

32004

INDEX PAGE FOR DOCUMENT RECORDING  
PLACE RECORDING STAMP/SEAL  
IN SPACE PROVIDED AT RIGHT.

Vol. 1117 Page 2655

97 JAN 29 P3:00

After recording return to:  
U S WEST Communications  
Right of Way Desk, Room 110  
8021 SW Capitol Hill Road  
Portland, OR 97219

\* Does NOT convey real estate  
fee title (ORS 205.234, d, e)

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EASEMENT \*DOCUMENT REFERENCE NUMBER: 96276088GRANTOR NAME(S): BETTENDORF ENTERPRISES INC

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Additional names on page 2 of document

## GRANTEE:

U S WEST COMMUNICATIONS  
8021 SW CAPITOL HILL ROAD  
PORTLAND, OR 97219

## ABBREVIATED LEGAL DESCRIPTION:

(lot, block, plat name, section, township, range)

SEC 22, T39S, R.9E W.MComplete legal description is on page 3

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER(S):

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(State Of Washington Requirement)Page 1 of 4 pagescb  
25-

The Undersigned Grantor(s) for and in consideration of EIGHT HUNDRED NINETEEN and 35/100

Dollars (\$ 819.35 RB ) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to U S 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:

As shown on Exhibits "A" and "B" attached hereto and by this reference made a part hereof.

Accepted by [Signature]  
Manager Right-of-Way Operations

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 judgment 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 6<sup>th</sup> day of Sept, 19 96.

Witness: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: BETTENDORF ENTERPRISES, INC.

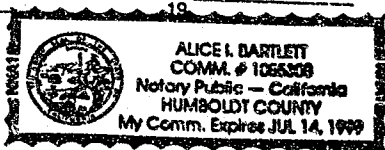
RB  
RB  
Ron Borges  
Ron Borges - Secretary

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

(Individual Acknowledgement)  
State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss  
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 \_\_\_\_\_ free and voluntary act and deed, for the uses and purposes herein mentioned.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_



Notary Public in and for the State of \_\_\_\_\_  
residing at \_\_\_\_\_

(Corporate Acknowledgement)  
State of California }  
County of Humboldt } ss  
On this day personally appeared before me \_\_\_\_\_

Ron Borges, Secretary  
Bettendorf Enterprises, Inc.  
who did say he is the Secretary

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 \_\_\_\_\_ was/were authorized to execute said instrument on behalf of the corporation. Given under my hand and official seal this \_\_\_\_\_ day of September, 19 96.

Alice I. Bartlett  
Notary Public in and for the State of California  
residing at Arcata, CA

# EXHIBIT "A"

2657

96276086

## SECTION 22, TOWNSHIP 39 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN (3909-22-300,400)

An easement area 10 feet wide, with the West line of the easement being the East line of and following the East line of the 100 foot wide Washburn Way, on, over and across the Easterly 10 feet of the Westerly 30 feet of the following two parcels:

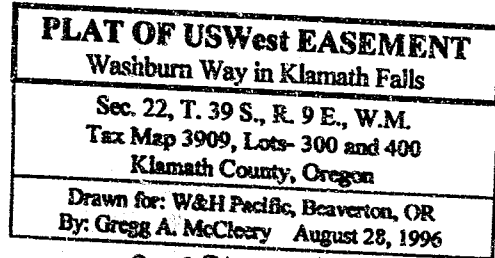
### Parcel 1:

A parcel of land situated in the NW 1/4 NW 1/4 of said Section 22, described as beginning at a cased monument marking the Southwest corner of said NW 1/4 NW 1/4 of Section 22, said monument being the intersection of the centerlines of Washburn Way and Joe Wright Road; thence North 0° 14' East along the centerline of Washburn Way a distance of 415.5 feet to a point; thence South 89° 25' East a distance of 30.0 feet to a 5/8" iron pin marking the true point of beginning of this description; thence continuing South 89° 25' East a distance of 291.55 feet to the Southwesterly right of way line of the Modoc Northern Railroad; thence North 33° 33' 30" West along said right of way line a distance of 524.15 feet to a point on the East line of Washburn Way; thence South 0° 14' West along said East line a distance of 433.85 feet, more or less to the true point of beginning.

### Parcel 2:

A parcel of land situated in the NW 1/4 NW 1/4 said Section 22 described as beginning at an iron pin on the Easterly right of way line of Washburn Way as the same is presently located and constructed, from which point the monument marking the Northwest corner of said Section 22 bears North 89° 25' West 30.0 feet and North 0° 14' East 921.6 feet distant; thence South 0° 14' West along said Easterly right of way line 385.5 feet to its intersection with the Northerly right of way line of Joe Wright Road as the same is presently located and constructed; thence South 89° 25' East along said Northerly right of way line 550.55 feet to its intersection with the Southwesterly right of way line of the Modoc Northern Railroad as the same is presently located and constructed; thence North 33° 33' 30" West along said Southwesterly railroad right of way line 465.75 feet to an iron pin; thence North 89° 25' West 291.55 feet to the point of beginning.

EXCEPTING THEREFROM a tract of land located in the NW 1/4 NW 1/4 said Section 22 described as Commencing at the North 1/16 corner common the Section 21 and 22 thence North 00° 33' 20" East along the centerline of Washburn Way, 30.00 feet; thence South 89° 09' 55" East 30.00 feet to the intersection of the East boundary of Washburn Way with the North boundary of Joe Wright Road for the true point of beginning of this description; thence South 89° 09' 55" East, along the North boundary of Joe Wright Road, 25.00 feet; thence North 44° 18' 10" West, 35.44 feet to the East boundary of Washburn Way, thence South 00° 33' 20" West, along the East boundary of Washburn Way, 25.00 feet to the true point of beginning, containing 312 square feet, more or less; the basis of bearings for this description is Survey No. 2604 on file in the office of the Klamath County Surveyor.



Deputy