

2020-006390

Klamath County, Oregon



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05/22/2020 03:33:02 PM

Fee: \$92.00

Returned at Counter

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

CC#: 11176 WO#: 6790557

**RIGHT OF WAY EASEMENT**

For value received, **MLM Property 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 **80** 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:

***That portion of Government Lot 1 lying south of J canal; that portion of Government Lot 2 lying South of J canal and Easterly of the State Highway; and that portion of Government Lots 9 and 10 lying Easterly of the State Highway and all of Government Lot 6 all in Section 16, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.***

Assessor's Map No. 4111-01600-00600

Parcel No. 600

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 17<sup>th</sup> day of April, 2020.

MLM Property LLC by Michael J McKoen GRANTOR

(Insert Grantor Name Here) GRANTOR

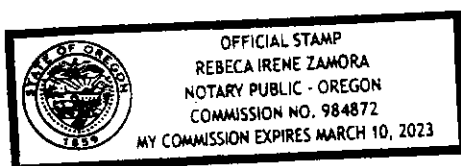
#### REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon } SS.  
County of Klamath

This instrument was acknowledged before me on this 17<sup>th</sup> day of April, 2020.

by Rebecca Irene Zamora, as Notary,  
Name of Representative Title of Representative

of Michael J. McKoen.  
Name of Entity on behalf of whom this instrument was executed

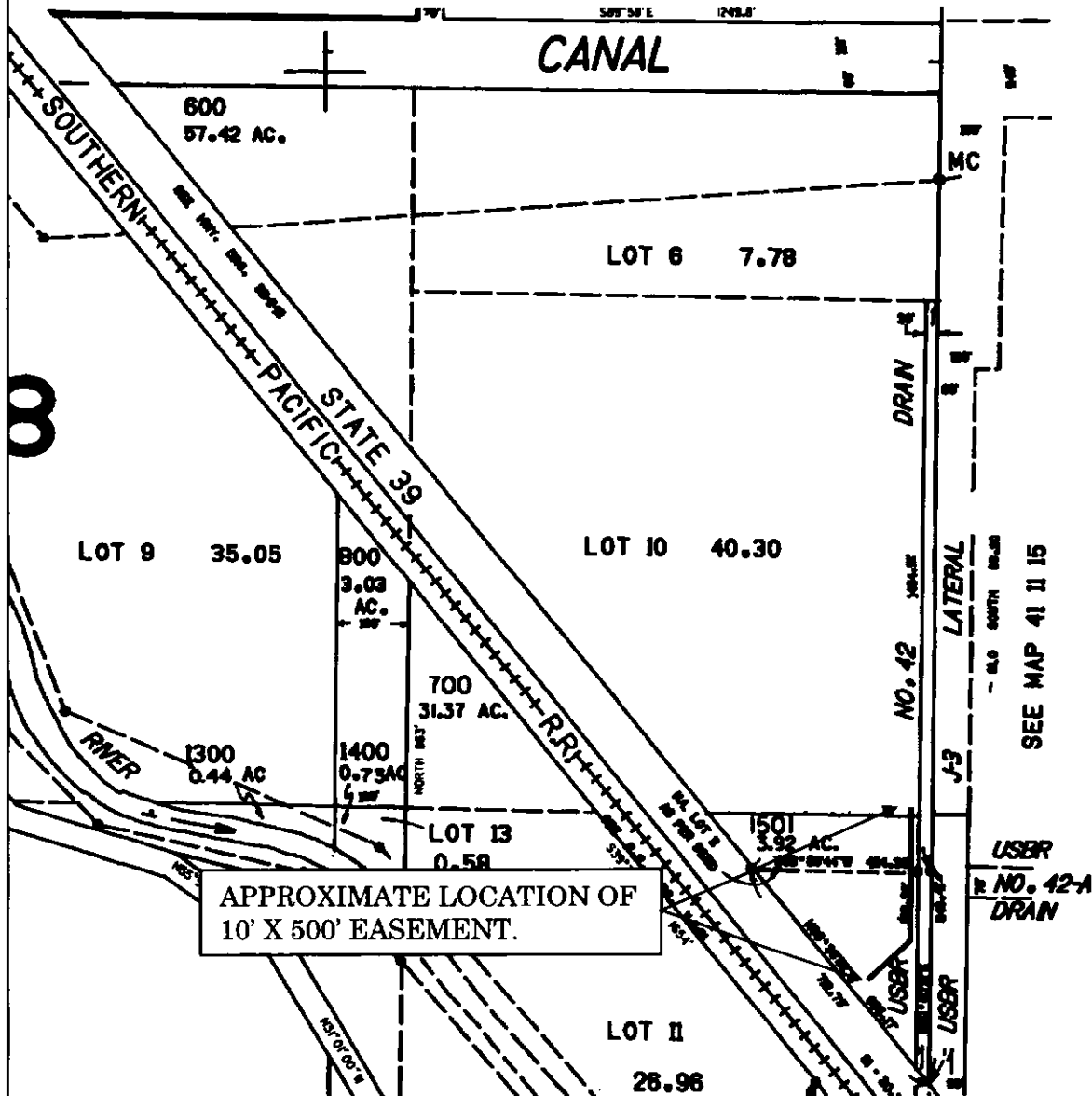


Rebecca Irene Zamora  
Notary Public  
My commission expires: March 10, 2023

### PROPERTY DESCRIPTION

In the SE ¼ of the SE ¼ of Section 16, Township 41 S, Range 11 E  
of the Willamette Meridian, Klamath County, State of Oregon.

Map / Tax Lot or Assessor's Parcel No.: 4111-01600-01501 & 4111-01600-00600.



CC#: 11176 WO#: 6790557 ROW#:

Landowner: McKoen & MLM property llc

Drawn by: KD

## 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