

2006-019437

Klamath County, Oregon

RECORDING REQUESTED BY:

GRANTOR: Henzel Properties, LTD

GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER  
1950 MALLARD LANE  
KLAMATH FALLS, OR 97601

00004838200600194370050054

09/27/2006 10:43:48 AM

Fee: \$41.00

**RIGHT OF WAY EASEMENT**

41

*unofficial  
copy*

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, Henzel Properties, LTD ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a non-exclusive easement for a right of way 20 feet in width and 2,550 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 therefore; 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 SW 1/4 SE 1/4 and SE 1/4 SW 1/4 of Section 1 Township 40S Range 8E of the Willamette Meridian and more specifically described in Volume \_\_\_\_\_ Page \_\_\_\_\_ in the official records of Klamath County.

Assessor's Map No. 4008-0001A-00700 and 4008-0001-00600 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 25 day of September, 2006

Henzel Properties LTD

Henzel Properties, LTD (Grantor)



(Grantor)

## INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

State of OR

} ss

County of Klamath

}

On September 25, 2006

before me,

Sam Henzel, Sharon L. Voigt  
Name, Title or Officer (eg Jane Doe, Notary Public)

personally appeared Sam Henzel

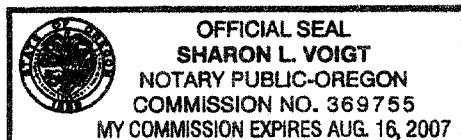
Name(s) of Signer(s)

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 of which the person(s) acted, executed this instrument

WITNESS my hand and official seal.

