

15135

EASEMENT

Vol 190 Page 9707

10800

WHEREAS HARVEY BEENY ("GRANTOR") is the owner of the following two lots (or parcels) of real property located in CLATSOP County, Oregon, to wit:

Lot I:

T 38 - R 11 V Sec 34 TL 3300

Lot II:

T 38 R 11 V Sec 34 T1S 800 + 3200

WHEREAS GRANTOR has applied to the State of Oregon through its Department of Environmental Quality ("State" or "GRANTEE") for a permit to repair an on-site sewage disposal system by proposed construction of an individual on-site sewage disposal system ("Report") on Lot I intended to serve Lot II; and

WHEREAS Oregon Administrative Rules, 340-71-130(11)(b) and 340-11-150(4)(a) require GRANTOR to execute an easement and covenant in favor of the State as a condition precedent to issuance of a repair permit concerning the construction of a system on one lot intended to serve another lot;

NOW THEREFORE, in consideration of the issuance of the report to GRANTOR by the State, and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR hereby conveys to the State ("GRANTEE"), its successors and assigns, a perpetual, non-exclusive, appurtenant easement in, upon, and running with Lot I allowing the GRANTEE'S officers, agents, employees and representatives to enter and inspect, including by excavation, the on-site sewage disposal system on Lot I serving Lot II.

GRANTORS, for themselves and their heirs, successors and assigns, covenant and agree:

1. To grant or reserve, and record a utility easement, in a form approved by the GRANTEE, in favor of the owner of Lot II upon severance of the above described lots; and

EXHIBIT "D"

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'90 MAY 22 AM 9 56

2. That Lot I shall not be put to any use which would be detrimental to the permitted system or contrary to any law (including an administrative rule) applicable to the permitted system.

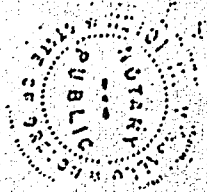
IN WITNESS WHEREOF, the GRANTOR executed this easement on this 21 day of May, 1990.

[Signature]  
(Grantors)

STATE OF OREGON )  
County of Klamath ) ss  
May 21, 1990 )

Personally appeared the above-named Harvey Beemey and acknowledged the foregoing instrument to be their voluntary act.

Before me:



Heidi M. Vassallo  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 10-2-93

XL3443

Return: Bower Excavating  
3427 Washburn Way  
Klamath Falls, Or. 97603

STATE OF OREGON, ss.  
County of Klamath

Filed for record at request of:

Bower Excavating  
on this 22nd day of May A.D. 19 90  
at 9:56 o'clock A.M. and duly recorded  
in Vol. M90 of Deeds Page 9707  
Evelyn Biehn County Clerk

By Pauline Mullender Deputy

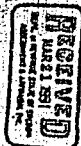
Fee, \$33.00  
cc 1.50

10802

SCALE 1:4000

200 0 200 400  
FOOT

0 2 20  
KILOMETER



SEE MAP 38 IV 32

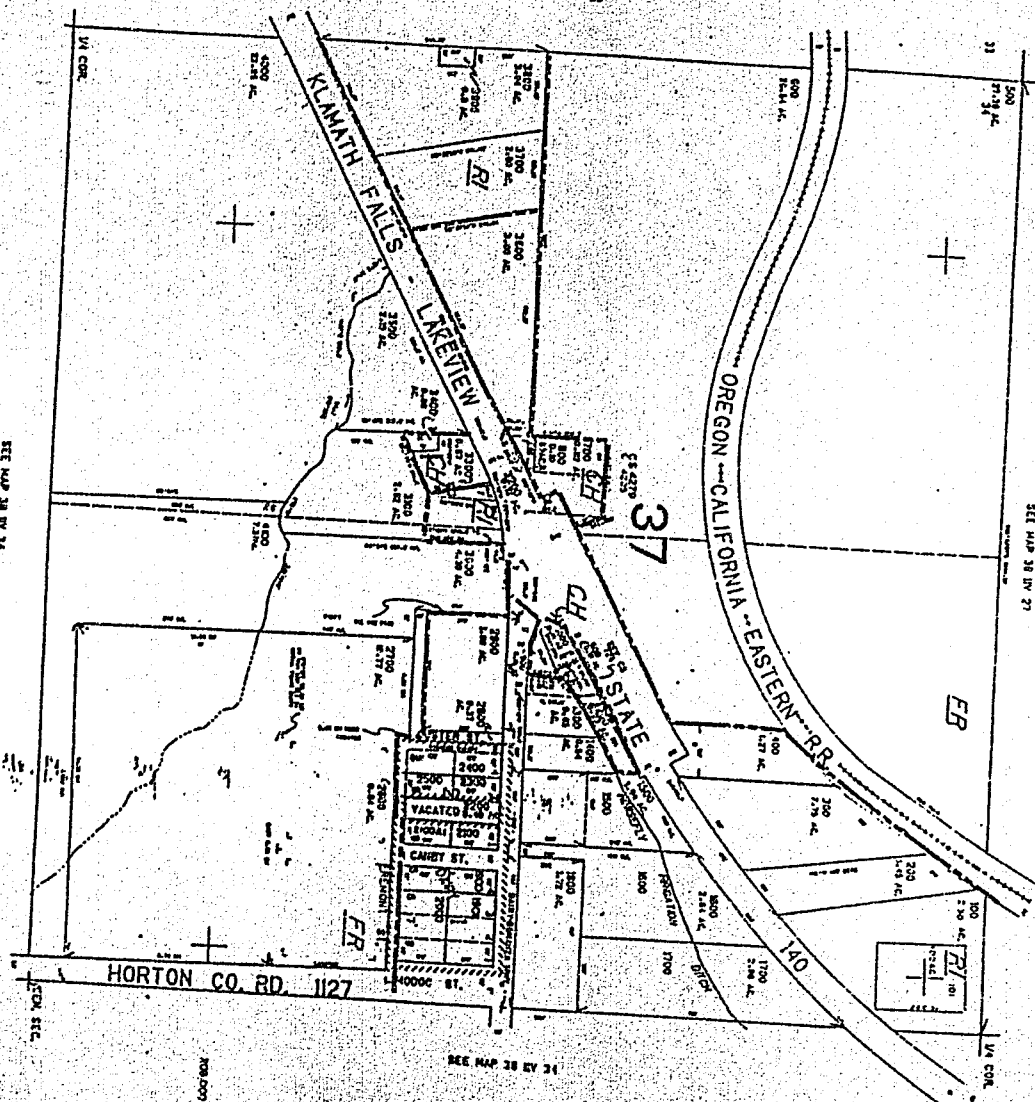
THIS MAP WAS PROVIDED FOR  
AMERICAN PEOPLE ONLY.

