

C99-44

PERMANENT PUBLIC UTILITY EASEMENT

The undersigned, OZ INVESTMENT, L.L.C., an Oregon Limited Liability Company, (Grantor(s)) do hereby grant to: PacifiCorp, an Oregon corporation; and Avista Utilities, a division of Avista Corporation, a Washington corporation; and US WEST Inc., a Colorado corporation; and Falcon Cable Systems Company I.L.P., an Oregon Limited Partnership, their successors and assigns, (Grantee(s)) a permanent right-of-way and exclusive easement to construct, reconstruct, operate and maintain utilities, including electrical, gas, telephone and cable, and all necessary related facilities under and along the following described premises:

See "Exhibits A, B, C, & D", for the legal description and maps defining the Permanent Public Utility Easement, which are incorporated herein by reference.

TO HAVE AND TO HOLD said easement and right-of-way unto said Grantee(s), its successors and assigns.

The permanent right-of-way or easement shall include the right, privilege, and authority of Grantee(s) to excavate for, and to construct, install, lay, operate, maintain and remove underground conduits, pipelines and/or cables with all appurtenances incident thereto or necessary thereafter, for the purpose of supplying public utility service under and across the said premises, together with the right of Grantee(s) to place, install, maintain, inspect, add to the number of and relocate conduits, pipelines and/or cables and necessary appurtenances and make excavations therefore from time to time, in, under and through the above described premises within said right-of-way, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said conduits, pipelines and/or cables or appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for the purpose of patrolling the conduits, pipelines and/or cables, or repairing, renewing or adding to the number of conduits, pipelines and/or cables and appurtenances and for doing anything necessary, useful or convenient for the enjoyment of the easement hereby granted. Upon the final acceptance of the installed system by the Grantee(s), the Grantee(s) shall be responsible for all further restorations of the premises if at any time the Grantee(s) causes the utilities to be repaired or maintained. No structures or improvements, other than those commonly found in shopping center parking lots and landscaping islands, shall be placed or constructed on the easement, including parallel fences, by the Grantor or the Grantor's heirs, assigns or successors in interest. However, in no event will Grantor place trees in front of a transformer or switch cabinets. The Grantee(s), upon each and every occasion that the same be repaired, maintained or removed shall reasonably restore the premise of the Grantor, by removing all debris and leaving the ground surface in a neat and presentable condition. Except in the event of an emergency, a minimum of Fourteen (14) Days prior written notice shall be given to Grantor prior to any excavation within the easement. Grass and topsoil shall be restored as near as possible to as good a condition as the same were prior to any repair or maintenance ("Restoration") by the Grantee(s), however this "Restoration" standard will not apply to PacifiCorp.

Consideration for this grant consists wholly of value other than money.

Signed this 27th day of April, 1999.

Grantor: OZ INVESTMENT, L.L.C.

Steve J. Oliva,

Member

Mark S. Zimel,

Member

After recording return to: OZ INVESTMENT
Attn: Mr. Mark Zimel
P.O. Box 230834
Portland, Oregon 97223

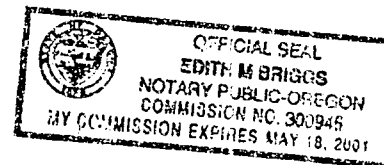
16015

STATE OF OREGON)
County of *Washington*) ss.

Personally appeared the above named Steven J. Oliva and Mark S. Zimel, Members of OZ INVESTMENT, L.L.C. And acknowledged the foregoing instrument to be a voluntary act and deed

NOTARY PUBLIC FOR OREGON

Edith M. Briggs
My Commission Expires *May 18, 2001*



Owner
Dennis A. Ensor, L.S. W.R.E.