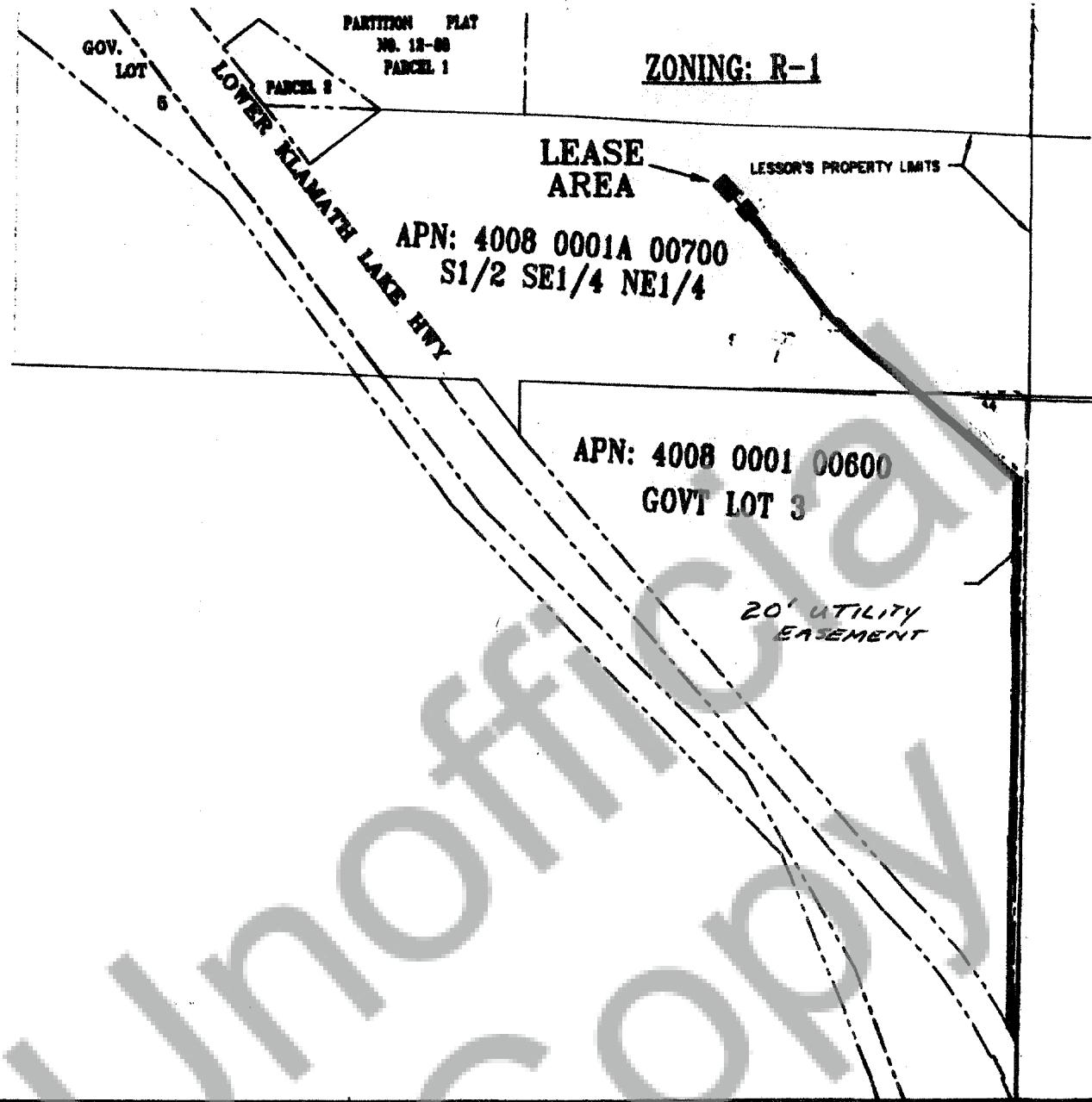
  
SIGNATURE OF NOTARY



## Property Description

Section: 1 Township: 40 (N or S) Range: 8 (E or W) W Meridian  
County: KLAMATH State: OR  
Parcel Number: 4008-0001A-00700 + 4008-0001-00600

↑  
N



#:11176 WO#:2872475

Landowner Name: Henzel Property

Drawn by: on

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**

SCALE: N/A

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Government Lots 3, 4 and 9 of Section 1, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon. 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, Deed Records of Klamath County, Oregon.

All that portion of Government Lot 6, Section 1, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, 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, Deed 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 Government Lot 7, the NE1/4 SW1/4 and the SW1/4 SW1/4 of Section 1, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, 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 Government Lots 5 and 8, and the SW1/4 SE1/4 and SE1/4 SW1/4 of Section 1, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

Tax Account No: 4008-00100-00600-000  
Tax Account No: 4008-00100-00600-000

Key No: 585325  
Key No: 620563

**EXHIBIT "B"**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

The following described property in Section 1, Township 40 South, Range 8 East, of the Willamette Meridian, Klamath County, Oregon:

Government Lots 5 and 8, EXCEPTING THEREFROM Lower Klamath Lake Highway 423.

The S 1/2 SE 1/4 NE 1/4; ALSO Beginning at the Northwesterly corner of the S 1/2 SE 1/4 NE 1/4 of said Section 1, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, 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 Northeasterly from the center line of the said Midland-Mack Store Road, as the same is now located and constructed; thence South 38°25 1/2' 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.

EXCEPTING THEREFROM that portion thereof lying Northwesterly of the following described line:

Beginning at the Northwesterly corner of the S 1/2 SE 1/4 NE 1/4 of said Section 1, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, 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 Northeasterly from the center line of the said Midland-Mack Store Road, as the same is now located and constructed; thence Southeasterly along the Northeasterly boundary of the said road 193.39 feet to a point, which is the point of the beginning of the line being described; thence Northeasterly 242.28 feet to a point on the North line of the S 1/2 SW 1/4 NE 1/4 of said Section 1 marked by a 5/8" iron pin with Tru-Line Surveying plastic cap and the end of the line being described.

Tax Account No:  
Tax Account No:

4008-001A0-00700-000  
4008-001A0-00700-000

Key No: 585343  
Key No: 621465

**EXHIBIT "B"**