

12-26-94 P03:39 RCVD

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EASEMENT

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KNOW ALL MEN BY THESE PRESENTS, that Melvin and Mary Lou Stewart, Grantors, as a donation with value of \$4,500.00, do hereby grant, bargain 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 in, into upon, over, across and under a strip of land described as follows:

Located in the NW¼ of Section 35, T.38S., R.9E., W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of that parcel of land described in Deed Volume 1430, Page 5490, Klamath County Deed Records, said corner being on the southerly right-of-way line of the Northwest Pipe Line as shown on Record of Survey No. 3126, from which point the NW corner of said Section 35 bears N88°17'30"W 957.55 feet; thence along said southerly right-of-way line N88°49'11"W 957.37 feet to the westerly line of said NW¼ Section 35; thence S00°16'00"W 67.16 feet; thence S89°55'45"E 6.68 feet; thence N45°04'16"E 70.80 feet; thence S88°49'11"E 882.61 feet; thence N49°26'34"E 24.03 feet to the point of beginning, containing 0.39 acres, more or less; together with an additional 10.00 foot wide easement for temporary use during waterline construction lying parallel to and contiguous with the southerly boundary of the above described easement;

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

Grantors shall not erect any buildings within the easement area which would inhibit access to said City utility line(s) or cause damage to it. Grantors retain 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.

The City, its successors or assigns, shall not be liable to Grantor(s) for damage to the above-described premises occurring incidental to the proper use of this easement. Provided, however, in the event of damage to premises outside of and adjacent to the above-described parcel(s) 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 or the above-described parcel(s), the City, and the heirs, successors and assigns, of both.

IN WITNESS WHEREOF, we have hereunto set our hands this 22ND day of DECEMBER, 1994.

Melvin Stewart
Melvin Stewart

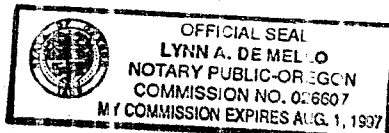
Mary Lou Stewart
Mary Lou Stewart

STATE OF OREGON }
County of Klamath } ss.

Personally appeared the above named Melvin and Mary Lou Stewart and acknowledged the foregoing instrument to be their act and deed.

Before Me:

Lynn A. DeMello
Notary Public for Oregon



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STATE OF OREGON: COUNTY OF KLAMATH

Filed for record at request of City of Klamath Falls SS.
of Dec A.D. 19 94 at 3:39 o'clock P.M., and duly recorded in Vol. M94
of Deeds on Page 39027
FEE \$15.00
By Lvelyn Biehn County Clerk
Quinn G. Henderson