

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

2019-001251
Klamath County, Oregon



02/08/2019 03:35:12 PM

Fee: \$102.00

CC#: 11176 WO#: 6576441

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **Heritage Bank** ("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 **200** 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, B** attached hereto and by this reference made a part hereof:

A portion of:

See Exhibit B

Assessor's Map No.: **3808-036000-00400-000**

Parcel No.: **420299**

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 conduct or permit any ground penetrating activity or excavation in the right of way without the express written consent of the Grantee. Subject to the foregoing limitations, 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.

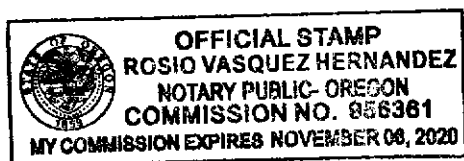
Dated this 7 day of February, 2019.

By [Signature]
Clark Burkheimer - Senior VP GRANTOR

REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }
County of Klamath } SS.

This instrument was acknowledged before me on this 7 day of February, 2019
by Clark Burkheimer, as Senior VP,
Name of Representative Title of Representative
of Heritage Bank,
Name of Entity on behalf of whom this instrument was executed



[Signature]
Notary Public

My commission expires: Nov 08, 2020

PROPERTY DESCRIPTION

A portion of:

PARCEL 1: 3808-03600-00300 and 3808-03600-00400

The Southwest quarter of the Northeast quarter; the Northwest quarter of the Southeast quarter; the Southeast quarter of the Northeast quarter; the Northeast quarter of the Southeast quarter and the Southeast quarter of the Southeast quarter of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM the following described parcel:

A parcel of land situated in the NE1/4 and SE1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, the NE1/4 of Section 1, Township 39 South, Range 8 East of the Willamette Meridian, and the NW1/4 NW1/4 of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, all in Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the North-South centerline of Section 36 from which the Northwest corner of the SW1/4 NE1/4 of said section bears North 00°11'27" East 427.59 feet; thence South 89°58'12" East 619.61 feet; thence South 27°18'39" East 3530.91 feet; thence South 62°41'21" West 250.36 feet; thence South 27°18'39" East 1811.20 feet to a point on the South line of the NW1/4 NW1/4 of Section 6; thence along said South line South 89°28'21" West 199.91 feet to the Southwest corner thereof; thence along the South line of the NE1/4 NE1/4 of Section 1 North 89°29'44" West 1330.62 feet to the Southwest corner of said NE1/4 NE1/4 thence along the West line of the SE1/4 NE1/4 of Section 1 South 00°06'44" East 458.90 feet to the Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 56°12'28" West 194.88 feet; thence leaving said right of way line North 11°59'09" East 364.18 feet to the South line of the NW1/4 NE1/4 of Section 1; thence along said South line South 89°56'08" West 516.20 feet to the said Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 50°28'23" West 199.25 feet;

CC#: 11176 WO#: 6576441

Grantor Name: Heritage Bank

EXHIBIT B

PACIFIC POWER
A DIVISION OF PACIFICORP

thence North 59°17'52" West 439.78 feet; thence leaving said Northerly right of way line North 36°42'45" West 329.35 feet to the North-South center section line of Section 1; thence along said center section line North 00°04'15" East 722.87 feet to the 1/4 corner common to Section 1 and Section 36; thence along the center section line of the Section 36 North 00°11'27" East 3508.58 feet to the point of beginning.

Saving and Excepting, Beginning at the Southeast corner of the NE1/4 NE1/4 of said Section 1; thence on the South line of said NE1/4 NE1/4 North 89°17'37" West 617.88 feet; thence leaving said South line North 27°18'39" West 235.77 feet; thence North 62°41'21" East 118.54 feet; thence North 27°18'39" West 1195.51 feet; thence North 62°41'21" East 605.39 feet; thence South 27°18'39" East 1811.20 feet to the South line of the NW1/4 NW1/4 of said Section 6; thence South 89°28'21" West 199.91 feet on said South line, to the point of beginning.

And Further Excepting Tract 1416-The Woodlands, Phase 1 and Tract 1437-The Woodlands, Phase 2, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Also Further Excepting Tract 1461, The Woodlands, Phase 3 and Tract 1508, The Gardens Phase 1.

