## AFTER RECORDING RETURN TO:

City Recorder 500 Klamath Avenue Klamath Falls, OR 97601

## **GRANTOR:**

City of Klamath Falls 500 Klamath Avenue Klamath Falls, OR 97601 2008-000564 Klamath County, Oregon



01/14/2008 03:14:49 PM

Fee: \$101.00

2008-001953 Klamath County, Oregon



02/14/2008 03:57:55 PM

Fee: \$101.00

\* Re-record to include Grantor's signatures and notary. on #205-02656 4

## EASEMENT FOR SEWER/WATER LINE(S)

The City of Klamath Falls, Oregon, a municipal corporation, Grantor, in consideration of the terms and conditions of this Easement, the sufficiency of which is hereby acknowledged, does hereby grant and convey to the persons and entity listed below (collectively, the Grantee), a perpetual, non-exclusive easement for the purpose of installing, inspecting, repairing, maintaining, altering and operating Grantee's private sewer line and all necessary appurtenances in, into, upon, over, across and under a fifteen (15) foot wide strip of land legally described and depicted on EXHIBIT A, attached hereto and incorporated herein (the "Easement Area").

GRANTEES: David J. Danforth and Regina C. Danforth ("Danforths"), Allan Murray ("Murray"), Wayne A. Connors and Pamela J. Connors ("Connors"), Frederick M. Cooper and Lisa M. Cooper ("Coopers") and Lakeshore Gardens Drainage District ("District")

Additional terms of the Easement are as follows:

- 1. <u>Consideration</u>. Grantee has paid to Grantor the sum of \$0.00. However, the actual consideration for this transfer consists of or includes other property or value given which is the whole consideration. Grantee shall bear the costs of recording this Easement.
- 2. **Property Burdened.** The Easement Area lies within the real property owned by Grantor that is legally described as follows (the "**Property**"):
  - a. Lot 57, Lakeshore Gardens, Klamath County Oregon pursuant to a deed recorded at M76-1892, Klamath County Deed Records (Tax Lot #R-3808-025DA-00100-000); and
  - b. The Southwesterly portion of a parcel owned by Grantor pursuant to a deed recorded at M75-531 and 532 (Tax Lot #R-3809-03000-00100-000, and fully described in Exhibit B).
- 3. <u>Properties Benefitted</u>. This Easement is appurtenant to the real properties owned by Grantee described as follows:
  - a. Lot 1, Lakeshore Gardens owned by Danforths pursuant to a deed recorded at Volume M94, Page 24270, Klamath County Deed Records;
  - b. Lot 2, Lakeshore Gardens owned by Murray pursuant to a deed recorded at Volume M01, Page 30917, Klamath County Deed Records;
  - c. Lots 3B and 4B, Lakeshore Gardens owned by Connors pursuant to a deed recorded at Volume M03, Page 43920, Klamath County Deed Records;

GRANTOR: CITY OF KLAMATH FALLS	
By: Jeff Ball, Oity Manager	
Attest: Elisa D. Olson, City Recorder	
GRANTEES:	
17/2/1	
David J. Danforth	
Regina C. Danforth	
Allan Murray	
Wayne A. Connors	
Pamela J. Connors	
Frederick M. Cooper	
Lisa M. Cooper	
Lakeshore Gardens Drainage District	OFFICIAL SEAL MELISSA DANFORTH NOTARY PUBLIC - OREGON COMMISSION NO. 420690
STATE OF OREGON )	MY COMMISSION EXPIRES AUGUST 26, 2011
County of Klamath ) ss.	
David J. Daifforth personally appeared before named GRANTEE, and acknowledged the fo	ore me this 13 day of November 2007, the above-
	molissa Danhart
	Notary Public for Oregon  My Commission expires: 8-24-41



