

54400

MTC 1396-8931  
EASEMENT AGREEMENT

mte 1396

Vol. 1498 Page

7690

KNOW ALL MEN BY THESE PRESENTS, that JENSEN & HOM LIMITED LIABILITY COMPANY, AN OREGON

Grantor(s), in consideration of the sum of no Dollars LIMITED (\$ -0-), receipt of which is hereby acknowledged, does hereby grant, bargain, sell and LIABILITY convey to the ENTERPRISE IRRIGATION DISTRICT, Grantee, a permanent non-exclusive easement COMPANY for the purpose of installing, inspecting, repairing, maintaining, altering and operating irrigation and/or drainage ditches or pipelines and all necessary appurtenances in, into, upon, over, across and under a strip of land described as follows:

A 30' easement 160' in length along the north property line of 3909-1DD-1300 beginning at the NW corner of the above described parcel. East 160' to east property boundary. (Portion of Lot 17 of Piedmont Heights) (see attached map).

together with all rights of ingress and egress to and from said land (including the right from time to time, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the Grantee's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

The Grantee agrees to save and hold the Grantor(s) harmless from any and all claims of third parties arising from the Grantee's use of the rights herein granted.

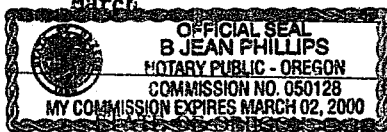
Grantor(s) shall not erect any buildings within the easement area. Grantor(s) retain(s) the right to utilize the easement area in such manner as not to interfere with the rights herein granted for roadways, driveways, parking lot and/or landscaping, except that trees may not be planted thereon and any fences shall be constructed with gates of sufficient size to provide ready access by Grantee's equipment.

Maintenance of the easement herein granted and costs of repair of the easement, if damaged by natural disasters or other events for which all holders of an interest in the easement are blameless, shall be the responsibility of the Grantee. Should either party cause damage to the easement because of negligence or abnormal use, said party shall be responsible for the cost of repair of said damage as their sole expense, which damage shall be repaired by Grantee.

The Grantee, its successors or assigns, shall not be liable to Grantor(s) 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 Grantee, its successors and assigns, the party causing such damage shall repair the same and place said premises in as good a condition as they were immediately prior to such damage.

This document shall be binding upon all subsequent purchasers of the above-described parcel(s), the irrigation district, and the heirs, successors and assigns of both.

IN WITNESS WHEREOF, I/we have hereunto set our hands this 6th day of March, 1998.



Jensen & Hom Limited Liability Company

By- Philip L. Jensen  
Philip L. Jensen, Managing Partner

of Klamath ) ss.

Personally appeared the above-named Philip L. Jensen as Managing Partner and Don and acknowledged the foregoing instrument to be their voluntary act and deed. Russell as Manager of Enterprise Irrigation Dist.

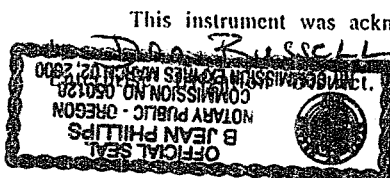
Dated this 9th day of March, 1998.

NOTARY PUBLIC FOR OREGON

Enterprise Irrigation District

By Don Russell

STATE OF OREGON, County of Klamath ) ss.



This instrument was acknowledged before me on 3-6-98 as manager of Enterprise Irrigation District

NOTARY PUBLIC FOR OREGON

STATE OF OREGON: COUNTY OF KLAMATH: ss.

AMERITILE, has recorded this instrument by request as an accommodation only, and has not verified it for regularity and sufficiency or as to its effect upon this title to any real property. It may be distinguished therefrom.

BBB  
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SW COR.  
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By Kathleen Rose Bernetha G. Letsch, County Clerk