

2008-001845

Klamath County, Oregon



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After Recording return to:
Lynn M Smith
Qwest Corporation
8021 SW Capitol Hill Rd
Portland, Oregon 97219

02/13/2008 09:22:29 AM

Fee: \$41.00

Job: _____

RECORDING INFORMATION ABOVE

EASEMENT AGREEMENT

The undersigned Glenda J. Stilwell ("Grantor") for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto QWEST CORPORATION, a Colorado corporation ("Grantee"), whose address is 1801 California St., Suite 5200, Denver, CO 80202, and its successors, assigns, affiliates, lessees, licensees, and agents, a perpetual non-exclusive easement to construct, modify, add to, maintain, and remove such telecommunications facilities, electrical and gas facilities as needed for Qwest equipment, provided by the local electrical power or gas utilities, and other appurtenances, from time to time, as Grantee may require upon, over, under and across the following described property situated in the County of Klamath, State of Oregon, which Grantor owns or in which Grantor has an interest ("Easement Area"), to wit:

An easement 30 feet in width which is shown in its entirety on EXHIBIT "A" which is attached hereto and by this reference made a part hereof, all of which is situated in the NE 1/4 of Section 18, Township 37 South, Range 9 East of the Willamette P.M.

ACCESS AND UTILITY EASEMENT DESCRIPTION:

BENEFITED PROPERTY: AN EXISTING COMMUNICATIONS LEASE SITE COMPOUND IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 37 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

BURDENED PROPERTY: PORTIONS OF PARCEL 1 OF KLAMATH COUNTY DEED RECORDS VOLUME M98 PAGE 22828 WITHIN THE S 1/2 OF THE NE 1/4 OF SECTION 18, TOWNSHIP 37 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION EIGHTEEN (18), THENCE SOUTH FIVE (5) CHAINS; THENCE EAST AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER OF NORTHEAST QUARTER, TWENTY (20) CHAINS TO THE EAST LINE OF SAID SOUTHWEST

QUARTER OF NORTHEAST QUARTER; THENCE SOUTHEAST TO THE QUARTER SECTION CORNER ON THE LINE BETWEEN SECTIONS SEVENTEEN (17) AND EIGHTEEN (18); THENCE NORTH ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION EIGHTEEN (18) TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION EIGHTEEN (18); THENCE WEST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST QUARTER OF SECTION EIGHTEEN (18), TO THE PLACE OF BEGINNING; ALL BEING SITUATED IN TOWNSHIP THIRTY-SEVEN (37) SOUTH OF RANGE NINE (9) EAST OF THE WILLAMETTE MERIDIAN.

AND

PORTIONS OF PARCEL 2 OF KLAMATH COUNTY DEED RECORDS VOLUME M98 PAGE 22828 WITHIN THE SOUTH 1/2 OF THE NE 1/4 OF SECTION 18, TOWNSHIP 37 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF THE SW 1/4 NE 1/4 WHICH POINT IS FIVE (5) CHAINS SOUTH OF THE NW CORNER OF THE SW 1/4 NE 1/4; THENCE E. AND PARALLEL WITH THE N. LINE OF SAID SW 1/4 NE 1/4 TWENTY (20) CHAINS TO THE E. LINE OF SAID SW 1/4 NE 1/4; THENCE IN A DIRECT LINE, Sely, TO THE QUARTER SECTION CORNER BETWEEN SECS. 17 AND 18, OF SAID TWP. & RANGE; THENCE W. ALONG THE S. LINE OF THE NE 1/4 TO THE SW CORNER OF THE SE 1/4 NE 1/4; THENCE N. ALONG THE W. LINE OF SAID SE 1/4 NE 1/4 TEN (10) CHAINS; THENCE W. AND PARALLEL TO THE N. LINE OF THE SAID SW 1/4 NE 1/4 TO THE W. LINE THEREOF; THENCE N. ALONG THE W. LINE OF THE SW 1/4 NE 1/4 FIVE (5) CHAINS, MORE OR LESS, TO THE POINT OF BEGINNING.

