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**M06-02081**

Klamath County, Oregon  
02/02/2006 10:48:10 AM  
Pages 3 Fee: \$31.00

## **REDEDICATION OF ROADWAY AND UTILITY EASEMENT**

WHEREAS Steven Frey and Penny Frey are owners of parcel 2 to Major Land Partition number 16-86 more particularly described as a tract of land situated in the SE 1/4 SW 1/4 of Section 27 and the N 1/2 NW 1/4 of Section 34, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the South line of said N 1/2 NW 1/4 from which the North 1/16 corner common to Sections 33 and 34 bears North 89°41'12" West 856.00 feet; thence South 89°41'12" East 1788.27 feet, more or less, to the C-N 1/16 corner of said Section 34; thence North 00°11'46" East 1328.00 feet to the 1/4 corner common to said Sections 27 and 34; thence North 00°15'32" East, on the North-South center section line of said Section 27, 358.00 feet; thence North 89°38'24" West parallel to the South line of said Section 27, 392.85 feet to the Southeasterly right-of-way line of the F-1 Lateral; thence Southerly and Westerly along said right-of-way line 2057 feet, more or less, to a point North of the point of beginning; thence South 711.34 feet to the point of beginning, containing 48.64 acres and with bearings based on Survey No. 3379, as filed in the office of the Klamath County Surveyor. TOGETHER WITH that ingress and egress easement described in Volume M86, at page 14878, Microfilm Records of Klamath County, Oregon, hereinafter the servient parcel.

AND WHEREAS Randy Nelson and Diana Nelson are owners of Parcel 3 of major land partition number 16-86 also known as Parcels 1 and 2 of major land partition 5-00 and more particularly described as a tract of land situated in the SE 1/4 SE 1/4 Section 28, NE 1/4 NE 1/4 of Section 33, and the NW 1/4 NW 1/4 of Section 34, Township 39 South Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the East 1/16 corner common to said Sections 28 and 33; thence South 00°23'39" West 1329.34 feet to the NE 1/16 corner of Section 33, to the South 89°39'41" East 1329.34 feet to the South 89°41'12" East, on the South line of said NW 1/4 NW 1/4 of Section 34, 856.00 feet; thence North 711.34 feet to the Southerly right-of-way line of the F-1 Canal; thence Westerly along said right-of-way line 2406.96 feet to the Easterly right-of-way line of Hill Road (a county road); thence Southerly along said right-of-way line on the arc of a curve to the right (radius point bears North 85°54'59" West 240.19 feet and central angle = 27°03'53") 113.46 feet to the intersection with the West line of said SE 1/4 SE 1/4 of Section 28; thence South 00°12'24" West 117.03 feet to the point of beginning and containing 51.93 acres with bearings based on Survey No. 3379, as filed in the office of the Klamath County Surveyor. The above described tract being subject to a 60 foot ingress and egress easement along the Northerly boundary as described in Volume N86, AT PAGE 14878 Microfilm Records of Klamath County,

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Oregon, hereinafter the dominant parcel.

AND WHEREAS a private roadway and utility easement was reserved by instrument recorded volume M86, page 14878-80 on or about the 19<sup>th</sup> day of August 1986,

AND WHEREAS in the case of Steven Frey and Penny Frey vs. Randy Nelson and Diana Nelson judgment was entered in the Klamath County Circuit Court case 0004373CV on the 23<sup>rd</sup> day of April 2001 by which the court entered judgment to a) reduce the width of the roadway to 40 feet, b) to amend the recorded easement to follow the roadway developed by the parties. That judgment is now final.

NOW, THEREFORE, the 60 foot wide easement along the route and course described at Volume M86 page 4878-4880 is hereby extinguished in its entirety.

