

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

2019-008794

Klamath County, Oregon



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08/02/2019 03:33:15 PM

Fee: \$102.00

CC#: 11176 WO#: 6696049

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **WAYNE RANCH LLC, an Oregon Limited liability company** ("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 **375** 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.: **3409-00000-03600-000**

Parcel No.: **210970**

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 29 day of July, 2019.


James G Wayne Jr. GRANTOR


REPRESENTATIVE ACKNOWLEDGEMENT

State of Minnesota } SS.
County of Hennepin }

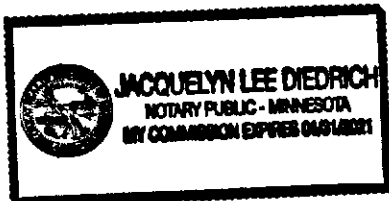
This instrument was acknowledged before me on this 29 day of JULY, 2019,

by JAMES G WAYNE JR, as Grantor,
Name of Representative Title of Representative

of WAYNE BANCH LLC.
Name of Entity on behalf of whom this instrument was executed


Notary Public

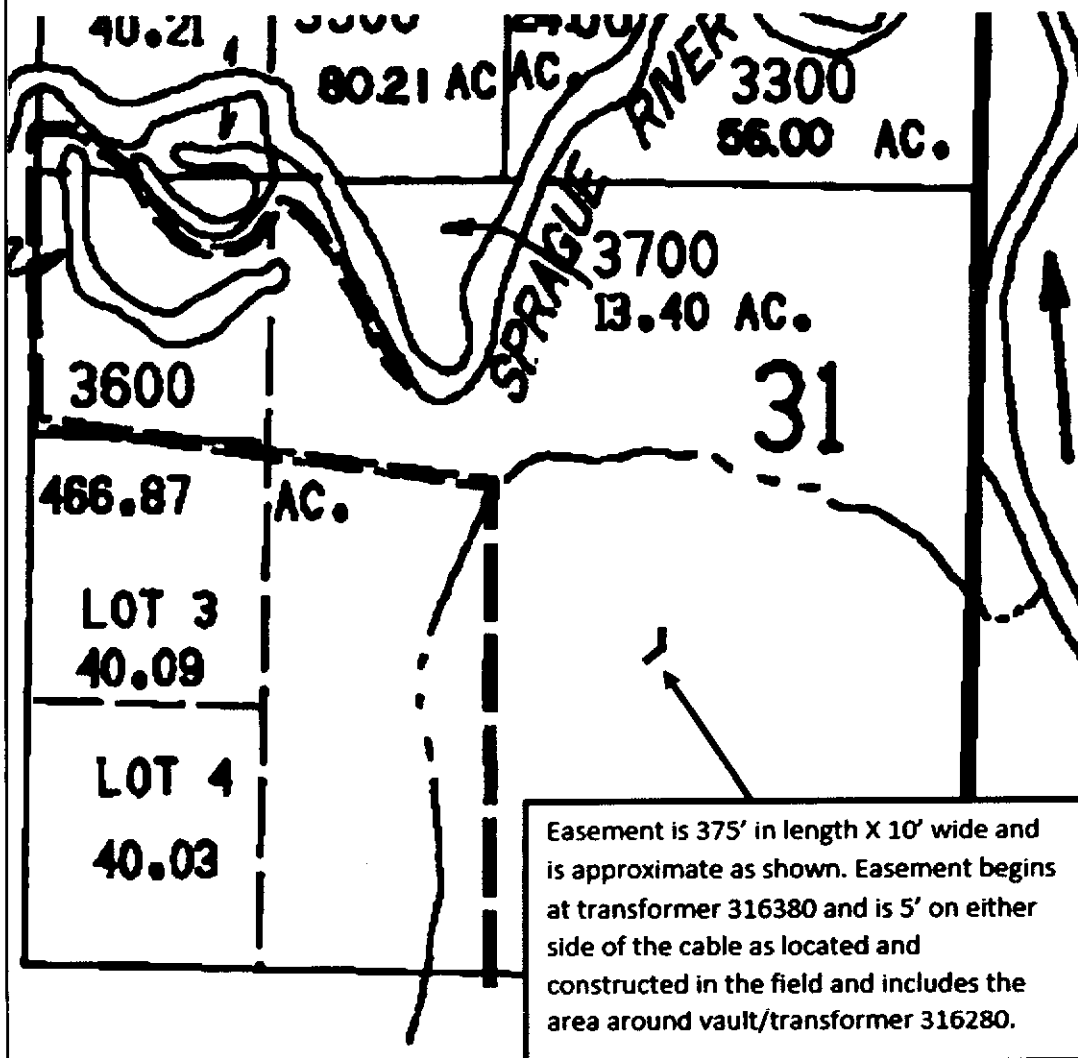
My commission expires: 01/31/2021



PROPERTY DESCRIPTION

In the SE 1/4 of Section 31, Township 34S, Range 09E
of the W.M. Meridian, Klamath County, State of Oregon.

Map / Tax Lot or Assessor's Parcel No.: 3409-00000-03600-000



CC#:11176 WO#: 6696049 ROW#:

Landowner: Wayne Ranch LLC

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

PROPERTY DESCRIPTION

EXHIBIT A
TO
STATUTORY WARRANTY DEED
(Walter Seput to Wayne Ranch LLC)

Real Property Descriptions

Lot 2 in Block 1 Tract 1118, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

That portion of SE1/4 SE1/4 lying East of Sprague River, Section 25, Township 34 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

S1/2 SE1/4, NE1/4 SE1/4, Section 36, Township 34 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

That portion of NE1/4 lying East of Sprague River, Section 36, Township 34 South, Range 8 East of the Willamette Meridian.

S1/2 SE 1/4 of Section 31 Township 34 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, NE1/4 SW1/4 SW1/4 of Section 32 Township 34 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, E1/2 SE1/4 SW1/4 SW1/4 of Section 32 Township 34 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, W1/2 SW1/4 SE1/4 SW1/4 of Section 32 Township 34 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, E1/2 NW1/4 SW1/4 SW1/4 of Section 32 Township 34 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

