

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

2018-011528

Klamath County, Oregon



09/21/2018 02:44:32 PM

Fee: \$97.00

CC#: 11176 WO#: 6555182

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **Burton J. DeYoung and Yolanda DeYoung as Trustees of The DeYoung Revocable Trust, Under Agreement Dated 12/17/87** ("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 **1,100** 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 therefor; 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:

Real Property located in Klamath County, Oregon and as more particularly described in attached Exhibit B.

Assessor's Map No.: **R-3809-034CD-06500-000**

Parcel No.: **6500**

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 therefor) 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.

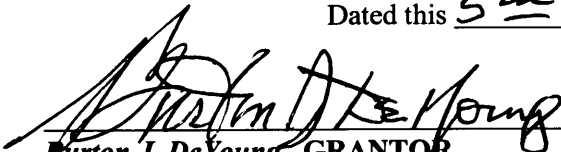
JURY WAIVER. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE, OR TO REQUEST 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 5th day of Sept., 2018


Burton J. DeYoung GRANTOR


Yolanda DeYoung GRANTOR

INDIVIDUAL ACKNOWLEDGEMENT

State of California
County of Santa Barbara } SS.

This instrument was acknowledged before me on this 5th day of Sept, 2018

by BURTON J. DE YOUNG AND YOLANDA DE YOUNG
Name(s) of individual(s) signing document


Notary Public

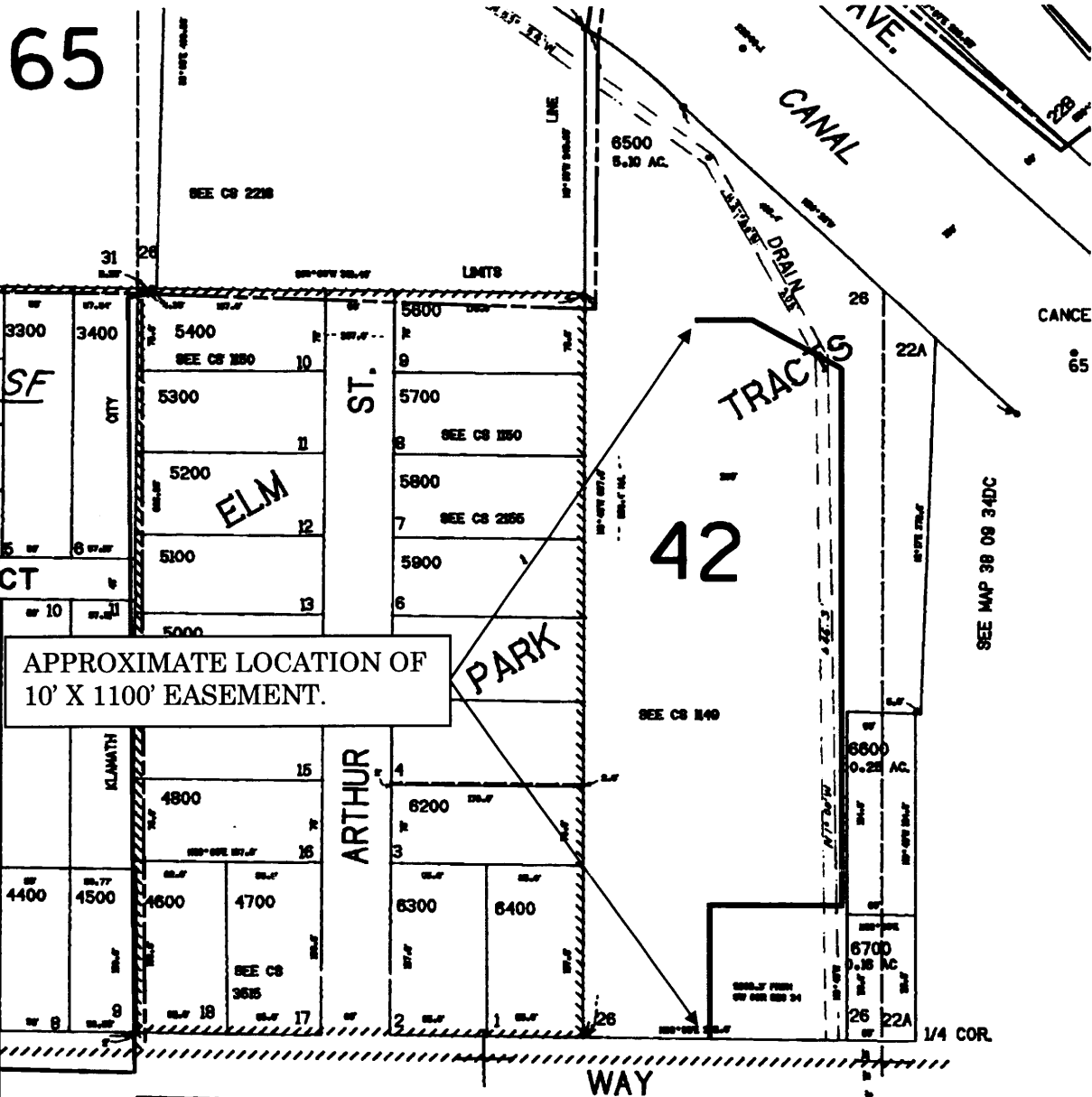
My commission expires: 6-8-22



PROPERTY DESCRIPTION

Section: 34, Township: 38 S, Range: 9 E, Willamette Meridian,
Klamath County, State of Oregon.

Map / Tax Lot or Parcel No.: R-3809-034CD-06500-000



CC#: 11176 WO#: 6555182

Landowner Name: DE'YOUNG

Drawn by: KD

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

PARCEL 1:

Beginning at an iron axle on the Northerly right of way line of Shasta Way, which marks the Southeast corner of "Elm Park" Subdivision, and which iron axle also lies North 89° 08' East along the section line a distance of 2370.3 feet and North 0° 49' West a distance of 15.0 feet from the iron pin which marks the Southwest corner of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and running thence: Continuing North 89° 08' East along the Northerly right of way of Shasta Way a distance of 232.0 feet to an iron pin; thence North 0° 49' West parallel to the East line of "Elm Park" a distance of 300.0 feet to an iron pipe; thence North 89° 08' East 65.0 feet to an iron pipe; thence North 1° 17' East a distance of 372.0 feet to an iron pin which lies on the southerly right of way line of U.S.R.S. "A" Canal; thence North 50° 26' West along course "E" following the Southerly right of way line of the U.S.R.S. "A" Canal a distance of 406.4 feet to an iron pin which lies on the East line of the "Elm Park" extended Northerly; thence South 0° 49' East along the East line of "Elm Park" and its extension, a distance of 935.4 feet; more or less, to the Point of Beginning; said tract lying in Enterprise Tracts No. 26 and 22A situated respectively in the SE1/4 SW1/4 and the SW1/4 SE1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 2:

Starting at the iron pin marking the Southwest corner of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence North 89° 08' East along South line of Section 34 a distance of 2662.3 feet; thence North 0° 49' West 15.0 feet to an iron pin on the North line of Shasta Way; thence North 0° 49' West 116.0 feet to an iron pin and the True Point of Beginning of this description; thence South 89° 08' West 60.0 feet to an iron pin; thence North 0° 49' West 184.0 feet to an iron pin; thence North 89° 08' East 60.0 feet to an iron pin; South 0° 49' East 184.0 feet to place of beginning.

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Grantor Name: DE'YOUNG

EXHIBIT B

PACIFIC POWER
A DIVISION OF PACIFICORP