NOW, THEREFORE, the parties hereby irrevocably create the following described non-exclusive private roadway easement to be appurtenant to the respective parcels, which rights and obligations hereinafter run with the title of said parcels to provide vehicular and public utility access; said easement being a non-exclusive, private roadway and utility easement over and across Parcel 3 of Major Land Partition number 16-86 also known as Parcels 1 and 2 of major land partition 5-00; said easement being a 40 foot wide strip of land situated within the SE 1/4 SE 1/4 of Section 28, NE 1/4 NE 1/4 of Section 33, and the NW 1/4 NW 1/4 of Section 34, Township 39 South, Range 10E, WM, Klamath County, Oregon, the Northerly line of which being more particularly described as follows:

Beginning at a point on the Easterly right-of-way line of Hill Road, from which the Southwest corner of the said SE 1/4 SE 1/4 of Section 28 bears S 08°54'42" W 215.49 feet; thence, S52°, 15'51"E 95.02 feet to a point on the Southerly right of way line of the USBR F-1 lateral as established by record of survey no. 3379, on file at the office of the Klamath County Surveyor; thence, along the said Southerly right of way line, S46°, 48'00"E 131.13 feet to the beginning of a tangent curve to the left having a radius of 592.96 feet; thence Southeasterly along the arc of said curve a distance of 110.39 feet (chord bears S52°08'00"E 110.23 feet); thence S57°28'00"E 156.48 feet to the beginning of a tangent curve to the right having a radius of 123.24 feet; thence Southeasterly along the arc of said curve 30.47 feet (chord bears S50°23'00"E 30.39 feet); thence S43°18'00"E 97.46 feet to the beginning of a tangent curve to the left having a radius of 115.49 feet; thence Southeasterly along the arc of said curve 65.17 feet (chord bears S59°28'00"E 64.31 feet); thence S75°38'00"E 355.82 feet to the beginning of a tangent curve to the right having a radius of 266.48 feet; thence Southeasterly along the arc of said curve 61.23 feet (chord bears S69°03'00"E 61.10 feet); thence S62°28'00"E 84.77 feet to the beginning of a tangent curve to the left having a radius of 163.24 feet; thence Southeasterly along the arc of said curve 63.63 feet (chord bears S73°38'00"E 63.23 feet); thence S84°48'00"E 164.10 feet to the beginning of a tangent curve to the left having a radius of 592.96 feet; thence Southeasterly along the arc of said curve 84.52 feet (chord bears S88°53'00"E 84.45 feet); thence N87°02'00"E 104.32 feet to the beginning of a tangent curve to the right having a radius of 75.49 feet; thence Easterly along the arc of said curve 36.45 feet (chord bears S79°08'00"E 36.10 feet); thence

S65°18'00"E 296.42 feet to the beginning of a tangent curve to the left having a radius of 183.70 feet; thence Southeasterly along the arc of said curve 67.65 feet (chord bears S75°50'58"E 67.27 feet); thence leaving the Southerly right-of-way line to the USBR F-1 Lateral, S86°23'56"E 181.88 feet to the beginning of a tangent curve to the right having a radius of 135.00 feet; thence Southeasterly along the arc of said curve 211.33 feet (chord bears S41°33'12"E 190.40 feet); thence S03°17'32"W 114.85 feet to the beginning of a tangent curve to the left having a radius of 40.00 feet; thence along the arc of said curve 64.94 feet to a point on the West line of Parcel 2 of Major Land Partition number 16-86 (chord bears S43°12'59"E 58.04 feet); it is the intent that the Southerly line of this strip of land be shortened or lengthened to terminate on the beginning and ending lines as described above. Bearings are based on record of Survey No. 7105 on file at the office of the Klamath County Surveyor.

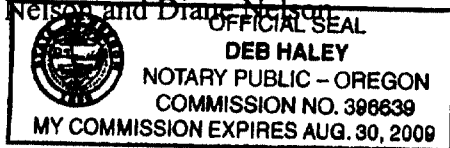
The consideration for this grant of easement based upon the court's judgment in the case of Frey v. Nelson, Klamath County Circuit Case number 00-004373CV as finally entered on December 29, 2005

DATED This 29 day of December, 2005.

Randy Nelson  
Randy Nelson

Diane Nelson  
Diane Nelson

SUBSCRIBED AND SWORN to before me this 29 day of December, 2005, by  
Randy Nelson and Diane Nelson



Deb Haley  
Notary Public for Oregon  
My Commission Expires: 8/30/09

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DATED This 5<sup>th</sup> day of January, 2006.

Steven Frey  
Steven Frey

Penny Frey  
Penny Frey

SUBSCRIBED AND SWORN to before me this 5 day of January, 2006, by  
Steven Frey and Penny Frey.



Nancy L. Mann  
Notary Public for Oregon  
My Commission Expires: 11-1-07