

SEP 13 AM 10:59

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MTL 57998
ACCESS ROAD EASEMENT

State of Oregon, County of Klamath
Recorded 09/13/2002 10:59 a.m.
Vol M02, Pg 52205-10
Linda Smith, County Clerk
Fee \$ 46⁰⁰ # of Pgs 6

PARTIES: Michael and Terri Anderson, hereinafter referred to as "Grantor"; and
Roger and Patty Hansen, hereinafter referred to as "Grantee."

RECITALS:

A. Grantor and Grantee are owners of adjacent parcels of real property located in Klamath County, Oregon. Grantor's parcel ("Lot A") is described in Exhibit "A" attached hereto and by this reference incorporated herein. Grantee's parcel ("Lot B") is described in Exhibit "B" hereto and by this reference incorporated herein.

B. Grantor holds access rights to Highway 97 over an entry road on Lot A that begins at Engineer's Station 43 + 80.

C. Pursuant to the parties' Settlement Agreement, Grantor is willing to grant an easement to Grantee for the use of the highway access and the entry road upon the terms and conditions set forth below.

AGREEMENT:

In consideration of the terms of the parties' Settlement Agreement, Grantor and Grantee agree as follows:

1. **Recitals.** The preceding recitals are by this reference incorporated herein as though fully set forth.
2. **Grant of Easement.** Grantor hereby gives, grants and conveys to Grantee an easement for access to and from Lot B over a roadway in Lot A that runs between Highway 97 and Lot B, which roadway is more fully described in Exhibit "C" attached hereto and by this reference incorporated herein.
3. **Binding Effect.** The easement created hereby shall be appurtenant to and shall benefit Lot B and shall burden Lot A. The easement shall run with the land as to Lot A and Lot B. The rights, covenants and obligations contained in this agreement shall, burden and benefit each parties' successors and assigns.
4. **Nonexclusive.** The easement granted herein shall be nonexclusive. Grantee acknowledges and agrees that other parties may later be granted the right to use the easement roadway, and that the easement granted hereby shall be subject to all such rights.
5. **No Interference.** Grantee shall not in any way obstruct, impair or otherwise interfere with the rights of other users of the easement road.

6. **Repairs and Maintenance.** Grantor and Grantee shall be responsible for repair and maintenance costs of the easement roadway in proportion to the use made of the easement roadway by each pursuant to the provisions of section 105.175 of Oregon Revised Statutes.

7. **Restriction.** The easement granted herein shall be for the purpose of serving only one residence on Lot B.

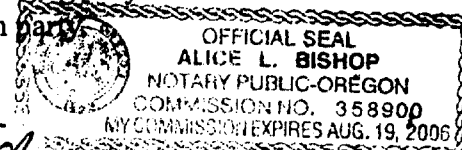
8. **Governing Law.** This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Oregon.

9. **Complete Agreement.** The terms of this instrument shall constitute the entire agreement between Grantor and Grantee, and any prior understanding or representation of any kind preceding the date of this instrument shall not be binding upon either party except to the extent incorporated into this agreement.

10. **Modification.** Any modification of this instrument or additional obligation assumed by either Grantor or Grantee in connection with this instrument shall be binding only if evidenced in writing and signed by each party or an authorized representation of each party.

IT IS SO AGREED:

Alice L. Bishop



Michael Anderson
Michael Anderson

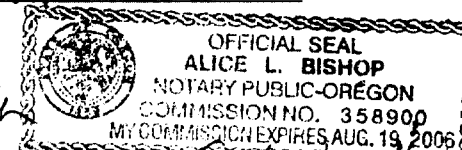
● *Roger Hansen*
Roger Hansen

Terri Anderson
Terri Anderson

● *Patty Hansen*
Patty Hansen

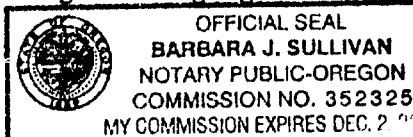
STATE OF OREGON)
) ss.
County of Klamath)

State of Oregon
County of Klamath



Acknowledged before me on September 4, 2002
By Roger & Patty Hansen

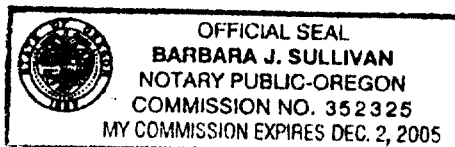
On this 4 day of September, 2002, personally appeared before me the within named Michael Anderson and acknowledged the foregoing to be his voluntary act and deed.



Barbara J. Sullivan
Notary Public for Oregon
My Commission Expires: 12-2-05

STATE OF OREGON)
) ss.
County of Klamath)

On this 4 day of September, 2002, personally appeared before me the within named Terri Anderson and acknowledged the foregoing to be her voluntary act and deed.

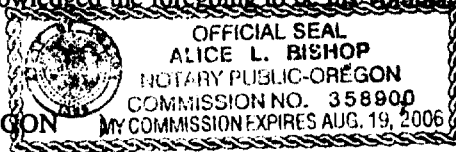


Barbara J. Sullivan
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Klamath)

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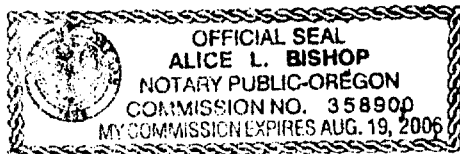
On this 11 day of September, 2002, personally appeared before me the within named Roger Hansen and acknowledged the foregoing to be his voluntary act and deed.



Alice L. Bishop
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Klamath)

On this 11 day of September, 2002, personally appeared before me the within named Patty Hansen and acknowledged the foregoing to be her voluntary act and deed.



