

23778

'96 AUG 26 A11:17

Vol. 1996 Page 26271 Job #: 52RB016
R/W Reference #: 96087085

EASEMENT

The Undersigned Grantor(s) Aqua Glass West, Inc., A Delaware Corporation, who took title as Aqua Glass Western Inc., a Delaware Corporation, for and in consideration of One Thousand Two Hundred and no/100 Dollars (\$1,200.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to US WEST Communications, Inc., a Colorado Corporation, (Grantee) whose address is 8021 SW Capitol Hill Rd., Portland, OR 97219, its successors, assigns, lessees, licensees and agents a perpetual easement to construct, reconstruct, operate, maintain and remove such telecommunications facilities as Grantee may require upon, over, under and across the following described land which the Grantor owns or in which the Grantor has any interest, to wit:

See Exhibit "A" attached hereto and incorporated by reference and made part of this document as though fully incorporated herein.

situated in County of Klamath, State of Oregon.

Grantee shall have the right of ingress and egress over and across the Land of the Grantor to and from the above-described property and the right to clear and keep cleared all trees and other obstructions. Grantee shall be responsible for all damage caused to Grantor arising from Grantee's exercise of the rights and privileges herein granted.

The Grantor reserves the right to occupy, use and cultivate said Easement for all purposes not inconsistent with, nor interfering with the rights herein granted.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

Any claim, controversy or dispute arising out of this Agreement shall be settled by arbitration in accordance with the applicable rules of the American Arbitration Association, and judgement upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The arbitration shall be conducted in the county where the property is located.

In witness whereof the undersigned has executed this instrument this 3rd day of May, 1996.

Witness:

BY:

George Knight, Plant Manager
AQUA GLASS WESTERN, INC.

(Individual Acknowledgement)

State of Oregon)

SS

County of Klamath)

On this day personally appeared before me known to me to be the individual who executed the foregoing instrument, and acknowledged that signed the same as a free and voluntary act and deed, for the uses and purposes herein mentioned.

Given under my hand and official seal this _____ day of _____, 1996.

Notary Public in and for the State of _____
Residing at _____
My Commission expires: _____

(Corporate Acknowledgement)

State of Oregon)

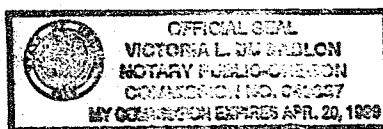
SS

County of Klamath)

On this day personally appeared before me George Knight who did say he is the Plant Manager of the Corporation that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and an oath stated that he was authorized to execute said instrument on behalf of the corporation.

Given under my hand and official seal this 3rd day of May, 1996.

Notary Public in and for the State of Oregon
Residing at Klamath Falls
Commission expires: April 20, 1999



RETURN TO GRANTEE AT:
US WEST COMMUNICATIONS INC.
RIGHT OF WAY DESK, RM 110
8021 SW CAPITOL HILL RD
PORTLAND, OR 97219

The westerly ten feet of the land described in that instrument recorded October 22, 1992 in Volume 90 Page 24730 in the Deed Records of Klamath County, which lies within 10 feet from the easterly right of way line of the Klamath County Road known as Washburn Way to wit:

A tract of land situated in the SW¼ of Section 15, and the NW¼ of Section 22, T. 39 S. R 9 E., W.M., Klamath County, Oregon, being more particularly described as follows:

Commencing at the NW corner of property described in Volume M77, pages 11674 and 11675, Microfilm Records of Klamath County, Oregon, thence Southerly, along the West line of said property and its prolongation, 1475 feet to the true point of beginning, thence Westerly, along a straight line that is perpendicular to the Southerly prolongation of said West line, to the Northeast line of the Southern Pacific Railroad right-of-way; thence Northwesterly, along said Northeast line, to its intersection with a straight line between two points, which first point is at right angles to and easterly 100 feet from the existing right-of-way centerline of Washburn Way at O.S.H.D. preliminary Engineer's Station 115.00, more or less, and the second point being at right angles to and easterly 150 feet from said existing right-of-way centerline at O.S.H.D. preliminary Engineer's Station 101 + 50 more or less, said straight line being the proposed East right-of-way line of Washburn Way, thence Northerly, along said proposed East right-of-way line, to said second point, thence Northerly, along the prolongation of said proposed east right-of-way line, to its intersection with the Westerly prolongation of a straight line between two points, which first point is at right angles to and Southerly 140 feet from the existing right-of-way centerline of the SouthSide ByPass at O.S.H.D. Engineer's Station 237 + 89.38 and the second point being at right angles to and Southerly 110 feet from said existing right-of-way centerline at O.S.H.D. Engineer's Station 245 + 00, said straight line being the proposed South right-of-way line of the Southside ByPass, thence Easterly, along said Westerly prolongation, to said first point; thence continuing Easterly, along said proposed South right-of-way line, to said second point; thence Easterly, on a straight line to a point that is Westerly 1 foot from the intersection of said straight line and the West right-of-way line of the U.S.B.R. 1-G-1 Drain Canal (formerly known as the R-D-2 Drain) as described in Volume 26, page 321 of the Klamath County Deed Records, the end point of said straight line being at right angles to and Southerly 90 feet from the existing centerline of the SouthSide ByPass at O.S.H.D. Engineers Station 255 + 00, said straight line being the proposed South right-of-way line of the SouthSide ByPass; thence Southeasterly, along a line that is parallel and concentric with and 1 foot Southwesterly of the Southwest right-of-way line of said 1-G-1 Drain, to the Southerly prolongation of the West line of property described in Volume M77 pages 11674 and 11675 of the Klamath County Microfilm Records; thence Southerly, along said Southerly prolongation to the true point of beginning.

And as shown on Exhibit "B"

RETURN TO GRANTEE AT:
US WEST COMMUNICATIONS INC
RIGHT OF WAY DESK, RM 110
8021 SW CAPITOL HILL RD
PORTLAND, OR 97219

26273
9608708\$

SEE MAP

SEE MAP

39 09 15CB

39 09 15CA

North

Section 15

Section 22

175

EFU-C

RETURN TO GRANTEE AT:
US WEST COMMUNICATIONS INC
RIGHT OF WAY DESK, RM 110
6021 SW CAPITOL HILL RD
PORTLAND, OR 97218

[illegible]

Filed for record at request of US West the 26th day
of August A.D., 19 96 at 11:17 o'clock A.M., and duly recorded in Vol. M96,
of Deeds on Page 26271

Bernetha G Letsch, County Clerk
By Cheryl Russell

MOBILE
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