

# Easement

The STATE OF OREGON, acting by and through the STATE BOARD OF HIGHER EDUCATION on behalf of Oregon Institute of Technology, hereinafter "GRANTOR," does hereby grant and convey unto Cal-Ore Telephone Co., hereinafter "GRANTEE," a California corporation, with an office at 719 West 3rd Street, Dorris, CA, 96023, an easement for the purpose of constructing, maintaining, replacing, reconstructing and/or removing a telephone cable system, consisting of underground conduits, manholes, cable wires, equipment building, and appurtenances, for the transmission of electric and light energy for communication and other purposes within, over and upon the following described real property of GRANTOR, in Klamath County, State of Oregon to wit:

A parcel of land located in tax lot 38 09-04900, Section 20, Township 38 South, Range 9 East of the Willamette Meridian, being 5 feet on each side of the below described centerline, and an area for the construction of a building to house necessary equipment and related parking;

Beginning at a point on the west boundary of the OIT campus, 45 feet south of the center of the Dan O' Brien Way and approximately 73 feet east of the centerline of Industrial Park Drive, thence easterly 555 feet, more or less, to a point; thence leaving said centerline, North 20 feet to the southerly edge of Dan O' Brien Way, thence east 30 feet; thence South 80 feet to the southerly edge of the OIT campus; thence West 30 feet; thence North 60 feet to the terminus of the described easement area.

The GRANTEE, its licensees, successors, and assigns shall have the right of ingress and egress necessary for the full and complete use, occupation, and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, with the understanding that this easement area is within an easement area previously given to US West Communications (now QUEST). GRANTEE shall not use power tools, or cut down, trim, remove or spray trees, brush, shrubbery, overhanging branches and other obstructions which may injure or interfere with GRANTEE'S maintenance and repair of GRANTEE'S telephone cable system without obtaining prior written approval of GRANTOR, such approval not to be unreasonably withheld. GRANTEE shall comply with GRANTOR'S policies and instructions for public notification of such activities. Prior written approval will not be required during times of emergency or to preserve public safety.

It is understood that the GRANTEE, its licensees, successors, and assigns shall, upon every occasion that such telephone cable system is constructed, maintained, replaced, reconstructed, or removed, provide GRANTOR reasonable notice (in the case of an emergency, provide notice as soon as practicable) and restore the premises of the GRANTOR, and any buildings or improvements disturbed by GRANTEE, as near as practicable to its original condition.

GRANTOR shall have the right to use the land subject to the above-described easement for all purposes consistent with the uses and purposes of the property and not inconsistent with the uses of the easement. GRANTOR shall not build or erect any structure upon said right-of-way without the prior written consent of GRANTEE.

GRANTEE agrees to indemnify and hold harmless GRANTOR and the members, officers, employees and agents of the Oregon State Board of Higher Education against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which may result in an injury to or the death of any person(s) or from the loss of or damage to property of any kind or nature, when such injury, loss, death, or damage is due to the tortious acts of GRANTEE, its officers, agents and employees acting within the scope of their employment duties.

All rights hereunder shall cease and the easement shall terminate if and when said easement area ceases to be used for a telephone cable system.

This easement is granted subject to all prior easements or encumbrances of record on the above described property.

DATED this 21<sup>st</sup> day of December, 2001.

STATE OF OREGON, acting by and through the STATE BOARD OF HIGHER EDUCATION on behalf of the UNIVERSITY of Oregon

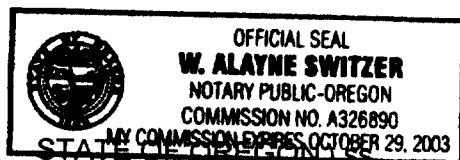
Don VanLuvanee, President

Diane Vines, Secretary

STATE OF OREGON) ss.

County of \_\_\_\_\_ )

This instrument was acknowledged before me on this 21<sup>st</sup> day of December, 2001, by Don VanLuvanee, as President of the Oregon State Board of Higher Education.

