

2015-011031

Klamath County, Oregon



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10/06/2015 03:41:40 PM

Fee: \$57.00

AFTER RECORDING
RETURN TO:
ADKINS CONSULTING ENGRS.
2950 SHASTA WAY
KLAMATH FALLS, OR 97603

EASEMENT, COVENANT AND SERVITUDE

Returned at Counter

WHEREAS John Pratt ("GRANTOR") is the owner of the following

two lots (or parcels) of real property located in Klamath County, Oregon:

Lot I: See Exhibit A, attached hereto.

Lot II: See Exhibit B, attached hereto.

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: John Pratt

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 24th day of September, 2015.

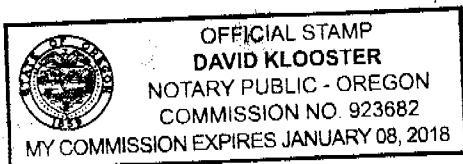
STATE OF OREGON)
) ss.
County of Klamath)
)
September, 2015)
)

[Signature]

(GRANTOR)

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

Before me:



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 01-08-18

State of Oregon Acceptance on this the 28 day of September, 2015,
by Lawrence Brown, as an Agent for the State of Oregon,

Department of Environmental Quality.

[Signature]
Signature of DEQ Agent

9/28/2015
Date

Exhibit A

Lot I Legal Description

All of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon, lying south and east of Rocky Point Road, formerly known as State Highway 421,

EXCEPTING THEREFROM the following described portion: Beginning at a point on the East-West centerline of said Section 3, said point being South 89°50' East 2478.64 feet from the USGLO brass cap marking the West quarter corner of said Section 3; thence South 75 feet to an iron pin; thence South 89°50' East 215 feet to an iron pin; thence North 150 feet to an iron pin; thence North 89°50' West 215 feet to an iron pin; thence South 75 feet to the point of beginning.

Exhibit B

Lot II Legal Description

A tract of land situated in the SW¼NE¼ and SE¼NW¼ of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:
Beginning at an iron pin located South 89°50' East 2895.02 feet and North 309.46 feet from the brass cap monument marking the West one-quarter corner of said Section 3; thence North 79°47' West 150.0 feet to the true point of beginning of this description; thence North 10°13' East 130 feet; thence South 79°47' East 295 feet; thence South 10°13' West 180 feet; thence North 79°47' West 295 feet; thence North 10°13' East 50 feet, more or less, to the true point of beginning.