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AGREEMENT AND CONVEYANCES TO
ESTABLISH BOUNDARY LINES

THIS AGREEMENT, Made and entered into this 10th day of June, 1968, between Herbert C. LeSueur and Mary-Louise LeSueur, husband and wife, hereinafter referred to as First Parties, Howard Barnhise1 and Maybelle E. Barnhise1, husband and wife, hereinafter referred to as Second Parties, and Lyle Kellstrom and Betty J. Kellstrom, husband and wife, hereinafter referred to as Third Parties,

W I T N E S S E T H:

WHEREAS, First Parties are owners of the following described property in Klamath County, Oregon, to-wit:

PARCEL 1: All that part of Lot 8 of Section 32, Township 38 S. R. 9 E.W.M. described as follows: Beginning at a point which is North 47°23' West along the Southerly line of Conger Avenue 88.6 links from a stone monument on the Southerly line of Conger Avenue marked with a cross from which monument the quarter section corner between Sections 29 and 32, Township 38 S. R. 9 E.W.M., bears North 30.19 chains and East 22.91 chains; from said point of beginning, running North 47°23' West along the Southerly line of Conger Avenue 48.4 links; thence South 49° West 109.5 links; thence North 61° West 50 links to a point known as the Southeast corner of the O.C. Applegate lot, according to the survey of B. F. Meyer made June 29, 1880; thence South 57½° West 191 links; thence South 43°30' West 284 links; thence South 52° East 51.25 links; thence North 44°31' East 191 links; thence North 85°48' East 1.36 chains; thence North 44°35' East 2.94 chains to point of beginning, containing .50 acre, more or less.

Beginning at a point formerly known as the Southeast corner of the O.C. Applegate lot, according to the survey of B. F. Meyer made June 29, 1880; thence North 52° West 47 links; thence North 43°30' East 133 links; thence South 48°46' East 107 links; thence South 49° West 120 links; thence North 61° West 50 links to point of beginning.

Beginning at a point formerly known as the Southeast corner of the O.C. Applegate lot according to the survey of B. F. Meyer made June 29, 1880; thence North 52° West 47 links; thence South 43°30' West 185 links; thence North 57½° East 191 links to the point of beginning.

PARCEL 2: All that part of Lot 8 of Section 32, Twp. 38 S. R. 9 E.W.M. described as follows: Beginning at a stone monument marked with a cross which is on the Southerly line of Conger Avenue from which the quarter corner between Sections 29 and 32, Twp. 38 S. R. 9 E.W.M. bears North 30.19 chains and East 22.91 chains; thence North 47°23' West along the Southerly line of Conger Avenue, 137 links; thence South 49° West, 109.5 links; thence North 61° West, 50 links to a point known as the Southeast corner of the O.C. Applegate lot according to the survey of B. F. Meyer made June 29, 1880; thence South 57½° West 191 links; thence South 43°30' West 284 links; thence South 52° East 178 links; thence North 44°31' East 191 links to the Northwest corner of the lot described in deed recorded in Vol. 25, page 228, Klamath County Deed Records; thence following the North and Eastern sides of said lot, North 85°48' East 61 links; thence South 4°12' East 16 links; thence North 44°35' East along the lot of The California Oregon Power Company 3.53 chains to the point of beginning. SAVING AND EXCEPTING THEREFROM paragraph one of Parcel 1 above.

PARCEL 3: Tract A:
A tract of land described as follows: Beginning at the iron

pin which marks the most Southerly corner of the Leavitt Tract described on page 431, Vol. 102, Deed Records of Klamath County, Oregon, and running thence: North 43°30' East along the Easterly boundary of the Leavitt Tract a distance of 167.68 feet to a point; thence North 6°55' East a distance of 16.77 feet to a point; thence South 43°30' West a distance of 183 feet to a point on the Southwesterly boundary of the Leavitt Tract; thence South 57°00' East, along the Southwesterly boundary of the Leavitt Tract, 10.17 feet, more or less, to the point of beginning, said tract containing 0.04 acre, more or less, in Lot 8, Section 32, Twp.38 S. R. 9 E.W.M., in Klamath County, Oregon.

