

Return to: Pacific Power
PO Box 788 / 416 NE Hwy 101
Lincoln City, OR 97367

CC#: 11236 WO#: 8134856

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, *City of Lincoln City, a municipal corporation* ("Grantor"), hereby grants to PacificCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way **10** feet in width and **30** 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 *Lincoln* County, State of *Oregon*, 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:

That real property more particularly described on Exhibit "B"

Assessor's Map No.: **07-11-22-AD**

Parcel No.: **00100-00**

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 23rd day of December, 20 .

CITY OF LINCOLN CITY

By: _____

Its: _____ **GRANTOR**

REPRESENTATIVE ACKNOWLEDGEMENT

State of _____ }
County of _____ } SS.

This instrument was acknowledged before me on this _____ day of _____, 20____,

by _____, as _____,
Name of Representative Title of Representative

of _____
Name of Entity on behalf of whom this instrument was executed

Notary Public

My commission expires: _____

PROPERTY DESCRIPTION

A portion of:

Beginning at a point which is 7.8 feet North and 945.46 feet East from the Southwest corner of the Northeast quarter of the Northeast quarter of Section 22, Township 7 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon; thence East 373.9 feet; thence South and parallel with the East line of said Section 22, 200 feet; thence West 373.9 feet to a point that is South of the point of beginning; thence North 200 feet to the point of beginning, reserving and excepting nevertheless the Westerly 20 feet of said property for purposes of ingress and egress as a public roadway.

TOGETHER WITH an easement described as follows:

Beginning at a point which is North 207.8 feet and East 965.46 feet from the Southwest corner of the Northeast one quarter of the Northeast one quarter of Section 22, Township 7 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence South parallel to the East line of Section 22, 400 feet; thence West 40 feet; thence North parallel to the East line of said Section 22, 400 feet; thence East 40 feet to the point of beginning, for the purposes of ingress and egress and for public roadway purposes.

CC#: 11236 WO#: 8134856

Grantor Name: City of Lincoln City

EXHIBIT B

 **PACIFIC POWER**
A DIVISION OF PACIFICORP