

EASEMENT

The STATE OF OREGON, acting by and through the STATE BOARD OF HIGHER EDUCATION on behalf of the OREGON INSTITUTE OF TECHNOLOGY, GRANTOR, does hereby grant unto the CITY OF KLAMATH FALLS, an Oregon Municipal Corporation, GRANTEE, an easement for the relocation, reconstruction, operation, maintenance, repair, alteration, inspection, replacement and removal of a city water line as GRANTEE may require upon, over, across, under and through the following described property in Klamath County, State of Oregon:

A parcel of land as located in the SE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 20, Township 38 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at the Northeast corner of Section 20, T.38S, R.9E, W.M., thence S 00°31'00" W 1326.86 feet; thence N 89°47'00" W 755.60 feet; thence S 00°45'30" W 400.00 feet to a corner of Oregon Institute of Technology property marked by a copper disc set in concrete and the True Point of Beginning for this easement description; thence N 89°47'00" W 443.00 feet along the southerly line of said Oregon Institute of Technology Property; thence N 00°01'43" E 7.92 feet; thence S 89°58'17" E 443.11 feet; thence S 00°45'30" W 9.38 feet to the True Point of Beginning; bearings based on Record of Survey No. 708.

The GRANTOR herein acknowledges that any and all equipment or replacement thereof, installed in or upon said real property by said GRANTEE, shall remain the sole property of said GRANTEE and may be removed from said real property at any time at the discretion of the City of Klamath Falls.

The GRANTEE and its joint users shall at all times have the rights and privileges therein necessary for the full enjoyment and use thereof for the purpose above described, including the right of ingress and egress across the real property of the GRANTOR over the most convenient and practical route.

It is understood that the GRANTEE shall, upon every occasion that such water line is constructed, reconstructed, maintained, replaced, or removed, provide GRANTOR reasonable notice and restore the premises of the GRANTOR, and any buildings or improvements disturbed by GRANTEE, as near as practicable.

GRANTOR shall have the right to use the land subject to the above-described easement for all purposes not inconsistent with the uses and purposes of the easement, provided that GRANTOR shall not build or erect any structure upon said right-of-way without the prior written consent of GRANTEE.

GRANTEE agrees to indemnify and hold harmless GRANTOR and the members, officers, employees and agents of the Oregon State Board of Higher Education against any and all damages, claims, demands, actions, causes of action, costs and expenses of any kind or nature arising from the activities of GRANTEE, its agents or employees in connection with the use of this easement.

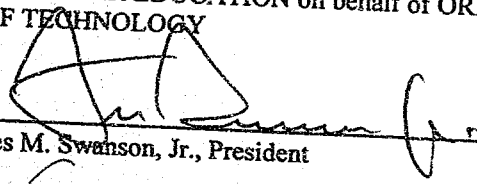
All rights hereunder shall cease if and when said easement area ceases to be used for water line purposes.

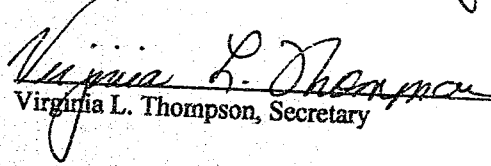
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This easement is granted subject to all prior easements or encumbrances of record on the above described property.

DATED this 21 day of JUNE, 1996.

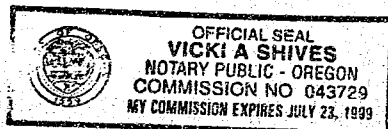
STATE OF OREGON, acting by and through the STATE BOARD
OF HIGHER EDUCATION on behalf of OREGON INSTITUTE
OF TECHNOLOGY

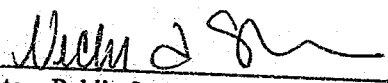

Les M. Swanson, Jr., President


Virginia L. Thompson, Secretary

STATE OF OREGON)
COUNTY OF Jackson) ss.

This instrument was acknowledged before me on this 21st day of June, 1996, by Les M. Swanson, Jr., as president of the Oregon State Board of Higher Education.

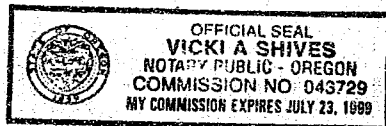



Notary Public for Oregon

My Commission Expires: 7-23-99

STATE OF OREGON)
COUNTY OF Lane) ss.

This instrument was acknowledged before me on this 24th day of June, 1996, by Virginia L. Thompson, as secretary of the Oregon State Board of Higher Education.




Notary Public for Oregon

My Commission Expires: 7-23-99

APPROVED AS TO LEGAL SUFFICIENCY

[Signature]
Assistant Attorney General
Department of Justice
State of Oregon

6/12/96
Date

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 18th day
of September A.D., 19 96 at 3:42 o'clock P M., and duly recorded in Vol. M96,
of Deeds on Page 29650.

FEE \$20.00

Bernetha G. Letsch County Clerk

By *[Signature]*