

05 JUL 20 AM 5:22

Vol M05 Page 58317

RECORDING REQUESTED BY:

GRANTOR: Oz Investment, LLC.
GRANTOR:

GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER
1950 MALLARD LANE
KLAMATH FALLS, OR 97601

State of Oregon, County of Klamath
Recorded 07/28/05 9 22 A m

Vol M05 Pg 58317 - 19

Linda Smith, County Clerk

Fee \$ 31.00 # of Pgs 3

RIGHT OF WAY EASEMENT

Return to: Manny Collins
1950 Mallard Lane
Klamath Falls, OR 97601
CC#: 11176 Work Order#: 02639692

58318

RIGHT OF WAY EASEMENT

For value received, Oz Investment LLC ("Grantor"), an Oregon limited liability company, 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 450 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of 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, vaults ("Improvements") 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 attached hereto and by this reference made a part hereof:

Legal Description: PARCELS 2 AND 3 OF LAND PARTITION NO. 23-03 LOCATED
IN THE SE 1/4 NE QUARTER OF SECTION 9, T39S, R9E, WM CITY OF KLAMATH
FALLS, KLAMATH COUNTY, OREGON.

Map No. 39 09 09 AD PARCEL #3 AND PARCEL #2 Tax Parcel No.

Together with the non-exclusive right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this non-exclusive easement has been granted. Grantor shall grant no rights to third parties that would unreasonably interfere with or restrict Grantee's ability to exercise its full rights under this non-exclusive right of way easement. At no time shall Grantor place or store any flammable materials (other than agricultural crops and landscaping materials), or light any fires, 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 purposes of underground conduits, utilities, lighting, landscaping curbs, landscaping and any and all other elements commonly found in a shopping center ("Surface Improvements"), however, no permanent buildings shall be located on the non-exclusive right of way. In the event Surface Improvements are disturbed by Grantee in the exercise of its rights under this non-exclusive right of way easement, Grantee shall restore such Surface Improvements to the condition they were in prior to such disturbance. Grantee agrees to place all of its uses in the right of way at a level of a minimum of six (6') feet below the grades existing at the time of this writing. In addition, the diagonal placement of the Grantee's Improvements shall only be constructed without cutting or breaking any existing pavement above such Improvements. The required method of construction for the paved areas shall use a boring machine to place the Improvements in the ground without disturbing the pavement. In the event the pavement is disturbed by Grantee, the Grantor, at its sole discretion, can require Grantee to repave such part or parts of the roadway affected by such disturbance. Grantee shall have no generalized or ongoing obligation to maintain the roadway or any area of the roadway repaired by the Grantee pursuant to this non-exclusive right of way easement.

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

DATED this 12TH day of MAY, 2005.


Grantor

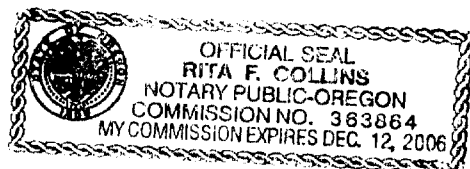
REPRESENTATIVE ACKNOWLEDGMENT

STATE OF OREGON)
) ss.
County of Klamath)

This instrument was acknowledged before me on this 11th day of May, 2005,
by Mark S. Zimel, as a member of Oz Investment LLC, an Oregon limited liability company

