

STATE OF OREGON

RELEASE OF EASEMENT

For adequate consideration, THE STATE OF OREGON, through the OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY, hereby releases to _____, any and all claims and rights that said STATE or DEPARTMENT has or may have in and through the following recorded easement:

An easement, including the terms and provisions thereof, recorded as instrument number 92-07951 in the official records of Curry County, Oregon

to use, to possess, or to enforce promises or covenants concerning the use or possession of the following real property:

Exhibit A, Lot #1 of instrument number 92-07951 recorded in the official records of Curry County, Oregon

DATED this _____ day of _____, 2006.

STATE OF OREGON

By: _____
Kerri L. Nelson
Western Region Administrator
Oregon Department of Environmental Quality

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by _____, who is the _____ of _____ on behalf of the State of Oregon.

Notary Public for Oregon
My commission expires: _____

EASEMENT

WHEREAS *KENNETH R. THOMAS ARSENAULT* ("Grantor") is the owner of the following two lots (or parcels) of real property located in Curry County Oregon, to wit:

LOT I: *MAP No. 35-14-31B Lot No. 1200*
FOR COMPLETE DESCRIPTION SEE EXHIBIT "A" ATTACHED

LOT II: *MAP No. 35-14-31B Lot No. 1301*
FOR COMPLETE DESCRIPTION SEE EXHIBIT "B" ATTACHED

WHEREAS, Grantor has applied to the State of Oregon, through its Department of Environmental Quality ("State" or "Grantee") for a report of site evaluation for the proposed construction of an individual on-site sewage disposal system ("Report") on Lot I intended to serve Lot II; and

WHEREAS, Oregon Administrative Rules, 340-71-130(11) (b) and 340-71-150(4) (a) require Grantor to execute an easement and covenant in favor of the State as a condition precedent to issuance of a favorable Report concerning the construction of a system on one lot intended to serve another lot;

NOW THEREFORE, in consideration of the issuance of the Report to Grantor by the State, and other good and valuable consideration, receipt of which is hereby acknowledge, Grantor hereby conveys to the State (Grantee), its successors and assigns, a perpetual, non-exclusive, appurtenant easement in, upon, and running with Lot I allowing the Grantee's officers, agents, employees and representatives to enter and inspect, including by excavation, the on-site sewage disposal system on Lot I serving Lot II.

GRANTORS, for themselves and their heirs, successors and assigns, covenant and agree:

1. To grant or reserve, and record a utility easement, in a form approved by the Grantee, in favor of the owner of Lot II upon severance of the above described lots; and
2. That Lot I shall not be put to any use which would be detrimental to the permitted system or contrary to any law (including an administrative rule) applicable to the permitted system.

EASEMENT AGREEMENT

Kenneth R. Thomas Arsenault
Kenneth R. Thomas Arsenault

GRANTOR

GRANTEE

WITNESSES

Kenneth R. Thomas Arsenault
35376 NE 11th St
Beaverton, OR 97007

John C. ...
35376 NE 11th St
Beaverton, OR 97007

John C. ...
35376 NE 11th St
Beaverton, OR 97007

STATE OF OREGON, }
County of Curry }

I certify that the within instrument was received for record on the _____ day of _____ at _____ o'clock _____ M., and recorded in book/roll/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____ Record District of said county.

Witness my hand and seal of County aforesaid.

By _____ Deputy

145 No. 1026

EXHIBIT "A"

That certain tract of land lying in Government Lot 2, Section 31; Township 35 South, Range 14 West, Willamette Meridian, Curry County, Oregon, described as follows:

Beginning at an iron pipe located on the westerly boundary of the right of way of the Oregon Coast Highway at a point which is 3353.3 feet North and 510.3 feet East of the Southwest corner of said Section 31;

Thence South 80°31' East 30.2 feet to the centerline of the Old Oregon Coast Highway;

Thence Northerly following the center of said Oregon Coast Highway along a 2° curve to the right 322.27 feet to the Southeastly corner of premises conveyed to Milton Forsing in Deed, Volume 57, page 80;

Thence North 80°31' West along the South boundary of the Forsing property to the ordinary high tide line of the Pacific Ocean;

Thence Southerly along the high tide line to a point that bears North 80°31' West of the point of beginning; Thence

South 80°31' East 100 feet, more or less, to an iron pipe located at the top of the bluff;

Thence continuing South 80°31' East 417.8 feet to the point of begin

EXCEPT: That portion lying within the Old Oregon State Highway.

