

5721

DECLARATION OF EASEMENT

TRENTON S. DOUGLAS and LAWRENCE F. BROWN, tenants in partnership, hereby declare the existence of a perpetual and nonexclusive easement on a strip of land 30 feet in width, the centerline of which is located as set forth on Exhibit "A" attached hereto, across the real property owned by the undersigned and described on Exhibit "B" attached hereto in Klamath County, Oregon.

Said easement shall serve and benefit the real property described on Exhibit "C" attached hereto and shall be used by the undersigned and their successors in ownership of the real property described on Exhibit "C" for access to said real property and for the installation and maintenance of utilities serving said real property.

This easement is appurtenant to the real property owned by the undersigned and described on Exhibit "C" and it is intended that it shall run with the land. The real property described on Exhibit "B" attached hereto shall be subservient to said easement and it shall be binding upon the undersigned and their successors in interest in the ownership of the real property described on Exhibit "B". The undersigned and their successors in interest in the ownership of real property described on Exhibit "C" shall be entitled to construct and maintain a roadway for access to the real property described on Exhibit "C" and it is anticipated that said real property may be hereafter developed for multi-family residential use. All costs of

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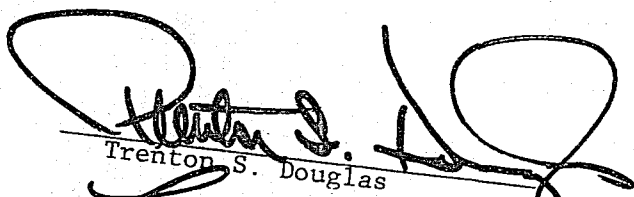
Ret → LAW OFFICES OF
DAVIS, AINSWORTH, PINNOCK & DAVIS, P.C.
515 EAST MAIN STREET
ASHLAND, OREGON 97520
(503) 482-3111

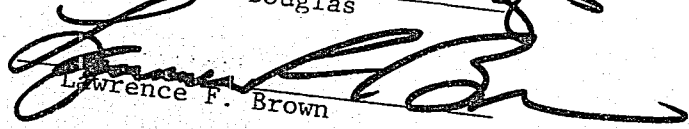
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construction and maintenance of any such roadway shall be borne by the owners of the real property described on Exhibit "C" from the date of the issuance of a building permit for the construction of improvements on the real property described on Exhibit "C".

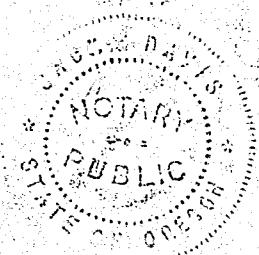
IN WITNESS WHEREOF the undersigned have hereunto executed this easement this 15th day of September, 1981.

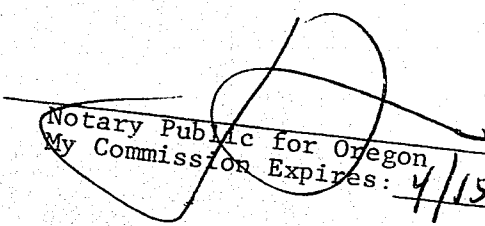

Trenton S. Douglas


Lawrence F. Brown

STATE OF OREGON)
County of Jackson)
September 15, 1981.

Personally appeared before me the above named TRENTON S. DOUGLAS and LAWRENCE F. BROWN and acknowledged the foregoing instrument to be their voluntary act and deed.




Notary Public for Oregon

My Commission Expires: 4/15/84

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JACKSON DAVIS

LAW OFFICES OF
DAVIS, AINSWORTH, PINNOCK & DAVIS, P.C.
515 EAST MAIN STREET
ASHLAND, OREGON 97520
(503) 482-3111

WIEGAND ENGINEERING

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ROBERT B. WIEGAND, P.E.
CONSULTING CIVIL ENGINEER

LEGAL DESCRIPTION

of a strip of land for access and
utility easement purposes

Commencing at an iron pin on the east line of said Tract 2A, Homedale Subdivision, in Section II, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said iron pin being on the west boundary of Homedale Road and being North $0^{\circ} 20'$ East a distance of 594.00 feet from the Southeast corner of said Tract 2A; thence North $0^{\circ} 20'$ East along the west boundary of Homedale Road 185.76 feet to an iron pin marking the northeast corner of said Tract 2A, said point being on the Southerly right-of-way line of the O.C. & E. Railroad; thence North $66^{\circ} 39' 30''$ West (North $66^{\circ} 42'$ West by plat) along said right-of-way line 689.64 feet to a two-inch diameter iron pipe on the East right-of-way line of Kane Street being the initial point to KANE PLACE CONDOMINIUM; thence South $22^{\circ} 02' 30''$ West along the East right-of-way line of Kane Street 55.96 feet to the point of beginning of this legal description; thence South $65^{\circ} 18' 48''$ East 246.70 feet; thence South $22^{\circ} 41' 10''$ West 30.02 feet; thence North $65^{\circ} 18' 48''$ West 246.36 feet to the East right-of-way line of Kane Street; thence North $22^{\circ} 02' 30''$ East 30.03 feet to the point of beginning.

