

State of Oregon, County of Klamath
Recorded 01/15/2004 12:31 p m
Vol M04 Pg 2589-91
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

CREATION OF A PUBLIC UTILITY EASEMENT

KNOW ALL MEN by these presents that ONYX BUSINESS PARK, LLC, an Oregon Limited Liability Company, do hereby enter into a creation of a public utility easement over and across Parcel 3 of Land Partition 8-98 in the W1/2 NE1/4 NW1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Said easement is described in the attached Exhibit "A" and a map is attached as Exhibit "B" to help identify the easement.

Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the Public Utility Easement identified on this plat map as may be necessary or desirable in providing utility services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove all structures within the PUE at the lot owner's expense, or the utility may remove such structures at the lot owner's expense. At no time may any permanent structures be placed within the PUE or any other obstruction, which interferes with the use of the PUE without the prior written approval of the utilities with facilities in the PUE

The period of this easement shall be for perpetuity. This easement shall bind and inure for the benefit of, as the circumstances may require, not only to the Grantors but also to their heirs, successors and assigns.

Dated this 15th day of January, 2004.

ONYX BUSINESS PARK LLC, an Oregon Limited Liability Company

Charles A. Morrison Trustee
C. A. Morrison Trust
By: Charles A Morrison, Trustee

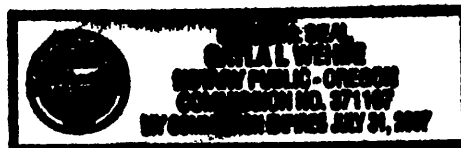
Randall Simonson, CCIM
Randall Simonson, CCIM

State of Oregon
County of Klamath

This instrument was acknowledged before me on 01-14-04 by Charles A Morrison, Trustee of the C. A. Morrison Trust, Member of ONYX BUSINESS PARK LLC, an Oregon Limited Liability Company.

Gayla L. Weide
Notary Public for Oregon

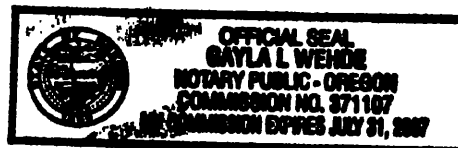
My commission expires 07/31/07



This instrument was acknowledged before me on 01-14-04 by Randall Simonson, CCIM, Member of ONYX BUSINESS PARK LLC, an Oregon Limited Liability Company.

Gayla L. Weide
Notary Public for Oregon

My commission expires 07/31/07



cc: Randal Simonson

EXHIBIT A

A Strip of land 10 feet wide lying 5 feet on each side of the following described centerline, situated in the W $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 39 South, Range 9 East, W.M., Klamath County Oregon, being a portion of Parcel 3 of Land Partition 8-98, according to the official plat thereof on file in the office of the Klamath County Clerk:

Commencing at the SW corner of said Parcel 3, thence along the westerly line of said Parcel 3, North 00°05'50" West, 10.00 feet to the northerly Right-of-Way line of Onyx St. as recorded in M03-30057 at the Klamath County Clerks Office; thence along said northerly Right-of-Way, South 89°36'06" East, 5.00 feet to the TRUE POINT OF BEGINNING; thence parallel with and 5.00 feet from (when measured at right angles) the westerly line of said Parcel 3, North 00°05'50" West, 172.33 feet; thence South 89°58'47" East, 119.31 feet; thence North 00°01'13" East, 26.28 feet; thence South 89°58'47" East, 50.00 feet to the POINT OF TERMINUS, said point bears South 19°57'38" East, 513.37 feet from the NW corner of said Parcel 3.

Side lines to extend or shorten as necessary to intersect the northerly Right-of-Way of Onyx St..

Contains 3,679 square feet, more or less.

02591

