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1950 Mallard Ln.
Klamath Falls, OR 97601

2018-014186

Klamath County, Oregon



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11/21/2018 03:37:13 PM

Fee: \$92.00

CC#: 11176 WO#: 6519980

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **Linda Michele Darrah Bogatay, Trustee of the Linda Michele Darrah Bogatay Revocable Trust, u/a/d November 7, 2011** ("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 **250** 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:

Parcel 1, Land Partition 18-08 filed in the office of the County Clerk of Klamath County, Oregon, located in the SW 1/4 NE 1/4 and NW 1/4 SE 1/4 of Section 22, Township 38 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon.

Tax Lot 706 (R895393)

Assessor's Map No.: **R-3809-02200-00706-000**

Parcel No.: **R895393**

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 8 day of NOVEMBER, 2018.

Linda Michele Darrah Bogatay
Linda Michele Darrah Bogatay GRANTOR

REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }
County of Clatsop } SS.



This instrument was acknowledged before me on this 8th day of Nov., 2018.

by Linda M.D. Bogatay Owner
Name of Representative Title of Representative

of Bogatay Construction Inc.
Name of Entity on behalf of whom this instrument was executed

Sandra Peck

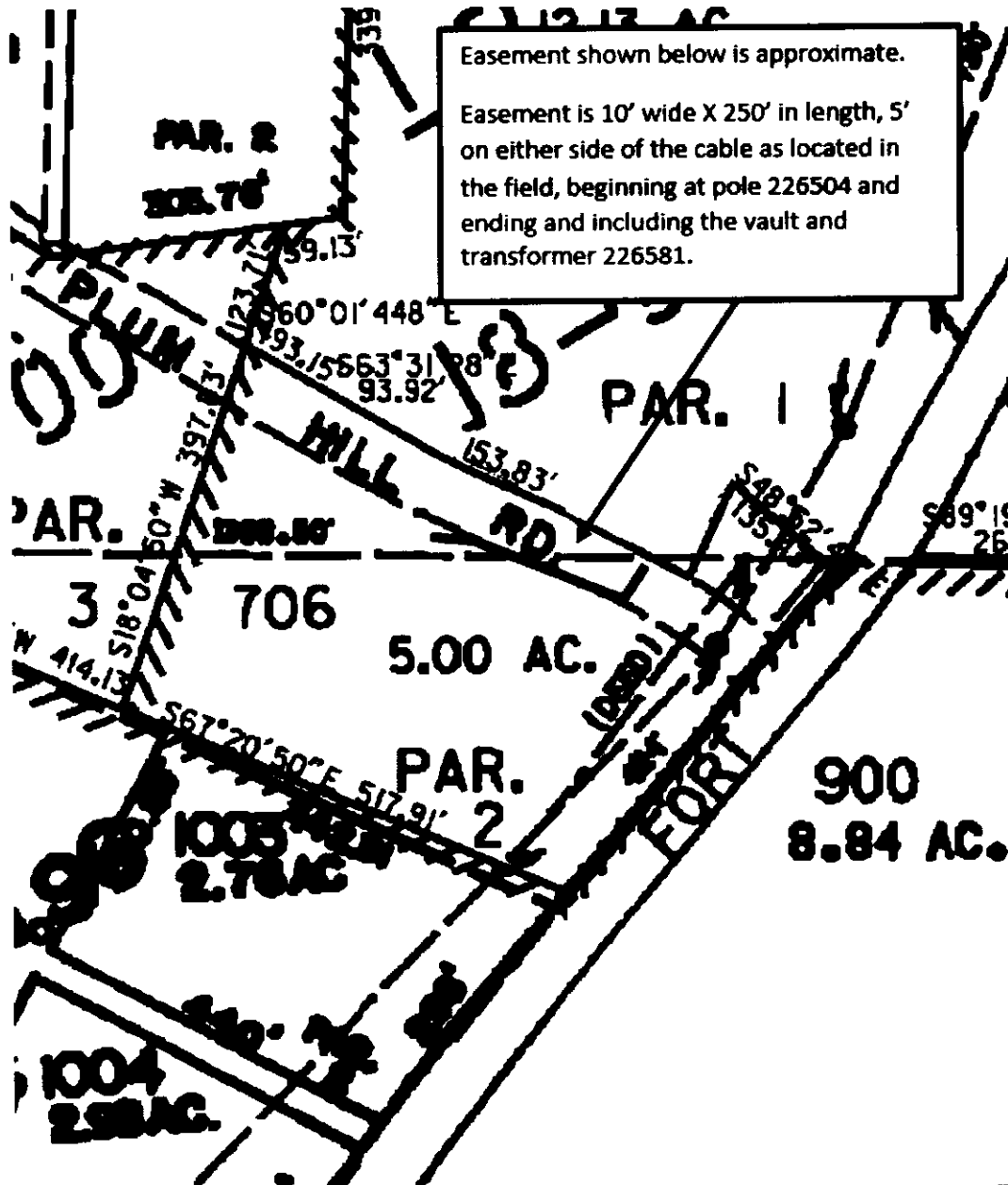
Notary Public

My commission expires: 7/19/22

PROPERTY DESCRIPTION

Section: 22, Township: 38S, Range: 09E, W.M. Meridian,
Klamath County, State of Oregon.

Map / Tax Lot or Parcel No.: R-3809-02200-00706-000



CC#: 11176 WO#: 6519980

Landowner Name: Bogatay Trust

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