

83904

MTC-19225K

CREATION OF A PRIVATE ROAD AND WELL AGREEMENT

Vol. 1488

Page 1388

AND COVENANTS, CONDITIONS, & RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that Glen Arthur and Josephine Lucille Arthur, husband and wife, in consideration of the benefits accruing to the above named by reason of said easements, the undersigned do hereby irrevocably create the following described easements to be appurtenant to the respective parcels with the rights and obligations hereinafter contained, to run with the title of said parcels, described as follows:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION WHICH IS MADE A PART HEREOF BY THIS REFERENCE.

Said easements are described as follows:

- 1) An easement to the 8 inch well presently located on Parcel #1 for domestic use. The cost of operation and maintenance of said well shall be shared equally by the property owners that use said well. The owners of Parcel #1 shall keep records of said costs incurred for use and maintenance of the well and notify each user of their share of expenses on a monthly basis. The owners of Parcels #2 and #3 shall reserve the right to drill their own well on their respective parcel of land. Any water used for irrigation purposes shall be pumped from Klamath Lake and not from domestic well lying on Parcel #1.
- 2) An easement for ingress and egress to Parcels #2 and #3 over the existing private roadway, as described on the map attached Exhibit "B", situate on Parcel #1. The costs of maintenance of the private roadway will be shared equally by all parcel owners.

The owners of said parcels shall have all rights of ingress and egress to and from said real estate, necessary for the use, enjoyment, operation, and maintenance of the easements hereby granted and all rights and privileges incident thereto.

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Covenants, conditions, and restrictions are as follows:

- 1) All utilities including main irrigation lines shall be buried underground at least 2 feet, and such lines will be marked appropriately above the ground.
- 2) Owners of Parcels #2 and #3 will build all structures of more than 10' in height on the westerly one-half of their respective parcels. They will not plant any trees or shrubs that grow more than 10' in height on the Easterly one-half of their respective parcels, but a boathouse would be permitted of not more than 12' in height.
- 3) In the events of a sale of Parcel #1, #2, or #3, the remaining parcel owners as of February 8, 1988, will have first right of refusal through their natural life time, or until they relinquish their original ownership, based on the average of the Klamath County Assessor's True Cash Value and one outside Appraiser certified and licensed to do appraisals in Klamath County, Oregon, to establish a fair market price. This paragraph will be binding on the spouses of the original parcel owners.

Except as to the rights herein granted, the respective parcel owners shall have the full use and control of the herein described real estate.

This Agreement shall bind and inure to the benefit of, as the circumstances may require, to only the immediate parties hereto, but also their respective heirs, executors, administrators, and successors in interest as well.

In construing this Agreement and where the context so requires, words in the singular include the plural, the masculine includes the feminine and the neuter; and generally, all changes shall be made or implied so that this instrument shall apply both to individuals and corporations.

IN WITNESS WHEREOF, the parties have subscribed this instrument on
this 29th day of January, 1988.

Glen Arthur
GLEN ARTHUR

Josephine Lucille Arthur
JOSEPHINE LUCILLE ARTHUR

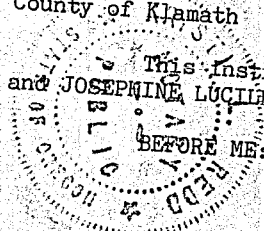
State of Oregon

County of Klamath

ss.

January 29, 1988

This instrument was acknowledged before me on this date by GLEN ARTHUR
and JOSEPHINE LUCILLE ARTHUR.



Kristi L. Redd
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/16/91

Upon recording the original shall be
returned to:

Glen & Lucille Arthur
1145 Tamera Drive
Klamath Falls, OR 97603

EXHIBIT "A"

LEGAL DESCRIPTION

1391

PARCEL 1:

A parcel of land situated in the NW1/4 SE1/4 and NE1/4 SW1/4 of Section 23, Township 38, South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

Beginning at an iron pin on the Easterly right of way line of Lakeshore Drive (Highway #421) which is the Northwesterly corner of a tract of land described in Deed Volume 338, page 169, Records of Klamath County, Oregon, and which said iron pin bears South a distance of 1137.8 feet and East a distance of 148.02 feet North 22 degrees 32' 36" West a distance of 203.67 feet from the center one-quarter corner of said Section 23; thence from said beginning point North 11 degrees 28' East a distance of 143.7 feet to a point which is 60 feet Easterly at right angles from the Easterly right of way line of Lakeshore Drive and 130 feet Northwesterly at right angles from the Northerly line of parcel of land described in Deed Volume 338, page 169, Records of Klamath County, Oregon; thence North 78 degrees 20' East a distance of 580 feet, more or less, to a point on the shore line of Upper Klamath Lake; thence Northwesterly along said shore line to its intersection with the East-West center line of said Section 23; thence West along said East-West center line to the Center one-quarter corner of said Section 23; thence South 27 degrees 44' West to an intersection with the Northeasterly right of way line of Lakeshore Drive; thence Southeasterly along said right of way line to the point of beginning.

