

## TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Arlin T. Elliot and Lenora Elliott, husband and wife, and ~~Eugen Heath and Jamey Heath, husband and wife~~, as tenants in common, Grantors, in consideration of the sum of Fifty Dollars (\$50.00), receipt of which is hereby acknowledged, does hereby grant to the City of Klamath Falls (City) and its agents a temporary easement located on a strip of land described as follows:

A strip of land lying in Section 5, T.39S., R.9E., W.M. Klamath County, Oregon, being a portion of that property described in instrument No. 33475, Vol. 77, Page 13936, Parcel 7, of the official deed records of Klamath County, said strip of land being more particularly described as follows:

Commencing at the south one-quarter corner of Section 5, T.39S., R.9E., W.M.; thence N 01°33'33"E 550.23 feet, more or less, to the southwest corner of said Parcel 7; thence S 88°44'48"E along the southerly boundary of said Parcel 7, 326.62 feet to the point of beginning for this easement description; thence N 23°11'43"E 37.73 feet; thence S 88°44'48"E 71.39 feet; thence N 01°15'12"E 45.00 feet; thence S 88°44'48"E 138.24 feet, more or less, to the westerly boundary of that property described in Vol. M77, Page 4, of the official deed records of Klamath County; thence along said westerly boundary S 01°30'32"W 50.00 feet; thence N 88°44'48"W 206.04 feet; thence S 23°11'23"W 32.34 feet; thence N 88°44'48"W 5.39 feet, more or less, to the point of beginning.

for the purpose of construction equipment access to an adjoining strip of land upon which City and its agents will construct a utility line.

This easement shall terminate on December 31, 2001. Upon termination, City shall return the easement area to substantially its present condition. City shall hold grantor harmless and indemnify grantor against any and all claims arising out of City's use of this easement. This document shall be binding upon all subsequent purchases or the above-described parcel, the City, and the heirs, successors and assigns, of both.

IN WITNESS WHEREOF, I/we have hereunto set our hands this 23 day of December, 1999.

CITY OF KLAMATH FALLS

James R. Kellu

GRANTOR, Lenora Elliott

Lenora Elliott

GRANTOR, ~~Jamey Heath~~

GRANTOR, Arlin T. Elliott

Arlin T. Elliott

~~GRANTOR, Eugen Heath~~

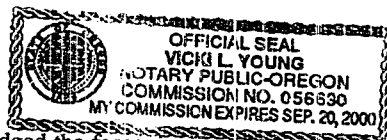
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STATE OF OREGON )  
County of Klamath )ss.

Personally appeared the above named Arlin J. Elliott and acknowledged the foregoing instrument to be his voluntary act and deed.

Before Me: Vicki L. Young  
Notary Public for Oregon

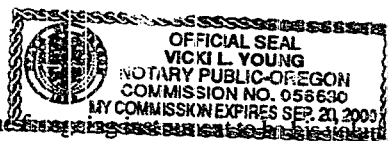
STATE OF OREGON )  
County of Klamath )ss.



Personally appeared the above named Lenora Elliott and acknowledged the foregoing instrument to be her voluntary act and deed.

Before Me: Vicki L. Young  
Notary Public for Oregon

STATE OF OREGON )  
County of Klamath )ss.



Personally appeared the above named Logan Heath and acknowledged the foregoing instrument to be his voluntary act and deed.

Before Me: [Signature]  
Notary Public for Oregon

STATE OF OREGON )  
County of Klamath )ss.

Personally appeared the above named Jamey Heath and acknowledged the foregoing instrument to be her voluntary act and deed.

Before Me: [Signature]  
Notary Public for Oregon

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

State of Oregon, County of Klamath  
Recorded 12/06/99, at 8:31 a.m.  
In Vol. M99 Page 47844  
Linda Smith,  
County Clerk Fee \$1500