

Returned at Counter

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

**2019-012877**  
Klamath County, Oregon



11/01/2019 03:37:01 PM

Fee: \$92.00

CC#: 11176 WO#: 6673892

**RIGHT OF WAY EASEMENT**

For value received, **Steve Elliott and Articha Elliott, 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 **350** 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:

***Parcel 2 of Land Partition 32-18 situated in the SE 1/4 of Section 5, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon recorded January 31, 2019 in 2019-000895, records of Klamath County, Oregon.***

Assessor's Map No. 3909-005D0-1302

Parcel No. 900073

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 10 day of Oct, 2019.

Steve Elliott  
Steve Elliott GRANTOR

Articha Elliott  
Articha Elliott GRANTOR

**INDIVIDUAL ACKNOWLEDGEMENT**

State of OREGON  
County of CLATSOP } SS.

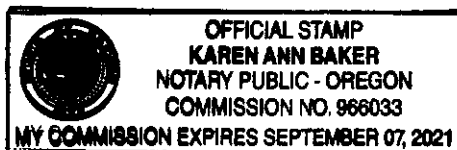
This instrument was acknowledged before me on this 10<sup>th</sup> day of OCTOBER, 2019  
by STEVE ELLIOTT & ARTICHA ELLIOTT

Name(s) of individual(s) signing document

Karen Ann Baker

Notary Public

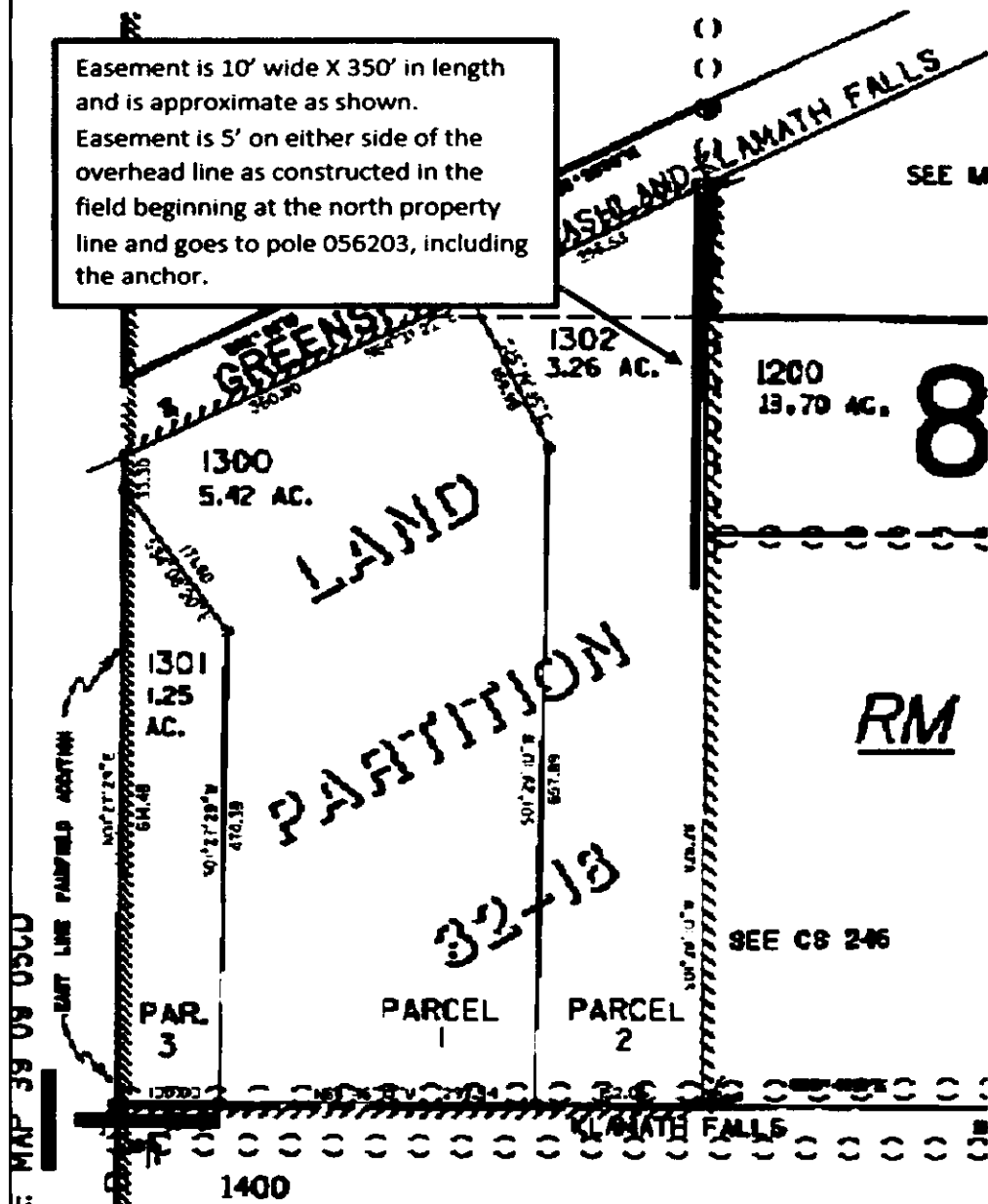
My commission expires: 9-7-2021



**In the SE 1/4 of Section 05, Township 39S, Range 09E  
of the W.M. Meridian, Klamath County, State of Oregon.  
Map / Tax Lot or Assessor's Parcel No.: 3909-005D0-1302**

**N**

**Easement is 5' on either side of the overhead line as constructed in the field beginning at the north property line and goes to pole 056203, including the anchor.**



Drawn by: Shelangouski

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.

# EXHIBIT A


**PACIFIC POWER**  
 A DIVISION OF PACIFICORP