

2022-009527

Klamath County, Oregon



00304191202200095270050059

08/04/2022 12:58:59 PM

Fee: \$102.00

Return to: Pacific Power
Attn: Right of Way
825 NE Multnomah Street, Suite 1700
Portland, OR 97232

RW20210513

RIGHT OF WAY EASEMENT

For value received, **JBC Real Estate LLC, an Oregon limited liability company** ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual easement for a right of way varying in width and containing 1,281 square feet, 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 & B attached hereto and by this reference made a part hereof:

A portion of:

Beginning at an iron pin on the Easterly right of way line of the Kesterson Road which point lies South 0°38' East a distance of 2170 feet and South 2°23' West a distance of 645.45 feet from the quarter corner common to Sections 5 and 8 of Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; and running thence; South 62°18' East a distance of 152.7 feet to an iron pin on the Westerly right of way line of the Great Northern Railway; thence South 27°42' West along the Westerly right of way of the Great Northern Railway a distance of 539.3 feet to its intersection with the Easterly right of way line of Kesterson Road; thence in a Northeasterly direction following the Easterly right of way line of the Kesterson Road to the point of beginning, in Lots 3 and 13 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian.

Assessor's Map No. 39S09E8 TL 1500

Parcel No. R768789

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. Structures within the easement area can be no taller than twelve (12) feet above the existing grade and must not obstruct Grantee's access to its facilities.

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. Grantee's approval of uses within the easement area will not be unreasonably withheld.

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 28th day of July, 2022

[SIGNATURES ON THE FOLLOWING PAGE]

GRANTOR

JBC Real Estate LLC, an Oregon limited liability company

By: [Signature]

Print: JOHN N BOWERS

Its: PRESIDENT

Date: 7/28/22

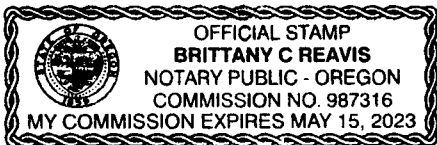
REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }
County of Klamath } SS.

This instrument was acknowledged before me on this 28th day of July, 2022,

by [Signature], as PRESIDENT,
Name of Representative Title of Representative

of JBC Real Estate LLC,
Name of Entity on behalf of whom this instrument was executed



Brittany Reavis
Notary Public
My commission expires: May 15, 2023

EXHIBIT "A"

KLAMATH TO SNOW GOOSE T-LINE
DECEMBER 13, 2021
PARCEL 1

ASSESSORS MAP: 39S09E8
TAX LOT NO.: 01500

PARCEL 1 (OVERHEAD POWERLINE EASEMENT)

A PARCEL OF LAND LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 8, TOWNSHIP 39 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, COUNTY OF KLAMATH, STATE OF OREGON, BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO JBC REAL ESTATE LLC, PER THAT CERTAIN DOCUMENT NO. 2021-015816, RECORDED OCTOBER 20, 2021, IN THE KLAMATH COUNTY RECORDS, SAID PARCEL BEING 80.00 FEET IN WIDTH, 40.00 FEET EACH SIDE OF THE CENTERLINE DELINEATED BY FOLLOWING THE BELOW NOTED BEARINGS AND DISTANCES.

BEGINNING AT POWER POLE 11/1, SAID POWER POLE BEARS NORTH 51°22'46" EAST 3204.95 FEET FROM THE NORTHWEST SECTION CORNER OF SECTION 17; THENCE NORTH 25°27'11" EAST A DISTANCE OF 310.11 FEET TO POWER POLE NUMBER 10/1, SAID POWER POLE BEARS SOUTH 49°09'03" WEST A DISTANCE OF 3486.48 FEET TO THE NORTHWEST SECTION CORNER OF SECTION 17; THENCE NORTH 25°07'38" EAST A DISTANCE OF 263.55 FEET TO POWER POLE 9/1, SAID POWER POLE BEARS SOUTH 47°30'07" WEST A DISTANCE OF 3728.75 FEET FROM THE NORTHWEST SECTION CORNER OF SECTION 17, SAID POINT ALSO BEING THE TERMINUS OF THE CENTERLINE OF THE OVERHEAD POWERLINE EASEMENT.

EXCEPTING THEREFROM, ALL THAT PORTION LYING WITHIN THE EXISTING RIGHT-OF-WAY OF THE BURLINGTON NORTHERN SANTA FE RAILROAD.

THE PARCEL OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 1281 SQUARE FEET MORE OR LESS.

ATTACHED HERETO IS A DRAWING LABELED EXHIBIT "B" FOR ILLUSTRATION PURPOSES AND BY THIS REFERENCE MADE A PART HEREOF.



EXPIRATION DATE: 12/31/21

EXHIBIT "B"



N45°54'13"W
4024.44'

TAXLOT: 3909-008CA-01500
OWNER: JBC REAL ESTATE LLC
ADDRESS: N/A
DEED: DOC NO. 2021-015816,
RECORDED OCTOBER 20, 2021

FAIRWAY DRIVE

MEMORIAL DRIVE

N1°31'07"W
5321.36'

OVERHEAD POWERLINE EASEMENT ROUTE 1
THROUGH TAXLOT 3909-008CA-01500
(AREA = ±1281 SQ FT)

N49°09'05"E
3486.48'

S51°22'46"W
3204.95'



PPL 11A/1
(TO BE REPLACED BY 9/1)

EXISTING POWERLINE EASEMENT
VOL M85 PG 9449

PPL 12/1
(TO BE REPLACED BY 10/1)

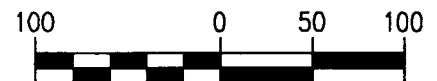
PAVED ACCESS ROAD

BURLINGTON NORTHERN SANTA FE RAILROAD

PPL 13/1
(TO BE REPLACED BY 11/1)



SCALE



(FEET)

1" = 100 FT.

SHEET NUMBER

1 OF 1

EXHIBIT "B"
PACIFICORP
T39S. R9E, SEC 20
KLAMATH COUNTY, OREGON

DRAWING INFO

C000178.00

C000178.00-EXHIBITS

1" = 100'

SHEET INFO

DRAWN AS

CHECKED TF

LAST EDIT 12/13/2021

PLOT DATE 12/13/2021

WHPacific

an NVS Company
9450 SW Commerce Circle, Suite 300
Wilsonville, OR 97070
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www.NVS.com