

EASEMENT

31143

NOV 29 1969 PAGE 3042

KNOW ALL MEN BY THESE PRESENTS, That _____

SAFEWAY STORES, INCORPORATED

for and in consideration of the sum of ONE DOLLAR and other valuable consideration to him, it or them paid by South Suburban Sanitary District of Klamath County, Oregon, do es hereby grant to the said South Suburban Sanitary District of Klamath County, Oregon, its successors and assigns, an easement for a sewer in and across the following described real estate, situate, lying and being in Klamath County, Oregon, and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Together with the right to use so much of the adjoining land as is reasonable and necessary in connection with the original construction of the sewer.

The foregoing easement is made, executed and delivered to the grantee herein upon the following express terms and conditions, to-wit:

1. The grantee agrees to indemnify and save harmless the grantor from and against any damage, loss, cost and expense, which the grantor may sustain resulting directly or indirectly in any manner from the use of said premises and/or the construction, maintenance, use and/or location of the said sewer in and across said premises.

2. The grantee, and the agents and employees of the grantee, shall have the privilege of entering upon said premises for the purpose of making necessary repairs to or changes in said sewer.

3. The said sewer shall be placed underground in the usual manner and grantee agrees to replace the surface of the ground above said sewer in substantially its present condition and replace and repair any damaged facilities, and agrees that grantor shall have full and unrestricted use of the surface of said ground except during the period of sewer construction and during the period of any necessary repairs. Said surface shall be replaced in approximately ^{its present} condition as it existed at the time of making such repairs. ~~condition following any such repairs.~~

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4. Grantee further agrees that all rights under this grant shall cease and terminate upon six months non-use of said sewer.

IN WITNESS WHEREOF, said SAFEWAY STORES, INCORPORATED has or have caused this Easement to be executed, and (if a corporation) its corporate seal, affixed, this 4th day of November, 1968.

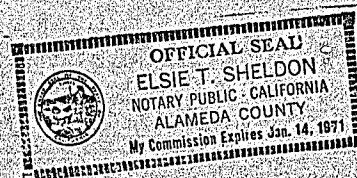
SAFEWAY STORES, INCORPORATED
(a Maryland corporation)
By [Signature]
Its Assistant Vice President

By T. Nelson Stewart
Its Assistant Secretary

CALIFORNIA
STATE OF OREGON)
ALAMEDA) Mss.
County of Klamath)

Personally appeared the above-named F. B. HULTING, JR. and T. NELSON STEWART known to me to be the identical person s described in the foregoing instrument, and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME this 4th day of November, 1968.
ELSIE T. SHELDON



Elsie T. Sheldon
NOTARY PUBLIC FOR OREGON CALIFORNIA
My Commission expires 1/14/71

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LEGAL DESCRIPTION FOR SEWER EASEMENT ACROSS SAWHAY STORES PROPERTY

A strip of land ten (10) feet in width for sanitary sewer easement situated in Tract 33A, Enterprise Tracts subdivision, in the SE 1/4 NW 1/4 of Section 3, T 39 S, R 9 E W, Klamath County, Oregon, more particularly described as follows:

Beginning at the cased monument marking the northwest corner of said Section 3; thence S 00° 00' 30" E along the westerly boundary of said Section 3, 826.8 feet, more or less, to its intersection with a line parallel with and 75 feet distant at right angles northeasterly from the centerline of South Sixth Street as the same is now located and constructed, said parallel line being also the northerly right-of-way line of said street; thence S 55° 52' 30" E along said parallel line 1741.24 feet to a 5/8 inch iron pin marking the easterly right-of-way line of Austin Street, said point being the True Point of Beginning of this description, with the location of said point being in conformance with record of survey No. 939 filed in the office of the Klamath County Surveyor which contains the original owner's certification of original property corners; thence S 55° 52' 30" E along said parallel line a distance of 451.18 feet to a 5/8 inch iron pin marking the southwesterly corner of that property described in Volume M68, Page 4736, Klamath County Deed Records and from which a cross chiseled in the concrete sidewalk bears S 34° 07' 30" W, 10.00 feet; thence N 34° 07' 30" E along the westerly line of the last described property a distance of 225.00 feet; thence N 55° 52' 30" W parallel with South Sixth Street a distance of 10.00 feet; thence S 34° 07' 30" W a distance of 215.00 feet to a point 85 feet northeasterly from the centerline of South Sixth Street; thence N 55° 52' 30" W parallel with and 85 feet distant at right angles northeasterly from said centerline a distance of 441.18 feet to the easterly right-of-way line of Austin Street; thence S 34° 07' 30" W along the easterly right-of-way line of Austin Street a distance of 10.00 feet to the True Point of Beginning.

The above described strip of land contains 0.153 acres, more or less, with bearings based on existing deed records.

STATE OF OREGON,
County of Klamath

Filed for record at request of

Klamath Co. Title Co.

on this 24 day of April A.D. 1969

at 4:37 o'clock P. M. and duly

recorded in Vol. M69 of Dude

page 3042

Wm D. MILNE, County Clerk

By Charles E. Karaman Deputy

Feb 450

EXHIBIT A

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