

EASEMENT

Vol. ^m79 Page 27258

77146

Dated: November 9, 1979

In consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable consideration, Thomas Molatore and Jerry Molatore, as Grantor, hereinafter referred to as Grantor, conveys to Pacific Power & Light Company, a corporation, its heirs, successors and assigns, as Grantee, and hereinafter referred to as Grantee, a perpetual nonexclusive easement to use a strip of land 30 feet wide, located across the property of Grantor described in Exhibit "A" attached hereto. The easement shall be located upon the real property in the approximate location as marked on Exhibit "B" attached hereto.

The terms of this easement are as follows:

1. USE: Grantee, and its agents, independent contractors and invitees shall use the easement for road purposes only, for access to the electric power transmission line located on the East end of this easement, and in conjunction with said use, Grantee may reconstruct, maintain and repair a road on this easement.

2. GRANTOR'S RIGHTS: Grantor reserves the right to use, construct, reconstruct and maintain the road located on the easement strip for purposes of access to Grantor property. Grantor may grant use rights for any such use to other parties over the easement strip. Grantor and Grantee shall cooperate during period of joint use so that each party's use shall cause a minimum of interference to the others, however, in case of conflict Grantor's right of use shall be dominant.

3. INDEMNIFICATION: Grantee agrees to indemnify

After
Recording
Return
to:

HENDERSON
& MOLATORE
ATTORNEYS AT LAW
420 MAIN STREET
KLAMATH FALLS
OREGON 97601
TELEPHONES
(503) 884-7731
884-2030

1 defend and hold Grantor harmless from any loss, claim or liability
2 to Grantor arising in any manner out of the use of the easement
3 strip or road by Grantee- its agents, independent contractors or
4 invitees.

5 4. TERMINATION: In the event of the termination
6 of the easement for the electric transmission line, between
7 Grantee and Grantor, dated June 1, 1979, this easement shall ter-
8minate immediately upon termination of the electric transmission
9 line easement.

10 5. EASEMENT SUBJECT TO ALL PRIOR EASEMENTS: This
11 easement is granted subject to all prior easements and encumbrances
12 of records.

13 6. GATES: Grantor shall have the right to install
14 roadway locking facilities across the roadway, however in cases
15 where a lock is installed, Grantee may also install its own lock.

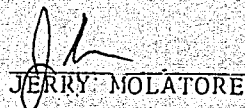
16 7. FURTHER RIGHTS ON TERMINATION: In the event
17 the electric transmission line across the property owned by Grantor
18 is abandoned and removed, this easement shall terminate.

19 8. MAINTENANCE: Grantee shall, at its expense,
20 repair any damage caused to any road existing upon the right-of-
21 way, caused by Grantee, its agents, independent contractors and
22 invitees.

23 IN WITNESS WHEREOF, the parties have executed this
24 agreement the day and year above first written.

25 Grantors:

26 
THOMAS MOLATORE

27 
28 JERRY MOLATORE

Grantee:

Ladd D. Hoyt
PACIFIC POWER & LIGHT COMPANY
By:

PACIFIC POWER & LIGHT COMPANY
By:

STATE OF OREGON)
) ss.
County of Klamath)

On this 9 day of November, 1979, personally
appeared before me JERRY MOLATORE, known to me to be the person
whose name is subscribed as attorney in fact for THOMAS MOLATORE
and acknowledged that he executed the same as the act of his
principal for the purposes therein contained.

PENNY D. HAMMONDS
Notary Public for Oregon
My commission expires

Penny D. Hammonds
NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-82

STATE OF OREGON)
) ss.
County of Klamath)

On this 9 day of November, 1979, personally
appeared before me the within named JERRY MOLATORE who is known
to me to be the individual described therein, and who acknowledged
to me that he executed the within instrument freely and voluntarily.

PENNY D. HAMMONDS
Notary Public for Oregon
My commission expires

Penny D. Hammonds
NOTARY PUBLIC FOR OREGON
My commission expires; 5-1-82

STATE OF OREGON)
) ss.
County of Klamath)

On this 9th day of November, 1979, personally
appeared before me the within named Ladd D. Hoyt

1 who did say that he is the Senior Right of Way Agent of Pacific Power
 2 & Light Company and _____ who did say that
 3 he is the _____ of Pacific Power & Light Company and
 4 the same was the voluntary act of said corporation.

5
 6
 7
 8 PENNY D. HAMMONDS
 Notary Public for Oregon
 9 My commission expires

Penny D. Hammond
 NOTARY PUBLIC FOR OREGON

My commission expires: 5-1-82

PARCEL II:

NW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Westerly of the Westerly right of way line of the U.S.B.R. C-4-E lateral; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ EXCEPTING THEREFROM the Westerly 85 feet. All of the above in Section 28, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM any portion lying within the U.S.B.R. C-4-E-1 lateral and the U.S.B.R. C-4-E lateral.

PARCEL III:

A parcel of land situated in Section 28, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at the Northwest corner of said Section 28; thence Easterly along the North line of said Section 28, 756 feet more or less to the Point of Beginning for this description; thence continuing Easterly along the said North section line, 710 feet more or less to a point that is 85 feet Easterly of the East line of NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28; thence leaving said North section line, Southerly, parallel to but 85 feet Easterly of the East line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, 50 feet; thence West 710 feet more or less to the Northwest corner of that property described in Volume M75, page 2064, Microfilm Records of Klamath County, Oregon; thence North 50 feet to the point of beginning.

EXHIBIT "B"

27253

NOVEMBER 1979 EASEMENT,
located on North Boundary
of Molatore Property, 30
feet wide, USBR ditch to
PPL line/easement

SEELEY

MOLATORE

175' WIDE
R/W

2260

IRRIGATION
DITCH

2270

2280

PACIFIC POWER & LIGHT CO.

MOLATORE

SECTION 28 T.39S, R.9E
KLAMATH COUNTY, ORE.

DATE _____ GRANTORS _____

SCALE 1" = 400' EXHIBIT 

C.L. LENGTH 3275 ACRES 13.16

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 21st day of
November A.D., 19 79 at 8:59 o'clock A M., and duly recorded in Vol. M79
of Deeds on Page 27258.

FEE \$21.00

WM. D. MILNE, County Clerk
By Berntha H. Hester Deputy