

36756

PLACE RECORDING SYMBOL IN SPACE PROVIDED AT RIGHT.

Vol. 797 Page 12002

97 APR 28 P2:37

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)

EASEMENT *DOCUMENT REFERENCE NUMBER: 97041035

GRANTOR NAME(S): _____

CITY OF KLAMATH FALLSAdditional 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. 9 E W.M.Complete legal description is on page 2

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

N/A

(State Of Washington Requirement)

Page 1 of 3 pages

20-

EASEMENT

Accepted by
Manager Right-of-Way Operations

The City of Klamath Falls, Oregon, (Grantor) for and in consideration of TEN and no/100) Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does 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 (not to exceed 28' in height) 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:

Section 22, Township 39 South, Range 9 East, Willamette Meridian

A rectangular parcel 20' North and South by 30' East and West in the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 22, at the corner of Joe Wright Road and Fairchild Avenue, as depicted on the attached Exhibit "A", attached hereto and by this reference made a part hereof. 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. Grantee shall be responsible for all damage caused to Grantor arising from Grantee's exercise of the rights and privileges herein granted.

Grantee's facilities and the use of the easement shall at all times comply with the City's land use code, Airport Standards, operating rules and Master Plan, applicable FAA regulations and shall be subject to such rights as the federal government may have in the premises if any. The facilities shall serve and benefit the airport and its tenants and grantee shall be responsible for any taxes levied on the facilities.

Grantee's facilities shall not exceed 28' in height without prior written consent of Grantor. Further, Grantee's facilities on the site shall benefit and serve telecommunication needs of the Airport and the Airport tenants.

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.

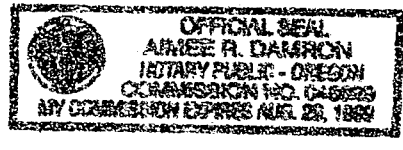
Any claim, controversy or dispute arising out of this Agreement shall be settled by arbitration in accordance with the applicable rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The arbitration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

In witness whereof the undersigned has executed this instrument this 7th day of January, 19 97

By: Todd Kellstrom
Mayor
Attest: Elisa D. Fritz
City Recorder

STATE OF OREGON }
County of Klamath } ss.
City of Klamath Falls }

On this day personally appeared before me Todd Kellstrom and Elisa D. Fritz, who, being sworn, stated that they are the Mayor and City Recorder of the City of Klamath Falls, a municipal corporation, and that this instrument was voluntarily signed on behalf of said municipal corporation.

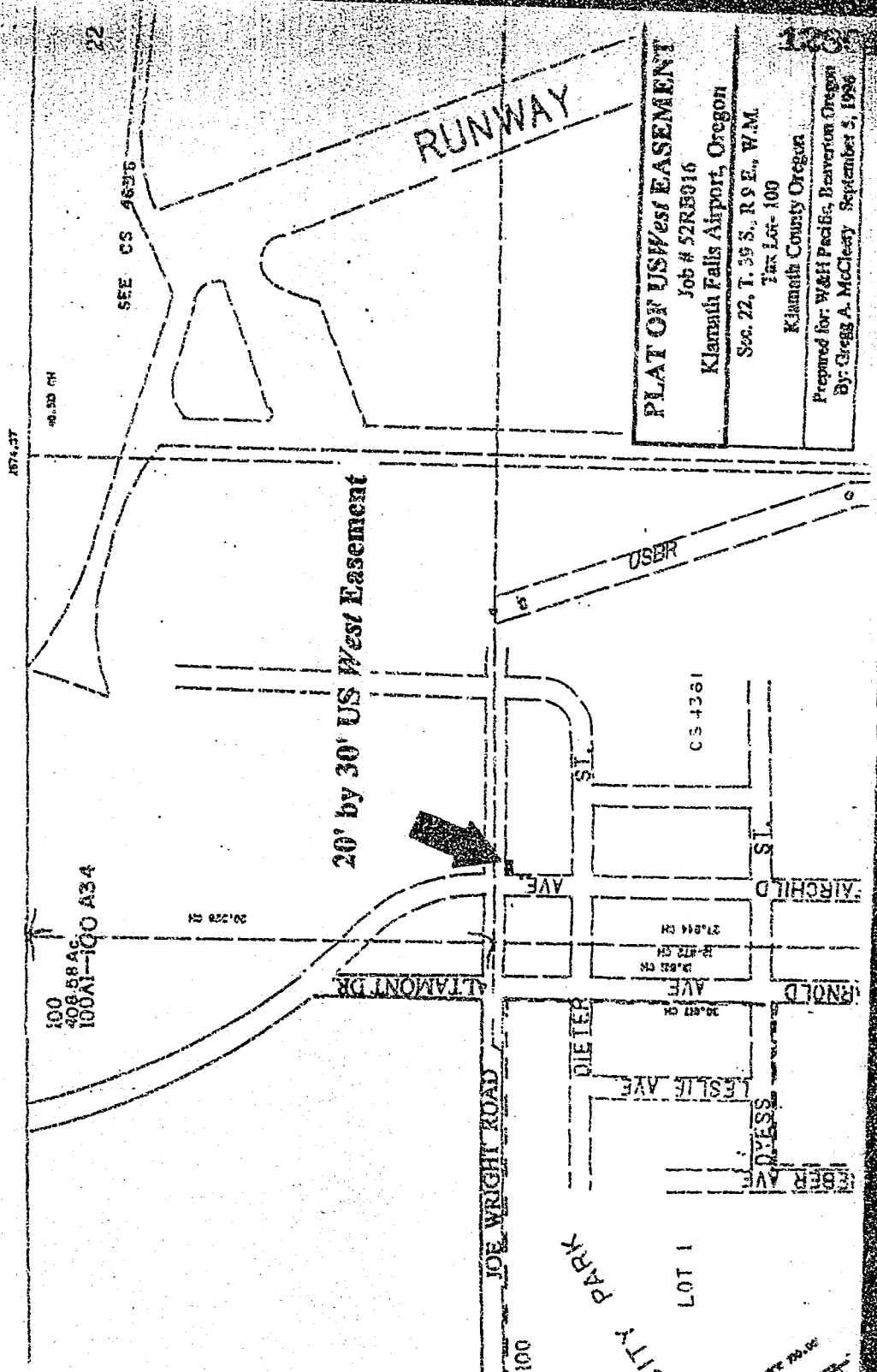


Aimee R. Damon
Notary Public for Oregon
My Commission expires: Aug 29, 1999

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

RETURN TO GRANTEE AT:
US WEST COMMUNICATIONS INC.
RIGHT OF WAY DESK, RM 110
6021 SW CAPITOL HILL RD
PORTLAND, OR 97219

EXHIBIT "A"
97041034



PLAT OF US West EASEMENT
Job # 52RE016
Klamath Falls Airport, Oregon
Sec. 22, T. 39 S., R. 9 E., W. 4 M.
7th Lot- 100
Klamath County Oregon
Prepared for W&H Pacific, Beaverton Oregon
By: Gregg A. McCleary September 5, 1996

STATE OF OREGON : COUNTY OF KLAMATH: ss.
Filed for record at request of U.S. West the 28th day
of April A.D., 19 97 at 2:37 o'clock P.M., and duly recorded in Vol. M97
of Deeds on Page 12802
FEE \$20.00
by Bernetha G. Letsch, County Clerk
Kettner