	MISSION EXPIRES AUGUST 26, 2011	
County of Klamath ) ss.		
Regina C. Danforth personally appeared before me this named GRANTEE, and acknowledged the foregoing instru	3 day of November ament to be her voluntary act.	2007, the above-
	Molissa Hangart  Notary Public for Oregon  My Commission expires: 8-24	<u>.                                    </u>
STATE OF OREGON )		
County of Klamath ) ss.		
Allan Murray personally appeared before me this description of the GRANTEE, and acknowledged the foregoing instrument to	•	the above-named
	Notary Public for Oregon My Commission expires:	
STATE OF OREGON )		
County of Klamath ) ss.		
Wayne A. Connors personally appeared before me this named GRANTEE, and acknowledged the foregoing instr		2007, the above-
	Notary Public for Oregon My Commission expires:	
STATE OF OREGON ) ss.		
County of Klamath )		
Pamela J. Connors personally appeared before me this named GRANTEE, and acknowledged the foregoing instru		2007, the above-
STATE OF OREGON )	Notary Public for Oregon My Commission expires:	
) ss.		
County of Klamath )		
Frederick M. Cooper personally appeared before me this named GRANTEE, and acknowledged the foregoing instruments of the second o		2007, the above-
	Notary Public for Oregon My Commission expires:	

IN WITNESS WHEREOF, We have hereunto set our hands on the dates indicated below. **GRANTOR:** CITY OF KLAMATH FALLS Jeff Ball, City Manager Attest: Elisa D. Olson, City Recorder **GRANTEES:** David J. Danforth Wayne A. Connors Pamela J. Connors Frederick M. Cooper Lisa M. Cooper Lakeshore Gardens Drainage District STATE OF OREGON) County of Klamath) David J. Danforth personally appeared before me this \_\_\_\_ day of \_\_\_\_ 2007, the above-named GRANTEE, and acknowledged the foregoing instrument to be his voluntary act. 2007, the Notary Public for Oregon My Commission expires:

KF EASEMENT FOR SEWERLINES

Regina bove-	C. Danforth per named GRANTI	sonally appeared before, and acknowledged	re me this I the foregoing	_ day of instrument to be he	2007, the z voluntary act.
	Public for Oreg				
My Co	mmission expire				
	E OF OREGON				
) ss. County	of Klamath)				
Δllan l	Murray nersonal	y appeared before me	this 31 St day	of December	2007, the
above-	named GRANT	, and acknowledge	d the foregoing	g instrument to be h	is voluntary act.
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Notary My Co	Public for Oreg	on s: 11-28-2008		OFFICIAL SEA KATHY L LANDI	ERS 🕠
		9.		NOTARY PUBLIC - C COMMISSION NO.	386955 <b>()</b>
			V/		
	E OF OREGON	)	MY COMMI	SSION EXPIRES NOVEMB	ER 28, 2008 ()
) ss.	E OF OREGON y of Klamath)		MY COMMI	SSION EXPIRES NOVEMB	ER 28, 2008 ()
) ss. Count	y of Klamath)				
) ss. Count Wayn	y of Klamath) e A. Connors per	) sonally appeared befo EE, and acknowledge	ore me this	day of	2007, the
) ss. Count Wayn	y of Klamath) e A. Connors per	sonally appeared befo	ore me this	day of	2007, the
) ss. Count Wayn above	y of Klamath ) e A. Connors per named GRANT	sonally appeared befo EE, and acknowledge	ore me this	day of	2007, the
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) ss. Count Wayn above  Notar My Co	y of Klamath) e A. Connors per- named GRANT y Public for Oreg	sonally appeared before EE, and acknowledge on	ore me this	day of	2007, the
) ss. Count Wayn above  Notar My C STAT ) ss.	y of Klamath ) e A. Connors per- named GRANT y Public for Oregonmission expir E OF OREGON	sonally appeared before EE, and acknowledge on	ore me this	day of	2007, the
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KF EASEMENT FOR SEWER LINE

