

2019-009741
Klamath County, Oregon



08/23/2019 03:31:20 PM

Fee: \$102.00

Returned at Counter

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

CC#: 11176 WO#: 6547298

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, *Charles C. Ehlers and Maurene Ehlers, husband and wife* ("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 **450** 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 A (Tax Lot 2301)

That certain property situated in the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Lot 6, Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows.

Beginning at the iron pin marking the Southeast corner of the North one half of Lot 6 as referred to in Volume M69, Page 9509 Deed Records of Klamath County, Oregon; thence South $00^{\circ} 10' 37''$ West, 666.37 feet; thence North $89^{\circ} 40' 52''$ West, 1617.43 feet along the south boundary of said Lot 6 to a $\frac{5}{8}$ inch rod at the high water line of Upper Klamath Lake; thence North $24^{\circ} 06' 06''$ West, along the high water line of Upper Klamath Lake a distance of 368.55 feet to a $\frac{5}{8}$ inch iron rod; thence South $89^{\circ} 36' 37''$ East, 959.54 feet to a $\frac{5}{8}$ inch iron rod; thence North $17^{\circ} 24' 31''$ West, 350.98 feet to a $\frac{5}{8}$ inch iron rod; thence South $89^{\circ} 32' 23''$ East, 914.77 feet to the point of beginning;

Commencing at the center quarter corner as per CS No. 471; thence South 00° 10' 37" West 653.16 feet; thence North 89° 32' 23" West, 914.77 feet; thence South 17° 24' 31" East, 350.98 feet; thence North 89° 36' 37" West, 677.96 feet to a point which is the true point of beginning; thence South 24° 06' 06" East, 199.66 feet; thence North 89° 36' 20" West, 281.55 feet to a point on the westerly boundary of Lot 6; thence North along said westerly boundary North 24° 06' 06" West, 127.04 feet; thence North 72° 05' 20" East, 210.37 feet; thence South 89° 36' 37" East, 51.72 feet to the true point of beginning;

ALSO SAVING AND EXCEPTING therefrom (Tax Lot 2301) the parcel of land described in the deed recorded in Volume M97 at page 10752 of the deed records of Klamath County, Oregon more particularly described as follows:

Beginning at the Center Corner as per CS No. 471; thence South 00° 10' 37" West, 653.16 feet; thence North 89° 32' 23" West, 914.77 feet; thence South 17° 24' 31" East, 350.98 feet; thence North 89° 36' 37" West, 729.68 feet to a point which is the true point of beginning; thence South 72° 05' 20" West, 210.37 feet; thence North 24° 06' 06" West, 72.62 feet, more or less, to a ¾ inch iron rod (as per R. O. S. No. 2201); thence South 89° 36' 37" East, 229.86 feet to the true point of beginning.

Parcel B (Tax Lot 2300)

A parcel of land situated in the South one-half of Lot 6, Section 12, Twp. 38S., R. 8, E.W.M., Klamath County, Oregon, mores particularly described as follows:

Beginning at the iron pipe marking the Southeast corner of the North one-half of Lot 6 as referred to in Volume M69, Page 9509 Deed Records of Klamath County, Oregon; thence North 89° 32' 23" West, 914.77 feet along the South boundary of the North one-half of said Lot 6 (this same boundary line recited in above Volume M69, Page 9509, and on Map of Survey No. 471, as bearing North 89° 54 1/2' West) to 5/8 inch iron rod marking the true point of beginning of this description; thence South 17° 24' 31" East, 350.98 feet to a 5/8 inch iron rod; thence North 89° 36' 20" West, 959.54 feet to a 5/8 inch iron rod at the high water line of Upper Klamath Lake; thence North 10° 10' 20" West, 341.01 feet along said high water line to a 5/8 inch iron rod on the aforesaid South boundary of the North one-half of Lot 6; thence South 89° 32' 23" East, 914.77 feet along the South boundary of the North one-half of Lot 6 to the true point of beginning, containing 7.20 acres more or less.

ALSO INCLUDING:

That certain property situated in the S 1/2 of Lot 6, Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Center Corner as per CS No. 471; thence South 00° 10' 37" West 653.16 feet; thence North 89° 32' 23" West, 914.77 feet; thence South 17° 24' 31" East, 350.98 feet; thence North 89° 36' 37" West, 729.68 feet to a point which is the true point of beginning of this description; thence South 72° 05' 20" West, 210.37 feet; thence North 24° 06' 06" West, 72.62 feet, more or less, to a 1/4 inch iron rod (as per R.O.S. 2201); thence South 89° 36' 37" East, 229.86 feet to the true point of beginning.

Notes: Keith Rhine (Surveyor) reviewed these legal descriptions and made some corrections which are included here. Staying with the Parcels shown on R.O.S. 2201 and then saving and excepting or including retains the history of the original partitions while accurately describing their present state. I included the Tax Lot # for clarity in our discussions. Keith recommends removing same as, of course, Tax Lot Numbers change. These descriptions were drawn for Andrew Brandsness (Attorney) who used same to create a Restrictive Covenant which was recorded in Book 2018 Page 006915 in Klamath County, Oregon.

Assessor's Map No.: 3808-01200-02301 & 02300

Parcel No.: 878232 & 421519

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 12 day of AUGUST, 2019.



