

2016-002140

Klamath County, Oregon



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02/25/2016 01:24:43 PM

Fee: \$57.00

Returned at Counter

Return to: **PACIFIC POWER**
1950 MALLARD LANE
KLAMATH FALLS, OR 97601

CC#: 11176 WO#: 6064344

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **CD_DG_MERRILL, LLC** ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way **10** feet in width and **512** 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 **OR**, as more particularly described as follows and/or shown on Exhibit(s) **A & B** attached hereto and by this reference made a part hereof:

A portion of:

SW1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 41 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON

Assessor's Map No.: **R-4110-002DC-01200-000**

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.

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 easement. 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 3rd day of February, 2016.



Name, Title of Grantor GRANTOR

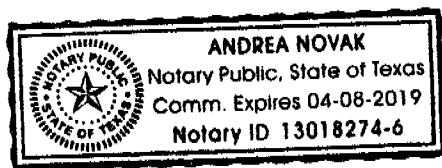


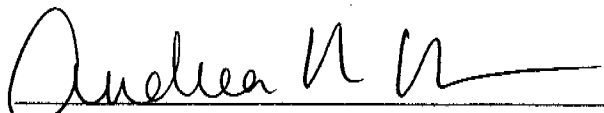
Name, Title of Grantor GRANTOR

REPRESENTATIVE ACKNOWLEDGEMENT

State of Texas)
County of Denton) SS.

This instrument was acknowledged before me on this 3rd day of February, 2016,
by Steve Rumsey, as Managing Member,
of CD DG Merrill, LLC.
Name of representative Title of representative Name of entity being represented



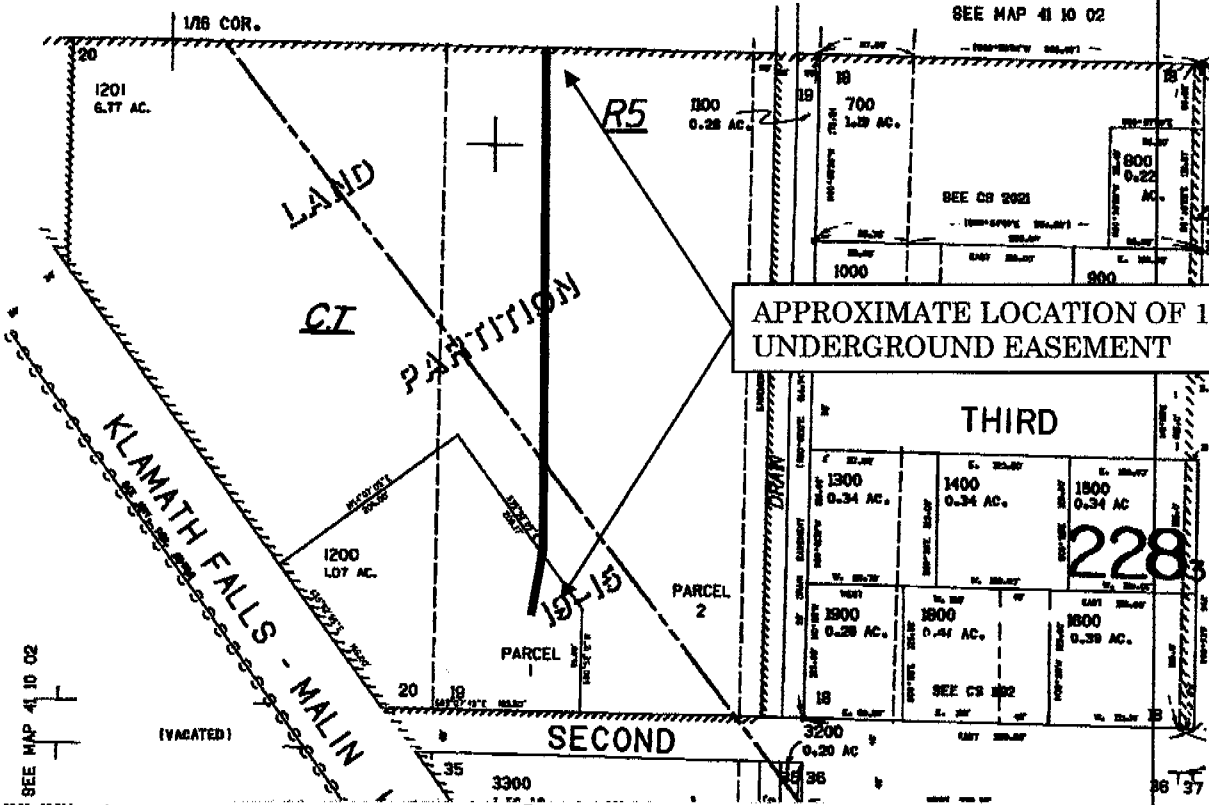


Notary Public
My commission expires: 4-8-19

PROPERTY DESCRIPTION

Section: 2, Township: 41 S, Range: 10 E, WILLAMETTE Meridian,
KLAMATH County, State of OR.

Map / Tax Lot or Parcel No.: R-4110-005DC-01200-000



CC#: 11176 WO#: 6064344

Landowner Name: CD_DG_MERRILL, LLC

Drawn by: DP NTS

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

PROPERTY DESCRIPTION

A 10' wide strip easement for underground power, being a portion of the Southwest 1/4 of the Southeast 1/4 of Section 2, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, the centerline being more particularly described as follows:

BEGINNING at the Southwest corner of Tract 18 of Merrill Tracts; thence Northerly along the West line of said tract North 00°00'05" West 614.74 feet to the Northwest corner of said tract; thence leaving said West line, North 89°00'21" West 250.03 feet to the TRUE POINT OF BEGINNING of this description; thence South 02°51'52" East 449.27 feet; thence South 12°03'26" West 61.60 feet to the terminus of this description.

CC#:11176 WO#: 6064344

Grantor Name: CD_DG_MERRILL, LLC

EXHIBIT B

 **PACIFIC POWER**
A DIVISION OF PACIFICORP