GRANTOR: CITY OF KLAMATH FALLS		
By:		
Jeff Ball, City Manager		
Attest:		
Elisa D. Olson, City Recorde	해가 있다면 되는 사람들이 되었다. 그는 말이 되었다.	
GRANTEES:		
David J. Danforth		
Regina C. Danforth		
Allan Murray		
Wayne A. Connors  Yamele Hanners		
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Frederick M. Cooper		
Lisa M. Cooper		
Lakeshore Gardens Drainage Distric	♥ 이 이름이었다. 이 그렇게 되었다. 그렇지 않는 것 같다. 그 이 이용한 그들은 작가를 참 되는 경험 (1911년 12일 12)	
STATE OF OREGON )		
County of Klamath )		
David J. Danforth personally apper named GRANTEE, and acknowled	eared before me this day of 20 liged the foregoing instrument to be his voluntary act.	007, the above-
	Notary Public for Oregon My Commission expires:	

STATE OF OREGON ) ss			
County of Klamath )			
Regina C. Danforth personally appearamed GRANTEE, and acknowledge	ared before me this and the foregoing instru	day of nment to be her voluntary ac	2007, the above- ct.
		Notary Public for Oregon My Commission expires:	
STATE OF OREGON )  County of Klamath )	<b>s.</b>		
Allan Murray personally appeared be GRANTEE, and acknowledged the f	pefore me this do oregoing instrument t		2007, the above-named
		Notary Public for Oregon My Commission expires:	
STATE OF OREGON WHAH )			
County of Klamath Washington) s			
Wayne A. Connors personally appenamed GRANTEE, and acknowledge	ed the foregoing instr	ument to be his voluntary a	2007, the above-
		Notary Public for Oregon My Commission expires:	Notary Public State of Utah
STATE OF OREGON LATED ): County of Klamath Washington)	<b>SS.</b>		My Commission Expires Sept. 14, 2008 891 S Biuff St. Ste 29, Saint George, UT 847
Pamela J. Connors personally apper named GRANTEE, and acknowledge	ged the foregoing inst	day of <u>() edular</u> runnen to be her voluntary	2007, the above-
mela J Connors		Notary Public for Oregon My Commission expires:	Notary Public
	<b>ss.</b>		State of Utah My Commission Expires Sept. 14, 2008 891 S Bluff St. Ste 29, Saint George, UT 847
County of Klamath )			
Frederick M. Cooper personally approximately approximately and acknowled	peared before me this ged the foregoing inst	day of	2007, the above- act.
		Notary Public for Oregor My Commission expires:	

GRANTOR: CITY OF KLAMATH FALLS		
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By:		
Jeff Ball, City Manager		
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Attest:		
Elisa D. Olson, City Recorder		
GRANTEES:		
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이 있었다. 이 그 것은 바둑 그렇게 되고 있다고 얼굴살살았다.		
David J. Danforth		
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STATE OF OREGON )		
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County of Klamath )		
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David J. Danforth personally appeared before me this	day of	2007, th
named GRANTEE, and acknowledged the foregoing ins	trument to be his voluntary act.	
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	Notary Public for Oregon	

STATE OF OREGON ) ss.		
County of Klamath )		
Regina C. Danforth personally appeared before me this named GRANTEE, and acknowledged the foregoing instru	day of rument to be her voluntary act.	2007, the above-
	Notary Public for Oregon My Commission expires:	
STATE OF OREGON )		
County of Klamath )		
Allan Murray personally appeared before me this GRANTEE, and acknowledged the foregoing instrument		, the above-named
	Notary Public for Oregon My Commission expires:	
STATE OF OREGON )		
County of Klamath )		
Wayne A. Connors personally appeared before me this named GRANTEE, and acknowledged the foregoing inst	day of to be his voluntary act.	_ 2007, the above-
	Notary Public for Oregon My Commission expires:	
STATE OF OREGON ) ss.		
County of Klamath )		
Pamela J. Connors personally appeared before me this named GRANTEE, and acknowledged the foregoing inst	day of trument to be her voluntary act.	2007, the above-
STATE OF OREGON )  Previ ) ss.  County of Klamath )	Notary Public for Oregon My Commission expires:	
Frederick M. Cooper personally appeared before me this named GRANTEE, and acknowledged the foregoing ins	atrument to be his voluntary act.	2007, the above-
BRENDA SARNOVE Notary Public - Arizona Pinal COUNTY My Commission Expires JANUARY 3, 2011 Easement for Se	Notary Public for Oregon (> 2 My Commission expires:	120ma 3/11

