

44802

97 SEP -8 P.3 43

Vol. 1391 Page 29381



AGREEMENT FOR EASEMENT

96

THIS AGREEMENT, Made and entered into this 23rd day of May, April, 1995,
by and between DOUG J. PRATT AND NANCY DEE PRATT, 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 "C" MADE A PART HEREOF

and has the unrestricted right to grant the easement hereinafter described relative to the 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 for buried pipeline, including ingress, egress and maintenance thereto, and being over and across the real property described in Exhibit "A" attached hereto and made a part hereto.

AMERITITLE, has recorded this
Instrument by request as an accommodation only,
and has not examined it for regularity and sufficiency
or as to its effect upon the title to any real property
that may be described therein.

(Insert here a full description of the nature and type of the easement granted to the second party.)

— OVER —

AGREEMENT FOR EASEMENT

BETWEEN

AND

SPACE RESERVED
FOR
RECORDER'S USE

After recording return to (Name, Address, Zip):

ENTERPRISE IRRIGATION DISTRICT

4806 Hwy 39

City 97603

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/instru-
ment/microfilm/reception No. _____,
Record of _____
of said county.

Witness my hand and seal of
County affixed.

NAME

TITLE

By _____, Deputy

The second party shall have all rights of ingress and egress to and from the 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:

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

and second party's right of way shall be parallel with the center line and not more than _____ feet distant from either side thereof.

During the existence of this easement, maintenance of the easement and costs of repair of the easement damaged by natural disasters or other events for which all holders of an interest in the easement are blameless 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.)

During the existence of this easement, those holders of an interest in the easement that are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

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.

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 (if any) affixed by an officer or other person duly authorized to do so by its board of directors.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate on this, the day and year first hereinabove written.

Don Pratt

Nancy Dee Pratt

First Party

ENTERPRISE IRRIGATION DISTRICT

BY

Second Party

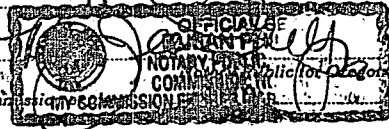
STATE OF OREGON

County of

ss.

This instrument was acknowledged before me on Sept 5, 1997, by Don J. Pratt and Nancy Dee Pratt

of



STATE OF OREGON,

County of

Klamath

ss.

This instrument was acknowledged before me on April 23, 1996, by Don Russell as Manager

of

ENTERPRISE IRRIGATION DISTRICT



My OFFICIAL SEAL
CAROL A. MCCULLOUGH
NOTARY PUBLIC - OREGON
COMMISSION NO. 029459

MY COMMISSION EXPIRES NOV 11, 1997

Owners
Erwin R. Ritter, L. S. W. R. E.
Dennis A. Ensor, L. S. W. R. E.

EXHIBIT "A"

29383

TRU (SURVEYING) **LINE**

TELEPHONE (503) 684-3691
2333 SUMMERS LANE • KLAMATH FALLS, OREGON 97603

JANUARY 26, 1995

PRATT TO ENTERPRISE IRRIGATION DISTRICT

LEGAL DESCRIPTION FOR A 16 FOOT WIDE EASEMENT TO ENTERPRISE IRRIGATION DISTRICT, SITUATED IN NE1/4 NE1/4 OF SECTION 34, T38S, R9EWM, KLAMATH COUNTY, OREGON, THE CENTER LINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 34, BEING 8 FEET NORTHERLY OF THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED AS PARCEL 1 IN DEED VOLUME M74 PAGE 12,862 OF THE KLAMATH COUNTY DEED RECORDS, FROM WHICH THE SOUTHEAST CORNER OF THE NE1/4 NE1/4 OF SAID SECTION 34 BEARS S00°01'52"E 48.00 FEET; THENCE S88°26'57"W, PARALLEL TO THE NORTH LINE OF SAID PARCEL 1, AND PARCEL 2 AS SHOWN ON R.O.S. 342 524.62 FEET; THENCE S10°00'52"W 8.16 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL 2, BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S10°00'52"W 67 FEET, MORE OR LESS, TO AN EXISTING PUMPHOUSE, WITH BEARINGS BASED ON R.O.S. 2518.