KLAMATH COUNTY

12100

SEE MAP 38 IV 27

38 IIV 34B



ORIGINAL

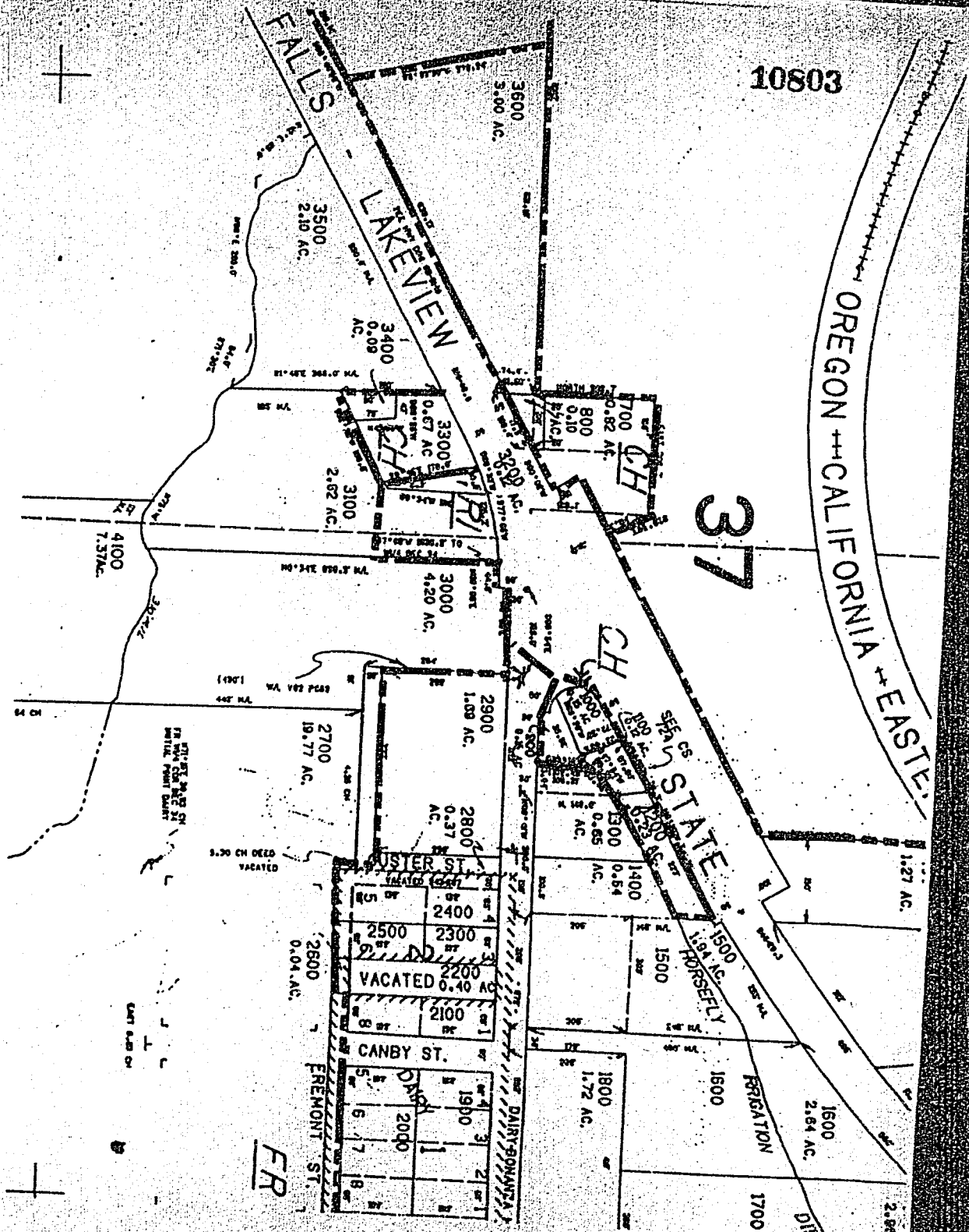
EXHIBIT "D"

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OREGON ↔ CALIFORNIA ↔ EAST

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EXHIBIT "D"  
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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.

CODE 37 MAP 3811-V34BO TL 800



