

95-07913

368 - 0434

EASEMENT AGREEMENT

GRANTOR: ALPENVIEW ESTATES, L.L.C.,  
an Oregon limited liability Co.

GRANTEE: CENTRAL OREGON IRRIGATION DISTRICT

DATED: February 17, 1995.

RECITALS:

1. Grantor is subdividing property known as Alpenview Estates, Phase I, Bend, Deschutes County, Oregon.
2. Central Oregon Irrigation District owns an easement across a portion of said property for delivery of irrigation water through a ditch lateral.
3. The platting and subdivision of the property by Grantor requires the relocation of the ditch and the construction and placement of an underground pipe.
4. Grantee has consented to vacation of its prior easement in exchange for a new easement subject to the terms and conditions agreed to herein.

AGREEMENT:

5. The recitals previously made are adopted as part of this Easement Agreement.

6. Grantor conveys and grants to Grantee an easement for the relocation of Central Oregon Irrigation District lateral A-1, located in the Southwest One-Quarter Southwest One-Quarter, Section 34, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

A 20.00 foot easement lying 10.00 feet on each side of the following centerline: Beginning at a point on the North right-of-way of Bear Creek Road, with said point being located North 89°58'41" East 805.98 feet and North 00°01'19" West 8.19 feet from the Southwest corner of said Section 34; thence North 13°24'06" East 27.44 feet; thence South

✓ Sun Country Engineering  
61555 Parcel Rd  
Bend, Or 97702

89°59'01" East 53.00 feet; thence North  
 00°00'59" East 107.08 Feet; thence North  
 24°51'14" East 152.36 feet; thence North  
 00°20'00" West 45.89 feet; thence North  
 09°00'27" West 57.38 feet; thence North  
 00°00'59" East 87.32 feet; thence North  
 14°03'00" East 61.86 feet; thence North  
 00°00'59" East 60.52 feet; thence North  
 89°58'19" East 75.37 feet; thence North  
 29°54'20" East 23.72 feet to the terminus of  
 this easement.

7. The easement shall be for the delivery of irrigation water and the installation, maintenance and repair of all facilities associated with the delivery of the irrigation water.

8. Grantee shall have the right to go upon said easement at all times for the purposes provided herein.

9. The easement shall affect the following described lots of Alpenview Estates, Phase I, Lots 1, 2, 3, 4, 5, 6, 7 and 19, and the street known as Alpenview Drive.

10. Grantee covenants and agrees that it will abide by all laws applicable to the delivery of water that may apply to this easement and will hold harmless Grantor, its heirs, successors and assigns from any and all damages associated with Grantee's use of said easement.

11. This easement is perpetual and exclusive to the use of Grantee, its successors and assigns.

12. No property owner may place or construct any structure or plant any tree or other large vegetative plant within the boundaries of said easement without first obtaining the express written consent of Grantee. This restriction does not apply to the construction of Alpenview Drive.

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement the day and year first above written.

## GRANTOR:

ALPENVIEW ESTATES, L.L.C.,  
 an Oregon limited liability Co.

By:

Clifford D. Furlott  
 Clifford D. Furlott, as  
 Trustee of the Furlott  
 Family Trust, dated 8-12-91  
 Title: Member

## GRANTEE:

CENTRAL OREGON IRRIGATION  
 DISTRICT

By:

Ron Nelson  
 Ron Nelson  
 Title: Secretary-Manager

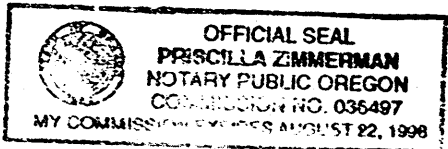
By: Beverly A. Furlott  
Eeverly A. Furlott, as  
Trustee of the Furlott  
Family Trust, dated 8-12-91  
Title: Member

By: [Signature]  
Ambrose Su  
Title: Member

By: (Not a member)  
Mary Su  
Title: Member

STATE OF OREGON            )  
  ) ss.  
County of Deschutes     )

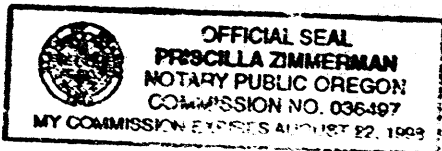
Before me on the 17<sup>th</sup> day of February, 1995, personally  
appeared the above-named Clifford D. Furlott and Beverly A.  
Furlott, as Trustees of the Furlott Family Trust, dated August 12,  
1991, and, being first duly sworn, did say that they are members of  
Alpenview Estates, L.L.C., an Oregon Limited Liability Co., and  
that they signed the foregoing instrument on behalf of said limited  
liability company.



Priscilla Zimmerman  
Notary Public for Oregon  
My Commission Expires: 8-22-98

STATE OF OREGON            )  
  ) ss.  
County of Deschutes     )

Before me on the 17<sup>th</sup> day of February, 1995, personally  
appeared the above-named Ambrose Su and ~~Mary Su~~ and, being first  
duly sworn, did say that they are members of Alpenview Estates,  
L.L.C., an Oregon Limited Liability Co., and that they signed the  
foregoing instrument on behalf of said limited liability company.

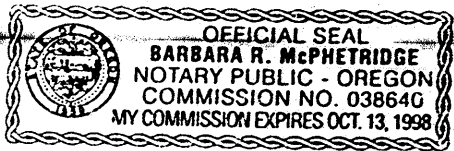


Priscilla Zimmerman  
Notary Public for Oregon  
My Commission Expires: 8-22-98

368 - 0437

STATE OF OREGON )  
 ) ss.  
County of Deschutes )

Before me on the 1<sup>st</sup> day of ~~February~~ March, 1995, personally appeared the above-named Ron Nelson and, being first duly sworn, did say that he is the secretary manager of Central Oregon Irrigation District, and that he signed the foregoing instrument on behalf of said irrigation district.



*Barbara R. McPhetridge*  
Notary Public for Oregon  
My Commission Expires: 10/13/98

STATE OF OREGON )  
COUNTY OF DESCHUTES ) ss.

I, MARY SUE PENNOLLO, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY:

95 MAR 16 PM 12:10

MARY SUE PENNOLLO  
COUNTY CLERK

BY: *J. Wallace* DEPUTY  
NO. 95-07913 FEE 30  
DESCHUTES COUNTY OFFICIAL RECORDS