

32682

MTC-13185
AGREEMENT FOR EASEMENT

Vol. 184 Page 1019

THIS AGREEMENT, Made and entered into this 16th day of January, 1984, by and between Robert W. Ellison and Hazel J. Ellison hereinafter called the first party, and James A. Wood, Jr. hereinafter called the second party;

WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Klamath County, State of Oregon, to-wit:

A parcel of land in the SW¹/₄ of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point where the Southerly right of way line of Climax Avenue intersects the Easterly right of way line of Ogden Street, thence East along said Southerly right of way line of Climax Avenue a distance of 129.43 feet to the true point of beginning; thence continuing East along said Southerly right of way line of Climax Street 138.15 feet to an iron pin; thence South 0° 36' East 72.35 feet to an iron pin; thence South 89° 10' West 138.33 feet to an iron pin, thence North 0° 28' West 72.91 feet to the point of beginning, said parcel being Parcel B of Minor Land Partition No. 80-105.

and has the unrestricted right to grant the easement hereinafter described relative to said real estate; NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$1) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party

A perpetual non-exclusive easement for irrigation ^{underground} purposes over the North 4 feet of the above described parcel of land for the benefit of the following described parcel:

See attached description

(Insert here a full description of the nature and type of the easement granted to the second party.)

The second party shall have all rights of ingress and egress to and from said real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of perpetuity, always subject, however, to the following specific conditions, restrictions and considerations:

Second party is to be responsible for all maintenance on the herein above described easement.

If this easement is for a right of way over or across first party's said real estate, the center line of said easement is described as follows:

and second party's right of way shall be parallel with said center line and not more than feet distant from either side thereof.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

In construing this agreement and where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter; and generally, all changes shall be made or implied so that this instrument shall apply both to individuals and to corporations.

IN WITNESS WHEREOF, the parties hereto have subscribed this instrument in duplicate on this, the day and year first hereinabove written.

James A. Wood Jr.
James A. Wood Jr.

(If the above named first party is a corporation, use the form of acknowledgment opposite.)

Robert W. Ellison
Robert W. Ellison
Hazel J. Ellison
Hazel J. Ellison

(ORS 93.490)

STATE OF OREGON

County of Clatsop

January 16, 1984

Personally appeared the above named JAMES A. WOOD, JR., ROBERT W. ELLISON, & HAZEL J. ELLISON and acknowledged the foregoing instrument to be their voluntary act and deed.

(OFFICIAL SEAL)

Kristi L. Redd
Before me:

Notary Public for Oregon

My commission expires: 11/16/87

STATE OF OREGON, County of _____) ss.

Personally appeared _____, 19____, and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the _____ president and that the latter is the _____ secretary of _____

_____ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

AGREEMENT FOR EASEMENT

BETWEEN

Robert William Ellison

Hazel J. Ellison

AND

James A. Wood Jr.

AFTER RECORDING RETURN TO

STATE OF OREGON,

County of _____) ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock M., and recorded in book/reel/volume No. _____ on page _____ or as document fee file instrument/microfilm No. _____ of said County.

Witness my hand and seal of County affixed.

By _____ Deputy

SPACE RESERVED FOR RECORDER'S USE

1021

MTC NO. 13185-K

A parcel of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point where the Southerly right of way line of Climax Avenue intersects the Easterly right of way line of Ogden Street, thence East along said Southerly right of way line of Climax Avenue a distance of 129.43 feet to an iron pin, thence South 0° 28' East 72.91 feet to an iron pin; thence South 89° 10' West 129.42 feet to an iron pin, thence North along the Easterly right of way line of Ogden Street 73.43 feet to the point of beginning, said parcel being Parcel A of Minor Land Partition No. 80-105.

STATE OF OREGON,)
County of Klamath)

Filed for record at request of

on this 19th day of Jan A.D. 19 84
at 8:49 o'clock A M, and duly
recorded in Vol. M84 of Deeds
Page 1019

EVELYN BIEHN, County Clerk

By Pamela Smith Deputy

Fee 12.00