

2014-004661

Klamath County, Oregon



00152725201400046610050059

05/08/2014 09:53:38 AM

Fee: \$62.00

After Recording, Return To:

PacifiCorp
Attn: Right of Way
825 NE Multnomah St., Ste 1700
Portland, OR 97229

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

WO# 5871333

TEMPORARY ELECTRICAL FACILITY EASEMENT AGREEMENT

THIS TEMPORARY ELECTRICAL FACILITY EASEMENT AGREEMENT (this "Agreement") is made and entered into the 17th day of April, 2014, by and among Carmine E. Filice and Kay D. Filice, (hereafter "Grantor") and PacifiCorp, an Oregon corporation (hereafter "Grantee").

RECITALS

- A. Klamath County has requested that Grantee, an electric utility, temporarily relocate an existing section of overhead electric distribution line and related facilities to allow for the re-construction of the South Merrill Road Bridge.
- B. Grantor desires to grant Grantee a temporary easement to allow for construction of the temporary relocation of electrical facilities upon Grantor's real property subject to the terms and conditions contained herein.

AGREEMENT

NOW, THEREFORE, the parties agree as follows:

1. **Grant of Easement.** Grantor hereby grants and conveys to Grantee an exclusive temporary easement (the "Temporary Easement") upon, under and across the real property more particularly described in Exhibit A and as shown on Exhibit B (the "Easement Area") for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's: (i) related facilities and appurtenances; and (ii) electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: poles, guys and anchors,

wires, fibers, cables and other conductors (referred to collectively hereafter as the "Electric Facilities").

2. **Term.** This Agreement shall terminate upon the earlier of the following: (a) Relocation of the Electric Facilities back to its original alignment lying within a dedicated road right of way by Grantee; or (b) that date that is 10 calendar months from the full execution of this Agreement. The parties may mutually agree, in writing, to extend the term of this Agreement.

3. **Access.** Grantee may access the Easement Area across Grantor's adjacent real property along the road known South Main Street. Grantee agrees to promptly repair any damage it causes to the property by using this access.

4. **Legal/Regulatory Compliance.** Grantee agrees that its use of the Easement Area shall comply with all applicable laws and regulations.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

[Signatures on following page.]

[Remainder of page left intentionally blank.]

GRANTORS:

By: Carmine E. Filice
Carmine E. Filice

BY: Kay D. Filice
Kay D. Filice

GRANTEE:

PACIFICORP,
an Oregon corporation

By: Sana Mejdell
~~Stuart Kelly, Managing Director,~~
~~Construction and Support Services~~
DIRECTOR, REAL ESTATE MANAGEMENT

STATE OF Oregon)
County of Klamath) ss

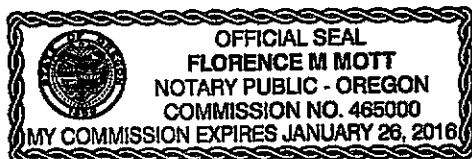
The foregoing instrument was acknowledged before me this 17th day of April, 2014, by Diane Patterson of Notary.



Diane Patterson
Notary Public, State of Oregon
My Commission Expires: June 20, 2016

