

K-33141

33-04

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# COMMON EASEMENT FOR ROADWAY

Agreement made April 14, 1980, between EDNA RICARDS, of Klamath County, Oregon, and LELAND J. STOEHSLER and JUANITA STOEHSLER, husband and wife, of Klamath County, Oregon.

## R E C I T A L S

1. The parties have an interest in adjoining real estate situated in the County of Klamath, State of Oregon, and described as follows:

- A. Attached hereto as Exhibit "A" is property owned by Ricards,
- B. Attached hereto as Exhibit "B" is property owned by Stoechsler.

2. The parties to this agreement desire to create a common roadway along the following described centerline:

A strip of land 40 feet wide situated in Section 6 Township 39 South, Range 11 E.W.M., being 20 feet on each side of the following described centerline:

Beginning at the South 1/16 corner, from which the section corner common to Sections 5, 6, 7, and 8 of said township and Range is Southerly 1320 feet, more or less; thence Northerly along said section line between said Sections 5 and 6, 1218 feet, more or less, to the Southerly right of way line of the Bonanza-Dairy Highway; thence along said right of way North 56°58'22" West 3890 feet to a point from which the section corner common to said Sections 5, 6, 7, and 8 bears South 35°07'15" East 5695.43 feet and the true point of beginning; thence South 41°39'13" West 255.74 feet.

The parties agree as follows:

An easement for common roadway purposes in favor over the above described centerline and 20 feet on each side of said centerline, is created in favor of both parties and for the benefit of both parties and said easement in favor of each party shall run with the land.

The easement is superior and paramount to the rights of any of the parties hereto in the respective servient estates so created.

The easement between the parties shall be perpetual and non-exclusive.

The parties agree to maintain said roadway in its present condition and shall share equally in all maintenance costs.

The parties agree that at the request of either party, the gate on said roadway may be kept closed and locked with a key to each party.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

Edna Ricards  
Edna Ricards

Leland J. Stoehsler  
Leland J. Stoehsler

Juanita Stoehsler  
Juanita Stoehsler

STATE OF OREGON     )  
                          ) ss.  
County of Klamath    )

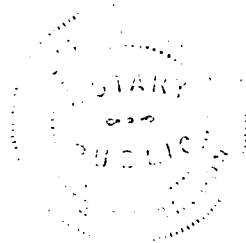
Personally appeared the above named Edna Ricards and acknowledged the foregoing instrument her voluntary act and deed this 30 day of April, 1980.

Sumner  
Notary Public for Oregon  
My Commission expires: 8-5-83

STATE OF OREGON     )  
                          ) ss.  
County of Klamath    )

Personally appeared the above named Leland J. Stoehsler and Juanita Stoehsler, husband and wife, and acknowledged the foregoing instrument their voluntary act and deed this 7 day of April, 1980.

Don B. Smith  
Notary Public for Oregon  
My Commission expires: Nov 22 1981



A tract of land situated in the NW<sup>1</sup>/<sub>4</sub> of Section 6, Township 39 South, Range 11, E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Southwesterly right of way line of the Bonanza-Dairy Highway, from which the section corner common to Sections 5, 6, 7 and 8, of said township and range, bears South 35°07'15" East 5695.43 feet; thence South 41°39'13" West 255.74 feet: thence South 35°16'04" East 188.46 feet; thence South 26°46'50" East 586.15 feet: thence Southerly 235 feet, more or less, to an iron pin being the North-east corner of that tract of land described as the exception from Parcel 3 in Deed Volume M78-13640 of the Klamath County deed records: thence along the Northerly line of said exception North 89°38' West 2218.77 feet to the West line of said NW<sup>1</sup>/<sub>4</sub>: thence Northerly to the Northwest corner of said Section 6: thence Easterly along the North line of said NW<sup>1</sup>/<sub>4</sub> to the Southwesterly right of way line of said Bonanza-Dairy Highway: thence Southeasterly along said right of way to the point of beginning, containing 74 acres, more or less, subject to any easements or rights of way of record or apparent.

EXHIBIT A

Return to KTC

A tract of land situated in Section 6, Township 39 South, Range 11, E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at the South 1/16 corner, from which the section corner common to Sections 5, 6, 7 and 8 of said Township and Range is Southerly 1320 feet, more or less: thence Northerly along said Section line between said Sections 5 and 6, 1218 feet, more or less, to the Southerly right of way line of the Bonanza-Dairy Highway; thence along said right of way North 56°58'22" West 3890 feet to a point from which the section corner common to said Sections 5, 6, 7 and 8 bears South 35°07'15" East 5695.43 feet; thence South 41°39'13" West 255.74 feet; thence South, 35°16'04" East 188.46 feet; thence South 26°46'50" East 586.15 feet; thence Southerly 235 feet, more or less, to an iron pin being the Northeast corner of that tract of land described as the exception from Parcel 3 in Deed Volume M-78-13640 of the Klamath County, deed records: thence along the East line of said Deed Volume - Parcel 3 exception, South 68.7 feet to an iron pin; thence along the Westerly line of said Deed Volume, Parcel 3, Paragraph 2, South 29°51' East 843.7 feet to an iron pin and South 00°13' West 183.7 feet to the center one-quarter corner of said Section 6; thence Southeasterly to the SE 1/16 corner of said Section 6; thence Easterly to the point of beginning, containing 120 acres, more or less.

A tract of land situated in the NW¼SE¼ of Section 6, Township 39 South, Range 11, E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at the center one-quarter corner of said Section 6: thence Southerly to the Southwest corner of said NW¼SE¼; thence Easterly to the Southeast corner of said NW¼SE¼; thence Northwesterly to the point of beginning, containing 20 acres, more or less.

## EXHIBIT B

STATE OF OREGON; COUNTY OF KLAMATH; ss.

and for record at request of Klamath County Title Co.  
 this 9th day of May A. D. 1980 at 3:30 clock P M., and  
 duly recorded in Vol. M80, of Deeds on Page 8589

Wm D. MILNE, County Clerk

*Dorothy Hillock*

Fee \$14.00