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GRANT OF SLOPE EASEMENT
(Mulvey)

THIS INDENTURE IS MADE THIS 5th DAY OF March, 1993, BY MULVEY LOVING TRUST ("GRANTOR") TO ALBERTSON'S, INC., A DELAWARE CORPORATION ("GRANTEE").

WHEREAS, Grantor is seized of an estate in fee simple of a parcel of land located in Klamath County, Oregon more particularly described on Exhibit "A" attached hereto (the "Mulvey Property"); and

WHEREAS, Grantor has agreed, in return for the construction of a 6-ft. chain link fence and other good and value consideration, to grant to Grantee a Slope Easement over the Mulvey Property.

NOW, THEREFORE, the parties hereby agree as follows:

1. Grantee's Work. If and when Grantee purchases the property located immediately adjacent to the north boundary of the Mulvey Property and more particularly described on Exhibit "B" attached hereto (the "Proposed Albertson's Property"), Grantee will, within one (1) year of the date Grantee purchases the Proposed Albertson's Property, complete the following tasks:

- (a) remove the existing chain link fence and berm as shown on Exhibit "C" attached hereto;
- (b) construct a new 6-ft. chain link fence in the location designated on Exhibit "C" to the specifications shown in the lower left-hand corner of Exhibit "C";
- (c) regrade the land north and south of the new chain link fence as shown in the upper right-hand corner of Exhibit "C";
- (d) landscape the regraded property to the ~~south~~ ^{North} of the new chain link fence with a low maintenance ground cover suitable to the site; and
- (e) place compacted crushed rock (1-in. or less in diameter) 6 inches deep at finish grade on the north side of the newly constructed chain link fence.

Paragraphs (a), (b), (c), (d) and (e) above shall hereinafter be referenced to collectively as the "Grantee's Work." Grantee will comply with the one-year time period set forth in this Paragraph 1; provided, however, that said period shall be extended for a period or periods of time equal to any period or periods of delay caused by strikes, lockouts, fire or other casualty, the elements or acts of God, refusal or failure of governmental authorities to grant necessary permits and approvals for the construction of the improvements contemplated hereunder (Albertson's agrees to use reasonable diligence to procure the same), or other causes, other than financial, beyond its reasonable control.

After Recording Return to:

Rita L. Berry
Dawson-Troxell Ennis & Hawley
First Interstate Center
Suite 1000 P.O. Box 1617
Boise, Idaho 83701

2. Slope Easement. Grantor hereby grants, bargains, sells and conveys to Grantee, its agents and employees, and the agents and employees of its agents and employees, a slope easement over that portion of the Mulvey Property more particularly described on Exhibit "D" attached hereto for the purpose of placing fill from road and canal construction on the Proposed Albertson's Property and completing the Grantee's Work (the "Slope Easement").
3. Termination. The Slope Easement shall automatically terminate on the date Grantee completes the Grantee's Work. In the event Grantee does not purchase the Proposed Albertson's Property within one (1) year following the date hereof, the Slope Easement granted hereby shall automatically terminate and Grantee shall have no obligation to complete the Grantee's Work.

IN WITNESS WHEREOF, this Grant of Slope Easement is executed the day and year first above written.

MULVEY LOVING TRUST

By: Jim Mulvey Trustee By: Patricia J. Mulvey Trustee
 By: _____ Trustee

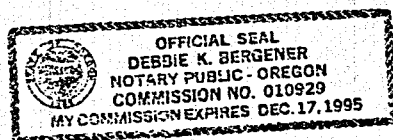
ALBERTSON'S, INC.

By: William H. Arnold
 William H. Arnold
 Vice President, Real Estate Law

STATE OF OREGON)
 County of Klamath) ss.

On this 5th day of March, 1993, before me, Debbie Bergener, a Notary Public in and for said state, personally appeared Jim Mulvey & Patricia J. Mulvey, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Mulvey Loving Trust and acknowledged to me that he/she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Debbie K. Bergener
 Notary Public for Oregon
 My commission expires 12-17-95

STATE OF OREGON

County of _____

} ss.

