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**Permanent Utility Easement****Temporary Construction Easement**

This agreement, made this 13 day of September, 2001 by and between, Lorraine Alderson, the successor trustee of the Diane Palini Trust, dated January 9, 1996, Grantor, and City of Chiloquin, Oregon, Grantee:

Whereas, Grantor is the owner of the following described real property in Klamath County, Oregon

That portion of government lot 7 Section 34, Township 34 South Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying Northwesterly of the Northwesterly right of way line of the Chiloquin-Williamson River Highway EXCEPTING THEREFROM the Northerly 386.6 feet of the above described parcel, as measured along the West boundary thereof.

and hereby grants a perpetual, nonexclusive easement described and shown as follows:

See attached Exhibit "A", shown on page A-1, described on page A-2

for the construction, maintenance, use and repair of a municipal fresh water line and sanitary sewer line.

This agreement is subject to the following terms and conditions:

1. Grantee install and allow a future connection, at no charge to Grantor, her successors, and assigns, to water (11/2") and sewer (6") lines for future development of the subject property of Grantor. Grantee is responsible for obtaining all required permits and for payment of all fees associated with the construction of the connection and its activation upon development of Grantor's property. The location of the lines is anticipated to be at the middle of the property line fronting the Chiloquin-Williamson River Highway
2. Grantee is responsible for any needed repairs or replacement of the water/sewer lines.
3. Upon performing any construction or maintenance, Grantee will return the site to original or better condition.
4. No structure shall be constructed in the permanent easement area.
5. The permanent easement granted herein includes 10' of land on either side of the water/sewer lines as installed.
6. The temporary construction easement referred to in Exhibit A shall be extinguished automatically upon the earlier of the completion of the initial construction of the water/sewer lines or December 31, 2002.

After recording, return to:

City of Chiloquin  
P.O. Box 196  
Chiloquin, 97624

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31

Grantor, for herself and her, successors and assigns, covenants and agrees to and with the grantee, its heirs, successors and assigns, that the above-described property of the Grantor shall not be used for any purpose detrimental to said system or contrary to laws and rules of governmental agencies applicable or related to said system.

IN WITNESS WHEREOF, the Grantor has hereunto fixed her hand and seal the day and year first above written. As successor trustee of the Diane Falini Trust, she has caused her name to be signed and acknowledged.

GRANTOR

*Lorraine Alderson Successor Trustee*  
Lorraine Alderson, Successor Trustee

STATE OF CALIFORNIA )  
 ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2001 by Lorraine Alderson, successor trustee

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires:

GRANTEE

*Joyce Smith*  
Mayor, City of Chiloquin

STATE OF OREGON )  
 ) ss.  
County of ~~Lane~~ *Klamath*

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of September, 2001 by Joyce Smith, Mayor, City of Chiloquin, Oregon.



*Cristina Flogerzi*  
Notary Public for Oregon  
My Commission Expires: 120504

After recording, return to

City of Chiloquin  
P.O. Box 196  
Chiloquin, 97624

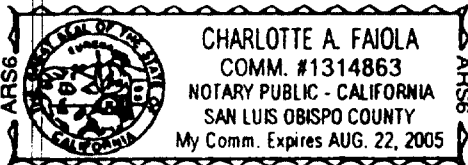
State of CaliforniaCounty of San Luis ObispoOn 9-13-01 before me, Charlotte A. Faiola  
(DATE) (NAME/TITLE OF OFFICER-i.e. "JANE DOE, NOTARY PUBLIC")personally appeared Lorraine Alderson\*\*\*\*\*  
(NAME(S) OF SIGNER(S))

\*\*\*\*\*

\*\*\*\*\*

☐ personally known to me -OR- ☒

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



(SEAL)

Witness my hand and official seal.

  
(SIGNATURE OF NOTARY)

## ATTENTION NOTARY

The information requested below and in the column to the right is **OPTIONAL**. Recording of this document is not required by law and is also optional. It could, however, prevent fraudulent attachment of this certificate to any unauthorized document.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Title or Type of Document Permanent Utility Easement

Number of Pages 4 Date of Document 9-13-01

Signer(s) Other Than Named Above Mayor City of Chiloquin  
Joyce Smith

RIGHT THUMBPRINT (Optional)

TOP OF THUMB HERE

CAPACITY CLAIMED BY SIGNER(S)

☐ INDIVIDUAL(S)☐ CORPORATE \_\_\_\_\_

OFFICER(S) \_\_\_\_\_

(TITLES)

☐ PARTNER(S) ☐ LIMITED☐ GENERAL☐ ATTORNEY IN FACT☒ TRUSTEE(S)☐ GUARDIAN/CONSERVATOR☐ OTHER: \_\_\_\_\_

SIGNER IS REPRESENTING:

(Name of Person(s) or Entity(ies))

RIGHT THUMBPRINT (Optional)

TOP OF THUMB HERE

CAPACITY CLAIMED BY SIGNER(S)

☐ INDIVIDUAL(S)☐ CORPORATE \_\_\_\_\_

OFFICER(S) \_\_\_\_\_

(TITLES)

☐ PARTNER(S) ☐ LIMITED☐ GENERAL☐ ATTORNEY IN FACT☒ TRUSTEE(S)☐ GUARDIAN/CONSERVATOR☐ OTHER: \_\_\_\_\_

SIGNER IS REPRESENTING:

(Name of Person(s) or Entity(ies))

47952

# MAP OF PROPERTY DESCRIPTION FOR UTILITY EASEMENT FOR THE CITY OF CHILOQUIN

LOCATED IN THE  
SW  $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 34,  
TOWNSHIP 34 SOUTH, RANGE 07 EAST, WM  
KLAMATH COUNTY, OREGON