Tract B: A road right of way to be used for road and/or gardening purposes only, described as follows: A tract of land 11 feet wide, being 5.5 feet on either side of the following described centerline: Beginning at a point which lies North 43°30' East a distance of 176.92 feet from the iron pin which marks the most Southerly corner of the Leavitt Tract described on page 431, Vol. 102 of the Deed Records of Klamath County, Oregon, and running thence: North 6°55' East a distance of 87.5 feet to a point; thence following the arc of a curve to the right whose radius is 35 feet and whose long chord bears North 45°25' East, a distance of 43.57 feet to a point which lies on the Southerly edge of the present traveled Barnhisei Entrance Road. This parcel contains 0.03 acre, more or less, in Lot 8, Section 32, Twp.38 S. R. 9 E.W.M., in Klamath County, Oregon.

Tract C: An easement for road purposes on and over the Barnhisei Entrance Road from the Terminus of Tract B above to the Northeasterly boundary of the Leavitt Tract mentioned in Tract B.

Tract D: All of the Leavitt Tract mentioned above which lies South and East of Tracts B and C. This tract contains 0.09 acre, more or less, in Lot 8, Section 32, Township 38 S. R. 9 E.W.M., in Klamath County, Oregon;

which is hereinafter referred to as the "LeSueur Property"; and

WHEREAS, Second Party Maybelle E. Barnhisei is owner of the following described property in Klamath County, Oregon, to-wit:

All that portion of the SW¼ of NW¼ of Section 32, Twp.38 S.R. 9 E.W.M., otherwise known as Lot 8, embraced in the following description: Starting at a point originally marked by a stone 18x6x6 inches set in the ground for the Southeast corner of Joseph Conger's lot, said stone bearing North 41° East 1094 feet, more or less, from the quarter corner common to Section 31 and 32, Twp.38 S.R. 9 E.W.M., and running thence South 52° East 200 feet to initial point of the following described tract: Beginning at said initial point and running South 52° East 66 feet; thence South 43°30' West 309.5 feet; thence North 57° West 50.2 feet to the left or East bank of Link River; thence along said bank of Link River North 25° West 25.4 feet; thence North 45° 4' East 303.8 feet to initial point herein designated as point of beginning, said strip containing .49 acre, together with any land lying between the river and the Southwesterly end of the above described tract, and being the parcel of land described in that certain deed from A. L. Leavitt and wife to the United States of America dated December 17, 1909, and recorded in Book 28 of Deeds, page 33, Records of Klamath County, Oregon. SAVING AND EXCEPTING a portion of the above tract, containing .16 acres, more or less, heretofore conveyed to M. L. Johnson and Alice R. Johnson by deed dated September 11, 1947, recorded in Vol. 211, page 261, Deed Records, Klamath County, Oregon, on September 12, 1947,

which is hereafter referred to as the "Barnhisei Property"; and

WHEREAS, Third Parties are owners of the following described property in Kiamath County, Oregon, to-wit:

To determine the point of beginning, proceed as follows: From the stone monument in the center of Main Street on the Westerly line of Payne Alley in the original town of Linkville (now the City of Kiamath Falls), Oregon, run South 66°42' West 187 feet; thence North 19°48' West 465.5 feet; thence North 42°18' West 587.5 feet to a stone monument in the center of Conger Avenue; thence South 51°58' West 19.3 feet; thence North 47°23' West 230.1 feet to point of beginning; (bearings and measurements between the Main Street monument and the Conger Avenue monument are according to the Conger Avenue map of May 10, 1892, filed in the office of the County Clerk of Kiamath County, Oregon, May 11, 1892 and recorded November 28, 1892); thence from the point of beginning so determined, South 43°01' West 116.0 feet; thence South 48°40' West to the left or Easterly bank of Link River; thence northwesterly along the left or Easterly bank of said river to a point which is South 44°31' West of the Northwest corner of that certain pump station lot, deeded to the California-Oregon Power Company by the Kiamath Power Company December 31, 1911 and recorded on page 42, Volume 37 of Deed Records of the County of Kiamath; thence North 44°31' E. to the Northwest corner of said lot; thence North 85°48' East 40.0 feet; thence South 4°12' East 13.0 feet; thence North 44°35' East 234.4 feet; thence South 47°23' East 91.0 feet to point of beginning, being a part of Lot 8 of Section 32 in Twp. 38 S. R. 9 E. W. M.; together with the joint use of the roadway between the above-described premises and the premises of Oregon Water Corporation, a corporation, as conveyed to grantor by that certain instrument dated May 25, 1951, and recorded in Vol. 248, page 322, Deed Records of Kiamath County, Oregon;

which is hereafter referred to as the "Kellstrom Property".

