

Returned at Counter

2022-012835

Klamath County, Oregon



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10/28/2022 03:38:40 PM

Fee: \$92.00

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

CC#: 11176 WO#: 8160484

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, *T & W Land Holding 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 **10** feet in width and **120** 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:

PARCEL 1 :

The S1/2 NW1/4; N 1/2 SW1/4, Section 9, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County. Oregon, lying North of the USBR "D" Canal.

EXCEPTING THEREFROM that portion lying within public roads and that portion lying within the USBR "D" Canal.

PARCEL 2:

Parcel 1 of Land Partition 22-13, being a replat of Parcel 1 of Land Partition 06-12 situated in Sections 6. 7. 8.9. 16. 17 and 18. Township 38 South. Range 8 East of the Willamette Meridian, Klamath County, Oregon as duly recorded on October 25, 2013 in Volume 2013-012035 in the Office of the Clerk of Klamath County, Oregon.

Assessor's Map No.: **3808-00800-00700**

Parcel No.: **700**

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 clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

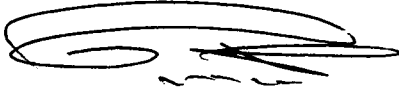
At no time shall Grantor conduct or permit any ground penetrating activity or excavation in the right of way without the express written consent of the Grantee. Subject to the foregoing limitations, the right of way may be used for other purposes not inconsistent, as determined by the Grantee, with the 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 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 29 day of August, 2022.



Tricia Hill

GRANTOR

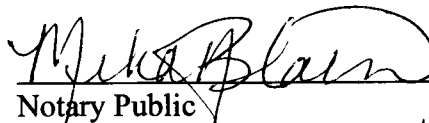
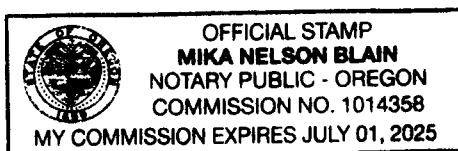
REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }
County of Klamath } SS.

This instrument was acknowledged before me on this 29th day of August, 2022.

by Tricia Hill, as Member,
Name of Representative Title of Representative

of T & W Land Holding LLC, an Oregon Limited Liability Company.
Name of Entity on behalf of whom this instrument was executed

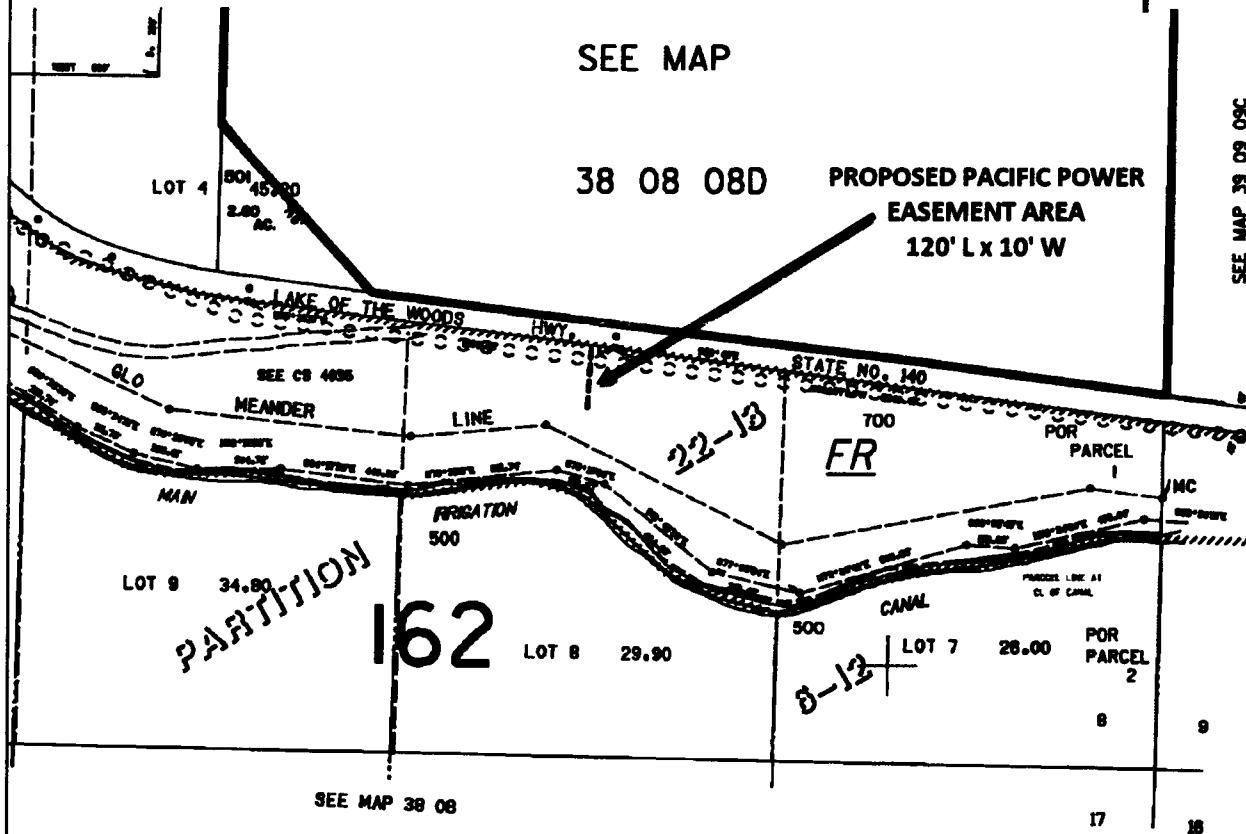

Notary Public

My commission expires: 07/01/2025

PROPERTY DESCRIPTION

In the S 1/2 NW 1/4, N 1/2 SW 1/4 of Section 9, Township 41 South, Range 8 East of the Willamette Meridian, Klamath County, State of Oregon.

Map / Tax Lot or Assessor's Parcel No.: 3808-00800-00700



CC#: 11176 WO#: 8160484 ROW#:

Landowner: T & W Land Holding LLC

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