

Return to:

Grantee

City of Klamath Falls
500 Klamath Avenue
Klamath Falls, OR 97601

Owner/Grantor

Donald C. Kirkpatrick
4666 Reeder Road
Klamath Falls, Oregon 97603

RIGHT OF WAY OPTION EXTENSION

The undersigned, Grantor, for and in consideration of \$1,000.00 hereby grants to the City of Klamath Falls, an Oregon municipal corporation, its successors and assigns, Grantee, until midnight, May 1, 1999, a twelve-month extension to that exclusive Right of Way Option dated July 31, 1997, and recorded in Klamath County Records as Document 43495, in Volume M97, Pages 26516 through 26521. Said original recorded Right of Way Option, in addition to this Right of Way Option Extension was (is) executed for the purpose of purchasing, for the total sum of \$47,500.00, including said original option sum of \$8,500.00, an easement for a right-of-way 125 feet in width for electric power transmission lines, distribution lines and communications lines of one or more wires, fibers, cables and other conductors and conduits and all necessary or desirable appurtenances, including towers, poles, props, guys and other supports, upon, over and across those certain premises situated in Township 39 South, Range 9 east, Section 7, County of Klamath, State of Oregon, along the course more particularly described and shown on the attachment hereto marked Exhibit "A", together with the further rights set forth in the form of easement attached hereto marked Exhibit "B", each by this reference made a part hereof. The option payment above noted in this Option Extension will not reduce the total sum of the original payment owing to Grantor upon final easement execution. Only the first option payment of \$8,500 will be deducted from the original sum. Provided, however, said original easement purchase price shall be increased by the sum of \$15,000 together with the additional sum of \$4,000 as an offset against future property taxes. The total amount remaining due upon the exercise of this option is therefore \$58,000.

During the term of this option extension, Grantee shall be and is hereby designated the agent of Grantor for the purposes of applying for or ratifying any conditional use permit required for the construction and operation of said transmission line.

This option extension shall be deemed duly exercised if Grantee shall, within said option extension period or any additional extension thereof; give written notice of Grantee's election to exercise this option extension. Such notice may be delivered to Grantor personally, or by letter duly directed and mailed to Grantor at the address hereinafter shown.

Grantee shall, within fifteen (15) days after giving such notice, tender to Grantor the balance of said purchase price by Grantee's check payable to the order of Grantor, and Grantor shall simultaneously execute, acknowledge and deliver to Grantee a good and sufficient easement substantially in said form attached hereto; or Grantee may within such time deposit said balance of the purchase price in escrow with a duly qualified title insurance company, Agent and cause written notice of such deposit to be given Grantor, in which case Grantor shall within thirty (30) days thereafter deliver such easement duly executed and acknowledged to said Agent for Grantee.

Grantee may, at its own risk, enter upon said premises at all times during said option extension period or any additional extension thereof for any purpose provided, however, that if Grantee fails to exercise this option extension within said option extension period, then all of Grantee's rights hereunder shall terminate and Grantee shall remove all of its personal property from said premises and shall reimburse Grantor for any damages caused by Grantee to said premises or to any crops growing thereon.

Dated this 30th day of April, 1998.

Signed Donald C. Kirkpatrick
Donald C. Kirkpatrick, Trustee

Address: 4666 Reeder Rd
R. Falls, OR, 97603

State of Oregon)
County of Klamath) : ss

On this day personally appeared before me the above-named Donald C. Kirkpatrick, as _____ of _____, and proved to me on the basis of satisfactory evidence to the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

Witness under my hand and official seal this 30th day of April, 1998.



Shirley F. Kappas
Notary Public for Oregon
Residing at Klamath Falls
My commission expires: 9-10-01

NWNE

SWNE

LAKE OF THE WOODS HWY NO
(STATE HWY 140)

TAX
LOT
800

TAX LOT
1 000

GREENSPRINGS HWY NO. 21
(STATE HWY 66)

TAX LOT
300

A TRACT OF LAND LOCATED IN THE
NORTHWEST 1/4 AND THE SOUTHWEST 1/4
OF THE SOUTHEAST 1/4
OF SECTION 7, TOWNSHIP 39 SOUTH,
RANGE 9 EAST OF THE WILLAMETTE MERIDIAN,
KLAMATH COUNTY, OREGON.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN 17, 1929
GARLAND E. RALEIGH
888

EXPIRES 12/31/98

400 200 0 400

SCALE: 1"=400'

OWNER Donald C. Kirkpatrick
1991 Revocable Trust
SECTION 7 T. 39S, R. 9E
Klamath County, Oregon

DATE 7/8/97 GRANTORS _____
SCALE 1" = 400' EXHIBIT A

TAX LOT 1200

NWSE

Donald C. Kirkpatrick 1991
Revocable Trust
Deed Recorded in
Volume M92, Pages 10632 & 14838,
Klamath County Records.

