

2007-009355

Klamath County, Oregon



00023111200700093550040041

05/23/2007 03:22:06 PM

Fee: \$36.00

After Recording Return to

Timber Mill Shores  
P. O. Box 257  
Klamath Falls, OR 97601

79445-KR

## UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that PINE CONE, L.L.C., AN OREGON LIMITED LIABILITY COMPANY (Grantor), does hereby grant bargain, sell and convey to any and all necessary utility companies (Grantee), permanent non-exclusive easement for public utilities including geothermal and all necessary appurtenances in, into, upon, over, across and under a strip of land described and shown as follows:

### SEE EXHIBIT 'A' and 'B' ATTACHED HERETO

The Easement Area lies within the real property owned by Grantor that is legally described as follows:

Lot 12, Tract 1430 – TIMBERMILL SHORES, according to the Official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

Together with the rights of ingress and egress over Grantor's adjoining lands for the purpose of Grantee's enjoyment of this easement.

Grantor retains the right to utilize the Easement Area for any purposes that do not conflict with utilities. Although this easement is non-exclusive, Grantor agrees that any other use of the Easement Area or the ingress/egress area permitted by Grantor shall not interfere with Grantee's use of those areas authorized herein.

IN CONSIDERATION OF THIS GRANT OF EASEMENT, Grantee agrees to the following:

1. **Indemnification by Grantee**, Grantee shall indemnify, defend and hold Grantor harmless from and against any and all claims, demands, damages, losses, liens, liabilities, penalties, fines, lawsuits and other proceedings asserted by third parties against Grantor and Grantor's heirs, successors and assigns (Including attorney's fees, costs and expenses) that arise from or out of the Grantee's use of the Easement Area or the Property at any time.

36-

2. **Notice Prior to Entry.** This easement shall include the perpetual right to enter upon the Property at any necessary time, so long as Grantee uses it's best effort to coordinate such access with Grantor so as not to interfere with Grantor's ongoing business.
  
3. **Restoration of Property.** Upon the completion of Grantee's installation of utilities, or upon completion of grantee's ongoing maintenance or inspection of the utilities that are installed in the Easement Area. Grantee shall restore the Easement Area and the Property to the same condition as existed prior to Grantee's entry into the Easement Area or onto the property

This document shall be binding upon all subsequent purchasers of the Property, the Grantee, and the heirs, successors and assigns, of both.

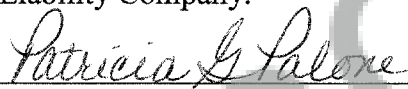
IN WITNESS WHEREOF, I/we have hereunto set our hands the 21st day of May, 2007.

  
\_\_\_\_\_  
PINE CONE, L.L.C.

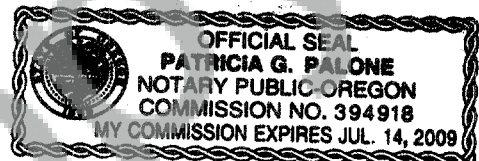
By: Robert J. Shaw, *Manager*

State of Oregon  
County of Klamath

This instrument was acknowledged before me this 23rd day of May, 2007 by Robert J. Shaw as Operating Manager of PINE CONE, L.L.C., an Oregon Limited Liability Company.

  
\_\_\_\_\_  
Notary Public for Oregon

My commission expires 7-14-09





1004 Main Street  
Klamath Falls, Oregon 97601-5813  
541.884.3042  
Fax 541.885.2105

MAY 22, 2007

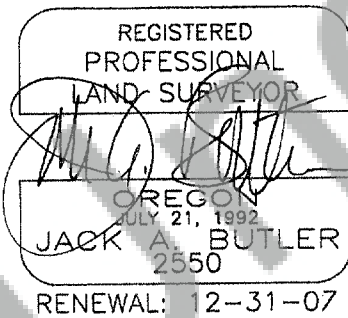
TIMBERMILL SHORES LEGAL DESCRIPTION  
16.00' WIDE GEO-THERMAL & UTILITY EASEMENT PROJECT NO. 30056

**EXHIBIT "A"**

A 16.00 FOOT WIDE STRIP OF LAND, LOCATED IN LOT 12 OF "TRACT 1430-TIMBERMILL SHORES" OF THE KLAMATH COUNTY SURVEY RECORDS, AND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 38 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, CITY OF KLAMATH FALLS, KLAMATH COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWESTERLY 16.00 FEET OF LOT 12 OF SAID "TRACT 1430-TIMBERMILL SHORES", AND SHOWN ON THE ATTACHED EXHIBIT "B".