On this ____ day of _____, 1993, before me, _____, a Notary Public in and for said state, personally appeared _____ known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Mulvey Loving Trust and acknowledged to me that he/she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Oregon
My commission expires _____

STATE OF OREGON

County of _____

} ss.

On this ____ day of _____, 1993, before me, _____, a Notary Public in and for said state, personally appeared _____ known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Mulvey Loving Trust and acknowledged to me that he/she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Oregon
My commission expires _____

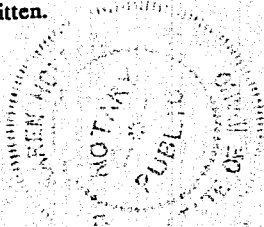
STATE OF IDAHO

County of Ada

} ss.

On this 12th day of March, 1993, before me, Karen Hopper, a Notary Public in and for said State, personally appeared William H. Arnold, to me known to be Vice President, Real Estate Law of Albertson's, Inc., the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.



Karen Hopper
Notary Public in and for the State of Idaho
Residing at Boise, ID
My Commission Expires 8-21-98

EXHIBIT "A"

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 2, BAILEY TRACTS NO. 2, in the County of Klamath, State of Oregon, EXCEPTING THEREFROM the South 60 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 2 of BAILEY TRACTS NO. 2, in the County of Klamath, State of Oregon.

ALSO EXCEPTING: Beginning at the Southwest corner of Lot 9, Block 2 of BAILEY TRACTS NO. 2; thence East 639 feet; thence South 60 feet; thence West 639 feet; thence North 60 feet to the place of beginning, being a part of BAILEY TRACTS NO. 2, which was formerly Nadine Street.

ALSO EXCEPTING THEREFROM a portion of Lots 8 and 9, Block 2, BAILEY TRACTS NO. 2, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point on the West line of Lot 9, Block 2, BAILEY TRACTS NO. 2, which bears North 0 degrees 02' East 135 feet from the Southwest corner of said Lot 9; thence South 89 degrees 59' East 149 feet to the East line of Lot 8 said Block 2; thence North 0 degrees 02' East along the East line of said Lot 8 a distance of 75 feet; thence North 89 degrees 59' West a distance of 149 feet more or less to the West line of said Lot 9; thence South 0 degrees 02' West along the West line of said Lot 9 a distance of 75 feet, more or less to the point of beginning.

ALSO EXCEPTING THEREFROM: Beginning at a point on the West line of Lot 9, Block 2, BAILEY TRACTS NO. 2, which bears North 0 degrees 02' East 60 feet from the Southwest corner of said Lot 9; thence South 89 degrees 59' East 149 feet to the East line of Lot 8 said Block 2; thence North 0 degrees 02' East along the East line of said Lot 8 a distance of 75 feet; thence North 89 degrees 59' West a distance of 149 feet, more or less, to the West line of said Lot 9; thence South 0 degrees 02' West along the West line of said Lot 9 a distance of 75 feet, more or less, to the point of beginning, being a portion of Lots 8 and 9 in Block 2 of BAILEY TRACT NO. 2.

EXCEPTING THEREFROM a tract of land situated in Lots 1, 2 and 3 Block 2 of "Bailey Tracts No. 2", a duly recorded subdivision and in the NE1/4 SE1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the E1/4 of said Section 2; thence South 42 degrees 38' 05" West 637.81 feet to the Southeast corner of the proposed Albertson's parcel, being the true point of beginning of this description; thence North 00 degrees 00' 26" East, along the East line of said proposed Albertson's Parcel, 164.23 feet, more or less, to a point on the Northerly line of that Tract of land described as Parcel 1 in Deed Volume M89, page 25,077, Microfilm Records of Klamath County, Oregon (Southerly line of the Enterprise Irrigation District Canal); thence Westerly, along said Northerly line, North 70 degrees 23' 30" West 147.82 feet, South 79 degrees 35' 30" West 51.00 feet, and South 39 degrees 28' 30" West 68.00 feet, more or less, to a point on the East line of said "BAILEY TRACTS NO. 2"; thence South 00 degrees 03' 14" West, along said East line, 5.56 feet, more or less, to the Northeast corner of Block 2 of said "BAILEY TRACTS NO. 2"; thence along the Northerly line of said Block 2, South 39 degrees 42' 12" West 110.05 feet, South 56 degrees 51' 29" West 83.54 feet, and South 70 degrees 34' 13" West 74.16 feet to the Northwest corner of Lot 3 Block 2; thence North 88 degrees 54' 32" East 442.90 feet to the true point of beginning.

