

M06-01642

Klamath County, Oregon

01/27/2006 10:11:52 AM

Pages 2 Fee: \$26.00

EASEMENT AGREEMENT
(Common Ownership)

WHEREAS, ^{o/c} Bart & Victoria Leavelle ("GRANTOR") is the owner of the following three lots (or parcels) of real property located in Klamath County, Oregon, To-wit:

Lot 5: Evergreen Acres T36S RO6E Sec. 10 BA TL 1800.

Lot 6: Evergreen Acres T36S RO 6E Sec. 10 BA TL 1800.

Lot 7: Evergreen Acres T36S RO 6 E Sec. 10 BA TL 1800.

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 5 intended to serve Lots 6 and 7; 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 two other lots;

NOW THEREFORE, in consideration of the issuance of the report to GRANTOR by the State, and other good and valuable considerations, receipt of which is hereby acknowledged, non-exclusive, appurtenant easement in, upon, and running with Lot 5 allowing the GRANTEE's officers, agents, employees and representatives to enter and inspect, including by excavation, the on-site sewage disposal system on Lot 5 serving Lot 6 and 7.

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 6 and Lot 7 upon severance of the above described lots; and

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2. That Lot 5 shall not be put to any use which would be detrimental to the permitted system of contrary to any law (including an administrative rule) applicable to the permitted system.

Bart & Victoria Lewellyn
IN WITNESS WHEREOF, the GRANTOR executed this easement on this
Twentieth day of January, 2006.

Bart A. Lewellyn Victoria W. Lewellyn
(Grantors)

STATE OF OREGON

County of Jackson

Jan. 26, 20006

Personally appeared the above-named Bart & Victoria
Lewellyn and acknowledged the foregoing instrument
to be their voluntary act.

Before me:

Vicki L. Confer

Notary Public For Oregon
My commission expires:

