

ONBE

12027

AGREEMENT FOR EASEMENT

Vol. m90 Page - 4155

RECORDED WITH 04 21903

THIS AGREEMENT, Made and entered into this February day of 1990,  
by and between JOHN T. BOWERS AND DARLENE BOWERS, HUSBAND AND WIFE,  
hereinafter called the first party, and ENTERPRISE IRRIGATION DISTRICT,  
hereinafter called the second party;

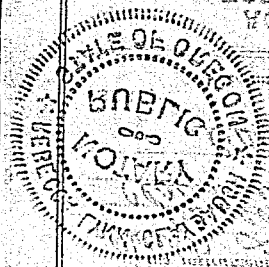
WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Klamath  
County, State of Oregon, to-wit:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO

FOR EASEMENT  
YCEEWEMEL

STATE OF OREGON



and has the unrestricted right to grant the easement hereinafter described relative to said real estate;  
NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$1) by the second  
party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowl-  
edged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party

SEE ATTACHED EXHIBIT "C" ATTACHED HERETO

IN WITNESS WHEREOF, the parties have executed this agreement in duplicate  
before me, a Notary Public for the State of Oregon, on this 11th day of February, 1990.  
My commission expires on 11th day of February, 1991.

(Insert here a full description of the nature and type of the easement granted to the second party.)  
The second party shall have all rights of ingress and egress to and from said real estate (including the  
right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging  
branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of  
the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above de-  
scribed real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of  
third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of perpetuity, always subject,  
however, to the following specific conditions, restrictions and considerations:

SEE ATTACHED EXHIBIT "B" ATTACHED HERETO

90 MAR 5 PM 4 19

If this easement is for a right of way over or across first party's said real estate, the center line of said easement is described as follows:

# SEE ATTACHED EXHIBIT "B" ATTACHED HERETO

The easement described upon upon contained in a bearing of \_\_\_\_\_ and second party's right of way shall be parallel with said center line and not more than 15 feet distant from either side thereof.

During the existence of this easement, its maintenance and the cost of said maintenance shall be the responsibility of (check one): ☒ the first party; ☐ the second party; ☐ both parties, share and share alike; ☐ both parties, with the first party being responsible for \_\_\_\_\_ % and the second party being responsible for \_\_\_\_\_ %. (If the last alternative is selected, the percentages allocated to each party should total 100.)

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

In construing this agreement, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this agreement shall apply equally to individuals and to corporations. If the undersigned is a corporation, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by its board of directors.

IN WITNESS WHEREOF, the parties hereto have executed this easement in duplicate.

Dated March, 2nd, 1990

John T. Bowers

Darlene Bowers

FIRST PARTY

(If executed by a corporation, affix corporate seal and use the form of acknowledgment opposite.)

Enterprise Irrigation District

SECOND PARTY

STATE OF OREGON, County of Klamath, ss. I, Notary Public for Oregon, do hereby certify that the foregoing instrument was acknowledged before me on March 2, 1990, by John T. Bowers and Darlene Bowers, and that the said instrument is a true and correct copy of the original as the same appears from the records of my office.

STATE OF OREGON, County of Klamath, ss. I, Notary Public for Oregon, do hereby certify that the foregoing instrument was acknowledged before me on March 2, 1990, by John T. Bowers and Darlene Bowers, and that the said instrument is a true and correct copy of the original as the same appears from the records of my office.

19\_\_\_\_, by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_

Notary Public for Oregon

My commission expires: \_\_\_\_\_

(SEAL)

## AGREEMENT FOR EASEMENT BETWEEN

SEE ATTACHED EXHIBIT "B" ATTACHED HERETO

AND TO HAVE

HEREBY: 1st party to the record

SPACE RESERVED

FOR

RECORDER'S USE

AFTER RECORDING RETURN TO

Steven Warner  
4420 Bartlett #5

Klamath Falls, Or. 97603

15033

STATE OF OREGON,  
County of \_\_\_\_\_ } ss.

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of \_\_\_\_\_ of said County.

Witness my hand and seal of \_\_\_\_\_ County affixed.

