

'05 JUN 17 AM 10:40

Vol M05 Page 45515

RECORDING REQUESTED BY:

GRANTOR: Henzel Properties
LTD

GRANTOR:

GRANTEE: PACIFICORP

RETURN TO:

pc
PACIFIC POWER
1950 MALLARD LANE
KLAMATH FALLS, OR 97601

State of Oregon, County of Klamath

Recorded 06/17/05 10:40 a m

Vol M05 Pg 45515-20

Linda Smith, County Clerk

Fee \$ 46.00 # of Pgs 6

RIGHT OF WAY EASEMENT

46

RECEIVED
MAR 03 2006
BY: UFB 11:49

Return to: Pacific Power
1950 Mallard Lane
Klamath Falls, Oregon 97601

CC#: 11176 WO#: 002518519

RIGHT OF WAY EASEMENT

45516

For value received, Henzel Properties, LTD, ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), an easement for a right of way 20 feet in width and 525 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchor, 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 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 of SE 1/4 of Section 1, Township 40S, Range 8E, of the Willamette Meridian and more specifically described in Volume M86, Page 13082 in the official records of Klamath County.

Assessor's Map No. R-408-00100-0600-000 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 and adjacent lands 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, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, 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 28 day of February, 2005.

Henzel Properties / Henzel Bros by Sam Henzel
Grantor(s) Grantor(s)

INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

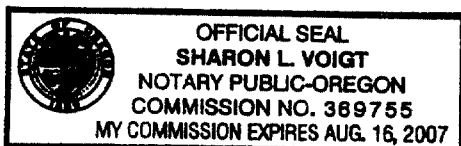
State of OR }
County of Klamath } ss

On February 28, 2005 before me, Sharon L Voigt
Name, Title or Officer (eg Jane Doe, Notary Public)

personally appeared Sam Henzel
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.