SE1/4 NW1/4 and SW1/4 NE1/4 lying Southerly of Sprague River in Section 31 and Lots 2, 3, 4, and E1/2 SW1/4, SE1/4 NE1/4, N1/2 SE1/4, Section 31; S1/2 S1/2 NW1/4 SW1/4 less that portion lying East of Sprague River, S1/2 N1/2 S1/2 NW1/4 SW1/4 less that portion lying East of Sprague River of Section 32, all in Township 34 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

A tract of land situate in Sections 31 and 32, Township 34 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

From the quarter corner common to Sections 30 and 31, Township 34 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, South along the center section line of Section 31 marked by an established fence 1/4 mile; thence East along an established fence 150 feet to the center of the Sprague River, the point of beginning of this survey; thence

EXHIBIT A - PAGE 1 OF 2

Parfiled 1-3135415.2 0880330-08801

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Grantor Name: Wayne Ranch LLC

EXHIBIT B

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upstream along the center line of the Sprague River North 33°16' East 382.84 feet; thence North 46°28' East 560 feet; thence North 45° East 550 feet; thence North 82°34' East 435 feet; thence North 60°15' East 201.53 feet; thence North 30°26' East 92.78 feet along the center line of the Sprague River to the North line of Indian Allotment No. 547; thence along the North line of Indian Allotment No. 547, Section 31, East 918 feet; thence continuing up the Sprague River South 28°44' East 176.81 feet; thence South 21°40' East 685.1 feet; thence South 9°07' West 220 feet; thence South 29°29' West 370 feet to a fence crossing the Sprague River; thence along an established line of fence West 2697 feet to the point of beginning."

All that portion of the N1/2 NW1/4 SW1/4, and the N1/2 N1/2 S1/2 NW1/4 SW1/4, and the SW1/4 NW1/4 of Section 32, Township 34 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, lying Westerly of the Sprague River.

The NE1/4 of Section 1 Township 35 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, lying Northerly of Sprague River Road.

Lots 1, 2, 3, 4, 5 and SE1/4 NW1/4 of Section 6 Township 35 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

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Grantor Name: Wayne Ranch LLC

EXHIBIT B



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