ALSO EXCEPTING a tract of land situated in Lots 8 and 9 Block 2 of "BAILEY TRACTS NO. 2", a duly recorded subdivision, being in the NE1/4 SE1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said Lot 9 Block 2; thence North 83 degrees 46' 55" East 79.55 feet to the Northeast corner of said Lot 9 Block 2; thence South 66 degrees 29' 10" East, along the Northerly line of said Lot 8 Block 2, 18.22 feet; thence South 83 degrees 33' 31" West 96.45 feet, to a point on the West line of said Lot 9 Block 2; thence North 00 degrees 17' 12" East 9.48 feet to the point of beginning.

EXHIBIT "B"

LEGAL DESCRIPTION
OF
PROPOSED ALBERTSON'S PARCEL

A TRACT OF LAND SITUATED IN LOTS 1 THROUGH 8 OF BLOCK 1 AND LOTS 1 THROUGH 3, 8 AND 9 OF BLOCK 2 OF "BAILEY TRACTS No. 2" A DULY RECORDED SUBDIVISION, AND IN THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 2, T39S, R9EWM, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 BLOCK 1 OF SAID "BAILEY TRACTS No. 2"; THENCE N89°43'42"W 560.00 FEET TO THE NORTHWEST CORNER OF LOT 8 BLOCK 1 OF SAID "BAILEY TRACTS No. 2"; THENCE S00°17'12"W 266.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE S83°33'31"W 77.36 FEET TO THE SOUTHWEST CORNER OF LOT 9 BLOCK 1 OF SAID "BAILEY TRACTS No. 2"; THENCE S00°17'12"W 35.24 FEET TO A POINT ON THE WEST LINE OF LOT 3 BLOCK 2 OF SAID "BAILEY TRACTS No. 2"; THENCE N83°33'31"E 96.45 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 8 OF SAID BLOCK 2; THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK 2 S66°29'10"E 57.79 FEET, S59°19'49"E 81.02 FEET, S59°57'23"E 80.55 FEET, S66°30'44"E 76.10 FEET, AND S82°23'40"E 70.49 FEET TO THE NORTHWEST CORNER OF LOT 3 BLOCK 2 OF SAID "BAILEY TRACTS No. 2"; THENCE N88°54'32"E 442.90 FEET TO A POINT FROM WHICH THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED VOLUME M90 PAGE 2677 OF THE KLAMATH COUNTY DEED RECORDS BEARS N00°00'26"E 176.64 FEET AND THE EAST 1/4 CORNER OF SAID SECTION 2 BEARS N42°38'05"E 637.81 FEET; THENCE N00°00'26"E 431.28 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN DEED VOLUME M90 PAGE 2677; THENCE N89°43'42"W 232.41 FEET TO THE POINT OF BEGINNING, CONTAINING 7.535 ACRES, MORE OR LESS.

EXHIBIT "D"

