

2009-000837

Klamath County, Oregon



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01/26/2009 08:45:20 AM

Fee: \$31.00

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

CC#: 11176 WO#: 05214779

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **Avista Corporation** ("Grantor"), hereby grants to **PacifiCorp**, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual easement for a right of way **15** feet in width and **15** 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 therefor; and pads, transformers, switches, cabinets, vaults on, across, or under the surface of the real property of Grantor in **Klamath** County, State of **Oregon**, as more particularly described as follows and/or shown on Exhibit(s) A attached hereto and by this reference made a part hereof:

A portion of:

NW ¼ of the SW ¼ of Section 10, Township 39 S, Range 9 E of the Willamette Meridian

Assessor's Map No. R-3909-010CB-02400-000

Parcel No.02400

Together with the right of ingress and egress 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 therefor) 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 and shall run with the land.

Dated this 22nd day of October, 2008.

Donald J. Malisani
Avista Corporation GRANTOR

(Insert Grantor Name Here) GRANTOR

REPRESENTATIVE ACKNOWLEDGEMENT

State of Washington }
County of Spokane } SS.

This instrument was acknowledged before me on this 22nd day of October, 2008,
by Donald J. Malisani, as Manager Real Estate Dept.
Name of Representative Title of Representative
of Avista Corporation.
Name of Entity on behalf of whom instrument was executed

[Seal]



William G. Marshall
Notary Public
My commission expires: APRIL 25, 2012

Property Description

Section: 10 Township: 39 S Range: 9 E

WILLAMETTE Meridian

County: KLAMATH State: OR

Map and Tax Lot Number: R-3909-010CB-2400-000



LEGAL DESCRIPTION:

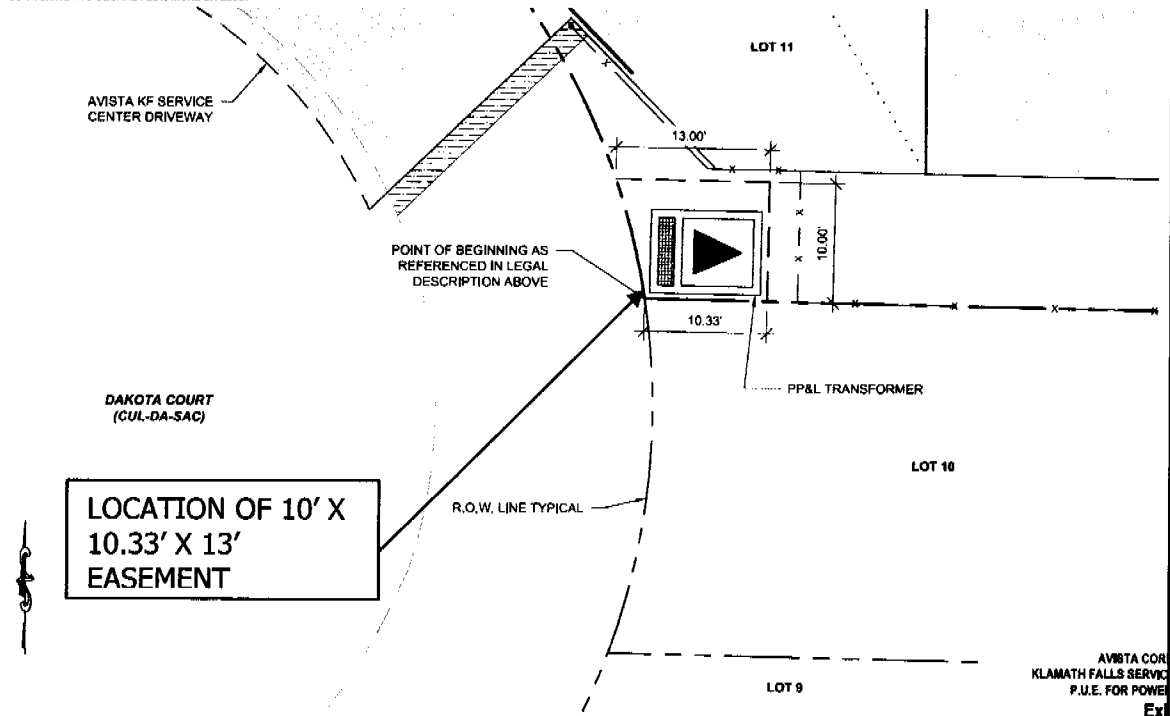
A TRACT OF LAND BEING A PORTION OF TRACTS 9 THROUGH 11 OF "ALAMONT RANCH TRACTS", SITUATED IN THE NW1/4 SW1/4 OF SECTION 10, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF LOT 11 WITH THE RIGHT-OF-WAY LINE OF DAKOTA COURT, SAID POINT BEING MARKED BY A 5/8" REBAR WITH A YELLOW PLASTIC CAP STAMPED "TRU-LINE SURVEYING"; THENCE, ALONG SAID SOUTH LINE, SOUTH 88°54'00" EAST, 10.33 FEET; THENCE LEAVING SAID SOUTH LINE AND PARALLEL WITH THE EAST LINE OF SAID LOT 11, NORTH 01°08'00" EAST, 10.00 FEET; THENCE PARALLEL WITH SAID SOUTH LINE OF LOT 11, NORTH 88°54'00" WEST, 13.00 FEET TO THE RIGHT-OF-WAY LINE OF SAID DAKOTA COURT; THENCE ALONG SAID RIGHT-OF-WAY LINE, ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 09°53'44" (THE LONG CHORD OF WHICH BEARS SOUTH 13°50'15" EAST, 10.35 FEET) AN ARC DISTANCE OF 10.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 115 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 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.



CC: 11176 WO#: 5214779

Landowner Name: AVISTA

Drawn By: KD

EXHIBIT A

This drawing should be used only as a representation of the location of the easement area. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

PACIFIC POWER
A DIVISION OF PACIFICORP