

38181

Aspen Title # 04037112

GRANT OF EASEMENT

VINCENT O. CHEYNE hereinafter referred to as GRANTOR, hereby grants to RODNEY R. and MARIE M. LYON, owners of Parcel 2 and Circle C Truck Brokerage Inc., an Oregon corporation, owner of Parcel 1, collectively referred to as GRANTEES, the following described easements subject to the terms, conditions and descriptions as follows:

1. Grantors' Property. Grantors are the owners of the following described real properties over which the below described easements are impressed:

A parcel of land situated in portions of Government Lots 7 and 11 in Section 16, township 41 South, Range 12, E. W. M., being more particularly described as follows:
Beginning at a point on the centerline of an existing drain ditch, from which point the monument marking the one-quarter section corner common to Sections 15 and 16, Township 41 South, Range 12, E. W. M. bears North 0°29'05" West 479.17 feet, South 89°43'05" East 12.50 feet, North 0°53' West 421.58 feet, North 0°14' East 30.00 feet, and South 89°46' East 2,692.06 feet distant; thence North 89°43'05" West 422.77 feet to a point; thence South 0°29'05" East 373.56 feet, more or less, to a point on the South line of Government Lot 11 in said Section 16; thence South 89°00' East 422.87 feet along the South line of said Lot 11 to a point; thence North 0°29'05" West 378.86 feet along the centerline of an existing drain ditch to the point of beginning.

That portion of the S½ SW¼ of Section 16, Township 41 South, Range 12 East of the Willamette Meridian described as follows:

Beginning at the intersection of the Northeasterly line of the Great Northern Railroad right of way, 300 feet wide, as described in deed recorded in Volume 96 page 109, of Deed Records of Klamath County, Oregon, with the Northwesterly line of the Depot Road, 80 feet wide, as described in Deed recorded in Volume 96 page 173 of Deed Records of said county; thence North 71°45' East along said Depot Road a distance of 263.29 feet to the true point of beginning of this description; thence North 165.23 feet; thence West 549.60 feet to the Northeasterly line of said Railroad right of way; thence following the boundary line of said Railroad right of way to its intersection with the North line of the S½ of the SW¼ of Section 16; thence East along said North line to the Northeast corner of the SE¼ of the SW¼; thence South along the East line of said SE¼ of the SW¼, 277.90 feet, more or less, to its intersection with the Northwesterly line of the Depot Road; thence Southwesterly along the Northwesterly line of Depot Road to the point of beginning, EXCEPTING therefrom an additional portion conveyed to the Great Northern Railway by

deed recorded in Volume 105, page 209, Deed Records of Klamath County, Oregon.

2. Grantees' Property. Grantee, Circle C Truck Brokerage Inc. is the owner of the following described real property benefitted by the below described easement.

Parcel 1. A parcel of land located in portions of Government Lots 7 and 11 in Section 16, Township 41 South, Range 12 East, Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of Parcel 1 of Minor Partition No. 66-84 from which point the monument marking the one-quarter section corner common to Sections 15 and 16, Township 41 South, Range 12 East, Willamette Meridian bears S89°43'05"E 422.77 feet and N71°09'10"E 2846.75 feet; thence N00°29'05"W 376.14 feet; thence S89°43'05"E 187.50 feet; thence S00°29'05"E 376.14 feet; thence N89°43'05"W 187.50 feet to the Point of Beginning; containing 1.62 acres, more or less, and being subject to all rights-of-way and /or easements of record.

Grantees Rodney R. and Marie M. Lyon are the owners of the following described real property benefitted by the below described easement.

Parcel 2. A parcel of land located in a portion of Government Lot 7 in Section 16, Township 41 South, Range 12 East, Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the centerline of an existing drain ditch, from which point the monument marking the one-quarter section corner common to Sections 15 and 16, Township 41 South, Range 12 East, Willamette Meridian bears N71°09'10"E 2846.75 feet; thence N89°43'05"W 235.27 feet; thence N00°29'05"W 376.14 feet; thence S89°43'05"E 235.27 feet to a point on the centerline of an existing drain ditch, said point being the northeast corner of Parcel 2 of Minor Partition No. 66-84; thence S00°29'05"E 376.14 feet to the Point of Beginning; containing 2.03 acres, more or less, and being subject to a 30.00 foot wide easement along the northerly 30.00 feet of the above described parcel for access to Parcel 1 and being subject to all other rights-of-way and/or easements of record.

3. Easement Described. Grantors convey to Grantees, their heirs, successors and assigns the following described easements appurtenant:

A. Road easement. A certain 30 foot wide road easement parallel to the easterly boundary of the above

described real property as further described in the deed recorded in Volume M81 page 21249 of the Klamath County Deed of Records.

- B. Water Line Easement. A non-exclusive easement of appurtenant 3 foot in width generally located with in and under the above described road easement for the purpose of installing, maintaining and servicing a water delivery system to each of grantees respective properties.

4. Location of Easements. The parties hereto convent and agree that each easement shall generally follow the courses designated above by the present easements to and serving the servient property. Grantors convey to grantees, their heirs, successors and assigns the right to construct, reconstruct, maintain and repair the buried water line as reasonably necessary for its continued beneficial use and enjoyment and to maintain, repair and reconstruct the existing roadway sufficient to permit access and egress to the potato cellars on parcels 1 and 2 described above. The grantors shall not cause or permit the retained premises to be used in such manner as to interfere with or interrupt the grantees use of either easement. In the event it should become necessary for grantees to repair, reconstruct or improve the roadway or to repair or reconstruct the water line contained within the pipeline easement, grantee shall commence all activity in a workman like fashion and return the subject property to the same or better condition in which it existed prior to the time of commencement or of repair or reconstruction activity, at grantees cost and expense.

5. Nature of Easement. Easements above described are appurtenant to the properties owned by the grantees herein the time of creation hereof and shall be perpetual and benefiting and burdening the parties hereto their heirs, successors and assigns.

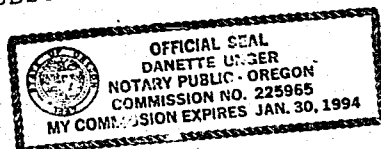
IN WITNESS WHEREOF the parties of hereunto executed this agreement on the date said opposite the signature lines herein.

DATED: November 22, 1991

VINCENT O. CHEYNE

SUBSCRIBED AND SWORN to before me this 2nd day of December, 1991.

Danette Unger
NOTARY PUBLIC FOR OREGON
My Commission Expires: 01-30-94



25287

CIRCLE C TRUCK BROKERAGE INC.

By: James C. Cheyne
PRESIDENTAttest: Loretta M. Cheyne
SECRETARY

PERSONALLY APPEARED James Cheyne and Loretta M. Cheyne who, being duly sworn, each for himself and not one for the other, did say that the former is the _____ president and that the latter is the Secretary _____, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Harlene V. Addington
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-22-93

Rodney R. Lyon
RODNEY R. LYON

Marie M. Lyon
MARIE M. LYON

SUBSCRIBED AND SWORN to before me this 2nd day of December 1991.

Harlene V. Addington
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-22-93

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 4th day of Dec. A.D., 19 91 at 10:44 o'clock A M., and duly recorded in Vol. M91 of Deeds on Page 25284.

FEE \$43.00

Evelyn Biehn County Clerk

By Debbie M. Anderson

Return: ATC

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