

2000 SEP 11 AM 11:21

EASEMENT

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WHEREAS <sup>OC</sup> Anthony + Ellen S. Cognina ("GRANTOR") is the owner of the following two lots (or parcels) of real property located in Klamath County, Oregon, to wit:

Lot I:  
NE 1/4 Sec. 11 T 41 S R 10 E. W.M. lot 300  
see attachment Exhibit 'A' Parcel 2

Lot II:  
NE 1/4 Sec. 11 T 41 S. R 10 E. W.M. lot 200  
see attachment Exhibit 'A' Parcel 1,

WHEREAS GRANTOR has applied to the State of Oregon through its Department of Environmental Quality ("State" or "GRANTEE") for a report of site evaluation for the 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 340-71-150(4)(a) require GRANTOR to execute an easement and covenant in favor of the State as a condition precedent to issuance of a favorable report 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 'A'**  
**LEGAL DESCRIPTION**

**PARCEL 1:**

Beginning at a point 1,520 feet South of the Northeast corner of Section 11, Township 41 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon; thence West 835.55 feet; thence North 654 feet to the South bank of Lost River; thence along said bank South 81 degrees 45' West 1000 feet; thence North 64 degrees 30' West 917 feet to center line of said Section 11; thence South along said center line 1,505.3 feet, more or less, to the North right of way boundary line of the Central Pacific Railroad; thence Easterly along the North boundary line of said railroad right of way to a point on the East section line of said Section 11, which point is 520.5 feet North of the East quarter corner of said Section 11; thence North along section line 599.9 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM one acre in the Southeast corner deeded to the Union Oil Company and recorded in Book 89 at Page 366, Klamath County Deed Records; ALSO EXCEPTING any rights of way for roads, canals or ditches conveyed or on the land.

EXCEPTING THEREFROM a strip of land located in Government Lot 4 in the NE1/4 of Section 11, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of that parcel of land described in Deed Volume M95, page 1125, Microfilm Records of Klamath County, Oregon, from which the Northeast corner of Section 11, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, bears 89 degrees 28' 11" East 238.40 feet and North 2120.98 feet; thence South 89 degrees 28' 11" West 0.70 feet; thence North 207.70 feet; thence North 89 degrees 28' 11" East 0.70 feet; thence South 207.7 feet to the point of beginning.

**PARCEL 2:**

A strip of land located in Government Lot 4 in the NE1/4 of Section 11, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the Westerly right-of-way line of the Merrill-Whitelake Highway from which the North east corner of Section 11, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, bears North 89 degrees 28' 11" East 30.00 feet and North 1912.58 feet; said point being the Northeast corner of that parcel of land described in Deed Volume M95, page 1125, Microfilm Records of Klamath County, Oregon; thence South 0.70 feet; thence South 89 degrees 28' 11" West 208.40 feet; thence North 0.70 feet; thence North 89 degrees 28' 11" East 208.4 feet to the point of beginning.

- IN WITNESS WHEREOF, the GRANTOR executed this easement on this 11  
day of September, 192000.

County of Klamath )  
Sept 11, 192000 )  
 )

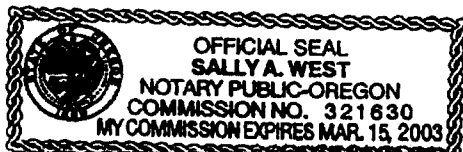
Anthony Cognina  
Edna L. Cognina

County of Klamath } SS.

**FORM No. 23—ACKNOWLEDGMENT.**  
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BE IT REMEMBERED, That on this 11<sup>th</sup> day of Sept., 19<sup>2000</sup>,  
before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within  
named COGNINA, ANTHONY JOHN, & Ellen Stephens COGNINA  
known to me to be the identical individual 5 described in and who executed the within instrument and  
acknowledged to me that They executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year last above written.



My commission expires Mar 15, 2003 Notary Public for Oregon

Merrill, OR 97633

State of Oregon, County of Klamath  
Recorded 09/11/00, at 11:21 a m.  
In Vol. M00 Page 33108  
**Linda Smith,**  
**County Clerk** Fee\$ 31<sup>00</sup>