

2006-015471

Klamath County, Oregon



00000070200600154710070076

08/01/2006 11:32:11 AM

Fee: \$71.00

RECORDING REQUESTED BY:

GRANTOR: Barbara B. McCoy, Trustee
GRANTOR:

GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER
1950 MALLARD LANE
KLAMATH FALLS, OR 97601

OVERHANG EASEMENT

Return to: **Pacific Power - New Connections Department**
1950 Mallard Lane
Klamath Falls, OR 97603

CC#: 11176 WO#: 02760505

OVERHANG
RIGHT OF WAY EASEMENT

For value received, **BARBARA B. MCCOY, TRUSTEE OF THE BARBARA B. MCCOY TRUST AND BARBARA B. MCCOY, SUCCESSOR TRUSTEE OF THE MARY B. MCCULLOCH TRUST**, ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), an easement for a right of way of varying feet in width and length (the locations are shown on the attached Exhibit A) 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 cross arms, wires, fibers, cables and other conductors and conduits therefor; 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 Exhibits A & B attached hereto and by this reference made a part hereof:

Said easement to be located across a portion of property located in the NE ¼ NE ¼ of Section 4, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, State of Oregon as shown more particularly on the attached Exhibit A.

Said easement to be for overhang purposes only. No poles or equipment or electric power distribution or communication lines or accessories and appurtenances thereto, including cross arms, wires, fibers, cables or other conductors or conduits therefore will be set on the surface or below ground within said easement area. Voltage of said line not to exceed 20.8kV.

Assessor's Map No. 39 9 4AA

Parcel No. 2500

Together with the right of access to the right of way from adjacent lands (in a manner least disruptive to Grantor's use) 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 therefor) 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, material or vegetation of any kind that exceeds twenty (20) 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, landscaping, curbing, signs (subject to NESC & PacifiCorp clearances), parking and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

In carrying out its activities on and around the easement, neither Grantee nor its contractors shall block Grantor's or Grantor's tenants (including the customer of either) access to their business locations. Grantee shall require its contractors to avoid interruption to the utilities supporting Grantor's facilities during business hours. Any known service interruption will be scheduled in advance and coordinated with

Grantor in accordance with any construction requirements, provided that Grantor shall be given no fewer than twenty four (24) hours advance notice of any proposed service interruptions unless in case of emergency.

Grantee will use diligent efforts to restore the surface of the land of the Grantor to the condition prior to the disturbance caused by Grantee's installation, maintenance or operation activities, including any sprinkler systems or signs and electrical wiring and controls therefore on said property.

Grantee hereby agrees to indemnify, protect, defend and hold harmless Grantor, its' successors and assigns from claims, liabilities, costs and expenses arising out of any act or omission of Grantee, its' successors and assigns in connection with the construction, operation, or maintenance of Grantee's improvements upon this easement.

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

DATED this 20th day of June, 2006.

Barbara B. McCoy, Trustee

**Barbara B. McCoy, Trustee of the Barbara B. McCoy Trust
& Successor Trustee of the Mary B. McCulloch Trust**

REPRESENTATIVE ACKNOWLEDGEMENT

State of CALIFORNIA
County of MONO

This instrument was acknowledged before me on June 20, 2006 (date) by
BARBARA B. McCoy (name(s) of person(s))
as TRUSTEE (type of authority, e.g., officer, trustee, etc.) of
BARBARA B. McCoy TRUST (name of party on behalf of whom instrument was executed)