Dennis A. Ensor
DENNIS A. ENSOR OLS 2442

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dennis A. Ensor

OREGON
JULY 25, 1990
DENNIS A. ENSOR
2442

EXPIRES: 12/31/95

EXHIBIT "B"

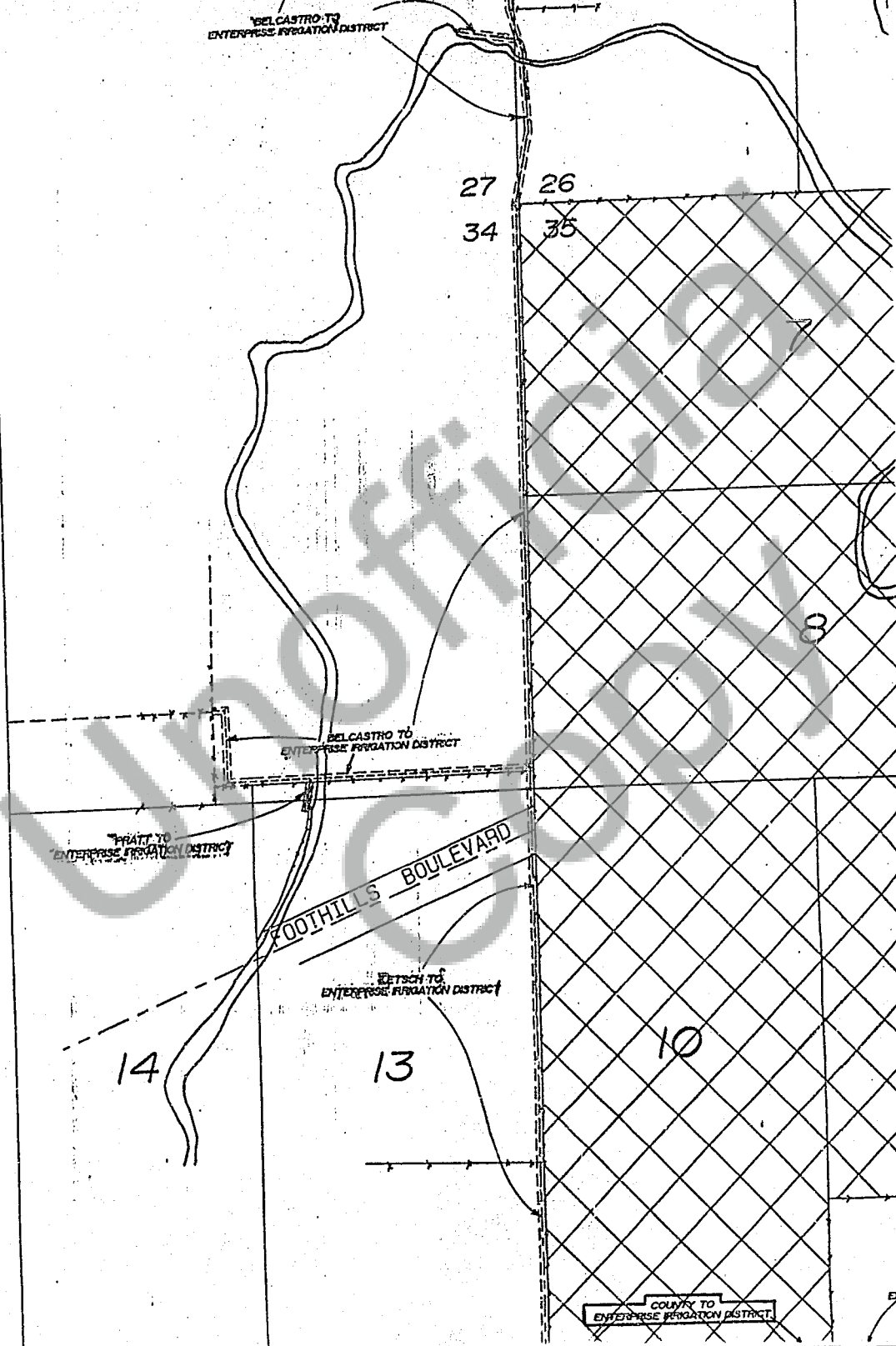


EXHIBIT "C"
LEGAL DESCRIPTION

PARCEL 1

A parcel of land in the NE1/4 NE1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the iron pin at the SW corner of the NE1/4 NE1/4 of said Section 34, said point being the SE corner of Beverly Heights Subdivision; thence Northerly along the West line of the NE1/4 NE1/4 of said Section 34 and the East line of Beverly Heights, a distance of 208.71 feet; thence Easterly parallel with the South line of the NE1/4 NE1/4 of said Section 34 a distance of 208.71 feet; thence Southerly parallel with the Westerly line of the NE1/4 NE1/4 of said Section 34 a distance of 208.71 feet to the Southerly line of the NE1/4 NE1/4 of said Section 34; thence Westerly along the South line of the NE1/4 NE1/4 of said Section 34 a distance of 208.71 feet to the point of beginning.

