

AFTER RECORDING
RETURN TO:
City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

Grantor: City of Klamath Falls
500 Klamath Avenue
Klamath Falls, OR 97601

Grantee: Ross T. Fleming
5351 Lombardy Drive
Klamath Falls, OR 97603

CLERK'S STAMP:

Vol M02 Page 6286

State of Oregon, County of Klamath
Recorded 02/01/2002 11:10 a. m.
Vol M02, Pg 6286-88
Linda Smith, County Clerk
Fee \$ 21.00 # of Pgs 3

02 FEB 1 AM 11:10

MTS 54857-KR
IRRIGATION EASEMENT

CITY OF KLAMATH FALLS, An Oregon Municipal Corporation (hereinafter referred to as "Grantor"), in consideration of the mutual terms and conditions of this easement and other good and valuable consideration, the sufficiency of which is hereby acknowledged, does hereby grant and convey to ROSS T. FLEMING (hereinafter referred to as "Grantee") a perpetual, non-exclusive easement to use a ten foot (10') wide strip of land situated on the property of Grantor. The easement strip is more particularly described in Exhibit 1, attached hereto and incorporated herein by this reference.

The terms of this easement are as follows:

1. The property of Grantor burdened by this easement is described in Exhibit 1 as "Parcel 1."
2. This easement shall be appurtenant to and shall benefit all property currently owned by Grantee in the NE¼ of Section 35, Township 39 South, Range 9 EWM in Klamath County, Oregon.
3. This easement shall be used for placement of irrigation pumps, mainlines and necessary appurtenances thereto, and for ingress and egress for installation, maintenance, repair, replacement and use of the pumps, mainlines and necessary appurtenances. Grantee agrees to pay all expenses associated with the use of easement, without cost to Grantor. Grantee agrees that no building, structure, or improvements of any kind shall be erected, placed upon, operated or maintained on the easement strip, nor shall any business operation be conducted or carried on, if such improvement or operation would be in violation of any ordinance, law, statute, by-law, order, or rule of any governmental agency, including the Klamath Falls Airport, having jurisdiction thereover.
4. Grantee agrees to indemnify, defend and hold harmless Grantor from any loss, claim or liability to Grantor arising out of Grantee's use of the easement. Grantee assumes all risk arising out of use of the easement and Grantor shall have no liability to Grantee or others for any condition existing thereon.
5. This easement is granted subject to all prior easements or encumbrances of record. This easement shall run with the land as to all property burdened and benefited by this easement including any division or partition of such property. The rights, covenants and obligations of this easement shall bind, burden and benefit each party's successors, assigns, lessees, or beneficiaries under a deed of trust.
6. This easement shall be perpetual; however, in the event that it is not used by Grantee for a period of three years, or if otherwise abandoned by Grantee, the easement shall automatically expire and terminate and Grantee shall, upon request, execute a recordable document evidencing such expiration and termination.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year written below.

GRANTOR, CITY OF KLAMATH FALLS

GRANTEE, ROSS T. FLEMING

By: [Signature]
City Manager

[Signature]
Ross T. Fleming

Attest:

[Signature]
City Recorder

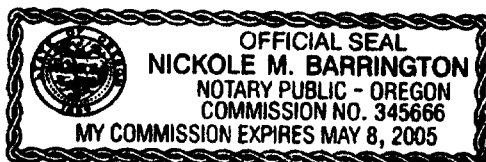
STATE OF OREGON)

:SS

County of Klamath)

On the 15th day of January, 2002, personally appeared Jeffrey D. Ball and [Signature], who, each being first duly sworn, did say that the former is the City Manager and the latter is the City Recorder of the City of Klamath Falls, an Oregon municipal corporation, and that the foregoing instrument was signed on behalf of said municipal corporation; and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:



[Signature]
Notary Public for Oregon

My Commission Expires: 5-8-2005

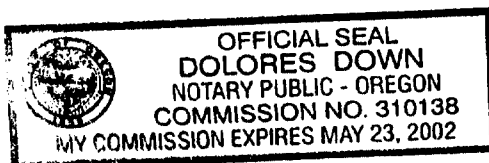
STATE OF OREGON)

:SS

County of Klamath)

Personally appeared the above-named Ross T. Fleming this 15th day of January, 2002, and acknowledged the foregoing instrument to be his voluntary act.

