

M06-07538

Klamath County, Oregon

04/18/2006 11:24:01 AM

Pages 3 Fee: \$31.00

ROADWAY EASEMENT

CREATION OF A PRIVATE ROADWAY AND EXTINGUISHMENT OF AN
EASEMENT SITUATED IN THE SW1/4 OF SECTION 1, TOWNSHIP
39 SOUTH RANGE 9E.W.M., KLAMATH COUNTY, OREGON
AND BEING "MAJOR PARTITION 80-40"

KNOW ALL MEN BY THESE PRESENTS THAT DELBERT E. CASE SR. & FRANCES GERALDINE CASE, HUSBAND & WIFE, DO HEREBY CREATE THE FOLLOWING PRIVATE ROADWAY EASEMENT FOR THE BENEFIT OF "MAJOR PARTITION 80-40, AS FOLLOWS:

THE PARTIES DESIRE TO CREATE THIS PRIVATE ROADWAY EASEMENT FOR THE BENEFIT OF THE LAND PARTITION AND SHALL HAVE THE FULL USE AND CONTROL OF THEIR RESPECTIVE PARCELS. THE PERIOD OF THIS EASEMENT SHALL BE FOR PERPETUITY. THIS EASEMENT SHALL BIND AND INURE FOR THE BENEFIT OF, AS THE CIRCUMSTANCE MAY REQUIRE, NOT ONLY TO THE GRANTORS BUT TO THEIR HEIRS, SUCCESSORS AND ASSIGNS. SAID NEW EASEMENT IS CREATED OVER AND ACROSS PARCELS 1 & 2 AS DESCRIBED ON THE ATTACHED EXHIBIT "A" MADE PART HEREOF. THE MAP IS ATTACHED AS EXHIBIT "B" MADE A PART HEREOF.

THE PARTIES HEREBY EXTINGUISH THE 30 FOOT WIDE ACCESS EASEMENT AS SHOWN ON THE ORIGINAL "MAJOR PARTITION 80-40" ACROSS THE EASTERLY 30 FEET OF PARCELS 1, 2, & 3.

IN WITNESS WHEREOF, THE PARTIES HAVE HEREUNTO
SET THEIR HANDS ON THE 17th DAY OF APRIL, 2006.

Delbert E. Case Sr. Frances Geraldine Case

DELBERT E. CASE SR.

FRANCES GERALDINE CASE

STATE OF OREGON
COUNTY OF KLAMATH

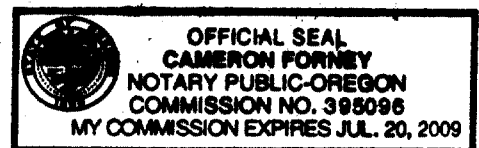
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 17th OF APRIL, 2006 BY DELBERT E. CASE SR. & FRANCES GERALDINE AS THEIR VOLUNTARILY ACT AND DEED.

Cameron Forney NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES July 20, 2009

APPROVED AS TO FORM AND CONTENT
KLAMATH COUNTY ENGINEERS OFFICE

S.R. [Signature]
BY

STATE OF OREGON
COUNTY OF KLAMATH



~~THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY~~
~~OF APRIL, 2006~~
~~BY _____ OF THE KLAMATH COUNTY ENGINEERS~~
~~OFFICE AS HIS VOLUNTARY~~
~~ACT AND DEED.~~

AFTER RECORDING RETURN TO:
DELBERT E. CASE SR.
19149 NORTH POE VALLEY RD.
KLAMATH FALLS, OR 97601

% True line

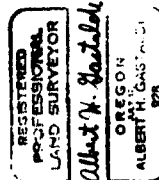
MAP OF MAJOR PARTITION NO. 80-40 LOT 28, HOMELAND TRACTS No. 2 Located in the SW 1/4, Section 1, T39S, R9E, W.M. KLAMATH COUNTY, OREGON



