

2022-010811

Klamath County, Oregon



00305702202200108110060060

09/06/2022 12:11:00 PM

Fee: \$107.00

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

RW20210513

RIGHT OF WAY EASEMENT

For value received, *Linkville Logistics, 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 74,791 square feet, more or less, subject to the restrictions set forth below, 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; 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:

A portion of the Northeast 1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows: to wit:

Beginning at the Northwest corner of the NE 1/4 of the NE 1/4; thence South 21°10' West to the point of intersection with a line drawn parallel with and distant 160.0 feet northwesterly of, as measured at right angles to, Burlington Northern Railroad Company's (formerly Great Northern Railway Company) Main Track centerline, as now located and constructed; thence Northeasterly parallel with said Main Track centerline to the point of intersection with the North line of said NE 1/4 of Section 8; thence Westerly along said North line to the point of beginning.

Assessor's Map No. 39S09E8 TL 2000

Parcel No. R872822

Together with the right of ingress and egress over roadways existing at the time of the creation of this easement (subject to the limitations set forth below) 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. Grantor may not remove or obstruct the roadways existing at the time of creation of this easement unless: (i) Grantor provides Grantee with a suitable and reasonable alternate access route that allows Grantee to access all its facilities; (ii) Grantor pays the reasonable costs associated with physically relocating such access route; and (iii) Grantor provides Grantee with sixty (60) days' advance notice of any such roadway relocation.

Grantee may place poles and appurtenant accessories in such locations as are designated in Exhibit B. Grantee may change such locations or place additional poles and appurtenant accessories in the easement area with the written consent of the Grantor, which consent will not be unreasonably withheld, conditioned or delayed; provided that it will be reasonable for Grantor to withhold such consent as necessary to continue

Rev. 11/6/2017

its historic railway operation on the property without modification and to develop an additional rail spur on the property running generally north from the point at which the existing rail spur crosses Oregon Highway 140, on the western portion of the subject property.

Grantor expressly reserves the right to allow entry of railroad cars not to exceed 14 feet in height on the existing railway spur. Grantor also expressly reserves the right to continued placement and use of the existing structures and improvements, currently located within the right of way area.

At no time shall Grantor place, use or permit any equipment 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; provided that Grantor may permit the movement and passing of railroad cars or other related equipment up to fourteen (14) feet in height within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for all other purposes not inconsistent 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 15th day of August, 2022.

[SIGNATURES ON THE FOLLOWING PAGE]

GRANTOR

Linkville Logistics, LLC, an Oregon limited liability company

By: Clyde J. Miller

Print: Clyde J. Miller

Its: Member & Authorized Representative

Date: August 15, 2022

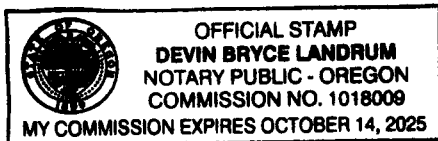
REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }
County of Klamath } SS.

This instrument was acknowledged before me on this 15th day of August, 2022,

by Clyde J. Miller, as Member / Authorized Representative
Name of Representative Title of Representative

of Linkville Logistics, LLC.
Name of Entity on behalf of whom this instrument was executed



Devin Landrum
Notary Public
My commission expires: 10-14-25

EXHIBIT "A"

KLAMATH TO SNOW GOOSE T-LINE
AUGUST 3, 2022
PARCEL 1

ASSESSORS MAP: 39S09E8
TAX LOT NO.: 02000

PARCEL 1 (OVERHEAD POWERLINE EASEMENT)

A PARCEL OF LAND LYING IN THE NORTHEAST 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 LINKVILLE LOGISTICS LLC, PER THAT DEED DOCUMENT NO. 2015-012438, FILED NOVEMBER 13, 2015, 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 6/1, SAID POWER POLE BEARS NORTH 43°54'11" EAST A DISTANCE OF 4411.82 FEET FROM THE SOUTHWEST CORNER OF SECTION 8; THENCE NORTH 19°46'38" EAST A DISTANCE OF 377.11 FEET TO POWER POLE 5/1, SAID POWER POLE BEARS NORTH 42°02'49" EAST A DISTANCE OF 4758.49 FEET TO THE NORTHWEST SECTION CORNER OF SECTION 17; THENCE NORTH 17°12'59" EAST A DISTANCE OF 282.26 FEET TO POWER POLE 4/1, SAID POWER POLE BEARS SOUTH 66°02'15" EAST A DISTANCE OF 3733.28 FEET FROM THE NORTHWEST SECTION CORNER OF SECTION 8; THENCE NORTH 04°40'41" WEST A DISTANCE OF 546.17 FEET TO POWER POLE 3/1, SAID POWER POLE BEARS SOUTH 73°12'19" EAST A DISTANCE OF 3418.95 FEET FROM THE NORTHWEST CORNER OF SECTION 8, 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 28405 SQUARE FEET MORE OR LESS.

PARCEL 2 (OVERHEAD POWERLINE EASEMENT)

A PARCEL OF LAND LYING IN THE NORTHEAST 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 LINKVILLE LOGISTICS LLC, PER THAT DEED DOCUMENT NO. 2015-012438, FILED NOVEMBER 13, 2015, 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 1/1, SAID POWER POLE BEARS SOUTH 84°08'22" EAST A DISTANCE OF 3793.05 FEET FROM THE NORTHWEST CORNER OF SECTION 8; THENCE SOUTH 16°46'37" WEST A DISTANCE OF 472.53 FEET TO POWER POLE 2/1, SAID POWER POLE BEARS SOUTH 76°59'55" EAST A DISTANCE OF 3732.52 FEET FROM THE NORTHWEST CORNER OF SECTION 8; THENCE SOUTH 12°33'38" WEST A DISTANCE OF 588.79 FEET TO POWER POLE 3/1, SAID POWER POLE BEARS SOUTH 68°02'43" EAST A DISTANCE OF 3783.14 FEET FROM THE NORTHWEST CORNER OF SECTION 8; THENCE SOUTH 53°40'39" EAST A DISTANCE OF 59.21 FEET TO THE PROPERTY LINE OF THAT TRACT OF LAND CONVEYED IN DOCUMENT NO. 2015-012438, SAID POINT 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 46386 SQUARE FEET MORE OR LESS.

