

15135

EASEMENT

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WHEREAS HARVEY Beene ("GRANTOR") is the owner of the following two lots (or parcels) of real property located in CLATSOP County, Oregon, to wit:

Lot I:

T 38 - R 11 V Sec 34 TL 3300

Lot II:

T 38 R 11 V Sec 34 TLS 800 + 3200

WHEREAS GRANTOR has applied to the State of Oregon through its Department of Environmental Quality ("State" or "GRANTEE") for a permit to repair an on-site sewage disposal system by proposed construction of an individual on-site sewage disposal system ("Report") on Lot I intended to serve Lot II; and

WHEREAS Oregon Administrative Rules, 340-71-130(11)(b) and 340-71-150(4)(a) require GRANTOR to execute an easement and covenant in favor of the State as a condition precedent to issuance of a repair permit concerning the construction of a system on one lot intended to serve another lot;

NOW THEREFORE, in consideration of the issuance of the report to GRANTOR by the State, and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR hereby conveys to the State ("GRANTEE"), its successors and assigns, a perpetual, non-exclusive, appurtenant easement in, upon, and running with Lot I allowing the GRANTEE'S officers, agents, employees and representatives to enter and inspect, including by excavation, the on-site sewage disposal system on Lot I serving Lot II.

GRANTORS, for themselves and their heirs, successors and assigns, covenant and agree:

1. To grant or reserve, and record a utility easement, in a form approved by the GRANTEE, in favor of the owner of Lot II upon severance of the above described lots; and

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2. That Lot 1 shall not be put to any use which would be detrimental to the permitted system or contrary to any law (including an administrative rule) applicable to the permitted system.

IN WITNESS WHEREOF, the GRANTOR executed this easement on this 21 day of May, 1990.

[Signature]
(Grantors)

STATE OF OREGON

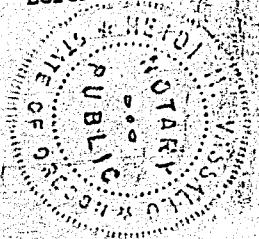
County of Klamath

May 21, 1990

ss

Personally appeared the above-named Harvey Beene and acknowledged the foregoing instrument to be their voluntary act.

Before me:



Heidi M. Vassallo
NOTARY PUBLIC FOR OREGON
My Commission Expires: 10-2-93

XL3443

Return: Bower Excavating
3427 Washburn Way
Klamath Falls, Or. 97603

STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Bower Excavating
on this 22nd day of May A.D. 19 90
at 9:56 o'clock A.M. and duly recorded
in Vol. M90 of Deeds Page 9707
By Evelyn Biehn County Clerk
By Catherine Mullendore Deputy.

Fec. \$33.00
cc 1.50