EXCEPTING THEREFROM a tract of land situated in the NW1/4 SE1/4 of Section 23, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Southerly line of that tract of land described in Deed Volume M74 Pages 13889 and 13890 of the Klamath County Deed Records, from which the Center 1/4 corner of said Section 23, as shown by Recorded Survey No. 1571, bears North 15 degrees 26' 01" West 827.85 feet; thence North 20 degrees 59' 47" West 101.34 feet to the True Point of Beginning of this description; thence continuing North 20 degrees 59' 47" West 101.34 feet; thence North 78 degrees 20' 00" East 430.73 feet to a 5/8" rebar with Tru-Line Surveying plastic cap; thence continuing North 78 degrees 20' 00" East to the shoreline of Klamath Lake; thence Southeasterly along said shoreline to a point that bears North 78 degrees 20' 00" East from the True Point of Beginning; thence South 78 degrees 20' 00" West to a 5/8" rebar with Tru-Line Surveying plastic cap; thence continuing South 78 degrees 20' 00" West 449.66 feet to the True Point of Beginning, containing 1.1 acres, more or less, to the shoreline as shown by said Survey No. 1571 with bearings based on said Survey No. 1571.

ALSO EXCEPTING THEREFROM a tract of land situated in the NW1/4 SE1/4 of Section 23, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Southerly line of that tract of land described in Deed Volume M74 Pages 13889 and 13890 of the Klamath County Deed Records, from which the Center 1/4 corner of said Section 23, as shown by recorded Survey No. 1571, bears North 15 degrees 26' 01" West 827.85 feet; thence North 20 degrees 59' 47" West 101.34 feet; thence North 78 degrees 20' 00" East 449.66 feet to a 5/8" rebar

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with Tru-Line Surveying plastic cap; thence continuing North 78 degrees 20' 00" East to the shoreline of Klamath Lake; thence Southeasterly, along said shoreline to the Southerly line of said Deed Volume; thence South 78 degrees 20' 00" West to a 5/8" iron pin with a Westvold and Associates plastic cap; thence continuing South 78 degrees 20' 00" West 511.67 feet to the point of beginning, containing 1.2 acres, more or less, to the shoreline as shown by said Survey No. 1571, with bearings based on said Survey No. 1571.

PARCEL 2:

A tract of land situated in the NW1/4 SE1/4 of Section 23, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Southerly line of that tract of land described in Deed Volume M74 Pages 13889 and 13890 of the Klamath County Deed Records, from which the Center 1/4 corner of said Section 23, as shown by Recorded Survey No. 1571, bears North 15 degrees 26' 01" West 827.85 feet; thence North 20 degrees 59' 47" West 101.34 feet to the True Point of Beginning of this description; thence continuing North 20 degrees 59' 47" West 101.34 feet; thence North 78 degrees 20' 00" East 430.73 feet to a 5/8" rebar with Tru-Line Surveying plastic cap; thence continuing North 78 degrees 20' 00" East to the shoreline of Klamath Lake; thence Southeasterly along said shoreline to a point that bears North 78 degrees 20' 00" East from the True Point of Beginning; thence South 78 degrees 20' 00" West to a 5/8" rebar with Tru-Line Surveying plastic cap; thence continuing South 78 degrees 20' 00" West 449.66 feet to the True Point of Beginning, containing 1.1 acres, more or less, to the shoreline as shown by said Survey No. 1571 with bearings based on said Survey No. 1571.

PARCEL 3:

A tract of land situated in the NW1/4 SE1/4 of Section 23, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Southerly line of that tract of land described in Deed Volume M74 Pages 13889 and 13890 of the Klamath County Deed Records, from which the Center 1/4 corner of said Section 23, as shown by recorded Survey No. 1571, bears North 15 degrees 26' 01" West 827.85 feet; thence North 20 degrees 59' 47" West 101.34 feet; thence North 78 degrees 20' 00" East 449.66 feet to a 5/8" rebar with Tru-Line Surveying plastic cap; thence continuing North 78 degrees 20' 00" East to the shoreline of Klamath Lake; thence Southeasterly, along said shoreline to the Southerly line of said Deed Volume; thence South 78 degrees 20' 00" West to a 5/8" iron pin with a Westvold and Associates plastic cap; thence continuing South 78 degrees 20' 00" West 511.67 feet to the point of beginning, containing 1.2 acres, more or less, to the shoreline as shown by said Survey No. 1571, with bearings based on said Survey No. 1571.