Charles C. Ehlers GRANTOR



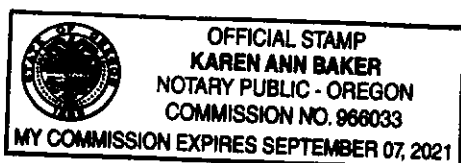
Maurene Ehlers GRANTOR

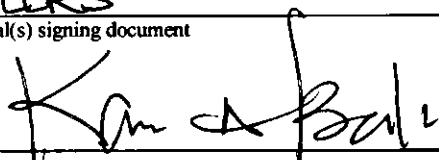
INDIVIDUAL ACKNOWLEDGEMENT

State of OREGON }
County of KLAMATH } SS.

This instrument was acknowledged before me on this 12th day of AUGUST, 2019
by CHUCK & MAURENE EHLERS

Name(s) of individual(s) signing document



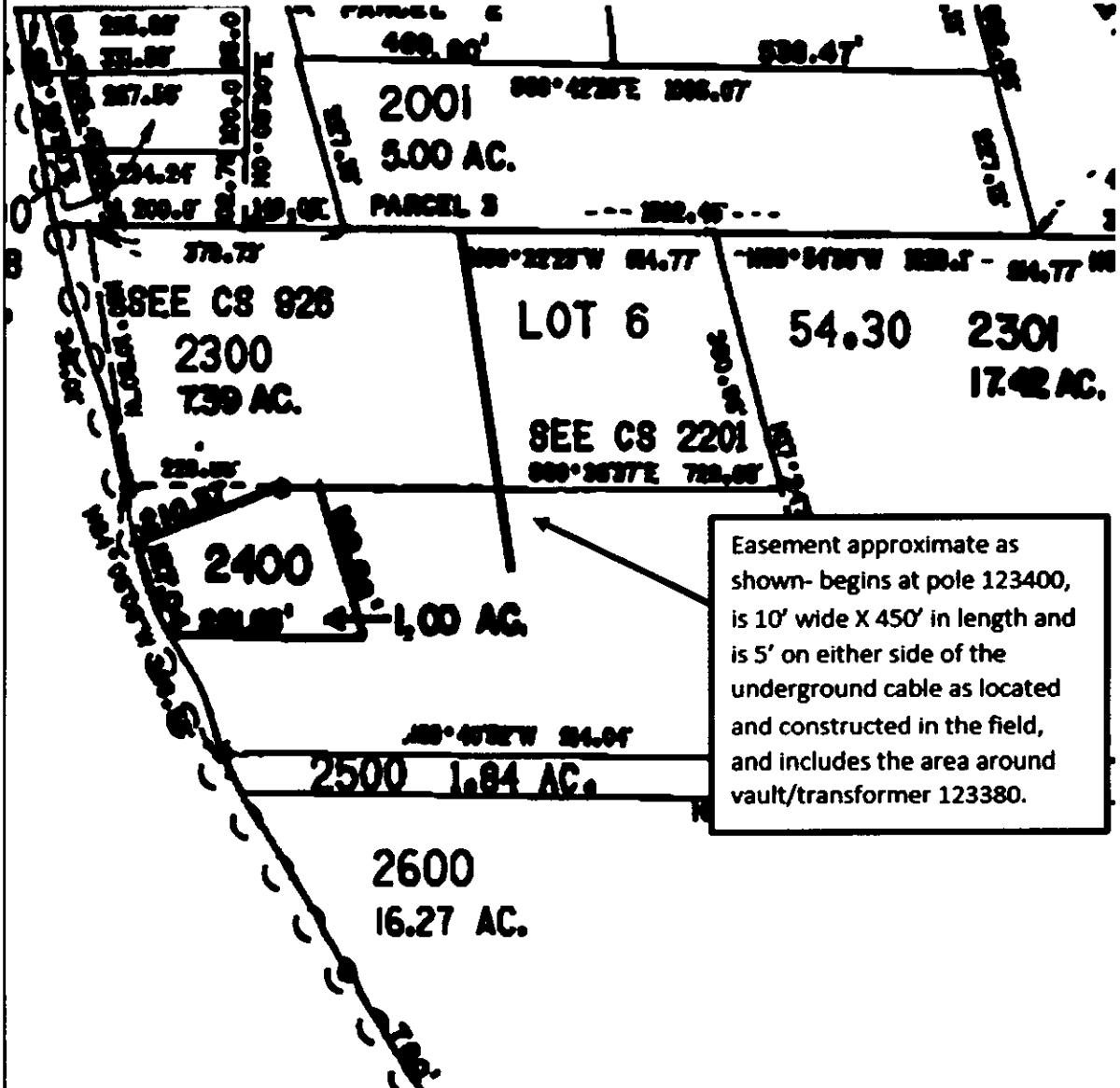


Notary Public
My commission expires: 9-7-2021

PROPERTY DESCRIPTION

In the SE 1/4 of Section 12, Township 38S, Range 08E
of the W.M. Meridian, Klamath County, State of Oregon.

Map / Tax Lot or Assessor's Parcel No.: 3808-01200-02301-000



CC#: 11176 WO#: 6547298 ROW#:

Landowner: Ehlers

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