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1950 Mallard Ln.
Klamath falls, OR 97601

2018-007556
Klamath County, Oregon



06/22/2018 02:05:57 PM

Fee: \$92.00

CC#: 11176 WO#: 6474554

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **Steve Declerck Enterprises, Inc.** ("Grantor"), hereby grants to PacificCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way **10** feet in width and **290 and 70** 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:

Parcel 2 of Land Partition 57-07, being replat of Lots 1 and 4 of Block 1, Tract 1239 and a replat of Parcel 2 of Land Partition 7-94 located in the NE1/4 of the NE1/4 of Section 9, Township 39 South Range 9 East of the Willamette Meridian filed in Volume 2008 of page 880.

Assessor's Map No.: **R-3909-009AA-01000-000**

Parcel No.: **R817405**

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.

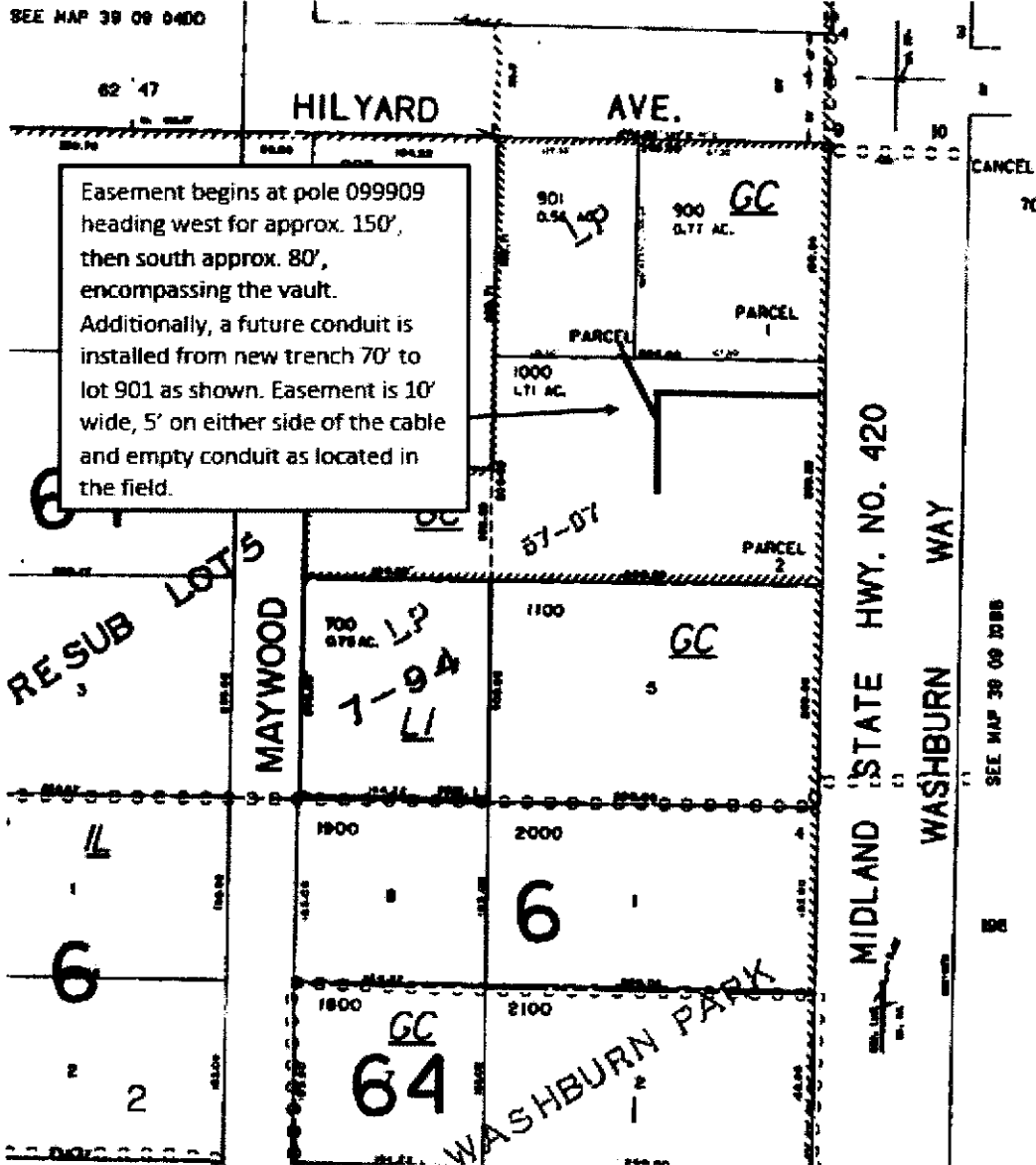
At no time shall Grantor place or store any flammable materials or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for other purposes not inconsistent, as determined by the Grantee, with the purposes for 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

PROPERTY DESCRIPTION

Section: 09, Township: 39S, Range: 09E, W.M. Meridian,
Klamath County, State of Oregon.

Map / Tax Lot or Parcel No.: R-3909-009AA-0100-000



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Landowner Name: Declerck Ent.

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

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 6 day of JUNE, 2018.

Steve Declerck
Steve Declerck GRANTOR

REPRESENTATIVE ACKNOWLEDGEMENT

State of California }
County of Siskiyou } SS.

This instrument was acknowledged before me on this 6 day of June, 2018.

by Steve Declerck, as _____,
Name of Representative Title of Representative

of _____
Name of Entity on behalf of whom this instrument was executed

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Valerie A. Wiley
Notary Public

My commission expires: 3/1/2019

State of California, County of Siskiyou
On 6/6/18 before me, Valerie A. Wiley
Notary Public, personally appeared Steve Declerck
who proved to me on the basis of satisfactory evidence to be the person(s)
whose name(s) is/are subscribed to the within instrument and acknowledged
to me that he/she/they executed the same in his/her/their authorized capacity(ies),
and that by his/her/their signature on the instrument the person(s), or the entity
upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