Alice L. Bishop
Notary Public for Oregon

The following described property in Section 36, Township 24 south, Range 8 East, Willamette Meridian, Klamath County, Oregon:

The S1/2 of the N1/2 of said Section 36, Township 24 South, Range 8 East, Willamette Meridian, lying West of Highway 97, LESS 1 acre to Biden and LESS a strip of land containing 1.35 acres described as Parcel No. 3 in Deed Volume M88, page 4714, Microfilm Records of Klamath County, Oregon.

EXCEPTING therefrom the real property described below:

A parcel of land situated in the S1/4 NE1/4 of Section 36, Township 24 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at the East 1/4 corner of Section 36; thence along the center section line of said Section 36 North 89°39'44" West 559.42 feet to the westerly right of way line of State Highway 97; thence along said right of way line North 25°41'15" East 44.25 feet to the True Point of Beginning for this description, said point being marked by a 5/8" iron pin; thence continuing along said westerly right of way line North 25°41'15" East 39.75 feet; thence leaving said westerly right of way South 89°58'27" West 1215.95 feet to the easterly right of way line of the Klamath Northern Railroad; thence along said easterly right of way line of said railroad South 39°31'47" West 36.46 feet to a 5/8" iron pin; thence leaving said easterly right of way of said railroad South 89°39'52" East 1221.94 feet to the point of beginning; containing 0.90 acres, more or less, with bearings based on County Survey No. 6643.

PARCEL 1

A tract of land located in the SE 1/4 of Section 36, Township 24 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, to wit:

Beginning at the Northwest corner of the SE 1/4; thence South along the quarter section line 880 feet; thence East and parallel to the North quarter section line to the Westerly right-of-way line of the Dalles-California Highway; thence Northeasterly along said right-of-way line to its intersection with the North line of the SE 1/4; thence West along said North line to the true point of beginning, EXCEPT THEREFROM that portion lying Westerly of the Easterly line of the Klamath Northern Railroad right-of-way, and further excepting the following parcel: A portion of the SE 1/4 described as follows: Commencing at the Northwest corner of the SE 1/4; thence South along the quarter section line 880 feet; thence East and parallel to the North quarter section line to the Westerly right-of-way line of Dalles-California Highway, being the true point of the tract herein being conveyed; thence Northeasterly along the Westerly right-of-way line of the Dalles-California Highway, a distance of 200.0 feet to a point; thence Westerly and parallel to the North quarter section line, a distance of 400.0 feet; thence Southwesterly and parallel to the Westerly right-of-way line of the Dalles-California Highway a distance of 200.0 feet to a point located 400.00 feet Westerly of the point of beginning; thence Westerly of the point of beginning; thence Easterly and parallel to the North quarter section line, a distance of 400.0 feet to the true point of beginning.

PARCEL 2

A parcel of land lying in the NE 1/4 SE 1/4 of Section 36, Township 24 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, and being a portion of that property described in those deed to the State of Oregon, by and through its State Highway Commission, recorded in Book 251, page 160, Book 251, page 533 and Book 253, page 475 of Klamath County Record of Deeds the said parcel being that portion of said property lying Westerly of a line which is parallel to and 200 feet Westerly of the center line of the existing Dalles-California Highway.

PARCEL 3

Beginning at a point on the Westerly right-of-way line of U.S. Highway 97 (Dalles-California Highway), said point being opposite Engineers Station 43+67.60 and at the point where the East-West centerline of Section 36, Township 24 South, Range 8 East of the Willamette Meridian, intersects said highway right-of-way line; thence North 89 degrees 29', 1238.44 feet along East-West center line of said Section 36 to the Easterly right-of-way line of Klamath Northern Railway; thence North 39 degrees 37' West 51.54 feet along said railroad right-of-way line; thence South 89 degrees 29' East 1,224.86 feet to the Westerly right-of-way line of U.S. Highway 97; thence South 25 degrees 50' West 44.25 feet, more or less along said Highway right-of-way line to the point of beginning.

The above described parcel of land lies in the S1/2 NE 1/4 of Section 36, Township 24 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 4

A parcel of land situated in the S1/2 NE 1/4 of Section 36, Township 24 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at the East 1/4 corner of Section 36; thence along the center section line of said Section 36 North 89°39'44" West 559.42 feet to the westerly right of way line of State Highway 97; thence along said right of way line North 25°41'15" East 44.25 feet to the True Point of Beginning for this description, said point being marked by a 5/8" iron pin; thence continuing along said westerly right of way line North 25°41'15" East 39.75 feet; thence leaving said westerly right of way South 89°58'27" West 1215.95 feet to the easterly right of way line of the Klamath Northern Railroad; thence along said easterly right of way line of said railroad South 39°31'47" West 36.46 feet to a 5/8" iron pin; thence leaving said easterly right of way of said railroad South 89°39'52" East 1221.94 feet to the point of beginning; containing 0.90 acres, more or less, with bearings based on County Survey No. 6643.

52210

EXHIBIT "C"

INITIALS

BY MMA DLA

BY ● PJA

An easement for access to and from Oregon State Highway 97 at Station 43+80 over the existing road as shown on the map of survey for Michael and Terri Anderson duly filed with the County Surveyor for the County of Klamath, Survey No. ~~225501~~ 6643, which road currently is 10 feet in width and extends approximately 120 feet westerly from the southeast corner of the following-described parcel of property located in Section 36, Township 24 South, Range 8 East, Willamette Meridian, Klamath County, Oregon:

The South $\frac{1}{2}$ of the North $\frac{1}{2}$ of said Section 36, lying west of Highway 97 less one acre to Biden and less a strip of land containing 1.35 acres described as Parcel No. 3 in Deed Volume M88, Page 4714, Microfilm Records of Klamath County, Oregon.