

2020-003822

Klamath County, Oregon



03/31/2020 10:58:22 AM

Fee: \$107.00

Easement

SHARED JOINT EASEMENT AGREEMENT FOR THE EXISTING UTILITIES – WATER, NATURAL GAS, ELECTRIC, TELEPHONE AND CABLE LINES PLUS EXISTING ACCESS FROM KELLER ROAD ALONG THE WESTSIDE OF PARCEL 3 AND EASTSIDE OF PARCELS 4, 5, 6.

Robert Alan Gordon Family Trust Owner of parcel 3 legally described in Exhibit "A"

R. A. Gordon and Associates LLC Owner of Parcels 4 & 6 legally described in Exhibit "B"

Gordon Family GSTT Survivors Trust of Parcel 5 legally described in Exhibit "C"

Hereto all the above mutually and for value received agree to share the existing utilities and road access as follows:

1. Whereas the easement is for the purpose of supplying utilities and access to each parcel.
2. Whereas, it is the intention and purpose of the undersigned parties that the utilities and access should be used and operated to provide utilities for each properties connected thereto, for the present and future owners, their heirs, successors and assigns of the properties thereto.
3. Easements. Each parcel is benefited with the right of ingress and egress for maintenance and repair and associated equipment of the utilities. No party may install landscaping or improvements that will impair the use of said easement
4. Utilities billing shall to meter to each owner individually.
5. Maintenance and Repairs. The owner of each parcel shall equally share and promptly pay and maintenance, repair and/or replacement costs not covered by warranties and/or insurance.
 - a. Negligence of a Party. In cold weather, or when there is danger of a freeze, when a party leaves for an extended period of time, Shall drain the water system prior to leaving, the negligent party shall be solely responsible for any repairs necessary.
 - b. Emergency Situations. That each party shall have the right to correct an emergency situation and shall have access to the pertinent parcel in the absence of the other. An emergency situation shall be defined as the failure of any shared portion of the utility system.
6. Withdrawal from Agreement. The owners of the Parcels may withdraw from this agreement upon abandoning, in recorded writing, its share of use and enjoyment of the Utilities. Such abandonment shall not affect any easements benefiting the non-terminated parties.
7. Enforcement of Agreement. In the event litigation relating to this agreement the prevailing party shall be entitled to an award of reasonable attorney's fees and costs, in addition to damages, specific performance, and/or injunctive or declaratory relief.
8. The term of this Agreement shall be perpetual, except as herein limited.
9. The benefits and burdens of this agreement shall constitutes a covenant running with the parcels of land herein described and shall be binding upon the Heirs, successors in title and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereunto set their hands this 27th day of March 2020.

Parcel 3 Owner

Parcels 4 and 6 Owner

Parcel 5 Owner

Robert Alan Gordon Family Trust

R. A. Gordon and Associates LLC

Gordon Family GSTT Survivors Trust

Robert Alan Gordon, Trustee

R. A. Gordon, Member

Robert Alan Gordon, Trustee

Returned at Counter

Exhibit "A"

PARCEL 3:

A tract of land in the NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, and being more particularly described as follows:

Beginning at a point on the North boundary of above said Section 18, which point bears East 541.78 feet from the Northwest corner of said Section 18; thence South 183.91 feet to the most Northeasterly corner of Tract 1197, First Addition to Eternal Hills Memorial Gardens; thence following along the Easterly boundary of same on the following courses; South 607.44 feet; thence along the arc of a 111.93 foot radius curve to the left, 147.78 feet (long chord bears South 37 degrees 49' 26" East 137.28 feet); thence along the arc of a 1191.20 foot radius curve to the left, 632.03 feet (long chord bears North 89 degrees 09' 08" East, 624.64 feet); thence East 55.19 feet to the Easterly boundary of above said Tract 1197, First Addition to Eternal Hills Memorial Gardens; thence along same boundary projected North 0 degrees 14' 05" West 630.55 feet, thence West 50.00 feet; thence North 0 degrees 14' 05" West 260.00 feet, more or less to the North boundary of aforesaid Section 18; thence West along said boundary 710.31 feet to the point of beginning, and excepting from the above described land the North 30.00 feet thereof for road purposes.

EXHIBIT "B"

PARCEL 4:

A tract of land in the NW1/4 of the NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, and being more particularly described as follows:

Beginning at an iron pipe at the intersection of the North boundary of above said Section 18 and the Easterly right of way boundary of the Klamath Falls-Merrill Highway (Hwy #39); thence East along the aforesaid North boundary of Section 18, a distance of 511.78 feet; thence South 183.91 feet to an iron pin marking the most Northeasterly corner of Tract 1197, First Addition to Eternal Hills Memorial Gardens; thence Westerly following along the most Northerly boundary of above said Gardens on the following courses; West 65.31 feet, South 46 degrees 07' 30" West, 33.51 feet, South 62 degrees 28' 00" West 53.17 feet, South 79 degrees 42' 00" West, 214.38 feet, and South 88 degrees 03' 00" West, 164.34 feet, more or less, to an iron pin on the Easterly right of way boundary of the Klamath Falls-Merrill Highway; thence North along same 275.64 feet to the point of beginning, more or less, and excepting from the above described land the North 30.00 feet thereof for road purposes.