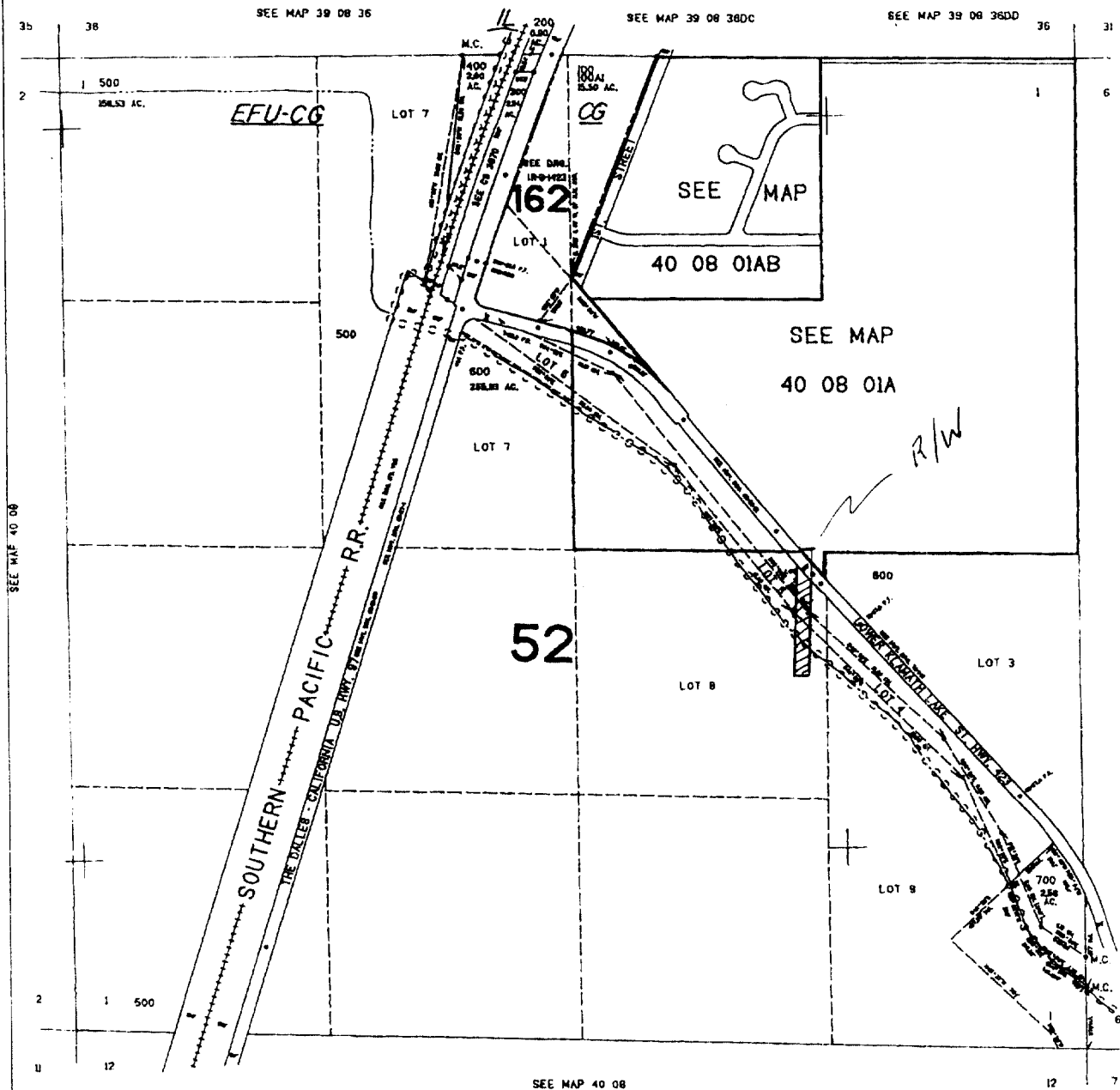


Sharon L Voigt
SIGNATURE OF NOTARY

45517

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLYSECTION 01 T.40S. R.08E. W.M.
KLAMATH COUNTY

1"=400'

40 08 01
INDEX
↑

CC#:

11176

WO#:

2518519

NAME:

HENZEL BROTHERS

DRAWN BY:

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

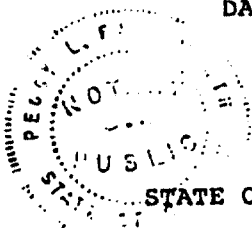
OF

KNOW ALL MEN BY THESE PRESENTS that DAVID P. HENZEL, Grantor, conveys to HENZEL PROPERTIES, LTD., Grantee, all that real property situated in Klamath County, Oregon, being more particularly described on Exhibit "A", attached hereto and by this reference incorporated herein and made a part hereof:

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The consideration for this transfer is \$1,019,304.00.

DATED this 2nd day of December, 1985.



David P. Henzel
David P. Henzel

STATE OF OREGON)
County of Klamath) ss.

Personally appeared the above named David P. Henzel, and acknowledged the foregoing instrument to be his voluntary act and deed before me this 2nd day of December, 1985.

Deborah A. Farnsworth
Notary Public for Oregon
My Commission Expires: 3-18-88

MAIL TAX STATEMENTS TO:

Henzel Properties, Ltd.
P. O. Box 84
Midland, OR 97634

TOWNSHIP 40 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN

13083

SECTION 1:

A piece or parcel of land lying between the rights of way for the Southern Pacific Railroad, and the Dalles-California Highway in Lot 1 of Section 1, Township 40 South, Range 8 East of the Willamette Meridian, and more particularly described as follows: Beginning at a point at the intersection of the line marking the Easterly boundary of the right of way of the Southern Pacific Railroad, which is a line parallel with and 50.0 feet distant at right angles Southeasterly from the center line of the said Southern Pacific Railroad, as the same is now located and constructed, with a line parallel with and 92.54 feet distant at right angles Southerly from the township line which marks the Northerly boundary of the said Section 1, Township 40 South, Range 8 East of the Willamette Meridian, from which point of intersection, the section corner at the Northeasterly corner of the said Section 1, Township 40 South, Range 8 East of the Willamette Meridian, bears North 88°22' East, 2927.6 feet distant, and running thence Southwesterly along the said Easterly right of way line of the said Southern Pacific Railroad, 1105 feet, more or less, to its intersection with the meander line marking the Southerly boundary of the said Lot 1, of the said Section 1, Township 40 South, Range 8 East of the Willamette Meridian; thence South 40°58' East along said meander line 97.5 feet, more or less, to its intersection with the line marking the Westerly boundary of the right of way of the Dalles-California Highway, which is a line parallel with and 50.0 feet distant at right angles Northwesterly from the center line of the said The Dalles-California Highway, as the same is now located and constructed; thence Northeasterly along the said Westerly right of way line of the said The Dalles-California Highway 1190 feet, more or less, to its intersection with the said line parallel with and 92.54 feet distant at right angles Southerly from the township line marking the Northerly boundary of the said Section 1, Township 40 South, Range 8 East of the Willamette Meridian; thence North 89°49' West, along said parallel line 97.3 feet, more or less, to the said point of beginning.

