

78496

MINOR LAND PARTITION CREATION OF PRIVATE ROAD

MTC-12373L

Vol. 1787

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KNOW ALL MEN BY THESE PRESENTS that Phyllis Collier Kerns, Carolyn Collier Larson, David Ross Ragland, Martha Ragland Brown, Andrew James Ragland and Kathleen Mary Inness, all as Tenants in Common, in consideration of the approval by Klamath County of Minor Partition 20-87, hereby irrevocably create the following described non-exclusive parcels, with the rights and obligations hereinafter contained, to run with the title to said parcels, said easement being particularly described in Exhibit A, attached hereto and incorporated herein.

The private road easement shall provide residential, vehicular and public utility access to the parcel of land described in Exhibit B, attached hereto and incorporated herein.

The road easement granted herein shall be subject to the following terms and conditions:

A. So long as the subservient parcel shall remain undeveloped, the owners of the parcel in whose favor the easement is granted shall maintain the presently existing driveway in good repair at their sole cost and expense. If the subservient property shall be developed for agricultural or residential purposes, the cost of maintenance and repair shall be divided equally between the subservient and dominant parcels.

B. If the roadway plug on Quail Lane within Pine Grove Ponderosa Subdivision shall be removed by authority of the governing body of Klamath County, thus providing the dominant parcel access to Quail Lane, this easement shall terminate and be of no further force and effect. Upon the occurrence of such event, the owners of the dominant parcel shall file with the Klamath County Clerk a release of the easement.

C. If the owners of the subservient parcel shall partition or subdivide the subservient parcel, they may relocate the roadway easement over the subservient parcel upon being granted approval of the partition or subdivision and approval of the relocation of the roadway by the Klamath County Planning Commission or other appropriate governing body. The relocated easement shall be equivalent in width to the easement granted herein but may be constructed of gravel. In the event the owners of the subservient parcel shall change the location of easement, they shall at their sole expense, do the following:

- (1) Provide a survey for the new easement;
- (2) Construct the roadway; and,
- (3) Prepare the appropriate documents necessary to terminate the existing

easement and create the new easement of record. Thereafter, the new easement shall be subject to the terms and conditions set forth in this document.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 24<sup>th</sup> day of August, 1987.

Phyllis Collier Kerns  
PHYLLIS COLLIER KERNS

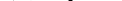
Carolyn Collier Larson  
CAROLYN COLLIER LARSON

David Ross Ragland  
DAVID ROSS RAGLAND

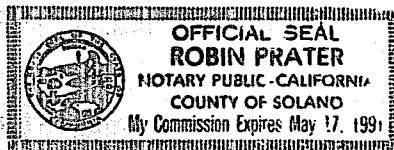
County of Contra Costa } ss.

On August 21, 1983, before me, the undersigned, a Notary Public  
in and for said State, personally appeared Phillis Collier Kerns

\_\_\_\_\_ ; personally known to me or proved to me  
on the basis of satisfactory evidence to be the person whose name is  
subscribed to the within instrument, and acknowledged to me that 5 he executed it.

  
NOTARY PUBLIC

**ACKNOWLEDGMENT-INDIVIDUAL**  
**WTI FORM NO. 60 -- 1/83**



Before Me:

Notary Public for \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

STATE OF OREGON \_\_\_\_\_ )  
County of Clatsop ) SS.:

Personally appeared the above named CAROLYN COLLIER LARSON and acknowledged the foregoing instrument to be her voluntary act and deed.

Before Me: [Signature]  
Notary Public for  
My commission expires: [Signature]

STATE OF OREGON \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.:

STATE OF CALIFORNIA

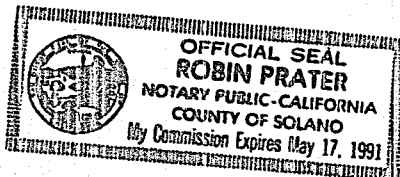
County of Contra Costa } ss.

On August 21, 19 87, before me, the undersigned, a Notary Public in and for said State, personally appeared David Ross Ragland

on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed it.

*[Signature]*  
NOTARY PUBLIC

ACKNOWLEDGMENT - INDIVIDUAL  
WTI FORM NO. 60 - 1/83





15316

Road Easement

A 30.00 foot wide strip of land for roadway purposes located in the W $\frac{1}{4}$ NE $\frac{1}{4}$  and W $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 8, T. 39. S., R. 10 E., W.M.; the centerline of which is described as follows:

Beginning at a point from which the East 1/16 corner common to Sections 5 and 8, T. 39 S., R. 10 E., W.M. bears S80°12'54"E 236.84 feet and N0°11'32"W 1693.61 feet; thence S14°03'09"W 214.30 feet; thence S6°09'07"W 161.13 feet; thence S19°51'54"W 161.95 feet; thence 167.10 feet along the arc of a 400.00 foot radius curve to the left, the long chord of which bears S7°53'51"W 165.89 feet; thence S4°04'12"E 133.79 feet; thence S7°16'02"W 213.41 feet; thence S0°47'07"W 116.62 feet; thence S6°33'45"E 431.58 feet; thence 183.99 feet along the arc of a 275.00 foot radius curve to the right, the long chord of which bears S12°36'15"W 180.57 feet; thence S31°46'15"W 148.68 feet; thence S19°49'15"W 127.02 feet; thence S31°58'20"W 119.23 feet; thence S25°24'00"W 134.95 feet, more or less, to a point on the northerly right-of-way line of State Highway 140.

EXHIBIT A



15317

Parcel 2 of  
Minor Partition 20-87

A parcel of land located in the  $W\frac{1}{2}$  NE $\frac{1}{4}$  of Section 8,  
T. 39 S., R. 10E., W.M., Klamath County, Oregon; being  
more particularly described as follows:

Beginning at a point on the East line of the  
 $W\frac{1}{2}$  NE $\frac{1}{4}$  of Section 8, T. 39 S., R. 10E., W.M., from  
which point the East  $1/16$  corner common to Sections  
5 and 8 bears N  $0^{\circ}11'32''$  W 1062.16 feet; thence  
S  $0^{\circ}11'32''$  E 631.45 feet; thence N  $80^{\circ}12'54''$  W 600.61  
feet; thence N  $8^{\circ}47'26''$  E 551.68 feet; thence  
S  $85^{\circ}18'19''$  E 286.02 feet; thence N  $88^{\circ}01'44''$  E 220.52  
feet to the point of beginning, containing 7.38  
acres, more or less.

STATE OF OREGON,  
County of Klamath ss.

Filed for record at request of:

on this 25 day of August A.D., 1987  
at 12:56 o'clock P.M. and duly recorded  
in Vol. M87 of Deeds Page 15314

By Evelyn Biehn County Clerk  
Bernetha Shetch Deputy.  
Fee. \$17.00

Return: MTC

EXHIBIT B