

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that JENNIE BELCASTRO, OWNER and DONNA RADFORD, TRUSTEE FOR THE ELMER BELCASTRO ESTATE TRUST, Grantors, in consideration of the sum of ONE DOLLAR (\$1.00) and receipt of which is hereby acknowledged, do hereby grant, bargain, sell 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 a City overflow drain and all necessary appurtenances in, into, upon, over, across and under a strip of land described as follows:

A parcel of land located in the NE¼NE¼ of Section 34, T.38S., R.9E., W.M., Klamath County, Oregon, for the purpose of construction, operation and maintenance of an underground water drainline and appurtenances, said parcel being more particularly described as follows:

Beginning at a point on the west line of the NE¼NE¼ of Section 34, T.38S., R.9E., W.M., from which the Northwest corner of said NE¼NE¼ bears N00°46'00"E 660.15 feet; thence N45°06'32"E 28.23 feet; thence S89°06'40"E 16.51 feet; thence South 16.00 feet to a point on the northline of Parcel 1 of Major Land Partition 79-40; thence along said north line N89°06'40"W 10.00 feet to the Northwest corner of said Parcel 1; thence S45°06'32"@ 37.85 feet to a point on the west line of said NE¼NE¼ of Section 34; thence N00°46'00"E 22.89 feet to the point beginning.

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

Grantors shall not erect any structures, nor plant any trees or shrubs, within the easement area which would inhibit access to said City overflow drain or cause damage to it.

The City, its successors or assigns, shall not be liable to Grantors 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.

IT WITNESS WHEREOF, I have hereunto set My hand this 8 day of November, 1996.

Jennie Belcastro

Donna Radford

STATE OF OREGON } ss.
County of Klamath

Personally appeared the above named Jennie Belcastro, Owner, and Donna Radford, Trustee for the Elmer Belcastro Estate Trust and acknowledged the foregoing instrument to be their voluntary act and deed.

STATE OF OREGON, ss.
County of Klamath

Before Me:

Jill M. O'Neil
Notary Public for Oregon

Filed for record at request of:

City Recorder

on this 20th day of November A.D., 19 96
at 2:00 o'clock P. M. and duly recorded
in Vol. M96 of Deeds Page 36550

Bernetha G. Letsch, County Clerk

By Kathleen Ross

Deputy.

Fee, \$10.00 Return: City Recorder
P.O. Box 237 KFO 97601