LEGAL DESCRIPTION
OF
SLOPE EASEMENT ON MULVEY PROPERTY

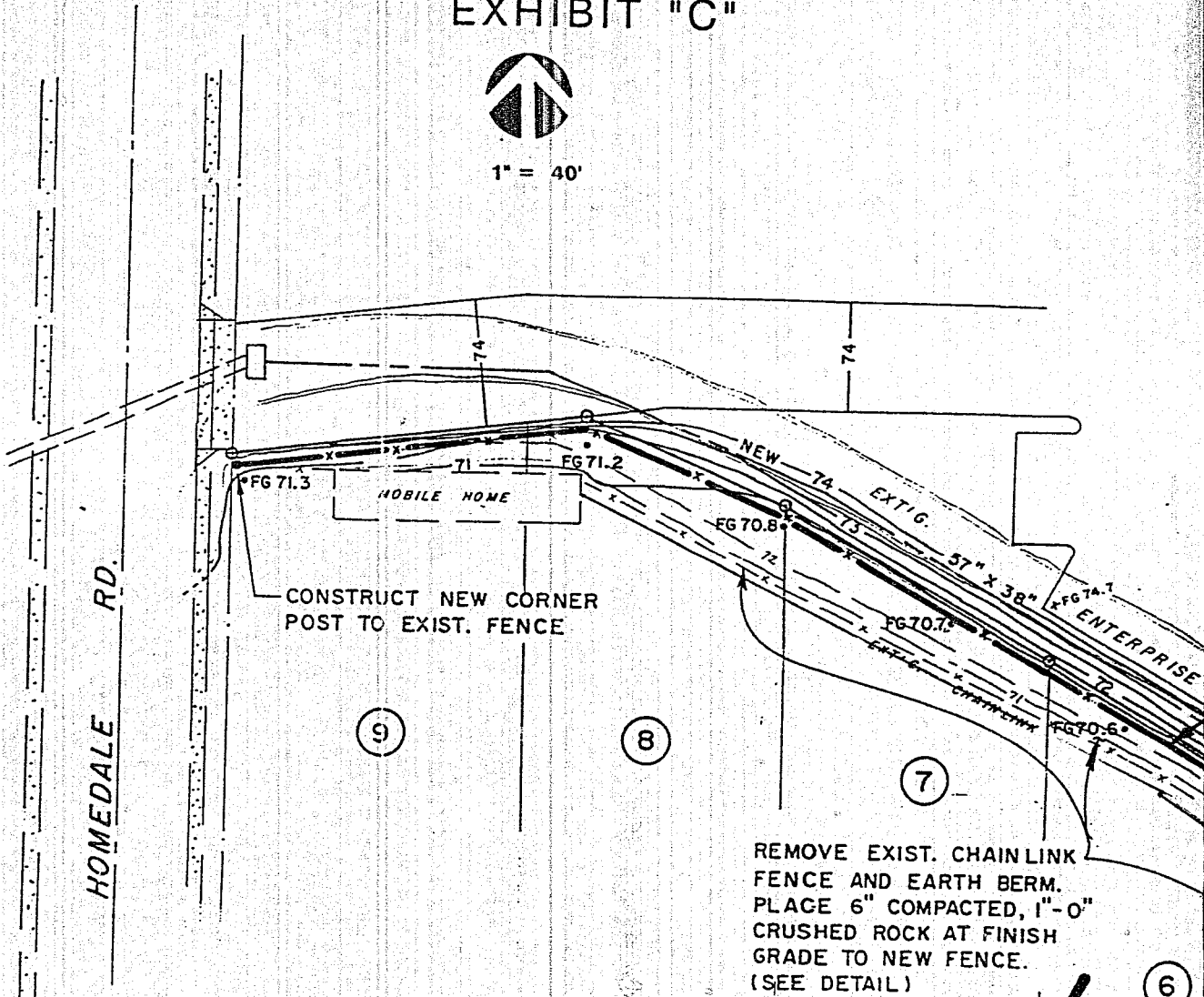
A TRACT OF LAND IN LOTS 1, 2, 3, AND 4 OF BLOCK 2 OF "BAILEY TRACTS NO. 2", A DULY RECORDED SUBDIVISION IN THE NE1/4 SE1/4 OF SECTION 2, T39S, R9EW, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE E1/4 CORNER OF SAID SECTION 2; THENCE S42°38'05"W 637.05 FEET TO THE SOUTHEAST CORNER OF THE PROPOSED ALBERTSON'S PARCEL; THENCE S88°54'32"W, ALONG THE SOUTH LINE OF THE PROPOSED ALBERTSON'S PARCEL, 232.81 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID LOT 1 AND BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S00°03'14"W, ALONG THE EAST LINE OF SAID LOT 1 BLOCK 2, 10.00 FEET; THENCE S38°54'32"W 235.90 FEET; THENCE N01°05'28"W 13.84 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 4 AND ON THE SOUTHERLY LINE OF THE PROPOSED ALBERTSON'S PARCEL; THENCE ALONG SAID SOUTHERLY LINE S82°23'40"E 25.40 FEET AND N88°54'32"E 210.09 FEET TO THE POINT OF BEGINNING.

