

UTILITY RIGHT-OF-WAY EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in for consideration of One Dollar (\$1.00) and other good and valuable consideration paid to Clem C. Caldwell and Patricia Caldwell, husband and wife, hereinafter referred to as GRANTOR, by CRESCENT WATER ASSOCIATION hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged.

WITNESSETH:

WHEREAS: The GRANTOR is the owner of the following described real estate in Klamath County, State of Oregon. The GRANTOR does hereby grant, assign and set over to the GRANTEE, to-wit:

A PERMANENT EASEMENT, PERPETUAL, AND EXCLUSIVE RIGHT OF WAY, INCLUDING RIGHT TO ENTER UPON THE REAL ESTATE HEREIN AFTER DESCRIBED, AT ANY TIME THAT IT MAY SEE FIT, AND CONSTRUCT, MAINTAIN, AND REPAIR UNDER GROUND PIPELINES AND OR MAINS FOR THE PURPOSE OF CONVEYING WATER OVER, ACROSS, THROUGH, AND UNDER THE LANDS HEREINAFTER DESCRIBED, TOGETHER WITH THE RIGHT TO EXCAVATE AND REFILL DITCHES AND OR TRENCHES FOR THE LOCATION OF SAID PIPELINES AND OR MAINS, AND FURTHER RIGHT TO REMOVE TREES, BUSHES, UNDERGROWTH, AND OTHER OBSTRUCTIONS INTERFERING WITH THE LOCATION, CONSTRUCTION, AND MAINTENANCE OF SAID PIPELINES AND OR MAINS.

THE LAND AFFECTED BY THE GRANT OF THIS EASEMENT AND RIGHT OF WAY IS LOCATED IN KLAMATH COUNTY, STATE OF OREGON, RIVERVIEW STREET WAS VACATED 8 MAY 1935 AND FILED IN DEED BOOK 104 AT PAGE 523. THUS, ALL ADJOINERS SHARE IN THEIR RESPECTIVE PORTIONS OF THE VACATED AREA. THIS EXTENDS GRANTOR'S LINE NORTHWESTWARD 20 FEET FOR TAX LOT 300 AND TAX LOT 200 PARCEL. DESCRIBED IN EXHIBIT A ON PAGE 2 WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commencing at a point at Northwest corner of Tax lot 300 and center line of vacated Riverview Street in Northeast one quarter of Southwest one quarter of Section 30 township 24 South Range 9 East W.M., Thirty five (35) feet wide, east of and along the center line of vacated Riverview Street and in a Southerly manner through Tax lot 300 and Tax lot 200 terminating at East one half of Riverview Street and Tax lot 400 Northwest corner.

The GRANTEE shall have the right to immediate possession of property describe in this easement.

The GRANTEE shall hold and save the GRANTOR harmless from any liability caused by GRANTEE work within the easement on the operation and maintenance of pipelines and or mains.

Except as to the rights herein granted, the GRANTOR shall have full use and control of the above described real estate.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

IN WITNESS WHEREOF, the parties hereto have subscribed this instrument in duplicate on this \_\_\_\_\_ day of December 1999.

For the GRANTOR:

Clem C. Caldwell

Clem C. Caldwell

Patricia Caldwell

Patricia Caldwell

For the GRANTEE:

