

16299

6341

THIS INDENTURE made and entered into this 2nd day of August, 1967, by and between HARRY F. GARNER and DOROTHY GARNER, husband and wife, hereinafter called "the party of the first part," and CRESCENT WATER AND SEWER SERVICE ASSOCIATION, a cooperative, hereinafter called "the party of the second part,"

W I T N E S S E T H:

That for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties of the first part have this day bargained and sold, and by these presents do bargain, sell, convey, transfer, and deliver unto the party of the second part, a permanent easement and right of way, including the perpetual right to enter upon the real estate hereinafter described, at any time that it may see fit, and construct, maintain, and repair underground pipelines and/or mains for the purpose of conveying water and sewage over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of said pipelines and/or mains, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said pipelines and/or mains.

The land affected by the grant of this easement and right of way is located in the County of Klamath, and State of Oregon, and is more particularly described by metes and bounds, as follows:

Lots 4, 5, and 6, Block 1, and the East one-half of vacated alley lying adjacent to Lots 4, 5, and 6, Block 1, extended to center of vacated Iona Street; also, Lots 5 and 6, Block 2; also, South one-half of vacated Iona Street, running

from extended center line of said vacated alley in Block 1, Southeasterly to the boundary line of Crescent town site;

6342

Also all of vacated First Street running from an imaginary line connecting the Southeast corner of Lot 4, Block 1, and the Southwest corner of Lot 5, Block 2; thence Northeasterly to the boundary line of Crescent town site. All of said property being situated in the Townsite of Crescent, Oregon, according to the Official Plat of said townsite on file in the office of the County Clerk, Klamath County, Oregon.

The easement and right of way hereby granted covers a strip of land fifteen (15) feet in width over and across the above described land.

TO HAVE AND TO HOLD said easement and right of way unto the party of the second part, and unto its successors and assigns forever.

The party of the first part does hereby covenant with the party of the second part that they are lawfully seized and possessed of the real estate above described, that they have a good and lawful right to convey it, or any part thereof, that it is free from all encumbrances, and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

As a part of the consideration for this grant, the party of the first part does hereby release any and all claims for damages from whatsoever cause incidental to the exercise of the rights herein granted, except damages to growing crops.

WITNESS the first party's hand and seal the day and year first above written.

Harry F. Garner

Perley M. Garner

8342

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above-named HARRY F. GARNER
and DOROTHY GARNER, husband and wife, and acknowledged the
foregoing instrument to be their voluntary act and deed.

Before me:

Marjorie Stambaugh
Notary Public for Oregon
My commission expires 4/30/70

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of _____

this _____ day of _____ at _____ o'clock _____ M., and

here recorded in Vol. _____ of _____ on Page _____

DOROTHY ROGERS, County Clerk

By *Jane Miller*