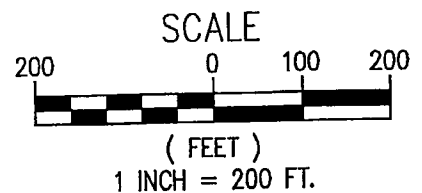
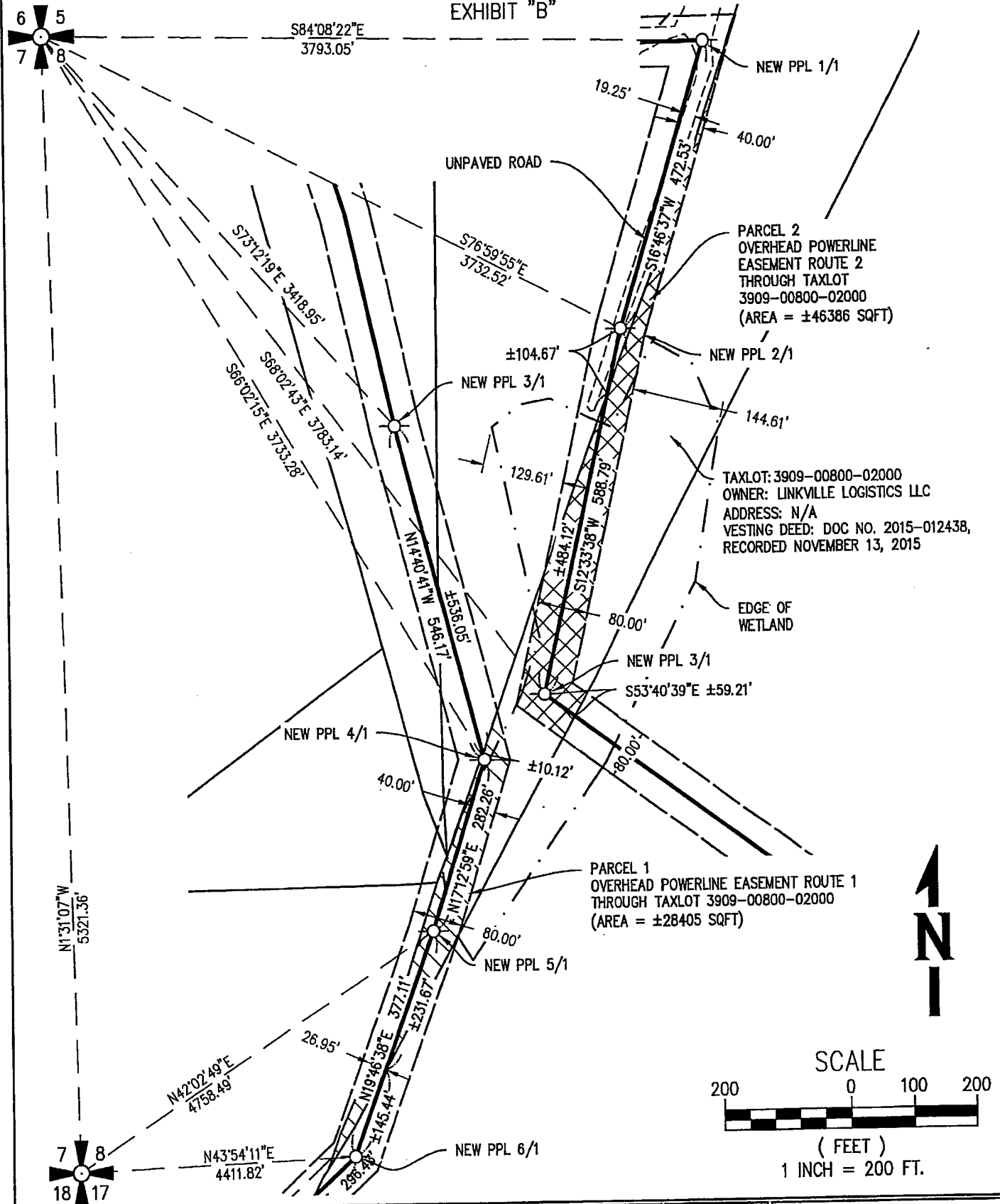
ATTACHED HERETO IS A DRAWING LABELED EXHIBIT "B" FOR ILLUSTRATION PURPOSES AND BY THIS REFERENCE MADE A PART HEREOF.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Travis P. Foster
OREGON
JULY 09, 2002
TRAVIS P. FOSTER
54624

EXPIRATION DATE: 12/31/23

EXHIBIT "B"



SHEET NUMBER

1 OF 1

EXHIBIT "B"

PACIFICORP

T39S, R9E, SEC 8

KLAMATH COUNTY, OREGON

DRAWING INFO

C000178.00

C000178.00-EXHIBITS

1" = 200'

SHEET INFO

DRAWN

AS

CHECKED

TF

LAST EDIT

8/3/2022

PLOT DATE

8/3/2022

WHPacific

an RVS Company
9430 SW Commerce Circle, Suite 200
Vancouver, OR 97050
503-426-0455 Fax 503-524-0775
www.rvs.com