

## UTILITY EASEMENT AGREEMENT

THIS AGREEMENT, Made and entered into this 27<sup>th</sup> day of Dec., 1999, by and between Tim Battrell and Candice Battrell hereinafter called the first party, and Crescent Water Association, hereinafter called the second party;

## WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Klamath County, State of Oregon. The first party does hereby grant, assign and set over to the second party, 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, LOCATED ON ASSESSMENT MAP 24 09 30AC 2700, LOCATED ON A MAP MARKED EXHIBIT A MADE PART OF THIS EASEMENT AND MORE PARTICULARLY DESCRIBE AS FOLLOWS:

Commencing at a point on SE corner of Tax Lot 2700 at Railroad Avenue including the North one half of vacated Stevens Street in Southwest one quarter of Northeast one quarter of Section 30 township 24 South Range 9 East W.M. , Thirty (30) feet wide, parallel to the Southern edge of vacated Stevens Street, and in a Westerly manner to the West end of vacated street.

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

The second party shall hold and save the first party harmless from any liability caused by second party's work within the easement on the operation and maintenance of pipelines and or mains.


Except as to the rights herein granted, the first party 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 construing this agreement and where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter; and generally, all changes shall be made or implied so that this instrument shall apply both to individuals, districts and to corporations.

IN WITNESS WHEREOF, the parties hereto have subscribed this instrument in duplicate on this, the day and year first hereinabove written.

For the first party:

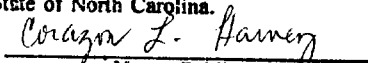
  
Tim Battrell

  
Candice Battrell

For the second party:

  
Ken Curbow President

Subscribed and sworn to before me, in my presence,  
this 27 day of Dec 1999, a Notary Public  
in and for the State of North Carolina.

  
Notary Public

My commission expires Sept - 30, 2003

STATE OF \_\_\_\_\_ )  
 County of \_\_\_\_\_ ) ss.  
 \_\_\_\_\_, 1999 )

Personally appeared the above named Tim Battrell and Candice Battrell and acknowledged the foregoing instrument to be their voluntary act and deed.  
 Before me:

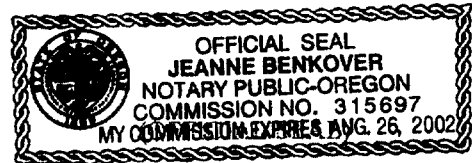
Notary Public for \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

(OFFICIAL SEAL)

STATE OF OREGON, )  
 County of Klamath ) ss.  
Dec. 27, 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:

[Signature]  
 Notary Public for Oregon  
 My commission expires: 8/26/02



STATE OF OREGON, )  
 County of Klamath ) ss.

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 1999, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in Volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as document/fee/file/instrument/microfilm No. \_\_\_\_\_, Record of Deeds of Klamath County.

Witness my hand and seal of County affixed.

(Space reserved for Recorder's use)

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

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\_\_\_\_\_  
 Name Title  
 By \_\_\_\_\_ Deputy

State of Oregon, County of Klamath  
 Recorded 1/11/00, at 8:45 a. m.  
 In Vol. M00 Page 925  
**Linda Smith,**  
 County Clerk Fee \$ 26<sup>00</sup>