The "Lesueur Property" lies between the "Barnhiser Property" and the "Kellstrom Property".

The parties wish the boundary lines between their respective properties permanently established and with this in view have caused Lyle C. Smith, Registered Professional Engineer, to survey the same as agreed between themselves. Said Lyle C. Smith has done so, and his survey has been filed for record in the office of the County Surveyor of Kiamath County, Oregon.

Description of the agreed property line between the LeSueur and Barnhiser properties as established by said Survey is as follows:

A line for property line establishment purposes, said line being situated in the SW¼NW¼ of Section 32, Twp. 38 S. R. 9 E. W. M., Kiamath County, Oregon, and being more particularly described as follows: Beginning at a chiseled cross on a stone monument buried in the ground, said stone being N. 41° E. a distance of 1094 feet, more or less, by record from the one-fourth corner common to Sections 31 and 32, Twp. 38 S. R. 9 E. W. M., and from which stone monument a nail in a tree bears S. 33°53' E. a distance of 18.46 feet, the center insulator on an electrical transmission tower bears N. 86°30' W. and power pole K 4754 bears N. 59°11' E; thence S. 37°29'10" E. a distance of 206.81 feet to a one-half inch iron pipe set in concrete on the southerly edge

of the Barnhisei entrance road, said point being the True point of Beginning of this description and from which said point a spike in the base of a tree bears N 30°48' W. a distance of 19.40 feet; thence N. 74°34' E. a distance of 68.50 feet to a one-half inch iron pipe; thence continuing N. 74°34' E. to the intersection with the westerly right-of-way line of Conger Avenue; thence returning to the True Point of Beginning and running thence S. 07°10'00" W. a distance of 111.11 feet to a one-half inch iron pipe set in concrete, from which the corner of a house foundation bears N. 69°41' E. a distance of 18.19 feet and the center of a sewer manhole cover is 30.9 feet distant; thence S. 44°24'20" W. a distance of 164.86 feet to a one-half inch iron pipe set in concrete, from which the center of a sewer manhole cover bears N. 51°30' W. a distance of 26.55 feet; thence continuing S. 44°24'20" W to the intersection with the easterly or left bank of Link River;

Description of the agreed property line between the LeSueur and Keifstrom properties as established by said survey is as follows:

A line for property line establishment purposes, said line being situated in the SW¼NW¼ of Section 32, Twp.38 S.R. 9 E.W.M., Klamath County, Oregon, and being more particularly described as follows:

Beginning at a chiseled cross on a stone monument buried in the ground, said stone being N. 41° E. a distance of 1094 feet, more or less, by record from the one-fourth corner common to Sections 31 and 32, Twp.38 S.R. 9 E.W.M., and from which stone monument a nail in a tree bears S. 33°53' E. a distance of 18.46 feet, the center insulator on an electrical transmission tower bears N. 86°30' W. and power pole K 4754 bears N. 59°11' E; thence S. 37°29'10" E. a distance of 206.81 feet; thence S. 07°10'00" W. a distance of 111.11 feet; thence S. 44°24'20" W. a distance of 164.86 feet; thence S. 63°48'10" E. a distance of 127.12 feet to a one-half inch iron pipe set in concrete, said point being the True Point of Beginning of this description and said point being at the westerly end of a six inch concrete curb and five (5) feet southwest of the southwest end of an existing wooden fence; thence N. 47°06'10" E. along the northwesterly edge of said fence and the northeasterly extension of said fence a distance of 151.08 feet to a one-half inch iron pipe set in concrete; thence S. 37°43'30" E. a distance of 27.83 feet to a one-half inch iron pipe set in concrete, said point being 5.6 feet from the northeasterly edge of power pole K 4327 and 0.13 feet from the southwesterly end of a steel fence; thence N. 43°12'40" E. along said steel fence and the northeasterly extension of said fence a distance of 220.65 feet to a one-half inch iron pipe set in concrete, said point being 0.55 feet southwest of a concrete step and 4.0 feet southwest of a concrete sidewalk; thence continuing N. 43°12'40" E to the intersection with the southwesterly right-of-way line of Conger Avenue;

NOW, THEREFORE, First Parties, for \$1.00 and other valuable considerations to them paid by Second Party, Maybelle E. Barnhisei, do hereby Grant, Bargain, Sell and Convey unto said Maybelle E. Barnhisei, all of their right, title and interest in and to all of the "LeSueur Property" herein described which lies Westerly and Northwesterly of the agreed property line between the LeSueur and Barnhisei properties as above described.