By \_\_\_\_\_ NAME \_\_\_\_\_ TITLE \_\_\_\_\_ Deputy

## LEGAL DESCRIPTION FOR JOHN T. BOWERS and DARLENE BOWERS

(A) A tract of land situated in the SW1/4 SE1/4 of Section 6, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of the SW1/4 SE1/4 of said Section 6, said point being the Northeast corner of JUNCTION ACRES subdivision; thence South 89 degrees 07' 30" West along the South line of said Section 6, which is also the North line of said Subdivision, a distance of 30 feet; thence Northerly, parallel with the East line of the SW1/4 SE1/4 of said Section 6, a distance of 175 feet to the true point of beginning of this description; thence Northerly parallel with the East line of the SW1/4 SE1/4 of said Section 6, a distance of 175 feet, more or less, to the intersection with the centerline of the Enterprise Irrigation District Canal as it is presently located and constructed; thence Northwesterly and Southwesterly along the centerline of said canal to a point that is Northerly, measured on a line parallel with the East line of the SW1/4 SE1/4 of said Section 6, a distance of 350 feet from the South line of said Section 6; thence South 89 degrees 07' 30" West parallel with the South line of said Section 6, which is the North line of said Subdivision, to the intersection with the East line of that tract of land deeded to Heaton, as described in Deed Volume 359, page 448; thence South 28 degrees 23' 30" East and South 00 degrees 21' 45" East along the East line of said Heaton Tract to a point that is Northerly, measured on a line parallel with the East line of the SW1/4 SE1/4 of said Section 6, a distance of 175 feet from the South line of said Section 6; thence North 89 degrees 07' 30" East parallel with the South line of said Section 6, which is the North line of said subdivision, to the true point of beginning of this description.

(B) A tract of land situated in the SW1/4 SE1/4 of Section 6, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the South line of said Section 6, said point being on the North line of JUNCTION ACRES Subdivision and being South 89 degrees 07' 30" West a distance of 30 feet from the Northeast corner of said subdivision which is also the Southeast corner of the SW1/4 SE1/4 of said Section 6; thence Northerly parallel with the East line of the SW1/4 SE1/4 of said Section 6 a distance of 175 feet; thence South 89 degrees 07' 30" West parallel with the South line of said Section 6, which is the North line of said subdivision to the intersection with the East line of the tract of land deeded to Heaton as described in Deed Volume 359, page 448; thence South 00 degrees 21' 45" East along the East line of Heaton Tract a distance of 175 feet, more or less, to the South line of said Section 6, which is the North line of said subdivision; thence North 89 degrees 07' 30" East along the South line of said Section 6, and along the North line of said subdivision to the point of beginning.

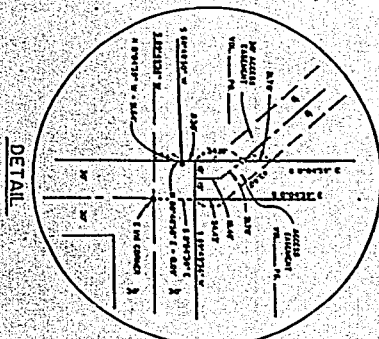
**APPROVALS**

| COUNTY SURVEYOR   | DATE |
|-------------------|------|
| COUNTY CLERK      | DATE |
| COUNTY ENGINEER   | DATE |
| PLANNING DIRECTOR | DATE |

NARRATIVE

THE SURVEY WAS PERFORMED AT THE REQUEST OF JOHN BOWERS TO LOCATE AND MONUMENT THE BOUNDARIES OF PARCELS 3, 5 AND 6. THE EVIDENCE OF THE SURVEY IS LOCATED IN THE SOUTHWEST CORNER OF THE STAY HOUSE, A REMAINDER OF THE BOWERS TRACT. PARCELS 1 IS THE CENTERLINE OF THE INTERPPOSED FENCELINE DETECTED ON CONSTRUCTION, THE NORTHERLY BOUNDARY OF PARCEL 3 IS CALLED AS CONTIGUOUS, THE WESTERN BOUNDARY OF PARCEL 3 IS BASED ON C.S. 3843, MONUMENT 11, THE WESTERN BOUNDARY OF PARCEL 5 ON THE NORTHERLY LINE OF SECTION 40S, T10N, R10E, S10E, AS RECORDED BY C.S. 4622.

