

AFTER RECORDING RETURN TO:  
Bend Broadband  
63090 Sherman Road  
Bend, Oregon 97701

*Returns to:*  
Jerry Powell  
23030 Donna Lane  
Bend, Oregon 97701

2013-007224

Klamath County, Oregon



00138244201300072240030032

06/25/2013 08:42:31 AM

Fee: \$47.00

**Easement Agreement**

Agreement made on the 20 day of MAY, 2013, between KLAMATH NORTHERN RAILWAY COMPANY, of 2211 Rimland Drive #220, Bellingham, Washington 98226, hereinafter referred to as **Grantor**, and BEND CABLE COMMUNICATIONS, LLC, with its principal office located at 63055 Sherman Road, Bend, Oregon 97701, hereinafter referred to as **Grantee**.

**Whereas**, **Grantor** owns the railroad right-of-way that is described in Volume: M-91, Page: 20430 of the Microfilm Records of Klamath County, Oregon, said right-of-way is located in the southwest 1/4 of Section 30, Township 24 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

**Whereas**, **Grantee** desires to cross **Grantor's** land to install overhead fiber optic lines as described on the attached "EXHIBIT A" and depicted on the attached "EXHIBIT B", and made a part hereof.

Now, therefore, for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned **Grantor** does hereby grant and convey to **Grantee**, a perpetual easement for the following purposes:

The permanent easement shall include the right, privilege and authority to **Grantee** to excavate for and to construct, build, install, lay, patrol, inspect, operate, maintain, repair, replace and remove, poles and overhead fiber optic lines with all appurtenances incidental thereto or necessary therewith.

Said perpetual easement is to go through, over and across the **Grantor's** above described land.

WITNESS my signature this 20 day of MAY, 2013.

GRANTOR: KLAMATH NORTHERN RAILWAY CO.

By: Susan Steers

Name: Susan Steers

Title: Assistant Secretary

State of: Washington

County of: Whatcom

This is to certify that on this 30<sup>th</sup> day of May, 2013, before me personally appeared Susan Steers, known to me to be the individual who signed above, as a free and voluntary act, and acknowledged that they are authorized to sign on behalf of KLAMATH NORTHERN RAILWAY COMPANY.

Pamela R Lang  
Notary Public



GRANTEE: BEND CABLE COMMUNICATIONS, LLC

By: Wade Holmes

Name: WADE HOLMES

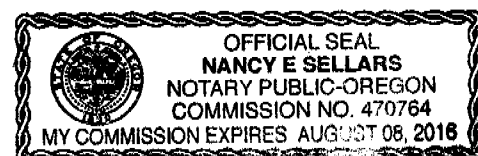
Title: JP, TECHNOLOGY

State of Oregon

County of: Deschutes

This is to certify that on this 20 day of May, 2013, before me personally appeared Wade Holmes, known to me to be the individual who signed above, as a free and voluntary act, and acknowledged that they are authorized to sign on behalf of BEND CABLE COMMUNICATIONS, LLC.

Nancy E Sellars  
Notary Public, State of Oregon



## **EXHIBIT A**

### **KLAMATH NORTHERN RAILROAD EASEMENT**

#### **CRESCENT**

A 15.00-foot wide easement inside the Klamath Northern Rail Road Right-of-way, abutting the northwesterly right-of-way boundary, lying southerly of the southwesterly right-of-way for Crescent Lake Cutoff Road, said easement lies 7.50-feet each side of the following described centerline as depicted on "EXHIBIT B", attached and located in the southwest 1/4 of Section 30 in Township 24 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon fully described as follows:

Commencing at a brass cap marking the southwest 1/16 corner of said Section 30; thence South 37°55'41" West 890.77 feet to a point 42.50 feet, perpendicular to and northwesterly of the centerline of said Klamath Northern Railroad and the point of beginning for this description; thence following a line parallel to and 42.50 feet northwesterly of said centerline, North 39°06'35" East 1200.81 feet; thence along the arc of an 1839.79 foot radius curve left (the long chord of which bears North 34°37'09" East 288.09 feet to said southwesterly right-of-way for Crescent Lake Cutoff Road and the terminus of this description.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

