

MTC1394-9234

RECORDING REQUESTED BY:

GRANTOR: Lava Rock, LLC

GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER
1950 MALLARD LANE
KLAMATH FALLS, OR 97601

2007-021043

Klamath County, Oregon



00037100200700210430030033

12/17/2007 03:39:27 PM

Fee: \$31.00

RIGHT OF WAY EASEMENT

AMERITITLE, has recorded this
instrument by request as an accomodation only,
and has not examined it for regularity and sufficiency
or as to its effect upon the title to any real property
that may be described therein.

3/1/07

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

CC#: 11176 WO#: 02976905

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, Lava Rock, LLC ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), an easement for a right of way 10 feet in width and 10 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's underground electric distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, cabinets, 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/or shown on Exhibit(s) A attached hereto and by this reference made a part hereof:

Said property generally located in the NW ¼ of SW ¼ of Section 10 Township 39S Range 9E of the Willamette Meridian and more specifically described in Volume M05 Page65026 in the official records of Klamath County.

Assessor's Map No. R-3909-010CB-02000-000 and R-3909-010CB-02100-000 Tax Parcel No.

Together with the right of access, for Grantee, its contractors, or agents, 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 or store any flammable materials (other than agricultural crops), 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 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 17 day of December, 2007.


Lava Rock, LLC (Grantor)

(Grantor)

REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }
County of Klamath } ss

On December 17, 2007 before me, Heather Sciurba
Name, Title or Officer (eg Jane Doe, Notary Public)

personally appeared Brian Scott Smith
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.

Heather Sciurba
SIGNATURE OF NOTARY

LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE NW1/4 SW1/4 OF SECTION 10, T39S, R9E, OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 7 OF TRACT 1293 AS RECORDED AT THE KLAMATH COUNTY CLERKS OFFICE, SAID POINT BEING MARKED WITH A 5/8" REBAR AND TRU-LINE SURVEYING PLASTIC CAP, THENCE ALONG THE NORTH LINE OF SAID LOT 7, S88°54'00"E, 10.00 FEET; THENCE LEAVING SAID NORTH LINE AND PARALLEL WITH THE WEST LINE OF SAID LOT 7, SOUTH 01°06'00" WEST, 10.00 FEET; THENCE PARALLEL WITH SAID NORTH LINE OF LOT 7, N88°54'00"W, 10.00 FEET TO SAID WEST LINE; THENCE ALONG SAID WEST LINE, N01°06'00"E, 10.00 FEET TO THE POINT OF BEGINNING. BASIS OF BEARING IS PER TRACT 1293.

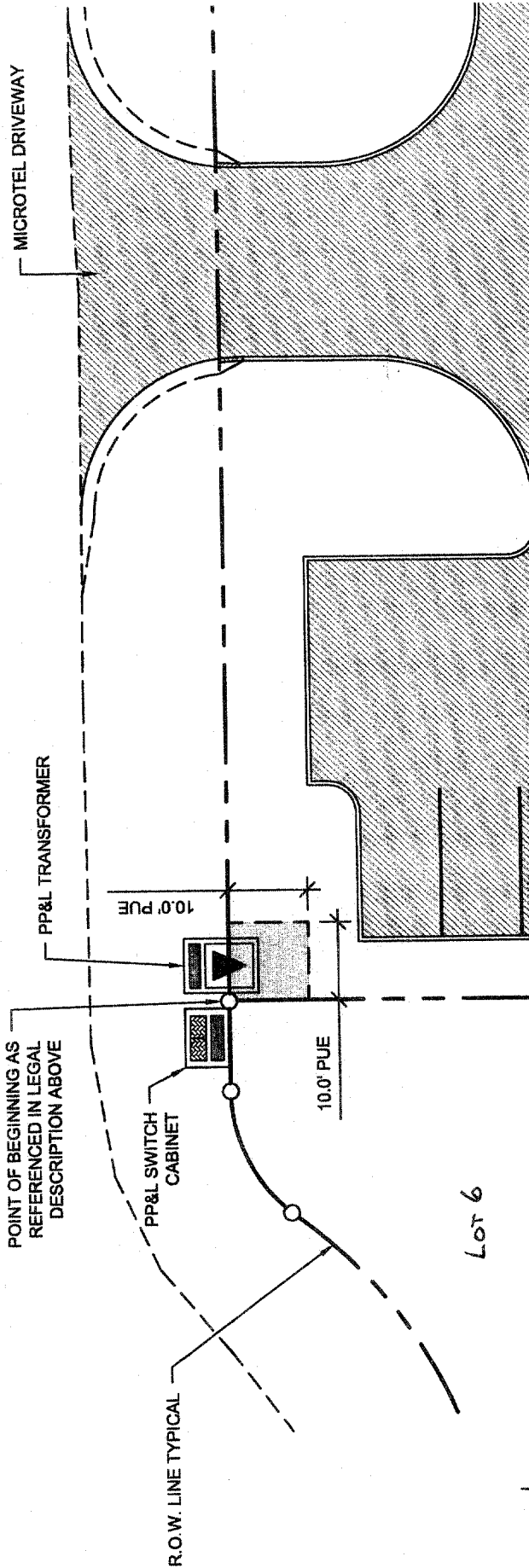
CONTAINING 100 SQUARE FEET MORE OR LESS

EASEMENT DESCRIPTION:

UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENT IDENTIFIED ON THIS EXHIBIT AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE PROPERTY IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE PUE. THE UTILITY MAY REQUIRE THE PROPERTY OWNER TO REMOVE ALL STRUCTURES BE WITHIN THE PUE AT THE PROPERTY OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUE OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE PUE.

BROOK DRIVE

DAKOTA COURT



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: