

GRANTOR REED LANE PLAZA JOINT VENTURE Reed Lane Plaza  
ROATS WATER SYSTEM  
61147 HAMILTON LN. 97-48218 474 • 2983  
BEND, OR. 97702  
WATER EASEMENT DEED

The easement is granted on the following terms and conditions:

1. The easement shall be a permanent, perpetual and exclusive right to construct, install, maintain and operate a water line and all related facilities on the surface and within the subsurface of the easement. Roats Water System, Inc. shall have the right to immediate possession of the property described in this easement. The easement is as described on Exhibit "1" attached hereto and by this reference incorporated herein.
2. Roats Water System, Inc. shall hold Grantor harmless from any liability caused by Roats Water System, Inc. work within the easement or the operation and maintenance of the water line.
3. Grantor also grants to Roats Water System, Inc. a temporary construction easement of 10.00 feet in width along each side of the permanent easement for the purpose of giving a work area during the construction of the water system. Upon completion of the water construction and acceptance for use, this construction easement shall be terminated.
4. Notwithstanding the foregoing, Grantee agrees that Grantor may build or pave over that portion of the Waterline "A" easement hereinafter described ("Buildable Zone"). Should it become necessary for Grantee to have access to such Buildable Zone for purposes of maintenance or repair of the subject water line, Grantee shall have such access upon prior written notice to Grantor affording Grantor sufficient time to remove any structures built upon said Buildable Zone. Emergency access to the Buildable Zone shall be afforded to Grantee without written notice. Grantee acknowledges that Grantor, at its own risk, may build any permanent structure upon such Buildable Zone which would then have to be altered, demolished or removed to entitle Grantee access to the subject water line. Any structure would have to be so altered, demolished, removed and/or replaced at Grantor's expense. Any concrete, asphalt, pavement, and lawn area placed upon the above described Buildable Zone would have to be removed by Grantee and shall be replaced by Grantee at Grantee's own expense in such a manner so as to render the premises as near as possible in the same condition as before the Buildable Zone covering was removed. Grantee shall accomplish any such removal, repair and replacement in a good and workmanlike manner exercising its best efforts to complete any such intrusion as soon as possible so as to lessen the impact upon Grantor's business.

The Grantor's Buildable Zone being 134.58 feet along the following described Waterline "A" easement beginning at U.S. Highway 97 and as depicted in the lined portion of Exhibit "2" attached hereto and by this reference incorporated herein:

A 20 foot wide easement lying 10.00 feet on each side of the following centerline:

Commencing at the Southeasterly corner of Tract 11, Reed Highway Acreage, Section 2; thence North 21 00'21" East, 6.66 feet; thence along a curve to the right with a radius of 985.00 feet, length of 206.87 feet, chord bearing and distance of North 27 01'21" East, 206.49 feet to the point of true beginning; thence North 62 49'40" West, 115.42 feet; thence South 72 10'20" West, 48.72 feet; thence South 27 10'20" West, 188.36 feet; thence North 89 49'40" West, 266.73 feet; thence North 54 02'40" West, 54.58 feet to the terminus thereof and the westerly property line of Tract 11.

Grantor warrants and represents that the property subject to this easement is free and clear of all liens and encumbrances and that Grantor has the right to grant this water easement.

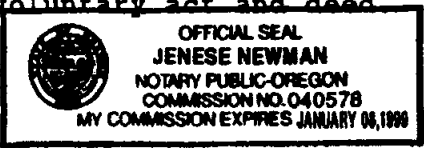
DATED THIS 19<sup>th</sup> DAY OF July, 19 95.

GRANTOR REED LANE PLAZA JOINT VENTURE  
By: William R. Howard  
WILLIAM R. HOWARD

GRANTEE ROATS WATER SYSTEM, INC.  
By: William K. Roats  
WILLIAM K. ROATS

STATE OF OREGON )  
County of Marion ) ss

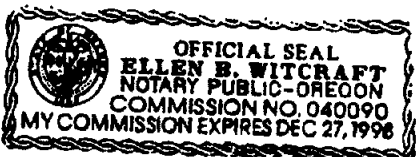
On the 19 day of July, 1995, personally appeared before me the above-named WILLIAM R. HOWARD and acknowledged this instrument to be his voluntary act and deed.



Jenese Newman  
Notary Public for Oregon  
My Commission Expires: 1-8-99

STATE OF OREGON )  
County of OREGON ) ss

On the 27<sup>th</sup> day of July, 1995, personally appeared before me the above-named WILLIAM K. ROATS and acknowledged this instrument to be his voluntary act and deed.



Ellen B. Witcraft  
Notary Public for Oregon  
My Commission Expires: 12-27-98

## Waterline Easements "A, B, C, &amp; D"

An easement for waterline purposes located in Tract 11, Reed Highway Acreage, Section 2, in the Northeast One-Quarter of the Northeast One-Quarter of Section 8, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

A 20 foot wide easement lying 10.00 feet on each side of the following centerline:

## Waterline "A"

Commencing at the southeasterly corner of Tract 11, Reed Highway Acreage, Section 2; thence North  $21^{\circ}00'21''$  East, 6.66 feet; thence along a curve to the right with a radius of 985.00 feet, length of 206.87 feet, chord bearing and distance of North  $27^{\circ}01'21''$  East, 206.49 feet to the point of true beginning; thence North  $62^{\circ}49'40''$  West, 115.42 feet; thence South  $72^{\circ}10'20''$  West, 48.72 feet; thence South  $27^{\circ}10'20''$  West, 188.36 feet; thence North  $89^{\circ}49'40''$  West, 266.73 feet; thence North  $54^{\circ}02'40''$  West, 54.58 feet to the terminus thereof and the westerly property line of Tract 11.

## Waterline "B"

Commencing at the southeasterly corner of Tract 11, Reed Highway Acreage, Section 2; thence North  $21^{\circ}00'21''$  East, 6.66 feet; thence along a curve to the right with a radius of 985.00 feet, length of 206.87 feet, chord bearing and distance of North  $27^{\circ}01'21''$  East, 206.49 feet; thence North  $62^{\circ}49'40''$  West, 99.80 feet to the point of true beginning; thence North  $27^{\circ}10'20''$  East, 27.42 feet to the terminus thereof.

## Waterline "C"

Commencing at the southeasterly corner of Tract 11, Reed Highway Acreage, Section 2; thence North 21°00'21" East, 6.66 feet; thence along a curve to the right with a radius of 985.00 feet, length of 206.87 feet, chord bearing and distance of North 27°01'21" East, 206.49 feet; thence North 62°49'40" West, 115.42 feet; thence South 72°10'20" West, 48.72 feet; thence South 27°10'20" West, 188.36 feet; thence North 89°49'40" West, 146.84 feet to the point of true beginning; thence North 00°10'20" East, 30.81 feet to the terminus thereof

