

KNOW ALL MEN BY THESE PRESENTS, Charles D. Whittemore and Bonnie J. Whittemore, hereinafter called the "GRANTORS", do hereby grant and convey to the CITY OF KLAMATH FALLS, OREGON, hereinafter called the "GRANTEE", its successors and assigns, an exclusive utility easement ten (10) feet in width over, under and across GRANTORS' property described as Lots 17, 18 and 19 of the Resubdivision of Block 23, Industrial Addition to the City of Klamath Falls. The easement for the purpose of laying, constructing, operating, maintaining, changing, relocating, removing and/or replacing a geothermal pipeline and necessary connections to GRANTORS' geothermal heating system to capture all of the geothermal discharge from said system, and all necessary or desirable appurtenances thereto, is described as follows:

A strip of land ten (10) feet wide, lying five (5) feet on each side of the following described centerline:

Beginning at a point on the northerly line of a 16 foot wide alley as shown on the Resubdivision Plat of Block 23 Industrial Addition to Klamath Falls, Oregon, said point being N89°18'00"E, 117.2 feet from a ½ inch iron pipe at the southeast corner of Lot 21 in Block 23 of said Resubdivision Plat; thence N00°42'00"W, 10.0 feet to the end of said 10 foot wide easement.

TOGETHER with the right of ingress to and egress from said easement upon and across the property covered by said easement, and such other property adjacent thereto and owned by the GRANTORS as is necessary to gain access to the property covered by said easement for the purpose of exercising any and all rights hereby granted. GRANTORS reserve and retain the right to use said easement in any manner and for any purpose which does not interfere with the proper exercise of the rights hereby granted to the GRANTEE, but GRANTORS agree not to build, maintain or construct nor to permit the building, maintenance or construction of any obstruction, building, engineering works or other structure on said easement.

IN CONSIDERATION for this easement, GRANTEE shall assume the responsibility of disposing of the captured geothermal water in a manner consistent with all applicable local, state and federal rules and regulations, and shall save and hold GRANTORS harmless from any claim or responsibility arising out of the use or disposal of said captured geothermal waters.

TO HAVE AND TO HOLD said easement unto said GRANTEE, its successors and assigns forever, and the GRANTORS hereby warrant that they are the owners in fee simple of said above-described property and have good right to grant and convey said easement therein.

IN WITNESS WHEREOF, GRANTORS, have hereunto set their hand this 1 day of May, 1990.

Charles D. Whittemore

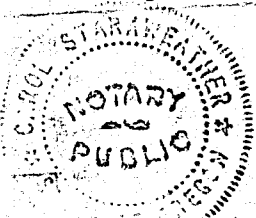
Charles D. Whittemore

Bonnie J. Whittemore

Bonnie J. Whittemore

STATE OF OREGON)
County of Klamath) ss.

Personally appeared the above named Charles D. and Bonnie J. Whittemore and acknowledged the foregoing instrument to be their voluntary act and deed.



BEFORE ME:

Carol Starkuracke
Notary Public for Oregon
My Commission Expires: 3-1-91

STATE OF OREGON: COUNTY OF KLAMATH: ss.

AFTER RECORDING, RETURN TO:
City Recorder
P.O. Box 237
Klamath Falls, OR 97601

Filed for record at request of City of Klamath Falls the 11th day of May, 19 90 at 1:49 o'clock PM., and duly recorded in Vol. M90 of Deeds on Page 9038.

FEE \$28.00

Evelyn Biehn County Clerk

By Douglas Nielsen

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