

2009-009541

Klamath County, Oregon



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RETURN TO: ZCS ENGINEERING, INC.

07/14/2009 08:55:25 AM

Fee: \$26.00

EASEMENT, COVENANT AND SERVITUDE

WHEREAS Peter M. Bourdet ("GRANTOR") is the owner of the following two lots (or parcels) of real property located in Klamath County, Oregon:

Lot I: Parcel 2 of Land Partition 64-94, being a portion of the E $\frac{1}{2}$ E $\frac{1}{2}$, Section 33, Township 34 South, Range 7 East of Willamette Meridian, Klamath County, Oregon.

3407-03300-00701

Lot II: Parcel 1 of Land Partition 64-94, being a portion of the E $\frac{1}{2}$ E $\frac{1}{2}$, Section 33, Township 34 South, Range 7 East of Willamette Meridian, Klamath County, Oregon.

3407-03300-00700

WHEREAS GRANTOR has applied to the State of Oregon through the Department of Environmental Quality ("State" or "GRANTEE") for a permit to construct an individual onsite wastewater treatment system ("permit") on Lot I intended to serve Lot II; and

WHEREAS Oregon Administrative Rules (OAR) 340-71-130 requires for each lot or parcel different from but under the same ownership as the lot or parcel served, the owner of the property must execute and record in the county land title records, on a form approved by the department, an easement and a covenant in favor of the State of Oregon as a condition precedent to issuance of a permit authorizing the construction of a system on one lot intended to serve another lot;

EASEMENT

NOW THEREFORE, in consideration of the issuance of the permit to GRANTOR by the State, GRANTOR hereby conveys to the State, its successors and assigns, a perpetual non-exclusive easement in, upon, and running with Lots I and II allowing the state's officers, agents, employees and representatives to enter and inspect, including by excavation, the onsite wastewater treatment system on Lots I and II. This easement shall be terminated at such time as use of the individual onsite wastewater treatment system has ceased because the structures on Lot II are fully served by an adequate public sanitary sewer system or by another onsite wastewater treatment system located elsewhere. Upon request and a determination that adequate alternative service is available and in use, the State shall execute a recordable document terminating the easement.

COVENANTS

GRANTOR covenants and agrees not to convey any interest in either Lot I or Lot II that results in the severance of the common ownership of these Lots unless and until GRANTOR has granted or reserved a utility easement on Lot I benefiting Lot II, in accordance with OAR 340-071-0130. Said easement shall be nonexclusive, perpetual and appurtenant and shall be in a form acceptable to the State. The utility easement shall include the following terms:

1. Owners of Lot II may use Lot I for purposes of installing, operating and maintaining a drainfield and related facilities for an individual onsite wastewater treatment system.

Owner Name: Peter M. Bourdet

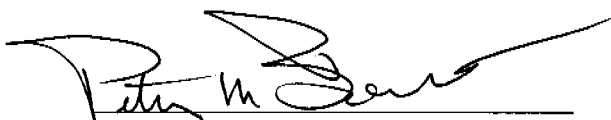
2. Lot I shall not be put to any conflicting use which would be detrimental to the permitted system or contrary to any law (including an Oregon Administrative Rule) applicable to the permitted system.

FURTHER, GRANTOR covenants that it shall include these covenants in any conveyance of either lot.

The GRANTOR and the State intend that these covenants shall run with the land and be binding on the GRANTOR'S heirs, successors and assigns.

IN WITNESS WHEREOF, the GRANTOR executed this easement on this the 7th day of July, 2009.

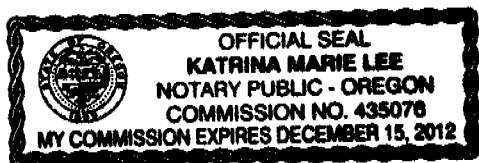
STATE OF OREGON)
) ss.
County of Klamath)
)
July 07, 2009)
)

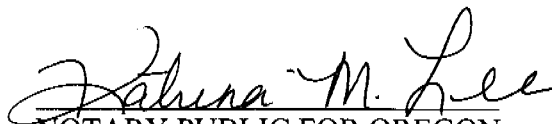


(GRANTOR)

Personally appeared the above-named Peter Bourdet and acknowledged the foregoing instrument to be their voluntary act.

Before me:





NOTARY PUBLIC FOR OREGON
My Commission Expires: 12/15/12

State of Oregon Acceptance on this the 10 day of July, 2009,

by Karen Bower, as an Agent for the State of Oregon,

Department of Environmental Quality.



Signature of DEQ Agent

7/10/09

Date