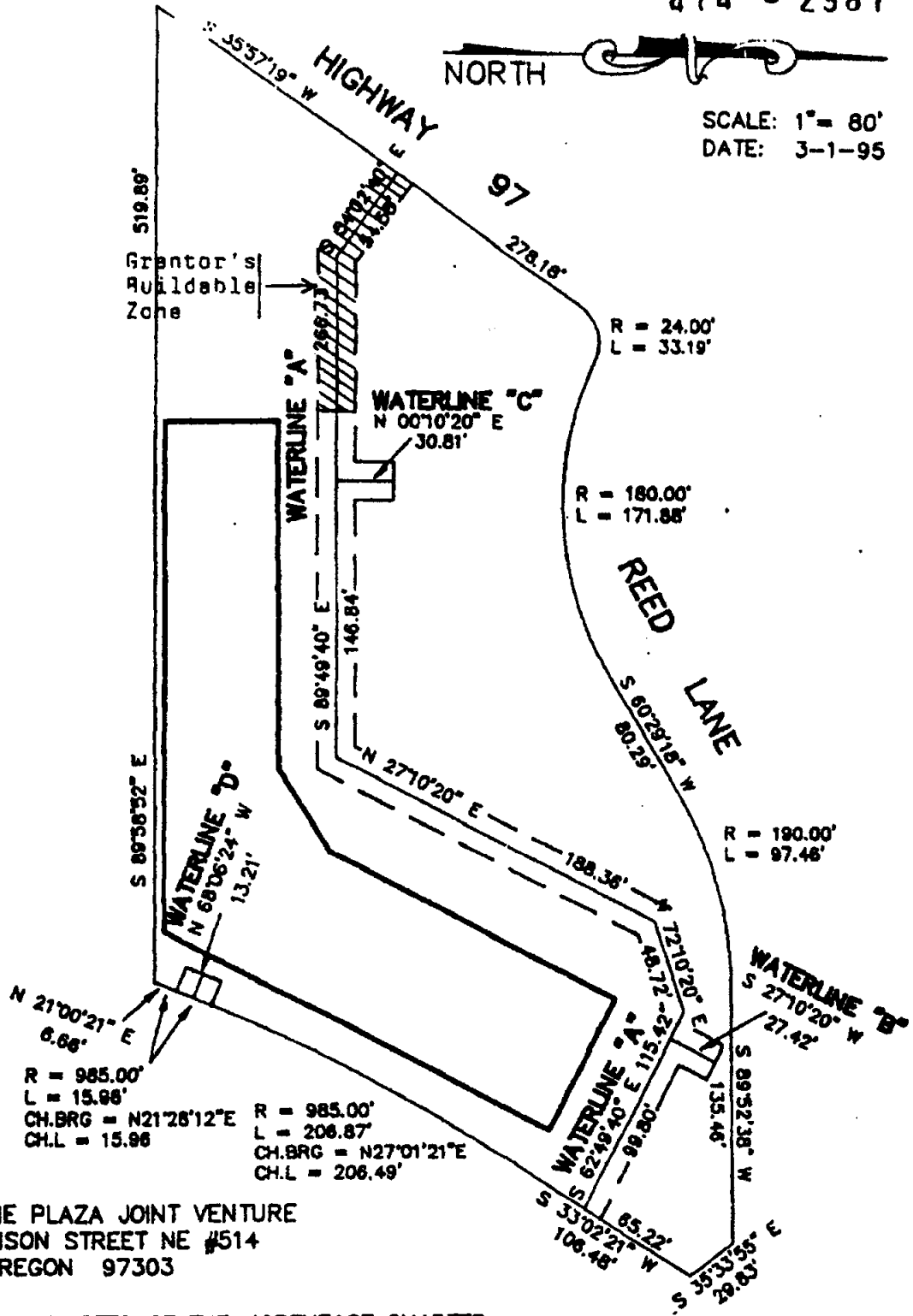
## Waterline "D"

Commencing at the southeasterly corner of Tract 11, Reed Highway Acreage, Section 2; thence North 21°00'21" East, 6.66 feet; thence on a curve to the right with a radius of 985.00 feet, an arc length of 15.96 feet and a chord bearing and distance of North 21°28'12" East, 15.96 feet to the point of true beginning; thence North 68°06'24" West, 13.21 feet to the terminus thereof.

474 - 2987

NORTH

SCALE: 1" = 80'  
DATE: 3-1-95



OWNER:  
 REED LANE PLAZA JOINT VENTURE  
 1115 MADISON STREET NE #514  
 SALEM, OREGON 97303

NORTHEAST QUARTER OF THE NORTHEAST QUARTER  
 OF SECTION 8, TOWNSHIP 18 SOUTH, RANGE 12  
 EAST OF THE WILLAMETTE MERIDIAN, TRACT 11,  
 REED HIGHWAY ACREAGE, SECTION 2, CITY OF BEND,  
 DESCHUTES COUNTY, OREGON.

BILL OF SALE

For good and valuable consideration, the receipt of which is hereby acknowledged, Reed Lane Plaza Joint Venture does hereby grant, bargain, sell, transfer and deliver unto ROATS WATER SYSTEM, Inc., an Oregon Corporation, the water lines located in the easements described on Exhibit "1" now being and situate in the State of Oregon, County of Deschutes.

Reed Lane Plaza Joint Venture does hereby covenant that it is the owner of said personal property; that the same is free of encumbrances and that the undersigned has the right to sell the same, and he and his assigns will warrant and defend the same against the lawful claims and demands of all persons whomsoever.

Done this 19 day of July, 1995

By: [Signature]

STATE OF OREGON )  
COUNTY OF DESCHUTES ) SS.  
I, MARY SUE PENHOLLOW, COUNTY CLERK AND  
RECORDER OF CONVEYANCES, IN AND FOR SAID  
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN  
INSTRUMENT WAS RECORDED THIS DAY:  
97 DEC 30 AM 11:58  
MARY SUE PENHOLLOW  
COUNTY CLERK

BY: [Signature] DEPUTY  
NO. 97-48248 FEE 40.00  
DESCHUTES COUNTY OFFICIAL RECORDS