

THIS AGREEMENT, made and entered into at Klamath Falls, Oregon by and between the City of Klamath Falls, a municipal corporation, Klamath County, Oregon, herein called "City" and Basin View Development Company, an Oregon corporation, herein called "Developer":

## WITNESSETH:

WHEREAS, an error has been discovered in the legal description contained in the January 2, 1979 agreement entered into between the parties hereto; and

WHEREAS, the parties wish to correct said error;

NOW, THEREFORE, City and Developer agree as follows:

THE AGREEMENT between City and Developer, dated January 2, 1979, a copy of which is attached hereto as Appendix "A", is hereby amended as follows:

- 1) The legal description contained in the "Whereas" clause on page one of the agreement shall read:

Township 38 South, Range 9 East of the Willamette Meridian,

Section 22 - SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$   
 Section 23 - S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
 Section 25 - W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$   
 Section 26 - E $\frac{1}{2}$ , NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$   
 Section 27 - E $\frac{1}{2}$ NE $\frac{1}{4}$   
 Section 35 - N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$   
 Section 36 - NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and all that land in the S $\frac{1}{2}$  lying easterly of the Second Addition to Moyina and Tract 1003 Third Addition to Moyina, both in Klamath County, Oregon, according to the official plats thereof on file in the office of the County Clerk of Klamath County, Oregon.

EXCEPTING: That tract of land in Sections 22 and 23 described as follows: Beginning at a point from which the northwest corner of said Section 23 bears N11°01'00"W 4374.62 feet; thence N67°11'54"W to the west line of the E $\frac{1}{2}$ E $\frac{1}{2}$  of said Section 22; thence northerly along said line to the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 22; thence Easterly along the north line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 22 and the north line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 23 to a point that bears North of the point of beginning; thence South to the point of beginning; ALSO EXCEPTING the tracts of land described in Deed Volume M74 at page 10332 and In Deed Volume M74 at page 4136, on file in the office of the County Clerk of Klamath County, Oregon.

- 2) In all other respects, the provisions of the January 2, 1979 agreement shall remain the same.

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IN WITNESS WHEREOF, the respective parties have executed this agreement on the dates below written.

CITY:

CITY OF KLAMATH FALLS,  
a municipal corporation

Date: 2/21/79

By George C. Flitcraft  
George Flitcraft, Mayor

Date: 2/21/79

ATTEST: Harold Derrah  
Harold Derrah, Recorder

DEVELOPERS:

BASIN VIEW DEVELOPMENT CO.,  
an Oregon corporation

Date: February 5, 1979

By Melvin L. Stewart  
Melvin L. Stewart, President

STATE OF OREGON  
COUNTY OF KLAMATH  
CITY OF KLAMATH FALLS } ss.

Personally appeared before me GEORGE FLITCRAFT AND HAROLD DERRAH who, being duly sworn, each for himself and not one for the other, did say that the former is the Mayor and that the latter is the Recorder of the CITY OF KLAMATH FALLS, a municipal corporation, and that said instrument was signed on behalf of said corporation by authority of its council; and each of them acknowledged said instrument to be its voluntary act and deed.

DATED this 21<sup>st</sup> day of February, 1979.

Margaret S. Comer  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 11/20/82

STATE OF OREGON  
COUNTY OF KLAMATH  
CITY OF KLAMATH FALLS } ss.

Personally appeared before me MELVIN L. STEWART, who, being duly sworn, did say that he is the President of Basin View Development Co., an Oregon corporation, and that said instrument was signed on behalf of said corporation; and he acknowledged said instrument to be its voluntary act and deed.

DATED this 5<sup>th</sup> day of February, 1979.

Beverly J. Stewart  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: September 19, 1980

After recording, return to the City of Klamath Falls, P. O. Box 237,  
Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 7th day of March A.D., 1979 at 9:59 o'clock A M., and duly recorded in Vol. M79 of Deeds on Page 5113.

FEE \$6.00

WM. D. MILNE, County Clerk  
By Bernetha Shutsch Deputy