

57854

Volume 3 Page 3838

EASEMENT

GRANTOR: Reames Golf and Country Club, an Oregon Corporation

GRANTEE: Frederick W. Fahner and Jessie P. Fahner, husband and wife

This agreement is made this 19 day of February, 1993, by and between Reames Golf and Country Club, an Oregon corporation, hereinafter called the Grantor, and Frederick W. Fahner and Jessie P. Fahner, husband and wife, hereinafter called the Grantee.

RECITALS

A. Grantor is the record owner of the following described real property in Klamath County, Oregon:

Beginning at a point in Lot 4, Section 8, T. 39 S., R. 9E., W. M., which is on the northwesterly right of way line of the Great Northern railway and is N. 24° 52' E., 210 feet from the southwest corner of said Lot 4, and which point of beginning is 150 feet from the centerline of said right of way, when measured along the radius of a six degree curve on said centerline; thence N 24° 52' E., 52.7 feet; thence N. 39° 19' W., 196.8 feet, more or less, to a point on the west line of said Lot 4; thence N. 0° 04' W., along the west lines of Lot 4, Lot 3 and the SE 1/4 NW 1/4 of said Section 8, a distance of 2698.1 feet, more or less, to the southwest corner of Klamath Memorial Park, a platted cemetery belonging to the City of Klamath Falls, Oregon; thence N. 89° 56' E., (N. 89° 22' E., according to the Plat of Klamath Memorial Park), along the south boundary of said cemetery, a distance of 355 feet; thence S. 0° 04' E., 2646.3 feet, more or less, to a point on the northwesterly right of way line of said Great Northern Railway, which is 160 feet from the centerline of said right of way; thence S. 28° 43' W., along said right of way line, 62 feet, more or less, to a point on a curved line of said right of way, which is 150 feet from the center line of said right of way, when measured along the radius of said curved line; thence southwesterly along said curved right of way line, which is parallel to and 150 feet distant from the centerline of said right of way (the long chord of which curve bears S. 48° 30' W., 315.6 feet), to the point of beginning; being portions of Lot 3, Lot 4 and the SE 1/4 NW 1/4 of Section 8, T. 39 S., R. 9 E., W.M., containing 22.7 acres, more or less, together with all tenements, hereditaments and appurtenances thereunto;

Excepting the following described real property which was transferred by Grantor to Grantee by Warranty Deed, recorded with the Klamath County Deed Records in Volume M92 at page 2164 and page 2165, recorded January 31, 1992:

A parcel of land situate in the NE 1/4 SW 1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

2/24/93
A-00

Commencing at the center-west 1/16 corner (Northwest corner of Government Lot 3) in Section 8 and running along the North line of Lot 3, East 355 feet; thence, parallel with the West line of Lot 3, South 00° 03' 05" East 254.17 feet to the True Point of Beginning; thence continuing South 00° 03' 05" East 718.00 feet; thence South 89° 56' 55" West 60.00 feet; thence North 06° 53' 51" West 723.16 feet; thence North 89° 56' 55" East 146.20 feet to the True Point of Beginning.

B. Grantor desires to convey to Grantee a sewer line easement which will traverse that property described in Paragraph A above.

The terms of this easement are as follows:

1. The consideration for this easement is included in the sales price of that real property transferred to Grantee by Grantor, by Warranty Deed on or about January 24, 1992, referenced in Paragraph A above.

2. Grantor conveys to Frederick W. Fahner and Jessie P. Fahner, husband and wife, as tenants by the entirety, their heirs successors and assigns, Grantee, a perpetual non-exclusive easement to use a strip of land 16 feet wide, 8 feet on each side of centerline, for the installation and maintenance of a sewer line located in the SE 1/4 of the NW 1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, the centerline of which is described as follows:

Beginning at a point on the southerly right-of-way line of the Southside Expressway, said point being North 00° 03' 05" West 383.51 feet and South 86° 50' 55" East 210.55 feet from the center-west one-sixteenth corner of Section 8 and North 86° 50' 55" West 145.01 feet from the northeast corner of the Reames Golf and Country Club lands; running thence South 26° 50' 55" East 120.00 feet; thence South 51° 57' 22" East 155.23 feet to a point on the easterly line of said Reames' lands.

3. Grantee, their heirs, successors and assigns shall use the easement strip for a buried sewer line only, and said easement shall be constructed pursuant to drawings completed by Adkins Consulting Engineers, Inc., in January 1993, Job No. 1412-01.