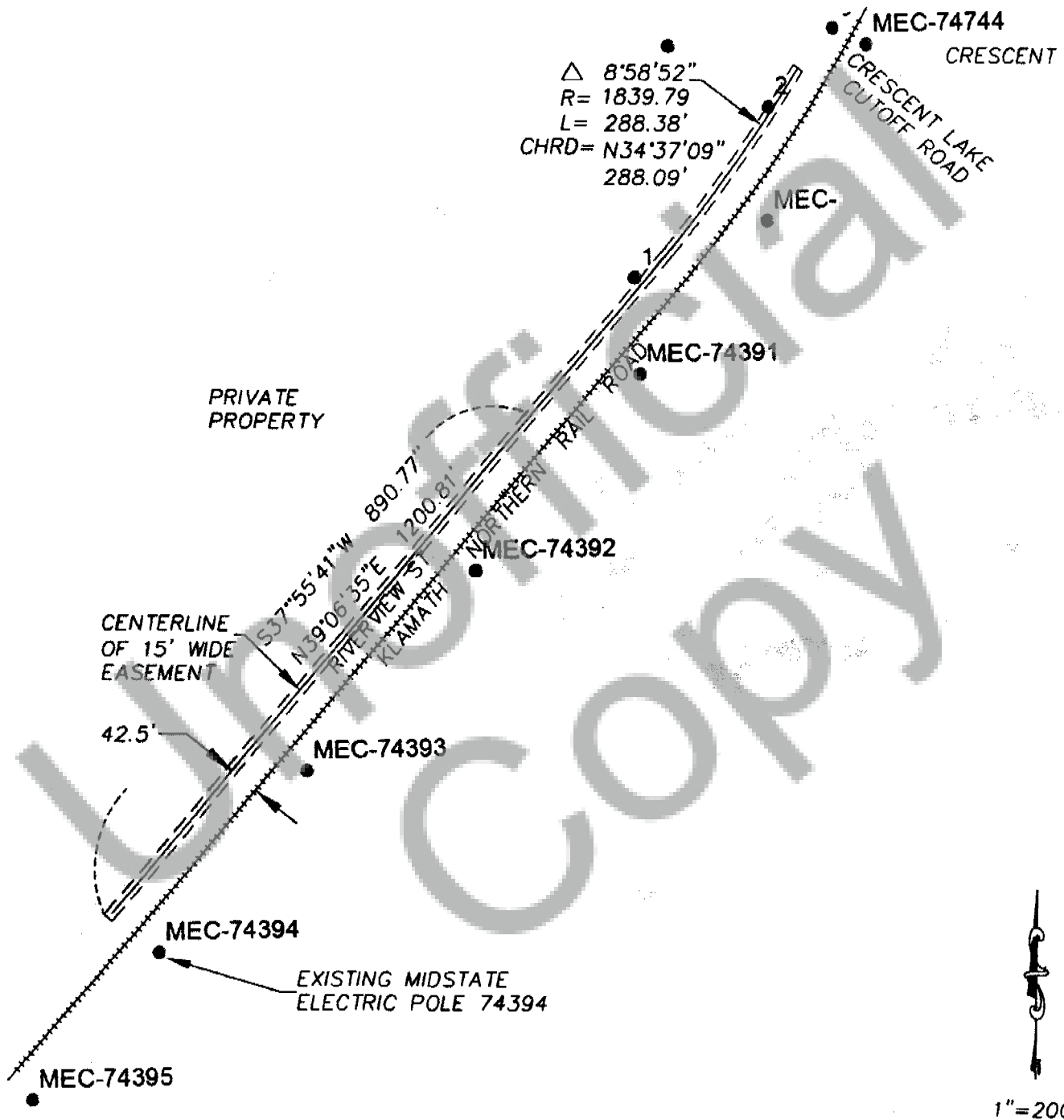
*Jerry C. Powell*  
OREGON  
JULY 18, 1980  
JERRY C. POWELL  
1919

RENEWS 12-31-2014

April 10, 2013

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# EXHIBIT B



|   |          |     |        |
|---|----------|-----|--------|
| 1   | OF       | 1   | SHEETS |
| SCALE:                                    | DESIGN:  | DGM |        |
| DATE: 12 MARCH 2013                       | DRAWN:   | DGM |        |
| PROJECT: INTERIOR PACIFIC                 | CHECKED: | KKX |        |
| NAME: CONNECT PROJECT-KLAMATH NORTHERN RR |          |     |        |

**bendbroadband**  
 63090 Sherman Road  
 Bend, Oregon 97701  
 phone: 541.593.5988  
 fax: 541.317.5982

NEW POLE EASEMENT  
 KLAMATH NORTHERN  
 RAILWAY COMPANY  
 EXHIBIT B