

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

**2019-008233**

Klamath County, Oregon



07/22/2019 12:16:38 PM

Fee: \$92.00

CC#: 11176 WO#: 6618867

### **OVERHANG RIGHT OF WAY EASEMENT**

For value received, ***Oliver Shell and Tia Summers, each to an undivided 50% interest as Tenants in Common*** ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual easement for a right of way **100** feet in length **10** feet in width, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: overhang of pole crossarms, overhead conductors and communication lines; along the general course now located by Grantee, over and across the surface of the real property of Grantor in **Klamath** County, State of **Oregon**, 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 One:***

***The W1/2 NW1/4 SW1/4 of Section 27, Township 35 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon.***

***Parcel Two:***

***The N1/2 S1/2 SW1/4 SW1/4 of Section 27, Township 35 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, LESS a 60 foot road right of way recorded June 11, 1958 in Volume 12 Page 623, Miscellaneous records of Klamath County, Oregon.***

Assessor's Map No. 3507-027C0-01400-000

Parcel No. 594093

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 and adjacent lands 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, use or permit any equipment, material or vegetation of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials, 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 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 First day of July, 2019.



Oliver Shell GRANTOR

Deceased

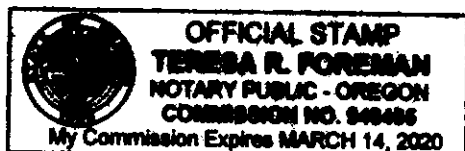
Tia Summers GRANTOR

**INDIVIDUAL ACKNOWLEDGEMENT**

State of OREGON  
County of Klamath } SS.

This instrument was acknowledged before me on this 1<sup>st</sup> day of July, 2019,  
by Oliver Shell

\_\_\_\_\_  
Name(s) of individual(s) signing document





Notary Public

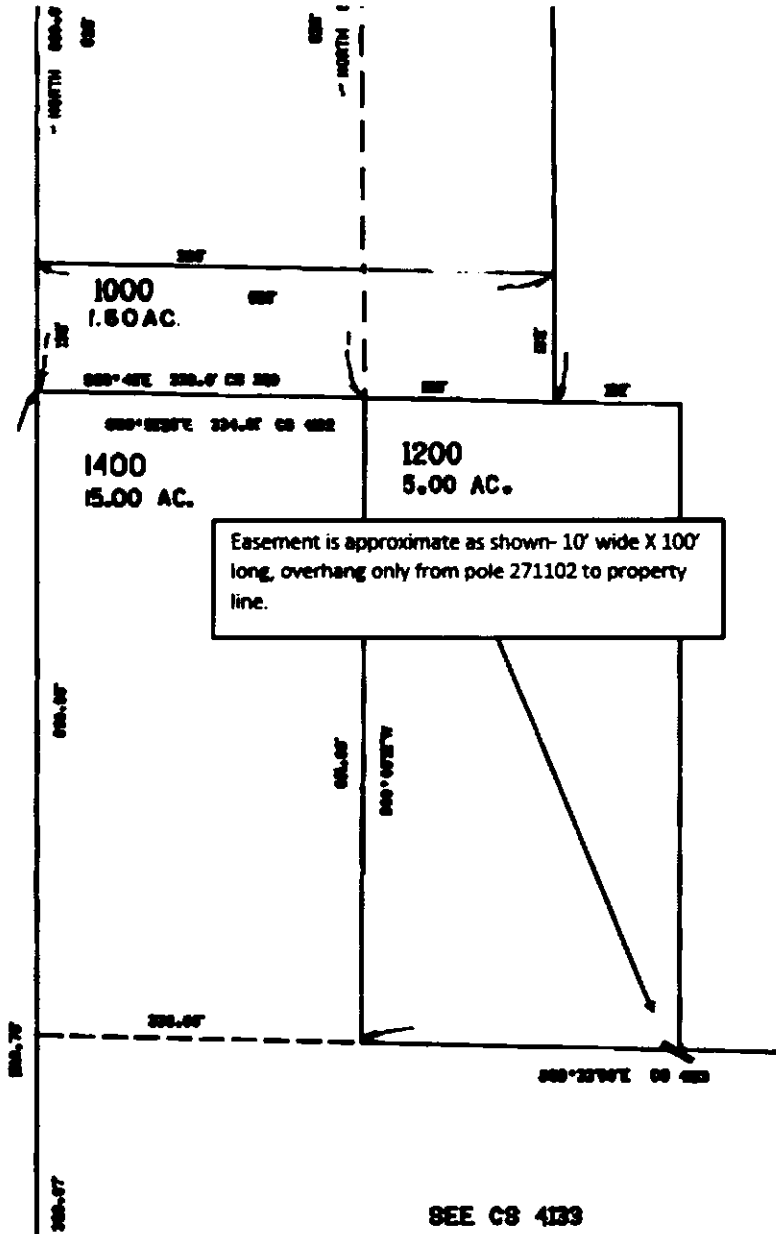
My commission expires: mar 14, 2020

### PROPERTY DESCRIPTION

In the SW 1/4 of Section 27, Township 35S, Range 07E  
of the Willamette Meridian, Klamath County, State of Oregon.  
Map / Tax Lot or Assessor's Parcel No.: 3507-027C0-01400-000



SEE MAP 35 07 28D



CC#:11176 WO#: 6618867 ROW#:

Landowner: Shell & Summers

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