

RIGHT OF WAY EASEMENT

For value received, the Klamath Tribes, ("Grantor"), hereby grants to the City of Chiloquin, a public corporation of the State of Oregon, its successors and assigns, ("Grantee"), an easement right of way being 10 feet in width, 171 feet in length, .03 miles and .04 acres more or less, for the sole and limited purpose of a water and sewer line, which may include if necessary, the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of water and sewer lines and necessary or desirable accessories and appurtenances thereto, including without limitation over and under surface of the real property of Grantor as presently located in Chiloquin, Klamath County, Oregon, particularly described as follows:

An easement across a portion of Spinks Addition to Chiloquin, an unrecorded subdivision situated in the SE1/4 SW1/4 of Section 34, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County Oregon, more particularly described as follows:

Commencing at the intersection of the westerly line of Lalakes Avenue and the southerly line of Palmer Street extended, said intersection also being the southeast corner of Lot 64 of said Spinks Addition to Chiloquin; thence S.30°30'00"W. a distance of 502.04 feet along said westerly line of Lalakes Avenue; thence N.59°30'00"W. a distance of 150.40 feet; thence N. 89°02'14"W. a distance of 113.42 feet to a point on the westerly line of Lot 78 of said Spinks Addition and the easterly line of Applegate Street; thence S.00°57'46"W. along the easterly line of Applegate Street a distance of 2.32 feet to the northwest corner of Lot 77 of said Spinks Addition to Chiloquin, said corner being the True Point of Beginning of this easement description; thence S.00°57'46"W. along the easterly line of Applegate Street and its southerly extension a distance of 171.17 feet to a point on the northerly line of that property described in Exhibit "A" of Deed Volume M98 at page 3452 of the deed records of Klamath County, Oregon; thence N. 71°25'52"E. along said northerly line a distance of 10.61 feet; thence N.00°57'46"E., along a line 10.00 feet easterly of and parallel with the easterly line of Applegate Street, a distance of 161.95 feet to the northerly line of said Lot 77; thence N.59°28'00"W. a distance of 11.50 feet to the True Point of Beginning. Being approximately 171 feet in Length by 10 feet in width, .03 miles and .04 acres more or less.

This right of way easement is for the sole and limited purpose set forth herein. Grantor retains sole and exclusive jurisdiction over the lands subject to the right of way easement.

The term of this right of way easement shall be for 25 years from the date of execution. The term may be extended upon mutual agreement entered into between the Grantor and Grantee prior to expiration of the original term; provided however that this easement shall be terminable in whole or in part by the Grantor before 25 years for any of the following causes upon 30 days written notice and failure of the Grantee within said notice period to correct the basis of termination:

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26 ✓ Rt. Jana Walker

- A. Failure to comply with any term or condition of the grant;
- B. Nonuse of the right of way easement for a consecutive two-year period for the purpose for which it was granted; or
- C. Abandonment of the right of way easement.

The easement is subject to any prior valid existing right or adverse claim. The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors, and assigns.

Dated this 14th day of June, 2001.

By:

Joe Hobbs VICE-CHAIR
Chairman

Attest:

[Signature]
Secretary

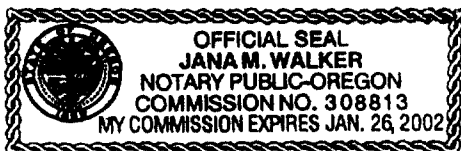
REPRESENTATIVE ACKNOWLEDGMENT

STATE OF Oregon

ss.

County of Klamath

This instrument was acknowledged before me on this 15 day of June, 2001, by Joe Hobbs, as Vice Chairman of The Klamath Tribes.



[Signature]

Notary Public

My Commission Expires: 1/26/2002

State of Oregon, County of Klamath
Recorded 06/22/01, at 11:00 a.m.
In Vol. M01 Page 30037
Linda Smith,
County Clerk Fee \$ 26⁰⁰