

2019-012224

Klamath County, Oregon



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10/18/2019 12:40:48 PM

Fee: \$92.00

Return to: Pacific Power  
Right of Way  
825 NE Multnomah Street  
Suite 1700  
Portland, OR 97232

RW#: 20180384  
WO#: 10063283

**RIGHT OF WAY EASEMENT**

For value received, **John P. Roden and Jean D. Roden, as Tenants by the Entirety** ("Grantor"), hereby grants to PacificCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual easement for a right of way variable in width and 772 feet in length, 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: supporting towers, poles, props, guys and anchors, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, vaults and cabinets, along the general course now located by Grantee on, over, across or under 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:

ALL THAT PORTION OF LOTS 11 AND 12, SECTION 8, AND LOT 5, SECTION 5, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON, LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL WITH AND DISTANT 75.0 FEET SOUTHEASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY GREAT NORTHERN RAILWAY COMPANY) MAIN TRACK CENTERLINE, AS NOW LOCATED AND CONSTRUCTED.

Assessor's Map No. 39 09 08 2001

Parcel No. R872875

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 defined 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<sup>th</sup> day of October, 2019.

  
John P. Roden Attorney in Fact  
GRANTOR

  
Jean D. Roden Attorney in Fact  
GRANTOR

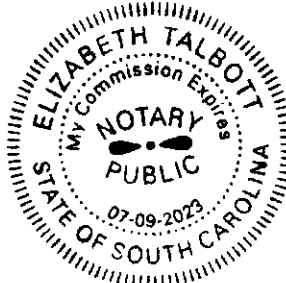
**INDIVIDUAL ACKNOWLEDGEMENT**

State of South Carolina  
County of Greenville } SS.

This instrument was acknowledged before me on this 7<sup>th</sup> day of October, 2019,  
by Gerald Clemons, Attorney in Fact  
Name(s) of individual(s) signing document

  
Notary Public

My commission expires: 7/9/2023



### PROPERTY DESCRIPTION

In the NE ¼ of Section 8, Township 39 South, Range 9 East  
of the Willamette Meridian, Klamath County, State of Oregon.  
Map / Tax Lot or Assessor's Parcel No.: 39 09 08 2001

SEE MAP 39 09 05D

MALLARD  
LANE

1858 MC

1872 MC

2000  
9.10 AC.

2001  
24.82 AC.

Approximate location of additional  
35 ft. easement corridor

RAILROAD

LOT II

Approximate location of existing  
65 ft. easement corridor

Approximate location of additional  
55 ft. easement corridor

RIVER

1872  
MC

1858 M

CC#: 11176 WO#: 10063283

RW#: 20180384

Landowner: Roden

**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