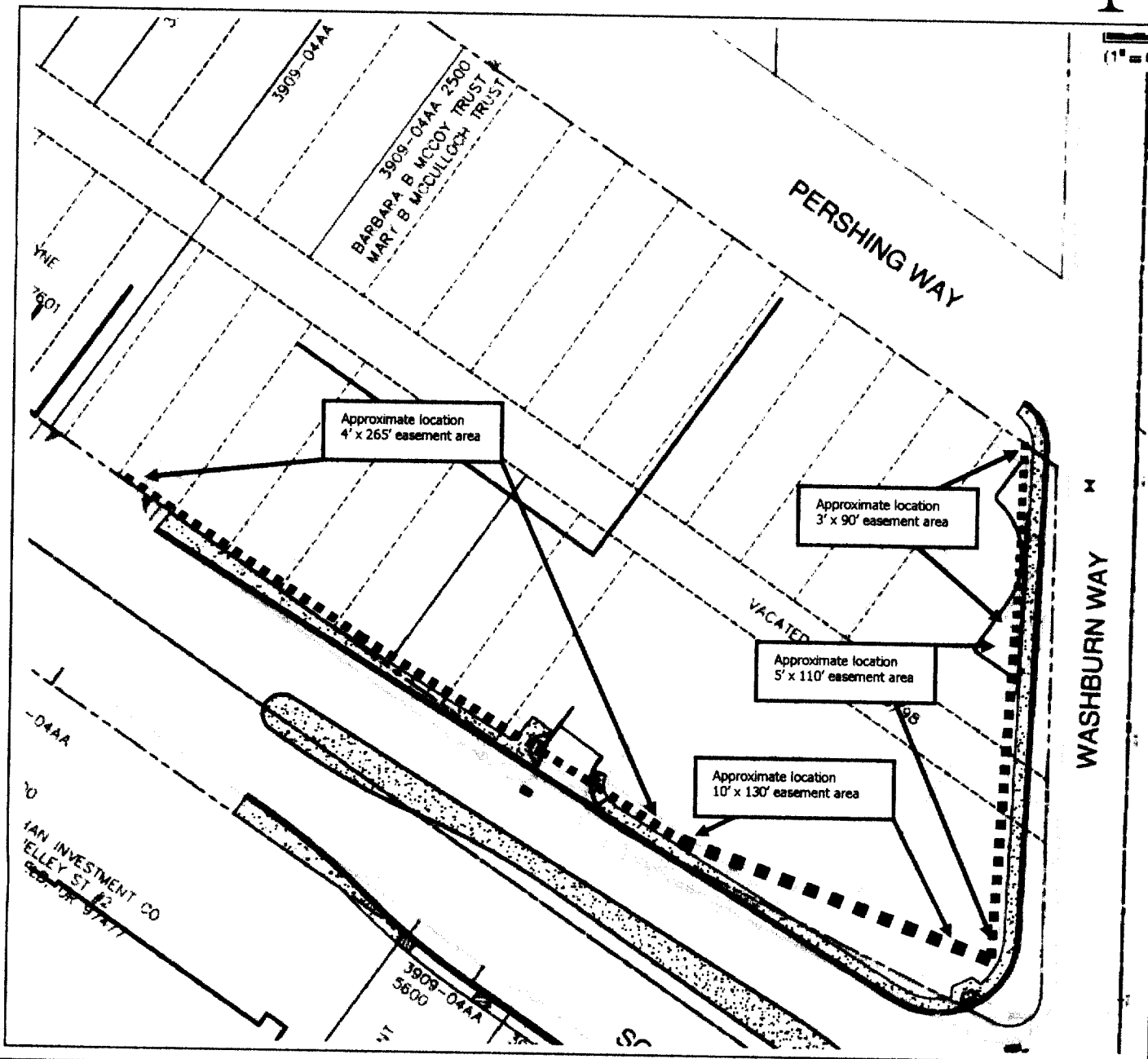
Marcia Hansen (Signature of Notarial officer)
6/24/08 (My commission expires: Date)

(Seal)



Property Description

Section 4, Township 39 South, Range 9 East, Willamette Meridian
Klamath County, OR
Map No. 39 9 4AA Tax Lot No. 2500



CC#: 11176 WO#: 2760505

Landowner Name: McCoy Trust

Drawn by: JM

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.

SCALE: NTS

09 OCT 16 PM 03:00

STATUTORY WARRANTY DEED NRK-61788

Vol MBB Page 74588

Grantor: C-3 Investments, Inc.

Grantee: Barbara B. McCoy Trust dated March 24, 1987

Until a change is requested, all tax statements shall be sent to the following address:
Barbara B. McCoy Trust dated March 24, 1987

NO CHANGE

After Recording return for
Barbara B. McCoy Trust dated March 24, 1987

C/O 131 NW BARTONDALE

SEAS. OR 97701

Session No. 082714 OLC
Title No. 0801788

State of Oregon, County of Clatsop
Recorded 10/16/03 3:03 PM
Vol MBB Pg 74588 of 74588
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 5

C-3 INVESTMENTS, INC., AN OREGON CORPORATION, Grantor, conveys and warrants to BARBARA B. MCCOY, TRUSTEE OF THE BARBARA B. MCCOY TRUST DATED MARCH 24, 1987 and BARBARA B. MCCOY, SUCCESSOR TRUSTEE OF THE MARY B. MCCULLOCH TRUST DATED JUNE 9, 1987, Grantor, the following described real property free of encumbrances except as specifically set forth herein situated in Clatsop County, Oregon, to wit:

See Attached Legal Description.

The said property is free from encumbrances except: See Exhibit "B" Attached hereto and by reference made a part hereof

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 30.005.

The tax consideration for this conveyance is \$0,000,000.00. As paid by an accommodator pursuant to an IRC Section 1081 Exchange. (Please comply with the requirements of ORS 91.600).

Dated this 1st day of October, 2003.

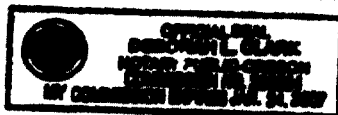
C-3 Investments, Inc.