Notary Public

My commission expires: 12-12-06

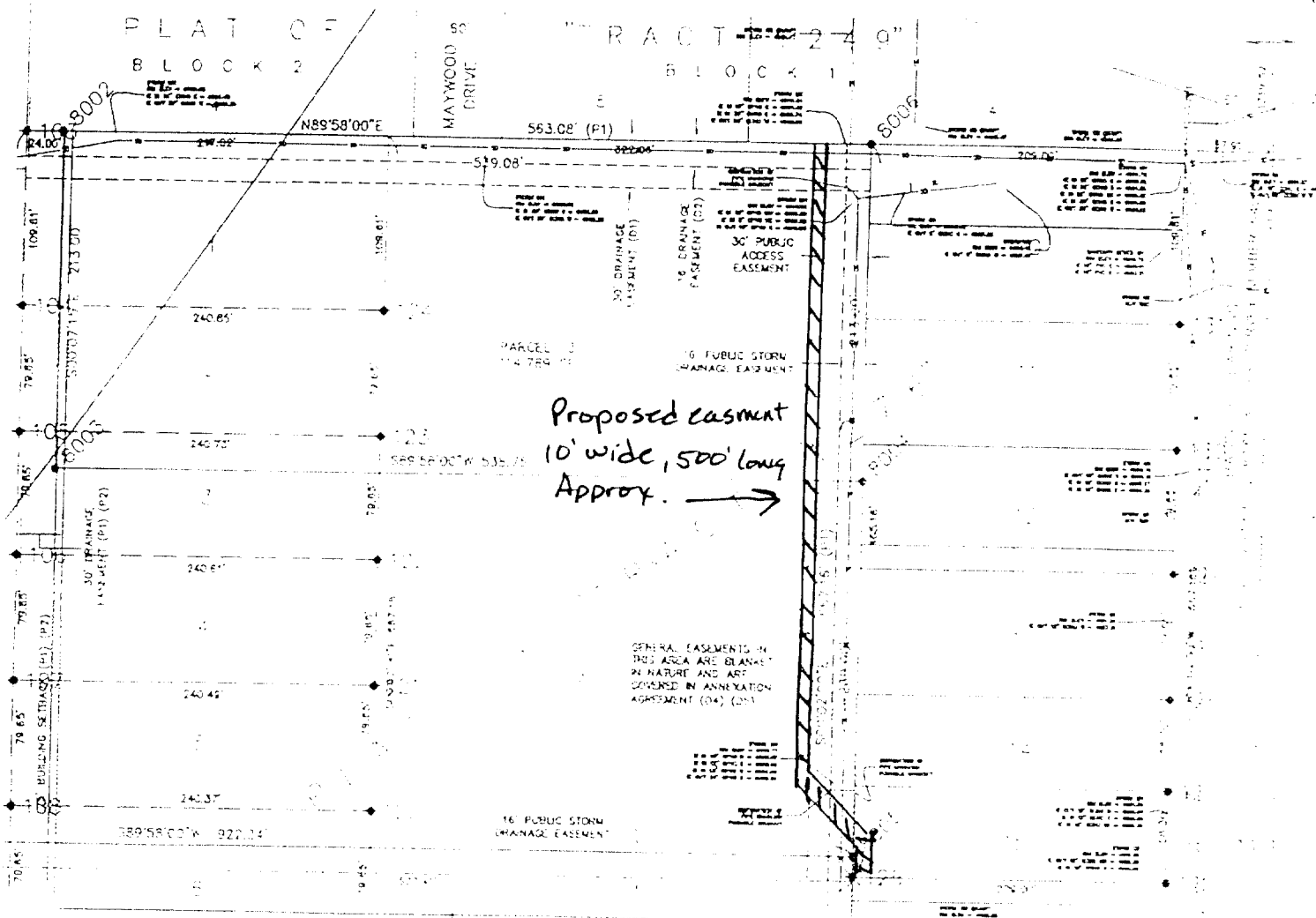


N ↑

LAND PARTITION NO. 23-03

A REPLAT OF LOTS 1-9 OF TRACT 1276 AND PORTIONS
OF TRACTS 53 AND 62 OF ENTERPRISE TRACTS LOCATED
IN THE NE QUARTER OF SECTION 9, T39S, R9E, WM CITY
OF KLAMATH FALLS, KLAMATH COUNTY, OREGON

JULY 30, 2003



Proposed easement
10' wide, 500' long
Approx. \longrightarrow

GENERAL EASEMENTS IN THIS AREA ARE BLANKS IN NATURE AND ARE COVERED IN ANNEXATION AGREEMENT (04) (01)

16' PUBLIC STORM
DRAINAGE EASEMENT

11176 WO#: 02639692
Landowner Name: 02 Investment Co
Drawn by: M. Collins

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.

EXHIBIT A

PacifiCorp

SOAL: none