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Vol. 1195 Page 11905

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

INDENTURE OF EASEMENT

THIS INDENTURE, made and entered into this 21st day of September, 1964, by and between Modoc Lumber Company, an Oregon Corporation, the City of Klamath Falls, Oregon, a municipal corporation (hereinafter called "the City"), witnesseth:

For and in consideration of the sum of One Dollar (\$1.00), in hand paid, receipt of which is hereby acknowledged, and other valuable considerations, Modoc has this day bargained and sold, and by these presents does grant, bargain, sell, convey, transfer and deliver unto the City a permanent easement and right of way, including the perpetual right to enter upon the real estate hereinafter described, for the construction, operation, maintenance and repair of a sewer system. It is the intent of the parties hereto that the City shall have the right, at any time that it may see fit, to go upon, over, across, through and under the property herein after described to construct, operate, maintain, repair or replace a sewer system, and to do any and all things which are necessary, useful or customary in connection therewith, together with the right to excavate and refill ditches and/or trenches for the location of pipe-lines, mains, manholes, valves, catchbasins and/or other equipment or installations necessary or convenient to the operation of a sewer system.

The easement and right of way hereby granted covers a parcel of land described as follows:

A parcel of land containing 0.15 acres situated in the SW $\frac{1}{4}$  of Section 33, T.38 S., R 9E., W.M., Klamath County, Oregon, and more particularly described as follows:

Beginning at an iron pipe on the westerly boundary of Section 33, T 38 S., R 9 E., W.M., from which the quarter-section corner common to Section 32 and 33 bears North 00°08' 30" East 1242.5 feet distant, said point of beginning being also on the southwesterly right of way line of the Southern Pacific Railroad; thence south 57° 32' 30" east along said Railroad right of way line 125.17 feet to an iron pipe; thence south 51° 04' east continuing along said right of way line 74.83 feet to an iron pipe on the northerly corner of that tract of land recorded in Volume 294, page 140, Deed Records of Klamath County, Oregon; thence south 21° 48' west 39.76 feet to a point; thence north 51° 04' west 191.72 feet to a point on the said westerly boundary of Section 33; thence north 6°08'30" east along said westerly boundary of Section 33, 30.64 feet, more or less, to the point of beginning; all situate in the City of Klamath Falls, Klamath County, Oregon.

The City shall have and hold said easement and right of way unto itself, and unto its successors and assigns forever.

Modoc hereby covenants with the City that it is lawfully seized and possessed of the real estate above described, and of its own property which surrounds or abutts said described property; that it has a good and lawful right to convey it, or any part thereof, that it is free from all encumbrances, and that it will forever warrant and defend the title thereto against the claims of all persons whomsoever.

The City, its successors and assigns, or any person, corporation or utility so authorized by it, shall have free ingress and egress in, from and over the property covered by said easement, and such other property adjacent thereto and owned by Modoc as is necessary to gain access to the property covered by said easement for the purpose of maintaining and repairing said sewer system and all parts thereof.

Modoc shall fully use and enjoy the aforesaid premises, except as to the rights herein granted. The City hereby agrees to hold and save Modoc harmless from any and all damage arising from its use of the easement herein granted and caused by the City's negligence.

Executed this 22nd day of September, 1964.

MODOC LUMBER COMPANY

By John F. Wozniak  
(title) V.P. Operations  
By Joe S. Miller  
(title) V.P.

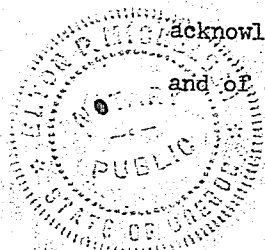
CITY OF KLAMATH FALLS, OREGON

By Robert E. Veatch  
Robert E. Veatch, Mayor

By Rosie Keller  
Rosie Keller, Recorder

STATE OF OREGON )  
 ) SS.  
 COUNTY OF KLAMATH )

On this 17 day of September, 1964, personally appeared before me  
J. D. Gilfillan, who, being duly sworn, did say that he is  
 the Vice-President of Modoc Lumber Company, and John F. Moehl,  
 who, being duly sworn, did say that he is the Vice-President of  
 Modoc Lumber Company, and that the seal affixed to the foregoing instrument is  
 the corporate seal of said corporation and that said instrument was signed and  
 sealed in behalf of said Company by authority of its board of  
 directors; and the said J. D. Gilfillan and John F. Moehl  
 acknowledged to me that said instrument is the voluntary act and deed of themselves  
 and of said Company.



Elton D. Trickett  
 Notary Public for Oregon  
 My Commission expires Aug. 19, 1968

STATE OF OREGON )  
 ) SS.  
 COUNTY OF KLAMATH )

On this 22nd day of September, 1964, personally appeared before me  
 Robert E. Veatch, who, being duly sworn, did say that he is the Mayor of the  
 City of Klamath Falls, and Rosie Keller, who, being duly sworn, did say that  
 she is the Recorder of the City of Klamath Falls, and that the seal affixed to  
 the foregoing instrument is the official seal of said City and that said instrument  
 was signed and sealed in behalf of said City by authority granted by the Common  
 Council of said City; and the said Robert E. Veatch and Rosie Keller acknowledged  
 to me that said instrument is the voluntary act and deed of themselves and of  
 said City.

Leola J. Trickett  
 Notary Public for Oregon  
 My Commission expires Sept 16, 1967

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 9th day  
 of May A.D., 19 95 at 9:28 o'clock A M., and duly recorded in Vol. M95,  
 of Deeds on Page 11905.

FEE \$20.00

Bernetha G. Letsch, County Clerk  
 By Dorlene Mullendore