EXHIBIT "A"

16016

TRUSURVEYING, INC. LINE

TELEPHONE (541) 884-3601
2333 SUMMERS LANE • KLAMATH FALLS, OREGON 97603

NOVEMBER 2, 1998

LEGAL DESCRIPTION
OF
PUBLIC UTILITY EASEMENT

FOR EXHIBIT "B"

A PARCEL OF LAND SITUATED IN LOTS 10 THROUGH 15 OF "TRACT 1276", BEING IN THE SE1/4 NE1/4 OF SECTION 9, T39S, R9EWN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 15; THENCE N00°02'00"W 465.16 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE N89°58'00"E, ALONG THE NORTH LINE OF SAID LOT 10, 10.00 FEET; THENCE S00°02'00"E 47.50 FEET; THENCE N89°58'00"E 5.00 FEET; THENCE S00°02'00"E 17.50 FEET; THENCE S89°58'00"W 6.00 FEET; THENCE S00°02'00"E 400.16 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 15; THENCE S89°58'00"W 10.00 FEET TO THE POINT OF BEGINNING.

Dennis A. Ensor
DENNIS A. ENSOR O.L.S. 2442

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dennis A. Ensor
OREGON
JULY 25, 1990
DENNIS A. ENSOR
2442

EXPIRES 12-31-99

16017

SCALE
1" = 50'

TRUSURVEYING INC. LINE
2333 Summers Lane
Klamath Falls, OR 97603

Owner
Dennis A. Ensor, L.S. W.R.E.

EXHIBIT "C"

16018

TRU SURVEYING, INC. LINE

TELEPHONE (541) 864-3591
2332 SUMMERS LANE • KLAMATH FALLS, OREGON 97603

MARCH 15, 1999

LEGAL DESCRIPTION
OF
PUBLIC UTILITY EASEMENT
FOR EXHIBIT "D"

A PARCEL OF LAND SITUATED IN LOT 4 OF "TRACT 1249" AND LOTS 9 AND 10 OF "TRACT 1276", BEING IN THE NE1/4 OF SECTION 9, T39S, R9EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST CORNER COMMON TO SAID LOTS 4 AND 10; THENCE S00°02'00"E, ALONG THE EAST LINE OF SAID LOT 10, 8.00 FEET; THENCE S89°58'00"W, PARALLEL TO THE LINE COMMON TO SAID LOTS 4, 9, & 10, 259.00 FEET; THENCE N00°02'00"W 23.00 FEET; THENCE N89°58'00"E 20.00 FEET; THENCE S00°02'00"E 13.00 FEET TO A POINT 2.00 FEET NORTH OF THE LINE COMMON TO SAID LOTS 4, 9, & 10; THENCE N89°58'00"E PARALLEL TO THE LINE COMMON TO SAID LOTS 4, 9, & 10, 69.50 FEET; THENCE N00°02'00"W 34.64 FEET; THENCE N89°58'00"E 11.00 FEET; THENCE S00°02'00"E 34.64 FEET TO A POINT 2.00 FEET NORTH OF THE LOT LINE COMMON TO SAID LOTS 4, 9, & 10; THENCE N89°58'00"E, PARALLEL TO THE LOT LINE COMMON TO SAID LOTS 4, 9, & 10, 149.50 FEET; THENCE N44°58'00"E 11.31 FEET; THENCE N00°02'00"W 30.00 FEET; THENCE N89°58'00"E 10.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 4; THENCE S00°02'00"E 40.00 FEET TO THE POINT OF BEGINNING.