Gordon Lovigood, President

State:
County:

South-Central Oregon
Clatsop Yamhill

The foregoing instrument was acknowledged before me this 1st day of October, 2003 by:
Gordon Lovigood, President of C-3 Investments, Inc., on behalf of said Corporation.



Deborah L. Clark
Notary Public
My Commission Expires: Jul-24-2007

TICOR TITLE INSURANCE COMPANY
CHURCH STREET SUITE 2000

- 1 **Property taxes**
Lien due but not yet payable.
Tax Year: 2003-2004
Tax Acct Number: 3908-004AA-02500-000, Key No. 530802
County: Klamath
- 2 The premises herein described are within and subject to the statutory powers, including the power of assessment and assessments of Klamath Irrigation District
- 3 The premises herein described are within and subject to the statutory powers, including the power of assessment and assessments of South Suburban Sanitary District.
- 4 **Reservations and restrictions in Highway Deed, including the terms and provisions thereof.**
Recorded Date: March 28, 1942
Recording Number: Volume 146, Page 284 and April 3, 1942 in Volume 146, Page 379 and July 23, 1942 in Volume 146, Page 408 and August 3, 1943 in Volume 157, Page 285 and February 1, 1945 in Volume 173, Page 97 and June 6, 1946 in Volume 180, Page 237, Deed Records of Klamath County, Oregon.
County: Klamath
- 5 Unrecorded lease, by and between C-3 Investments, Inc. and Thrifty Payless, Inc. dated November 1, 1998.

LEGAL DESCRIPTION

A tract of land located in the NE 1/4 of Section 4, Township 29 South, Range 9 East of the Willamette Meridian, Klamath County, State of Oregon, and situated in a portion of Block 4, SIXTH STREET ADDITION TO THE CITY OF KLAMATH FALLS and a portion of Lot 802, ENTERPRISE TRACTS, Klamath County, Oregon, said tract is more particularly described as follows:

Beginning at a 3/8 inch iron rod with plastic cap marked TRU-LINE SURVEYING INC., at the Northwest corner of Lot 8, Block 4 of SIXTH STREET ADDITION TO KLAMATH FALLS; thence South $59^{\circ}30'00''$ East 174.90 feet, more or less, coincident with the Southwesterly right-of-way line of Pushing Way to the Northwest corner of Lot 15 of said Block 4 and the TRUE POINT OF BEGINNING; thence continuing South $59^{\circ}30'00''$ East on said Southwesterly right-of-way, 124.81 feet to a railroad spike recorded as monumenting the intersection of the Southwesterly right-of-way line of Pushing Way with the Westerly right-of-way line of Washburn Way; thence South $00^{\circ}00'00''$ East, coincident with said Westerly right-of-way line of Washburn Way 208.37 to a railroad spike marking the beginning point of a curve concave to the Northwest, defined by a radius of 12.00 feet and a central angle of $115^{\circ}31'00''$; thence Southwesterly 24.26 feet along the arc of said curve (the long chord bears South $57^{\circ}55'30''$ West a distance of 20.34 feet) to a 3/8 inch iron rod with plastic cap marked TRU-LINE SURVEYING INC. at the point of tangency; thence North $64^{\circ}00'00''$ West, coincident with the Northeasterly right-of-way line of South Sixth Street, 150.73 feet to a point of beginning of a curve concave to the Northeast, defined by a radius of 88.00 feet and a central angle of $08^{\circ}19'00''$; thence continuing on said right-of-way line, Northeasterly, 11.41 feet along the arc of said curve (the long chord bears North $59^{\circ}39'30''$ West a distance of 11.60 feet) to a PK nail at the point of tangency; thence North $59^{\circ}30'00''$ West, coincident with said right-of-way line, 261.12 feet to a 3/8 inch iron rod with plastic cap marked TRU-LINE SURVEYING INC. that bears North $59^{\circ}30'00''$ West 6.25 feet from the Southwest corner of Lot 10, Block 4 of aforementioned Subdivision; thence leaving said right-of-way, North $34^{\circ}10'00''$ East 109.53 feet, perpendicular to said Northeasterly right-of-way line of South Sixth Street, to a point on the Southerly line of Lot 15, Block 4 of said Subdivision; thence North $59^{\circ}30'00''$ West, coincident with said Southerly line of Lot 15 a distance of 8.99 feet more or less to the southwesterly corner thereof; thence North $34^{\circ}10'00''$ East, coincident with the most Westerly line of said Lot 15 a distance of 100.00 feet to the TRUE POINT OF BEGINNING and containing 1.82 acres of land, more or less.

The herein description encompasses the area of the alley vacated by the City of Klamath Falls Ordinance No. 98-21, recorded in Volume 3496 Page 44174.