BEFORE ME:



[Signature]
Notary Public for Oregon

My Commission Expires: 5-23-2002

31.0011



6287

IRRIGATION PIPELINE EASEMENT

A TEN (10.00) FOOT WIDE STRIP OF LAND OVER THAT PORTION OF PARCEL 1, DESCRIBED BELOW, FOR THE PURPOSE OF PROVIDING ACCESS OVER AND THROUGH SAID PARCEL 1, FOR MAINTENANCE OF AN IRRIGATION PIPELINE AND ANY APPURTANANCES THERETO; SAID PORTION BEING LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 39 SOUTH, RANGE 9 EAST, WM., KLAMATH COUNTY, OREGON, THE CENTERLINE OF WHICH IS , DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 35; THENCE ALONG THE EASTERLY LINE OF SAID SECTION, SOUTH 00° 05' 19" EAST, A DISTANCE OF 170.00 FEET; THENCE LEAVING SAID SECTION LINE, SOUTH 89° 57' 00" WEST, ALONG THE SOUTHERLY PROPERTY LINE OF PARCEL 1 AS DESCRIBED BELOW, A DISTANCE OF 680.66 FEET TO A POINT OF INTERSECTION OF SAID SOUTHERLY PROPERTY LINE AND THE CENTERLINE OF A 10 FOOT WIDE IRRIGATION PIPELINE EASEMENT, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 1° 30' 40" EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF TERMINUS OF SAID EASEMENT, SAID POINT BEING ON THE NORTHERLY PROPERTY LINE OF SAID PARCEL 1 WHICH IS COMMON WITH SOUTHERLY LINE OF THE UNITED STATES BUREAU OF RECLAMATION LOST RIVER DIVERSION CHANNEL RIGHT OF WAY.

PARCEL 1

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 39 SOUTH, RANGE 9 EAST, WM., KLAMATH COUNTY, OREGON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 35; THENCE ALONG THE EASTERLY LINE OF SAID SECTION, SOUTH 00° 05' 19" EAST, A DISTANCE OF 140.00 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID BEARING, A DISTANCE OF 30.00 FEET; THENCE LEAVING SAID SECTION LINE, SOUTH 89° 57' 00" WEST, PARALLEL TO THE NORTHERLY LINE OF SAID SECTION, A DISTANCE OF 788.08 FEET; THENCE SOUTH 68° 14' 00" WEST, A DISTANCE OF 582.49 TO A POINT ON THE EASTERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE ALONG SAID EAST LINE, SOUTH 00° 04' 17" EAST, A DISTANCE OF 932.67 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION ; THENCE NORTH 89° 38' 57" WEST ALONG SAID SOUTH LINE , A DISTANCE OF 63.47 FEET TO A POINT ON THE EASTERLY BOUNDARY OF PARCEL OF LAND RECORDED IN VOLUME 326, PAGE 239, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE NORTH 21 ° 46' 00" WEST ALONG BOUNDARY OF SAID PARCEL, A DISTANCE OF 772.44 FEET; THENCE NORTH 68° 14' 00" EAST, A DISTANCE OF 215.00 FEET; THENCE NORTH 21 ° 46' 00" WEST, A DISTANCE OF 409.03 FEET TO A POINT ON THE SOUTHERLY MARGIN OF THE UNITED STATES BUREAU OF RECLAMATION LOST RIVER DIVERSION CHANNEL RIGHT OF WAY, SAID MARGIN BEING PARALLEL AND LYING SOUTH, 140.00 FEET DISTANT FROM THE SAID NORTHERLY LINE OF SAID SECTION AND CONVEYED BY WARRANTY DEED RECORDED IN VOLUME 30, PAGE 564, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE LEAVING SAID PARCEL BOUNDARY NORTH 89° 57' 00 " EAST ALONG SAID MARGIN, A DISTANCE OF 1629.97 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 8.08 ACRES MORE OR LESS

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
DECEMBER 15, 1978
DOUGLAS F. ADKINS

EXHIBIT MAP

FOR THE CITY OF KLAMATH FALLS
IRRIGATION PIPELINE EASEMENT
IN THE NORTH HALF OF THE NORTHEAST QUARTER
OF SECTION 35, TOWNSHIP 39 SOUTH, RANGE 9 EAST, WM.
KLAMATH COUNTY, OREGON

