

2020-005829

Klamath County, Oregon



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05/08/2020 03:31:29 PM

Fee: \$97.00

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

Returned at Counter

CC#: 11176 WO#: 6773606

RIGHT OF WAY EASEMENT

For value received, ***SOUTH SUBURBAN SANITARY DISTRICT, a municipal corporation*** ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual easement for a right of way **20** feet in width and **550** 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:

The westerly 260 feet of Lot 1, Block 1, WASHBURN PARK, Tract 1080, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

A tract of land situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 39 S., R. 9 E.W.M., Klamath County, Oregon, also lying within Tracts 47, 48, 62 and 88, Enterprise Tracts, a duly recorded subdivision, and more particularly described as follows: Beginning at a point on the westerly boundary of Hilyard Avenue, as deeded to Klamath County, from which point the SE corner of said Section 4 bears E. 570 feet, said tract being 100 feet in width, lying 40 feet North and 60 feet South of the following-described centerline: From the above-described point of beginning thence West 260 feet to the NE corner of that tract of land described in the deed recorded in

19657

(DESCRIPTION CONTINUED) Deed Volume M72, Page 7797, containing 0.60 acres, with bearings based on Tract 1080, Washburn Park.
SUBJECT TO: (1) Rules, regulations and assessments of South Suburban Sanitary District. (2) Easement for Ewauna Way, now known as Hilyard Avenue, as set forth in deed from Samuel S. Johnson and Elizabeth Hill Johnson, husband and wife, as co-partners doing business as The S. S. Johnson Company, also known as S. S. Johnson Company and also known as the S. S. Johnson Co., to South Suburban Sanitary District, dated October 31, 1958, recorded November 5, 1958, in Volume 306, Page 84, Deed Records of Klamath County, Oregon. (3) Reservations and restrictions in the dedication of Washburn Park, Tract 1080.

Assessor's Map No. 3909-009AD-00200 & 00301

Parcel No. 769001 & 830667

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 5 day of March, 2020.


Mike Fritschi GRANTOR

REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }
County of Klamath } SS.

This instrument was acknowledged before me on this 5 day of March, 2020.

by Michael Fritschi, as District Manager,
Name of Representative Title of Representative
of Santa Suburban Sanitary District
Name of Entity on behalf of whom this instrument was executed



Amalia Rojo-Ramirez
Notary Public
My commission expires: Feb. 10, 2024

PROPERTY DESCRIPTION

In the SE 1/4 NE 1/4 of Section 09, Township 39S, Range 09E
of the W.M. Meridian, Klamath County, State of Oregon.

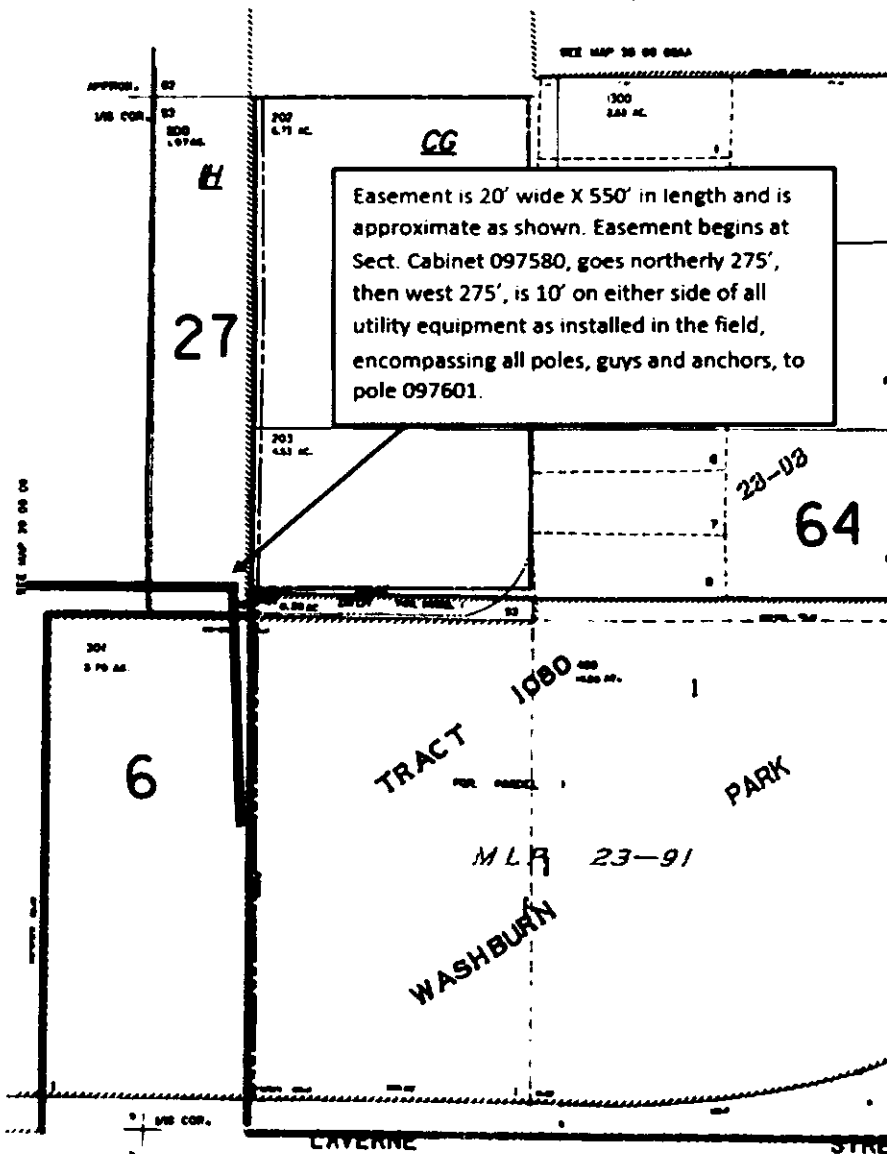
Map / Tax Lot or Assessor's Parcel No.: 3909-009AD-00200 & 3909-009AD-00301



REVISED 11-5-10

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SE 1/4 NE 1/4 SEC. 09 T.39S. R.09E. W.M.
KLAMATH COUNTY



CC#:11176 WO#:6773606 ROW#:

Landowner: South Suburban San Dist.

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