

2018-005492

Klamath County, Oregon



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05/02/2018 03:14:32 PM

Fee: \$52.00

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

CC#: 11176 WO#: 6404734

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, *Micheal P. Stuhr, Trustee of the Micheal P. Stuhr Trust, dated August 4, 2011 and Cathleen A. Stuhr, Trustee of the Cathleen A. Stuhr Trust, dated August 4, 2011, each as to an undivided 50% interest* ("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 *525* 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* attached hereto and by this reference made a part hereof:

A portion of:

The following property lying in Section 4, Township 34 South, Range 7, East of the Willamette Meridian, Klamath County, Oregon:

That portion of the SE1/4 NE1/4 lying southwesterly of Spring Creek; the west 297 feet of Government Lot 3; Government Lot 4 (NW1/4 NW1/4); the SW1/4 NW1/4; the SE1/4 NW1/4 and the SW1/4 NE1/4.

SAVING AND EXCEPTING THEREFROM That portion thereof sold to Warren O. Applegate by Deed recorded in Book 56 at page 532 Deed Records of Klamath County, Oregon, described as follows: Beginning 20 chains South of the 1/4 Sections corner on the North boundary of Section 4 Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon; thence South 370 feet; thence East 617 feet; thence North 3°54' East 371 feet; thence West 642 feet to the place of beginning.

ALSO EXCEPTING THEREFROM the NE1/4 SW1/4 NE1/4 of Section 4, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon,

AND FURTHER EXCEPTING Government lot 1 and the SE1/4 NE1/4 of Section 4, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying Northeasterly of the thread of Spring Creek.

Assessor's Map No.: **R-3407-00400-00600-000**

Parcel No.: **R189165, R760634**

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.

JURY WAIVER. 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. THIS PARAGRAPH WILL SURVIVE THE EXPIRATION OR TERMINATION OF THIS AGREEMENT.

Grantor represents and warrants that it possesses all right, title and interest in and to the right of way area, free and clear of any lien, security interest, encumbrance, claim, license or other restriction that would interfere with Grantee's use of the right of way area for the purposes contemplated hereunder.

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 28 day of April, 2018.



Michael P. Stuhr-Trustee GRANTOR




Cathy A. Stuhr- Trustee GRANTOR

INDIVIDUAL ACKNOWLEDGEMENT

State of Oregon
County of Clatsop } SS.

This instrument was acknowledged before me on this 28 day of April, 2018,
by Stuhr Michael P. and Stuhr Cathleen A.

Name(s) of individual(s) signing document

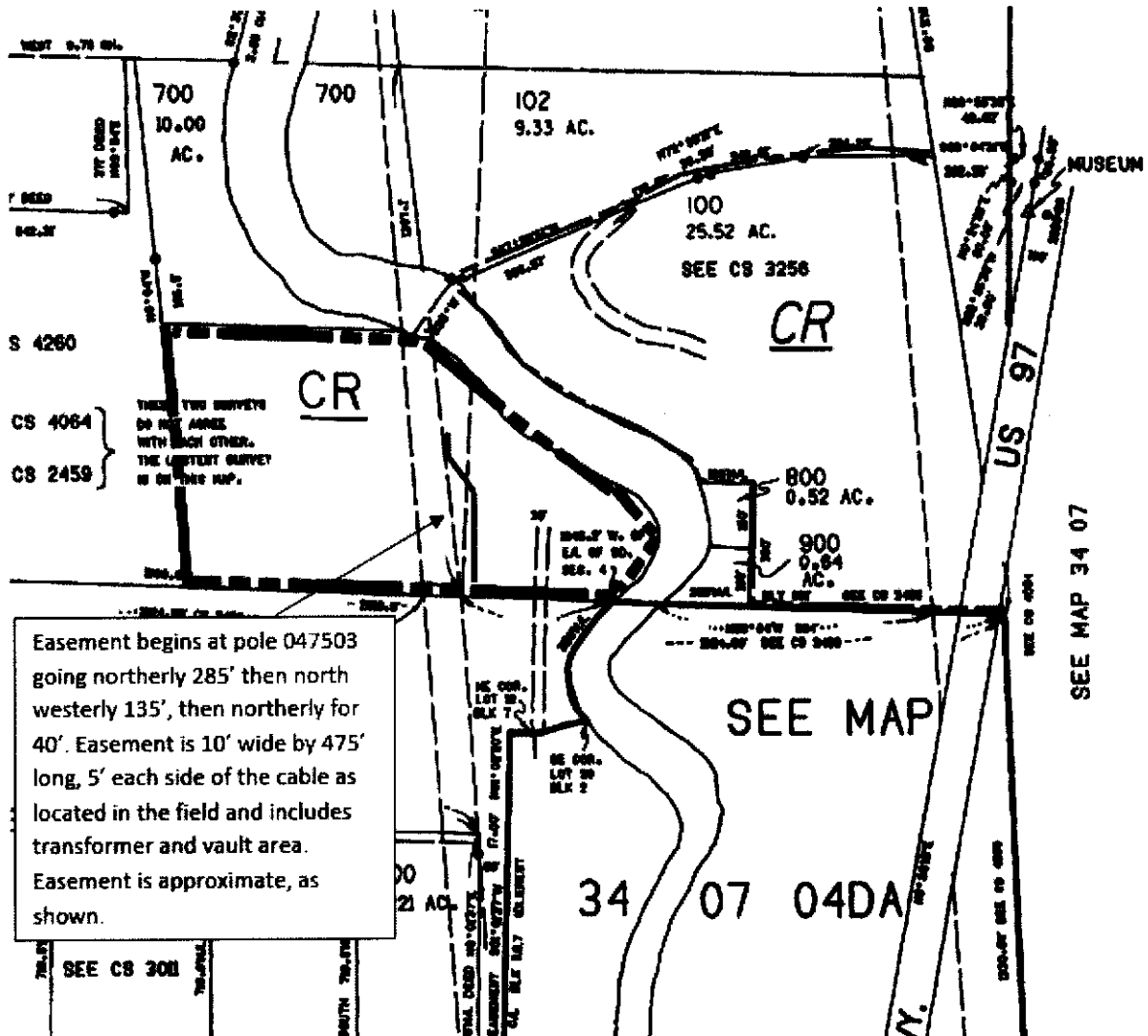
Notary public




PROPERTY DESCRIPTION

Section: 04, Township: 34S, Range: 07E, Willamette Meridian,
Klamath County, State of Oregon.

Map / Tax Lot or Parcel No.: R-3407-00400-00600-000



Easement begins at pole 047503 going northerly 285' then north westerly 135', then northerly for 40'. Easement is 10' wide by 475' long, 5' each side of the cable as located in the field and includes transformer and vault area. Easement is approximate, as shown.

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Landowner Name: Stuhr

Drawn by: Shelangouski

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