

Return to:
Brandsness, Brandsness &
Rudd, P.C.
411 Pine Street
Klamath Falls, Oregon 97601

Clerk's Stamp:

EASEMENT

Date: March 24, 1998.

Parties: Cynthia A. Camozzi and
James P. Camozzi

"Camozzi"

and

Charlotte Beeney, Personal
Representative of the Estate
of Harvey James Beeney

"Beeney"

Recitals:

A. Whereas, Beeney is the owner of that certain real property described in the attached Exhibit "A" and incorporated herein, and Camozzi is the owner of that certain real property described in the attached Exhibit "B" and incorporated herein.

B. Whereas, the septic system which services the Camozzi property is located upon the Beeney property. The Camozzi effluent created upon their property flows underneath Highway 140 pursuant to the design attached hereto and incorporated herein as Exhibit "C." The four foot steel casing travels underneath Highway 140 then connects with a septic system and drain field located upon the Beeney property.

C. Whereas, it is the intent of the parties that Beeney grant a nonexclusive, appurtenant easement allowing Camozzi, their agents, employees and assigns to enter, inspect and repair the on-site sewage disposal system upon the Beeney property.

D. Whereas, on May 21, 1990, Beeney granted to the State of Oregon an easement for the inspection and review of said septic system which is recorded in volume M90, page 9707, a copy of which is attached as Exhibit "D" and incorporated herein.

Agreement:

Wherefore, the parties agree as follows:

1. For valuable consideration, the receipt of which is hereby acknowledged by both Camozzi and Beeney, Beeney hereby conveys and grants to Camozzi, their successors, assigns and heirs, a perpetual, nonexclusive, appurtenant easement in, upon, and running with the Beeney property allowing the Camozzi's, their officers, successors, agents, employees, representatives and assigns, to enter upon, inspect, and repair (including by excavation) the on-site sewage disposal system located upon the Beeney property. This easement shall run with the Beeney property described on the attached Exhibit "A."

2. Camozzi, their heirs, successors and assigns, shall not act in a manner that would be detrimental to or damage the Beeney property. Camozzi further covenants that for themselves, their successors and assigns, they will not act in a manner that is detrimental to the permitted system or contrary to any laws or administrative rules applicable to the permitted septic system.

APR -2 P3:18

95 ck

3. This easement is appurtenant and for the benefit of the real property owned by Camozzi.

4. This easement shall be perpetual and shall not terminate for periods of non-use by Camozzi. Said easement may be terminated upon written agreement by Beeney and Camozzi, their heirs, successors and assigns.

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

WITNESS the hands of the parties hereto as of the day and year first above written.

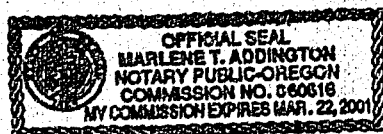
Cynthia A. Camozzi
Cynthia A. Camozzi

James P. Camozzi
James P. Camozzi

Charlotte Beeney, Personal Rep.
Charlotte Beeney, Personal
Representative of the Estate of
Harvey James Beeney

STATE OF OREGON)
) March 26, 1998
County of Klamath)

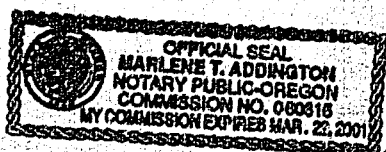
Personally appeared Cynthia A. Camozzi and James P. Camozzi, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Marlene T. Addington
Notary Public for Oregon
My Commission expires: 3-22-01

STATE OF OREGON)
) March 26, 1998
County of Klamath)

Personally appeared, Charlotte Beeney, Personal Representative of the Estate of Harvey James Beeney, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:



Marlene T. Addington
Notary Public for Oregon
My Commission expires: 3-22-01

A portion of NW $\frac{1}{4}$ of Section 34, Township 38 South, Range 11 $\frac{1}{2}$ East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of Section 34, Township 38 South, Range 11 $\frac{1}{2}$ East of the Willamette Meridian, in the County of Klamath, State of Oregon; thence South along said Western boundary of said section distant 1320 feet; thence East 1062 feet to the point of beginning; thence South 616 feet to center of a natural ditch; thence Southerly and Easterly along said ditch a distance of 593 feet; thence North 430 feet; thence West 91 feet; thence North 258 feet; thence West 502 feet to the point of beginning.