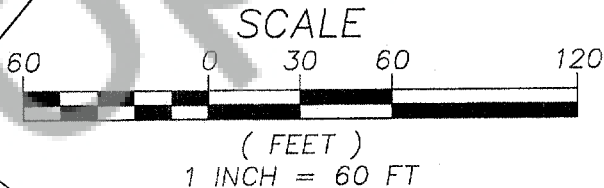
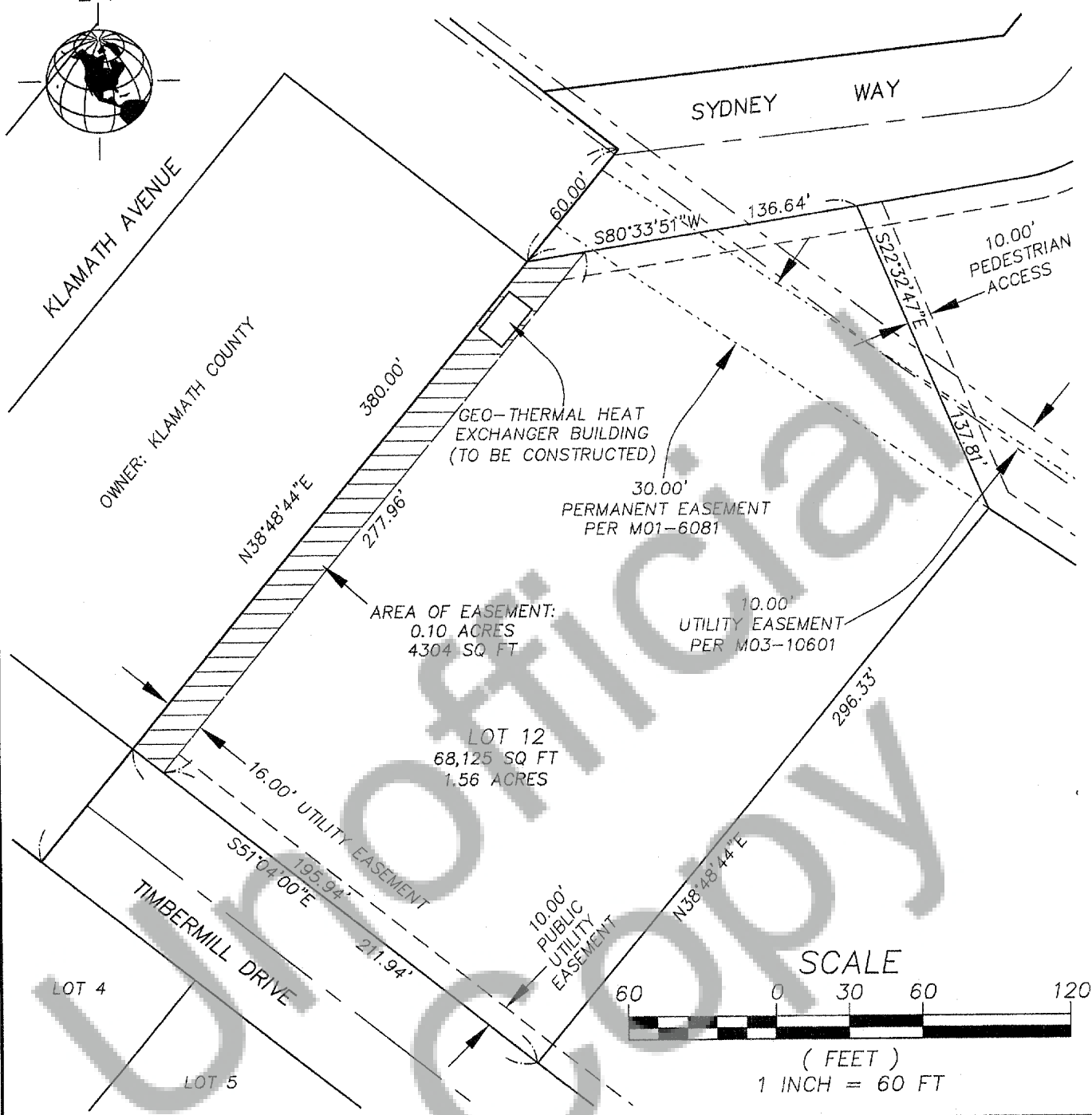
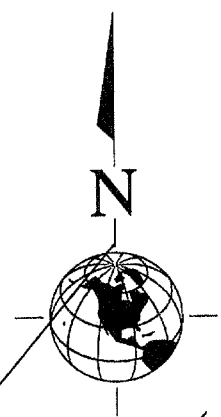
CONTAINING APPROXIMATELY 4,304 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.



P:\Pine Cone LLC\030056\Survey\Documents\LOT 12 UTILITY ESMNT052107.doc

# EXHIBIT "B"

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Office: KFALLS | System: WHP-KLAM-C7RUC91 | User: JBUTLER | Time: 05/22/2007 16:08:38

DESIGNED BY:	CHECKED BY:				
DRAWN BY: SPM	APPROVED BY:				
LAST EDIT:	PLOT DATE: 05/22/07				
DATE	BY	REV#	REVISION	CK'D	APPR

**PINECONE, LLC**  
TRACT 1430 - TIMBERMILL SHORES  
**GEO-THERMAL & UTILITY EASEMENT**  
**EXHIBIT "B"**

KLAMATH FALLS	PROJECT NO. 30056	DRAWING FILE NAME: 30056-SURV-EX04	1 SHEET	1
SCALE: 1"=60'				

OREGON