

89214

EASEMENT FOR BURIED CABLE

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WEYERHAEUSER COMPANY, a Washington corporation, herein called "Owner," hereby grants to STATE OF OREGON, DEPARTMENT OF FORESTRY, herein called "Grantee," an easement for an underground electric cable across that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 40 South, Range 7 East, W.M., Klamath County, Oregon, located approximately as shown in red on the attached Exhibit A.

Subject as to said lands to all matters of public record.

The terms and conditions of this Easement are as follows:

1. Owner shall have the right to use said strip of land for any purpose not inconsistent with the rights herein granted.
2. Grantee shall have access to the cable for the purpose of exercising the rights herein granted.
3. The location of the electric cable is to be marked by intervisible markers.
4. Grantee hereby waives all claims for damages to its cable which may result from or arise out of Owner's normal operations.
5. Grantee shall pay for all damages to Owner's property resulting directly or indirectly from the negligent acts or omissions of Grantee hereunder.
6. To the extent permitted by Article XI, Section 7 of the Oregon Constitution and by the Oregon Tort Claims Act, the Grantee shall indemnify Owner against any liability for damage to life or property arising from the Grantee's occupancy or use of Owner's lands hereunder; provided, however the Grantee shall not be required to indemnify Owner for any such liability arising out of the wrongful acts of employees or agents of Owner. Provided further, that the agreement to indemnify does not limit any separate legal right or remedy which Owner has against the Grantee.

80 SEP 4 PM 2 17

7. The rights herein granted shall continue until such time as Grantee shall have abandoned the use of the cable located as described herein.

DATED this 14th day of August, 1980.

WEYERHAEUSER COMPANY

By [Signature]
Land & Timber Resources Manager, Acting

Attest Joyce E. Cornelius
Assistant Secretary

STATE OF OREGON, DEPARTMENT OF FORESTRY

Accepted by: [Signature]
Its: State Forester

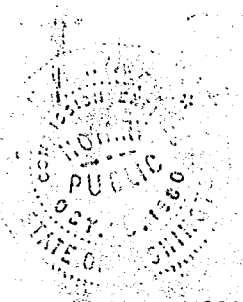
STATE OF WASHINGTON)
COUNTY OF KING) ss.

On this 15th day of August, 1980, before me personally appeared D. W. Wilbur and Joyce E. Cornelius, to me known to be the Land & Timber Resources Manager, Acting and Assistant Secretary, respectively, of WEYERHAEUSER COMPANY, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

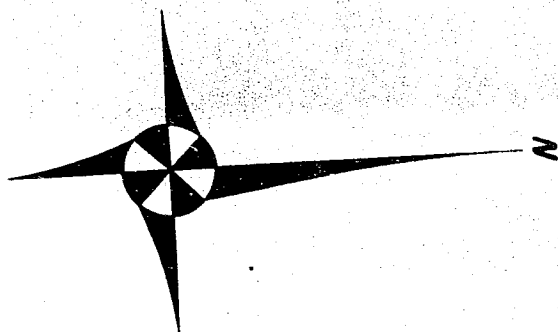
[Signature]
Notary Public in and for the State of
Washington, residing at Tacoma.

By Commision expires: October 25, 1980



05/0129/1/s2
8/12/80

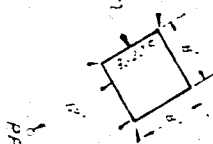
16776



Lookout
Tower
• B.M.

P.P&L.
Bldg.

WeyCo.
Bldg.



S.P.
Bldg.

Proposed Route of Underground Power Line

Power Pole

Return to:
State Forester
2600 State St.
SALEM, OR 97310

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 4th day of September A.D., 19 80 at 2:17 o'clock P M., and duly recorded in Vol. M80 of Deeds on Page 16774.

FEE \$10.50

WM. D. MILNE, County Clerk
By Bernetha H. Hitchcock Deputy

EXHIBIT A