

6604

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EASEMENT

THIS INDENTURE WITNESSETH, that VIVIAN N. VAN DATTA, who was formerly Vivian N. Todd, and JOSEPH D. VAN DATTA, her husband, Grantors, do hereby give, grant and convey unto ALBERT A. MITCHELL and BETTY MAE MITCHELL, husband and wife, and unto each and every person owning or holding any right, title, estate or interest, or who may hereafter own or hold any right, title, estate or interest in or to any part of the following described premises, to-wit:

DOMINANT TENEMENT

That portion of the NE $\frac{1}{4}$ of Section 3, Township 36 South, Range 6 E.W.M., Klamath County, Oregon, more particularly described as follows, to-wit:
Commencing at the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3, which said point is also the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3; thence, West along the one-sixteenth line lying between the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3 a distance of 200 feet to an iron bolt set in concrete which marks the Northwest corner of the tract of land conveyed to C. T. Darley by Deed recorded in Vol. 286 at page 549 of Klamath County, Oregon Deed Records, said iron bolt being the true point of beginning of this description; thence, continuing West along said one-sixteenth line a distance of 225 feet, more or less, to the Northwest corner of that certain tract of land conveyed to John L. Gross, et ux, by deed recorded in Vol. M66 at page 10168 of Klamath County, Oregon Deed Records; thence, South 2°17' East along the West line of said Gross Tract a distance of 150 feet to the Southwest corner of said Gross Tract, which said corner is situate on the North line of that certain tract of land conveyed to Clifford Daniel Miller by Deed recorded in Vol. M66 at page 11211 of Klamath County, Oregon Deed Records; thence, North 84°42' West along the North line of said Miller Tract a distance of 75.75 feet to the Northwest corner of said tract; thence, South 7°37' West along the West line of said tract to the Southwest corner thereof, which said Southwest corner is also the Northwest corner of the tract of land conveyed to Charles Joseph Miller by deed recorded in Vol. M66 at page 11300; thence, continuing South 7°37' West along the West line of said Charles Joseph Miller Tract a distance of 42.73 feet to the Southwest corner of said tract; thence, South 56°41' East along the Southerly line of said Charles Joseph Miller Tract a distance of 146.6 feet, more or less, to the point where said Southerly line of said Miller Tract intersects the center line of the private 20' foot wide roadway, which is more particularly described in said Deed to John L. Gross, et ux, recorded in Vol. M66 at page 10168 of Klamath County, Oregon Deed Records; thence, running along the center line of said private roadway on the following courses and distance, to-wit: South 30°49' West 34.9 feet; South 47°20' West 37.5 feet; South 67°27'30" West 38.6 feet; South 78°29' West 54.2 feet; South 81°01' West 41.0 feet; North 70°22' West 40.0 feet; North 52°13'30" West 44.0 feet; North 36°14' West 69.15 feet; North 8°01' West 65 feet; North 4°29' East 78 feet; North 13°59' West 75.0 feet; and North 12°04' West 72.5 feet, more or less, to the point where the center line of said road intersects the South boundary line of Harriman Park; thence, leaving said road center line and running Easterly on said South boundary of Harriman Park a distance of 58 feet, more or less, to the Southeast corner of Harriman Park; thence, running Northerly on the East boundary of Harriman Park a distance of 155 feet, more or less, to the intersection of said East boundary with the center line of the West Side Highway, also known as the Klamath Falls-Rocky Point Highway, a County Road formerly designated as State Highway 421; thence, running Southerly and Easterly along the center line of said Highway to the Northwest corner of the tract of land

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conveyed to C. T. Darley by Deed recorded in Vol. 342 at page 209 of Klamath County, Oregon Deed Records; thence, South 1°09' West along the West line of said tract of land conveyed to C. T. Darley by said Deed recorded in Vol. 342 at page 209 a distance of 157 feet, more or less, to the true point of beginning of this description.