002 34611

Signed in _____
State of Oregon _____
County of Curry _____
I hereby certify that the within instrument was recorded on the _____ day of _____ 1958
at _____ in the office of Records
Vol. _____
Witness my hand and seal of County office,
_____ Curry County Clerk
Per _____



EXHIBIT MAP "C"

THE NORTH 120 FEET OF EVEN WIDTH OF THE FOLLOWING DESCRIBED PROPERTY:

That certain tract of land in Lot Two (2) of Section Thirty-one (31), Township Thirty-five (35) South, Range Fourteen (14) West, Willamette Meridian and in Lot One (1) of Section Thirty-six (36), Township Thirty-five (35) South, Range Fifteen (15) West, Willamette Meridian, Curry County, Oregon, bounded and described as follows:

Beginning at an iron pipe located on the westerly boundary of the right of way of the Oregon Coast Highway at a point 3059.8 feet North and 428.4 feet East of the southwest corner of said Section 31, said point being the northeasterly corner of that certain tract of land described in paragraph First of deed from Frederick L. Macleay and Barbara Macleay to R. S. Sanborn, recorded in Volume 14, Deed Records of Curry County, Oregon, at Page 55, hereinafter referred to as the Sanborn Tract;

thence South 80° 31' East 30 feet to the center line of said Oregon Coast Highway right of way;

thence northeasterly, following the center line of said right of way 302.1 feet;

thence North 80° 31' West 30.2 feet to an iron pipe located on the westerly boundary of said Highway right of way to a point 3252.5 feet North and 510.3 feet East of the said southwest corner of said Section 31;

thence North 80° 31' West 417.8 feet to an iron pipe located near the top of the bluff overlooking the Pacific Ocean, said line parallel to and 300 feet northerly of, measured at right angles, the northerly line of said Sanborn tract;

thence continuing along said last described course North 80° 31' West 100 feet, more or less, to the line of ordinary high tide of the Pacific Ocean;

thence southerly following said line of ordinary high tide to a point that bears North 80° 31' West from the point of beginning;

thence South 80° 31' East 100 feet, more or less, to an iron pipe located near the top of the aforementioned bluff, and continuing along said last described course South 80° 31' East 487.0 feet to the point of beginning, said southerly line of said tract or parcel of land being identical with the aforementioned northerly line of said Sanborn Tract subject, however, to the right of the public in and to said Oregon Coast Highway.

Map No. 35-14-31B, Tax Lot No. 1101. (72463)

All of the right, title and interest of the Grantees in and to the tide lands extending to the ordinary high tide line of the Pacific Ocean lying between the north-westerly projections of the northerly and southerly lines of the tract or parcel of land above described in and conveyed to the Grantees herein.

EXHIBIT "B"

The rights of the public in and to that portion of the herein described property lying within the limits of public roads or highways.

Any adverse claim based upon the assertion that some portion of said land is tidal, submerged or submersible lands, or has been created by artificial means or has accreted to such portion is rejected.

The rights of the public and of the State of Oregon in the ocean shore and dry sands area as declared acquired under the provisions of Chapter 401 of Oregon Laws of 1967, and Chapter 401 of Oregon Laws of 1969, or otherwise.

Right of Way, including the terms and provisions thereof, recorded January 7, 1959 in Deed Volume 54, Page 421, given to West Coast Telephone Co.

An easement created by instrument, including the terms and provisions thereof.

Dated : July 25, 1988
Recorded : September 30, 1988 BR. 115 Pages 179-80
In Favor of : Coos-Curry Electric Coop
For : Right of way

Trust deed, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$40,000.00

Dated : July 8, 1989
Recorded : November 21, 1989 LMR 489-1895
Trustor : Joseph Michael Girard, as Trustee of The Joseph M. and Margaret Ann Girard Family Trust, created pursuant to a Declaration, dated January 1, 1988

Trustee : Curry County Title, Inc.
Beneficiary : Carol D. Wanzers

STATE OF OREGON }
COUNTY OF CURRY }

JUL 30 PM 3 07
ELAINE JOY
CURRY COUNTY CLERK

I hereby certify that the within instrument was received and duly recorded in the official records of CURRY COUNTY:

By: [Signature]
Folio: [Blank] Page: 3
Inst. No. 04229

1992 INSTRUMENT 92 07951

STATE OF OREGON
COUNTY OF CURRY

ELAINE JOY, COUNTY CLERK, CERTIFY THAT THE WITHIN DOCUMENT WAS RECEIVED AND DULY RECORDED IN THE OFFICIAL RECORDS OF CURRY COUNTY AT

12:01 09-03-92

BY: MO DEPUTY

FEE \$ 50.00

PAGES: 5