

After recording, return to:
Justin Throne, Esq.
280 Main Street
Klamath Falls, OR 97601

Vol M04 Page 13566

State of Oregon, County of Klamath
Recorded 03/09/2004 11:27 A m
Vol M04 Pg 13566-70
Linda Smith, County Clerk
Fee \$ 41⁰⁰ # of Pgs 5

EASEMENT for ORGANIC AGRICULTURAL BUFFER ZONE

THIS AGREEMENT, the effective date of which is the 5th day of March, 2004, between the CITY OF MERRILL, hereinafter called "Grantor," and KENNETH L. DENCER and PATRICIA A. DENCER, Trustees of the DENCER FAMILY TRUST U/A/D 30 April 1990, hereinafter called "Grantees."

RECITALS

1. WHEREAS, Grantor owns the real property described as follows:

See attached Exhibit A, incorporated herein by reference, and hereinafter referred to as "Grantor's parcel," and

2. WHEREAS, Grantees own real property described as:

See attached Exhibit B, incorporated herein by reference, and hereinafter referred to as "Grantee's parcel."

GRANT OF EASEMENT

3. In consideration of the mutual covenants contained herein and other valuable consideration, Grantor hereby grants an easement upon Grantor's property for the benefit of the Grantee. The easement is twenty-five feet (25') in width, and is located along that section of boundary of Grantor's parcel that is also the southerly and easterly boundary of Grantees' parcel, beginning at the southwest corner of the perimeter of the Townsite of CLINTON, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and extending easterly to the southeast corner of the Townsite of CLINTON, then extending northerly along the same boundary to the northernmost point at which Grantor's parcel is adjacent to the Townsite of Clinton.

4. Said easement shall be for an organic agricultural buffer zone in which no substances that are prohibited by the "National List" promulgated and amended by the Secretary of Agriculture for the United States of America pursuant to the Organic Foods Production Act of 1990, shall be applied in any manner to the burdened land of Grantor's parcel.

5. Said easement is perpetual, so long as Grantees' parcel is enrolled or registered in the organic certification program administered by Oregon Tilth, Inc. or a similarly recognized organic certification organization.

6. Said easement shall run with the land. It is recognized that said easement burdens Grantor's parcel and that the benefit and appurtenance shall be to Grantees' parcel.

7. It is recognized that Grantor may continue limited agricultural operations on the land of Grantor's parcel burdened by the easement.

8. If suit or action is instituted to enforce any of the provisions of this Agreement, the party prevailing therein shall be entitled to recover from the other such sum as the Court may adjudge reasonable as attorney's fees and costs therein, including any appeal thereof.

IN WITNESS WHEREOF, the Parties hereto have set their hands on the date first above written.

GRANTOR:

Ronda Lyon
Ronda Lyon, Mayor of the CITY
OF MERRILL

GRANTEES:

Kenneth L. Dencer, Trustee
Kenneth L. Dencer, Trustee

ATTEST:

Samantha Meadows
Samantha Meadows, City Recorder

Patricia A. Dencer, Trustee
Patricia A. Dencer, Trustee

STATE OF OREGON]
] ss.
County of Klamath]

The foregoing instrument was acknowledged before me this 8th day of March, 2004, by Ronda Lyon for the CITY OF MERRILL.



Stacy Collins
Notary Public for Oregon
My Commission expires: 8-2-07

STATE OF OREGON

13568

] ss.
]

County of Klamath

The foregoing instrument was acknowledged before me this 8 day of March, 2004, by Kenneth L. Dencer and Patricia A. Dencer.


Notary Public for Oregon

My Commission expires:

8/2/07



Real property in the County of Klamath, State of Oregon, described as follows:

Parcel 1:

A portion of the SW 1/4 of NW 1/4 and of Lot 4 and of Lot 6 Section 12, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of Section 12, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, 828.5 feet North of the quarter section corner common to Sections 11 and 12 of said Township and Range; thence North on the Section line 284.0 feet, more or less, to the Southwest corner of the subdivision of Clinton as platted and of record in the records of Klamath County, Oregon; thence East along the South line of said Township of Clinton, and along the South line of the lands heretofore deeded by Julia Lage et al to Edith Kandra, by Deed recorded at page 68 of Volume 68, Deed records of Klamath County, Oregon, 2674.0 feet, more or less, to the intersection with North and South center line of said Section 12; thence North along said North and South center line of said Section 12, 351.3 feet, more or less, to the Southerly water line of Lost River; thence following the said Southerly water line of Lost River, in a Southeasterly direction to the intersection of said Southerly water line of Lost River with the Northerly line of the right of way of the Central Pacific Railway Company as shown by Deed, Calvin N. Haskins to Central Pacific Railway Company, recorded at page 243 of Volume 85, Deed records of Klamath County, Oregon; thence Westerly following the said Northerly line of the right of way of the Central Pacific Railway Company as shown by said Deed, Haskins to Central Pacific Railway Company, 3954 feet, more or less, to the Southeast corner of the tract of land conveyed by Calvin N. Haskins to Fred Heilbronner et al by Deed recorded in Volume 92 page 424 Deed records of Klamath County, Oregon; thence North 208.0 feet on the Easterly line of said Heilbronner tract to the Northeast corner of said Heilbronner tract; thence West 446.0 feet, more or less, to the point of beginning.

Parcel 2:

Also a parcel of land described as follows: Beginning at the Southeast corner of said Township of Clinton and running thence East 1570 feet, more or less to the East boundary line of Lot 4, Section 12, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence North along the Easterly boundary line of said Lot 4 to the South bank of Lost River; thence Northwesterly and following the South bank of Lost River to the Northeast corner of said Townsite of Clinton; thence in a Southerly direction, following the East boundary line of the said Townsite of Clinton to the point of beginning, excepting therefrom approximately one acre deeded by Clinton Van Brimmer and Martha Van Brimmer to Linus Jacobson, said Deed being recorded at page 270 of Volume 21, Deed records of Klamath County, Oregon.

Tax Parcel Number: 101918

All of the Townsite of Clinton, EXCEPTING Blocks 1, 2, 3 and Lots 1 and 8 of Block 8, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. TOGETHER with that portion of vacated "C" Street vacated by order dated September 13, 1957, recorded September 13, 1957 in Volume 294 page 333, Deed records of Klamath County, Oregon, bounded on the South by the North line of First Addition in Clinton, on the North by Lost River, on the East by the West line of Lot 4 Block 1 of Clinton and bounded on the West by the East line of Lot 1 Block 2 of Clinton.