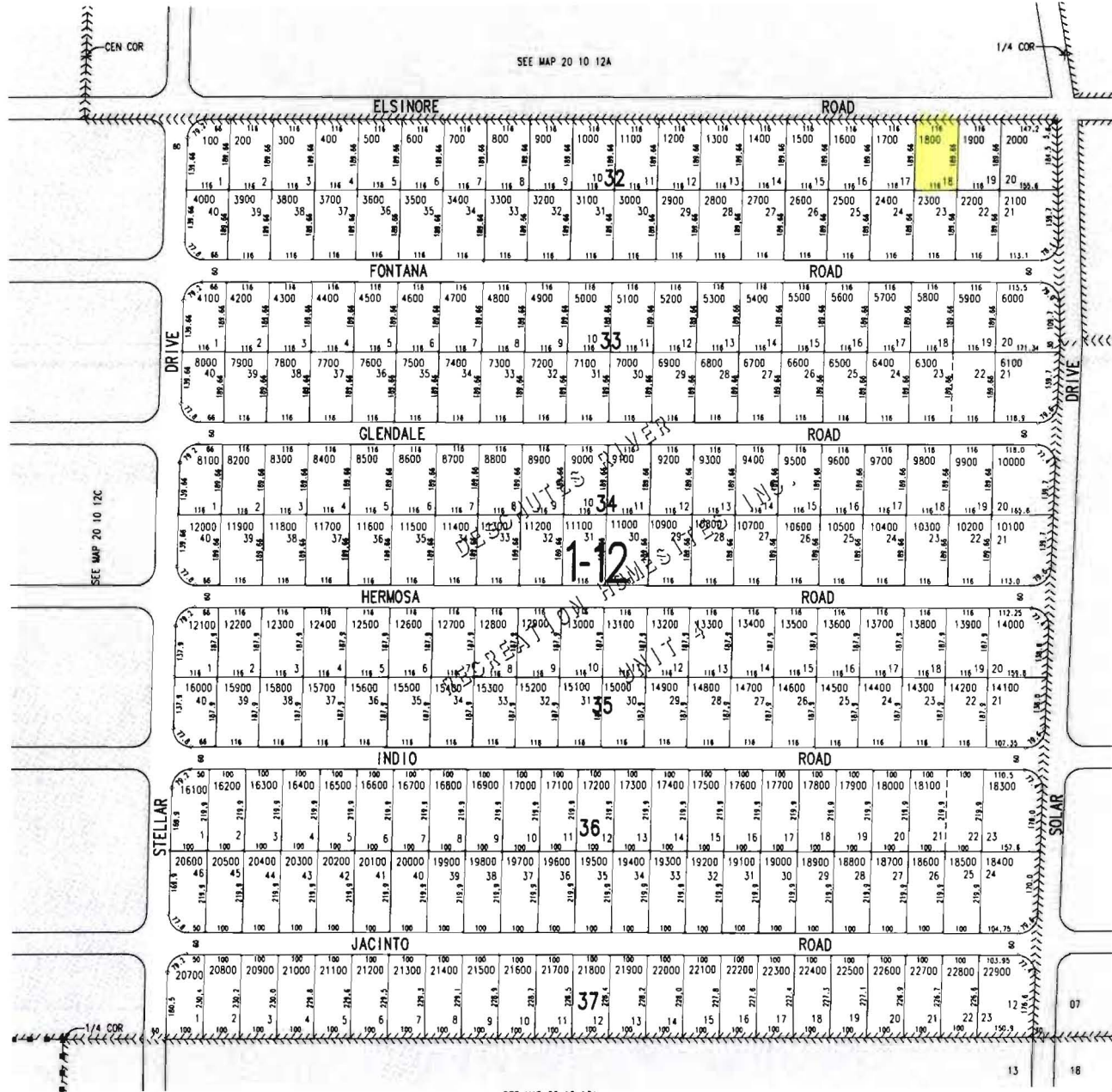
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