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MAP OF SURVEY
SITUATED IN THE NW1/4 SE1/4 OF
SECTION 23, T38S, R8EWM
KLAMATH COUNTY, OREGON

LEGEND

- MONUMENTS FOUND IN PLACE OR SET BY ADS. 3621.
- 5/8" IRON PIN WITH WESTVOLD BASOC. PLASTIC CAP UNLESS OTHERWISE NOTED.
- SET 5/8" x 30" IRON PIN WITH TRU-LINE SURVEYING PLASTIC CAP
- BEARINGS ARE BASED ON R.O.S. 1371

TRU SURVEYING LINE

2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603

SURVEYED FOR	GLEN & LUCILLE ARTHUR
SURVEYED BY	D.A.E.
MAILED BY	D.A.E.B.R.R.
CHECKED BY	E.R.R.

SCALE 1"=100'

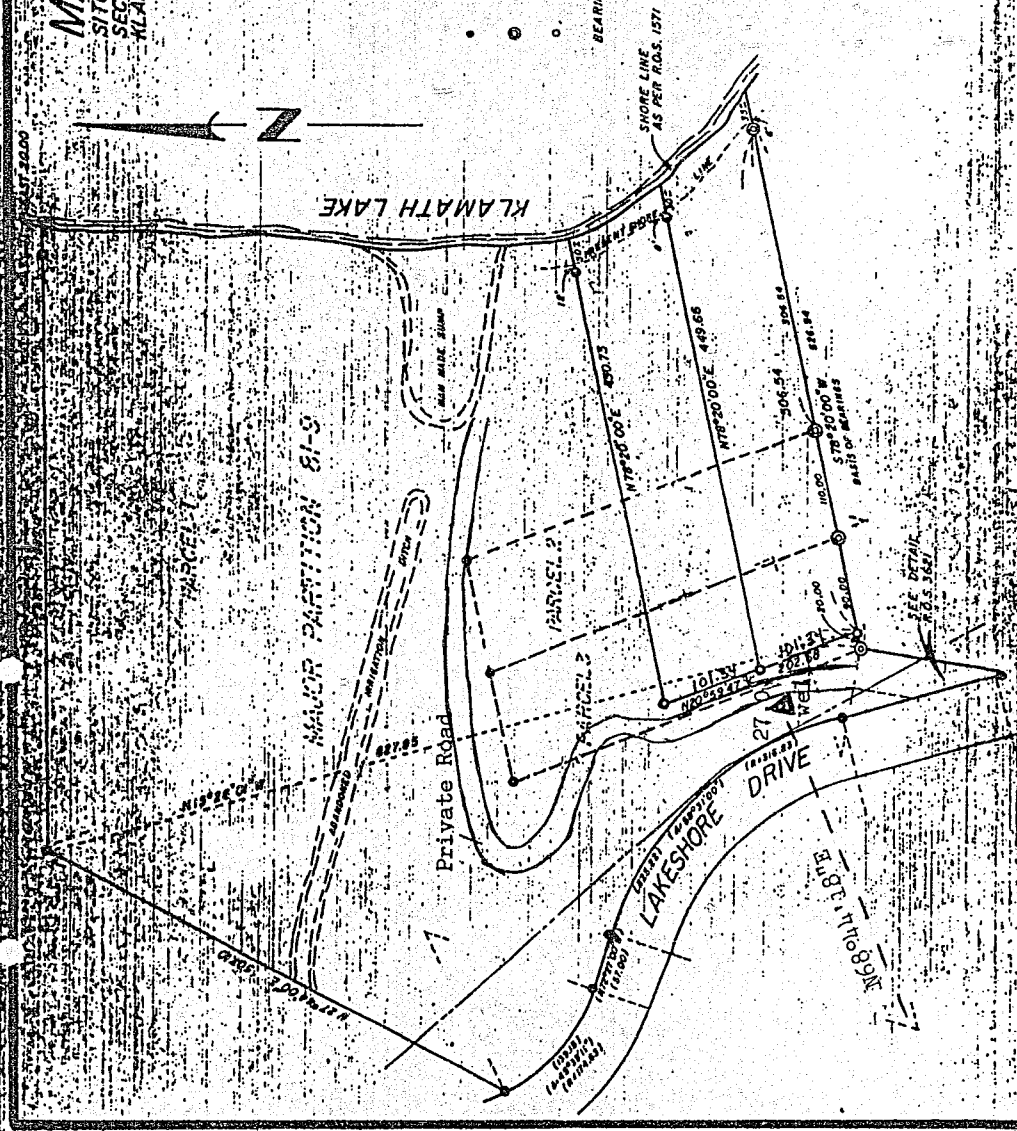


EXHIBIT "B"

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Company the 29th day
of January A.D., 19 88 at 12:09 o'clock P M., and duly recorded in Vol. M88,
of Deeds on Page 1388.
Evelyn Biehn, County Clerk
By Tru Smith

FEE \$30.00

Handwritten signature/initials