

Returned at Counter

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

2018-009775  
Klamath County, Oregon



08/17/2018 01:59:00 PM

Fee: \$92.00

CC#: 11176 WO#: 6390097

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, **CD DG Klamath Falls South, 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 **240** 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 1 of Land Partition 35-17, being a partition of the lands shown on Survey No. 1939 and as described in the Bargain and Sale Deed M05-6717 Recorded in the Klamath County Clerk's Office situated in the Southeast Quarter of Section 7, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon and Recorded April 19, 2018, as Document No. 2018-004755, Official Records of the Klamath County, Oregon.***

Assessor's Map No.: **R-3909-00700-01801-000**

Parcel No.:

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 6<sup>th</sup> day of August, 2018.

  
Steve J. Rumsey Managing Member

  
Casey B. Shires Managing Member

\*\*\*\*\*

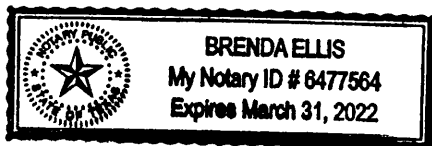
REPRESENTATIVE ACKNOWLEDGEMENT

State of Texas }  
County of Denton } SS.

This instrument was acknowledged before me on this 6<sup>th</sup> day of August, 2018

by Steve J. Rumsey, Casey B. Shires as Managing Member,  
Name of Representative Title of Representative

of CD DG KUMATH SOUTH, LLC.  
Name of Entity on behalf of whom this instrument was executed





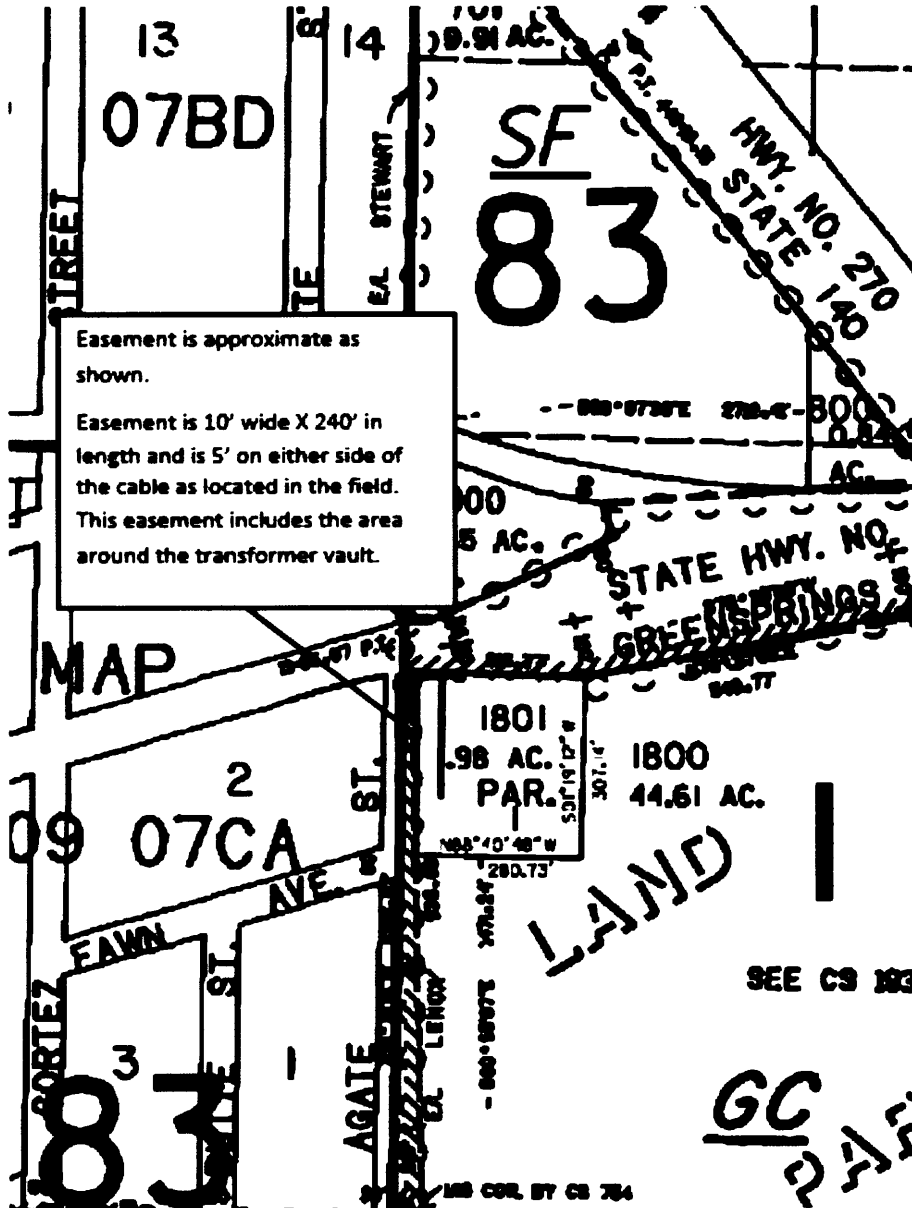
Notary Public

My commission expires: 3/31/2022

**PROPERTY DESCRIPTION**

Section: 07, Township: 39S, Range: 09E, Willamette Meridian,  
Klamath County, State of Oregon.

Map / Tax Lot or Parcel No.: R-3909-00700-01801-000



CC#:11176 WO#: 6390097

Landowner Name: CD DG Klamath Falls

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