

**M06-10745**

Klamath County, Oregon

05/26/2006 11:57:11 AM

Pages 5 Fee: \$41.00

RECORDING REQUESTED BY:

GRANTOR:Rogue Aggregates  
Inc

GRANTOR:

GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER  
1950 MALLARD LANE  
KLAMATH FALLS, OR 97601

---

**RIGHT OF WAY EASEMENT**

---

RECEIVED

BY: 118 15:08.

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

CC#: 11176 WO#: 02662946

OVERHEAD RIGHT OF WAY EASEMENT

For value received, ROGUE AGGREGATES INC, ("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 220 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, 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 SE 1/4 NW 1/4 and E 1/2 of Section 5, Township 41 S, Range 10 E, of the Willamette Meridian and more specifically described in Volume M98, Page 15901, 15902, 15903 in the official records of Klamath County.

Assessor's Map No. R-4110-00000-0400-000

Tax Parcel No. 0400

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 16 day of September, 2005.

Rogue Aggregates Inc / Rod Nielsen General Manager  
Grantor(s) ROGUE AGGREGATES INC

Grantor(s)

INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }  
County of Jackson } ss

On September 16, 2005 before me, Rod Nielsen, General manager  
Name, Title or Officer (eg Jane Doe, Notary Public)

personally appeared Rod Nielsen  
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.

Lynda McKee  
SIGNATURE OF NOTARY

15901

UNLESS A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO THE FOLLOWING ADDRESS:

Rogue Aggregates, Inc.  
3770 Kirtland Road  
Central Point, OR 97502

AFTER RECORDING, RETURN TO:

Stuart E. Foster  
Foster, Purdy, Allan,  
Peterson & Dahlin  
Post Office Box 1667  
Medford, OR 97501

EXHIBIT "A"

PARCEL A

15902

A TRACT OF LAND BEING A PORTION OF PARCEL 3 OF "LAND PARTITION 30-94", SITUATED IN THE N1/2 NE1/4 SE1/4 OF SECTION 5, T41S, R10EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE C-E 1/16 CORNER OF SAID SECTION 5 AND BEING THE NORTHWEST CORNER OF SAID PARCEL 3; THENCE N89°59'E, ALONG THE NORTH LINE OF SAID PARCEL 3, 668.5 FEET, MORE OR LESS, TO A POINT FROM WHICH THE EAST 1/4 CORNER OF SAID SECTION 5 BEARS N89°59'E 660.00 FEET; THENCE S44°59'W 660.44 FEET; THENCE S29°15'W, PARALLEL TO THE SAID NORTH LINE, 195.85 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 3; THENCE N00°42'15"W 467.63 FEET TO THE POINT OF BEGINNING, CONTAINING 4.63 ACRES, MORE OR LESS, WITH BEARINGS BASED ON "LAND PARTITION 30-94" (R.O.S. 5709) ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.

PARCEL B

A TRACT OF LAND BEING A PORTION OF PARCEL 2 OF "LAND PARTITION 30-94", SITUATED IN THE N1/2 NW1/4 SE1/4 OF SECTION 5, T41S, R10EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE C-E 1/16 CORNER OF SAID SECTION 5, BEING THE NORTHERLY CORNER COMMON TO PARCELS 2 AND 3 OF SAID "LAND PARTITION 30-94"; THENCE S89°59'W, ALONG THE BOUNDARY OF SAID PARCEL 2, 732.55 FEET; THENCE S45°01'E 660.44 FEET; THENCE N89°59'E 271.15 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 2; THENCE N00°42'15"W, ALONG THE SAID EAST LINE, 467.63 FEET TO THE POINT OF BEGINNING, CONTAINING 5.38 ACRES, WITH BEARINGS BASED ON "LAND PARTITION 30-94" (R.O.S. 5709) ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.

# EXHIBIT A

A TRACT OF LAND BEING A PORTION OF PARCEL 2 OF "LAND PARTITION 30-94", SITUATED IN THE SE1/4 NW1/4 OF SECTION 5, T41S, R10EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER 1/4 CORNER OF SAID SECTION 5; THENCE N00°37'30"W, ALONG THE EAST LINE OF SAID PARCEL 2, 365.57 FEET TO A POINT ON THE NORTHEASTERLY LINE OF A 40 FOOT WIDE NON-EXCLUSIVE EASEMENT (AS SHOWN ON SAID "LAND PARTITION 30-94"); THENCE, ALONG THE SAID NORTHEASTERLY LINE, N53°20'46"W 119.95 FEET AND N48°07'32"W 767.45 FEET; THENCE SOUTH 949.62 FEET TO A POINT ON THE EAST-WEST CENTER SECTION LINE OF SAID SECTION 5; THENCE N89°49'E 671.67 FEET TO THE POINT OF BEGINNING, CONTAINING 10.30 ACRES, WITH BEARINGS BASED ON "LAND PARTITION 30-94" (R.O.S. 5709) ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.

## PARCEL D

A TRACT OF LAND SITUATED IN THE S1/2 NE1/4 OF SECTION 5, T41S, R10EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE SAID S1/2 NE1/4 OF SECTION 5, EXCEPTING THEREFROM, THE EAST 460.00 FEET, CONTAINING 60 ACRES, MORE OR LESS.

