

K-32047

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Vol. ¹⁷ 79 Page ~~1805~~

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WARRANTY DEED

J. E. HOSKING, also known as JAMES E. HOSKING, and PEARL B. HOSKING, husband and wife, Grantors convey and warrant to CITY OF KLAMATH FALLS, OREGON, a municipal corporation, Grantee, the following described real property located in Klamath County, Oregon, free of all encumbrances, except as specifically set forth herein:

PARCEL 1: All of Lot 6 and 5 feet by 65.12 feet of Lot 3 lying and being on the Northerly side of the alley, all being in Block 16, Original Town of Klamath Falls, (formerly Linkville) Oregon, more particularly described as follows:

Beginning at the Northwestern corner of Lot 6 Block 16 of the Original Town of Klamath Falls (Formerly Linkville) Oregon; thence Northeasterly along the Easterly boundary line of Pine Street, a distance of 65.12 feet to a point on the Westerly boundary of Lot 7 in said Block 16; thence Southeasterly at right angles to Pine Street a distance of 125 feet; thence Southwesterly and parallel to Pine Street, a distance of 65.12 feet to a point on the Westerly boundary of Lot 3 in said Block 16; thence Northwesterly at right angles to Main Street a distance of 125 feet to the point of beginning.

PARCEL 2: The South one-half of Lots 7 and 8 in Block 16 of Original Town of Klamath Falls (formerly Linkville) Oregon, more particularly described as follows: Beginning at the most Northerly corner of Lot 8, Block 16 of the Original Town of Klamath Falls (formerly Linkville) Oregon, thence Southeasterly along the Westerly boundary of 6th Street, a distance of 60 feet to the point of beginning; thence Southwesterly and at right angles to 6th Street a distance of 130.24 feet to a point on the Easterly boundary of Lot 6 in said Block 16; thence Southeasterly and parallel to 6th Street a distance of 60 feet; thence Northeasterly and parallel to Pine Street a distance of 130.24 feet to the Westerly boundary of 6th Street; thence Northwesterly and along the Westerly boundary of 6th Street a distance of 60 feet to the point of beginning.

RESERVING UNTO GRANTOR, PEARL B. HOSKING, THE OWNER OF REAL PROPERTY HEREAFTER DESCRIBED, EASEMENTS AS FOLLOWS:

(a) A perpetual non exclusive easement to receive light and air and an unobstructive view of the property described above. Said property to remain open and free of all buildings and other structures, except the City of Klamath Falls, their successors and assigns, shall have the full right to use said property for the parking of automobiles and other motor vehicles, and landscaping provided such landscaping

shall not exceed four feet in height; providing, however, the foregoing provisions relating to structures shall not apply in the event City of Klamath Falls, their heirs, successors and assigns, should erect a second level for motor vehicle parking on the property, described above.

(b) A perpetual exclusive easement to drill a hot water geothermal well at the Northeast corner of the property described as Parcel 2 above, for the purpose of providing geothermal heat to the following described property owned by PEARL B. HOSKING:

Beginning at the most easterly corner of Lot 1 of Block 16 of Original Town of Linkville (now City of Klamath Falls), Oregon; thence southwesterly along the northerly line of Main Street 26 feet; thence northwesterly at right angles to Main Street 100 feet; thence northeasterly parallel with Main Street 26 feet to Sixth Street; thence southeasterly along Sixth Street and along the easterly line of said Lot 1 a distance of 100 feet to the place of beginning, and being the easterly 26 x 100 feet of said Lot 1 of Block 16 of Original Town of Linkville (now City of Klamath Falls), Oregon, being situated in the NW 1/4 of NE 1/4 of Section 32, Township 38 S. R. 9 E. W. M.

and

The Westerly 26 feet of the Easterly 52 feet of the Southerly 100 feet of Lot 1, Block 16 in the original town of Klamath Falls, being that portion of Lot 1 in Block 16 of Linkville (now City of Klamath Falls), Oregon, more particularly described as follows:

Beginning at a point on the North line of Main Street 26 feet Westerly from the Southeasterly corner of Lot 1, Block 16 in said town of Linkville (now City of Klamath Falls), Oregon; thence Westerly parallel with Main Street, 26 feet; thence Northerly at right angles to Main Street, 100 feet; thence Easterly and parallel with Main Street, 26 feet; thence Southerly at right angles to Main Street, 100 feet to place of beginning, and consisting of the property commonly known as 535 Main Street.

providing PEARL B. HOSKING, her heirs, personal representatives, and assigns agrees to release this easement if a hot water well has not been drilled prior to the establishment of a geothermal special district encompassing the premises subject to this easement and on which the well is to be located.

(c) A perpetual non exclusive easement to cross the alley between the property transferred to the City of Klamath Falls, by this instrument, and the property above described owned by PEARL B. HOSKING with pipes and such other materials necessary to carry geothermal heat from the well mentioned in (b) above and the premises last described.

All of said easements to be forever appurtenant to and for the benefit of the property last described and owned by PEARL B. HOSKING and considered as covenants running with the land.

SUBJECT TO:

15067

1. Reservations, restrictions, rights of way, easements of record and those apparent on the land;

2. Liens and assessments of City of Klamath Falls for monthly water and/or sewer service;

3. Easement Agreement, including the terms and provisions thereof, by and between J. E. Hosking and Pearl B. Hosking, husband and wife and Harry D. Boivin, dated the 25 day of June, 1979, and recorded on the 5 day of July, 1979 in Book M-79 at page 15930;

The true and actual consideration paid for this conveyance is \$79,000.00.

WITNESS Grantors' hands this 29 day of June,

1979.

J. E. HOSKING, aka, JAMES E. HOSKING and
PEARL B. HOSKING

by: Harry D. Boivin
Their Attorney-in-Fact
HARRY D. BOIVIN

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared HARRY D. BOIVIN, who being sworn, stated that he is the attorney-in-fact for J. E. HOSKING, aka, JAMES E. HOSKING and PEARL B. HOSKING, husband and wife, and that he executed the foregoing instrument by authority of and in behalf of said principals; and he acknowledged said instrument to be their act.

BEFORE ME:

Susan Kay Way
Susan Kay Way
Notary Public for Oregon
My commission expires 6/4/1981

NOTARY PUBLIC FOR OREGON
My Commission Expires:

AFTER RECORDING RETURN TO:
Mr. James Watson, City Hall
Klamath Falls, Oregon 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss. :

I hereby certify that the within instrument was received and filed for record on the 5th day of July A.D., 19 79 at 3:30 o'clock P. M., and duly recorded in Vol M79, of Deeds on Page 15915.

FEE \$9.00

WM. D. MILNE, County Clerk
By Bernice Sketoch Deputy