

KNOW ALL MEN BY THESE PRESENTS, that Melvin L. and Mary Lou Stewart Grantors, in consideration of System Development Charge Credits, referred to in the attached exhibit A, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF KLAMATH FALLS, OREGON (City), a permanent non-exclusive easement for the purpose of installing, inspecting, repairing, maintaining, altering and operating City underground utility power line(s) and all necessary appurtenances in, into and under a strip of land described as follows:

A strip of land being 10 feet wide and situated in the West half, Northwest quarter, of Section 36, Township 38 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, said strip being five feet each side of the following described line:

Commencing at the Center-West 1/16 Corner of Said Section 36, as shown on Major Land Partition 22-91, recorded in the office of the Klamath County Clerk; thence S.89°58'32"W., 5.00 feet; thence NORTH along a line parallel with the property line described by Quit Claim Deeds recorded in Deed Volume M91, Pages 10148 to 10151, and being shown on said Major Land Partition 22-91, to its intersection with the northeast right-of-way line of Foothills Boulevard, said intersection being the true point of beginning; thence continuing NORTH along said parallel line to its intersection with the south line of a tract of land which is the City Water Tank Site as shown on said Major Land Partition 22-91 and as described in Deed Volume M85, Page 20984. The side lines of said strip to be shortened or lengthened to terminate on the beginning and ending lines as described;

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

Grantors shall not erect any buildings within the easement area which would inhibit access to said City utility line(s) or cause damage to it. Grantors retain the right to utilize the easement area for roadways, driveways, parking lot and/or landscaping, except for trees which would interfere with the utility line(s).

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 parcels 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.

IN WITNESS WHEREOF, we have hereunto set our hands this 10 day of JUNE, 1998.

Melvin L. Stewart  
Melvin L. Stewart

Mary Lou Stewart  
Mary Lou Stewart

STATE OF OREGON )  
County of Klamath ) ss.

Personally appeared the above named Melvin L. Stewart and Mary Lou Stewart and acknowledged the foregoing instrument to be their voluntary act and deed.

Before Me:

Karen A. Baker  
Notary Public for Oregon

AFTER RECORDING RETURN TO:  
City Recorder  
P. O. Box 237  
Klamath Falls, OR 97601



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## EXHIBIT A

SYSTEM DEVELOPMENT  
CHARGE CREDIT

FOR AND IN CONSIDERATION of the utility easement herewith transferred by Melvin L. and Mary Lou Stewart, Grantees, to the City of Klamath Falls over Grantees' lands, the City of Klamath Falls hereby grants onto Grantees City Water and Sewer System Development Charge Credits sufficient for one four-plex (not to exceed \$6,000). Grantees may utilize said credit at any time by presenting this document to the City's Public Works Director. Provided, however, connection to the City water and sewer systems shall be otherwise subject to all applicable City rules and regulations pertaining to such system connections as may be in effect at the time connection is made.

DATED this 11 day of June, 1998.

CITY OF KLAMATH FALLS

By: James R. Keller

ATTEST:

Shirley Kappas

NOTE: Upon presentation of this credit, the City Water Department shall make appropriate reimbursements to the Water and Sewer System Development Charge accounts.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 29th day  
of June A.D., 19 98 at 3:15 o'clock P. M., and duly recorded in Vol. M98  
of Deeds on Page 22840

FEE \$15.00

Bernetha G. Leisch, County Clerk  
By Kathleen Ross