

05 JAN 13 AM 10:18

Vol M05 Page 02709

RECORDING REQUESTED BY:

GRANTOR: City of Klamath Falls
GRANTOR:

GRANTEE: PACIFICORP

RETURN TO:

OC
PACIFIC POWER
1950 MALLARD LANE
KLAMATH FALLS, OR 97601

State of Oregon, County of Klamath
Recorded 01/13/05 10:18 a m
Vol M05 Pg 02709-713
Linda Smith, County Clerk
Fee \$ 4.00 # of Pgs 5

RIGHT OF WAY EASEMENT

RECEIVED

BY JFA.....

41

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, City of Klamath Falls ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a non-exclusive easement for a right of way 10 feet in width and 700 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of an underground electric distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, vaults on, across, or under the surface of the real property of Grantor in Klamath County, State of Oregon, more particularly described as follows and as more particularly described and/or shown on Exhibit(s) A & B attached hereto and by this reference made a part hereof:

Said property generally located in the NW 1/4 NE 1/4 of Section 26 Township 39S Range 09E of the Willamette Meridian and more specifically described in Volume 143 Page M520 in the official records of Klamath County.

Assessor's Map No. 3909-0036-00400

Tax Parcel No. Lot 2 of Tax Lot 400

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 therefore) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place, light any fires, 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 agricultural crops and other purposes not inconsistent, as determined by Grantee, 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.

DATED this 15th day of December, 2004.

[Signature]
(Grantor)

(Grantor)

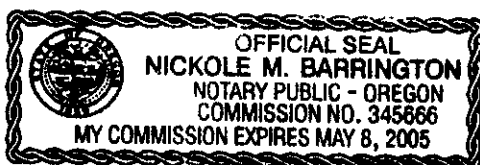
INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }
County of Klamath } ss

On December 15th, 2004 before me, Nickole Barrington - Notary Public
Name, Title or Officer (eg Jane Doe, ~~Notary~~ Public)

personally appeared Ann Crook
Name(s) of Signer(s)

☒ personally known to me ~ OR ~ ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf which the person(s) acted, executed this instrument



WITNESS my hand and official seal.

Nickole M. Barrington
SIGNATURE OF NOTARY

KNOW ALL MEN BY THESE PRESENTS, that N. J. Rowley, a widower, of Klamath County, State of Oregon, in consideration of Ten Dollars to him paid, by the City of Klamath Falls, Oregon, a municipal corporation of the State of Oregon, have bargain and sold, and by these presents does grant, bargain, sell and convey unto said City of Klamath Falls, Oregon, a municipal corporation, its successors and assigns, all the following bounded and described property situated in the County of Klamath and State of Oregon:

Commencing at the Northeast corner of Lot 2, Section 26, Township 39 South of Range 9 East of Willamette Meridian; running thence South along the East line of Lot 2, Section 26, 660 feet to the place of beginning; thence West and at right angles to said East line of said Lot 2, 1155 feet to a point; thence North on a line parallel with the East line of said Lot 2, 506.11 feet to an intersection with the Meander line of the lake, which bears N. 47° 0' E.; thence N. 47° 0' E. 225.61 feet, more or less, to the meander corner in the North line of Lot 2, Section 26; thence East along the North line of Lot 2, Section 26, 330 feet to a point; thence South and parallel with the East line of said Lot 2, 330 feet to a point; thence East and at right angles to the East line of said Lot 2, 660 feet to an intersection with said East line of said Lot 2; thence South along the East line of said Lot 2, 330 feet to the place of beginning, containing 12.21 acres.

Also, commencing at the Meander corner lying in the Section line between Sections 23 and 26, Township 39 South, Range 9 East of Willamette Meridian, which corner is 2310 feet, more or less West of the corner to Sections 23, 24, 25 and 26, Township 39 S. R. 9 E. W. M., running thence N. 1° 0' E. 330 feet along the meander line to the place of beginning; thence N. 1° 0' E. 264 feet to meander corner; thence N. 32° 0' E. along the meander line a distance of 504.9 feet to the South boundary line of the U. S. R. S. drainage canal; thence following the South boundary line of said drainage canal, S. 86° 17' E. 145 feet; North 3° 43' E. 40 feet; thence South along the East line of said Lot 2, 45 feet; thence West at right angles to the East line of Lot 2, 660 feet to a point; thence South on a line parallel with the East line of Lot 2, 660 feet to a point; thence West at right angles to the East line of said Lot 2, 324.23 feet to the place of beginning, less easement for road 20 feet wide on the North side of this tract, and lying South of the drainage canal; containing 4.37 acres, more or less.

together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and also all his estate, right, title and interest in and to the same, including dower and claim of dower.

TO HAVE AND TO HOLD the above described and granted premises unto the said City of Klamath Falls, Oregon, a municipal corporation, its successors and assigns forever. And N. J. Rowley, grantor above named does covenant to and with the City of Klamath Falls, Oregon, the above named grantee, its successors and assigns, that he is lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances, except taxes payable in the year 1942, and all future charges of

EXHIBIT A

02712

the Klamath Irrigation District, which the grantees herein assume and agree to pay, and that he will and his heirs, executors and administrators shall warrant and forever defend the above granted premises and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever, except as above stated.

IN WITNESS WHEREOF, the grantor above named has hereunto set his hand and seal this 30th day of December, 1941.

