

2023-003470

Klamath County, Oregon



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05/05/2023 03:49:44 PM

Fee: \$97.00

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

CC#: 11176 WO#: 8083430

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **Republic Industries Corporation, an Oregon Corporation** ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way **5** feet in width and **130** 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 & B** attached hereto and by this reference made a part hereof:

A portion of:

See exhibit B

Assessor's Map No.: **3909021B001700**

Parcel No.: **1700**

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 31st day of January, 2023.


Jeff Groom

GRANTOR

REPRESENTATIVE ACKNOWLEDGEMENT

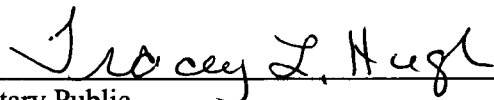
State of Oregon }
County of Curry } SS.

This instrument was acknowledged before me on this 31st day of January, 2023.

by Jeff Groom, as President,
Name of Representative Title of Representative

of Republic Industries Corporation, an Oregon Corporation.
Name of Entity on behalf of whom this instrument was executed

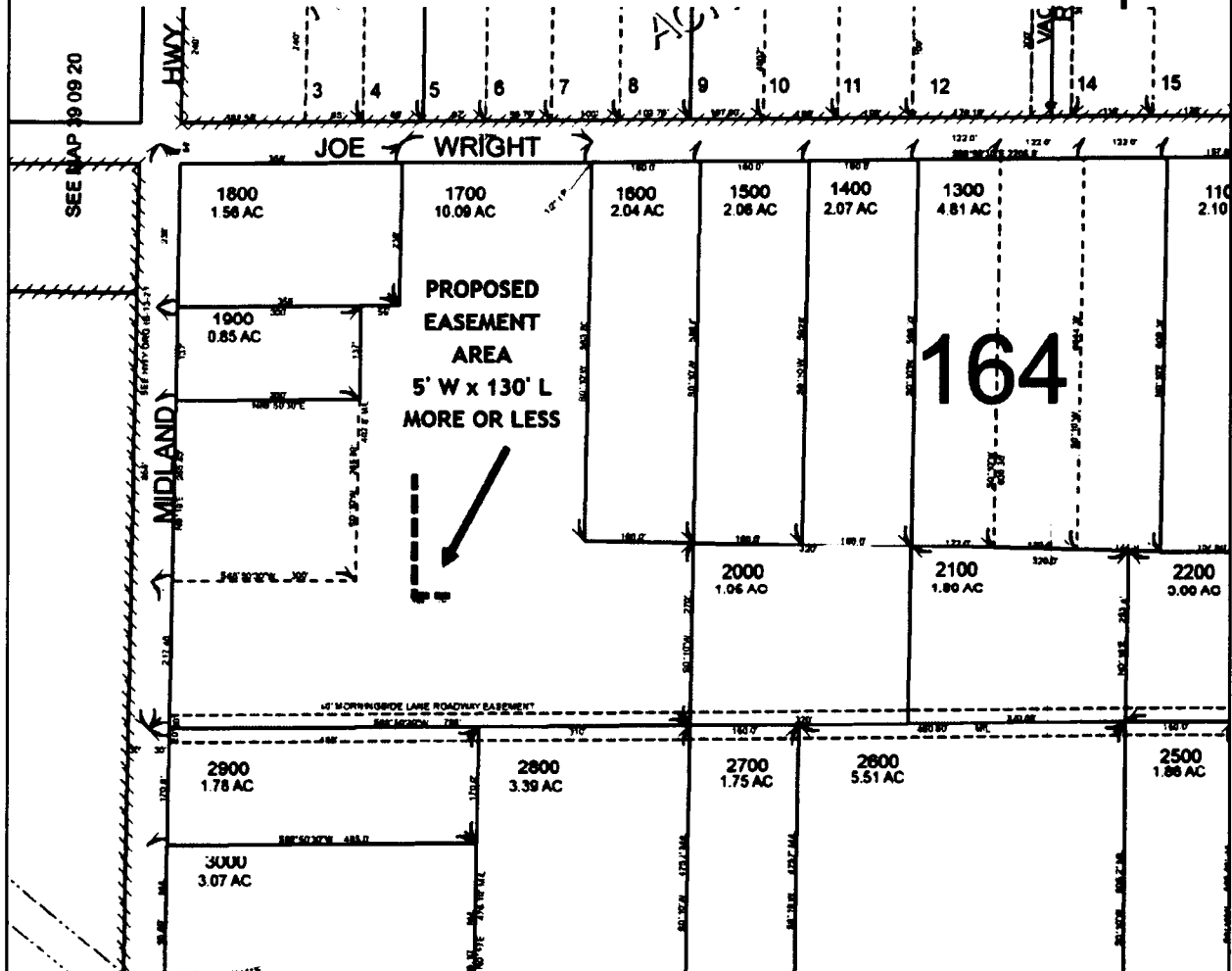



Notary Public

My commission expires: March 4, 2025

PROPERTY DESCRIPTION

In the SW1/4 NW1/4 of Section 21, Township 39 S, Range 09 E
of the Willamette Meridian, Klamath County, State of Oregon.
Map / Tax Lot or Assessor's Parcel No.: 3909021B001700



CC#: 11176 WO#: 8083430 ROW#:

Landowner: Republic Industries

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

PROPERTY DESCRIPTION

A portion of:

Parcel 1:

Beginning at a point which lies South 0°10' West along the Section line a distance of 375 feet from the Northwest corner of the SW1/4 NW1/4 of Section 21, Township 39 South, Range 9 East of the Willamette Meridian, and running thence; North 88°50 1/2' East 300 feet to a point; thence South 0°10' West 265.6 feet to a point; thence South 88°50 1/2' West 300 feet to the section line; thence North 0°10' East along said Section line 265.6 feet to the point of beginning.

Parcel 2:

Beginning at an iron pin which lies South 0°10' West along the Section line a distance of 238 feet and North 88°50 1/2' East parallel to the 40 line a distance of 300 feet from the Northwest corner of the SW1/4 NW1/4 of Section 21, Township 39 South, Range 9 East of the Willamette Meridian, and running thence; continuing North 88°50 1/2' East a distance of 56 feet to a point; thence North 0°10' East a distance of 238 feet to a point on the 40 line; thence North 88°50 1/2' East along the 40 line, a distance of 279 feet to a point; thence South 0°10' West a distance of 583.8 feet to a point; thence South 89°40' East a distance of 160 feet to a point; thence South 0°10' West a distance of 270 feet to a point in the centerline of Morningside Lane; thence South 88°50 1/2' West along the centerline of Morningside Lane a distance of 795 feet to a point on the West line of Section 21; thence North 0°10' East along the West line of Section 21 a distance of 217.4 feet to a point; thence North 88°50 1/2' East a distance of 300 feet to a point; thence North 0°10' East a distance of 402.6 feet, more or less to the point of beginning.

CC#: 11176 WO#: 8083430

Grantor Name: Republic Industries

EXHIBIT B

PACIFIC POWER
A DIVISION OF PACIFICORP