

2010-009489

Klamath County, Oregon



00088529201000094890040042

08/10/2010 03:39:42 PM

Fee: \$52.00

After recording return to:

James R. Uerlings
Boivin, Uerlings & DiIaconi, P.C.
803 Main Street, Ste 201
Klamath Falls, OR 97601

Extinguishment of Easement

THIS AGREEMENT is entered into as of June 17, 2010.

The undersigned parties, or their predecessors in interest, entered into an easement and maintenance agreement and amendments thereto as follows:

- 1) Easement dated November 14, 1949 recorded at Volume 235, page 206, Deed records of Klamath County, Oregon;
- 2) Amendment to Easement recorded August 22, 2005 at Volume M05, page 62452, microfilm records at Klamath County, Oregon;
- 3) Amendment to Easement recorded October 21, 2005 at Volume M05, page 67096, microfilm records at Klamath County, Oregon; and,
- 4) Easement dated May 13, 1993 recorded October 21, 2005 at Volume M05, page 67096 microfilm records at Klamath County, Oregon.
- 5) Teresa Maria Pizano owns the real property described on Exhibit 1.
- 6) Mark Stapleton owns the real property described on Exhibit 2.

The purpose of said Agreements and Amendment was to allow Klamath County School District to access a water well located on the real property described in the above described instruments. Klamath County School District no longer needs the use of water from this well.

The undersigned hereby agree that the aforementioned rights of Klamath County School District, its successors and assigns, under the easements and amendments described above, are hereby extinguished. Further provided, that any rights and/or obligations of Klamath County School District, under said instruments or otherwise in relation to said well and/or supplying water from said well, are hereby released.

Nothing contained herein shall be interpreted as creating any new rights or affirming any rights of the property owned by Teresa Maria Pizano at 7225 Henley Road, Klamath Falls, Oregon (as described on Exhibit 1) to obtain water from the well at 7209 Henley Road, Klamath Falls, Oregon owned by Mark Stapleton (as described on Exhibit 2). The Parties must enter into a separate agreement regarding such rights.

IN WITNESS WHEREOF, the parties have cause this Agreement to be executed as of the date first herein written.

Klamath County School District

Mark Stapleton
Mark Stapleton

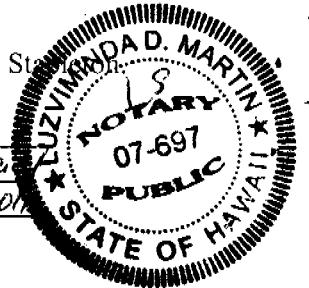
By: Steve Howell
Its Board Chairman

Teresa-Maria Pizano
Teresa-Maria Pizano

STATE OF Hawaii, County of Hawaii) ss.

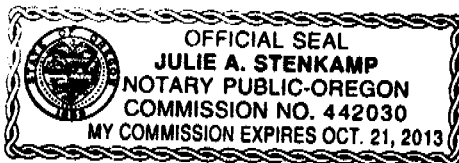
This instrument was acknowledged before me on August 6, 2010 by Mark Sta

Luiz Vinícius D. Martin
Notary Public for Third Judicial
My commission expires: 12-31-2011



STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on July 6, 2010 by Teresa-Maria Pizano.



Julie A. Stenkamp
Notary Public for Oregon
My commission expires: 10/21/2013

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on August 10, 2010 by Steve D. Howell, Board Chairman of Klamath County School District.



Julie A. Stenkamp
Notary Public for Oregon
My commission expires: 10/21/2013

Exhibit 1

The following described property in Klamath County, Oregon:

The Southerly 160 feet of the following described parcels of real property (the North boundary thereof to be parallel with Henley Road):

PARCEL 1

Beginning on the North line of County Road at a point which is South 1260 feet and South 89° 30' West 593.6 feet from the Northeast corner of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence North 500 feet; thence South 89° 30' West 131.2 feet to the United States Canal A-7; thence Southeasterly along said canal right of way to the aforesaid County Road; thence North 89° 30' East 43.1 feet along said County Road to the point of beginning, being in the NE1/4 of said Section 25.

PARCEL 2

Beginning at a point on the Northerly right of way line of the County Road which lies South 89° 33' West a distance of 647 feet and North 9° 47' West a distance of 30.4 feet from the iron pin which marks the Southeast corner of the NE1/4 of the NE1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and running thence, continuing North 9° 47' West along the Easterly right of way line of the U.S.R.S. Lateral, a distance of 506.6 feet to an iron pin; thence North 89° 33' East a distance of 14.7 feet to an iron pin; thence in a Southeasterly direction a distance of 506.6 feet to a point on the Northerly right of way line of the County Road; thence South 89° 33' West along the Northerly right of way line of the County Road a distance of 15.5 feet, more or less to the point of beginning, in the NE1/4 of the NE1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, known as Tract K.

Exhibit 2

LEGAL DESCRIPTION:

PARCEL 1:

BEGINNING ON THE NORTH LINE OF COUNTY ROAD AT A POINT WHICH IS SOUTH 1260 FEET AND SOUTH 89°30' WEST 593.6 FEET FROM THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON; THENCE NORTH 500 FEET; THENCE SOUTH 89°30' WEST 131.2 FEET TO THE UNITED STATES CANAL A-7; THENCE SOUTHEASTERLY ALONG SAID CANAL RIGHT OF WAY TO THE AFORESAID COUNTY ROAD; THENCE NORTH 89°30' EAST 43.1 FEET ALONG SAID COUNTY ROAD TO THE POINT OF BEGINNING BEING IN THE NORTHEAST QUARTER OF SAID SECTION 25.

PARCEL 2:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE COUNTY ROAD WHICH LIES SOUTH 89°33' WEST A DISTANCE OF 647 FEET AND NORTH 9°47' WEST A DISTANCE OF 30.4 FEET FROM THE IRON AXLE WHICH MARKS THE SOUTHEAST CORNER OF THE NE ¼ OF THE NE ¼ OF SECTION 25, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON AND RUNNING THENCE, CONTINUING NORTH 9°47' WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF THE U. S. R. S. LATERAL, A DISTANCE OF 506.6 FEET TO AN IRON PIN; THENCE NORTH 89°33' EAST A DISTANCE OF 14.7 FEET TO AN IRON PIN; THENCE IN A SOUTHEASTERLY DIRECTION A DISTANCE OF 506.6 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE SOUTH 89°33' WEST ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE COUNTY ROAD A DISTANCE OF 15.5 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN THE NE ¼ OF THE NE ¼ IN SECTION 25, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON. (KNOWN AS TRACT K.)

EXCEPTING THEREFROM THE SOUTHERLY 160 FEET THEREOF (THE NORTH BOUNDARY THEREOF TO BE PARALLEL TO HENLEY ROAD) AS CONVEYED BY INSTRUMENT RECORDED JANUARY 17, 1975 IN VOLUME M75 PAGE 782, DEED RECORDS OF KLAMATH OREGON, TOGETHER WITH A PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THAT PORTION OF THE PREMISES ON WHICH KLAMATH COUNTY SCHOOL DISTRICT PRESENTLY HOLDS AN EASEMENT AS EVIDENCED BY INSTRUMENT RECORDED JANUARY 5, 1975 IN VOLUME M75 PAGE 782, DEED RECORDS OF KLAMATH COUNTY, OREGON.