

46392

Vol. M97 Page 32646

Return to:
Pacific Power
PO Box 728
Klamath Falls, OR
97601-0321

RC:41360 WO:01227895

UNDERGROUND DISTRIBUTION RIGHT OF WAY EASEMENT

97 OCT -3 P 2:40

For value received, No, Apples 1 - Klamath LLC(Grantor) hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns (Grantee), an easement for a right of way ten (10) feet in width for the construction, reconstruction, operations, maintenance, repair, replacement, enlargement, and removal of underground electric power distribution lines, communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, vaults and cabinets; and the right to excavate and refill trenches therefor; along the general course now located by Grantee on, over or under the surface of the real property of Grantor in Klamath County, State of Oregon, more particularly described as follows or as more particularly described and/or shown on Exhibit(s) A attached hereto and by this reference made a part hereof:

Said property generally located in The Southeast Quarter (SE 1/4) of The Northeast Quarter (NE 1/4) of Section 9, Township 39 South, Range 9 East, of the Willamette Meridian, and more specifically described in Volume M97, Page 6969 in the Official Records of Klamath County.

Assessor's Map No. R-3909-009AD-00600-000/R-3909-009AD-00500-000

Tax Parcel No. 500 and 600

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor erect or permit the erection of any buildings or structures of any kind or nature within the right of way without the prior written consent of Grantee, or light any fires, or place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for roads, agricultural crops and other purposes not inconsistent with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns; and this easement shall terminate if and when Grantee shall have abandoned all use of the right of way and no longer has any future need therefor.

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Notwithstanding anything to the contrary in this agreement, and in addition to the foregoing, Grantor may use the surface of the right of way for small scale landscaping.

Notwithstanding anything to the contrary in this agreement, upon entry into the right of way by Grantee, the Grantee will restore to a condition as good as or better than the premises were prior to the entry by Grantee. Where possible, photographs will be taken prior to construction on said property to assure the completeness of restoration. Final restoration will include, but not be limited to, sod replacement in existing lawns, hydroseeding in unimproved areas, replanting of existing shrubs and bushes or replacement of the same, where such will not interfere with the Grantee's use of the right of way. Concrete, asphalt and/or gravel driveways which do not interfere with the Grantee's use of the right of way will be repaired or replaced by Grantee.

Signed this 26th day of August, 1997.

Brent C. Nicholson
Brent C. Nicholson

Michael Schreck Sr.
Michael Schreck Sr.

James B. Rose
James B. Rose

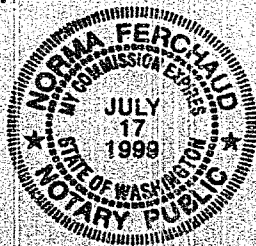
STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that Brent C. Nicholson, Michael Schreck Sr. and James B. Rose are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 8-26-97



Norma Ferchaud
(Signature of Notary Public)

Norma Ferchaud
(Printed Name of Notary Public)

My Appointment expires 7-17-99

32648

WASHBURN

WAY

LOT 16

LOT 17

D 17769

S

125 3/4' AL UND

5" CONDUIT

TRANSFORMER
D 17769

WAL-MART ENTRANCE RD.

TRACT 1276

EXHIBIT "A"

SITUATED IN THE SE 4 NE 4
OF SEC. 9, T39S, W.1M.

DISTRICT <u>KLAMATH</u>	
NAME <u>BIG 5 SPORTING GOODS</u>	
CIRCUIT NUMBER	
MAP NO.	R.C. <u>41360</u>
DRAWN	W.O. <u>01227845</u>

PACIFIC POWER
E R SKETCHSCALE 1" = 40'

FORM 2705 - 4/60

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Pacific Power the 3rd day
 of October A.D. 19 97 at 2:40 o'clock P. M., and duly recorded in Vol. M97
 of Deeds on Page 32646

FEE \$20.00

By Bernetha G. Letsch, County Clerk
Kathleen Ross