

RETURN TO:
PACIFIC POWER
PO BOX 728
KLAMATH FALLS, OR 97601

93 MAR 3 PM 2 31

GRANTOR: City of Klamath Falls

58191

ROADWAY EASEMENT

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For the consideration set forth below, the City of Klamath Falls, Oregon, a municipal corporation (Grantor) conveys to PacificCorp, an Oregon corporation (Grantee), a perpetual non-exclusive easement to use two (2) strips of land located as follows across the property of Grantor:

Parcel 1: A strip of land located in the vacated portion of Block 5, Westover Terraces, according to the official plat thereof on file in the records of Klamath County, Oregon; said strip of land being 12 feet wide, lying southeasterly of and contiguous with the vacation line through said Block 5, described in Klamath County Commissioners Journal Volume 15 at page 95 and recorded in Deed Volume 160 at page 251; said strip beginning at the easterly right-of-way line of Memorial Park Drive and running northeasterly to the south right-of-way line of Greenbriar Terrace.

Parcel 2: A parcel of land being a portion of vacated Lots 4, 5 and 6 of Block 2, Westover Terraces, according to the official plat thereof on file in the records of Klamath County, Oregon; said parcel being more particularly described as follows:

Beginning at the intersection of the north line of said Westover Terraces and the vacation line through Block 2, described in Klamath County Commissioners Journal Volume 15 at page 95, and recorded in Deed Volume 160 at page 251; thence South 89°23'15" East along the north line of said Westover Terraces to a point being 140 feet from the northwest corner of said Lot 6; thence South 63°48'06" West 155.16 feet to a point on the lot line common to Lot 7 and Lot 6 of said Block 2, said point being 70 feet from the northwest corner of Lot 6; thence North 00°38'00" West along the east line of Lot 7 to the south line of the unvacated portion of Lot 6 of said Block 2; thence northeasterly along the vacation line through said Block 2 to the point of beginning.

The terms of this easement are as follows:

1. Grantee, its employees, agents, independent contractors and invitees shall use the easement strips for road purposes only for access to Grantee's property and in conjunction with such use may construct, reconstruct, maintain and repair the road thereon.
2. Grantor reserves the right to use the road located on the easement strip for purposes of access from Memorial Park Drive to Grantor's property and, in addition, as consideration herefor, Grantor shall have the right to so use those portions of said roadway located upon Grantee's adjoining property. Said rights of use shall extend to Grantor's employees, agents, independent contractors and invitees. The parties shall cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the other's, however, in case of conflict Grantor's right of use shall be dominant.
3. Grantee agrees to indemnify and defend Grantor, its officers, agents and employees from any loss, claim or liability to Grantor arising in any manner out of Grantee's use of the easement strips. Grantee assumes all risk arising out of its use of the easement strip and Grantor shall have no liability to Grantee or others for any condition existing thereon.

4. This easement shall be perpetual, however, in the event that it is not used by Grantee for a period of 36 months, or if otherwise abandoned by Grantee, the easement shall automatically expire and Grantee shall upon request execute a recordable document evidencing such expiration.
5. This easement is granted subject to all prior easements or encumbrances of record.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the dates below written.

GRANTOR - CITY OF KLAMATH FALLS

By: James R. Keller

12-13-88

Date

Attest: Elisa D. Fritz

City Recorder

12-13-88

Date

STATE OF OREGON)

) ss

COUNTY OF KLAMATH)

Be it remembered that on this 13 day of December, 1988, personally appeared before me James R. Keller, City Manager, and Elisa D. Fritz, City Recorder, of the City of Klamath Falls, who are known to me to be the identical persons described in and who executed the above instrument, and who acknowledged to me that they executed the same freely and voluntarily as such officers on behalf of said municipal corporation by authority of its Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official notary seal this 13 day of December, 1988.

Brenda M. Lipe
NOTARY PUBLIC FOR OREGON
My commission expires: 1-13-91

GRANTEE - PACIFICORP

By: Dale D. Foresee

12-12-88

Date

Attest: _____

Date

STATE OF OREGON, County of Klamath) ss.
December 12, 1988.

PERSONALLY APPEARED THE ABOVE NAMED DALE D. FORESEE, KLAMATH DIVISION MANAGER FOR PACIFICORP, AND ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

BEFORE ME:

Elisa D. Fritz
NOTARY PUBLIC FOR OREGON
My Commission Expires: 5-18-89

STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Pacific Power
on this 3rd day of March A.D. 19 93
at 2:31 o'clock P.M. and duly recorded
in Vol. M93 of Deeds Page 4473
Evelyn Biehn
By Deputy County Clerk
Deputy.

Fee, \$15.00