

**GRANTORS:**

cc  
City of Klamath Falls  
500 Klamath Avenue  
Klamath Falls, OR 97601  
&  
Klamath Wingwatchers, Inc.  
P.O. Box 251  
Klamath Falls, OR 97601

**CLERK'S STAMP**

Vol M05 Page 36892

State of Oregon, County of Klamath  
Recorded 05/20/05 10:35 a.m.  
Vol M05 Pg 36892-95  
Linda Smith, County Clerk  
Fee \$ 31.00 # of Pgs 4

**GRANTEE:**

PacifiCorp, and Oregon Corporation  
Klamath Falls, OR 97601

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, City of Klamath Falls, an Oregon municipal corporation, and Klamath Wingwatchers, Inc, an Oregon nonprofit corporation, ("Grantor"), hereby grant to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual, non-exclusive right of way easement for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's 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 therefore; and pads, transformers, switches and vaults; on, across, and under a strip of land 10 feet in width, located on real property of Grantor in Klamath County, State of Oregon. The "Easement Area" is more particularly described and shown on Exhibit A, attached hereto and by this reference incorporated herein. The property burdened by this easement is described in Exhibit B, attached hereto and by this reference incorporated herein.

This Easement shall include 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. This easement may be in close proximity to Grantor's utility lines, and, if so, Grantee shall, if required, comply with City clearance/shielding standards and coordinate installation with Grantor's Engineering unit.

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 public park purposes and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

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The rights and obligations of the parties hereto shall be binding upon and shall benefit and burden their respective heirs, successors and assigns.

DATED this 19th day of May, 2005.

GRANTOR: City of Klamath Falls

By: [Signature]  
Jeff Ball, City Manager

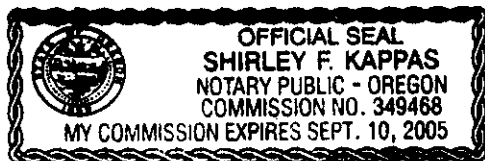
GRANTOR: Klamath Wingwatchers, Inc.

By: [Signature]  
B. J. Matzen, President

### INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OREGON       )  
                                      ) ss.  
County of Klamath       )

On the 19th day of May, 2005, personally appeared Jeff Ball, who, being first duly sworn, did acknowledge that he is the City Manager of the City of Klamath Falls, an Oregon municipal corporation, that the instrument was signed on behalf of said municipal corporation and that said instrument is the City's voluntary act and deed.



WITNESS my hand and official seal.

[Signature]  
SIGNATURE OF NOTARY PUBLIC  
Notary Public for Oregon  
My Commission Expires:

