

37579

MTC 26229
AGREEMENT FOR EASEMENTVol. m91 Page 24174

THIS AGREEMENT, Made and entered into this 27th day of September, 1991, by and between Trustee of the Bankruptcy Estate of Norma E. Waggoner hereinafter called the first party, and Chad Whitton Arey, 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:

A parcel of land situated in the Northwest one-quarter of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Commencing at the Northwest corner of Section 18 and running thence, South 00 degrees 01' 10" West 2132.46 feet; thence, South 89 degrees 51' 42" East 1039.16 feet to the point of beginning; thence, due North 25.39 feet; thence Westerly along the arc of a curve to the right (radius = 100 feet, central angle = 113 degrees 45' 00") 198.53 feet; thence North 42 degrees 55' 14" West 339.64 feet; thence North 64 degrees 56' 14" West 116.01 feet; thence South 00 degrees 02' 42" East 354.17 feet; thence South 89 degrees 51' 42" East 409.33 feet to the true point of beginning with bearings, based on recorded Survey No. 2026, as recorded in the Klamath County Surveyor's Office.

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 acknowledged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party an easement over the East 70 feet of the real property described above for ingress and egress to the real property described in Exhibit "A" attached hereto. Said easement is for roadway purposes from the existing lower road located South of the above described property to the real property of the second party described in Exhibit "A" attached hereto

(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 described 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:

Upon recording return to:

Eric R.-T. Roost, Trustee
1280 Pearl St.
Eugene, OR 97401

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:

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PLEASE SEE ATTACHED EXHIBIT B

and second party's right of way shall be parallel with said center line and not more than _____ 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 Sept. 27, 1991

Trustee of the Bankruptcy Estate of Norma E. Waggoner

BY E. N. Boy

FIRST PARTY

Chad Whitton Arey
Chad Whitton Arey

SECOND PARTY

STATE OF OREGON, County of KLAMATH

This instrument was acknowledged before me on Sept. 27, 1991, by CHAD WHITTON AREY TO BE HIS VOLUNTARY ACT AND DEED

This instrument was acknowledged before me on _____, 19____,

by _____,

as _____,

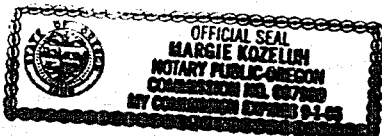
of _____.

Steen E. Elberts

My commission expires 1-11-93 Notary Public for Oregon

STATE OF OREGON)
County of Lane) ss.

Personally appeared the above named ERIC R.-T. ROOST, and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:



Margie Kozel
Notary Public for Oregon
My Commission Expires: 9-1-95

EXHIBIT A

PARCEL 1

A tract of land situated in the SW1/4 NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin on the East right-of-way line of State Highway No. 39 (Klamath Falls-Merrill Highway), said point being located South a distance of 1326.66 feet and East a distance of 29.61 feet from the bolt purportedly marking the Southwest corner of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, as set and shown by record of Survey No. 1018 filed in the office of the Klamath County Surveyor, said beginning point also being North a distance of 3989.91 feet and East a distance of 9.80 feet from the iron pin marking the Southwest corner of Section 18, Township 39 South, Range 10 East of the Willamette Meridian; thence North 89 degrees 47' 40" East along the Westerly extension of an old existing fence line and along said fence line 1001.20 feet; thence South 293.25 feet; thence North 70 degrees 49' 32" East 102.63 feet to a point on the arc of a 50-foot radius curve; thence Southeasterly along the arc of said curve (central angle = 102 degrees 21' 44") 90.25 feet; thence South 31 degrees 36' 12" East 104.55 feet; thence South 65 degrees 48' 00" West 10.00 feet; thence South 24 degrees 12' 00" East 180.00 feet; thence South 65 degrees 48' 00" West 91.43 feet to the beginning of a curve, said point being the True Point of Beginning of this description; thence along the arc of a curve to the left (central angle = 42 degrees 41' 30" and radius = 135.77 feet) 101.16 feet; thence South 23 degrees 06' 30" West 74.72 feet; thence along the arc of a curve to the right (central angle = 113 degrees 45' 00" and radius = 100 feet) 198.53 feet; thence North 43 degrees 08' 30" West 65.00 feet; thence North 31 degrees 30' 33" East 130.72 feet to a point on the arc of a curve; thence Easterly along the arc of said curve to the left (central angle = 55 degrees 42' 33" and radius = 205.06 feet) 199.38 feet; thence North 65 degrees 48' 00" East 53.06 feet to the True Point of Beginning of this description.

(continued)

PARCEL 2

A tract of land situated in the SW1/4 NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin on the East right-of-way line of State Highway No. 39 (Klamath Falls-Merrill Highway), said point being located South a distance of 1326.66 feet and East a distance of 29.61 feet from the bolt purportedly marking the Southwest corner of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, as set and shown by record of survey No. 1018 filed in the office of the Klamath County Surveyor, said beginning point also being North a distance of 3989.91 feet and East a distance of 9.80 feet from the iron pin marking the Southwest corner of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence North 89 degrees 47' 40" East along the Westerly extension of an old existing fence line and along said fence line 1001.20 feet; thence South 293.25 feet; thence North 70 degrees 49' 32" East 102.63 feet to a point on the arc of a 50 foot radius curve; thence Southeasterly along the arc of said curve (central angle = 102 degrees 21' 44") 90.25 feet; thence South 31 degrees 36' 12" East 104.55 feet; thence South 65 degrees 48' 00" West 10.00 feet; thence South 24 degrees 12' 00" East 180.00 feet; thence South 65 degrees 48' 00" West 91.43 feet to the beginning of a curve; thence along the arc of said curve to the left (central angle=42 degrees 41' 30" and radius= 135.77 feet) 101.16 feet; thence South 23 degrees 06' 30" West 74.72 feet; thence along the arc of a curve to the right (central angle=113 degrees 45' 00" and radius=100 feet) 198.53 feet; thence North 43 degrees 08' 30" West 65.00 feet to the true point of beginning of this description; thence North 31 degrees 30' 33" East 130.72 feet to a point on the arc of a curve; thence Northwesterly along the arc of said curve to the right (central angle=15 degrees 20' 37" and radius=205.06 feet) 54.93 feet; thence North 43 degrees 08' 30" West 31.12 feet; thence South 46 degrees 51' 30" West 118.75 feet; thence South 16 degrees 51' 32" West 118.93 feet; thence South 42 degrees 55' 14" East 120.00 feet to the true point of beginning of this description.

END

Exhibit
"B"

LC - N37-49267W
D7.25
R - M.33

200
6.48 AC.

MOUNTAIN TITLE COMPANY
of Klamath County

32

2100
2.02 AC.

2000
1.54 AC.

900
52 AC.

04 AC.

1800
2.32 AC.

2.52 AC

SEE CS 2843

SEE CS 3921

LOT 38.03

3100
1.17 AC.

3000
5.00 AC

2900
2.50 AC.

2800
2.00 A.C.

2700
2.00 AC

260
£.50

S 3338

CG

SEE CS 3306

70 feet

Graduated easement

SEE MAP 39 10 18

STATE OF OREGON: COUNTY OF KLAMATH: ss

Filed for record at request of Mountain Title co.
of Nov. A.D., 19 91 at 10:12 o'clock A M., and duly recorded in Vol. M91
of Deeds

FEE \$48.00

By Evelyn Biehn County Clerk