 $\times$ 

ARIZON			
STATE OF OREGON	경기는 ) 기를 잃었어요?		
Pinal	) ss.		
County of Klamath	크림 귀를 가입하셨다.		
		2. OCTOBE and	
Lisa M. Cooper persona	ally appeared before me this	$8$ day of $\frac{6}{1000}$ and $\frac{1}{1000}$ day of $\frac{1}{1000}$ and $\frac{1}{1000}$	bove-named
GRANTEE and acknow	KANNE THE PROPERTY OF STREET OF STREET	ent to be her voluntary act.	
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1 (4)	PINAL COUNTY	THE STATE OF THE S	
	My Commission Expires	Notary Public for Oregon (No. 127)	
INU	JANUARY 3, 2011	My Commission expires: 1 [ 3 ] 1	
STATE OF OREGON			
CV1	) ss.		
County of Klamath			
On	, 2007, personally	appeared	, who, being duly
sworn, acknowledged	to me that he/she is the repres	entative for Lakeshore Gardens Drainage	District that the
foregoing instrument v	vas signed on behalf of Lakes	hore Gardens Drainage District, that he/sl	ne is authorized to
execute this instrumen	t and that the foregoing instru	ment is the voluntary act and deed of Lak	eshore Gardens
Drainage District.	경기가 하고 된 연락되었다.	현상 전 회학의 연호 보스 살림이 있는 것	
		Notary Public for Oregon	
		My Commission expires:	

<b>GRANTOR:</b>				
CITY OF KLAMATH FALLS				
By:				
Jeff Ball, City Manager				
Attest: Elisa D. Olson, City Recorder				
Ensa D. Oison, Chy Recorder				
GRANTEES:				
GRAITIEES.				
David J. Danforth				
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Regina C. Danforth				
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Lakeshore Gardens Drainage District				
CTATE OF OPECON				
STATE OF OREGON ) ss.				
County of Klamath )				
County of Klamati				
David J. Danforth personally appeared	before me this	day of		2007, the above-
named GRANTEE, and acknowledged to	the foregoing instr	ument to be his	voluntary act.	
		Notary Public		
		My Commissi	on expires:	

) ss.	
County of Klamath )	
Lisa M. Cooper personally appeared before me this GRANTEE, and acknowledged the foregoing instrument	_ day of 2007, the above-named to be her voluntary act.
	Notary Public for Oregon My Commission expires:
STATE OF OREGON )	
) ss.	
County of Klamath )	
sworn, acknowledged to me that he/she is the represent	peared Sohn Gerbert, who, being duly tative for Lakeshore Gardens Drainage District that the re Gardens Drainage District, that he she is authorized to ent is the voluntary act and deed of Lakeshore Gardens  Shuly E Kasaaa  Notary Public for Oregon My Commission expires: 9-10-29
STATE OF OREGON ) ) ss.	
County of Klamath )	
On the 24th day of January, 2008, personally appeduly sworn, did say that the former is the City Manag Klamath Falls, an Oregon municipal corporation, an municipal corporation; and each of them acknowledge	ger and the latter is the City Recorder of the City of d that the instrument was signed on behalf of said
	WITNESS my hand and official seal

