

2013-001362

Klamath County, Oregon



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02/06/2013 01:25:50 PM

Fee: \$57.00

Returned to County

Return to: Pacific Power
1950 Mallard Ln
Klamath Falls, OR 97601

CC#: 11176 WO#: 5722641

RIGHT OF WAY EASEMENT

For value received, **TERRY MARIE BENGARD**, a married woman as her sole and separate property ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual easement for a right of way 10 feet, 20 feet and 30 feet in width and 15,212 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's electric power transmission, 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 therefor; and pads, transformers, switches, vaults and cabinets, along the general course now located by Grantee on, over, 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, B, & C* attached hereto and by this reference made a part hereof:

A portion of:

Sections 5, 8, 17, 16, and 21 of Township 34 South, Range 07-1/2 East of the Willamette Meridian. Better described in Exhibits A, B, and C

Assessor's Map No. 34S 07V

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 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 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.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this Agreement. Each party further waives any right to consolidate, or to request the consolidation of, any

action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

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 5th day of February, 2013

Terry Marie Bengard
Terry Marie Bengard GRANTOR

INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

State of California)
County of Monterey) ss.

On Feb. 05 2013 before me, Rosa S. Munoz, Notary Public
DATE NAME, TITLE OF OFFICER - E.G. "JANE DOE", NOTARY PUBLIC
personally appeared Terry Marie Bengard
NAME(S) OF SIGNER(S)

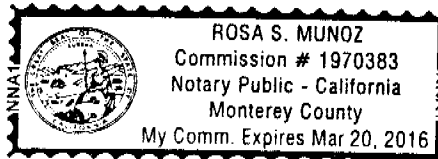
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he / she / they executed the same in his / her / their authorized capacity(ies), and that by his / her / their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed this instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Rosa S. Munoz
SIGNATURE OF NOTARY



(Seal)

MAP OF SURVEY

BENGARD - WETLAND RESERVE PROGRAM EASEMENT
SITUATED IN SECTIONS 5, 8, 16, 17, 20, AND 21
TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST, WILLAMETTE MERIDIAN
KLAMATH COUNTY, OREGON

WRP #66-0436-12-01BBC

SURVEYED FOR:

UNITED STATES OF AMERICA
USDA - NATURAL RESOURCES CONSERVATION SERVICE
WETLAND RESERVE PROGRAM
1201 NE LLOYD BLVD. # 900
PORTLAND, OR 97232
OCTOBER 2012

