

03 APR 29 PM 2:03

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

State of Oregon, County of Klamath

Recorded 04/29/2003 2:03 p. m.

Vol M03 Pg 27764-65

Linda Smith, County Clerk

Fee \$ 26.00 # of Pgs 2

GRANTOR:

Christopher T. & Catherine D. Cook
1041 Harbor Isles Blvd.
Klamath Falls, OR 97601

GRANTEE:

City of Klamath Falls, Oregon
A Municipal Corporation
500 Klamath Avenue
Klamath Falls, OR 97601

PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENT

Christopher T. Cook and Catherine D. Cook (hereinafter referred to as "Grantor"), in consideration of the terms and conditions of this Easement and other good and valuable consideration, the sufficiency of which is hereby acknowledged, do hereby grant and convey to **City of Klamath Falls, Oregon**, a Municipal Corporation (hereinafter referred to as "Grantee"), on behalf of the public, a perpetual, public right-of-way and utility easement situated on property of Grantor more particularly described as Lots 6, 7 and 8, Block 206 of Mills Second Addition to Klamath Falls, Klamath County, Oregon, Tax Lots #R-3809-033DC-13800, #R-3809-033DC-13900 and #R-3809-033DC-14000, hereinafter referred to as "Grantor's Property." This Easement consist of a strip of land ten feet (10') wide, contiguous with the westerly right-of-way line of East Main Street (formerly shown on the plat of Mills Second Addition to Klamath Falls, Oregon as "Stukel Street") and situated in the southwest quarter, southeast quarter, of Section 33, Township 38 South, Range 9 East, of the Willamette Meridian in Klamath County, Oregon, said strip of land being more particularly described as follows:

The easterly ten (10) feet of Lots 6, 7 and 8, Block 206 of said plat, recorded in the office of the Klamath County Clerk; EXCEPTING THEREFROM the northerly 11 feet of Lot 6.

The terms of this Easement are as follows:

1. The Grantor's Property, as described above, is burdened by this Easement.
2. This Easement shall be used for public vehicular and pedestrian access and for installation, inspection, maintenance, repair, replacement and use of public utility lines, and all necessary appurtenances in, upon, over, across and under the Easement area, together with the right of reasonable ingress and egress over Grantor's Property for the purposes of Grantee's use of this Easement. In conjunction with such use, Grantee and others authorized to utilize the utility easement may inspect, construct, reconstruct, maintain and repair the roadway and all utilities situated within this Easement.
3. Grantee shall maintain, repair and replace the public roadway and access ways constructed within the Easement (or cause the same to be done).
4. Grantor shall not erect any buildings or other permanent structures within the Easement area that

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would inhibit access or cause damage to any utility lines within the Easement area.

5. Grantee agrees to indemnify and hold harmless Grantor from any loss, claim or liability to Grantor arising out of use of the Easement. Grantee assumes all risk arising out of use of the Easement.
6. The easements and rights granted herein shall be perpetual, shall run with the land and shall be binding upon the parties and upon their respective heirs, personal representatives, successors and assigns.

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

GRANTOR: CHRISTOPHER T. COOK

Christopher T. Cook
Christopher T. Cook

GRANTOR: CATHERINE D. COOK

Catherine D. Cook
Catherine D. Cook

01/ GRANTEE: CITY OF KLAMATH FALLS

By [Signature]
City Manager

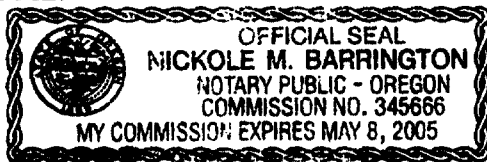
Attest: Elisa D. Olson
City Recorder

STATE OF OREGON } ss.

County of Klamath

On the 11th day of April, 2003, personally appeared Christopher T. Cook and Catherine D. Cook, and being first duly sworn, acknowledged said instrument to be their voluntary act and deed.

BEFORE ME:

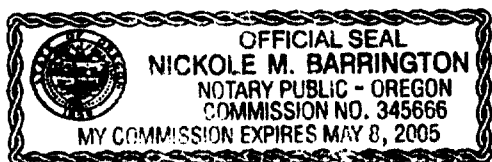


Nickole M. Barrington
Notary Public for Oregon
My Commission Expires: 5-8-2005

STATE OF OREGON } ss.
County of Klamath

On the 22nd day of April, 2003, personally appeared Jeffrey D. Ball and Elisa D. Olson, 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 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:



Nickole M. Barrington
Notary Public for Oregon
My Commission Expires: 5-8-2005