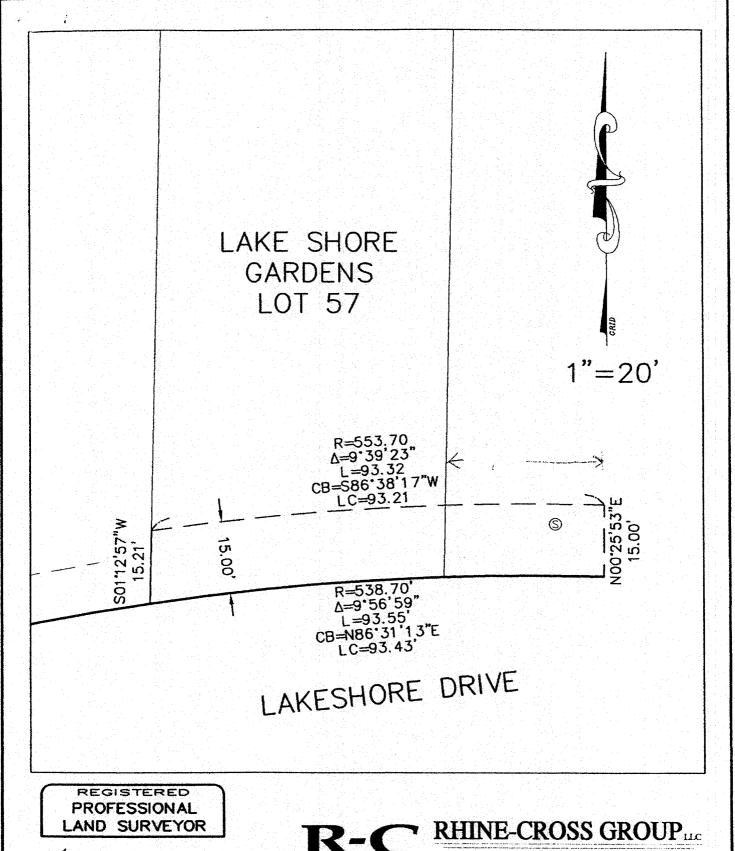
SIGNATURE OF NOTARY PUBLIC Notary Public for Oregon My Commission Expires: 5-8-2

## SEWER EASEMENT

A parcel of land situated in the SE1/4 of Section 25 and the SW1/4 of Section 30, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the southwest corner of lot 57 of Lake Shore Gardens, as recorded at the Klamath County Clerks office; thence along the northerly right-of-way line of Lakeshore Drive, along the arc of a 538.70 foot radius curve to the right, through a central angle of 9°56'59" (the long chord of which bears North 86°31'13" East, 93.43 feet) an arc distance of 93.55 feet; thence leaving said northerly right-of-way line, North 00°25'53" East, 15.00 feet; thence along the arc of a 553.70 foot radius curve to the left, through a central angle of 9°39'23" (the long chord of which bears South 86°38'17" West, 93.21 feet) an arc distance of 93.32 feet, being 15.00 feet and northerly of said northerly right-of-way line; thence along the westerly line of said Lot 57, South 01°12'57" West, 15.21 to the point of beginning. Basis of bearings is grid north of the Oregon Coordinate System of 1983, South Zone.

Containing 1401 square feet, more of less.



OREGON
JULY 11, 2000
KEITH R. RHINE
58985

RENEWAL DATE: 12-31-08

R-C
RHINEGROSS
GROUP

ENGINEERING - SURVEYING - PLANNING 430 WALNUT AVE - P.O. BOX 909 KLAMATH FALLS, OREGON 97601

Phone: (541) 851-9405

Fax: (541) 273-9200

admin@rc-grp.com

Beginning at the southwest comer of section thirty (30) Township Thirty-eight South, Range Nine East (T.39-S.R.9E) of Willamette Meridian, Oregon; THENCE east along the section line between sections thirty (30) and thirty-one (31), 40 chains to the quarter section corner between sections 30 and 31; THENCE North twelve degrees and thirty minutes west (N.12°30' W) 36.51 chains to point on south boundary line of the Rock Creek highway; THENCE following said south line of the Mock Creek highway S.56°45' W. 10 chains; THENCE N. 87°W. 14.85 chains; THENCE N. 77°25' W. 9.27 chains to the township line between sections 25 and 30; THENCE S. 0°53' W. along the township line 32.88 chains to the place of beginning, containing 114.36 acres, more or less, subject to all existing contracts heretofore made by the grantors with the United States; together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all our estate, right, title and interest, in and to the same, including downer and claim of dower.