REVISED: 04/10/2008

SE1/4 SEC. 12 T.20S. R.10E. W.M. DESCHUTES COUNTY

20 10 12D

1" = 200'



Cancelled Nos.
6200
18200

SEE MAP 20 11 07C

SEE MAP 20 10 13A

20 10 12D

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, **Deschutes County**, the record owner(s) of the real property located in **Deschutes** County, State of Oregon, more particularly described as:

Portion: SE 1/4

Section: 12, **Township:** 20 South, **Range:** 10 East, Willamette Meridian

Subdivision: Deschutes River Recreation Homesites INC, UNIT 4 - Lot 18 Block 32

Tax Lot: 1800

Tax Map: 2010-12D

for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby grant unto Midstate Electric Cooperative, Inc., an Oregon cooperative corporation (hereinafter called the "Cooperative"), whose post office address is P.O. Box 127, La Pine, Oregon 97739, and to its successors and assigns, the following easement:

A 10-foot wide easement to install, modify and maintain **electrical facilities** more particularly described as follows:

The North 10 feet of LOT 18, BLOCK 32, of Deschutes River Recreation Homesites INC, UNIT 4, containing 0.02 acres, more or less;

<p>EASEMENT BETWEEN</p> <p><u>Deschutes County</u> <u>PO Box 6005</u> <u>Bend, OR 97708-6005</u></p> <p>AND</p> <p><u>Midstate Electric Cooperative, Inc.</u> <u>P.O. Box 127</u> <u>La Pine, Oregon 97739</u></p> <p>After recording return to:</p> <p><u>Midstate Electric Cooperative, Inc.</u> <u>P.O. Box 127</u> <u>La Pine, Oregon 97739</u></p>		<p>STATE OF OREGON, County of _____) ss.</p> <p>I certify that the within instrument was received for record on the ___ day of _____, 20___, at o'clock __.M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of _____ of said county.</p> <p>Witness my hand and seal of County affixed.</p> <p>_____ Name Title</p> <p>By _____, Deputy</p>
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and to lay, construct, operate and maintain an electrical transmission and/or distribution line or system, electrical, cable, telecommunications and other utility facilities on or under the above-described real property and/or in, upon, or under all streets, roads or highways abutting said real property; to inspect and make such repairs, changes, alterations, improvements, removals from, or substitutions and additions to its facilities as Cooperative 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, transformers, connection boxes, transformer enclosures, concrete pads, attachments, equipment, accessories and appurtenances thereto desirable in connection therewith, hereinafter referred to as the "facilities"; to cut, trim and control the growth by machinery or otherwise of trees and shrubbery located within the easement, or that may otherwise interfere with or threaten to endanger the operation and maintenance of said line or system (including any control of the growth of other vegetation in the right-of-way which may incidentally or necessarily result from the means of control employed); to keep the easement clear of all buildings, structures or other obstructions; and to license, permit or otherwise agree to the joint use of occupancy of the lines, poles, system or, if any said system is placed underground, of the trench related to underground facilities, by any other person, association or corporation.

The undersigned agree that all poles, wires or other facilities including any main service entrance equipment, installed in, upon or under the above-described lands at the Cooperative's expense shall remain the property of the Cooperative, removable at the option of the Cooperative.

The undersigned further covenant that they are the owners of the above-described real property and that the said real property is free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

THE TRUE CONSIDERATION FOR THIS GRANT OF EASEMENT IS PROVISION FOR ELECTRIC SERVICE.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DOC. # 2015-441

REVIEWED

LEGAL COUNSEL

DATED this ____ day of _____

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ATTEST:

ALAN UNGER, Vice-Chair

Recording Secretary

TAMMY BANEY, Commissioner

STATE OF OREGON)
) ss.
County of Deschutes)

Before me, a Notary Public, personally appeared ANTHONY DEBONE, ALAN UNGER and TAMMY BANEY, the above-named Board of County Commissioners of Deschutes County, Oregon and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

DATED this ____ day of _____

My Commission Expires: _____

Notary Public for Oregon