LAND OWNER: TERRY MARIE BENGARD

CERTIFICATION

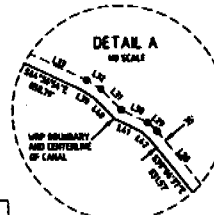
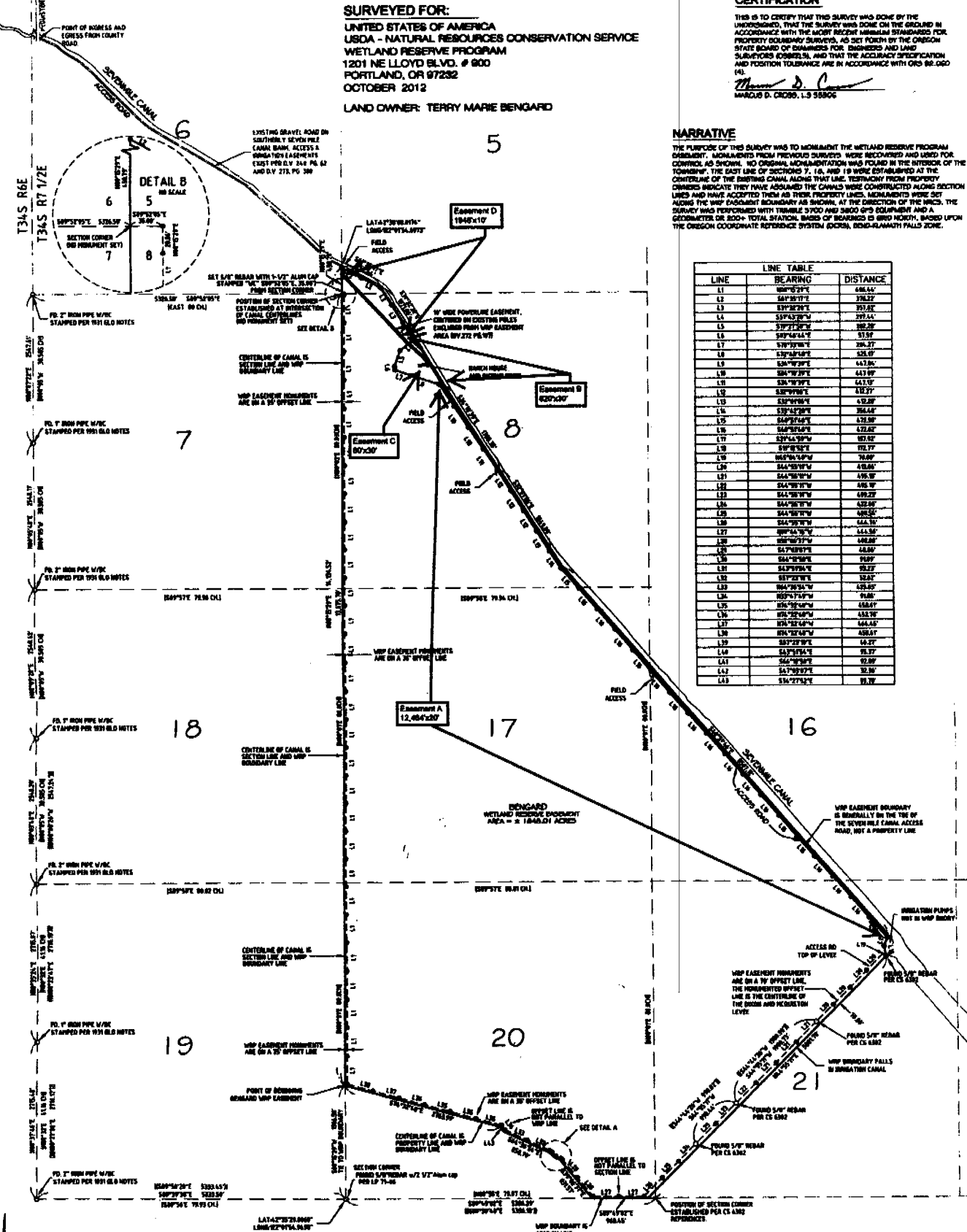
THIS IS TO CERTIFY THAT THIS SURVEY WAS DONE BY THE UNDERSIGNED, THAT THE SURVEY WAS DONE ON THE GROUND IN ACCORDANCE WITH THE MOST RECENT NATIONAL STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AS SET FORTH BY THE OREGON STATE BOARD OF EXAMINERS FOR ENGINEERS AND LAND SURVEYORS (ORSBS), AND THAT THE ACCURACY SPECIFICATION AND POSITION TOLERANCE ARE IN ACCORDANCE WITH ORS 68-020 (4).

Markus D. Cross
MARKUS D. CROSS, L.S. 55806

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MONUMENT THE WETLAND RESERVE PROGRAM EASEMENT. MONUMENTS FROM PREVIOUS SURVEYS WERE RECOVERED AND USED FOR CONTROL AS SHOWN. NO ORIGINAL MONUMENTATION WAS FOUND IN THE INTERIOR OF THE TOWNSHIP. THE EAST LINE OF SECTIONS 7, 16, AND 19 WERE ESTABLISHED AT THE CENTERLINE OF THE EXISTING CANAL ALONG THAT LINE. TESTIMONY FROM PROPERTY OWNERS INDICATE THEY HAVE ASSUMED THE CANALS WERE CONSTRUCTED ALONG SECTION LINES AND HAVE ACCEPTED THEM AS THEIR PROPERTY LINES. MONUMENTS WERE SET ALONG THE WRP EASEMENT BOUNDARY AS SHOWN. AT THE DISCRETION OF THE WRS, THE SURVEY WAS PERFORMED WITH TRIMBLE 5700 AND 5800 GPS EQUIPMENT AND A GEOMETER OF 200+ TOTAL STATION. BASIS OF BEARING IS GRID NORTH, BASED UPON THE OREGON COORDINATE REFERENCE SYSTEM (OCRS), GRID-KLAMATH FALLS ZONE.

