

48421

97 NOV 11 P3:11

Vol 99 Page 37160

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

RC: 41360 WO: 01250025

**DISTRIBUTION RIGHT OF WAY EASEMENT**

For value received McKoen Family Trust (Grantor) hereby grants to PacificCorp, an Oregon corporation, its successors and assigns (Grantee), an easement for a right of way twenty (20) feet in width for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power distribution lines and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, vaults and cabinets, 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:

Said property generally located in The Southeast Quarter (SE  $\frac{1}{4}$ ) of The Northeast Quarter (NE  $\frac{1}{4}$ ) and The Northeast Quarter (NE  $\frac{1}{4}$ ) of The Southeast Quarter (SE  $\frac{1}{4}$ ), all in Section 27, Township 40 South, Range 10 East of the Williamette Meridian, and more specifically described in Volume M90, Page 7179, in the Official Records of Klamath County.

Assessor's Map No. 40 10 27

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, or place or use or permit any equipment or material of any kind that exceeds 12 feet in height, or light any fires, or place or store any flammable material (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.

Indemnification clause

PacifiCorp shall indemnify and defend Grantor from any claim, loss or liability to the extent arising out of or related to: 1) any activity of PacifiCorp, its agents or contractors, on the premise or, 2) any condition of the premise arising out of the use by or possession of or control of PacifiCorp, its agents or contractors. PacifiCorp shall reimburse Grantor for any physical damage to Grantor's property or crops caused by PacifiCorp's activities.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their 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.

Signed this 4 day of Nov, 1997.

The McKoen Family Trust

Michael L. McKoen Linda McKoen  
Michael L. McKoen, Trustee Linda McKoen, Trustee

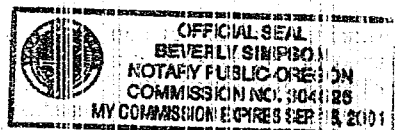
STATE OF OREGON

County of Clatsop ss.

This instrument was acknowledged before me on Nov 4, 1997,  
by Michael + Linda McKoen as GRANTORS  
of EASEMENT

Beverly Simpson  
Notary Public  
My Commission Expires Sep 18, 2001

ls.



STATE OF OREGON  
County of Clatsop ss.

Filed for record at request of:

Pacific Power

on this 10th day of November A.D., 1997  
at 3:11 o'clock P M. and duly recorded  
in Vol. 197 of Deeds Page 37160

Bernetha G. Letsch, County Clerk

By Beverly Simpson  
Fec. \$15.00 Deputy