

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

**2021-013809**

Klamath County, Oregon



09/10/2021 03:35:40 PM

Fee: \$97.00

CC#: 11176 WO#: 8046317

### **UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, Thomas Duenas ami Ruth Duenas, as Tenants by the Entirety ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way 5 feet in width and 75 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 2:

The S 1/2 SW1/4 NW1/4 NE1/4 and the SW1/4 SE1/4 NW1/4 NE1/4 of Section 12, Township 40 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon. EXCEPT THE Easterly 30 feet thereof.

Assessor's Map No.: 4007012A001300

Parcel No.: 1300

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 20 day of July, 2021.

Thomas Duenas  
Thomas Duenas GRANTOR

Ruth M. Duenas  
Ruth Duenas GRANTOR

**INDIVIDUAL ACKNOWLEDGEMENT**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS.

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_,

by Thomas Duenas and Ruth Duenas  
Name(s) of individual(s) signing document

\_\_\_\_\_  
Notary Public

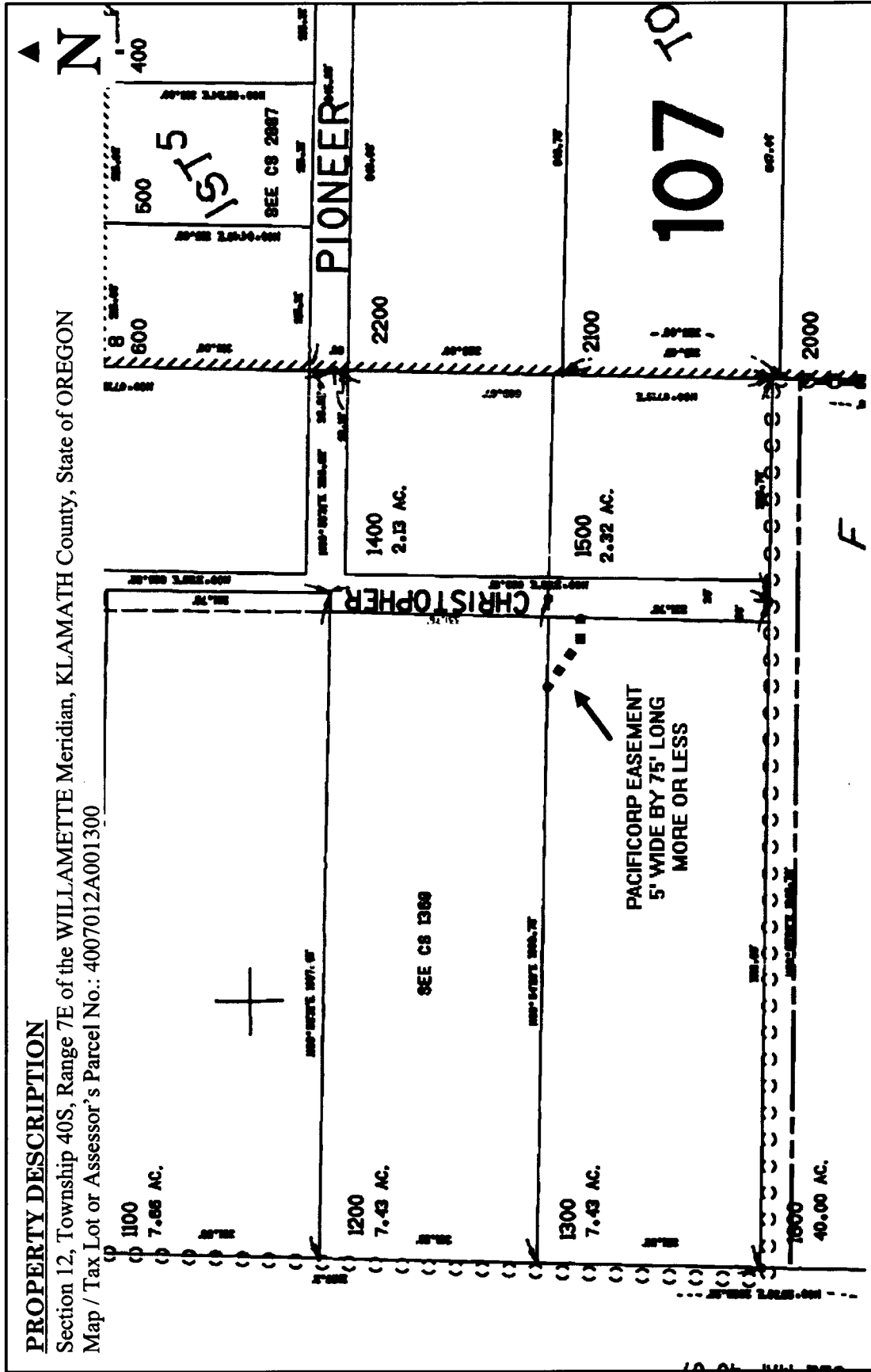
My commission expires: \_\_\_\_\_

**Notary Certificate  
Attached**

(KA)

**PROPERTY DESCRIPTION**

Section 12, Township 40S, Range 7E of the WILLAMETTE Meridian, KLAMATH County, State of OREGON  
Map / Tax Lot or Assessor's Parcel No.: 4007012A001300



CC#: 11176 WO#: 8046317

Landowner: DUENAS

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.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

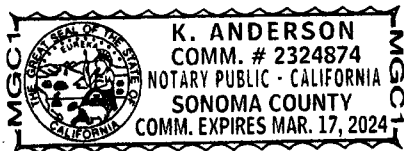
State of California }  
County of Sonoma }

On July 20, 2021, before me, K. Anderson, Notary Public,

personally appeared Thomas Ouenas and Ruth Ouenas

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

SIGNATURE

A handwritten signature in dark ink, appearing to be 'K. Anderson', written over a horizontal line.

PLACE NOTARY SEAL ABOVE

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of attached document**

Title or type of document: Underground right of way  
Easement

Document Date: 7-20-2021

Number of Pages: \_\_\_\_\_

Signer(s) Other than Named Above: \_\_\_\_\_