

05 JUN 03 AM 10:14

Vol. M05 Page 41318

RECORDING REQUESTED BY:

GRANTOR: City of Merrill  
GRANTOR:

GRANTEE: PACIFICORP

RETURN TO:

*dc* PACIFIC POWER  
1950 MALLARD LANE  
KLAMATH FALLS, OR 97601

State of Oregon, County of Klamath  
Recorded 06/03/05 10:14 AM  
Vol M05 Pg 41318-24  
Linda Smith, County Clerk  
Fee \$ 51.00 # of Pgs 7

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## RIGHT OF WAY EASEMENT

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RECEIVED

BY: NAB 15:00

51✓

UNDERGROUND RIGHT OF WAY EASEMENT

41319

For value received, City of Merrill ("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 1680 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 E 1/2 of NW 1/4 of Section 12, Township 41S, Range 10E of the Willamette Meridian and more specifically described in Volume M04, Pages 13571, 13572, 13753, 13574 and 13575 in the official records of Klamath County.

Assessor's Map No.

Tax Parcel No.

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 19 day of Oct, 2004.

Randa Lyon  
(Grantor)

\_\_\_\_\_  
(Grantor)

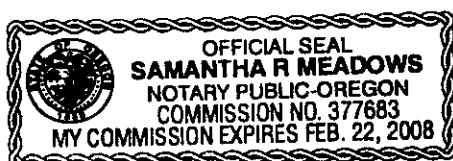
## INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

Randa Lyon }  
of City of Merrill } ss

legally appeared before me, SAMANTHA MEADOWS, Notary  
Name, Title or Officer (eg Jane Doe, Notary Public)

Illy appeared Randa Lyon  
Name(s) of Signer(s)

Illy 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.

Samantha R. Meadows  
SIGNATURE OF NOTARY

41320



# Property Description

PROPOSED NEW  
ACCESS ROAD

FOURTH AVE.

THIRD AVE.

C STREET

SECOND AVE.

THIRD AVE.

D STREET

W.O. 2460738

INSTALL POWER VAULT  
PER PPL SPECIFICATIONS

800 LF OF UNDERGROUND POWER  
4" CONDUIT

960 LF OF UNDERGROUND POWER  
4" CONDUIT

METER BASE FOR  
IRRIGATION PUMP  
3PH, 480V, 25HP

INSTALL POWER VAULT  
PER PPL SPECIFICATIONS

METER BASE FOR  
IRRIGATION PUMP  
3PH, 480V, 25HP

W.O. 2477985

EXISTING OVERHEAD POWER LINE  
REMOVE AND INSTALL UNDERGROUND

1077 LF UNDERGROUND POWER 4" CONDUIT

MOVE EXISTING POWER POLE OUTSIDE  
SENSITIVE ARCHEOLOGICAL AREA  
142' WEST, 30' NORTH

400 LF ARCHEOLOGICAL SET BACK LINE

2603 II 6" PVC

ARCHEOLOGICAL SENSITIVE AREA

LOST RIVER

SCALE 1" = 300'



CC# 11176

WO#: 2460738 + 2477985

NAME: City of Merrill

DRAWN BY: Anderson Eng.

**EXHIBIT A**

This drawing should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

**PacifiCorp**

SCALE:

SHEET

OF

04 MAR 9 AM 11:27

1st 321871

41321

Vol M04 Page 13571

After recording, return to:  
Justin Throne, Esq.  
280 Main Street  
Klamath Falls, OR 97601

State of Oregon, County of Klamath  
Recorded 03/09/2004 11:27 A m  
Vol M04 Pg 13571-75  
Linda Smith, County Clerk  
Fee \$ 41.00 # of Pgs 5

Until further notice, send  
all tax statements to:  
City of Merrill  
301 E. Second Street  
P.O. Box 487  
Merrill, Oregon 97633

### STATUTORY WARRANTY DEED

KENNETH L. DENCER and PATRICIA A. DENCER, Trustees of the  
DENCER FAMILY TRUST U/A/D 30 April 1990, Grantors, convey and warrant to the  
CITY OF MERRILL, Grantee, the following described real property, free of  
encumbrances except as specifically set forth herein:

See attached Exhibit A, incorporated herein by reference.

#### SUBJECT TO:

See attached Exhibit B, incorporated herein by reference.

Grantors, however, hereby expressly reserve to themselves, their heirs,  
executors, administrators, personal representatives, and assigns, an easement, as follows:

#### RECITALS

1. WHEREAS Grantors own real property that is adjacent to the real  
property described in Exhibit A, attached hereto, and that the property described in  
Exhibit A is hereby conveyed to, and is hereinafter referred to as "Grantee's parcel," and

2. WHEREAS said real property reserved by Grantors is described in  
Exhibit C attached hereto, and is hereinafter referred to as "Grantors' parcel," and

3. WHEREAS Grantors' parcel has appurtenant water rights for irrigation,  
and Grantee's parcel borders the Lost River.

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## EXHIBIT "B"

STATUTORY WARRANTY DEED & RESERVATION OF EASEMENT

Page 1 of 3

DENCER to CITY OF MERRILL

41F

41322  
13572

#### **RESERVATION OF EASEMENT**

4. Said easement is to place a pump, power pole, panel, meter base and any incidental and reasonably necessary equipment or fixtures in order to divert irrigation water from the Lost River to Grantors' parcel in a location (hereinafter referred to as the "pump location") that is in the relative vicinity of the current pump, power pole, panel, and meter base that is used to divert water to irrigate Grantee's parcel.