PARCEL 6:

The East 511.8 feet of the West 541.8 feet of the NW1/4 of the NW1/4 of Section 18 Township 39 South, Range 10, East of the Willamette Meridian, Klamath County, Oregon, lying Southerly of the North line of Tract 1197, First Addition to Eternal Hills Memorial Gardens, as filed in the Klamath County Clerks Office of Klamath County, Oregon.

EXCEPTING THEREFROM:

A parcel of land situated in the NW1/4 of the NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the Easterly right of way boundary of the Klamath Falls-Merrill Highway which point bears South 683 feet and East 30 feet from the Section corner common to Sections 12, 13, 17 and 18; thence East 233.65 feet; thence North 21 degrees 30' West, 90.90 feet; thence North 13 degrees 21' West, 60.26 feet; thence North 60 degrees 11' East, 205.33 feet; thence South 60 degrees 44' 30" East 154.42 feet; thence North parallel with the Easterly right of way boundary of aforesaid highway a distance of 275.25 feet; thence North 56 degrees 28' West a distance of 79.42 feet to the Southerly right of way boundary of the Enterprise Irrigation District Canal; thence along said Enterprise Irrigation District Canal as follows: South 52 degrees 41' West 58.80 feet; South 79 degrees 42' West 225.74 feet and South 88 degrees 02' West 164.34 feet to the Easterly right of way boundary

EXHIBIT "B"

(Legal Continued)

of the Klamath Falls-Merrill Highway; thence South along same a distance of 407.40 feet, more or less, to the point of beginning.

ALSO EXCEPTING THEREFROM:

A portion of that tract of land described in Volume 78, page 427, of Deed Records of Klamath County, Oregon, and being more particularly described as follows:

Beginning at the section corner common to Sections 12 and 13, Township 39 South, Range 9 East, and Sections 7 and 18, Township 39 South, Range 10, East of the Willamette Meridian, thence South 683.0 feet and East 30.0 feet to the most Northwestern corner of that tract of land described in Volume 326, pages 622 and 624, thence East along the North boundary of same a distance of 346.8 feet to the Northeast corner thereof which is the true point of beginning of this description; thence continuing East along the aforesaid North boundary projected a distance of 140.0 feet, thence South parallel with the Easterly boundary of the aforesaid tract of land a distance of 340.0 feet, thence West 140.0 feet to the Easterly boundary aforesaid, thence North along same a distance of 340.0 feet more or less to the true point of beginning.

AND FURTHER EXCEPTING THEREFROM:

A portion of the that particular tract of land described in Volume 78, page 427, of Deed Records of Klamath County, Oregon, and being more particularly described as follows:

Beginning at a point on the Easterly right of way boundary of the Dalles-California Highway (Klamath Falls-Merrill Highway) which point bears South 683.0 feet and East 30 feet from the Section corner common to Sections 7 and 18, Township 39 South, Range 10 East of the Willamette Meridian, and Sections 12 and 13, Township 39 South, Range 9 East of the Willamette Meridian; thence East at right angles to the aforesaid highway right of way boundary, a distance of 346.8 feet; thence South parallel to the aforesaid highway right of way boundary, a distance of 627.4 feet; thence South 89 degrees 54' West, 346.8 feet, more or less, to the aforesaid right of way boundary of the Klamath Falls-Merrill Highway; thence North along said boundary 628.0 feet to the point of beginning, and being in the Northwest quarter of the Northwest quarter of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, in Klamath County, Oregon.

PARCEL 5:

EXHIBIT "C"

A parcel of land situated in the NW1/4 of the NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the Easterly right of way boundary of the Klamath Falls-Merrill Highway which point bears South 683 feet and East 30 feet from the Section corner common to Sections 12, 13, 17 and 18; thence East 233.65 feet; thence North 21 degrees 30' West, 90.90 feet; thence North 13 degrees 21' West, 60.26 feet; thence North 60 degrees 11' East, 205.33 feet; thence South 60 degrees 44' 30" East 154.42 feet; thence North parallel with the Easterly right of way boundary of aforesaid highway a distance of 275.25 feet; thence North 56 degrees 28' West a distance of 79.42 feet to the Southerly right of way boundary of the Enterprise Irrigation District Canal; thence along said Enterprise Irrigation District Canal as follows: South 52 degrees 41' West 58.80 feet; South 79 degrees 42' West 225.74 feet and South 88 degrees 02' West 164.34 feet to the Easterly right of way boundary of the Klamath Falls-Merrill Highway; thence South along same a distance of 407.40 feet, more or less, to the point of beginning.

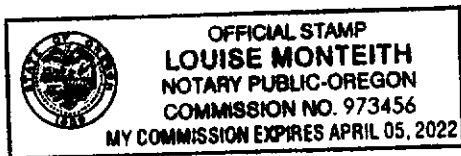
Witnessing or Attesting a Signature

State of OREGON

County of KLAMATH

Signed (or attested) before me on the 27th day of March, 2020
by (names(s) of individual(s)) Robert Alan Hardam

Louise Monteith
Notary Public - State of Oregon



Document Description

This certificate is attached to page 5 of a

Easement Agreement (title or type of document),

dated March 27, 2020 consisting of 5 pages.