TO HAVE AND TO HOLD the same unto the said Maybelle E. Barnhisei and her heirs and assigns, forever.

1 Second Parties, for \$1.00 and other valuable considerations to them paid by
 2 First Parties, do hereby grant, bargain, sell and convey unto said Herbert
 3 C. LeSueur and Mary-Louise LeSueur, husband and wife, all of their right, title
 4 and interest in and to all of the "Barnhiser Property" second herein described
 5 which lies easterly or southeasterly of the agreed property line between the
 6 LeSueur and Barnhiser properties as above described.

7 TO HAVE AND TO HOLD the same unto the said Herbert C. LeSueur and Mary-Louise
 8 LeSueur, husband and wife, as an estate by the entirety.

9 First Parties, for \$1.00 and other valuable considerations to them paid by
 10 Third Parties, do hereby grant, bargain, sell and convey unto third parties all
 11 of their right, title and interest in and to all of the LeSueur property first
 12 herein described which lies Southeasterly or Southwesterly of the agreed prop-
 13 erty line between the LeSueur and Kellstrom properties as above described.

14 TO HAVE AND TO HOLD the same unto the said Third Parties, Lyle Kellstrom
 15 and Betty J. Kellstrom, husband and wife, as an estate by the entirety.

16 Third Parties for \$1.00 and other valuable considerations to them paid by
 17 First Parties, do hereby grant, bargain, sell and convey unto First Parties all
 18 of their right, title and interest in and to all of the "Kellstrom Property"
 19 third herein described, which lies Northwesterly or Northeasterly of the agreed
 20 property line between the LeSueur and Kellstrom Properties as above described.

21 TO HAVE AND TO HOLD the same unto the said First Parties, Herbert C. LeSueur
 22 and Mary-Louise LeSueur, husband and wife, as an estate by the entirety.

23 All of the foregoing conveyances are subject to all reservations, restric-
 24 tions, releases, agreements and easements of record, except only the covenant
 25 in deed from Second Parties to M. L. Johnson and Alice R. Johnson, husband and
 26 wife, dated September 11, 1947, and recorded September 12, 1947 in Vol. 211 at
 27 page 261, Klamath County Deed Records, that the Parcel #1 therein described
 28 shall be left as far as practical in its present natural state, which covenant
 29 is hereby released and shall be of no further force or effect.

30 (The above conveyances are executed to correct and establish
 31 boundary lines, and there is no cash consideration for any
 32 thereof.)

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IN WITNESS WHEREOF, The parties have hereunto set their hands the day and year first herein set forth.

Herbert C. LeSueur
Herbert C. LeSueur

Mary Louise LeSueur
Mary Louise LeSueur

Howard Barnhise1
Howard Barnhise1

Maybelle E. Barnhise1
Maybelle E. Barnhise1

Lyfe Keilstrom
Lyfe Keilstrom

Betty J. Keilstrom
Betty J. Keilstrom

STATE OF OREGON)
County of Klamath) SS June 10, 1968

Personally appeared the above named Herbert C. LeSueur and Mary-Louise LeSueur, husband and wife; Howard Barnhise1 and Maybelle E. Barnhise1, husband and wife, and Lyfe Keilstrom and Betty J. Keilstrom, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Frank J. Young
Notary Public for Oregon

My Commission expires: *February 27, 1971*

STATE OF OREGON, }
County of Klamath } ss
Filed for record at request of
Klamath County Title Co.
on this 18 day of June A.D. 1968
at 12:51 P.M.
recorded in Vol. M-68 of Deeds
Page 5385

Return
First Federal Savings Bank
540 Main
Klamath Falls, Oregon
97601

DOROTHY ROGERS, County Clerk
Dorothy Rogers

Fee 9.00

DANHO, GANDHO
& GORDON
ATTORNEYS AT LAW
KLAMATH FALLS, ORE.

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