

2022-007250
Klamath County, Oregon



06/09/2022 03:35:21 PM

Fee: \$102.00

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

Returned at Counter

CC#: 11176 WO#: 6962363

RIGHT OF WAY EASEMENT

For value received, Mountain and Lake View Properties LLC, an Oregon Limited Liability Company ("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 **100** 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:

See Exhibit B

Assessor's Map No. 3908-00100-00800
3909-00600-00200

Parcel No.: 0800 and 0200

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.

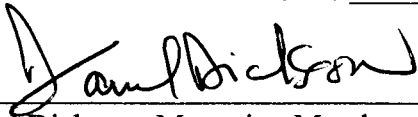
At no time shall Grantor place, use or permit any equipment, material or vegetation of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right 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 4th day of May, 2022.



Darrel Dickson Managing Member
GRANTOR

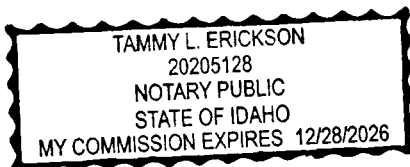
REPRESENTATIVE ACKNOWLEDGEMENT

State of Idaho }
County of Madison } SS.

This instrument was acknowledged before me on this 4th day of May, 2022.

by Darrel Dickson, as Managing Member,
Name of Representative Title of Representative

of Mountain and Lake View Properties LLC.
Name of Entity on behalf of whom this instrument was executed




Notary Public

My commission expires: 12/28/26

In Section 06, Township 39S, Range 09E
of the Willamette Meridian, Klamath County, State of Oregon.
Map / Tax Lot or Assessor's Parcel No.: 3908-00100-00800-000

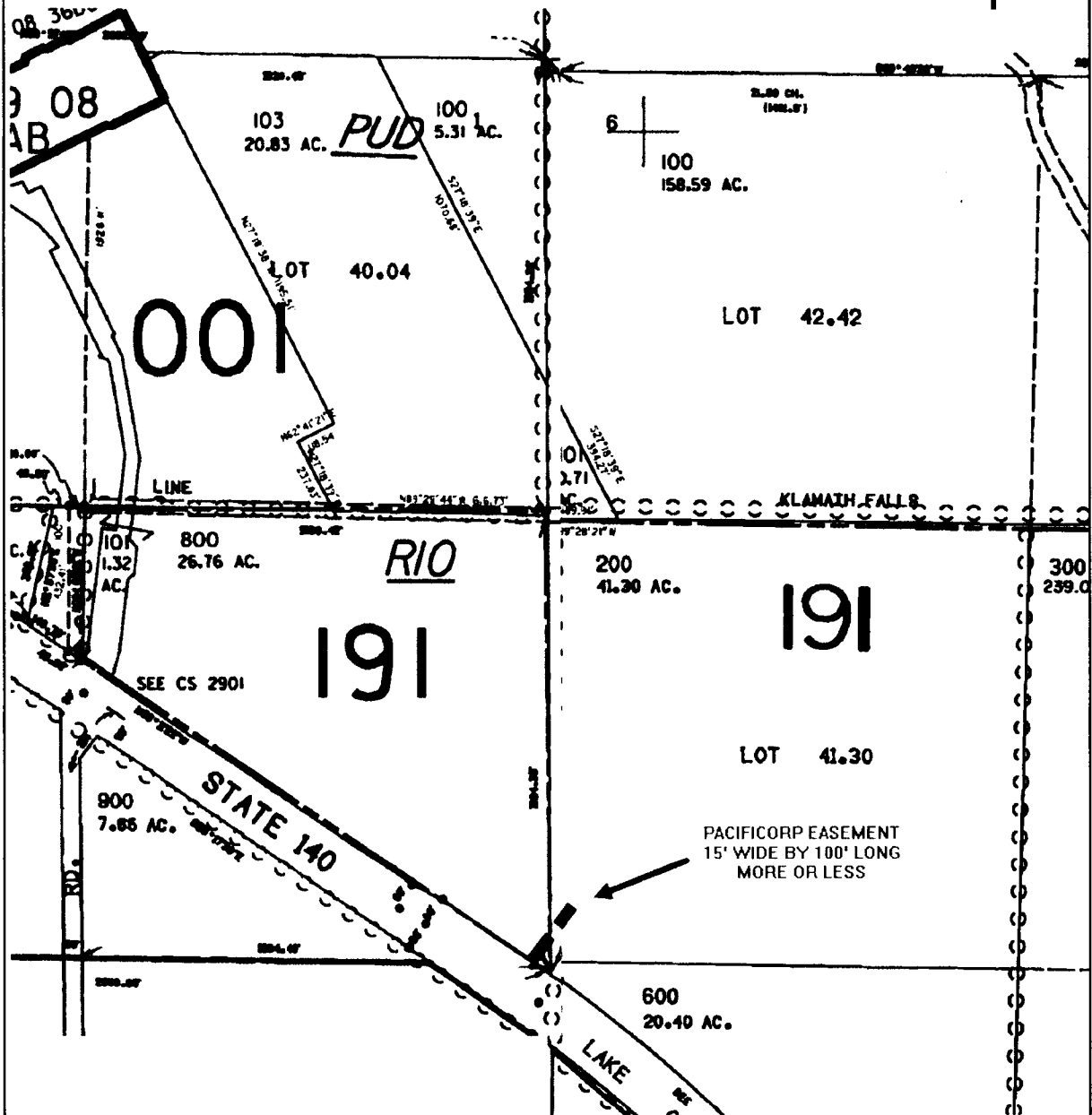


EXHIBIT A

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.