- d. Lot 5B, Lakeshore Gardens owned by Coopers pursuant to a deed recorded at Volume M05-10362, Klamath County Deed Records; and
- e. Tax Lot# R-3808-025DA-00200-000 owned by District pursuant to a deed recorded at Volume 103, Page 265, Klamath County Deed Records.

The properties of Grantee are depicted on attached Exhibit "C."

- 4. Restrictions. Grantor shall not erect any buildings or structures within the Easement Area that would inhibit access to Grantee's said sewer line or cause damage to it. Grantor retains the right to utilize the Easement Area for asphalt driveways or parking area and gutters and/or landscaping. Grantor agrees that any other use of the Easement Area permitted by Grantor shall not interfere with Grantee's use and enjoyment of those areas as authorized herein.
- 5. <u>Indemnification by Grantee</u>. Grantee shall indemnify, defend and hold Grantor harmless from and against any and all claims, demands, damages, losses, liens, liabilities, penalties, fines, lawsuits and other proceedings asserted by third parties against Grantor and Grantor's heirs, successors and assigns (including attorneys' fees, costs and expenses) that arise from or out of the Grantee's use of the Easement Area or the Property at any time.
- 6. <u>Entry</u>. This easement shall include the right of ingress and egress over the Property for the purposes of Grantee's use and enjoyment of this Easement and the perpetual right of Grantee to enter upon the Property at any necessary time, so long as Grantee uses its best efforts to coordinate such access with Grantor so as not to unreasonably interfere with Grantor's ongoing activities and business.
- Easement Use and Restoration of Property. Grantee agrees to use due care in any use of the Easement Area and in the construction, installation, repair, replacement and maintenance of either Grantee's improvements or the Easement Area as provided for herein so as not to unreasonably disturb Grantor's use of its Property. Grantee agrees to return the Easement Area to the condition which existed prior to the installation of any of its improvements in the Easement Area, including, but not limited to, the replacement of any sod, landscaping, paving or other improvements that existed within the Easement Area prior to such installation. Grantee further agrees to abide by the terms and conditions of that certain "Restrictive Covenant and Agreement for Sanitary Wastewater Service for Lots 1, 2, 3B, 4B, and 5B of the Lakeshore Gardens Subdivision and Certain Property Owned by the Lakeshore Gardens Drainage District" recorded at 2007-019092 in the records of Klamath County. The Restrictive Covenant requires, among other things, that Grantee herein keep the sewer line in good and sufficient repair and be responsible for all costs associated with the installation, operation, repair and replacement of the sewer line.
- 8. <u>Duration and Abandonment</u>. This Easement shall be perpetual. However, in the event it is not used by any of Grantees for a period of one year continuously, or if otherwise abandoned by all of Grantees, then this Easement shall automatically expire and Grantees, and each of them, shall, upon request by Grantor, execute a recordable document evidencing such expiration and termination; provided, however, Grantee shall have five years from the date of this Easement to connect the first residence to the private sewer line.
- 9. <u>Exceptions</u>. This Easement is granted subject to all prior easements or encumbrances on the Property.
- 10. This Easement, and the rights and obligations granted and imposed herein, shall run with the Property and the properties of Grantee, including any division or partition of the Property or Grantee's properties. The rights, covenants and obligations of this Easement shall bind, burden and/or benefit all subsequent purchasers of the Property and the properties of Grantee, the Grantee, and the heirs, successors and assigns of both Grantor and Grantee.
- 11. This Easement may be signed in any number of counterparts, each of which shall be an original, with the same effect as if the signatures were upon the same instrument.

