

2007-002990

Klamath County, Oregon



00015637200700029900050059

02/21/2007 02:43:26 PM

Fee: \$41.00

After recording return to:

Tru-Line Surveying  
2333 Summers Lane  
Klamath Falls OR 97603

## CREATION OF AN ACCESS AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN by these presents that ROBERT A STEWART AND KENNETH W. MARLTON do hereby create an access easement and public utility easement over and across Parcels 1, 2 and 3 of Land Partition 19-99 situated in the SE1/4 of the NW1/4 of Section 1, Township 39 South, Range 9, E.W.M., Klamath County, Oregon

Said easement is for the benefit Land Partition 19-99 and that tract of land described in Volume M05 at page 68460, microfilm records of Klamath County, Oregon owned by KLAMATH CASCADE GROUP LLC AND JERRY O. ANDERSON AND ELIZABETH ANDERSON.

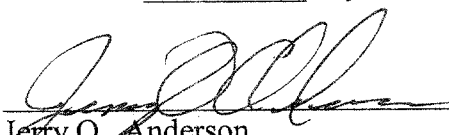
All parcels have the right to require removal of any obstructions including structures, trees and vegetation that may be placed on or near the roadway easement. At no time may any permanent structures be placed within the easement or any other obstruction, which interferes with the use of the roadway. The grading, gravel, snow removal costs, shall be equally shared by all the parcel owners. Should the parties decide to pave the roadway the costs shall be shared equally between all parcel owners. The public utilities and sewer easements are also within the roadway easement and each parcel shall be responsible for their own utilities within the easement. Any maintenance of those utilities and sewer will require the parcel owner to replace the easement in the condition it was prior to the work being done. Any grading, paving on general maintenance of the easement will be by a majority vote of the parcel owners.

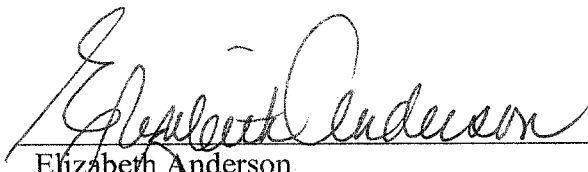
Said easement is described in the attached Exhibit "A" and a map is attached as Exhibit "B" to help identify the access and public utility easement.

Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the public utility easement identified on this plat map as may be necessary or desirable in providing utility services within and without the parcels identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the public utility easement. The utility may require the lot owner to remove all structures within the public utility easement at the lot owner's expense, or the utility may remove such structures at the lot owner's expense. At no time may any permanent structures be placed within the public utility easement or any other obstruction, which interferes with the use of the public utility easement without the prior written approval of the utilities with facilities in the public utility easement.

The period of this easement shall be for perpetuity. This easement shall bind and inure for the benefit of, as the circumstances may require, not only to the Grantors but also to their heirs, successors and assigns.

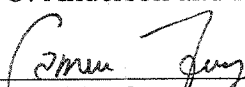
Dated this 21 day of February 2007.

  
Jerry O. Anderson

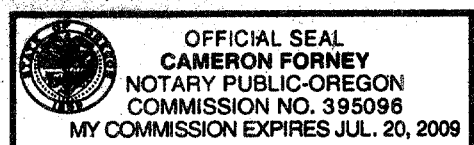
  
Elizabeth Anderson

State of Oregon  
County of Klamath

This instrument was acknowledged before me on February 21, 2007 by Jerry O. Anderson and Elizabeth Anderson to be their voluntary act and deed.

  
Notary Public for Oregon

My commission expires July 20, 2009



Robert A. Stewart mng.  
Klamath Cascade Group LLC

State of Oregon  
County of Klamath

This instrument was acknowledged before me on February 21, 2007 by  
Robert Stewart as Managing Partner of Klamath Cascade Group LLC to be their voluntary act  
and deed.

Cameron Forney  
Notary Public for Oregon

My commission expires July 20, 2009

Robert A. Stewart  
Robert A. Stewart

County of Klamath  
State of Oregon

This instrument was acknowledged before me on February 21, 2007 by  
Robert A. Stewart to be his voluntary act and deed.