PROPERTY DESCRIPTION

A Portion of

PARCEL NO. 1

A parcel of land situated in the NE1/4 and SE1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, the NE1/4 of Section 1; Township 39 South, Range 8 East of the Willamette Meridian, and the NW1/4 NW1/4 of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, all in Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the North-South centerline of Section 36 from which the Northwest corner of the SW1/4 NE1/4 of said section bears North 00°1 127" East 427.59, feet; thence South 89°58'12" East 619.61 feet; thence South 27°18'39" East 3530.91 feet; thence South 62°41 '21 " West 250.36 feet; thence South 27°18'39" East 181120 feet to a point on the South line of the NW1/4 NW1/4 of Section 6; thence along said South line South 89°28'21" West 199.91 feet to the Southwest corner thereof; thence along the South line of the NE1/4 NE 1/4 of Section 1 North 89°29'44" West 1330.62 feet to the Southwest corner of said NE1/4 NE1/4 thence along the West line of the SE1/4 NE1/4 of Section 1 South 00°06'44" East 458.90 feet to the Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 56°12'28" West 194.88 feet; thence leaving said right of way line North 11°59'09" East 364.18 feet to the South line of the NW1/4 NE1/4 of Section 1; thence along said South line South 89°56'08" West 516.20 feet to the said Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 50°28'23" West 199.25 feet; thence North 59°17'52" West 439.78 feet; thence leaving said Northerly right of way line North 36°42'45" West 329.35 feet to the North-South center section line of Section 1; thence along said center section line North 00°04'15" East 722.87 feet to the 1/4 comer common to Section 1 and Section 36; thence along the center section line of the Section 36 North 00° 11'27" East 3508.58 feet to the point of beginning.

Excepting Tract 1416-The Woodlands, Phase I and Tract 1437-The Woodlands, Phase 2, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Also Excepting Tract 1461, The Woodlands, Phase 3 and Tract 1508, The Gardens Phase 1.

Also Excepting therefrom all that portion lying within Land Partition 13-18 situated in the SW1/4 NE1/4, SE1/4 NE1/4 and the SE1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, and recorded October 17 2018 as Instrument No. 2018-012687, Klamath County Records.

PARCEL 2:

Parcel 1, Land Partition 13-18 situated in the SW1/4 NE1/4, SE1/4 NE1/4 and the SE1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, and recorded October 17 2018 as Instrument No. 2018-012687, Klamath County Records.

PARCEL 3:

That portion of the Southeast quarter of the Northeast quarter lying Northeasterly of Highway 140 of Section 1, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon. Less and except that portion deeded to Southview Master Association, by Warranty Deed recorded August 6, 2004 in Volume M04 page 51781, records of Klamath County, Oregon, described as follows: All private ways, together with such common use improvements as may be located within said private ways as provided for and set forth on that certain subdivision plat commonly referred to as Tract 1416 - The Woodlands Phase 1 located within the City of Klamath Falls, Klamath County, Oregon including but not limited to streets and roads; sanitary sewer conveyance systems; stormwater conveyance systems; stormwater drainage ways; street lighting systems; common area sidewalks and common areas.

PROPERTY DESCRIPTION

A Portion of

PARCEL 4:

The Northeast quarter of the Northeast quarter of Section 1, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon. Excepting therefrom all that portion lying Westerly of the Easterly line of the following described parcel: A parcel of land situated in the Southeast quarter Southeast quarter Section 36, Township 38 South, Range 8 East, The Northeast quarter Northeast quarter Section 1, Township 39 South, Range 8 East and the Northwest quarter Northwest quarter Section 6, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southeast corner of the Northeast quarter Northeast quarter of said Section 1; thence on the South line of said Northeast quarter Northeast quarter North 89°29'44" West 616.73 feet; thence leaving said South line North 27°18'39" West 237.83 feet; thence North 62°41'21" East 118.54 feet; thence North 27°18'39" West 1195.51 feet; thence North 62°41'21" East 605.39 feet; thence South 27°18'39" East 1811.20 feet to the South line of the Northwest quarter Northwest quarter of said Section 6; thence South 89°28'2r West 199.91 feet on said South line, to the point of beginning with bearings based on C.S. 6513.2

Excepting therefrom all that portion Section 6, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon. ,

PARCEL 5:

The Southwest quarter of the Northwest quarter of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 6:

The North half of the North half of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM all that portion described as follows: A parcel of land situated in the Southeast quarter Southeast quarter Section 36, Township 38 South, Range 8 East, The Northeast quarter Northeast quarter Section 1, Township 39 South, Range 8 East and the Northwest quarter Northwest quarter Section 6, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southeast corner of the Northeast quarter Northeast quarter of said Section 1; thence on the South line of said Northeast quarter Northeast quarter North 89°29'44" West 616.73 feet; thence leaving said South line North 27°18'39" West 237.83 feet; thence North 62°41'21" East 118.54 feet; thence North 27°18'39" West 1195.51 feet; thence North 62°41'21" East 605.39 feet; thence South 27°18'39" East 1811.20 feet to the South line of the Northwest quarter Northwest quarter of said Section 6; thence South 89°28'2r West 199.91 feet on said South line, to the point of beginning with bearings based on C.S. 65132

Excepting therefrom all those portions lying in Section 1, Township 39 South Range 8 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 7:

The Southwest quarter of the Northwest quarter and the West half of the Southwest quarter of Section 31, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

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Grantor Name: Mountain and Lake View

EXHIBIT B

PACIFIC POWER
A DIVISION OF PACIFICORP