4. Grantor reserves the right to use the surface of the easement strip for recreational golf and such other purposes as granted from time to time by the Membership and Board of Directors of Grantor. The parties shall cooperate during periods of joint

use so that each party's use shall cause a minimum of interference to the others, however, in case of conflict, Grantor's right of use shall be dominant.

5. Grantee agrees to indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantee's use of the easement strip. Grantee shall repair any damage to the property as a result of installation of the sewer line, such that no settling of the soil occurs and there are no artificial berms to the soil. The existing landscape shall be returned to its same or similar condition by Grantee after installation of the sewer line. Grantee assumes all risk arising out of its use of the easement strip and Grantor shall have no liability to Grantee or others for any condition existing thereon.

6. This easement is appurtenant to the real property owned by Grantor, described in paragraph A above; however, in the event of any subdivision or sale of any portion of such property, this easement shall remain appurtenant only to the largest remaining parcel, and owners of other parcels into which the property described above may be divided shall have no right to use of the easement strip unless there is a written agreement allowing use of the easement strip and such written agreement, or a memorandum thereof, is duly recorded.

7. This easement shall be perpetual; however, in the event that it is not used by Grantee for a period of three years, or if otherwise abandoned by Grantee, the easement shall automatically expire and Grantee shall upon request, execute a recordable document evidencing such expiration.

8. This easement is granted subject to all prior easements or encumbrances of record.

9. The following is a description of Grantees property to which this easement is appendant:

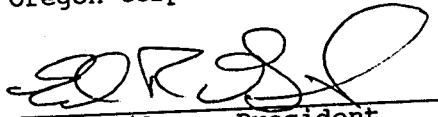
A parcel of land situate in the NE 1/4 SW 1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:


Commencing at the center-west 1/16 corner (Northwest corner of Government Lot 3) in Section 8 and running along the North line of Lot 3, East 355 feet; thence,

parallel with the West line of Lot 3, South 00° 03' 05"
East 254.17 feet to the True Point of Beginning; thence
continuing South 00° 03' 05" East 718.00 feet; thence
South 89° 56' 55" West 60.00 feet; thence North 06° 53'
51" West 723.16 feet; thence North 89° 56' 55" East
146.20 feet to the True Point of Beginning.

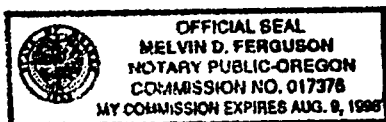
IN WITNESS WHEREOF, the parties have caused this instrument
to be executed the day and year first written above.

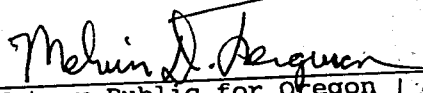
Reames Golf and Country Club,
an Oregon Corporation

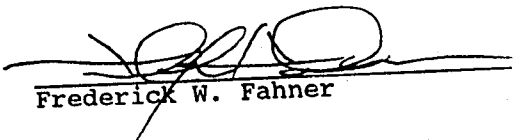

Edwin R. Gilman, President

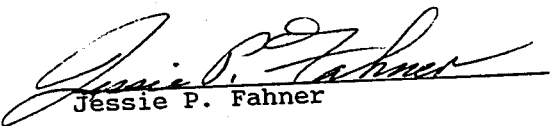

Gene Daniels, Secretary

Subscribed and sworn to before me this 12th day of February,
1993.

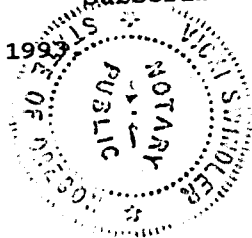


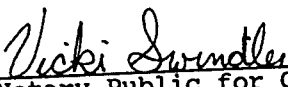

Notary Public for Oregon
My Commission Expires: 8/9/96


Frederick W. Fahner


Jessie P. Fahner

Subscribed and sworn to before me this 19 day of February,




Notary Public for Oregon
My Commission Expires: 12-8-93

After recording, mail to:

Frederick W. and Jessie P. Fahner
P. O. Box 462
Tulelake, CA 96135

STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Melvin D. Ferguson
on this 24th day of Feb. A.D., 19 93
at 2:07 o'clock P. M. and duly recorded
in Vol. M93 of Deeds Page 3838
Evelyn Biehn County Clerk
By Debra M. Muelken Deputy.

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Fee, \$45.00