TOGETHER WITH AN ACCESS EASEMENT 40 FEET IN WIDTH BEING IN PARCELS 1 AND 2 OF "LAND PARTITION 30-94", SITUATED IN THE E1/2 SW1/4 OF SECTION 32, T40S, R10EWM, AND THE E1/2 NW1/4 OF SECTION 5, T41S, R10EWM, KLAMATH COUNTY, OREGON, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

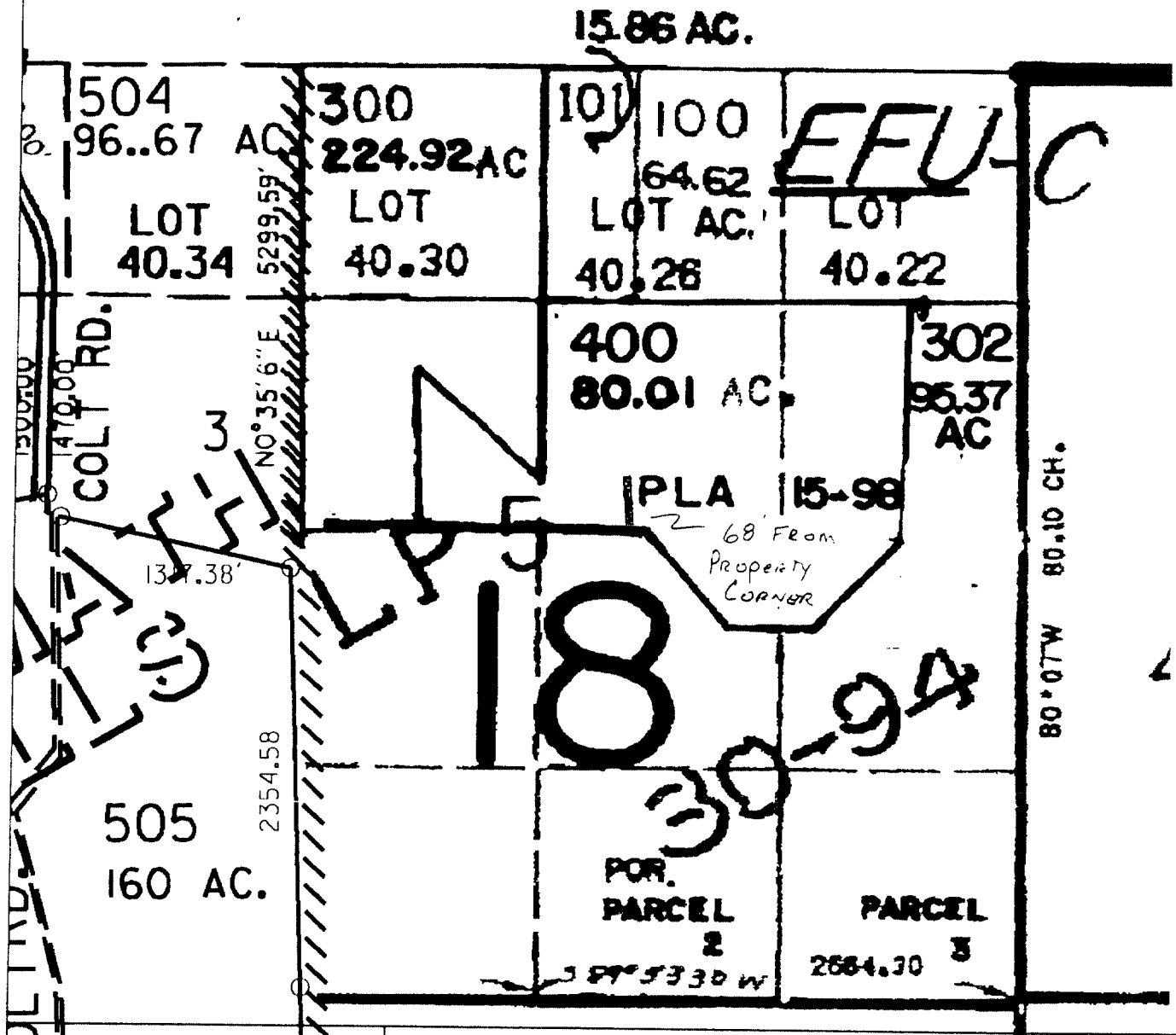
BEGINNING AT A POINT ON THE EAST LINE OF SAID E 1/2 NW 1/4, FROM WHICH THE CENTER 1/4 CORNER OF SAID SECTION 5 BEARS: S00°37'30"E 340.44 FEET; THENCE N 53°20'46" W 136.08 FEET; THENCE N48°07'32" W 631.37 FEET TO THE WESTERLY LINE OF PARCEL C ABOVE, BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING N 48°07'32" W 369.03 FEET; THENCE N31°35'02"W 218.87 FEET; THENCE N22°05'27"W 709.43 FEET; THENCE N13°58'04"W 399 FEET, MORE OR LESS, TO A POINT 20 FEET EAST OF THE WEST LINE OF SAID E1/2 NW1/4; THENCE NORTHERLY, 20 FEET EAST AND PARALLEL TO SAID WEST LINE AND THE WEST LINE OF SAID E1/2 SW1/4 OF SECTION 32 TO BUESING ROAD. WITH BEARINGS BASED ON "LAND PARTITION 30-94" (R.O.S. 5709) ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.

Exhibit A - Page 2 of 3  
Legal Descriptions

# EXHIBIT A

Property Description

SE 1/4 NW 1/4 + The E 1/2 SECTION 5,  
T 41S, R 10E WM



CC#:

WO#: 2662946

NAME: Randy Wallace

DRAWN BY: DM

**EXHIBIT B**

**PacifiCorp**

SCALE:

SHEET

OF