

2022-008688

Klamath County, Oregon



07/15/2022 03:34:19 PM

Fee: \$92.00

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

CC#: 11176 WO#: 8190346

RIGHT OF WAY EASEMENT

For value received, **Valerie Heikkinen and Ken Darby, not as Tenants in Common, but with Rights of Survivorship** ("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 **170** 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:

Beginning at a point on the West boundary line of the Old Dalles California Highway (State Highway #427), said point being South 0° 57' East 800.00 feet and West 629.46 feet, more or less, from the Northeast corner of Government Lot 9 in said Section 7; thence South 0° 57' East along the West boundary of said Highway, a distance of 100 feet to a point; thence West to the Easterly mean high water line of Agency Lake; thence Northerly along said high water line of Agency Lake a distance of 100 feet, more or less, to a point due West of the point of beginning; thence East to the point of beginning.

Assessor's Map No. 35 07 07BD

Parcel No. 3507007BD01100

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 31 day of MAY, 2022

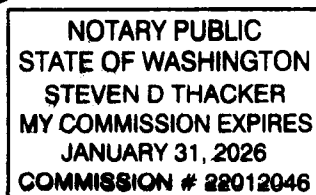
Valerie Heikkinen
Valerie Heikkinen GRANTOR

Ken Darby
Ken Darby GRANTOR

INDIVIDUAL ACKNOWLEDGEMENT

State of Charles Washington }
County of Clark } SS.

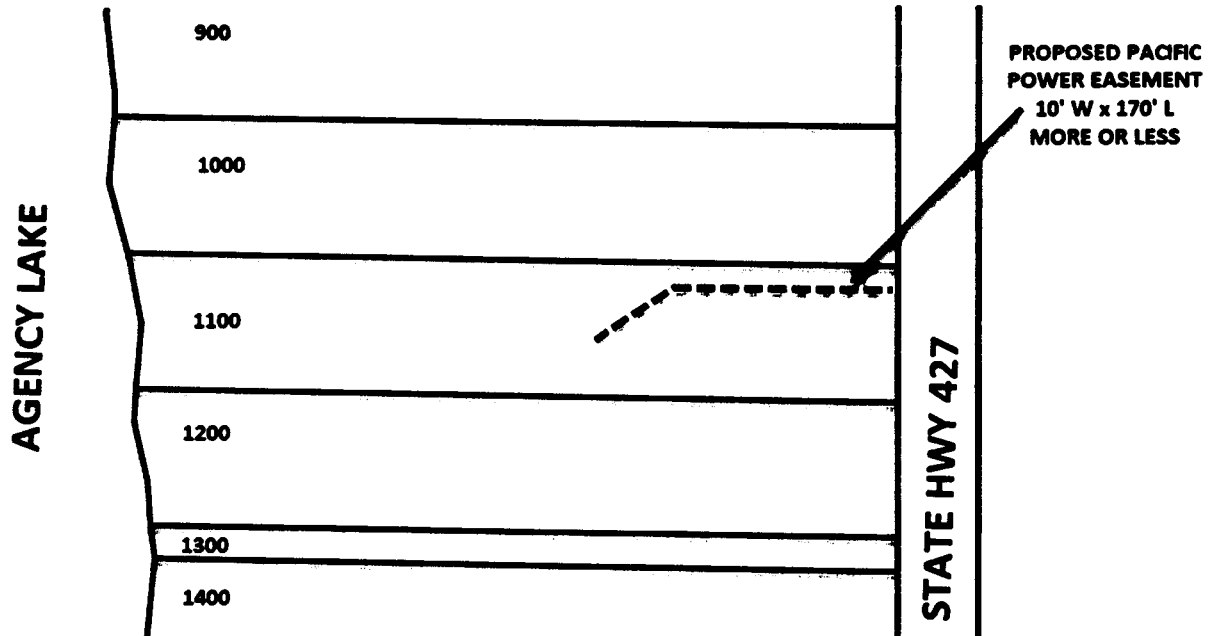
This instrument was acknowledged before me on this 31 day of May, 2022,
by Valerie Heikkinen and Ken Darby
Name(s) of individual(s) signing document



Steven D Thacker
Notary Public
My commission expires: 11/31/2026

PROPERTY DESCRIPTION

In the West 1/2 of Section 7, Township 35 South, Range 7 East
of the Willamette Meridian, Klamath County, State of Oregon.
Map / Tax Lot or Assessor's Parcel No.: 3507007BD01100



CC#:11176 WO#:8190346 ROW#:

Landowner: Valerie Heikkinen & Ken Darby

Drawn by: J Atkinson

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