

Returned at Counter

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

2019-008231  
Klamath County, Oregon



07/22/2019 12:16:09 PM

Fee: \$92.00

CC#: 11176 WO#: 006544782

### UNDERGROUND RIGHT OF WAY EASEMENT

For value received, *City of Klamath Falls* ("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' attached hereto and by this reference made a part hereof:

A portion of:

***TWP 39S. RNGE 9E. , BLOCK SEC. 22, TRACT POR, ACRES 377.42***

Assessor's Map No.: ***R-3909-02200-00100-000***

Parcel No.: ***02200 R774594***

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. Grantee acknowledges that the right to ingress and egress is limited by and subject to the security requirements of the Crater Lake – Klamath Regional Airport and the Air National Guard.

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 15 day of July, 20 19.

[Signature]  
City of Klamath Falls, Or. GRANTOR

#### REPRESENTATIVE ACKNOWLEDGEMENT

State of OREGON }  
County of KLAMATH } SS.

This instrument was acknowledged before me on this 15<sup>th</sup> day of July, 2019.

by Nathan Cherpeski, as City Manager,  
Name of Representative Title of Representative

of City of Klamath Falls,  
Name of Entity on behalf of whom this instrument was executed

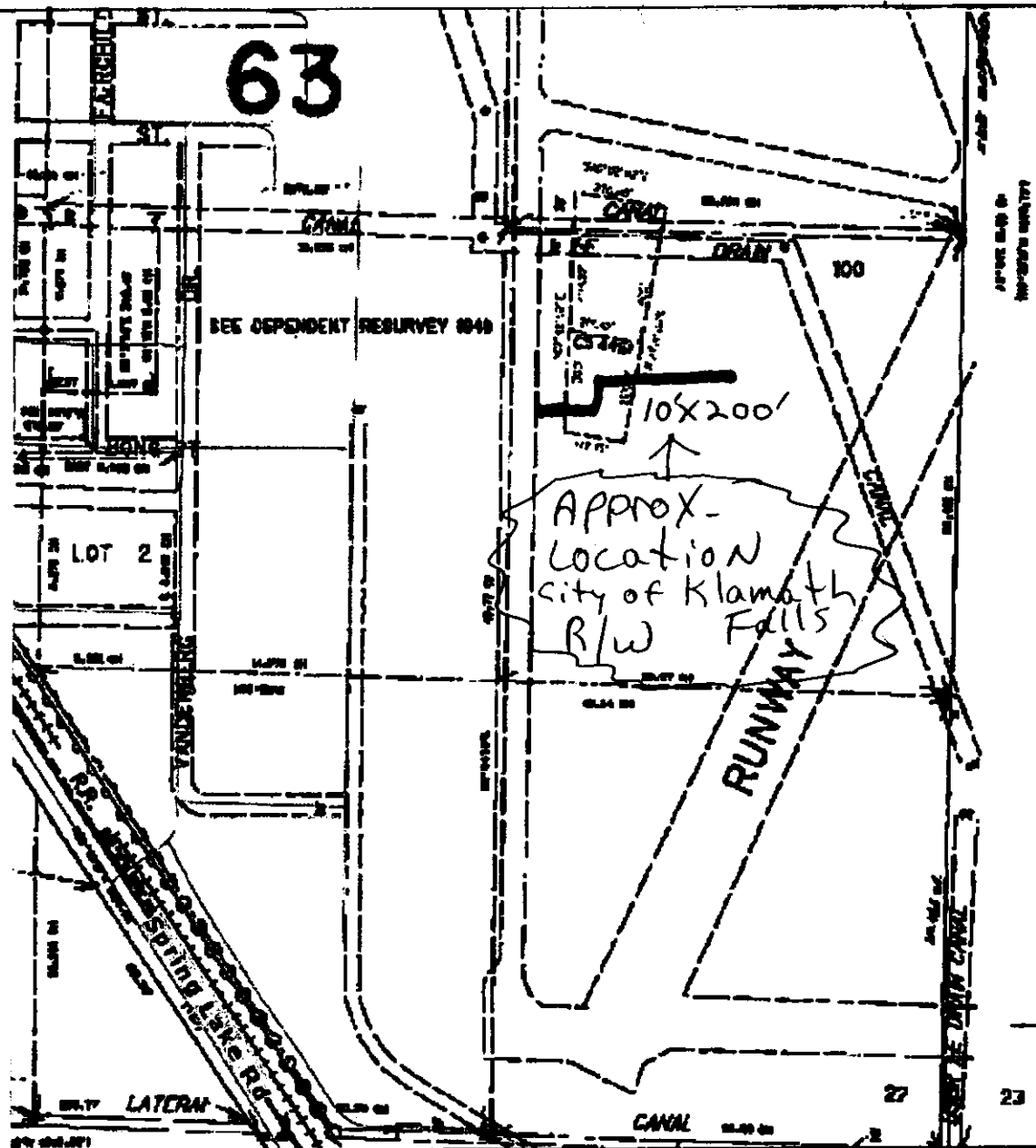


[Signature]  
Notary Public

My commission expires: 02/26/2021

## Property Description

NE 1/4 SE 1/4  
Section: 22 Township: 39S (N or S) Range: 9E (E or W) Willamette Meridian  
County: Klamath State: OR  
Parcel Number: R-3909-02200-00100-000



CC#: 11176 WOF: 006544782

Landowner Name: City of Klamath Falls

Drawn by: P63210

This drawing should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

# EXHIBIT A

## PacifiCorp

SCALE: N.T.S.