

2014-004662

Klamath County, Oregon



00152726201400046620060063

05/08/2014 09:53:52 AM

Fee: \$67.00

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 16 day of APRIL, 2014, by and among Donald G. Micka and Linda Micka, (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 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.]

GRANTOR:

BY Donald G. Micka
Donald G. Micka

BY Linda Micka
Linda Micka

GRANTEE:

PACIFICORP,
an Oregon corporation

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

STATE OF Oregon)
County of Klamath) ss

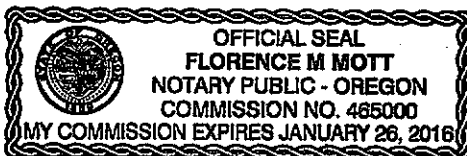


The foregoing instrument was acknowledged before me this 16 day of April, 2014, by DONALD G. MICKA & LINDA MICKA of MERRILL, OR.

Joanne L. Johnson
Notary Public, State of Oregon
My Commission Expires: May 17, 2016

STATE OF OREGON)
County of Multnomah) ss

The foregoing instrument was acknowledged before me this 24 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 NE1/4 NE1/4 OF SECTION 11, T41S, R10EWM,
KLAMATH COUNTY, OREGON

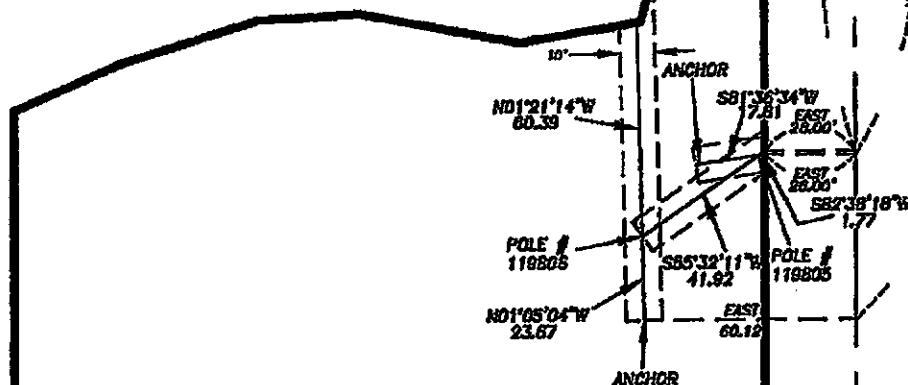
REGISTERED
PROFESSIONAL
LAND SURVEYOR

John M. Heaton
OREGON
JANUARY 14, 2009
JOHN M. HEATON
72841

RENEWAL DATE: 6-30-15

LOST RIVER

SWISHER ROAD S.



PROPERTY OWNERS
DONALD G. MICKA
LINDA MICKA

TAX LOT #: R-4110-011AA-02000-000

SOUTH MAIN STREET
MERRILL-WHITELAKE HIGHWAY

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

26'

50'



SCALE
1" = 50'

TRU SURVEYING, INC. LINE

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



"EXHIBIT B"

**OWNERS: DONALD G. MICKA
LINDA MICKA**

TAX LOT: R-4110-011AA-02000-000

LEGAL DESCRIPTIONS

A 10 FOOT WIDE TEMPORARY POWER LINE EASEMENT SITUATED IN THE NE1/4 NE1/4 OF SECTION 11, T41S, R10EWM, KLAMATH COUNTY, OREGON, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST RIGHT OF WAY LINE OF THE MERRILL-WHITELAKE HIGHWAY, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 11 BEARS EAST 26.00 FEET AND NORTH 677.71 FEET; THENCE S82°38'18"W 1.77 FEET; THENCE S81°36'34"W 17.81 FEET; THE SIDE LINES OF SAID EASEMENT SHALL BE EXTENDED OR SHORTENED TO BEGIN ON THE WEST RIGHT OF WAY LINE OF THE MERRILL-WHITELAKE HIGHWAY.

THE TOTAL LENGTH OF THE CENTERLINE OF THIS EASEMENT IS 19.58 FEET AND THE TOTAL AREA OF THIS EASEMENT IS 196 SQUARE FEET.

TOGETHER WITH:

A 10 FOOT WIDE TEMPORARY POWER LINE EASEMENT SITUATED IN THE NE1/4 NE1/4 OF SECTION 11, T41S, R10EWM, KLAMATH COUNTY, OREGON, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST RIGHT OF WAY LINE OF THE MERRILL-WHITELAKE HIGHWAY, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 11 BEARS EAST 26.00 FEET AND NORTH 676.73 FEET; THENCE S55°32'11"W 41.92 FEET; THE SIDE LINES OF SAID EASEMENT SHALL BE EXTENDED OR SHORTENED TO BEGIN ON THE WEST RIGHT OF WAY LINE OF THE MERRILL-WHITELAKE HIGHWAY.

THE TOTAL LENGTH OF THE CENTERLINE OF THIS EASEMENT IS 41.92 FEET AND THE TOTAL AREA OF THIS EASEMENT IS 419 SQUARE FEET.

TOGETHER WITH:

JOHN HEATON P.L.S.

TRU SURVEYING, INC. LINE

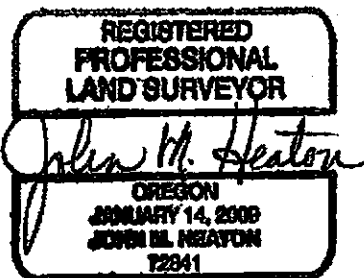
2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603
PHONE: (541) 884-3691



A 10 FOOT WIDE TEMPORARY POWER LINE EASEMENT SITUATED IN THE NE1/4 NE1/4 OF SECTION 11, T41S, R10EW, KLAMATH COUNTY, OREGON, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 11 BEARS EAST 60.12 FEET AND NORTH 724.12 FEET; THENCE N01°05'04"W 23.67 FEET; THENCE N01°21'14"W 60.39 FEET, MORE OR LESS, TO THE BANK OF THE LOST RIVER; THE SIDE LINES OF SAID EASEMENT SHALL BE EXTENDED OR SHORTENED TO END ON THE BANK OF THE LOST RIVER.

THE TOTAL LENGTH OF THE CENTERLINE OF THIS EASEMENT IS 84.06 FEET AND THE TOTAL AREA OF THIS EASEMENT IS 866 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

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