

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

2022-005492

Klamath County, Oregon



04/29/2022 03:37:04 PM

Fee: \$92.00

CC#: 11176 WO#: 8002372

UNDERGROUND EASEMENT

For value received, **City of Klamath Falls** ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement **10'** feet in width and **40'** 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:

SW ¼ SW ¼ SEC. 33 TWN. 39S RNG 9E. W.M.

Assessor's Map No.: **R-3809-033CC-00300-000**

Parcel No.: **00300 ID# 773087**

Together with the right of ingress and egress for Grantee, its contractors, or agents, to the easement 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 easement clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities. Grantee acknowledges that the right to ingress and egress is limited by and subject to the security requirements.

At no time shall Grantor place or store any flammable materials or light any fires, on or within the boundaries of the easement. Subject to the foregoing limitations, the surface of the easement may be used for other purposes not inconsistent, as determined by the Grantee, with the purposes for which this easement has been granted.

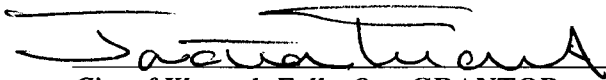
JURY WAIVER. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE, OR TO REQUEST 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 easement area, free and clear of any lien, security interest, encumbrance, claim, license or other restriction that would interfere with Grantee's use of the easement 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 13th day of APRIL, 2022.


City of Klamath Falls, Or. GRANTOR

REPRESENTATIVE ACKNOWLEDGEMENT

State of OREGON }
County of KLAMATH } SS.

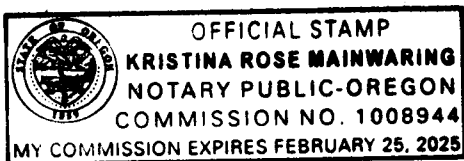
This instrument was acknowledged before me on this 13th day of APRIL, 2022,

by JONATHAN TEICHERT, as CITY MANAGER,
Name of Representative Title of Representative

of CITY OF KLAMATH FALLS.
Name of Entity on behalf of whom this instrument was executed

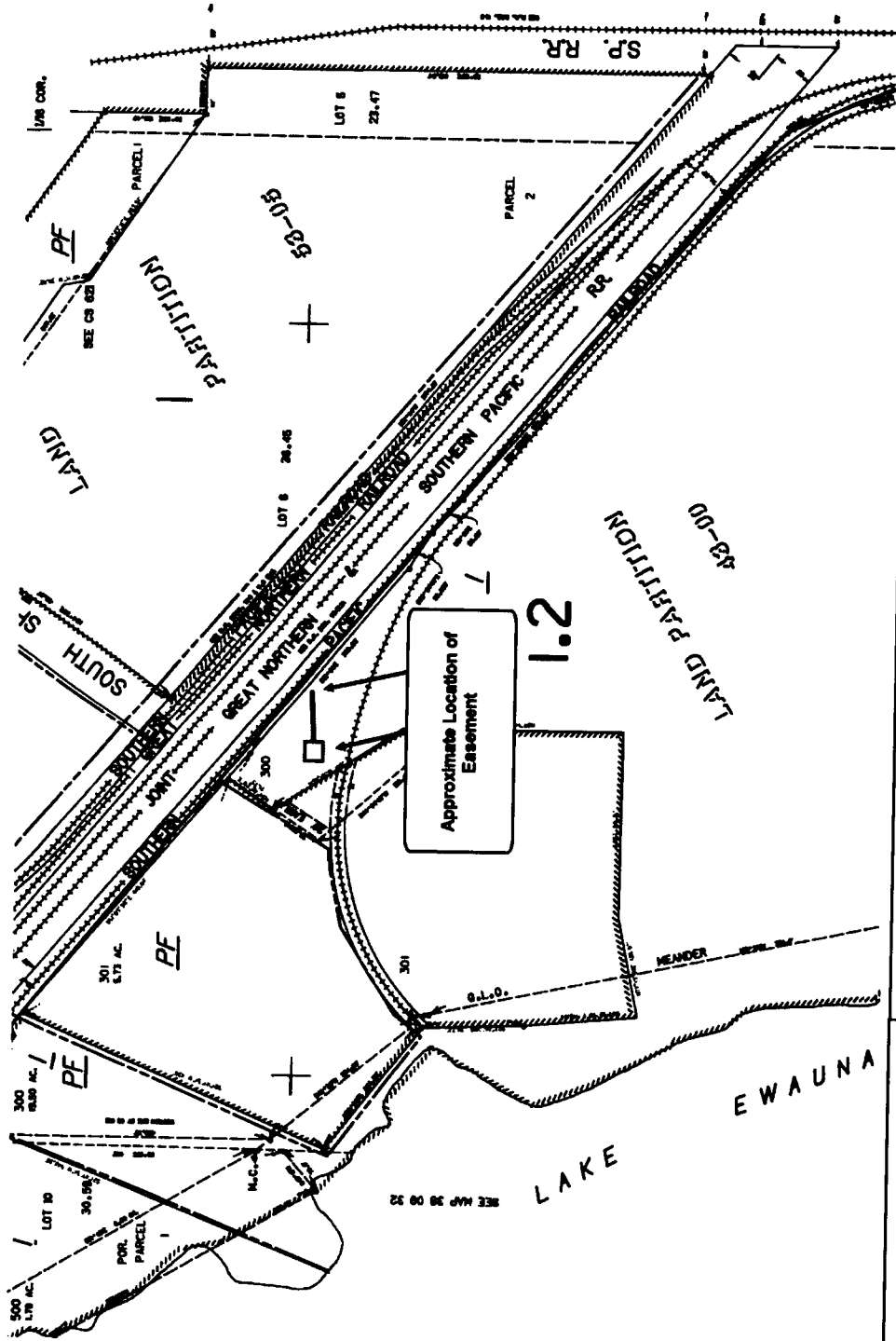

Notary Public

My commission expires: 02/25/2025



PROPERTY DESCRIPTION

In the SW Quarter of Section 33, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, State of Oregon Map / Tax Lot or Assessor's Parcel No.: 003300



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

CC#:11176 WO#: 8002372 ROW#:

Landowner: City of Klamath Falls

Drawn by: P32791