

1999 NOV -5 AM 11:39

EASEMENT

Vol. M89 Page 44316

1396-1404

KNOW ALL MEN BY THESE PRESENTS, that the TRUSTEE OF THE EDDY LIVING TRUST, Grantor, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, 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 utility line(s) and all necessary appurtenances in, into, upon, over, across and under a strip of land described as follows:

Attached hereto and made a part hereof as Exhibit "A"

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

Grantor(s) shall not erect any buildings within the easement area which would inhibit access to said City utility line(s) or cause damage to it. Grantor(s) retain(s) 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 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 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 purchasers of the above-described parcel(s), the City, and the heirs, successors and assigns, of both.

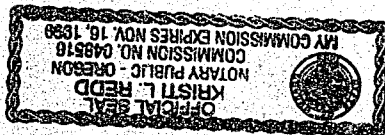
IN WITNESS WHEREOF, this easement is executed on behalf of Grantor this 4th day of November, 1999.

EDDY LIVING TRUST

By Daniel Lee Eddy
Trustee

STATE OF OREGON)
County of Klamath)ss.

The above named Daniel Lee Eddy as Trustee for the Eddy Living Trust, acknowledges the foregoing instrument to be its voluntary act and deed.



Before Me:

Kristi L. Redd
Notary Public for Oregon

AFTER RECORDING RETURN TO:

City Recorder
P. O. Box 237
Klamath Falls, OR 97601

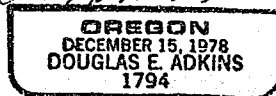
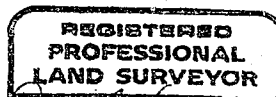
KLAMATH VIEW ESTATES
WATERLINE EASEMENT
Metes and Bounds Description

44317

A 16.00 foot wide easement located in the SE ¼ of Section 5, T.39S., R.9E., W.M., Klamath County, Oregon, being more particularly described as follows:

Commencing at an iron pin marking the intersection of the southerly right-of-way line of Greensprings Drive and the southwesterly right-of-way line of Mallard Lane, from which the Center ¼ corner of said Section 5 bears N44°13'20"W 1347.19 feet; thence along the southwesterly right-of-way line of Mallard Lane S44°39'17"E 356.98 feet to the point of curvature of a curve to the right; thence N64°50'48"E 63.05 feet to a point on the northeasterly right-of-way line of Mallard Lane and the True Point of Beginning for this easement description; thence N39°43'00"E 241.03 feet; thence N37°54'35"E 175.80 feet; thence S52°05'25"E 30.00 feet; thence S37°54'35"W 16.00 feet; thence N52°05'25"W 14.00 feet; thence S 37°54'35"W 61.00 feet; thence S52°05'25"E 20.00 feet; thence S37°54'35"W 16.00 feet; thence N52°05'25"W 20.00 feet; thence S37°54'35"W 75.25 feet; thence 146.51 feet along the arc of a non-tangent 229.00 foot radius curve to the right, the long chord of which bears S32°01'03"E 144.02 feet; thence N78°19'40"E 30.14 feet; thence S11°40'20"E 16.00 feet; thence S78°19'40"W 46.15 feet; thence 151.48 feet along the arc of a non-tangent 213.00 foot radius curve to the left, the long chord of which bears N29°54'37"W 148.31 feet; thence S39°43'00"W 235.89 feet to a point on the northeasterly right-of-way line of Mallard Lane; thence following said right-of-way line 16.24 feet along the arc of a 387.75 foot radius curve to the left, the long chord of which bears N40°20'35"W 16.24 feet, more or less, to the True Point of Beginning.

1032-0402



12-31-77

D. L. E.

EXHIBIT "A"

State of Oregon, County of Klamath
Recorded 11/05/99, at 11:39 a.m.
In Vol. M99 Page 44316
Linda Smith,
County Clerk Fee \$ 35.00