

47938

A GRANT OF EASEMENT

Vol. ^M78 Page 9607

We, MARTIN WINTHER and E. DELLA WINTHER, husband and wife, of the County of Klamath, State of Oregon, in consideration of \$25.00, receipt of which is hereby acknowledged, and the prospective benefits to be derived by reason of the locating, establishing, constructing and maintaining a certain sanitary sewer system, by the City of Merrill, County of Klamath, State of Oregon, do hereby grant, setover, convey and release unto the City of Merrill, Oregon, a municipal corporation, grantee, its successors and assigns, a permanent easement and right of way, including the perpetual right to enter upon the real estate herein-after described for the construction, operation, maintenance, repair and replacement of a sanitary sewer system and the right at any time the grantee sees fit to go upon, over, across, through and under the property, hereinafter described, to construct, operate, maintain, repair or replace a sanitary sewer system and to do any and all things which are necessary, useful, customary or convenient in connection therewith, together with the right to excavate and refill ditches, and/or trenches for the location of pipelines, mains, manholes, valves, catchbasins, and/or other equipment or installations necessary or convenient to the operation of a sanitary sewer. The easement and right of way granted covers a strip of land, 8 feet in width, more particularly described as follows:

A piece or parcel of land situate in Section 1, Township 41 South, Range 10 East of the Willamette Meridian, being more particularly described as follows:
The Northerly 8 feet of Lot 16 of Graybael Addition of Klamath County, Oregon, now incorporated into the City of Merrill, Oregon.

The grantee, its successors and assigns, or any person, corporation or utility so authorized by it shall have free ingress and egress to, from and over the property covered by said easement and such other property adjacent thereto and owned by the grantors, their successors and assigns, as is necessary to gain access to the property covered by said easement for the purpose of maintaining and repairing or replacing said sanitary sewer system and all parts thereof.

This Grant of Easement is subject to the pre-existing recorded rights of easement grantees and of pre-existing recorded reservations and restrictions.

Grantors agree not to erect any structures within the easement area which would inhibit access to the sanitary sewer line and also agree not to plant, within the easement area, any variety of poplar, elm, willow or other trees or shrubs which would inhibit access to said sanitary sewer system or cause damage to such system. Grantee shall have the right to cut, trim or remove trees, brush, overhanging branches or other obstructions as necessary for grantee's convenient use of this easement as herein described. Grantee, its successors and assigns, shall not be liable to the grantors, their successors and assigns, for damage to the

GRANT OF EASEMENT (1)

9608

property which is subject to this easement, occurring incidental to the proper use of this easement. However, in the event of damage to premises outside of and adjacent to the above-described easement and right of way, caused by grantee, its successors and assigns, the party causing such damage shall repair same and replace said damaged premises in as good condition as they were immediately prior to such damage.

To have and to hold the above-described easement unto the grantee, its successors and assigns forever.

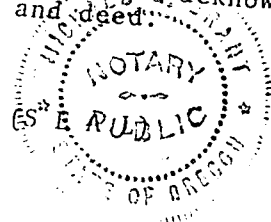
WITNESS our hands and seals this 9th day of May, 1978.

Martin Winther
Martin Winther

E. Della Winther
E. Della Winther

STATE OF OREGON)
County of Klamath) ss.

Before me this 9th day of May, 1978, personally appeared the above-named MARTIN WINTHER and E. DELLA WINTHER, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Michael L. Brant
Notary Public for Oregon
My Commission Expires: 1-21-81

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of Michael L. Brant
this 11th day of May A. D. 19 78 at 10:16 o'clock AM., or
truly recorded in Vol. M78, of Deeds on Page 9607

Return to:
Mike Brant
305 Main
City

Wm D. MILNE, County Clerk
By Sheretha A. Letoch

Fee \$6.00