

66019

EASEMENT AND RELEASE

Tract R-KF-65
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FOR AND IN CONSIDERATION of the release of the transmission line easement rights hereinafter set forth, BROOKS-SCANLON, INC., a Delaware corporation, Grantor, does hereby grant, bargain, sell, and convey to the UNITED STATES OF AMERICA and its assigns, a perpetual easement and right to enter and erect, operate, maintain, repair, rebuild, and patrol one or more electric power transmission lines and appurtenant signal lines, poles, towers, wires, cables, and appliances necessary in connection therewith, in, upon, over, under and across the following-described parcel of land in the County of Klamath, in the State of Oregon, to-wit:

A right-of-way 125 feet wide over and across the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 25, Township 23 South, Range 10 East, Willamette Meridian, Klamath County, Oregon. The boundaries of the right-of-way are located 62.5 feet on each side of and parallel with the survey line of the Bonneville Power Administration's Redmond-Klamath Falls transmission line. The survey line is described with bearings referred to the Oregon Coordinate System--South Zone, as follows:

Beginning in the north line of Section 25, Township 23 South, Range 10 East, Willamette Meridian, at survey station 4231+95.7 which is S89°21'20"E 1,854.6 feet from the northwest corner of Section 25. This corner is evidenced by one reference point. Thence S11°10'20"W 5,356.3 feet to the south line of said Section 25 at survey station 4285+52.0 which is S89°02'50"E 980.9 feet from the southwest corner of said Section 25. This corner is evidenced by a BLM brass cap.

Together with the right to clear said parcel of land and keep the same clear of all brush, timber, structures, and fire hazards, provided however, the words "fire hazards" shall not be interpreted to include growing crops; and also the present and future right to top, limb, fell, and remove all growing trees, dead trees or snags (collectively called "danger trees") located on Grantor's land adjacent to said parcel of land, which could fall upon or against said transmission and signal line facilities.

TO HAVE AND TO HOLD said easement and rights unto the UNITED STATES OF AMERICA and its assigns, forever.

The Grantor covenants to and with the UNITED STATES OF AMERICA and its assigns that the title to all brush and timber cut and removed from said parcel of land and also all growing trees, dead trees or snags (collectively called "danger trees") cut and removed from Grantor's land adjacent to said parcel of land, is and shall be vested in the UNITED STATES OF AMERICA and its assigns and that the consideration stated above is accepted as full compensation for all damages incidental to the exercise of any of said rights.

The Grantor also covenants to and with the UNITED STATES OF AMERICA that Grantor is lawfully seized and possessed of the lands aforesaid; has a good and lawful right and power to sell and convey same; that same are free and clear of encumbrances, except as above indicated; and that Grantor will forever warrant and defend the title to said easement and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

The UNITED STATES OF AMERICA, acting by and through the Administrator, Bonneville Power Administration, Department of the Interior, does hereby release and quitclaim to BROOKS-SCANLON, INC., a Delaware corporation, all right, title and interest in and to the transmission line easement acquired by the United States for electric power transmission purposes by instrument dated September 25, 1951, recorded on October 9, 1951 in Book 250, page 279, under Recorder's file No. 72346, Deed records of Klamath County, Oregon.

The rights herein released are no longer required for electric power transmission purposes, and are released pursuant to the Acts of August 20, 1937, Ch. 720, § 2, 50 Stat. 732, 16 U.S.C. § 832a, as amended, and June 30, 1949,

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Ch. 288, title II, § 203, 63 Stat. 385, 40 U.S.C. § 484, as amended, and regulations and delegations of authority issued pursuant thereto.

IN WITNESS WHEREOF, BROOKS-SCANLON, INC., has caused this instrument to be signed by its proper officers thereunto duly authorized and its corporate seal to be hereunto affixed this 15th day of June, 1972.



BROOKS-SCANLON, INC.

By

Michael P. Walker

President

Attest:

Marian C. May

Asst. Secretary

DATED at Portland, Oregon, this 29th day of June, 1972.

UNITED STATES OF AMERICA
Department of the Interior
Bonneville Power Administrator

By: Everett E. Johnson
Acting Chief, Branch of Land

STATE OF Oregon

COUNTY OF Deschutes

ss:

On this 15 day of June, 1972, before me personally appeared

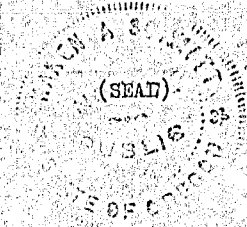
Michael P. Walker

and

Marian C. May

to me known to be the President and Asst. Secretary of the corporation that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated they are authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

GIVEN under my hand and official seal the day and year last above written.



Marian C. May
Notary Public in and for the
State of Oregon
Residing at Seaside, Oregon
My commission expires: 1-9-76

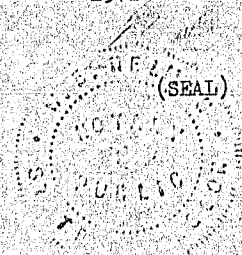
STATE OF OREGON

COUNTY OF MULTNOMAH

ss:

On this day personally appeared before me EVERETT E. JOHNSON, to me known to be the Acting Chief, Branch of Land, Bonneville Power Administration, described in and who executed the within and foregoing instrument and acknowledged that he signed the same as a free and voluntary act and deed for the purposes and uses therein mentioned.

GIVEN under my hand and official seal this 29th day of June, 1972.



W. E. Helman
Notary Public in and for the
State of Oregon
Residing at Portland, Oregon
My commission expires: 9-20-73

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of U. S. of America Dept of Interior
this 11th day of July 9:41 A. D. 1972 at 7 o'clock A. M., and
duly recorded in Vol. 2 M 72, of DEEDS on Page 7511

FEE \$4.00

By Wm D. Milne, County Clerk
Wm D. Milne