

PASSED

IN THE LANE COUNTY BOARD OF COMMISSIONERS
EUGENE, OREGON

ORDER NO.

99-11-23-11

) IN THE MATTER OF APPROVING AN EASEMENT
) AGREEMENT WITH U.S. WEST
) COMMUNICATIONS, INC. FOR INSTALLATION
) OF A 583' FIBER OPTIC LINE THROUGH
) ARMITAGE PARK, AND DELEGATING
) AUTHORITY TO THE COUNTY
) ADMINISTRATOR TO SIGN THE AGREEMENT

WHEREAS, U.S. West Communications, Inc., has requested that Lane County permit them to install a 583' underground fiber optic line within Armitage County Park; and

WHEREAS, the fiber optic line will be located in an area of the park that will not be significantly impacted by its installation or existence; and

WHEREAS, U.S. West has agreed to pay Lane County \$2,915 for the easement; provide a connection point to the U.S. West fiber optic line for use by the Parks Division within Armitage Park; and to replace and repair any damage occurred by the installation and maintenance of the fiber optic line; and

WHEREAS, it is in the best interest of the County to provide an easement to U.S. West Communications through Armitage Park to enhance the telecommunication service in Lane County; and

WHEREAS, an Easement Agreement has been prepared and attached to this Order as Exhibit 1.

NOW THEREFORE BE IT ORDERED that Lane County enter into an Easement Agreement with U.S. West Communications, Inc., for installation and burial of a 583' fiber optic line within Armitage Park and as shown in Exhibit 1; and it is further


ORDERED that the County Administrator be authorized to sign an agreement in similar form as the agreement attached as Exhibit 1.

Dated this 23rd day of November, 1999.

APPROVED AND TO FORM

Date 11-17-99 1999 county


OFFICE OF LEGAL COUNSEL


Chair, Lane County Board of Commissioners

RECORDING INFORMATION ABOVE

R/W # _____

EASEMENT AGREEMENT

The undersigned Grantor(s) for and in consideration of two thousand nine hundred and fifteen dollars Dollars (\$ 2,915) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto US WEST Communications Inc., a Colorado corporation, hereinafter referred to as "Grantee" whose address is 700 W Mineral, Littleton Colorado 80120, its successors, assigns, lessees, licensees and agents a perpetual easement to construct, reconstruct, modify, change, add to, operate, maintain and remove, UNDERGROUND TELECOMMUNICATIONS CABLE from time to time, as Grantee may require upon, over, under and across the following described land situated in the County of _____ State of _____ which the Grantor owns or in which the Grantor has any interest. To wit:

Located in ARMITAGE PARK Sec. 10, T17S R3W WM.

SEE EXHIBIT _____ ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Grantor further conveys to Grantee the following incidental rights:

The right of ingress and egress over and across the lands of Grantor to and from the above-described property and the right to clear and keep cleared all trees and other obstructions as may be necessary for the Grantee's use and enjoyment of the easement area.

Grantee shall indemnify Grantor for all damage caused to Grantor as a result of Grantee's exercise of the rights and privileges herein granted. Grantor shall have no responsibility for pre-existing environmental contamination or liabilities. Restoration shall meet all requirements and approval of Grantor.

Grantor reserves the right to occupy, use and cultivate said easement for all purposes not inconsistent with the rights herein granted.

Grantor covenants that he/she/they is/are the fee simple owner of said land or in which the Grantor has any interest and will warrant and defend title to the land against all claims.

Grantor hereby covenants that no excavation, building, structure or obstruction will be constructed, erected, built or permitted on said easement area. EXCEPTING that Grantee shall install a connection point to facilitate future use of the installed cable by Lane County Parks.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