ALSO Beginning at the Northwestern corner of the S½SE½NE¼ of the said Section 1, Township 40 South, Range 8 East of the Willamette Meridian, and running thence North 89°49' West 704.4 feet, more or less, to a point in the line marking the Northeasterly boundary of the right of way of the Midland-Mack Store Road, which is a line parallel with and 30.0 feet distant at right angles Northeastly from the center line of the said Midland-Mack Store Road, as the same is now located and constructed; thence South 38°25½' East, along said Northeasterly right of way boundary 1134.2 feet, more or less, to its intersection with the line marking the Easterly boundary of Lot 2, of Section 1, Township 40 South, Range 8 East of the Willamette Meridian; thence North 0°02' West, along said line marking the Easterly boundary of the said Lot 2 of Section 1, Township 40 South, Range 8 East of the Willamette Meridian, 886.3 feet, more or less, to the said point of beginning.

All those portions of Lots 1 and 2, Section 1, lying Southwesterly of the Midland-Mack Store Highway as now constructed and in use, in Township 40 South, Range 8 East of the Willamette Meridian.

The S½SE½NE¼ of Section 1, Township 40 South, Range 8 East of the Willamette Meridian.

~~EXHIBIT A~~**EXHIBIT "B"**

Lots 3, 4 and 9 of Section 1, SAVING AND EXCEPTING that portion of the A. H. Patterson, Sr. property described in deed recorded in Book 199 page 113, which lies Northerly and Easterly of the Northeast boundary of the New North canal of the Klamath Drainage District and SAVING AND EXCEPTING THEREFROM that portion conveyed to State of Oregon by deed dated May 23, 1947, recorded June 3, 1947, in Deed Book 207 page 156, records of Klamath County, Oregon. 13084

45520

All that portion of lot 6, Section 1, lying Easterly of the Central Pacific Railway Company right of way, SAVING AND EXCEPTING that portion thereof lying Northerly of the Midland-Mack Store Highway and having been conveyed to Arthur Neil Phipps, et al, by deed dated March 14, 1950, recorded March 17, 1950, in Book 237 page 387, Deed Records of Klamath County, Oregon, and ALSO SAVING AND EXCEPTING that portion thereof conveyed to Klamath County by deed dated April 21, 1934, recorded September 19, 1934, in Deed Book 103 page 506, Records of Klamath County, Oregon, and ALSO SAVING AND EXCEPTING therefrom that portion conveyed to the State of Oregon by deed dated May 31, 1947, recorded June 25, 1947, in Book 208 page 87, Deed Records of Klamath County, Oregon.

Those portions of lot 7, the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, lying Easterly of the Central Pacific Railway Company right of way, SAVING AND EXCEPTING from said lot 7 that portion conveyed to the State of Oregon by deed dated May 31, 1947, recorded June 25, 1947, in Book 208 page 87, Deed Records of Klamath County, Oregon.

All of Lots 5 and 8, and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1.

SECTION 11:

That portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ lying Easterly of the Central Pacific Railroad right of way.

SECTION 12:

All that portion of Section 12 lying Easterly of the Central Pacific Railroad right of way.

SECTION 13: ALL

SECTION 14:

That portion of the E $\frac{1}{2}$ lying Easterly of the Central Pacific Railroad right of way.

TOWNSHIP 40 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN

SECTION 6:

That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying Southwesterly of the New North canal of the Klamath Drainage District.

SECTION 7:

Lots 1, 8, 9, 10 and 13; and the S $\frac{1}{2}$ NW $\frac{1}{4}$; the SW $\frac{1}{4}$; the W $\frac{1}{2}$ SE $\frac{1}{4}$; and SE $\frac{1}{4}$ SE $\frac{1}{4}$; and that portion of the NE $\frac{1}{4}$ and lot 7 lying Southerly and Westerly of the center line of the said New North Canal.

SECTION 18: ALL

~~EXHIBIT A~~

EXHIBIT "B"