5. Said easement is to divert and deliver water for irrigation through above-ground mainline pipe from the pump location to Grantors' parcel and to place, maintain, and operate said pipe in a reasonable manner that is outside the current crop use area of Grantee's parcel.

6. Said easement is to excavate for, install, replace, maintain and use underground mainline pipe for diversion and delivery of water for irrigation from the pump location to Grantors' parcel as a future alternative method to the above-ground mainline pipe.

7. Said easement is to access the pump location and all pipe connected thereto by motor vehicle, for operation, maintenance, repair, and inspection of same. All access will be by roads constructed and/or maintained by Grantee.

8. Said easement is perpetual and shall run with the land, so long as Grantors' parcel has appurtenant water rights, and that those are appropriated or managed by an owner or owners of record, or the agent thereof, of only one parcel, or by an agent or representative of a management entity, organization, or association of the landowner or landowners, regardless of parcel or lot size, of Grantors' parcel. It is the intent of this paragraph that the Grantee shall have to deal with only one party at a particular time regarding all matters covered by this reservation of easement. It is recognized that said easement burdens Grantee's parcel and that the benefit and appurtenance shall be to Grantors' parcel.

9. If suit or action is instituted to enforce any of the provisions of this Agreement, the party prevailing therein shall be entitled to recover from the other such sum as the Court may adjudge reasonable as attorney's fees and costs therein, including any appeal thereof.

The true and actual consideration for this conveyance is \$190,000.

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**EXHIBIT "B"**

41323  
13573

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 8 day of March, 2004.

Kenneth L. Dencer, Trustee Patricia A. Dencer, Trustee  
KENNETH L. DENCER, Trustee PATRICIA A. DENCER, Trustee

STATE OF OREGON     ]  
                                  ] ss.  
County of Klamath    ]

March The foregoing instrument was acknowledged before me this 8 day of March 2004, by Kenneth L. Dencer and Patricia J. Dencer.

[Signature]  
Notary Public for Oregon  
My Commission expires: 8-2-07

**EXHIBIT "B"**

41324  
13574

**Exhibit A**

Real property in the County of Klamath, State of Oregon, described as follows:

**Parcel 1:**

A portion of the SW 1/4 of NW 1/4 and of Lot 4 and of Lot 6 Section 12, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of Section 12, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, 828.5 feet North of the quarter section corner common to Sections 11 and 12 of said Township and Range; thence North on the Section line 284.0 feet, more or less, to the Southwest corner of the subdivision of Clinton as platted and of record in the records of Klamath County, Oregon; thence East along the South line of said Township of Clinton, and along the South line of the lands heretofore deeded by Julia Lage et al to Edith Kandra, by Deed recorded at page 68 of Volume 68, Deed records of Klamath County, Oregon, 2674.0 feet, more or less, to the Intersection with North and South center line of said Section 12; thence North along said North and South center line of said Section 12, 351.3 feet, more or less, to the Southerly water line of Lost River; thence following the said Southerly water line of Lost River, in a Southeasterly direction to the intersection of said Southerly water line of Lost River with the Northerly line of the right of way of the Central Pacific Railway Company as shown by Deed, Calvin N. Haskins to Central Pacific Railway Company, recorded at page 243 of Volume 85, Deed records of Klamath County, Oregon; thence Westerly following the said Northerly line of the right of way of the Central Pacific Railway Company as shown by said Deed, Haskins to Central Pacific Railway Company, 3954 feet, more or less, to the Southeast corner of the tract of land conveyed by Calvin N. Haskins to Fred Heilbronner et al by Deed recorded in Volume 92 page 424 Deed records of Klamath County, Oregon; thence North 208.0 feet on the Easterly line of said Heilbronner tract to the Northeast corner of said Heilbronner tract; thence West 446.0 feet, more or less, to the point of beginning.

**Parcel 2:**

Also a parcel of land described as follows: Beginning at the Southeast corner of said Township of Clinton and running thence East 1570 feet, more or less to the East boundary line of Lot 4, Section 12, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence North along the Easterly boundary line of said Lot 4 to the South bank of Lost River; thence Northwesterly and following the South bank of Lost River to the Northeast corner of said Townsite of Clinton; thence in a Southerly direction, following the East boundary line of the said Townsite of Clinton to the point of beginning, excepting therefrom approximately one acre deeded by Clinton Van Brimmer and Martha Van Brimmer to Linus Jacobson, said Deed being recorded at page 270 of Volume 21, Deed records of Klamath County, Oregon.

Tax Parcel Number: 101918

**EXHIBIT "B"**