

2008-002493

Klamath County, Oregon



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02/28/2008 10:56:58 AM

Fee: \$41.00

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

Job: _____

RECORDING INFORMATION ABOVE

EASEMENT AGREEMENT

The undersigned Glenda J. Stilwell, for the estate of Dorothy Hagelstein ("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 A OF
KLAMATH COUNTY DEED RECORDS VOLUME 203 PAGE 487
WITHIN THE S 1/2 OF THE NW 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
NORTH-SOUTH QUARTER LINE, WHICH LIES SOUTH ALONG
THE QUARTER LINE A DISTANCE OF 330 FEET FROM THE
NORTHEAST CORNER OF THE SE 1/4 OF THE NW 1/4 OF
SECTION 18, TOWNSHIP 37 SOUTH, RANGE 9 EAST OF THE
WILLAMETTE MERIDIAN, AND RUNNING THENCE; WEST A

1/2 Tim Henion

DISTANCE OF 341 FEET TO A POINT WHICH LIES ON THE EASTERLY RIGHT-OF-WAY LINE OF THE DALLES-CALIFORNIA HIGHWAY AS NOW CONSTRUCTED; THENCE SOUTH ALONG THE EASTERLY RIGHT-OF-WAY LINE AT THE DALLES-CALIFORNIA HIGHWAY A DISTANCE OF 505 FEET TO A POINT; THENCE EAST A DISTANCE OF 341 FEET TO A POINT ON THE NORTH-SOUTH QUARTER LINE; THENCE NORTH ALONG THE NORTH-SOUTH QUARTER LINE A DISTANCE OF 505 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND

PORTIONS OF PARCEL B OF
KLAMATH COUNTY DEED RECORDS VOLUME 203 PAGE 487
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 A POINT ON THE
NORTH-SOUTH QUARTER LINE WHICH LIES SOUTH ALONG
THE QUARTER LINE A DISTANCE OF 660 FEET FROM THE
NORTHWEST CORNER OF THE SW 1/4 OF NE 1/4 OF SECTION
18, TOWNSHIP 37 SOUTH, RANGE 9 EAST OF THE
WILLAMETTE MERIDIAN AND RUNNING THENCE; CONTINUING
SOUTH ALONG THE QUARTER LINE A DISTANCE OF 175 FEET
TO A POINT; THENCE EAST A DISTANCE OF 200 FEET TO A
POINT; THENCE SOUTH A DISTANCE OF 236 FEET TO A POINT;
THENCE EAST A DISTANCE OF 1120 FEET TO A POINT ON THE
FORTY LINE; THENCE NORTH ALONG THE FORTY LINE A
DISTANCE OF 411 FEET TO A POINT; THENCE WEST ALONG
THE NORTH LINE OF THE S 1/2 OF SW 1/4 OF NE 1/4 OF SAID
SECTION 18, A DISTANCE OF 1320 FEET MORE OR LESS TO
THE POINT OF BEGINNING.

KLAMATH COUNTY ASSESSORS MAP 37-09-18 TAX LOT #700.

A STRIP OF LAND 30 FEET IN WIDTH FOR AN ACCESS AND UTILITY EASEMENT, 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, AND BEING ONLY THOSE PORTIONS OF THE FOLLOWING DESCRIPTION FOUND TO BE WITHIN PARCEL A AND PARCEL B OF THE AFOREMENTIONED BURDENED PROPERTIES WITHIN THE SE 1/4 NW 1/4 AND SW 1/4 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;
THENCE S 00°03'06" E, 257.53 FEET TO A POINT;
THENCE S 67°38'49" W, 120.35 FEET TO A POINT;
THENCE S 38°44'39" W, 32.28 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 its 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.

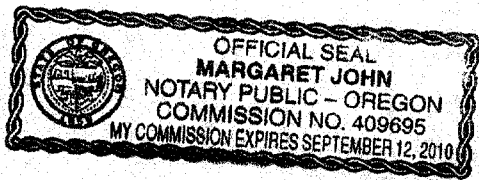
Private Easement
Individual(s) as Grantor

Glenda J. Stilwell
Glenda J. Stilwell, for the estate of Dorothy Hagelstein GRANTOR

STATE OF OREGON)
COUNTY OF Klamath) ss:

The foregoing instrument was acknowledged before me this 10 day of January, 2000, by Glenda J. Stilwell, for the estate of Dorothy Hagelstein

[NOTARY SEAL]



Witness my hand and official seal:

Margaret John
Notary Public

My commission expires: 9-12-2010

R/W# _____ Job # _____
Exchange _____ County _____
 $\frac{1}{4}$ Section _____ Section _____ Township _____ Range _____

Exhibit A

