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Vol. 76 Page

19716

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EASEMENT

Vol. 76 Page

16885

38-11218-E

THIS AGREEMENT made this 30 day of September, 1976 by and between WENDELL B. LAUGHBON and MARCIA A. LAUGHBON, husband and wife, Grantors, and GORDON R. LILLY, DARY M. JOHNSON and SHIRLEY M. JOHNSON, husband and wife, as Grantees.

R E C I T A L S:

A. Grantors are the owners of a parcel of property situate in Klamath County, Oregon, described as:

A tract of land situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at a point at the intersection of the Northerly right of way line of Midland Road and the Westerly right of way line of Washburn Way, said point being South 89° 57' 30" West 320.80 feet and North 00° 10' 55" West 30.00 feet from the Southeast corner of said Section 33; thence South 89° 57' 30" West along the Northerly line of said Midland Road 1005.79 feet to the West line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 33; thence North 00° 11' 02" West along said line 917.50 feet; thence South 82° 34' 03" East 1134.93 feet to the Westerly right of way line of the said Washburn Way; thence Southwesterly along the said Westerly right of way line, on the arc of a curve to the right (radius point bears South 53° 32' 55" East a distance of 602.96 feet, central angle is 36° 38' 00") 385.52 feet and South 00° 10' 55" East 409.80 feet to the point of beginning.

B. Grantees are the owners of a parcel of property situate in Klamath County, Oregon, described as:

All that portion of the E $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33, Township 39 South, Range 9 East of the Willamette Meridian, lying Westerly of the West right of way of Washburn Way, including all of "Tract 1018", a duly recorded subdivision of Klamath County, Oregon. EXCEPTING THEREFROM a tract of land situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at a point at the intersection of the Northerly right of way line of Midland Road and the Westerly right of way line of Washburn Way, said point being South 89° 57' 30" West 320.80 feet and North 00° 10' 55" West 30.00 feet from the Southeast corner of said Section 33; thence South 89° 57' 30" West along the Northerly line of said Midland Road 1005.79 feet to the West line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said section 33; thence North 00° 11' 02" West along said line 917.50 feet; thence South 82° 34' 03" East 1134.93 feet to the Westerly right of way line of the said Washburn Way; thence Southwesterly along the said Westerly right of way line, on the arc of a curve to the right (radius point bears South 53° 32' 55" East a distance of 602.96 feet, central angle is 36° 38' 00") 385.52 feet and South 00° 10' 55" East 409.80 feet to the point of beginning.

C. An agreement for the joint use of a sprinkler system and

1. EASEMENT This document is being re-recorded with grantees signatures.

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easements related thereto concerning the above-described property and other property was entered into on May 21, 1974, recorded October 31, 1974 in Book M-74 at page 14164 Microfilm Records, which agreement by its terms was to run for a period of 25 years.

D. The parties hereto desire to create a permanent easement across the property of the Grantors for the use and benefit of the property of the Grantees and to more accurately describe the easement thereon.

W I T N E S S E T H:

NOW, THEREFORE, in consideration of more accurately describing the easement across the property of the Grantors, the Grantors convey to the Grantees, their heirs, successors and assigns, a perpetual nonexclusive easement to use a strip of land ^{(ten) 24 ft.} 10 feet wide situate in Klamath County, Oregon, and described as: The Easterly 10 ft.

along the Westerly Boundry of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ situate between the North boundary line of the property of the Grantors and the existing Electric Pump on the North side of the existing irrigation canal, Section 33, Township 39 South, Range 9 EWM. *MD, J. AND 10-21-76*

The terms of this easement are as follows:

1. Grantees, their agents and employees shall use the strip irrigation purposes ~~only and in conjunction with such use may go upon~~ the property to repair, remove, replace or do anything necessary for the operation of the pump and sprinkler system upon said easements.

2. The agreement for joint use mentioned in Paragraph C of the Recitals shall remain in effect in all ways except as modified by this agreement.

3. The property of the Grantee shall be appurtenant to the easement and the easement shall run with the land.

IN WITNESS WHEREOF the parties have set their hands and seals the day and year first hereinabove written.

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Wendell B. Laughbon

Wendell B. Laughbon

Marcia Laughbon

Grantors

Gordon R. Lilly
Dary M. Johnson
Shirley M. Johnson

Grantees

STATE OF OREGON)
County of Klamath) ss.

December 7, 1976.

Personally appeared the above-named ~~Wendell B. Laughbon~~, ~~Marcia Laughbon~~, GORDON R. LILLY, DARY M. JOHNSON and SHIRLEY M. JOHNSON, husband and wife, and acknowledged the foregoing instrument to be their voluntary act. Before me:

Susan A. Stockwell
Notary Public for Oregon
My Commission expires: 6-15-80

STATE OF WASHINGTON
COUNTY OF PIERCE

Personally appeared before me WENDELL B. LAUGHBON AND MARCIA A. LAUGHBON, husband and wife and acknowledged the foregoing instrument to be their voluntary act.

October 18, 1976

[Signature]
Notary Public for State of Washington
My commission expires: Dec 31, 1976

STATE OF OREGON; COUNTY OF KLAMATH

Filed for record at request of TRANS-AMERICA TITLE INS CO
this 22nd day of October, 1976 at 10 o'clock P. M. and
fully recorded in Vol. 1176 of RECORDS on Page 16885

3. HASBMENT

FEE \$ INDEXED

D. 1

STATE AND COUNTY CLERK

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This easement is being re-recorded because originally one signature was missing.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of TRANSAMERICA TITLE INS. CO

this 8th day of DECEMBER A. D. 19 76 at 11:45 o'clock A. M., and

duly recorded in Vol. M-76, of DEEDS on Page 19716

FEE \$ 12.00

By Wm D. MILNE, County Clerk
Hazel Dwyer