N. J. Rowley (SEAL)

STATE OF OREGON,)
County of Klamath) ss

BE IT REMEMBERED, That on this 30th day of December A. D. 1941, before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named N. J. Rowley, who is known to me to be the identical person described in and who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Notarial seal the day and year last above written.

Julius Sabers
Notary Public for Oregon

My commission expires *Mar 24*

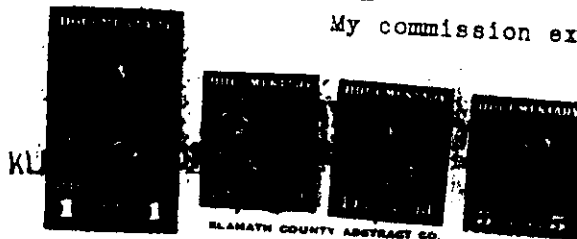


EXHIBIT A

50377

STATE OF OREGON } ss
Klamath County }

Filed for Record
Klamath County Abstract Co

RECORDED DEC 30 PM 3:24

Recorded in Vol. 14
Deeds - Part 1443

W. H. Short, County Clerk
Klamath County

\$1.20

11/04/2004 AmeriTitle Klamath Falls, Or

02713

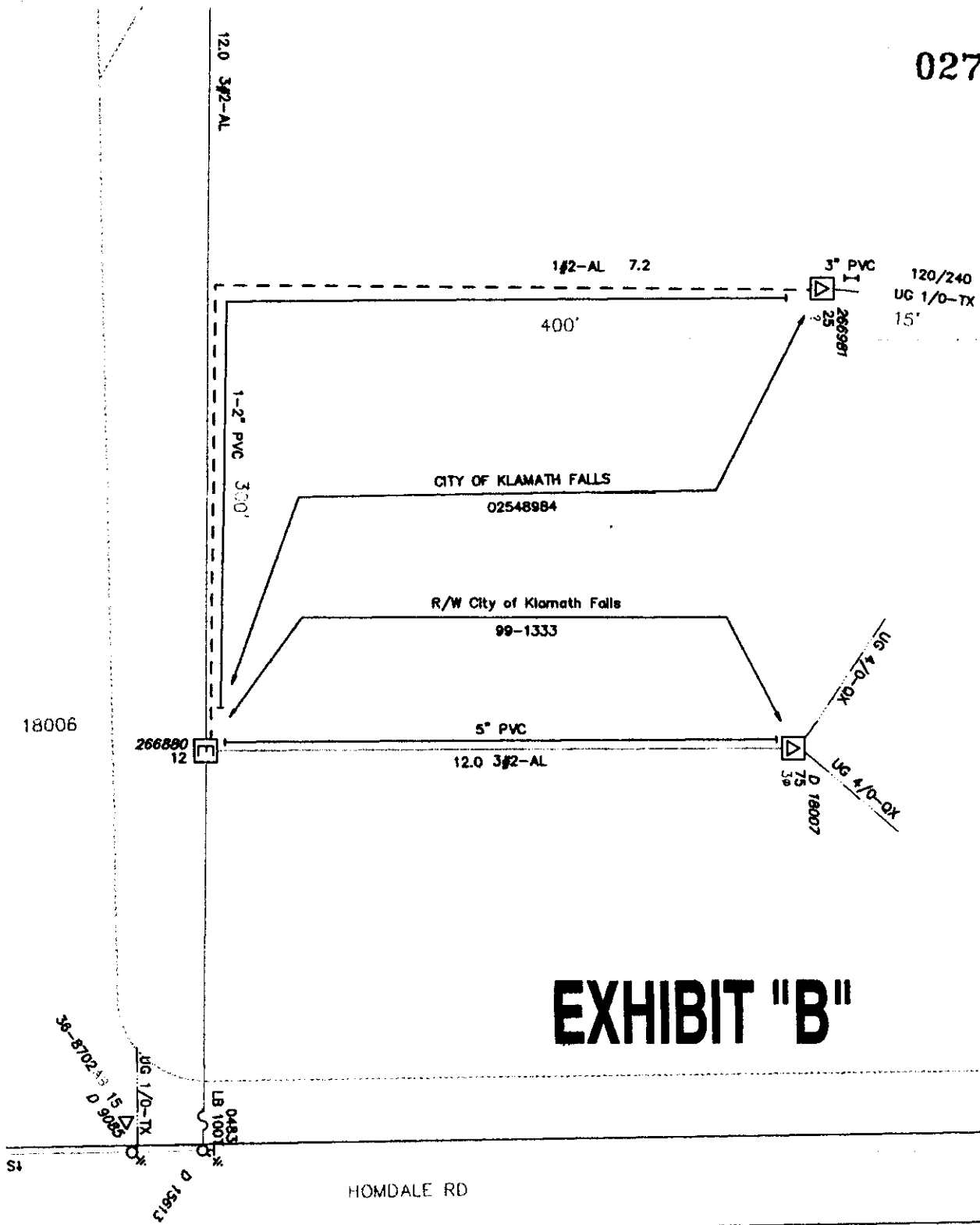




EXHIBIT "B"

Foreman		Emp #	Job Start Date		 		
CC#	WO# / REQ#	Map String	Job Comp Date				
11176	002548984	01439009.0			1 OF 1		
CUSTOMER : FAA ADDRESS : 7900 HOMEDALE RD KLAMATH FALLS, OR			Circuit 5L45	Post Jobs <input type="checkbox"/> RQII <input type="checkbox"/> Posted <input type="checkbox"/>	EST ID# 60177	Print Date 11/04/04	Scale 1=100'