Further excepting all those portions lying in Section 1, Township 39 South, Range 8 East of the Willamette Meridian and Section 6, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

CC#: 11176 WO#: 6576441

Grantor Name: Heritage Bank

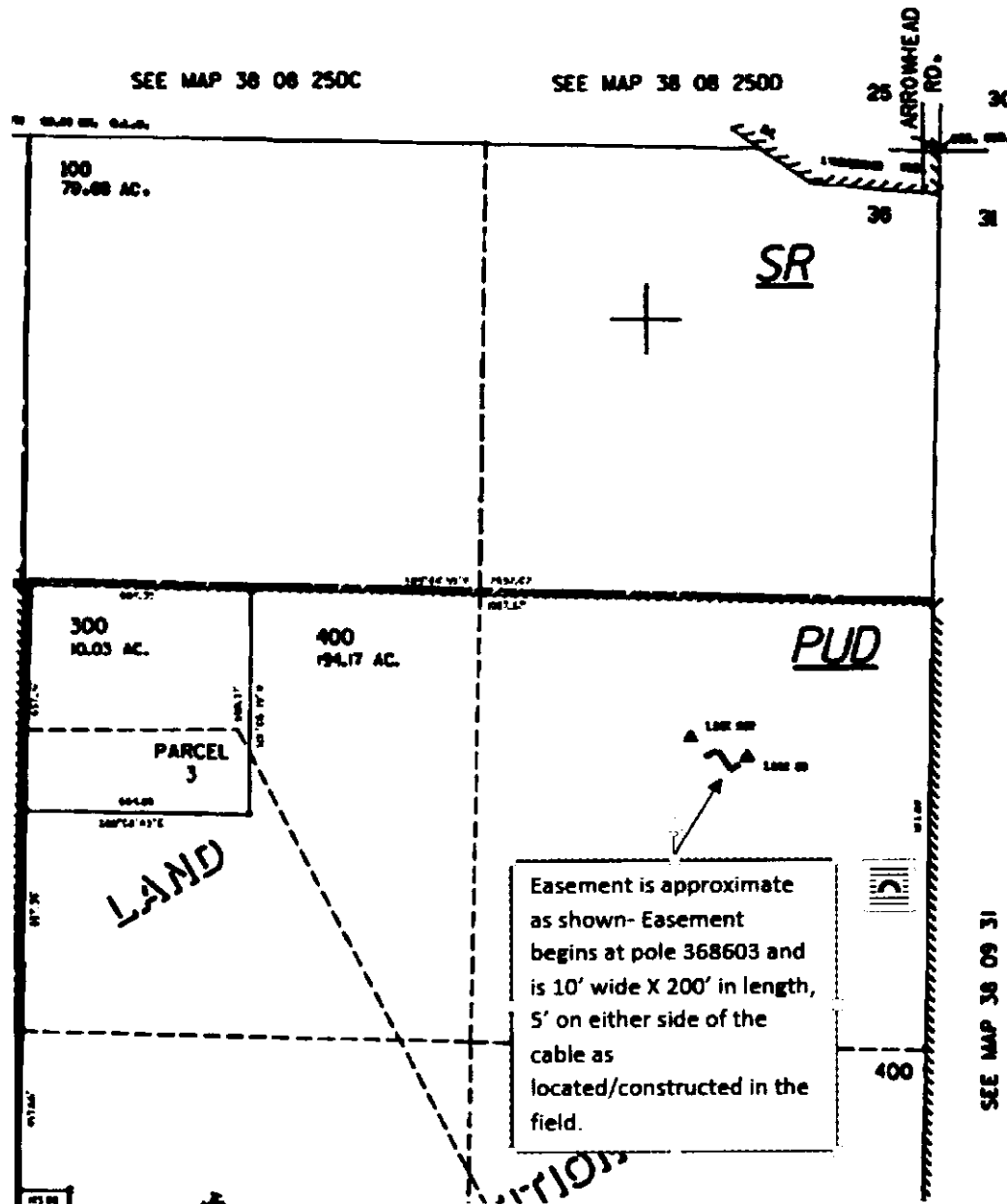
EXHIBIT B

PACIFIC POWER
A DIVISION OF PACIFICORP

PROPERTY DESCRIPTION

In the SE1/4 NE1/4 of Section 36, Township 38S, Range 08E
of the W.M. Meridian, Klamath County, State of Oregon.

Map / Tax Lot or Assessor's Parcel No.: 3808-036000-00400-000



CC#:11176 WO#: 6576441 ROW#:

Landowner: Heritage Bank

Drawn by: B. 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