

**GRANT OF EASEMENT**

This agreement, made January 5th, 1995 by and between Peach Tree, Ltd., an Oregon Limited Partnership, hereinafter referred to as Grantor and Merle West Medical Center, an Oregon Nonprofit Corporation, hereinafter referred to as Grantee.

Grantor, in consideration of the execution of a cross-easement agreement by Grantee Recorded in Volume M 916 page 922, Deed Records of Klamath County, and the prospective benefits to be derived by reason of the locating, establishing, constructing, and maintaining a certain drain across the property of grantor as described below, do hereby convey and release to Grantee an easement and right of way for a certain drain, more particularly designated and described below, over and across real property owned by Grantor and situated in the City of Klamath Falls, Klamath County Oregon, and more particularly described as follows:

**PARCEL IV.** A parcel of land situated in portions of vacated Blocks 2, 3, 6, 7, 9 and 10, ELDORADO ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, in the County of Klamath, State of Oregon, more particularly described as follows:

BEGINNING at a point being the intersection of the Southerly right of way line of Eldorado Boulevard and the Northwest right of way line of Sloan Street; thence South  $38^{\circ}16'30''$  West along said right of way line of Sloan Street, a distance of 576.60 feet to the South right of way line of Dahlia Street; thence North  $51^{\circ}42'30''$  West along said right of way line, a distance of 25.00 feet; thence South  $38^{\circ}16'30''$  West a distance of 100.0 feet, thence North  $51^{\circ}43'30''$  West a distance of 175.0 feet; thence North  $38^{\circ}16'30''$  East a distance of 668.38 feet, to a point on the Southerly right of way line of Eldorado Boulevard; thence Southeasterly along the arc of a  $8^{\circ}18'30''$  curve to the right, a distance of 200.77 feet to the point of beginning.

The right of way conveyed and released by this instrument is for the sole purpose of locating, establishing, constructing, and maintaining the above-described real property a certain drain:

The route and course of the drain is described as follows:

A 16.00 foot wide storm drainage easement located in the SE $\frac{1}{4}$  of Section 20. T.38S., R.9E., W.M., Klamath County, Oregon, more particularly described as follows:

Commencing at the intersection of the northwesterly right-of-way line of Sloan Street and the southwesterly right-of-way line of Dahlia Street; thence N $51^{\circ}42'50''$ W 29.31 feet; thence S $38^{\circ}16'30''$ W 100.00 feet; thence N $51^{\circ}42'50''$ W 132.47 feet to the True Point of Beginning for this easement description; thence

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(1/10/96)

Return: Boivin & Uerlings  
110 N. 6th St #209  
Klamath Falls, OR 97601

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N51°42'50"W 16.48 feet; thence N24°27'16"E 91.01 feet; thence N38°16'30"E 66.98 feet; thence S24°27'16"W 159.99 feet to the True Point of Beginning; bearings based on recorded Survey No. 4588

This conveyance is based upon the above-described line of route and shall be deemed to include the extreme width of the drain as shown in the survey thereof, a true and correct copy of which is attached to this instrument, marked Exhibit "A," and, by this reference, made a part of this instrument as fully and to the same effect as if set forth in this instrument in its entirety.

Grantor also grants and conveys to Grantee a right of way for the purpose of construction and maintenance of such drain; and it shall be deemed a sufficient conveyance to vest in Grantee an easement in such lands for the uses and purposes of drainage, together with such rights of entry upon, passage over, deposit of excavated earth, and storage of material and equipment on such area as may be necessary or useful for the construction, maintenance, cleaning out, and repair of such drain.

Grantor expressly releases Grantee from any and all claims for damages arising in any way or incident to the construction and maintenance of the drain across the above-described real property.

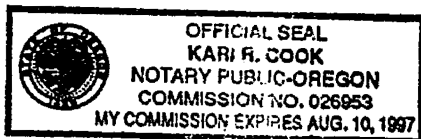
In witness whereof, we have caused this instrument to be executed at Klamath Falls, Oregon on the date indicated below.

PEACH TREE, LTD.

By: [Signature]  
Its: General Partner

STATE OF OREGON           )  
  ) ss.  
County of Klamath        )

I, a Notary Public of the County and State aforesaid, certify that William D. McCabe personally appeared before me this day and acknowledged that he is the General Partner of Peach Tree, Ltd., an Oregon Limited Partnership by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by William D. McCabe its General Partner. Witness my hand and official stamp or seal, this 5th day of January, 1996.



Kari R. Cook  
Notary Public of Oregon  
My commission expires: 8/10/97

