

11779

UTILITY EASEMENT

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In consideration of the sum of \$1.00 and other valuable consideration, the receipt of which is hereby acknowledged. NEIL HICKS and MAXINE HICKS, husband and wife, hereinafter referred to as Grantor does hereby convey to KERMIT F. TAYLOR and DIANE G. TAYLOR, husband and wife, hereinafter referred to as Grantee, and to Grantee's heirs successors and assigns, a perpetual nonexclusive easement to use a parcel of land fifteen (15) feet in width and fifteen (15) feet in length at the northwesterly boundary of grantors' property described more fully below. The specific location of said easement is more fully described in Exhibit "A", attached hereto and by this reference incorporated herein. The use of grantors' property as aforesaid shall be limited to grantees domestic utility purposes and any use of the said easement shall be limited to buried utilities only.

The Grantors' property which is subject to this easement is more fully described as:

A tract of land situated in the NW 1/4 of the NW 1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a steel pin from which the Southeast corner of NW 1/4 of the NW 1/4 of Section 34, a steel axle with gear, bears North 89°39' East 414.1 feet and South 0°19' East 160 feet, said point of beginning also being the Northwest corner of that parcel of land described in Deed Volume 281, page 168, Records of Klamath County, Oregon; thence North 89°39' East 47.26 feet to a steel pin; thence North 2°31' West 57.10 feet to a steel pin;

thence South 68°46'30" West 54.35 feet to a steel pin; thence South 8°55'17" East 38.12 feet to the point of beginning. The basis of bearings is Survey #883 as filed in the office of the County Surveyor, Klamath County, Oregon.

The following is a description of the Grantees' property to which this easement is appurtenant:

All the following described real property situate in Klamath County, Oregon:

A parcel of that tract of land recorded in Volume 281, Page 166 of Deed Records of Klamath County, Oregon, described therein as being situated in the NW 1/4 NW 1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon: said parcel being more particularly described as follows:

Beginning at the southeast corner of the aforesaid tract of land which corner is marked with a steel axle representing the southeast corner of the NW 1/4 NW 1/4 of said section 34; thence S. 89°39' W. along the south boundary of said tract of land a distance of 366.84 feet; thence N. 0°19' W. a distance of 160.0 feet to the north boundary of that parcel of land recorded in Volume 335, Page 109, of Deed Records of Klamath County, Oregon: thence N. 2°31' W. 57.10 feet to an iron pipe marking the true point of beginning of this description; thence N. 40°10'30" E., 48.82 feet to an iron pipe; thence N. 52°35'30" E., 45.80 feet to an iron pipe, thence continuing N. 52°35'30" E. a distance of 37.77 feet, more or less, to the southwesterly boundary of that parcel of land recorded in Volume 335, Page 109 of Deed Records aforesaid; thence along said boundary N. 51°49' W. 15.27 feet, more or less, to an iron pipe marking a corner of said parcel of land; thence N. 43°53' E. along aforesaid boundary, a distance of 57.45 feet to an iron pipe marking a corner of that parcel of land recorded in Volume 311, Page 227, of Deed Records aforesaid; thence following along the boundary of said parcel of land N. 88°49' W., 178.3 feet and S. 0°

41' E. 161.64 feet to an iron pipe; thence N. 68°46'30" E. a distance of 54.35 feet to the true point of beginning, containing 0.39 acres, more or less, and being subject to a 10 foot easement for road purposes along the last course and the first three courses of this description.

SAVING AND EXCEPTING: A tract of land situated in the NW 1/4 NW 1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, being more particularly described as follows:

Beginning at the Southeast corner of the said NW 1/4 NW 1/4 thence North 00°19' West 20 feet to a point on the Northerly right of way line of the County Road (Beverly Heights Road); thence continuing North 00°19' West 584.5 feet; thence South 43°53' West 347.95 feet to a pipe, being the true point of beginning of this description; thence North 88°49' West 50.00 feet; thence South 01°11' West 42.22 feet; thence South 88°49' East 11.04 feet to a pipe being the most Westerly point of that tract of land described in Deed Volume 208, page 353, shown as Parcel 1, as recorded in the Klamath County Deed Records; thence North 43°55' East 57.45 feet to the true point of beginning.

SUBJECT TO: Easement for road purposes as disclosed by Warranty Deed from Pansy Valoura Johnson to Ronald Dean Johnson and Teresa Gay Johnson, dated April 25, 1972, and recorded April 25, 1972, in Microfilm Deed records M-72 on page 4401, records of Klamath County, Oregon.

The terms of this easement are as follows:

1. Grantee agrees to indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantee's use of the easement strip. Grantee shall pay Grantor for any merchantable timber or other property of Grantor's damaged by Grantee's use of this easement. Grantee assumes all risk arising out of its use of the easement strip and Grantor shall have no liability

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to Grantee or others for any condition existing thereon.

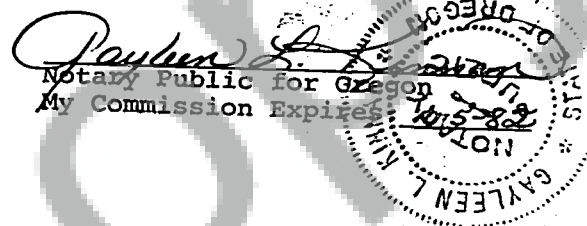
2. This easement shall be perpetual; however, in the event that it is not used by Grantee for a period of three years, or if otherwise abandoned by Grantee, the easement shall automatically expire and Grantee shall upon request execute a recordable document evidencing such expiration.

IN WITNESS WHEREOF, the parties have executed this Easement on March 30, 19 82.

Neil Hicks
NEIL HICKS

Maxine Hicks
MAXINE HICKS

SUBSCRIBED and SWORN to before me this 30th day of March, 19 82.



Ret. Gov. Hedlund City
325 Main St. City

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record . . .

At 14 day of May A. D. 19 82 at 3:07 o'clock P M., and
duly recorded in Vol. M 82, of Deeds on Page 6007

Fee \$16.00

By Evelyn Biehn
EVELYN BIEHN, County Clerk