

74357

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EASEMENT

I.

RECITALS: William F. Anderson and Katharine M. Anderson, husband and wife, their heirs, successors and assigns, hereinafter referred to as grantees, and John A. Davidson and Jo Ann Davidson, husband and wife; their heirs, successors, and assigns, hereinafter referred to as grantors each have interests in various parcels of adjoining property. The grantors wish to grant an easement to grantees for the purposes of placing and maintaining an irrigation mainline. In view of the parties' intentions, they enter into the following agreement.

II.

EASEMENT AGREEMENT: In consideration of \$1.00 paid to grantors and other consideration, grantors convey to grantees a perpetual nonexclusive easement to use a strip of the land 15 feet wide, 15 feet deep, and 1,154.70 feet in length along the most westerly border of real property belonging to grantors which is described in Exhibit A which is attached hereto and incorporated herein by this reference.

III.

TERMS: The terms of this easement are as follows:

1. Grantees, their agents, independent contractors and invitees shall use the easement strip for the following purposes only: maintenance, repair, construction, reconstruction and use of an irrigation mainline.
2. The parties shall cooperate during periods of joint use so that each party's use shall cause a minimum of interference to others.
3. Grantors cannot make use of the easement strip in such a way that is inconsistent with grantee's use and enjoyment of the easement.
4. This easement is appurtenant to the real property owned by grantees and described below.
5. This easement shall be perpetual.
6. This easement is granted subject to all prior easements or encumbrances of record.
7. Attached hereto as Exhibit B and incorporated herein by this reference is a map of the relevant property with an indication of the location of the easement granted herein.
8. Grantee will maintain the irrigation line placed on said easement at his own expense. Grantee further agrees that if maintenance of the

irrigation line should be necessary that Grantees will return the ground surface over the irrigation line to substantially the same condition it was in before any maintenance is performed.

9. Attached hereto as Exhibit C and incorporated herein by this reference is a description of the grantees property to which this easement is appurtenant.

IN WITNESS WHEREOF the parties have caused this instrument to be executed the day and year first written above.

John A. Davidson
John A. Davidson, Grantor

John A. Davidson
John A. Davidson, Grantor

SUBSCRIBED AND SWORN to before me this 21st day of February, 1986.

Douglas V. Osborne
Notary Public for Oregon
My commission expires: 2-2-90

William F. Anderson
William F. Anderson, Grantee

Katharine M. Anderson
Katharine M. Anderson, Grantee

SUBSCRIBED AND SWORN to before me this 21 day of February, 1986.

Douglas V. Osborne
Notary Public for Oregon
My commission expires: 2-2-90
NOTARY PUBLIC - OREGON
My Commission Expires 8/3/90

Ret. Osborne, Spencer & Wagon
439 Pine St
PFO 97601

PARCEL 1:

A tract of land situate in Section 5, Township 40 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the most Northwestern corner of above said tract of real property, which corner lies at the intersection of the Easterly right of way boundary of the Burlington Northern Inc. railroad and the Easterly right of way boundary of the U.S. G-1 Lateral irrigation canal; thence along said irrigation canal right of way boundary North $41^{\circ} 29' 30''$ East 383.44 feet, and North $78^{\circ} 16'$ East 311.64 feet to a $\frac{1}{2}$ inch galvanized iron pipe marking the true point of beginning of this description; thence continuing along above said canal right of way boundary North $35^{\circ} 58'$ East 478.25 feet, more or less, to the Southerly right of way boundary of U.S.G. Canal; thence along said boundary South $56^{\circ} 23' 30''$ East, 223.80 feet South $58^{\circ} 36'$ East, 366.50 feet and South $86^{\circ} 24'$ East, 317.60 feet to a $\frac{1}{2}$ inch galvanized iron pipe in alignment with an existing North-South fence line; thence along said fence alignment South $5^{\circ} 55' 30''$ West 1098.40 feet and South $0^{\circ} 48' 30''$ East, 72.20 feet, more or less, to a point on the North boundary extended of that parcel of real property described and recorded in M-70 at page 9929 of Deed Records of Klamath County, Oregon and distant 60.45 feet from the Northeast corner thereof; thence South $83^{\circ} 01' 45''$ West along said boundary and boundary extended a distance of 992.05 feet, more or less, to a $\frac{1}{2}$ inch galvanized iron pipe which is distant 153.70 feet Easterly from the most Northwestern corner of aforesaid parcel of real property; thence North 1232.84 feet to the true point of beginning.

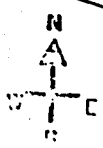
LESS AND EXCEPT a parcel of land situated in the Southwest one-quarter of Section 5, Township 40 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at a $\frac{1}{2}$ " iron pipe from which the Southwest corner of Section 5 bears South $00^{\circ} 48' 30''$ East 930.62 feet and West 1505.30 feet; thence South $83^{\circ} 01' 45''$ West 931.70 feet to a $\frac{1}{2}$ " iron pipe; thence North 556.39 feet to a $\frac{1}{2}$ " rebar; thence North $83^{\circ} 01' 45''$ East 980.72 feet to a $\frac{1}{2}$ " rebar; thence South $5^{\circ} 55' 30''$ West 482.72 feet to a $\frac{1}{2}$ " rebar; thence South $00^{\circ} 48' 30''$ East 82.18 feet to the point of beginning.

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HILL ROAD



Reference to map is the location of the property in the map 29752
It is not to be used as a basis for any action or claim in connection with any property or liability of any person.

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NO 16 DRAIN

G CANAL

easement

DRAIN

12

GN RR
DEHLINGER
SIDING

12-1-1

12-1-4

DEHLINGER LANE

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Exhibit "B"

A parcel of land situated in the SW $\frac{1}{4}$ of Section 5, Township 40 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at a $\frac{1}{2}$ " iron pipe from which the Southwest corner of Section 5 bears South 00° 48' 30" East 930.62 feet and West 1505.30 feet; thence South 83° 01' 45" West 931.70 feet to a $\frac{1}{2}$ " iron pipe; thence North 556.39 feet to a $\frac{1}{2}$ " rebar; thence North 83° 01' 45" East 980.72 feet to a $\frac{1}{2}$ " rebar; thence South 5° 55' 30" West 482.72 feet to $\frac{1}{2}$ " rebar; thence South 00° 48' 30" East 82.18 feet to the point of beginning.

*Osborne, Spruce & Wagon
439 Park Street
Klamath Falls, Or 97601*

Exhibit "C"

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ 7th day
of _____ May _____ A.D., 19 87 at 4:14 o'clock P. M., and duly recorded in Vol. M87
of _____ Deeds _____ on Page 7365.

Evelyn Biehn, County Clerk
By *[Signature]*

FEE \$21.00