STATE OF OREGON)
County of Multnomah) ss

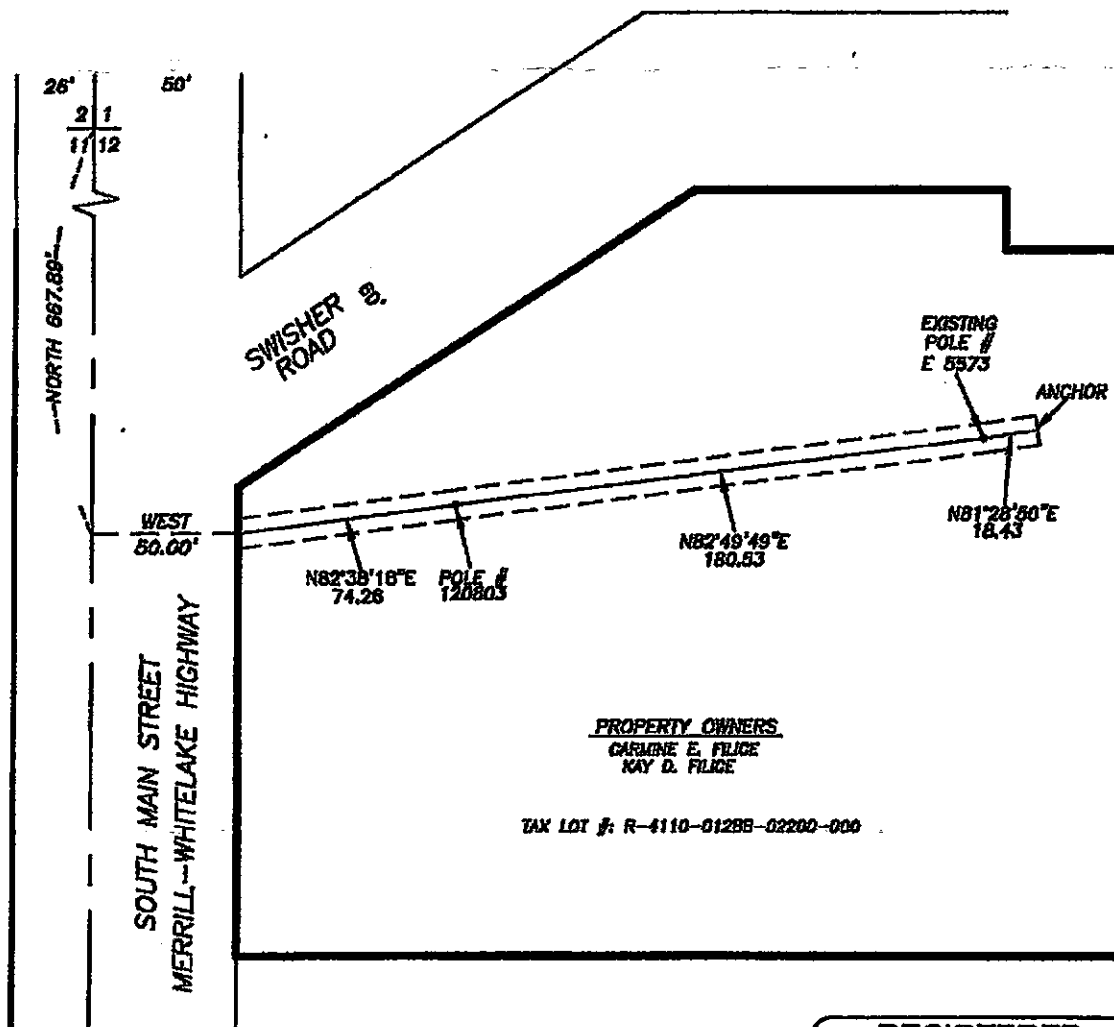
The foregoing instrument was acknowledged before me this 21st day of April, 2014, by Stuart Kelly, Managing Director, Construction and Support Services of PACIFICORP, an Oregon corporation, on behalf of the company.



Florence M. Mott
Notary Public, State of Oregon
My Commission Expires: 1-26-16

EXHIBIT "A"

PACIFICORP / MERRILL ROAD BRIDGE WIDENING / CASE FILE RW20140117 / WORK ORDER #5871333
SITUATED IN THE NW1/4 NW1/4 OF SECTION 12, T41S, R10EWM,
KLAMATH COUNTY, OREGON



TRU SURVEYING INC. LINE
2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603



JOHN HEATON P.L.S.

TRU SURVEYING, INC. LINE

2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603
PHONE: (541) 884-3691



"EXHIBIT B"

OWNERS: CARMINE E. FILICE
KAY D. FILICE

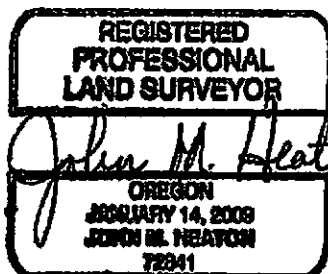
TAX LOT: R-4110-012BB-02200-000

LEGAL DESCRIPTION

A 10 FOOT WIDE TEMPORARY POWER LINE EASEMENT SITUATED IN THE NW1/4 NW1/4 OF SECTION 12, T41S, R10EWM, KLAMATH COUNTY, OREGON, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF THE MERRILL-WHITELAKE HIGHWAY, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 12 BEARS WEST 50.00 FEET AND NORTH 667.89 FEET; THENCE N82°38'18"E 74.26 FEET; THENCE N82°49'49"E 180.53 FEET; THENCE N81°28'50"E 18.43 FEET; THE SIDE LINES OF SAID EASEMENT SHALL BE EXTENDED OR SHORTENED TO BEGIN ON THE EAST RIGHT OF WAY LINE OF THE MERRILL-WHITELAKE HIGHWAY.

THE TOTAL LENGTH OF THE CENTERLINE OF THIS EASEMENT IS 273.22 FEET AND THE TOTAL AREA OF THIS EASEMENT IS 2732 SQUARE FEET.



John M. Heaton
JOHN M. HEATON P.L.S. 72841

RENEWAL DATE: 6/30/15

PACIFICORP
PROJECT NAME: MERRILL ROAD BRIDGE WIDENING
CASE FILE: RW20140117
WORK ORDER #5871333

Tru-Line Surveying, Inc. • 2333 Summers Lane, Klamath Falls, OR. 97603
Fax: (541) 882-3790
www.trulinekf.com