

2023-008315

Klamath County, Oregon



00320263202300083150040042

09/22/2023 03:38:15 PM

Fee: \$97.00

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

CC#: 11176 WO#: 8262215

RIGHT OF WAY EASEMENT

For value received, ***Ashley Karen Roy and Donald M. Roy, 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 **930** 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 & B** attached hereto and by this reference made a part hereof:

A portion of:

See Exhibit B

Assessor's Map No. 40080280000300

Parcel No. 1 & 2

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 24th day of May, 2023

Ashley Karen Roy
Ashley Karen Roy

GRANTOR

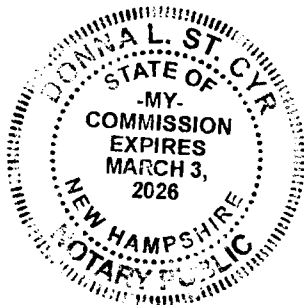
Donald M. Roy
Donald M. Roy

GRANTOR

INDIVIDUAL ACKNOWLEDGEMENT

State of New Hampshire
County of Hillsborough } SS.

This instrument was acknowledged before me on this 24th day of May, 2023,
by Ashley Karen Roy and Donald M. Roy.
Name(s) of individual(s) signing document



Donna L. St. Cyr
Notary Public
My commission expires: March 3, 2026

PROPERTY DESCRIPTION

A portion of:

PARCEL 1

Parcel 1 of Land Partition 16-94 being the E1/2 NE 1/4 NW 1/4 of Section 28, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

TOGETHER WITH easements for roadway purposes over the existing road and as described in Agreement for Easements recorded April 13, 1990 in Volume M90, page 6991, and January 13, 1994, Volume M94, page 1350, January 18, 1994, Volume M94, page 1869 and June 13, 1994, Volume M94, page 18477, Microfilm Records of Klamath County, Oregon.

PARCEL 2

Parcel 2 of Land Partition 16-94, being the E1/2 NE1/4 NW1/4 of Section 28, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

TOGETHER WITH a 60' wide non-exclusive private easement as set out in Partition 16-94.

TOGETHER WITH easements for roadway purposes over the existing road and as described in Agreement for Easements recorded April 13, 1990 at Volume M90, page 6991, and January 13, 1994 in Volume M94, page 1350, January 18, 1994 in Volume M94, page 1869, and June 13, 1994 in Volume M94, page 18477, Microfilm Records of Klamath County, Oregon.

CC#: 11176 WO#: 8262215

Grantor Name: Ashley & Donald Roy

EXHIBIT B

 **PACIFIC POWER**
A DIVISION OF PACIFICORP

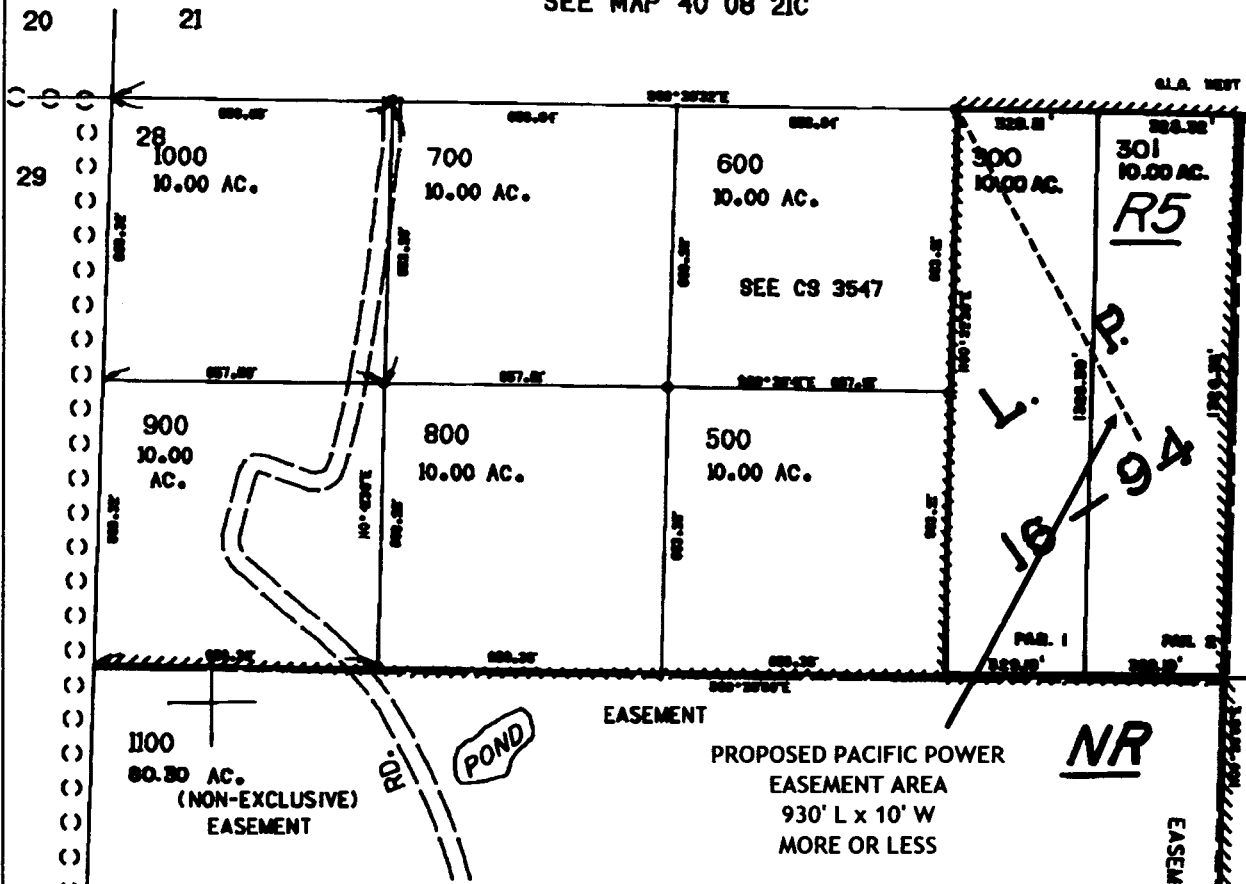
PROPERTY DESCRIPTION

In the SE1/4 NW1/4 NW1/4 of Section 28, Township 40 S, Range 08 E
of the Willamette Meridian, Klamath County, State of Oregon.

Map / Tax Lot or Assessor's Parcel No.: 40080280000300 & 40080280000301



SEE MAP 40 08 21C



CC#: 11176 WO#: 8262215 ROW#:

Landowner: Ashley & Donald Roy

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