PARCEL 2

A tract of land situated in the NE1/4 NE1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the South line of the NE1/4 NE1/4 of said Section 34, said point being East a distance of 208.71 feet from the SW corner of the NE1/4 NE1/4 of said Section 34, thence East along the South line of the NE1/4 NE1/4 of said Section 34, a distance of 386.55 feet; thence North parallel with the West line of the NE1/4 NE1/4 of said Section 34 a distance of 208.71 feet; thence North parallel with the West line of the NE1/4 NE1/4 of said Section 34 a distance of 208.71 feet; thence West parallel with the South line of the NE1/4 NE1/4 of said Section 34 a distance of 386.55 feet; thence South parallel with the West line of the NE1/4 NE1/4 of said Section 34 a distance of 208.71 feet to the point of beginning.

PARCEL 3

A parcel of land situated in Lots 14 and 19 of Enterprise Tracts located in Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron axle marking the Northeast corner of said Lot 14; thence from said point of beginning South 88 degrees 34' 11" West along the North boundary of said Lot 14 656.69 feet to a 5/8" iron pin marking the Northwest corner of said Lot 14, thence South 88 degrees 44' 05" West along the North line of said Lot 19, 135.31 feet, thence leaving said North line of said Lot 19 South 00 degrees 09' 08" East, 330.39 feet to a point; thence North 88 degrees 34' 11" East 792.01 feet to a point on the East line of said Lot 14, thence North 00 degrees 09' 08" West along the East line of said Lot 14, 330.00 feet to the point of beginning.

-continued-

EXCEPTING THEREFROM the following:

A tract of land situated in Tracts 13 and 14, Enterprise Tracts, Klamath County, Oregon, and being a portion of those tracts of land described in Deed Volumes M78, page 22591 and Volume M78, page 5397, Microfilm Records of Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of the tract of land described in Deed Volume M78, page 22591, Microfilm Records of Klamath County, Oregon, which is on the East line of said Tract 14, South 01 degree 02' 42" West, 330.00 feet from the Northeast corner of said Tract 14; thence along the South line of said M78, page 22591, South 89 degrees 46' 01" West 85.82 feet to a point 55.00 feet left of Engineer's Station 53+92.07 Foothill Boulevard; thence North 70 degrees 48' 36" East, 112.32 feet to a point on the Easterly line of that tract of land described in said Deed Volume M78, page 5397, and being 50.00 feet left of Engineer's Station 55+04.28 Foothill Boulevard; thence along said Easterly line of M78, page 5397, South 34 degrees 43' 47" West, 35.32 feet; thence South 01 degrees 02' 42" West 7.54 feet to the point of beginning, with bearings based on Foothill Boulevard.

PARCEL 4

A tract of land situated in the E1/2 NE1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin located North 40.0 feet and South 88 degrees 33' West a distance of 515.9 feet from the Southeast corner of the NE1/4 NE1/4 of said Section 34; thence South 10 degrees 10' West a distance of 122.4 feet to an iron pin; thence South 22 degrees 50' 36" West a distance of 173.62 feet to an iron pin; thence South 33 degrees 33' West a distance of 101.0 feet to an iron pin; thence North 362.25 feet to an iron pin that is located 40.0 feet North of the South line of the NE1/4 NE1/4 of said Section 34; thence North 88 degrees 33' East parallel with the South line of the NE1/4 NE1/4 of said Section 34 a distance of 144.9 feet to the point of beginning.

EXCEPTING THEREFROM the following:

A tract of land situated in Tracts 13 and 14, Enterprise Tracts, Klamath County, Oregon, and being a portion of those tracts of land described in Deed Volumes M78, page 22591 and Volume M78, page 5397, Microfilm Records of Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of that tract of land described in Deed Volume M78, page 22591, Microfilm Records of Klamath County, Oregon, which is on the East line of said Tract 14, South 01 degrees 02' 42" West, 330.00 feet from the Northeast corner of said Tract 14; thence along the South line of said M78, page 22591, South 89 degrees 46' 01" West, 85.82 feet to a point 55.00 feet left of Engineer's Station 53+92.07 Foothill Boulevard; thence North 70 degrees 48' 36" East, 112.32 feet to a point on the Easterly line of that tract of land described in said Deed Volume M78, page 5397, and being 50.00 feet left of Engineer's Station 55+04.28 Foothill Boulevard; thence along said Easterly line of M78-5397 South 34 degrees 43' 47" West, 35.32 feet; thence South 01 degrees 02' 42" West 7.54 feet to the point of beginning, with bearings based on Foothill Boulevard.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 8th day
of Sept. A.D., 1997 at 3:43 o'clock P. M., and duly recorded in Vol. M97
of Deeds on Page 29381

FEE \$35.00

Bernetha G. Letsch, County Clerk
By Kathleen Ross