Ken Curbow

Ken Curbow President

Ken Curbow - only -



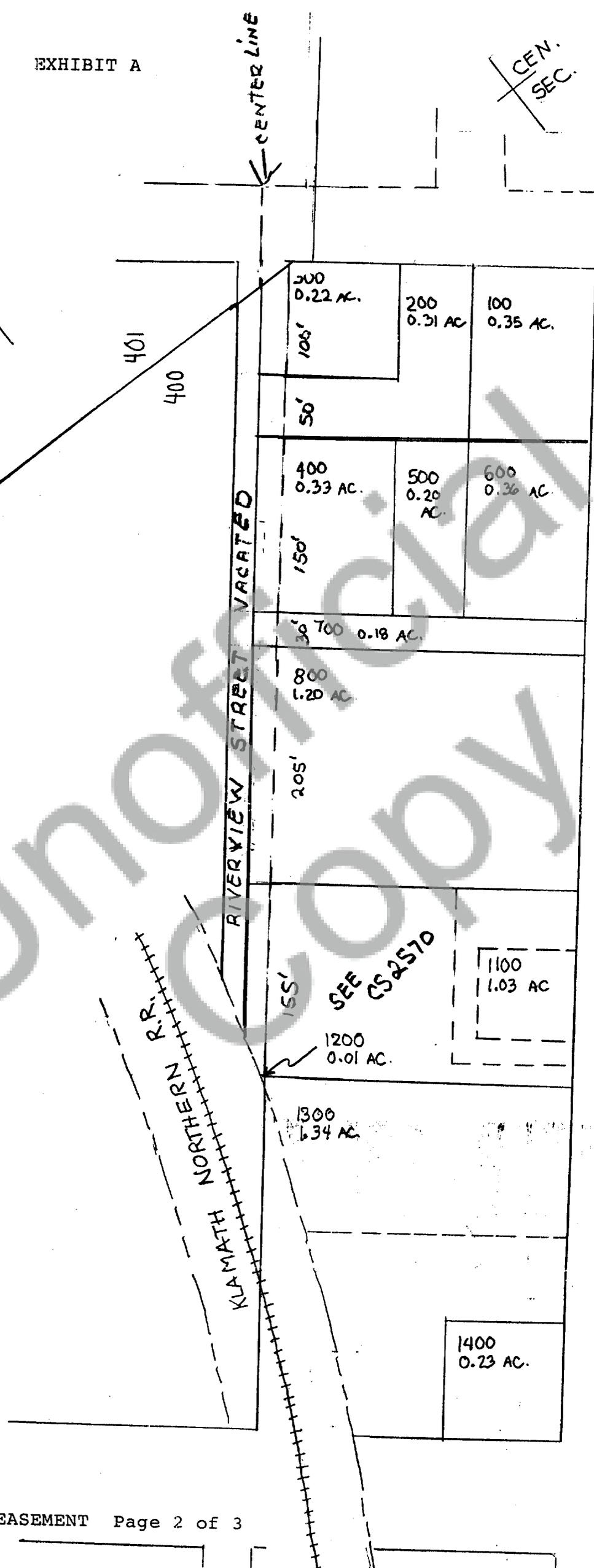
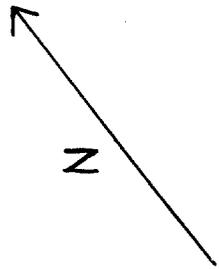
Alice L. Bishop

81

EXHIBIT A

NE 1/4 SW 1/4 SEC. 30 T.24S. R.09E W.M.  
KLAMATH COUNTY

1" = 100'



THE DALLES - CALIFORNIA HWY.

STEVEN

HILL

JONES

WARD

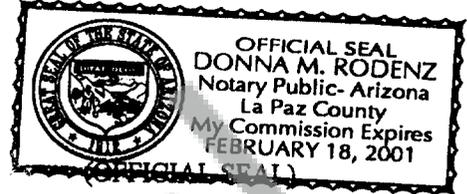
STATE OF Oregon )  
County of La Paz ) ss.  
Dec 13<sup>th</sup>, 1999 )

Personally appeared the above named Clem C. Caldwell and Patricia Caldwell, husband and wife, and acknowledged the foregoing instrument to be voluntary act and deed.

Before me:

Donna M Rodenz

Notary Public for La Paz County, Ariz  
My commission expires: FEB 18<sup>th</sup>, 2001



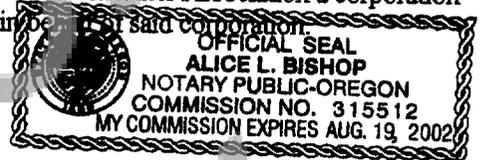
STATE OF OREGON, )  
County of Klamath ) ss.  
Dec 20, 1999 )

Personally appeared the above named Ken Curbow President of Crescent Water Association a corporation and acknowledged the foregoing instrument to be voluntary act and deed in behalf of said corporation.

Before me:

Alice L Bishop  
Notary Public for Oregon

My commission expires: August 19, 2002



(OFFICIAL SEAL)

STATE OF OREGON, County of Klamath

Recorded \_\_\_\_\_ at \_\_\_\_\_ m.

In Vol. \_\_\_\_\_ Page \_\_\_\_\_

Linda Smith,  
County Clerk Fee\$ \_\_\_\_\_

(Space reserved for Recorder's use)

After Recording return to  
Crescent Water Association  
Box 247  
Crescent, Oregon 97733-0247

UTILITY EASEMENT Page 3 of 3

State of Oregon, County of Klamath  
Recorded 1/11/00, at 8:45 a. m.  
In Vol. M00 Page 922  
Linda Smith,  
County Clerk Fee\$ 31<sup>00</sup>

ret.