MONUMENTS WERE TIED AND SET FROM A RANDOM TRAVELED GROUND LEFT SET 4 TOTAL STATION.



**SURVEYOR'S AFFIDAVIT**

STATE OF OREGON

1. DOUGLAS E. ADAMS, SURREYTON, BEING ONLY SPOUSE, DEPOSE AND SAY THAT HAVE SURVEYED, PLATTED, MAJOR PLATTION NO. 45-09 SITUATED IN THE SW 1/4 SE 1/4 SECTION 4, TOWNSHIP 39 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CLATSOP COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AND THAT SAID SUCH SURVEY, AND PLAT BY THE ORDER OF AND UNDER THE DIRECTION OF THE OWNERS THEREOF, THAT THE SIZE OF ALL PARCELS AND THE WIDTHS OF ALL EASEMENTS ARE AS SHOWN ON THE AFORESAID PLAT, AND THAT ALL PARCEL CORNERS AND BOUNDARY CORNERS ARE MARKED WITH IRON PEGS AND WOODEN WITNESS STAKES AS LOCATED ON THE AFORESAID PLAT.

DOUGLAS E. JONES, SURVIVOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 1990.

**CLIS & PEWORTH  
NOTARY PUBLIC FOR OREGON**

**MAJOR PARTITION NO. 45-89.**  
FOR JOHN & DARLENE BOWERS  
SITUATED IN SW 1/4 SE 1/4 SEC. 6 T.35S., R.10E., W.M.  
KLAATH COUNTRY, OREGON  
WAD & BARNETT BROS.

ADAMS CONSULTING ENGINEERS, INC.  
4033 ERYLARK AVE.  
KLAATHVILLE, OR. 97001  
PHONE: (503) 884-4566

## FINAL MAP

PHONE: (503) - 884-9666



4159

## EXHIBIT "C"

EASEMENT DESCRIPTION  
FROM JOHN BOWERS  
TO ENTERPRISE IRRIGATION DISTRICT

A strip of land for the purpose of operation, maintenance, and repair of an irrigation ditch and/or buried pipe line situated in the SW1/4 SE1/4 Section 6, Township 39 South, Range 10 East, Willamette Meridian, Klamath County, Oregon, said strip of land being within the boundaries of Major Partition No. 45-89 as recorded in the records of the clerk in the County of Klamath, State of Oregon, and being 15 feet of either side of the following described centerline:

Beginning at a point on the southerly boundary line of Major Partition No. 45-89 from which the East 1/16 corner common to Sections 6 and 7 bears South  $86^{\circ}40'58''$  East 281.86 feet; thence North  $00^{\circ}35'02''$  West 162.89 feet; thence North  $08^{\circ}12'02''$  West 58.68 feet; thence North  $34^{\circ}05'54''$  West 35.82 feet; thence North  $49^{\circ}25'23''$  West 81.79 feet; thence North  $14^{\circ}26'13''$  West 30.52 feet to the northeast corner of Parcel 3 of Major Partition No. 45-89.

Together with a strip of land 15.00 feet in width along the southerly side of the northerly boundary of Parcel 1 of Major Partition No. 45-89 for the purpose of operation, maintenance, and repair of an irrigation ditch, said strip lying parallel and contiguous with said northerly boundary of Parcel 1 described as follows:

Beginning at the northeast corner of Parcel 3 of Major Partition 45-89, thence North  $34^{\circ}38'45''$  East 177.25 feet; thence along an arc of a curve to the right (Radius = 67.00 feet, central angle =  $83^{\circ}40'50''$ ) 97.85 feet; thence South  $61^{\circ}40'25''$  East 139.69 feet; thence South  $53^{\circ}58'57''$  East 49.47 feet to a point on the easterly boundary line of Major Partition No. 45-89.

1018-13  
1/30/90

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Steven Warner  
of March A.D., 19 90 at 4:19 o'clock P.M., and duly recorded in Vol. M90  
of Deeds on Page 4155

FEE \$48.00

Evelyn Biehn - County Clerk  
By Paulene Mulender