

70100

EASEMENT

in KF-104-72
Vol. 72 Page 12926

KNOW ALL MEN BY THESE PRESENTS, that MARTHA KELLER, a widow, and JOE L. KELLER and ROSIE A. KELLER, husband and wife, of the County of Klamath, State of Oregon, hereinafter called the Grantors in consideration of the sum of Ten Dollars (\$10.00) to them paid by Oregon Water Corporation, a public utility of the State of Oregon hereinafter called the Grantee, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, a perpetual easement ten (10) feet in width for the purpose of laying, constructing, operating, maintaining, changing, relocating, removing and/or replacing one or more mains or pipelines, with necessary or desirable appurtenances thereto, for the transmission and distribution of water for all useful purposes, upon, over and across adjacent real property of the Grantors in the SW 1/4 of Section 12, Township 39 South, Range 9 East, WM; described as:

A strip of land five (5) feet on each side of the following described centerline:

Beginning at a point N53°-53'-37"E 5.00 feet from the northeast corner of Lot 14, Block 3, Tract 1020-Third Addition to Sunset Village, a duly recorded subdivision; Thence along the arc of a curve to the left (radius = 3589.72 feet, delta = 03°-17'-17") 519.27 feet; thence along the arc of a curve to the left (radius = 342.96 feet, delta = 16°-50'-00") 100.76 feet; thence S60°-50'-00"E 242.30 feet; thence along the arc of a curve to right (radius = 802.96 feet, delta = 21°-13'-00") 304.34 feet; thence S39°-07'-00"E 201.00 feet; thence along the arc of a curve to the left (radius = 342.96 feet, delta = 08°-20'-00") 149.58 feet; thence S47°-27'-00"E 508.29 feet; thence East 532.41 feet to the west end of Keller Road, said point being North 39.18 feet from a brass cap monument marking the south one-fourth corner of Section 12, T39S, R9EWM, Klamath County, Oregon.

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Together with the right of ingress to and egress upon and across the adjacent real property of the Grantors, using present and future roads thereon to the extent available, and with the right to clear and keep clear each and every part of said easement, all for the purpose of exercising in any and all respects the rights hereby granted.

PROVIDED, that all mains and pipelines shall be laid on said easement not less than two and one-half (2 1/2) feet below the surface of the ground, and in all operations such surface shall be restored as nearly as may be practicable to its original condition. Grantors reserve and retain the right to cultivate or otherwise use said easement in any manner or for any purpose which does not interfere with, or is not inconsistent with the proper exercise of the rights therein hereby granted to the Grantee, but the Grantors shall in no event construct or maintain nor permit the construction or maintenance of any buildings or other structures upon or above said easement in such manner as to prevent reasonable access thereto, or to permit the construction of any parallel sanitary sewer within six (6) feet of any part of this easement.

And the Grantors covenant that they are lawfully seized in fee simple of the above granted real property free from all encumbrances, and they will and their heirs, executors and administrators shall warrant and forever defend the above granted real property and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hand and seal this 8th day of November, 1972.

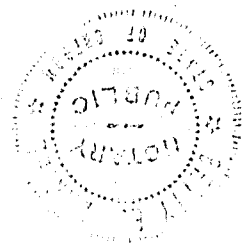
Martha Heller (Seal)
John J. Heller (Seal)
James A. Heller (Seal)

STATE OF OREGON)
COUNTY OF KLAMATH) SS.

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On this 8th day of November, 1972 personally appeared
the above named Martha Keller, a widow and Joe L. Keller and Rosie A. Keller,
husband and wife, and acknowledged the foregoing instrument to be their voluntary
act and deed. Before me:

Billy E. Chasid
Notary Public for Oregon
My Commission expires 3/7/75



STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of OREGON WATER CORPN

this 9th day of NOVEMBER A.D. 1972 at 11:27 o'clock AM, and
duly recorded in Vol. 1472 of DEEDS on Page 12926

FEE \$ 6.00

W. D. BRIDGE, County Clerk
By Hazel Dragil