

KNOW ALL MEN BY THESE PRESENTS, that KLAMATH COUNTY, Oregon, grantor, for the sum of ONE DOLLAR (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF KLAMATH FALLS, OREGON, grantee, a permanent non-exclusive easement for the purpose of installing, inspecting, repairing, maintaining, altering and operating City utility line(s) and all necessary appurtenances on, into, upon, over, across and under a strip of land described as follows:

A sixteen foot wide strip of land for the purpose of construction operation and maintenance of a buried water line in Section 34, T.18S. R.9E W.M., Klamath County, Oregon; more particularly described as the easterly 16.00 feet SE1/4NW1/4 of said Section 34 lying south of the southerly right-of-way line of Foothill Boulevard and the easterly 16.00 feet of the NE1/4SW1/4 of said Section 34 lying north of the northeasterly right-of-way line of the Klamath Falls - Malin Highway (East Side By-Pass); excepting therefrom said 16.00 foot easement any portion occupied by an existing pump house described as follows: commencing at an iron pin marking the intersection of the easterly line of said NE1/4SW1/4 of Section 34 and the northeasterly right-of-way line of the Klamath Falls - Malin Highway (East Side By-Pass) thence N00°18'40"E along the easterly line of said NE1/4SW1/4 69.82 feet; thence N89°41'20"W 9.10 feet to the southeast corner of said pump house; thence around said pump house N00°18'40"E 24.5 feet, N89°41'20"W 16.5 feet, S00°18'40"W 24.5 feet and S89°41'20"E 16.5 feet to the southeast corner of said purphouse.

together with the right of ingress and egress over grantor's adjoining lands for the purposes of this easement.

Grantor shall not erect any buildings within the easement area which would inhibit access to said City utility line(s) or cause damage to it. Grantor retains the right to utilize the easement area for roadways, driveways, parking lot and/or landscaping, provided trees which would interfere with the utility line(s) are not planted.

In use of this easement, City shall protect Grantor's adjacent geothermal return line from damage and shall promptly repair any injury to said line caused by City. In the event of damage to premises of the above-described parcel caused by the City, its successors and assigns, the party causing such damage shall repair same and place said premises in as good condition as they were immediately prior to such damage.

This document shall be binding upon all subsequent purchases of the above-described parcel, the City, and the heirs, successors and assigns, of both.

IN WITNESS WHEREOF, We have hereunto set our hands this 3rd day of August, 1994.

KLAMATH COUNTY BOARD OF COMMISSIONERS

Wes Sine, Chair

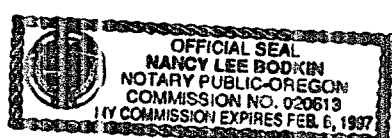
F. Jean Elzner, Commissioner

Ed Kentner, Commissioner  
STATE OF OREGON  
COUNTY OF KLAMATH

On the 3rd day of August, 1994, personally appeared Wes Sine & F. Jean Elzner who are the Commissioners of Klamath County an Oregon municipal corporation, and that the instrument was signed on behalf of said municipal corporation; and acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

Nancy Lee Hollin  
Notary Public for Oregon



STATE OF OREGON: COUNTY OF KLAMATH ss.

Filed for record at request of City of Klamath Falls the 26th day of Aug A.D., 19 94 at 1:35 o'clock P M., and duly recorded in Vol. M94 of Deeds on Page: 26774

Evelyn Biehn County Clerk

FEE \$10.00

By Darlene M. Henderson

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