KLAMATH COUNTY ASSESSORS MAP 37-09-18 TAX LOT #600

A STRIP OF LAND 30 FEET IN WIDTH FOR AN ACCESS AND UTILITY EASEMENT, 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, BEING ALWAYS BY AND ALONG AN EXISTING ROAD, AND BEING ONLY THOSE PORTIONS OF THE FOLLOWING DESCRIPTION FOUND TO BE WITHIN PARCEL 1 AND PARCEL 2 OF THE AFOREMENTIONED BURDENED PROPERTIES WITHIN THE SW 1/4 OF THE NE 1/4 OF SECTION 18, TOWNSHIP 37 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN:

COMMENCING AT THE NORTHEAST CORNER OF AN EXISTING COMMUNICATIONS LEASE, SAID CORNER BEING N 46°21'32" E, 4258.90 FEET FROM THE NORTHWEST CORNER OF COMMUNITY AVENUE PER KLAMATH COUNTY, OREGON PLAT RECORDS OF THE FIRST ADDITION TO ALGOMA OREGON, SECTION 18, TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.; THENCE ALONG THE NORTHWESTERLY BOUNDARY OF SAID EXISTING COMMUNICATIONS LEASE S 52°55'21" W, 20.00 FEET TO THE POINT OF BEGINNING:

THENCE N 37°04'39" W, 36.49 FEET TO A POINT;
THENCE S 29°14'06" W, 58.12 FEET TO A POINT;
THENCE S 33°12'52" W, 38.23 FEET TO A POINT;

THENCE S 00°14'51" E, 86.78 FEET TO A POINT;
THENCE S 03°07'53" E, 58.85 FEET TO A POINT;
THENCE S 00°06'48" W, 57.26 FEET TO A POINT;
CONTINUING THEREAFTER WITH THE RIGHT MARGIN OF SAID EASEMENT BEING 10.00 FEET IN WIDTH, AND THE LEFT MARGIN BEING 20.00 FEET IN WIDTH;
THENCE S 04°58'49" W, 62.20 FEET TO A POINT;
THENCE S 42°05'24" W, 13.93 FEET TO A POINT;
THENCE S 82°44'26" W, 22.87 FEET TO A POINT;
THENCE N 85°41'24" W, 61.81 FEET TO A POINT;
THENCE S 00°51'25" E, 187.55 FEET TO A POINT;
THENCE S 11°51'37" W, 29.60 FEET TO A POINT;
THENCE S 28°15'17" W, 29.33 FEET TO A POINT;
THENCE S 43°58'56" W, 21.68 FEET TO A POINT;
THENCE S 53°10'03" W, 41.70 FEET TO A POINT;
THENCE S 75°57'35" W, 43.52 FEET TO A POINT;
THENCE N 89°09'08" W, 47.01 FEET TO A POINT;
THENCE N 89°06'05" W, 153.96 FEET TO A POINT;
THENCE N 86°50'50" W, 33.39 FEET, MORE OR LESS, TO THE CENTERLINE OF ALGOMA ROAD. THE BOUNDARIES OF SAID EASEMENT BEING EXTENDED OR SHORTENED TO MEET AT ANGLE POINTS AND TO TERMINATE ON THE BOUNDARIES OF THE GRANTOR.

BASIS OF BEARING AND DESCRIPTION PER OREGON SOUTH ZONE NAD 1983 STATE PLANE GRID.

Grantor further conveys to Grantee and it's contractors, the right of ingress and egress to and from the Easement Area during all periods of construction, maintenance, installation, reinforcement, repair, and removal over and across Grantor's lands with the right to clear and keep cleared all trees and other obstructions as may be necessary for Grantee's use and enjoyment of the Easement Area.

Grantee shall indemnify Grantor for all damages caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges herein granted. Grantee shall have no responsibility for environmental contamination, which is either pre-existing or not caused by Grantee.

Grantor reserves the right to occupy, use, and cultivate the Easement Area for all purposes not inconsistent with the rights herein granted.

Grantor covenants that Grantor is the fee simple owner of the Easement Area or has an interest in the Easement Area. Grantor will warrant and defend title to the Easement Area against all claims.

Grantor hereby covenants that no excavation, structure, or obstruction will be constructed or permitted on the Easement Area and no change will be made by grading or otherwise that would adversely affect Grantee's use and enjoyment of the Easement Area.

The rights, conditions, and provisions of this Agreement shall run with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

Any claim, controversy, or dispute arising out of this Agreement shall be settled by arbitration in accordance with the applicable rules of the American Arbitration Association, and judgement upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The arbitration shall be conducted in the county where the Easement Area is situated.

Private Easement
Individual(s) as Grantor

Glenda J. Stilwell
Glenda J. Stilwell GRANTOR

STATE OF OREGON)
COUNTY OF Klamath) ss:
Oregon)

The foregoing instrument was acknowledged before me this 10 day of January,
2008 by Glenda J. Stilwell.

[NOTARY SEAL]



Witness my hand and official seal:

Margaret John
Notary Public

My commission expires: 9-12-2010

R/W# _____ Job # _____
Exchange _____ County _____
1/4 Section _____ Section _____ Township _____ Range _____

Exhibit A

