

## CREATION OF AN EASEMENT FOR ROAD &amp; UTILITIES

KNOWN ALL MEN BY THESE PRESENTS, Joseph F. O'Brien and Janice A. O'Brien, in consideration of the approval by Klamath County of a Statutory Major 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 No. 29-88, the undersigned, do hereby irrevocably create the following described non-exclusive private easement to be appurtenant to the respective partitioned parcels, with the rights and obligations hereinafter contained to run with the title to said parcels.

The Parcel to be partitioned is described as follows:

Beginning at a point in the South line of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, 665.5 feet West of the quarter corner between Sections 2 and 11, Township and Range aforesaid, and running thence North 0° 13' East 447 feet more or less to the Southerly right of way line of the Oregon California and Eastern Railway Company; thence North 66° 51' West along said Southerly right of way line, 1350 feet more or less to an intersection with the Easterly right of way line of the U.S.R.S. main canal; thence South-easterly along the Easterly right of way line of said canal, to the South line of said Section 2; thence East 500.75 feet more or less to the place of beginning, lying and being in the Southwest quarter (SW $\frac{1}{4}$ ) of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

EXCEPTING THEREFROM that portion conveyed to Wilfred Noble and Edith M. Noble, husband and wife by Warranty Deed recorded in Book 193 at page 49.

The Easement hereby created shall provide vehicular and public utility access over and across the following:

A non-exclusive 30 foot easement situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon. The Southerly line of said easement being more particularly described as follows:

Beginning at a point on the Westerly right of way line of Hope Street, from which the South quarter corner of said Section 2 bears South 00° 13' West 253.83 feet and North 89° 36' 38" East 695.17 feet; thence North 66° 51' West 325.00 feet, to the end of the easement with bearings based on the recorded survey of said Major Land Partition No. 29-88.

Dated: 1-16-89

Joseph F. O'Brien  
Joseph F. O'Brien

Janice A. O'Brien  
Janice A. O'Brien

STATE OF OREGON           )  
                                  ) ss.  
COUNTY OF KLAMATH    )

Personally appeared the above-named Joseph F. O'Brien and Janice A. O'Brien and acknowledged the foregoing instrument to be their voluntary act.

Before me: Carol Johnson  
Notary Public for Oregon

My Commission expires 1-15-90

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 16th day  
of Jan. A.D., 19 89 at 9:35 o'clock AM., and duly recorded in Vol. M89,  
of Deeds on Page 801.

FEE \$8.00  
CC 1.00

Evelyn Biehn, County Clerk  
By Pauline Mullins

Return: Joseph O'Brien  
2940 Hope St., Klamath Falls, Or. 97603

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