Dennis A. Ensor
DENNIS A. ENSOR O.L.S. 2442

REGISTERED
PROFESSIONAL
LAND SURVEYOR

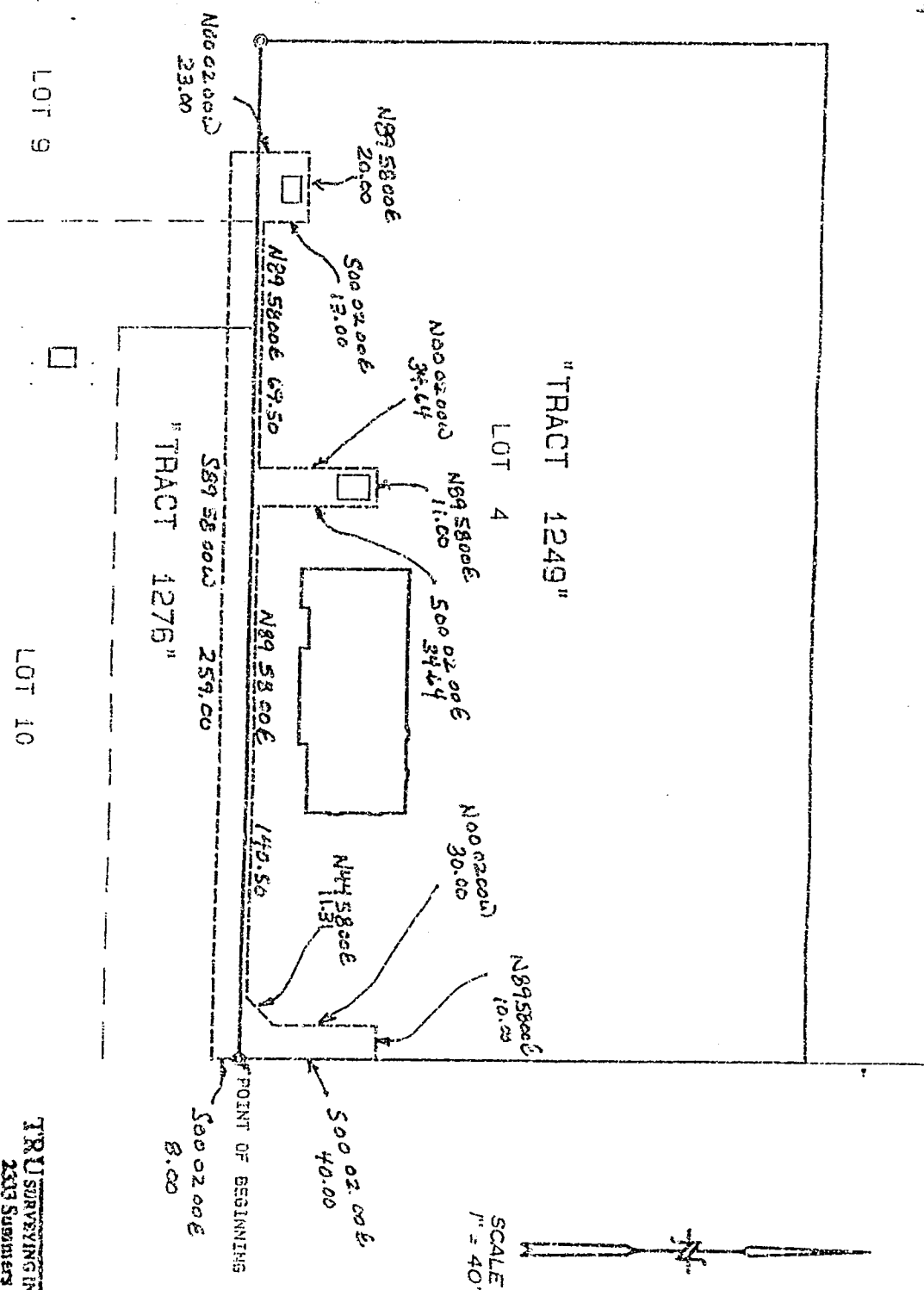
Dennis A. Ensor

OREGON
JULY 25, 1990
DENNIS A. ENSOR
2442

EXPIRES 12-31-99

MAP TO ACCOMPANY LEGAL DESCRIPTION

ON EXHIBIT "C"



TRU SURVEYING LINE
2333 Summers Lane
Klamath Falls, OR 97603

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of _____ th: 29th day
of APRIL A.D. 99 at 11:06 o'clock A.M., and duly recorded in Vol. M99
of DEEDS on Page 16014

FEE 35.00

Linda Smith, County Clerk
by *Linda Smith*