

47605

EASEMENT

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WHEREAS Linda Jones ("GRANTOR") is the owner of the following two lots (or parcels) of real property located in Klamath County, Oregon, to wit:

Lot I: Consists of Tax Lot 800, Lots 10 and 11, Block 3, Pelican City, T38S, R9E, S19

Lot II: Consists of Tax lots 1100 and 1000, Lots 1, 2, and 3, Block 4, Pelican City, T38S, R9E, S19

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WHEREAS GRANTOR has applied to the State of Oregon through its Department of Environmental Quality ("State" or "GRANTEE") for a permit to repair an on-site sewage disposal system by proposed construction of an individual on-site sewage disposal system ("Report") on Lot I intended to serve Lot II; and

WHEREAS Oregon Administrative Rules, 340-71-130(11)(b) and 340-71-150(4)(a) require GRANTOR to execute an easement and covenant in favor of the State as a condition precedent to issuance of a repair permit concerning the construction of a system on one lot intended to serve another lot;

NOW THEREFORE, in consideration of the issuance of the report to GRANTOR by the State, and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR hereby conveys to the State ("GRANTEE"), its successors and assigns, a perpetual, non-exclusive, appurtenant easement in, upon, and running with Lot I allowing the GRANTEE'S officers, agents, employees and representatives to enter and inspect, including by excavation, the on-site sewage disposal system on Lot I serving Lot II.

GRANTORS, for themselves and their heirs, successors and assigns, covenant and agree:

1. To grant or reserve, and record a utility easement, in a form approved by the GRANTEE, in favor of the owner of Lot II upon severance of the above described lots; and

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2. That Lot I shall not be put to any use which would be detrimental to the permitted system or contrary to any law (including an administrative rule) applicable to the permitted system.

IN WITNESS WHEREOF, the GRANTOR executed this easement on this 9th day of April, 1985.

Linda L. Jones.
(Grantors)

STATE OF OREGON)
County of Klamath) ss
April 9, 1985)

Personally appeared the above-named Linda L. Jones.
and acknowledged the foregoing instrument
to be ~~her~~ her voluntary act.
Before me:

Pat Smith
NOTARY PUBLIC FOR OREGON
My Commission Expires: 10-8-88

Ret. Linda Jones
522 Pelican Bay Street
KFO
97603

STATE OF OREGON,)
County of Klamath)
Filed for record at request of

XL3443

on this 9th day of April A.D. 19 85
at 2:01 o'clock P M, and duly
recorded in Vol. M85 of Deeds
Page 5124
EVELYN BIEHN, County Clerk
By Pat Smith Deputy
Fee 9.00