

66428

EASEMENT

KNOW BY ALL MEN THESE PRESENTS, that Howard C. Hassett and Mary A. Hassett ("Grantor" herein), in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby grant, bargain, sell, convey and warrant to Fairbanks Motel Associates, A Washington Limited Partnership ("Grantee" herein) a nonexclusive perpetual easement appurtenant across, along, upon and under the real property described in Exhibit A attached hereto and incorporated herein by this reference (the "Property") for the flow and sheet flow of surface water from the real property described on Exhibit B attached hereto and incorporated herein by this reference in addition to natural flows and sheet flows and notwithstanding any direction the Grantee may direct such flows. Grantor further agrees that Grantor will not without Grantee's consent alter the Property or make use of or permit the use of the Property in any manner inconsistent with the uses and purposes of the easement granted hereby or which would have the effect of interfering with Grantee's enjoyment of the easement granted hereby. The duration of this easement shall be perpetual, constitute a burden on the Property, inure to the benefit of the Grantee, its successors and assigns and be binding on the Property, Grantor and Grantor's successors and assigns.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING THIS INSTRUMENT, THE PERSON ACQUIRING THE EASEMENT SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IN WITNESS WHEREOF, the Grantor has executed this Instrument this 24 day of September, 1986.

Howard C. Hassett
Howard C. Hassett

Mary A. Hassett
Mary A. Hassett

STATE OF OREGON)
) ss.
COUNTY OF CLATSOP)

On this 24 day of September, 1986, before me, a Notary Public in and for the State of Oregon, duly commissioned and

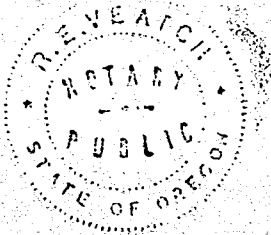
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sworn, personally appeared Howard C. Hassett and Mary A. Hassett, to me known, and acknowledged the foregoing instrument to be their free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate above written.



R. E. Hassett
NOTARY PUBLIC in and for the State
of Oregon, residing at
My Appointment Expires: 4-6-89.

THE FOLLOWING DESCRIBED PARCELS OF REAL PROPERTY SITUATE IN
KLAMATH COUNTY, STATE OF OREGON:

1. A piece or parcel of land situated in the Northeast Quarter of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, and more particularly described as follows:

Beginning at an iron pipe which is South $0^{\circ}06'$ West 323.4 feet and North $89^{\circ}49'$ West 234.2 feet from the Northeast Section Corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, which point of beginning is also the Northeast corner of that certain tract of land conveyed to Elmer W. and Flora M. Zigler on page 238 Deed Volume 278 of the records of Klamath County, Oregon; thence North $89^{\circ}49'$ West along the northerly boundary of said tract of land conveyed on page 238 Deed Volume 278, a distance of 334.8 feet to an iron pipe set at its intersection with a line which is parallel to and 192.77 feet Northeastly of, when measured at right angles to, the Northeastly right of way line of the Dalles-California Highway (US97) as the same is now located across the said Section 19; thence North $38^{\circ}52'$ West parallel to and 192.77 feet distant from said Northeastly highway right of way line a distance of 147.25 feet to an iron pipe; thence South $89^{\circ}49'$ East a distance of 427.3 feet to an iron pipe; thence South $0^{\circ}06'$ West a distance of 114.35 feet, more or less, to the point of beginning.

2. Beginning at a point on the Northeastly right of way line of State Highway No. 97 which lies South $0^{\circ}06'$ West along the East section line a distance of 688.5 feet and North $89^{\circ}49'$ West along the North line of Byrd Avenue in Chelsea Addition, a distance of 521.6 feet and North $38^{\circ}52'$ West along the Northeastly right of way line of State Highway No. 97 (Note, State Highway bearing of this line shows North $39^{\circ}07'$ West) a distance of 130.55 feet from the iron axle which marks the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, running thence: Continuing North $38^{\circ}52'$ West along the Northeastly right of way line of State Highway No. 97 a distance of 250 feet to a point; thence North $51^{\circ}08'$ East a distance of 192.77 feet to a point; thence South $38^{\circ}52'$ East a distance of 250 feet to a point; thence South $51^{\circ}08'$ West a distance of 192.77 feet, more or less, to the point of beginning, in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

3. Beginning at a point which is South $0^{\circ}06'$ West a distance of 477.4 feet and North $89^{\circ}49'$ West a distance of 234.2 feet from the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian; thence North $0^{\circ}06'$ East a distance of 154 feet to a point; thence North $89^{\circ}49'$ West a distance of 336 feet, more or less, to a point on a line which is parallel to and distant 192.77 feet at right angles from the Northeastly right of way of the Dalles-California Highway; thence South $38^{\circ}52'$ East a distance of 200 feet, more or less, to a point which is North $0^{\circ}06'$ East a distance of 211.1 feet, from the North line of Byrd Avenue in Chelsea Addition; thence South $89^{\circ}49'$ East a distance of 210.2 feet to the place of beginning, being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

(end of description)

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EXHIBIT B

DESCRIPTION OF PROPERTY

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

PARCEL 1:

Beginning at an iron pin on the North line of Byrd Avenue of Chelsea Addition, a subdivision of Klamath County, State of Oregon, which iron pin is at a point South 0°06' West along the East section line of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, a distance of 688.5 feet and North 89°49' West along the North line of Byrd Avenue a distance of 444.4 feet from the iron axle (with Ball Race) which marks the Northeast corner of said Section 19; thence running North 89°49' West along the North line of Byrd Avenue a distance of 77.2 feet to an iron pin which lies on the Northeastly right of way line of State Highway No. 97, 95 feet at right angles from the Northeastly leg of same; thence North 38°52' West along the Northeastly right of way line of State Highway No. 97 (NOTE: The State Highway bearing of this line shows North 39°07½' West) a distance of 130.55 feet to a point; thence North 51°08' East at right angles a distance of 192.77 feet to an iron pin; thence South 38°52' East 15 feet to an iron pin; thence South 0°06' West parallel to the section line a distance of 211.1 feet, more or less, to the point of beginning, in the NE¼ of Section 19.

PARCEL 2:

A parcel of land lying in the NE¼ of NE¼ of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, and being more particularly described as follows: Beginning at a point in the North line of Byrd St. of Chelsea Addition to the City of Klamath Falls; said point being 688.5 feet South and 234.3 feet West from the Northeast corner of said Section 19; thence North 89°49' West along the North line of said Byrd St. a distance of 208.71 feet; thence North 0°11' East a distance of 208.71 feet; thence South 89°49' East a distance of 208.71 feet; thence South 0°11' West a distance of 208.71 feet to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of _____ September _____ A.D., 19 _____ 86 at _____ 2:22 o'clock _____ P.M., and duly recorded in Vol. _____ 26th day
of _____ Deeds _____ on Page _____ 17490 _____

FEE \$17.00

Evelyn Biehn, _____
By _____ County Clerk

KCTC