4.253 Acres

SWSE

TAX LOT 2500

THE DALLS-CALIFORNIA HWY. NO. 4
(US HWY. 97)

265

GERA**17400****G. E. Raleigh and Associates, Inc.****CONSULTANTS**

Mailing Address:
PO Box 25247
Portland, Oregon 97296-0247
Telephone: (503) 626-6656

Mark R. Heidecke
Senior Vice President

Street Address:
4540 SW 110th Avenue
Beaverton, Oregon 97005-3011
Facsimile: (503) 626-2494

EXHIBIT "A" Sheet 2 of 2

July 8, 1997

Donald C. Kirkpatrick 1991 Revocable Trust

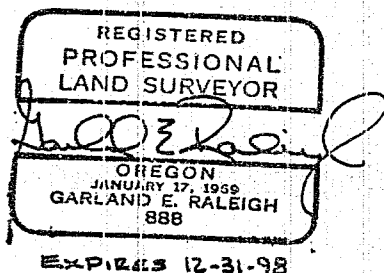
Klamath County, Oregon

Section 7 in Township 39 South, Range 9 East of the Willamette Meridian

A right-of-way 125 feet wide over and across a portion of property in the northwest quarter and the southwest quarter of the southeast quarter (NW/4 & SW/4-SE/4) of Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, as described in a Deed recorded in Volume M92 on Pages 10632 and 14838, Official Records of Klamath County Oregon. The boundaries of said right-of-way lie 62.5 feet on the west and east side of, and are parallel with, the following described survey line, and are to be lengthened or shortened to terminate at the North and South lines of said property.. The basis of bearings is the Oregon State Coordinate System (NAD-83), South Zone.

Beginning at a point on the North line of said property that bears S.33°36'00"E., 519.15 feet from the Center of Section 7, evidenced by an automobile axle; thence S.12°26'17"W., 947.60 feet; thence S.00°54'07"E., 531.88 feet to the South line of said property.

The above described right-of-way contains 4.253 acres, more or less.



Project Management • Environmental • Surveying
Engineering • Right-of-Way • Mapping

17401

Return to:
GRANTEE:
City of Klamath Falls

OWNER/GRANTOR:
Donald C. Kirkpatrick, Trustee
4666 Reeder Rd.
Klamath Falls, OR 97603

EXHIBIT "B"

TRANSMISSION RIGHT OF WAY EASEMENT

For value received, Donald C. Kirkpatrick, Trustee, (Grantor) hereby grants to the City of Klamath Falls, an Oregon municipal corporation, its successors and assigns (Grantee), an easement for a right of way 125 feet in width for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission lines, 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 or as more particularly described and/or shown on Exhibit(s) "A" attached hereto and by this reference made a part hereof:

Said right of way located in Section 7 of Township 39 South, Range 9 East, W.M., Klamath County, Oregon

During the term of the option, Grantee shall be and is hereby designated the agent of Grantor for the purposes of applying for or ratifying any conditional use permit required for the construction and operation of said transmission line.

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 twelve (12) feet in height, 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; and Grantee shall reimburse Grantor for any physical damage to Grantor's property or crops caused by Grantee's activities.

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

Executed this _____ day of _____, 1997

ACKNOWLEDGEMENT

State of _____)

County of _____)

This instrument was acknowledged before me on _____, 1997,
by _____ as _____
of _____

Notary Public for _____

Residing at _____

My Commission Expires _____

C:\ROW\FORMMASTER\KLAMATH CO-GEN KIRKPATRICK EASEMENT.DOC

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ City of Klamath Falls _____ the _____ 22nd _____ day
of _____ May _____ A.D., 19 _____ 98 at _____ 11:10 o'clock _____ A.M., and duly recorded in Vol. _____ M98
of _____ Deeds _____ or Page _____ 17397 _____

FEE \$35.00

By Bernetha G. Letsch, County Clerk
Kathleen Rosa