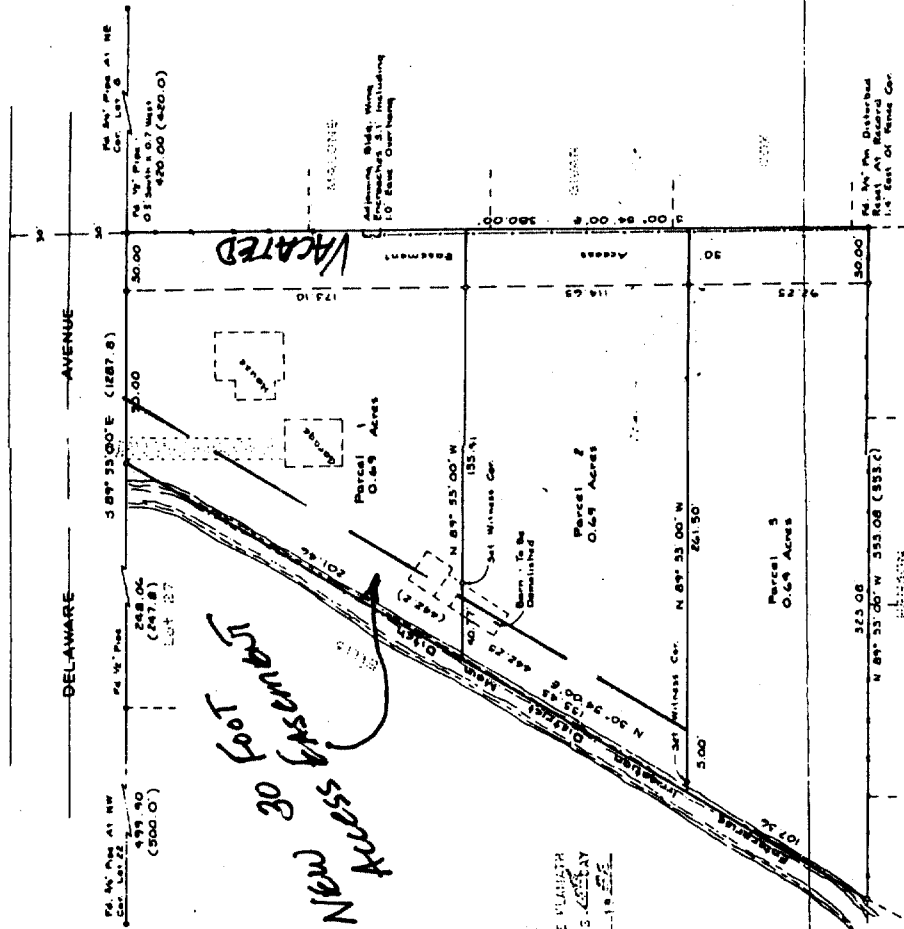
Scale 1"=50'

LEGEND

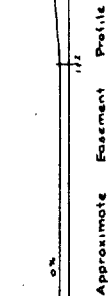
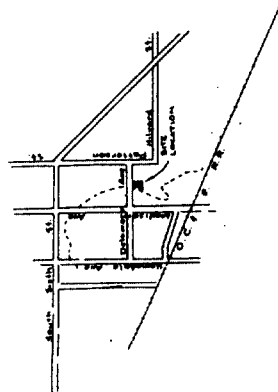
- 0 64' Non As Described
- 0 54' 1/2' Pin
- Bearings Are Based On Delaware Ave. As Shown
- 3 84' 55 00' E Per Original Plat
- Fence
- Improvement Details Supplied By Owner



FILED
 IN THE OFFICE OF THE CLERK
 OF KLAMATH COUNTY
 THIS 10th DAY OF APRIL 1982



Vicinity Map



NOTES

Owner: Ruby Mearns
 5980 Delaware
 Klamath Falls, Ore. 97601
 Ph. 882-0074

Applicant: Delbert E. Case Jr.
 5982 Delaware
 Klamath Falls, Ore. 97601
 Ph. 882-3533

Surveyor: Garfield J. Associates
 P.O. Box 499
 Klamath Falls, Ore. 97601
 Ph. 882-8381

CLUP: Urban Density
 Zone: 2.06 Acres
 Total Area: 2.06 Acres
 Existing Use: Homesites
 Proposed Use: Homesites
 Access: Road Easement From Delaware Ave
 Utilities: Klamath Falls City Water District
 Storm Drainage: Surface Runoff

Building setbacks will conform to zone standards.
 Prepared April, 1981

Approved By The Klamath County Planning Commission This
 10th Day Of APRIL 1982.

Chairman: *William J. Crain*
 Board Member: *John J. Crain*
 Board Member: *John J. Crain*
 Board Member: *John J. Crain*
 Board Member: *John J. Crain*

Approved By The County Engineer This 16 Day Of
 APRIL 1982.

County Engineer: *Calvin E. Smith*

Examined And Approved By The County Surveyor This
 17th Day Of APRIL 1982.

County Surveyor: *Albert N. Bartels*

I Do Certify That This is The Original Plat Of Major
 Partition No. 80-40 As Filed With This Office.

County Clerk: *Earlyn L. Smith*
 Klamath County Clerk

I Do Certify That This is The Original Plat Of Major
 Partition No. 80-40 As Surveyed, Partitioned, And
 Plotted.

Registered Land Surveyor: *Albert N. Bartels*
 Filed For Record This 17th Day Of April 1982.

County Clerk: *Earlyn L. Smith*
 By: *Earlyn L. Smith*
 Deputy

TRU SURVEYING, INC. LINE

2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603
PHONE: (541) 884-3691

DENNIS A ENSOR O.L.S

JOHN HEATON L.S.I.T.

MARCH 27, 2006

LEGAL DESCRIPTION
OF
30 FOOT WIDE ACCESS EASEMENT

A 30 FOOT WIDE ACCESS EASEMENT SITUATED ON PARCELS 1 & 2 OF "MAJOR PARTITION 80-40", SITUATED IN THE SW1/4 OF SECTION 1, T39S, R9EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY 30 FEET OF SAID PARCELS 1 & 2 OF "MAJOR PARTITION 80-40".

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dennis A. Ensor

OREGON
JULY 25, 1990
DENNIS A. ENSOR
2442

Dennis A. Ensor
DENNIS A. ENSOR O.L.S. 2442

EXPIRES: 12/31/07