

32036

ENCROACHMENT AGREEMENT AND EASEMENT

Vol. m91 Page 14017

K-43316

WHEREAS, ROBERT W. GRAHAM is the owner of that property described in Exhibit A attached,

and WHEREAS, R. RAND HALE is the owner of that property described in Exhibit B attached,

and for and in consideration of the covenants and conditions hereinafter set forth, said parties Graham and Hale agree as follows:

Robert W. Graham hereby gives and grants to R. Rand Hale, his successors and assigns permission to encroach upon a portion of that property described in Exhibit A insofar as structures and improvements are now located,

and R. Rand Hale hereby gives and grants to Robert W. Graham his successors and assigns permission to encroach upon a portion of that property described in Exhibit B insofar as structures and improvements are now located.

Both parties expressly reserve the right to enter the encroachment area for the purpose of maintaining, repairing and replacing any structures or improvements as they now exist.

Both parties, by execution hereunder, shall save and hold harmless each to the other, any liability for or on account of any damage to property incurred in any manner whatsoever growing out of the use of the privilege herein granted.

In witness whereof, the parties hereto have caused this agreement to be executed this 8th day of July, 1991.

Robert W. Graham

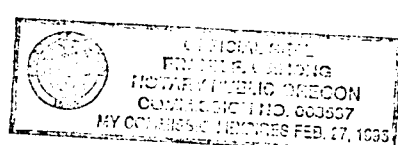
ROBERT W. GRAHAM

R. Rand Hale

R. RAND HALE

State of Oregon)
) ss.
County of Klamath)

Personally appeared the above named Robert W. Graham and R. Rand Hale and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me:

Frank J. Sarnoy
My Commission expires FEB 27, 1995

Exhibit A

A portion of Lot 5, Block 48, Nichols Addition to the City of Klamath Falls, Oregon, more particularly described as follows: Beginning at an iron pin on the Northwest corner of said Lot 5; thence N. 52°42' E. along the Northwesterly line of said Lot 5 a distance of 25.5 feet; thence S. 37°18' E. a distance of 26.5 feet; thence S. 52°42' W. a distance of 25.5 feet to the Southwesterly line of said Lot 5; thence N. 37°18' W. along the Southwesterly line of said Lot 5 a distance of 26.5 feet, more or less, to the point of beginning.

A portion of Lots 5 and 6, Block 48, Nichols Addition to the City of Klamath Falls, Oregon, more particularly described as follows: Beginning at a point on the Northwesterly line of said Lot 5, said point being N. 52°42' E. a distance of 25.5 feet from the Northwest corner of said Lot 5; thence N. 52°42' E. along the Northwesterly line of said Lots 5 and 6 a distance of 60.33 feet to an "X" etched in the concrete sidewalk; thence S. 37°18' E. parallel with the Southwesterly line of Lot 6 a distance of 49.5 feet; thence S. 52°42' W. a distance of 60.33 feet; thence N. 37°18' W. a distance of 49.5 feet, more or less, to the point of beginning.

A portion of Lots 5 and 6 Block 48, Nichols Addition to the City of Klamath Falls, Oregon, more particularly described as follows: Beginning at a point on the Southwesterly line of said Lot 5, said point being S. 37°18' E. a distance of 89.5 feet from the Northwest corner of said Lot 5; thence S. 37°18' E. along the Southwesterly line of said Lot 5 a distance of 18.15 feet to an iron pin on the Northwesterly line of a 14-foot alley; thence N. 52°42' E. along the Northwesterly line of said alley a distance of 85.83 feet to an iron pin; thence N. 37°18' W. parallel with the Southwesterly line of said Lot 6 a distance of 58.15 feet; thence S. 52°42' W. a distance of 60.33 feet; thence S. 37°18' E. a distance of 40.0 feet; thence S. 52°42' W. a distance of 25.5 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM, a portion of Lot 5, Block 48, Nichols Addition, City of Klamath Falls: Beginning at a point on the Southwesterly line of Lot 5, said point being S. 37°18' E., a distance of 89.5 feet from the Northwest corner of said Lot 5, said point also being the most Southerly corner of property conveyed by deed recorded in Volume 331, page 268, Deed Records of Klamath County, Oregon; thence N. 52°42' E., following the Southeasterly boundary of that property conveyed by aforementioned deed, 25.50 feet to a point; thence N. 37°18' W. 37.5 feet to a point; thence at right angles N. 52°42' E., 1.00 feet to a point; thence again at right angles S. 37°28' E. 60.65 feet to a point on the Northwesterly boundary of that property conveyed to the City of Klamath Falls by deed recorded in Volume 305 on page 362, Deed Records of Klamath County, Oregon; thence along said Northwesterly line S. 52°42' W. 26.50 feet to a point on the Southwesterly line of Lot 5, thence N. 37°18' W. 18.15 feet to the point of beginning.

EXHIBIT "B"

DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

A portion of Lot 5 in Block 48, Nichols Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Southwesterly line of Lot 5, said point being South 37° 18' East a distance of 26.5 feet from the Northwest corner of said Lot 5; thence South 37° 18' East a distance of 81.15 feet to a point being 12.00 feet North 37° 18' West from the Southwest corner of said Lot 5; thence North 52° 42' East, a distance of 26.50 feet; thence North 37° 18' West, a distance of 60.65 feet; thence South 52° 42' West, a distance 1.00 feet; thence North 37° 18' West, a distance of 20.50 feet; thence South 52° 42' West a distance of 25.50 feet to the point of beginning.

Together with easements appurtenant thereto contained in Deed Recorded in Volume M76 page 1066, Deed Records of Klamath County, Oregon.

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

Klamath County Title Co.
on this 18th day of July A.D., 19 91
at 9:46 o'clock A M. and duly recorded
in Vol. M91 of Deeds Page 14017.

Evelyn Biehn
By D. A. Muelender County Clerk

Fee, \$38.00

Deputy.