A perpetual non-exclusive easement on the terms and conditions hereinafter set forth for the purpose of giving each of said land owners ingress and egress to the artificially constructed water channel over and across the following described premises, to-wit:

SERVIENT TENEMENT

A tract of land situated in the NE¼ of Section 3, Township 36 South, Range 6 E.W.M., Klamath County, Oregon, more particularly described as follows, to-wit:

Beginning at the Southeast corner of that certain tract of land conveyed to Terence L. Boyer et ux by Deed recorded in Vol. M65 at page 3939 of Klamath County, Oregon Deed Records, which said corner is situated on the center line of the private 20 foot wide roadway which is more particularly described in the Deed to John L. Gross et ux recorded in Vol. M66 at page 10168 of Klamath County, Oregon Deed Records, and which said corner is also a corner of the tract of land conveyed to Stephen A. Martin et ux by Deed recorded in Vol. M67 at page 6595 of Klamath County, Oregon Deed Records; thence, South 36°14' East along said center line, which said center line is also the boundary line of said Martin Tract, a distance of 69.15 feet, more or less; thence, leaving said center line of said roadway and running South 59°47' West along the boundary line of said Martin Tract a distance of 59.6 feet, more or less, to the Easterly bank of the artificially constructed water channel; thence, running North 17°01' West along said Easterly bank of said water channel a distance of 76 feet, more or less, to the Southwest corner of said Boyer Tract; thence, leaving said water channel and running North 67°08' East along the South line of said Boyer Tract a distance of 35.4 feet, more or less, to the point of beginning.

TOGETHER WITH a non-exclusive easement over and across the private 20 foot wide roadway which is more particularly described in the Deed to John L. Gross et ux recorded in Vol. M66 at page 10168 of Klamath County, Oregon Deed Records between the East boundary of the above described Servient Tenement and the intersection of said private 20 foot wide roadway with Dugout Lane;

AND TOGETHER WITH a non-exclusive easement for ingress and egress by water from and to Harriman Creek on said artificially constructed water channel, RESERVING and SAVING unto Grantors, their heirs, grantees and assigns, the right to use said roadway, water channel and servient tenement for the benefit of Grantors' remaining lands in Section 3 and the right to further construct and improve said channel to serve Grantors' said lands and Grantors further reserve the right to adopt and enforce reasonable regulations for the use of said easements and right of ways and to levy reasonable charges for the maintenance and improvement of same, and for the payment of taxes assessed against said property and this easement and to bar and exclude from said servient tenement persons who refuse to obey said regulations or who refuse to pay such charges or assessments and Grantors reserve the right to fence said premises and to install and maintain gates but Grantees in good standing shall be furnished with individual keys to any locks on such gates. Grantees may excavate or construct a ramp into the channel for the purpose of loading and unloading their boats and to

1 excavate a slip and construct and maintain a dock for their boats within
2 said slip but no dock or other structure will be permitted to protrude or
3 encroach upon said artificially constructed water channel and said channel
4 shall be used in a reasonable manner so as not to cause undue erosion or
wash of the banks and so as not to interfere with the use of the channel
by Grantors and their heirs and assigns, or by other landowners on said
channel.

5 Said easement shall, subject to the terms and conditions above provided,
6 be appurtenant to and for the benefit of the above described Dominant
Tenement and each lot, tract, part and parcel thereof as the same now
are or may hereafter be subdivided.

7 WE HEREBY CERTIFY THAT NO CONSIDERATION AS DEFINED BY CHAPTER 7 OF OREGON
8 LAWS 1967 SPECIAL SESSION HAS BEEN PAID FOR THIS PROPERTY.

9 IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals
10 this 2nd day of October, 1968.

11 Vivian N. Van Datta (SEAL)

12 Joseph D. Van Datta (SEAL)

13 STATE OF OREGON)
14 County of Klamath) SS

October 2, 1968

15 Personally appeared the above named Vivian N. Van Datta, who was formerly
16 Vivian N. Todd, and Joseph D. Van Datta, her husband, and acknowledged the fore-
going instrument to be their voluntary act and deed.

Before me:

17 William Ganong
Notary Public for Oregon

(SEAL)

18 My Commission Expires: Oct. 3, 1968

19
20
21 STATE OF OREGON)
County of Klamath) ss

22 Filed for record at request of
23 Ganong, Ganong And Gordon

24 On this 3rd day of October A. D. 19 68

25 at 2:37 o'clock P. M. and duly

26 recorded in Vol. M-68 of Deeds

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27 DOROTHY ROGERS, County Clerk

28 By William K. Westman
Deputy

29 Fee 4.50