

2014-005956

Klamath County, Oregon



00154245201400059560040043

06/05/2014 11:05:02 AM

Fee: \$57.00

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

Returned to County

CC#: 11176 WO#: 5878813

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, **The City of Klamath Falls, a municipal corporation of the State of Oregon** ("Grantor"), hereby grants to **PacifiCorp**, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way **20** feet in width and **30** 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**, as more particularly described as follows and/or shown on Exhibit(s) **A and B** attached hereto and by this reference made a part hereof:

A portion of:

**Lot 5, Klamath Falls Industrial Park- Tract 1463 according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon**

Assessor's Map No.: **39 09 15**

Parcel No.: **1400**

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 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 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 other purposes not inconsistent, as determined by the Grantee, with the purposes for which this easement has been granted.

With the exception of Grantee's wires, fibers, cables and other conductors and conduits as described above, Grantee's equipment shall be located outside of the existing sixteen foot (16') waterline easement area which is shown on the attached Exhibit B.

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 20th day of May, 2014.

**GRANTOR:**

The City of Klamath Falls,  
a municipal corporation of the State of Oregon

By: Nathan Cherpzski

Its: City Manager

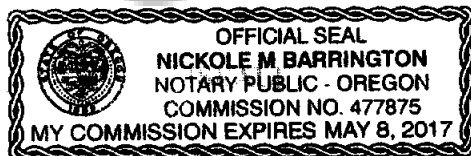
**REPRESENTATIVE ACKNOWLEDGEMENT**

State of Oregon )  
County of Klamath ) SS.

This instrument was acknowledged before me on this 20th day of May, 2014,

by Nathan Cherpzski, as City Manager,  
Name of representative Title of representative

of Klamath Falls City,  
Name of entity being represented



Nickole M. Barrington  
Notary Public  
My commission expires: 5-8-2017

## EXHIBIT A

### DESCRIPTION OF POWER LINE EASEMENT

A strip of land being 20.00 feet wide in Lot 5, Tract 1463 "Klamath Falls Industrial Park"; situated in the SW1/4 of section 15, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said easement being more particularly described as follows:

Beginning at the northeast corner of Lot 5, Tract 1463 "Klamath Falls Industrial Park", said point being marked by a 5/8" rebar with yellow plastic cap stamped Rhine Cross Group LLC on the westerly right of way line of Altamont Drive; thence along the northerly line of said Lot 5 North 89°56'28" West, 40.46 feet; thence leaving said lot line South 00°03'32" West, 20.00 feet; thence South 89°56'28" East, 30.00 feet to the westerly right of way of Altamont Drive; thence northeasterly along the westerly right of way line of Altamont Drive 22.57 feet along the arc of an offset spiral curve to the right, the long chord of which bears North 27°40'38" East, 22.57 feet to the Point of Beginning.

Said easement containing 705 sq.ft. more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

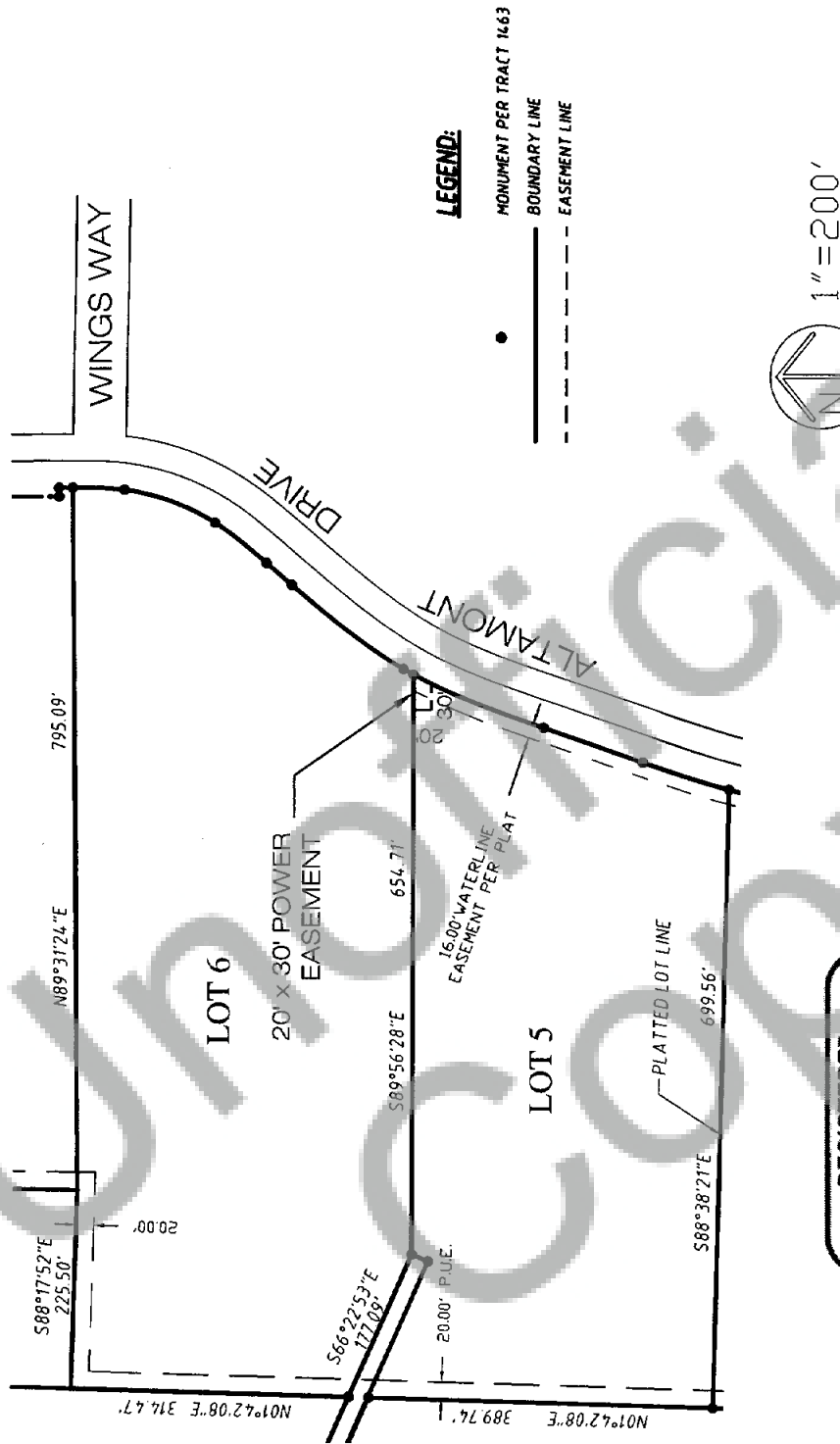
*Marcus D. Cross*

OREGON  
JULY 6, 2010  
MARCUS D. CROSS  
55506PLS

EXPIRES: 12-31-2015

# PACIFICORP POWER EXHIBIT B

A PARCEL OF LAND LOCATED IN LOT 5, TRACT 1463 "KLAMATH FALLS INDUSTRIAL PARK",  
SITUATED IN THE SW 1/4 OF SECTION 15, TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.,  
KLAMATH COUNTY, OREGON  
APRIL 2014



## LEGEND:

- MONUMENT PER TRACT 1463
- BOUNDARY LINE
- - - EASEMENT LINE



1" = 200'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Marcus D. Cross*

OREGON  
JULY 6, 2010  
MARCUS D. CROSS  
55506PLS

EXPIRES: 12-31-2015

**R-C**  
**RHINE-CROSS GROUP**  
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KLAMATH FALLS, OREGON 97601  
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