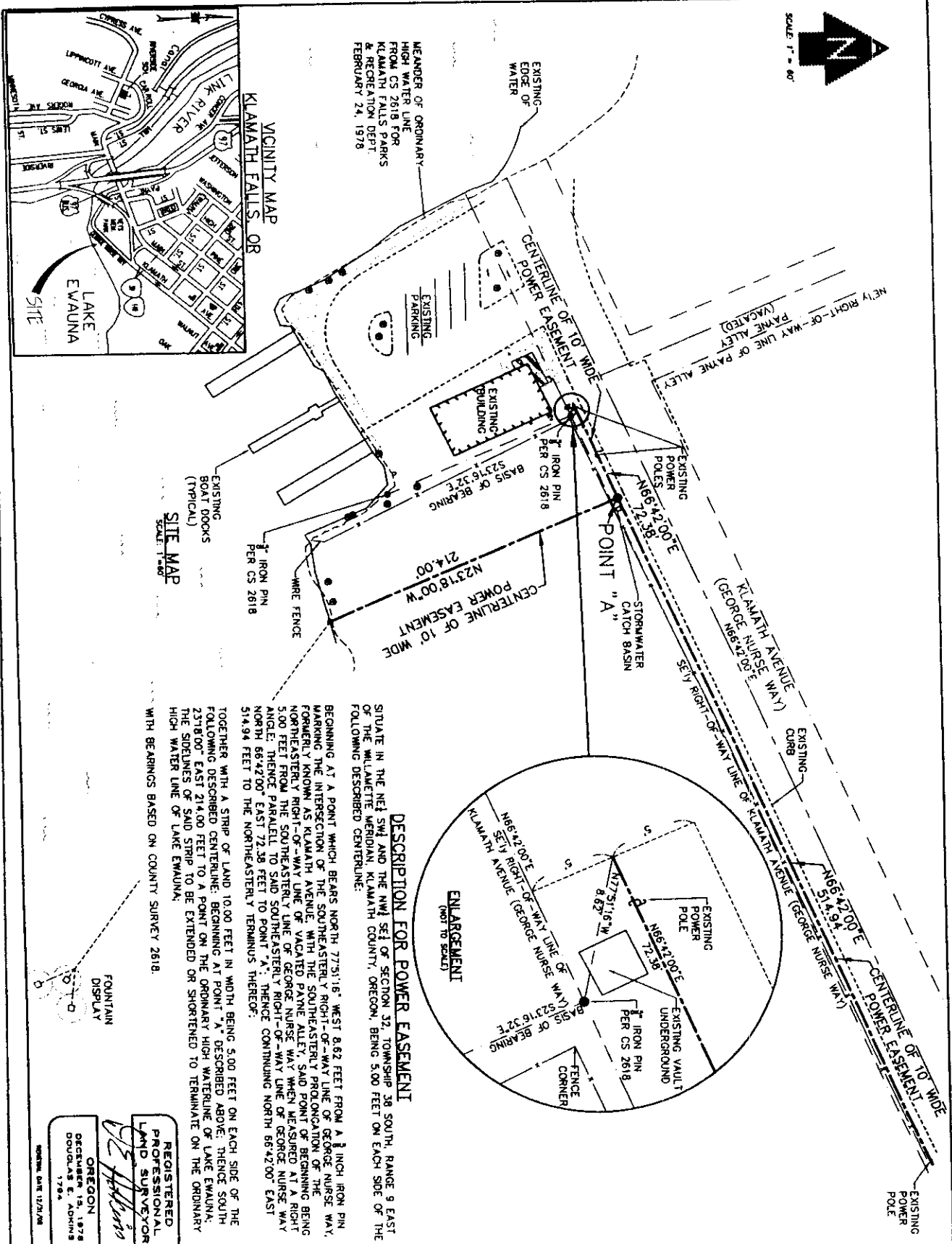
STATE OF OREGON       )  
                                      ) ss.  
County of Klamath       )

On the 18th day of May, 2005, personally appeared B. J. Matzen, who, being first duly sworn, did acknowledge that he is the President of Klamath Wingwatchers, Inc., an Oregon nonprofit corporation, that the instrument was signed on behalf of said corporation and that said instrument is the corporation's voluntary act and deed.



WITNESS my hand and official seal.

[Signature]  
SIGNATURE OF NOTARY PUBLIC  
Notary Public for Oregon  
My Commission Expires: 11-7-07



SCALE AS SHOWN	DESIGNED BY MDR
DATE 2004	SURVEYED BY DK
SHEET 1 OF 1	DRAWN BY MDR
PL 1000-102 EASEMENT	CHECKED BY DA

**ADKINS**

CONSULTING ENGINEERS, INC. Engineers & Planners & Surveyors

2950 Sheela Way Klamath Falls, Oregon 97603

(541) 884-4888 FAX (541) 884-5335

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**DESCRIPTION FOR POWER EASEMENT**

**VETERANS PARK**

**KLAMATH FALLS, OREGON**

No.	REVISION	DATE	BY

Exhibit B

36895

Parcel 1:

The South Half (1/2) of Lot one (1), All of Lot two (2), all of Lot Three (3), except the East Five and Forty-six Hundredths (5.46) feet, all in Block Twenty-seven (27); and the South Sixty (60) feet of Maple Alley, now vacated, and the Southwesterly Eleven (11) feet by Sixty (60) feet of Lot Three (3) in Block Twenty-eight (28), all in the original Town of Klamath Falls, Formerly Linkville, Oregon.

Parcel 2:

A parcel of land in the N ¼ SW ¼, Section 32, Township 38 South, Range 9 E., W.M., Klamath County, Oregon, being more particularly described as follows:

Beginning at the northeasterly corner of that property shown in County Survey Number 2618, as filed in the Klamath County Surveyor's office, said point marked with a 5/8" rebar; thence N 66° 47' 26" E 588 feet along the southerly line of Klamath Avenue to the northwesterly corner of that property shown in County Survey Number 276, as filed in said Surveyor's office; thence S 50° 55' E 210.8 feet to the mean high water line of Lake Ewauna; thence S 66° 32' W along said mean high water line for approximately 690'; thence continuing along said mean high water line in a northwesterly direction to a 5/8" rebar marking the southeast corner of the property shown in County Survey Number 2618; thence leaving the mean high water line, N 23° 06' 3" W 135.62 feet to the point of beginning.