LINE	BEARING	DISTANCE
L1	S89°53'31"E	486.44'
L2	S45°16'17"E	276.22'
L3	S77°26'21"E	293.44'
L4	S33°43'29"W	270.44'
L5	S37°23'30"W	360.20'
L6	S37°44'14"E	51.97'
L7	S37°16'36"E	264.27'
L8	S37°16'36"E	525.07'
L9	S34°53'39"E	443.80'
L10	S34°53'39"E	643.99'
L11	S34°53'39"E	643.99'
L12	S37°16'36"E	516.27'
L13	S34°53'39"E	432.28'
L14	S37°16'36"E	364.44'
L15	S45°16'17"E	478.99'
L16	S45°16'17"E	478.99'
L17	S37°16'36"E	478.99'
L18	S37°16'36"E	478.99'
L19	S37°16'36"E	478.99'
L20	S34°53'39"E	478.99'
L21	S34°53'39"E	478.99'
L22	S34°53'39"E	478.99'
L23	S34°53'39"E	478.99'
L24	S34°53'39"E	478.99'
L25	S34°53'39"E	478.99'
L26	S34°53'39"E	478.99'
L27	S37°16'36"E	478.99'
L28	S37°16'36"E	478.99'
L29	S37°16'36"E	478.99'
L30	S34°53'39"E	478.99'
L31	S34°53'39"E	478.99'
L32	S37°16'36"E	478.99'
L33	S37°16'36"E	478.99'
L34	S37°16'36"E	478.99'
L35	S34°53'39"E	478.99'
L36	S34°53'39"E	478.99'
L37	S37°16'36"E	478.99'
L38	S37°16'36"E	478.99'
L39	S37°16'36"E	478.99'
L40	S37°16'36"E	478.99'
L41	S34°53'39"E	478.99'
L42	S37°16'36"E	478.99'
L43	S34°53'39"E	478.99'



LEGEND:

- FOUND MONUMENT AS NOTED
- SET SURVEY REBAR OF YELLOW PLASTIC CAP MARKED "RMC-CROSS GROUP LLC" UNLESS OTHERWISE SHOWN ON MAP

WRP EASEMENT AND/OR PROPERTY LINE

SECTION LINES

- (---) BEARING AND DISTANCE BY 1981 GENERAL LAND OFFICE SURVEY NOTES
- (---) BEARING AND DISTANCE BY 1881 GENERAL LAND OFFICE SURVEY NOTES
- (---) BEARING AND DISTANCE BY LP 71-06
- (---) BEARING AND DISTANCE BY R.O.S. 6308
- (---) BEARING AND DISTANCE BY R.O.S. 3146

BASIS OF BEARING IS GRID NORTH OF THE OREGON COORDINATE REFERENCE SYSTEM (OCRS), GRID-KLAMATH FALLS ZONE. THIS ZONE HAS THE FOLLOWING PROJECTION DATA:

- TRANSVERSE MERCATOR PROJECTION NORTH AMERICAN DATUM OF 1983
- LATITUDE OF GRID ORIGIN: 41°45'00" N
- CENTRAL MERIDIAN: 121°45'00" W
- FALSE NORTING: 10,000,000.00 M
- FALSE EASTING: 80,000,000.00 M
- CENTRAL MERIDIAN SCALE: 1.000000 (EARTH)



R-C GROUP

RHINE-CROSS GROUP, LLC
ENGINEERING - SURVEYING - PLANNING
115 N. 37TH ST., SUITE 200 - P.O. BOX 90
KLAMATH FALLS, OREGON 97601
Phone: (541) 851-9481 Fax: (541) 775-9280

PROJECT NO. 1246 SHEET 1 of 1

CC#: 11176 WO#: 5722641	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.
Landowner Name: BENGARD	
Drawn by: JMM	
EXHIBIT A	PACIFIC POWER A DIVISION OF PACIFICORP