REVISION - Description: Changed 45.96 feet to 55.96 feet
Date: November 10, 1981

Exhibit "A"

ENGINEERING

211 N.E. BEACON DRIVE

P.O. BOX 952

PLANNING

GRANTS PASS OREGON 97526

SURVEYING

PHONE (503) 479-4603

EXHIBIT "B"

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A tract of land situated in Tract I of HOMEDALE SUBDIVISION, in Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

COMMENCING at an iron pin on the East line of said Tract 2A, said iron pin being on the West boundary of Homedale Road and being North 0°20' East a distance of 594.00 feet from the Southeast corner of said Tract 2A; thence North 0°20' East along the West boundary of Homedale Road 185.76 feet to an iron pin marking the Northeast corner of said Tract 2A, said poing being on the Southerly right of way line of the O.C. & E. Railroad, thence North 66°39'30" West (North 66°42' West by plat) along said right of way line of Kane Street for a two inch diameter iron pipe on the East right of way line 689.64 feet to a two inch diameter iron pipe on the East right of way line of Kane Street, 225.58 feet to the initial point to Kane Place Condominium; thence South 22°02'30" West along the East right of way line of Kane Street, 225.58 feet to a one inch diameter iron pipe; thence South 43°30'00" East, 128.24 feet to a one inch diameter iron rod at the Northwesterly corner of that parcel of land described in Deed Volume 306, page 363; thence South 66°07'50" East, 127.36 feet to a ½ inch diameter iron rod on the North line of a parcel of land described in Book M-67, page 6, parcel Number 2; thence North 22°41'10" East, 285.17 feet to a point on the Southerly right of way line of O.C. & E. Railroad; thence North 66°39'30" West along said right of way 247.14 feet to the INITIAL POINT.

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STATE OF OREGON
CLERK OF DISTRICT COURT

EXHIBIT "C"

The following described real property situate in Klamath County, Oregon:

PARCEL 1:

A tract of land situated in Lot 1, Homedale, in Section 11, Township 39 South Range 9 East of the Willamette Meridian, more particularly described as follows:
Beginning at a point on the Easterly line of Kane Street, said point being South 43°30' East a distance of 574.94 feet and North 22°00' East, a distance of 148.05 feet from the iron pipe-marking the most Westerly corner of said Lot 1; thence North 22°00' East along the Easterly line of Kane Street a distance of 90.0 feet to an iron pin; thence South 66°42' East parallel with the northerly line of said lot 1 a distance of 114.24 feet to an iron pin; thence South 22°00' West parallel with the northerly line of said lot 1 a distance of 114.24 feet, more or less, to the point of beginning.

PARCEL 2:

A tract of land situated in Tracts 1 and 2A, Homedale in Section 11, Township 39 South, Range 9 East of the Willamette Meridian, being more particularly described as follows:
Beginning at an iron pin on the East line of said Tract 2A, said iron pin being on the West boundary of Homedale Road and being North 0°20' East a distance of 594.00 feet from the Southeast corner of said Tract 2A; thence North 0°20' East along

the West boundary of Homedale Road 185.76 feet to an iron pin marking the Northeast corner of said Tract 2A, said point being on the Southerly right of way line of the O.C.&E. Railroad; thence North 66°39'30" West (North 66°42' West by plat) along said right of way line 233.66 feet to the centerline of the existing irrigation ditch and the true point of beginning; thence South 38°48'30" West a distance of 230.76 feet; to a point on the Northerly line of that parcel described in Deed Volume 337 page 249; thence North 74°37' West a distance of 60.41 feet; thence South 25°48' West a distance of 60 feet; to a point on the Northerly line of that property described in Book M67 page 6 Parcel No. 2; thence North 66°40' West a distance of 195 feet, more or less, to the Northwest corner of that parcel of real property described in Deed Volume 306 page 363; thence North 22°00' East a distance of 10 feet; thence North 43°30' West a distance of 125.51 feet to the Easterly boundary line of Kane Street; thence following said boundary line North 22°00' East a distance of 77.05 feet; thence South 66°42' East a distance of 114.24 feet; thence North 22°00' East a distance of 90 feet; thence North 66°42' West a distance of 114.24 feet; thence North 22°00' East a distance of 60 feet to the Southerly right of way line of the O.C.&E. Railroad; thence South 66°42' East along the said railroad right of way a distance of 440 feet, more or less, to the true point of beginning.

EXCEPTING the tract of land described on Exhibit "B" attached hereto.

State of OREGON: COUNTY OF KLAMATH: ss.
I hereby certify that the within instrument was received and filed for record on the

15 day of January A.D., 1997 at 11:35 o'clock A M., and duly recorded in
Vol M 82 of DEEDS on page 573.
Fee \$ 20.00

EVELYN BIEHN
COUNTY CLERK
By [Signature] deputy