

2021-013223

Klamath County, Oregon



00286501202100132230030031

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

08/27/2021 03:36:28 PM

Fee: \$92.00

CC#: 11176 WO#: 6947963

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, **ROSE ROCK HOLDINGS, LLC** ("Grantor"), hereby grants to PacificCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way **15** feet in width and **400** 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:**

**Parcels 1, 2 and 3 of Final Partition 18-95, located in the Southeast Quarter of the Southeast Quarter of Section 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.**

**EXCEPTING THEREFROM Parcel 3 that portion conveyed to the State of Oregon by and through its Department of Transportation by Warranty Deed recorded March 21, 2002, Volume M02, page 47042.**

**PARCEL B:**

**Parcel 2 of Land Partition 34-97 Lot 18, Block 1 of "Tract 1174 College Industrial Park", situated in the SW1/4 of the SW1/4 Section 17, Township 38 South, Range 9 East, Willamette Meridian, Klamath Falls, Oregon.**

**EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its Department of Transportation by Warranty Deed recorded August 21, 2002, Volume M02, page 47237**

Assessor's Map No.: 380901800

Parcel No.: 2002 & 2003

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.

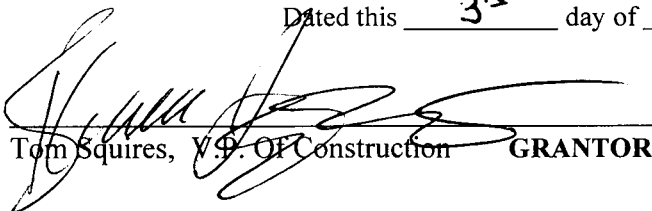
At no time shall Grantor conduct or permit any ground penetrating activity or excavation in the right of way without the express written consent of the Grantee. Subject to the foregoing limitations, the right of way may be used for other purposes not inconsistent, as determined by the Grantee, with the 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 3<sup>rd</sup> day of August, 2021.

  
Tom Squires, V.P. Of Construction GRANTOR

**REPRESENTATIVE ACKNOWLEDGEMENT**

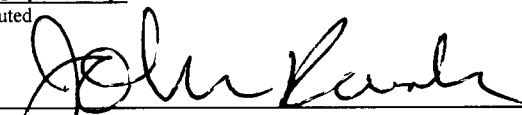
State of Oklahoma }  
County of Oklahoma } SS.

This instrument was acknowledged before me on this 3 day of AUGUST, 2021,

by Tom Squires, as V.P. Of Construction,  
Name of Representative Title of Representative

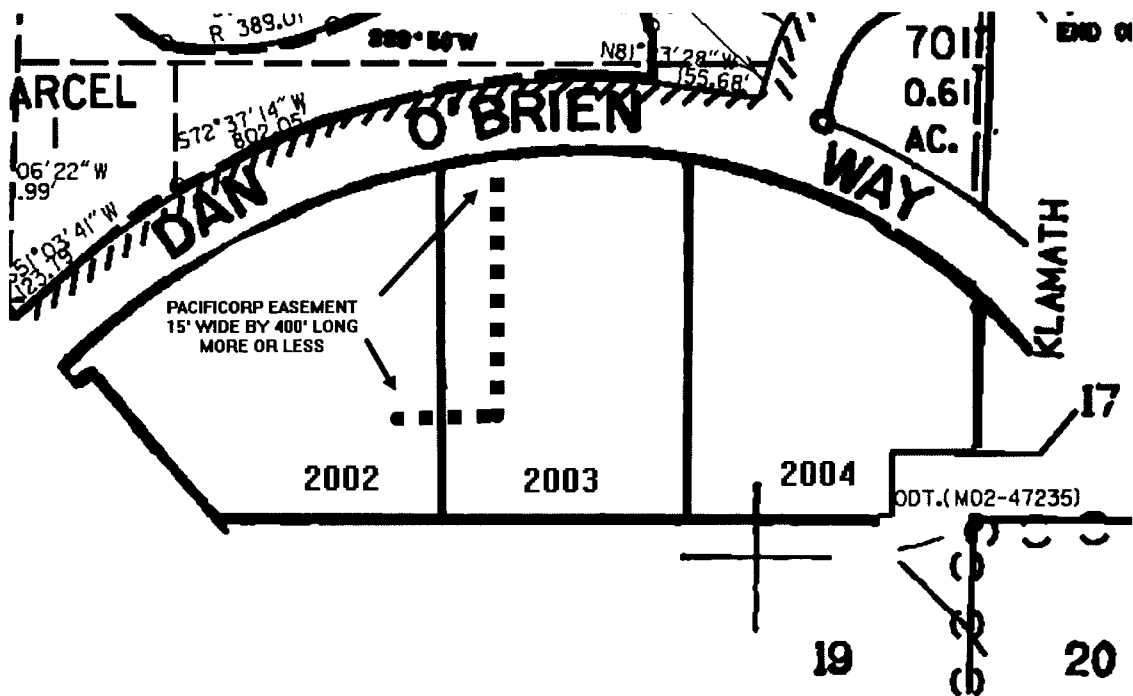
of Love's Travel stops & Country stores, Inc.  
Name of Entity on behalf of whom this instrument was executed



  
Notary Public  
My commission expires: 1/15/2024

**PROPERTY DESCRIPTION**

In Section 29, Township 38S, Range 09E of the WILLAMETTE Meridian, KLAMATH County, State of OREGON  
Map / Tax Lot or Assessor's Parcel No.: 3809-01800-2002 & 2003



CC#: 11176 WO#: 6947963

Landowner: ROSEROCK HOLDINGS

Drawn by: WES JANES

**EXHIBIT A**  
**PACIFIC POWER**  
A DIVISION OF PACIFICORP

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.