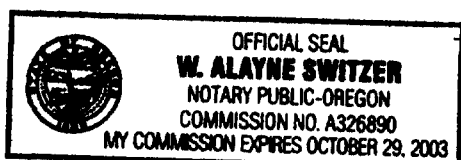


County of \_\_\_\_\_ )

W. Alayne Switzer  
Notary Public for Oregon

My Commission Expires: October 29, 2003

This instrument was acknowledged before me on this 21<sup>st</sup> day of December, 2001, by Diane Vines, as secretary of the Oregon State Board of Higher Education.



W. Alayne Switzer  
Notary Public for Oregon

My Commission Expires: October 29, 2003

APPROVED AS TO LEGAL SUFFICIENCY

Wendy A. Robinson  
Assistant Attorney General  
Department of Justice  
State of Oregon

12/21/01  
Date

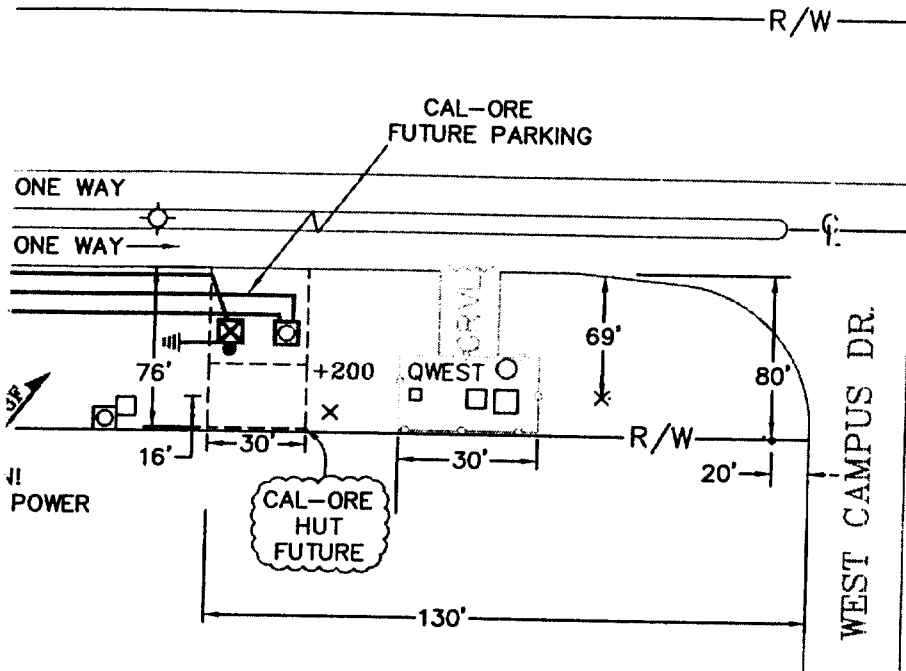
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# Exhibit A

Telephone Easement  
8/2001

1100+25  
C/L

UTILITY LOCATIONS ARE APPROXIMATE  
CONTRACTOR RESPONSIBLE FOR EXACT  
LOCATION.



1097+90  
CONC. VAULT  
CATV PED.  
1099+97  
PED #A30A  
1100+03  
HH #A30A1  
1100+14  
PWR. POLE  
1100+35  
FENCE  
1100+65  
FENCE  
1100+87  
PWR. POLE  
1101+13  
PROPERTY PIN  
1101+33  
CURB

CO. CAL-ORE  
TELEPHONE COMPANY

EXCH. DORRIS

EXCH. NO.

CONTRACT:

J.O. NO. 912-02

SHEET 186 OF 186

ROUTE

KLAMATH FALLS/YREKA FIBER

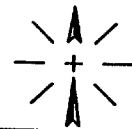
MAP REF.

TWP 38S RGE 9E SEC 20

COUNTY: KLAMATH

NOTES:

AS BUILT DATE



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