

64507

GRANT OF EASEMENT

Kerns.  
C-5330 (9-72)

Vol. 179 Page 6604 #254  
727-58911-45C  
KLAMATH FALLS

For and in consideration of the sum of One Dollar (\$1.00), receipt whereof is hereby acknowledged, the undersigned, hereinafter referred to as "Grantor," hereby grants to PACIFIC NORTHWEST BELL TELEPHONE COMPANY, a corporation, its successors and assigns, hereinafter referred to as "Grantee," a perpetual easement 10 (ten) feet in width over, across, upon and under the hereinafter described real property, with the right from time to time to construct, place, inspect, maintain, repair, replace, remove, use, operate and patrol thereon, therein and thereunder underground communication facilities, including wires, cables and other electrical conductors, conduits, and other appurtenances.

Said real property is situated in the County of Klamath, State of Oregon, and is described as follows:

A parcel of land 10 (ten) feet in width along a center line as established by the installation of the aforementioned communication facilities, which parcel is a part of premises of the undersigned situate in the Southeast Quarter of Section 28 Township 39 South, Range 8 East, W.M., as more particularly described in that certain instrument recorded in the Deed Records of Klamath County, ~~book~~ and numbered ATX PAGESX DC M78-1917.

Grantor grants to Grantee the right to ~~clear and keep cleared a strip of land~~ feet wide on each side of the center line of said easement of all brush and undergrowth, and to remove or trim such trees and to remove such other obstructions as may be necessary for the protection of Grantee's said communication facilities. Said communications facilities to be placed south of the existing fence line which is adjacent to the Klamath Falls-Ashland Hwy and beginning at the Northeast corner of said premises running east to west no more than 300 feet. Grantor further covenants that no digging or blasting will be done or permitted upon said easement or sufficiently near thereto on the premises of Grantor which will in any manner disturb the solidity of Grantee's communication facilities, reduce the depth of soil covering the same or unearth any portion thereof or in any way interfere with the transmission of telephone communication through or over such communication facilities.

Grantor reserves the right to use the property for agricultural purposes not inconsistent with the rights granted Grantee.

Grantee, its contractors, agents, employees and servants shall at all times have the right of ingress to and egress from said easement with the specific understanding that Grantee shall be responsible for any property damage suffered by Grantor caused by Grantee's exercise of the rights herein granted.

~~Grantee is also granted the right from time to time to increase or decrease the size, weight or number and to change the type or add to any of said communication facilities which may be constructed or installed in, upon or under the easement hereby granted.~~

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, Grantor has executed this instrument this 1<sup>st</sup> day of FEB, 1979.

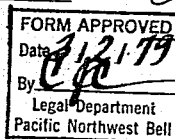
Laurence D. Ellington  
Witness

John Kerns, Grantor  
Single Male

STATE OF OREGON )

) ss:

County of Clackamas :



I Lawrence D. Ellington being first duly sworn, on oath, depose and say that I reside at Portland, Oregon and that I am acquainted with John Kerns, single man, who executed the foregoing document and that I am a subscribing witness to that execution.

Subscribed and sworn to before me this 1st day of February, 1979.

[Signature]  
Notary Public for Oregon  
My commission expires: 4-23-82

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 23rd day of MARCH A.D., 19 79 at 2:58 o'clock P. M., and duly recorded in Vol. M79, of Deeds on Page 6604.

FEE \$3.00

WM. D. MILNE, County Clerk

By Berntha [Signature] Deputy