SAVING AND EXCEPTING THEREFROM that portion conveyed to the State of Oregon for highway purposes by deed recorded in Book 107 at page 23 and also that portion conveyed to Charles Inman by deed recorded in Book 130 at page 581 and ALSO SAVING AND EXCEPTING that portion conveyed to James M. Barnes by Deed recorded in Book 133 at page 513 and also that portion conveyed to Olive Mounts by Deed recorded in Book 133 at page 245 and also that portion conveyed to John A. Jones by deed recorded in Book 217 at page 165; and also SAVING AND EXCEPTING that portion conveyed to Elizabeth L. Bell by Deed recorded in Book 189 at page 12, all Book and page references being Deed Records of Klamath County, Oregon.

TOGETHER WITH the following described property:

A portion of S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 34, Township 38 South, Range 11 $\frac{1}{2}$ East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point where the boundary of that certain tract conveyed to Olive Fraley by Deed recorded in Book 182 at page 253, Deed Records of Klamath County, Oregon, intersects the fence line marking the Westerly boundary of the property conveyed to A. L. Michael by Deed recorded in Book 66 at page 552 of Deed Records of Klamath County, Oregon, which point of beginning bears South 1 deg. 45' East along said fence line a distance of 180 feet, more or less, from the Southeasterly right of way line of the Klamath Falls-Lakeview Highway; thence North 62 deg. 29' East along the Northwesterly boundary of said Olive Fraley property, a distance of 51 feet; thence North 4 deg. 00' West 75 feet; thence South 89 deg. 25' West, 43 feet to a point in said fence line marking the Westerly boundary of said A. L. Michael property; thence South 1 deg. 45' East along said fence line, a distance of 98 feet to the point of beginning.

(T38 R11V Sec 34 TL#3300)

EXHIBIT "A"

Beginning at an iron pin which marks the Northwest corner of the Michael Tract described on Page 552 in Volume 66 of Deed Records of Klamath County, Oregon, and which pin lies East along the 40 line a distance of 1,062 feet from the iron pin in rock mound which marks the Northwest corner of the Southwest quarter of the Northwest quarter of Section 34, Township 38 South, Range 11 1/2 East of the Willamette Meridian, and running thence South along the West line of said Michael Tract, a distance of 74.4 feet to an iron pin which lies on the Northerly right of way line of the Klamath Falls-Lakeview Highway; thence Northeasterly along said Northerly right of way line of said highway a distance of 106.4 feet to an iron pin; thence North parallel to the West line a distance of 17.5 feet to an iron pin on the 40 line; thence West along said 40 line a distance of 100.00 feet, more or less, to the point of beginning.

TOGETHER WITH a strip of land 20 feet wide along the North line of said property; said tract in the Southwest quarter of the Northwest quarter of Section 34, Township 38 South, Range 11 1/2 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

(T38 R11V Sec 34 TL#s 800 and 3200)

PERFORM OPERATIONS UPON A STATE HIGHWAY

See Oregon Administrative Rules, Chapter 734, Division 55

30678

| | | | | |
|---|--|--|---|---|
| GENERAL LOCATION | | | PURPOSE OF APPLICATION (TO CONSTRUCT/OPERATE/MAINTAIN) | |
| HIGHWAY NAME AND ROUTE NUMBER Klamath Falls-Lakeview (OR 140) | | | <input type="checkbox"/> POLE LINE | TYPE |
| HIGHWAY NUMBER 20 | | | <input type="checkbox"/> BURIED CABLE | TYPE |
| BETWEEN OR NEAR LANDMARKS near Dairy | | | <input checked="" type="checkbox"/> PIPE LINE | TYPE 4" Steel Casing for 3" sewer pipe |
| AND | | | | |
| HWY. REFERENCE MAP NUMBER 2B-9-12 | | | <input type="checkbox"/> NON-COMMERCIAL SIGN | |
| DESIGNATED FREEWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | |
| IN U.S. FOREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | |
| APPLICANT NAME AND ADDRESS Harvey Beeney 639 Buena Vista Klamath Falls, OR 97601 Phone 883-1319 or 884-2640 | | | <input type="checkbox"/> MISCELLANEOUS OPERATIONS AND/OR FACILITIES AS DESCRIBED BELOW. BOND REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO REFERENCE: OAR 734-55-025 (2) AMOUNT OF BOND HELD IN DISC. II \$ 500.00 INSURANCE REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO REFERENCE: OAR 734-55-025 (1) APPROVED COMP. DATE: 8-22-98 | |