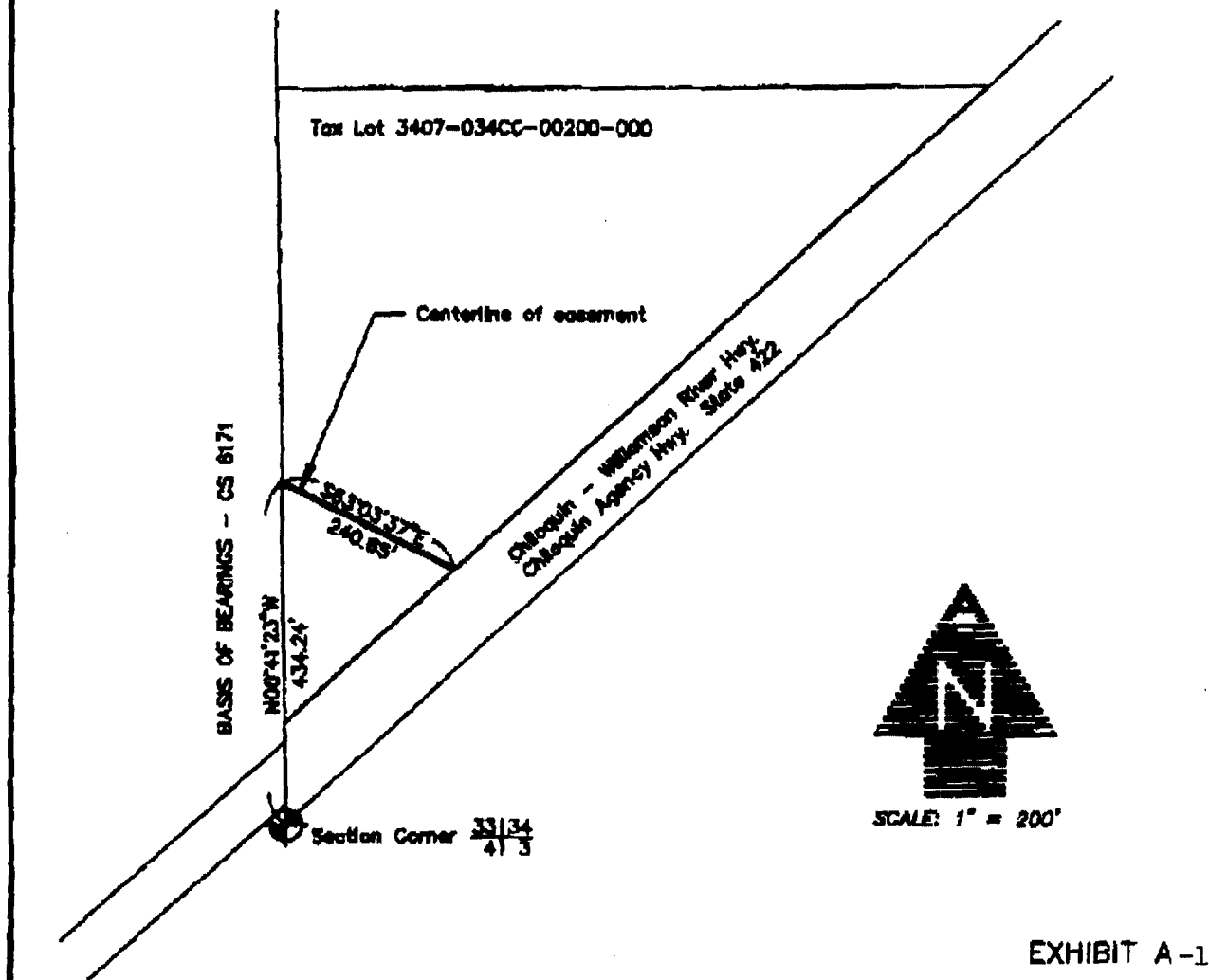


EXHIBIT A-1

## ADKINS

### CONSULTING ENGINEERS, INC.

Engineers ▲ Planners ▲ Surveyors

2050 Sheets Way • Klamath Falls, Oregon 97603 • (541) 884-4886 • FAX (541) 884-5335  
Klamath Falls, OR • Medford, OR • Alturas, CA

August 15, 2001

Easement map

1011-42

**Property Description of Permanent Utility Easement  
for the City of Chiloquin**

A 20 foot wide strip of land situated in the SW¼ of the SW¼ of Section 34, Township 34, Range 07 East of the Willamette Meridian, Klamath County, Oregon, being ten (10) foot wide on each side of center line, said center line being more particularly described as follows:

Commencing at the SW corner of section 34 thence; North 00°41'23" West 434.24 feet along the west boundary of said section to a point, being the True Point of Beginning; thence leaving said west boundary, South 63°03'37" East 240.65 feet, more or less, to a point on the northerly right-of-way of the Chiloquin Agency Highway, State 422, being the end point of said strip of land, with the sidelines of said strip to be lengthened or shortened to terminate on the northerly right-of-way of the Chiloquin Agency Highway, State 422 and at the west boundary of Section 34.

ALSO INCLUDING a temporary easement, for construction, a 60 feet wide strip of land situated in the SW¼ of the SW¼ of Section 34, Township 34, Range 07 East of the Willamette Meridian, Klamath County, Oregon, being twenty-five (25) feet wide on the southerly side of center line and thirty-five (35) feet wide on the northerly side of center line, said center line being as described above.

See attached Exhibit A-1

The basis of bearings for this description is Klamath County Survey 6171.

August 15, 2001  
1011-42

EXHIBIT A-2

State of Oregon, County of Klamath  
Recorded 09/21/01 at 1:02 p.m.  
In Vol. M01 Page 47949  
Linda Smith,  
County Clerk Fee\$ 41.00