

2001 FEB 15 AM 11:44

AFTER RECORDING, RETURN TO:

City Recorder
Post Office Box 237
Klamath Falls OR 97601

Vol M01 Page 6081

Aspen Title #01051192

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That Modoc Lumber Co., an Oregon corporation, Grantor, for valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the City of Klamath Falls, Oregon ("City"), a permanent non-exclusive easement for the purpose of installing, inspecting, repairing, maintaining, altering, and operating the City's utility lines for sewer, water, domestic water, hot water (geothermal fluids), telecommunication conduit and lines, and lines supplying water to and returning water from the City's co-generation electrical plant now under construction and for the addition of similar lines, and for all necessary appurtenances thereto, in, into, upon, over, across, and under the area of the 30-foot wide easement under vacated Third Street reserved to the City in Ordinance No. 5931 and recorded in Volume M73 at Page 10602 of the Deed Records of the Clerk of Klamath County, Oregon.

In exercising its rights granted hereby, the City agrees that all such lines and appurtenances, when installed, shall be located below the surface of the ground, that it shall exercise due diligence in completing any such installation, alteration or repair, and it shall return the surface of the easement disturbed by such activity to a condition at least as good as it was in at the time the activity was commenced.

Grantor agrees that it shall not erect any buildings within the easement area that would inhibit access to said City utility lines or cause damage to them. Grantor retains the right to utilize the easement area for roadways, driveways, parking lots, sidewalks, and landscaping. Provided, however, that Grantor shall not plant or maintain trees that would interfere with the utility lines.

This Easement and the covenants and conditions herein shall bind, burden, and benefit each party's purchasers, successors, assigns, lessees, and mortgagees (or beneficiaries under a Trust Deed).

IN WITNESS WHEREOF, this Easement is executed on behalf of Grantor this 9th day of February, 2001.

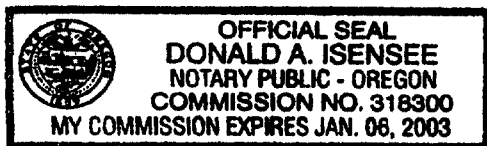
MODOC LUMBER CO.

By: Thomas M. Shaw
Its Vice President

STATE OF OREGON, County of Klamath) ss.

Personally appeared Thomas M. Shaw, in his capacity as Vice President of Modoc Lumber Co., and executed the foregoing instrument in such capacity.

Before me this 9th day of February, 2001.



Donald A. Iensee
Notary Public for Oregon
My Commission Expires: 1-6-03

26A

PERMANENT EASEMENT
(Modoc Lumber)

A strip of land 30 feet in width, lying 15 feet on each side of the following described centerline situated in the E1/2 of Section 32 and the SW1/4 of Section 33, T.38S., R.9E., W.M., Klamath County, Oregon:

Commencing at the northeast corner of that property described in Deed Volume 294 Page 140 from which the ¼ corner common to said Sections 32 and 33 bears N06°46'01"W 1367.39 feet; thence S51°03'30"E 213.07 feet to the True Point of Beginning; said point being on the northeasterly property line of that property described in Deed Volume 294, Page 140 of Klamath County records; thence N38°56'30"E 50.47 feet; thence N50°20'37"W 438.28 feet; thence N27°00'10"W 137.45 feet; thence N50°36'15"W 526.94 feet; thence N52°06'02"W 172.53 feet; thence N50°46'04"W 613.66 feet; thence N50°49'51"W 216.26 feet; thence N51°27'25"W 313.76 feet; thence N55°43'29"W 511.69 feet, more or less, to the southerly right-of-way line of Klamath Avenue, the side lines of said strip to be shortened or lengthened to be continuous and to terminate at said southerly right-of-way line of Klamath Avenue and said northeasterly property line of that property described in Deed Volume 294, Page 140 of the Klamath County records; with bearings based on Klamath County survey 6445;

EXCEPTING THEREFROM that portion lying within the right of way of 3rd Street.

State of Oregon, County of Klamath
Recorded 02/15/01, at 11:44a .m.
In Vol. M01 Page 6081
Linda Smith,
County Clerk Fee\$ 26⁰⁰