DETAIL LOCATION OF FACILITY

(For more space use back of application or attach additional sheets)

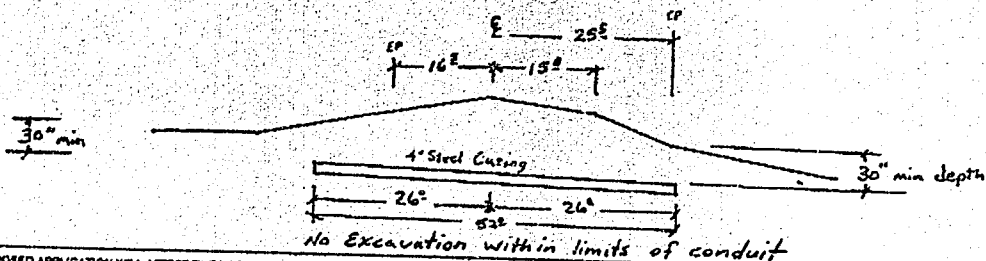
| MILE POINT | MILE TO POINT | ENGINEERS STATION | ENGINEERS TO STATION | SIZE OF HIGHWAY OR ANGLE OF CROSSING | DISTANCE FROM CENTER LINE | R/W LINE | BURIED CABLE OR PIPE DEPTH | SIZE AND KIND | OPEN CUT | SPAN LENGTH |
|------------|---------------|-------------------|----------------------|--------------------------------------|---------------------------|----------|----------------------------|-----------------|----------|-------------|
| 18.985 | | 935+20.63 | | 90° | 26' left & right | | 30" | 4" Steel casing | N | 52' |

SPECIAL PROVISIONS (For more space use back of application or attach additional sheets)

*1—OPEN CUTTING OF PAVED OR SURFACED AREAS ALLOWED?
☐ YES (OAR 734-55-040 (10)) ☒ NO (OAR 734-55-040 (9))

2—TRAFFIC CONTROL REQUIRED?
☐ YES (OAR 734-55-025 (9)) ☒ NO

3—WITHIN 48 HOURS BEFORE BEGINNING WORK AND AFTER COMPLETING THE PERMIT WORK, THE APPLICANT OR HIS CONTRACTOR SHALL NOTIFY THE DISTRICT REPRESENTATIVE AT TELEPHONE NUMBER 883-5662. A COPY OF THIS PERMIT AND ALL ATTACHMENTS SHALL BE AVAILABLE AT THE WORK AREA. ORS 757.541 REQUIRES EXCAVATORS TO LOCATE AND PROTECT ALL EXISTING UNDERGROUND UTILITIES. AVOID INJURY AND ADDED EXPENSE — CALL BEFORE YOU DIG.



IF THE PROPOSED APPLICATION WILL AFFECT THE LOCAL GOVERNMENT, THE APPLICANT SHALL ACQUIRE THE LOCAL GOVERNMENT OFFICIAL'S SIGNATURE BEFORE ACQUIRING THE DISTRICT MAINTENANCE SUPERVISOR'S SIGNATURE.

| | | | | | |
|-------------------------------------|--|---|--|-----------------------------------|--|
| LOCAL GOVERNMENT OFFICIAL SIGNATURE | | TITLE | | DATE | |
| X | | DISTRICT MAINTENANCE SUPERVISOR OR REPRESENTATIVE | | DATE COMPLETE APPLICATION REMOVED | |
| APPLICANT | | REGION ENGINEER OR REPRESENTATIVE | | DATE | |
| TITLE | | UTILITY ACCOUNT SUPERVISOR | | APPROVAL DATE | |
| 884-2640 | | X | | 5-18-90 | |

734-7437 (10-89)