Cameron Forney  
Notary Public for Oregon

My commission expires July 20, 2009

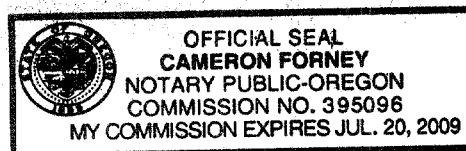
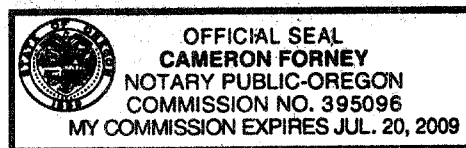
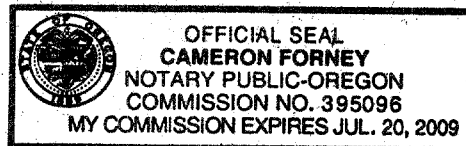
Kenneth W. Marlton  
Kenneth W. Marlton

County of Klamath  
State of Oregon

This instrument was acknowledged before me on February 21, 2007 by  
Kenneth W. Marlton to be his voluntary act and deed.

Cameron Forney  
Notary Public For Oregon

My commission expires July 20, 2009



**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.

**EXHIBIT "A"**

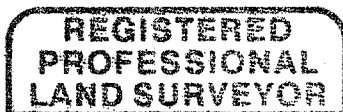
FEBRUARY 7, 2007

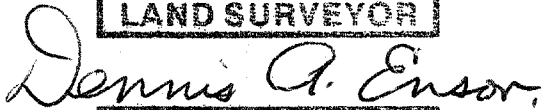
LEGAL DESCRIPTION OF ACCESS AND PUBLIC UTILITY EASEMENT

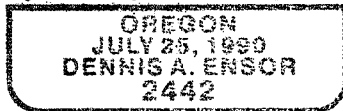
A 30 FOOT WIDE ACCESS AND PUBLIC UTILITY EASEMENT BEING THE EAST 30 FEET OF "LAND PARTITION 19-99", SITUATED IN THE SE1/4 OF SECTION 1, T39S, R9EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 30 FEET OF PARCELS 1, 2 AND 3 OF SAID "LAND PARTITION 19-99", FOR THE BENEFIT OF THAT TRACT OF LAND DESCRIBED IN DEED VOLUME M05 PAGE 69460 OF THE KLAMATH COUNTY DEED RECORDS.

  
DENNIS A. ENSOR O.L.S. 2442







EXPIRES 12/31/07

EXHIBIT "B"

LAND PARTITION 22-06

**LAND**  
SITUATED IN  
T39S, R

**PLEASANT VISTA STAGE 2  
TRACT 1378**

MICHAEL & MARSHA MENEFFEE  
198

MICHAEL & MARSHA  
MENEFFEE

**PARCEL 3  
LAND PARTITION  
19-89**

ROBERT STEWART

**PARCEL 2  
LAND PARTITION  
19-89**

ROBERT STEWART

**PARCEL 1  
LAND PARTITION  
19-89**

ROBERT STEWART

**PARCEL 1**  
21,780 SQ. FT. ±

**PARCEL 2**  
21,780 SQ. FT. ±

**PARCEL 3**  
21,780 SQ. FT. ±

SEWER LINE  
30 FOOT WIDE ACCESS, PUBLIC UTILITY, SEWER, AND DRAINAGE EASEMENT

WATER LINE

330

110

110

110

SLOPE 1/2% ±

30

20

20

SLOPE 1/2% ±

EXISTING  
STORM DRAIN  
POND  
EASEMENT

SLOPE 1/2% ±

198

SIMMERS AVE.

OVERHEAD UTILITIES

EXISTING  
GARAGE

EXISTING  
HOUSE

EXISTING  
DRIVEWAY

110

Klamath Cascade Group LLC and Jerry O Anderson and Elizabeth Anderson  
Parcel

**EXHIBIT "C"**

**LEGAL DESCRIPTION:**

A portion of the SE1/4 NW1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point 2,152 feet East and 40 feet North of an iron pin driven into the ground at the Southwest corner of the Otis V. Saylor property near the Southwest corner of the NW1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, and which iron pin is 30 feet East of the center of a road intersecting the Dalles California Highway (now Lakeview Highway) from the North and 30 feet North of the center of said highway; thence East 198 feet; thence North 330 feet; thence West 198 feet; thence South 330 feet to the point of beginning.