DESCRIPTION OF POWER LINE EASEMENT

EASEMENT A

A strip of land being 20.00 feet wide, lying northeasterly of the following described southwesterly line of said 20.00 foot easement; situated in Sections 8, 16, 17 and 21, all in Township 34 South, Range 7-1/2 East of the Willamette Meridian, Klamath County, Oregon. The southwesterly edge of the easement is along a portion of the easterly boundary of the Bengard Wetland Reserve Program (WRP) Easement per County Survey #7962, the southwesterly edge of easement being more particularly described as follows:

Commencing at the southwest corner of Section 20, T34S, R7-1/2 E, W.M., said corner being marked by a 5/8" rebar with a 2-1/2" aluminum cap per Land Partition 71-06; thence South 89°49'02" East, 5205.02 feet to a point marking the intersection of the South line of said Section 20 and a line parallel with and 70.00 feet southeast of the centerline of the Dixon-McQuiston Levee; thence along a line that is 70.00 feet southeast and parallel with the Dixon-McQuiston Levee, North 44°55'11" East, 5881.78 feet; thence leaving said line North 10°02'32" East, 162.81 feet to the TRUE POINT OF BEGINNING OF EASEMENT A; thence North 21°35'31" West, 57.77 feet; thence North 13°36'59" East, 105.07 feet to a point marking the easterly boundary of the said Bengard WRP Easement; thence along the easterly boundary of the said Bengard WRP Easement North 40°51'46" West, 8507.12 feet; thence North 33°42'28" West, 356.48 feet; thence North 32°01'06" West, 1649.09 feet; thence North 34°10'39" West, 1788.35 feet to the POINT OF TERMINUS OF EASEMENT A.

EASEMENT B

A strip of land being 30.00 feet wide, lying 15.0' on both sides of the following described centerline; situated in Section 8, Township 34 South, Range 7-1/2 East of the Willamette Meridian, Klamath County, Oregon, the centerline of easement being more particularly described as follows:

Commencing at the Point of Terminus of Easement A above, thence North 56°10'39" East, 10.00 feet to the TRUE POINT OF BEGINNING OF EASEMENT B; thence North 34°10'39" West, 385.0 feet; thence North 41°30'00" West, 435.0 feet to the POINT OF TERMINUS OF EASEMENT B.

EASEMENT C

A strip of land being 30.00 feet wide, lying 15.0' on both sides of the following described centerline; situated in Section 8, Township 34 South, Range 7-1/2 East of the Willamette Meridian, Klamath County, Oregon, the centerline of easement being more particularly described as follows:

Commencing at the Point of Terminus of Easement A above, thence North 56°10'39" East, 10.00 feet; thence North 34°10'39" West, 385.0 feet to the TRUE POINT OF BEGINNING OF EASEMENT C; thence South 86°00'00" West, 80.0 feet to the POINT OF TERMINUS OF EASEMENT C.

CC#: 11176 WO#: 5722641

Grantor Name: BENGARD

EXHIBIT B  **PACIFIC POWER**
A DIVISION OF PACIFICORP

DESCRIPTION OF POWER LINE EASEMENT (CONTINUED)**EASEMENT D**

A strip of land being 10.00 feet wide, lying 5.0' on both sides of the following described centerline; situated in Sections 5 and 8, Township 34 South, Range 7-1/2 East of the Willamette Meridian, Klamath County, Oregon, the centerline of easement being more particularly described as follows:

Commencing at the Point of Terminus of Easement B above, being the **TRUE POINT OF BEGINNING OF EASEMENT D**; thence North 38°56'37" West, 208.94 feet; thence North 42°34'16" West, 1738.62 feet more or less to the West line of said Section 5, being the **POINT OF TERMINUS OF EASEMENT D**.

All sidelines of above easements shall be lengthened or shortened to terminate on adjacent easement or property lines.

Basis of Bearing is per County Survey #7962.

CC#: 11176 WO#: 5722641

Grantor Name: BENGARD

EXHIBIT C

PACIFIC POWER
A DIVISION OF PACIFICORP