

2024-002652

Klamath County, Oregon



00326973202400026520040041

04/10/2024 08:30:50 AM

Fee: \$97.00

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

CC#: 11176 WO#: 7175189

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **Franklin E. Price and Lane Colvin, as tenants in common** ("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 **365** 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 **OR**, as more particularly described as follows and/or shown on Exhibit(s) **A and B** attached hereto and by this reference made a part hereof:

A portion of:

See Exhibit BAssessor's Map No.: **3909-01800-00100**Parcel No.: **00100**

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

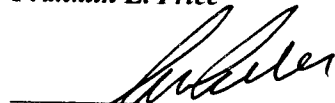
A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED. THIS PARAGRAPH WILL SURVIVE THE EXPIRATION OR TERMINATION OF THIS AGREEMENT.

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 13TH day of MARCH, 2024

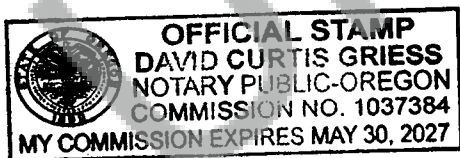

Franklin E. Price GRANTOR


Lane Colvin GRANTOR

INDIVIDUAL ACKNOWLEDGEMENT

State of Oregon
County of Josephine } SS.

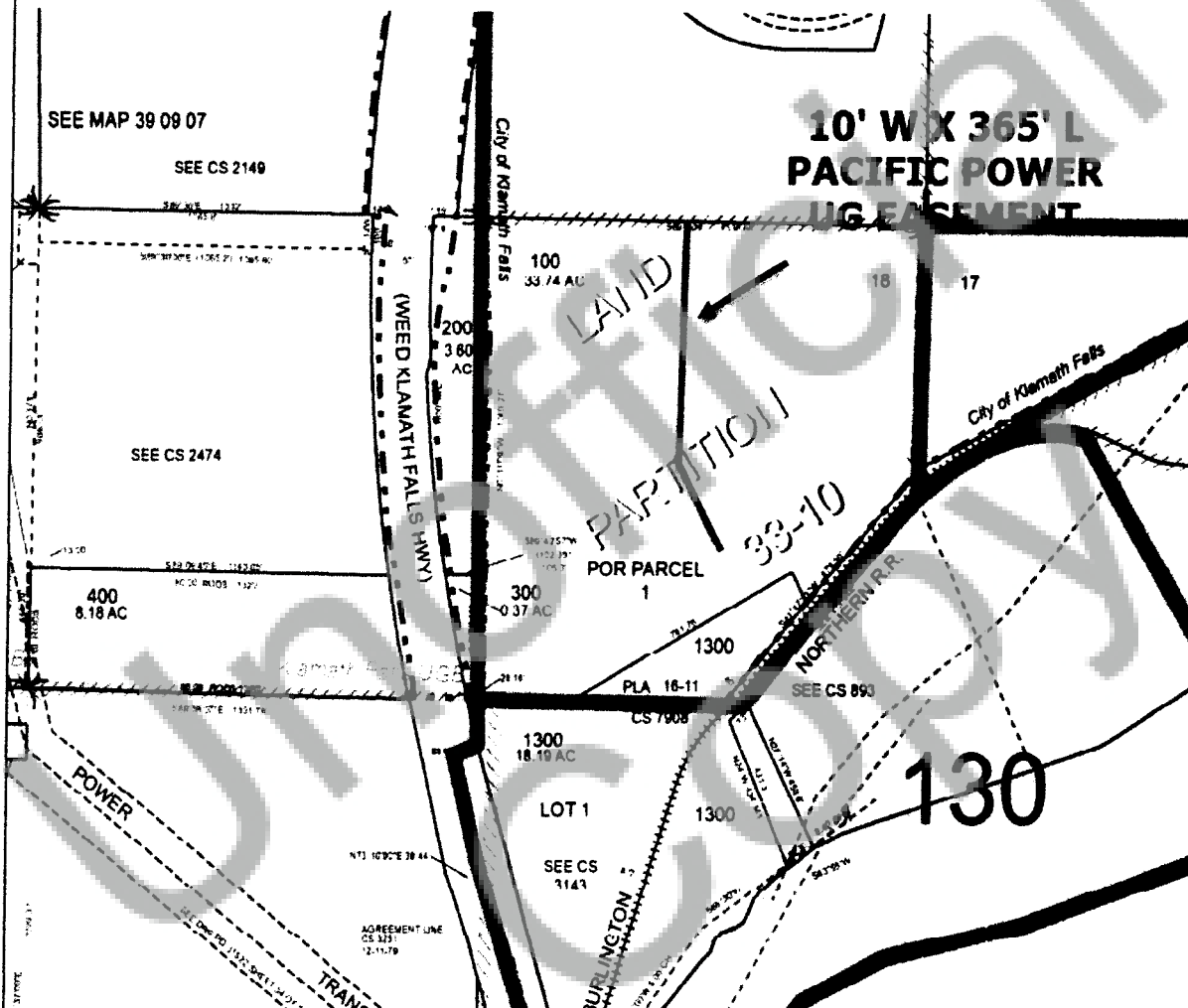
This instrument was acknowledged before me on this 13 day of March, 2024
by Franklin Price and Lane Colvin
Name(s) of individual(s) signing document




Notary Public

My commission expires: May 30 2027

In the NE ¼ of the NE ¼ of Section 18, Township 39S, Range 9E
of the Willamette Meridian, Klamath County, State of Oregon.
Map / Tax Lot or Assessor's Parcel No.: 39 09 18 TL 100



Drawn by: MH

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.



PROPERTY DESCRIPTION

That portion of Parcel 1, of Land Partition 33-10, situated in the NE ¼ of the NE ¼ of Section 18, Township 39 South, Range 9 East of the Willamette Meridian, recorded February 7, 2012 in Volume 2012-001403, Microfilm Records of Klamath County, Oregon.

Excepting from Parcel 1 all that portion, more particularly described as follows:

A tract of land being a portion of Parcel 1 of Land Partition 33-10, situated in the NE ¼ NE ¼ of Section 18, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the South line of said Parcel 1, from which the Southwest corner of said Parcel 1 bears North 89°11'12" West 271.10 feet; thence North 61°34'04" East 761.78 feet; thence South 28°25'56" East 96.54 feet to a point on the Northwesterly right of way line of the Burlington Northern Railroad Spur; thence South 41°47'33" West, along the said Northwesterly right of way line, 381.40 feet to its intersection with the South line of said Parcel 1; thence North 89°11'12" West, along the said South line, 461.73 feet to the point of beginning, with bearings based on Land Partition 33-10 on file at the office of the Klamath County Clerk.

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Grantor Name: Franklin E. Price and Lane Colvin

EXHIBIT B

PACIFIC POWER
A DIVISION OF PACIFICORP