

12458

## EASEMENT

Vol. M 76 Page 5236

KNOW ALL MEN BY THESE PRESENTS, that KLAMATH COUNTY, acting by and through the BOARD OF COUNTY COMMISSIONERS, hereinafter called GRANTOR, of the County of Klamath, State of Oregon, 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 six (6) 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 GRANTOR, in the S 1/2 NE 1/4, Section 15, T39S, R9E., W.M. more particularly described as follows:

Beginning at the Northeast corner of the S 1/2 NE 1/4, Section 15, T39S, R9E., W.M.; thence South along the section line 30 feet; thence West parallel to the North line of the S 1/2 NE 1/4, 30 feet to the true point of beginning; thence West parallel to the North line of the S 1/2 NE 1/4, 1410 feet; thence South 6 feet; thence East parallel to the North line of the S 1/2 NE 1/4, 1410 feet; thence North 6 feet to the point of beginning, all in Section 15, T39S, R9E., W.M.

Together with the right of ingress to and egress upon and across the adjacent real property of the GRANTOR, 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. GRANTOR reserves and retains 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

76 APR 13 AM 10 07

5239

exercise of the rights therein hereby granted to the GRANTEE, but the GRANTOR 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.

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 April, 1976.

KLAMATH COUNTY  
Klamath Falls, Oregon  
By Board of County Commissioners:

Raymond R. Thome (Seal)  
Chairman  
Russell Williams (Seal)  
Commissioner  
Lloyd J. Jett (Seal)  
Commissioner

STATE OF OREGON )  
COUNTY OF KLAMATH ) ss.

On this 8th day of April, 1976 personally appeared the above named Board of County Commissioners acting for Klamath County, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Virginia Beckey  
Notary Public for Oregon

My Commission Expires: Sept 23, 1976

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 13th day of APRIL, A.D., 19 76 at 10:07 o'clock A.M., and duly recorded in Vol M 76 of DEEDS on Page 5238

FEE \$ 6.00

WM. D. MILNE, County Clerk

By Lloyd J. Jett Deputy