

MTC 16862

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MAJOR LAND PARTITION NO. 16-86
CREATION OF A PRIVATE ROADWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Trendwest Development Company, an Oregon corporation, in consideration of the approval by the Klamath County Planning Commission of a Statutory Major Land Partition of the hereinafter described real property; and in consideration of the benefits accruing to the above named by reason of said approved Major Partition, we, the undersigned do hereby irrevocably create the following described non-exclusive private roadway easement to be appurtenant to the respective partitioned parcels, with the rights and obligations hereinafter contained, to run with the title to said parcels. Said easement being over and across the following described property:

A 60 foot strip of land situated in the SE $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 28, the NE $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 33 and the NW $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 34, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, the Northerly line of which is more particularly described as follows:

Beginning at the point of intersection of the Easterly right-of-way line of Hill Road and the Southerly right-of-way line of the U.S.B.R. F-1 Lateral from which the Northeast corner of said Section 33 bears South 79°49'21" East 1307.09 feet; thence Southeasterly along said F-1 lateral right-of-way line 1943.97 feet to a point that bears South 66°44'23" East 1881.56 feet from the point of beginning; thence leaving said right-of-way line on the arc of a curve to the right (radius point bears South 24° 42'00" West 230.00 feet and central angle = 14°57'35") 60.05 feet; thence South 50°20'25" East 461.78 feet to the West line of Parcel 2 Major Partition No. 16-86, it is the intent that the Southerly line of this easement also extend to the West line of said Parcel 2. With bearings based on Recorded Survey No. 3379, which is a survey of said F-1 Lateral.

The private roadway easement shall provide vehicular and public utility access to two parcels, that being more particularly described as follows:

See Attached Parcels
2 and 3

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PARCEL 2
SOUTHERLY OF F-1 LATERAL

A tract of land situated in the SE $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 27 and the N $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 34, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the South line of said N $\frac{1}{2}$ NW $\frac{1}{2}$ from which the North 1/16 corner common to Sections 33 and 34 bears North 89°41'12" West 856.00 feet; thence South 89°41'12" East 1788.27 feet, more or less, to the C-N 1/16 corner of said Section 34; thence North 00°11'46" East 1328.20 feet to the $\frac{1}{2}$ corner common to said Sections 27 and 34; thence North 00°15'32" East, on the North-South center section line of said Section 27, 358.00 feet; thence North 89°38'24" West parallel to the South line of said Section 27, 392.85 feet to the Southeasterly right-of-way line of the F-1 Lateral; thence Southerly and Westerly along said right-of-way line 2057 feet, more or less, to a point North of the point of beginning; thence South 711.34 feet to the point of beginning, containing 48.64 acres and with bearings based on Survey No. 3379, as filed in the office of the Klamath County Surveyor. TOGETHER WITH that ingress and egress easement described in Volume M86, at page 14879, Microfilm Records of Klamath County, Oregon.

PARCEL 3
SOUTHERLY OF F-1 LATERAL

A tract of land situated in the SE $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 28, the NE $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 33 and the NW $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 34, Township 39 South Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the East 1/16 corner common to said Sections 28 and 33; thence South 00°23'39" West 1329.34 feet to the NE 1/16 corner

(continued)

(PARCEL 3 continued)

of Section 33; thence South 89°39'41" East 1322.44 feet to the North 1/16 corner common to said Sections 33 and 34; thence South 89°41'12" East, on the South line of said NW 1/4 NW 1/4 of Section 34, 856.00 feet; thence North 711.34 feet to the Southerly right-of-way line of the F-1 Canal; thence Westerly along said right-of-way line 2406.96 feet to the Easterly right-of-way line of Hill Road (a county road); thence Southerly along said right-of-way line on the arc of a curve to the right (radius point bears North 85°54'59" West 240.19 feet and central angle = 27°03'53") 113.46 feet to the intersection with the West line of said SE 1/4 SE 1/4 of Section 28; thence South 00°12'24" West 117.03 feet to the point of beginning and containing 51.93 acres with bearings based on Survey No. 3379, as filed in the office of the Klamath County Surveyor. The above described tract being subject to a 60 foot ingress and egress easement along the Northerly boundary as described in Volume M86, at page 14878 Microfilm Records of Klamath County, Oregon.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 8 day of August, 1986.

After recording please return to:
Mountain Title Company of Klamath County
407 Main Street
Klamath Falls, Oregon 97601
attention: Jean Phillips

Trendwest Development Company,
an Oregon Corporation

By: R. A. Kent, Pres

STATE OF OREGON, County of Klamath, ss.
August 8, 1986.

Personally appeared R. A. Kent and

Trendwest Development Company 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 _____

Trendwest Development Company, 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.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Judith D. [Signature]
Notary Public for Oregon
My commission expires: 8/27/90

Major Land Partition No. 16-86
Creation of a Private Road

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ 19th day
of August A.D., 1986 at 4:01 o'clock P. M., and duly recorded in Vol. M86
of _____ Deeds on Page 14878
By Evelyn Biehn, County Clerk
[Signature]

FEE \$13.00