

## ASSIGNMENT OF WATER LINE EASEMENT

THIS ASSIGNMENT is made between Klamath Community College Service District, hereinafter referred to as "Assignor" and the City of Klamath Falls, Oregon, hereinafter referred to as "Assignee", both municipal corporations, and is effective as of the approval of said assignment by the governing bodies of both parties.

## RECITALS

A. On or about September 30, 1999, Shirley Faye Hilyard and Kelly Anne Hilyard, individually and Hal Gregory Hilyard and Shanna Leann Hilyard through their attorneys-in-fact executed a Water Line Easement granting Assignor an easement for the installation, maintenance and repair of a water line on property described in said easement. Said Water Line Easement was recorded at Volume M 99 pages 39817 to 39819, Klamath County Deed Records. A copy of said Water Line Easement is attached hereto as Exhibit 1 and by this reference incorporated herein. Hereinafter said easement shall be referred to as "Water Line Easement".

B. Assignor is not restricted from assigning the water line easement.

C. Assignor desires to assign the Water Line Easement to Assignee and Assignee desires to accept said assignment so that Assignee can install meter anti-flow back valves and other improvements, and as necessary operate and maintain the water line.

WHEREFORE, the parties agree as follows:

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ASSIGNMENT OF WATER LINE EASEMENT - PAGE 1

Rt: City  
500 Main St  
Klamath Falls, OR 97601

## ASSIGNMENT

1. Assignor assigns to Assignee all rights and interest of Assignor in the Water Line Easement, subject to those restrictions stated in the Water Line Easement.

2. Assignee agrees to be bound by all restrictions imposed upon Assignor in the Water Line Easement and agrees to indemnify and hold Assignor harmless from any claims of liability or damage arising or resulting from Assignee's use of the subject premises.

3. This assignment shall be perpetual and nonexclusive. It is understood this assignment does not convey any right or interest in the land subject to the Water Line Easement, except those rights expressly stated and granted in the Water Line Easement.

This assignment was approved the 23<sup>rd</sup> day of May, 2000, by the Klamath Community College Service District Board of Education, evidenced by the signature of Loren L. Lawrie, Chair of the Klamath Community College Board of Education. Loren L. Lawrie personally appears and acknowledges the foregoing instrument to be his voluntary act and deed.

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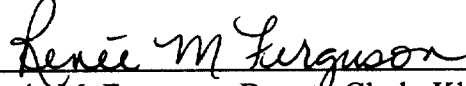
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Loren L. Lawrie, Chair, Klamath Community  
College Board of Education



Renee M. Ferguson, Deputy Clerk, Klamath  
Community College Board of Education

STATE OF OREGON           )  
  ) ss  
County of Klamath        )

Personally appeared Loren L. Lawrie, who acknowledged the foregoing instrument to be his voluntary act and deed.

Dated this 25 day of May, 2000.




Notary Public for Oregon

My Commission Expires: 11/11/2000

This assignment was approved the 19th day of June, 2000, by the  
Klamath Falls City Council, evidenced by the signature of Todd Kellstrom, Mayor of the City of  
Klamath Falls. Todd Kellstrom personally appears and acknowledges the foregoing instrument  
to be his voluntary act and deed.



Todd Kellstrom, Mayor of the City of Klamath  
Falls



City Recorder

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STATE OF OREGON           )  
  ) ss  
County of Klamath         )

Personally appeared Todd Kellstrom, who acknowledged the foregoing instrument to be his voluntary act and deed.

Dated this 19th day of June, 2000.



Shirley F. Kappas  
Notary Public for Oregon  
My Commission Expires: 9-10-01

11

WATER LINE EASEMENT

Shirley Faye Hilyard, Kelly Anne Hilyard, Hal Gregory Hilyard, and Shanna Leann Hilyard, Grantors, convey to the Klamath Community College Service District, a municipal corporation, Grantee, an Easement for the installation, maintenance, and repair of a water line more particularly described below, over, on, and under the Easement heretofore granted by Warranty Deed recorded February 21, 1975 in Volume M75 Page 2133 of the Deed Records of the Clerk of Klamath County, Oregon and which Easement is described as Parcel 2 on said Deed. This Easement shall be limited to the installation of a water line and the requisite meter anti-flow back valves and other improvements required by the City of Klamath Falls for the attachment of the waterline to the City's domestic water mainline.

By virtue of this Easement, Grantee shall have the right to go upon the real property described above for the purpose of constructing and installing on said property a domestic water line to serve Grantee's land which is located immediately south of said parcel. Grantee shall also have the right to enter on said land for the purpose of operating and maintaining the water line.

This Easement shall be perpetual and nonexclusive. It is understood that said Easement does not convey any right or interest in the land above-described, except those rights expressly stated in this document.

Grantee shall be solely responsible for coordinating the installation of its water line on this Easement which also serves the State of Oregon, Department of Transportation and the Enterprise Irrigation District. Grantee's use of this Easement shall not impede or impair the co-existing rights of the State of Oregon, Department of Transportation and the Enterprise Irrigation District.

Grantee shall indemnify and hold Grantor harmless from any claims of liability or damage arising or resulting from Grantee's said use of the subject premises.

Dated this 30<sup>th</sup> day of Sept, 1999.

Shirley Faye Hilyard  
Shirley Faye Hilyard

Kelly Anne Hilyard  
Kelly Anne Hilyard

Hal Gregory Hilyard  
Hal Gregory Hilyard

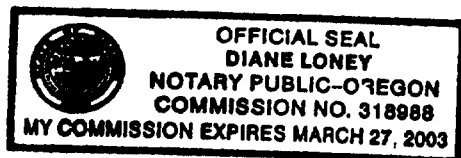
Shanna Leann Hilyard  
Shanna Leann Hilyard

39818

STATE OF OREGON, County of Klamath) ss.

Personally appeared Shirley Faye Hilyard, who acknowledged the foregoing instrument to be her voluntary act and deed.

Before me this 30 day of September, 1999.



Diane Loney  
Notary Public for Oregon  
My Commission Expires: 3-27-03

STATE OF Oregon, County of Klamath) ss.

Personally appeared Kelly Anne Hilyard, who acknowledged the foregoing instrument to be her voluntary act and deed.

Before me this 30 day of September, 1999.



Diane Loney  
Notary Public for Oregon  
My Commission Expires: 03-27-03

STATE OF Oregon, County of Klamath) ss.

Personally appeared Hal Gregory Hilyard, who acknowledged the foregoing instrument to be his voluntary act and deed.

Before me this 30 day of September, 1999.



Diane Loney  
Notary Public for Oregon  
My Commission Expires: 03-27-03

STATE OF Oregon, County of Klamath ss.

*Leann Hilyard*  
*Per Carolyn Hilyard*

Personally appeared Shanna Leann Hilyard, who acknowledged the foregoing instrument to be her voluntary act and deed.

Before me this 30 day of September 1999.

*Carolyn Hilyard*  
 Notary Public for Oregon  
 My Commission Expires: 03-27-03

State of Oregon, County of Klamath  
 Recorded 10/06/99, at 1:16 p.m.  
 In Vol. M99 Page 39817  
**Linda Smith,**  
 County Clerk Fee \$ 40.00

State of Oregon, County of Klamath  
 Recorded 06/29/00, at 9:02 a.m.  
 In Vol. M00 Page 23744  
**Linda Smith,**  
 County Clerk Fee \$ 51.00