EXHIBIT "C"

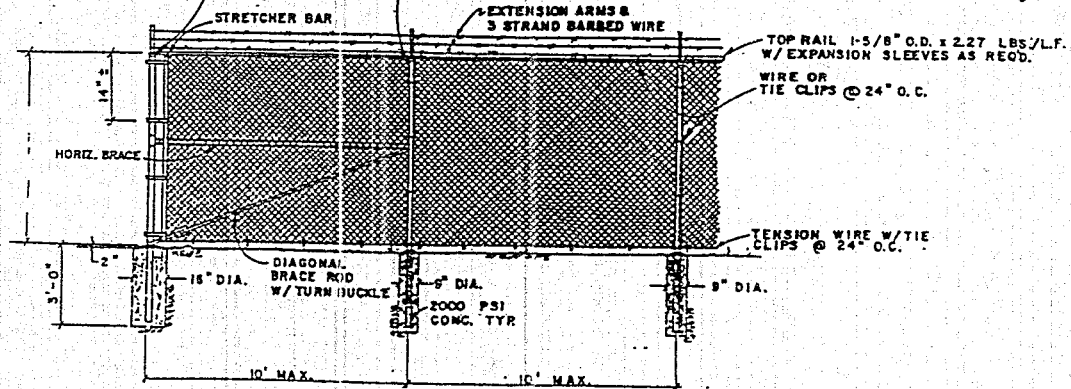


1" = 40'

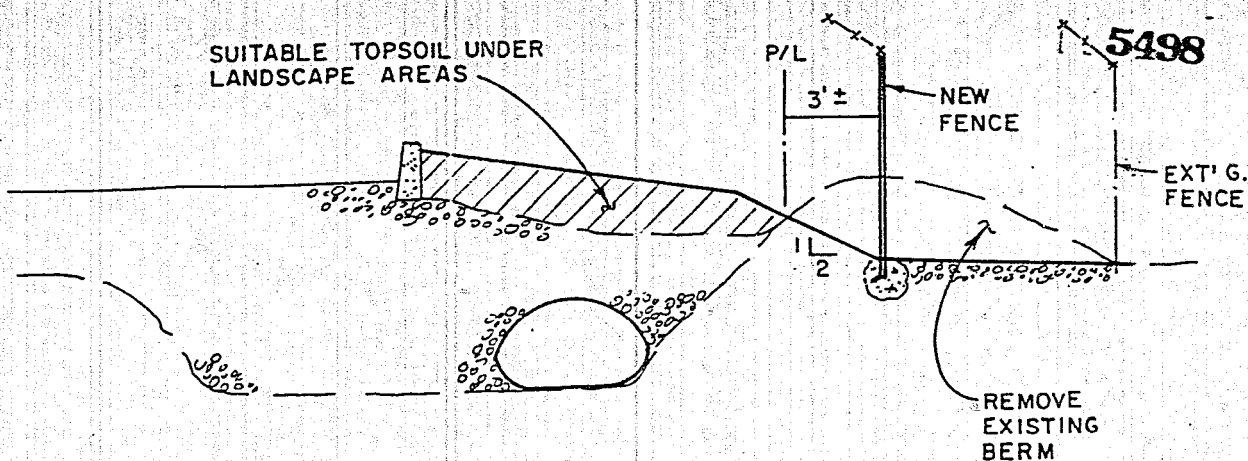


2-7/8" O.D. (5.79 LBS./L.F.)
CORNER POST, ANGLE POST
PULL & END POST.

LINE POST 2" x 2-1/4" H COLUMN @ 4.1 LBS./L.F.
ON 2-1/2" O.D. @ 3.65 LBS./L.F.

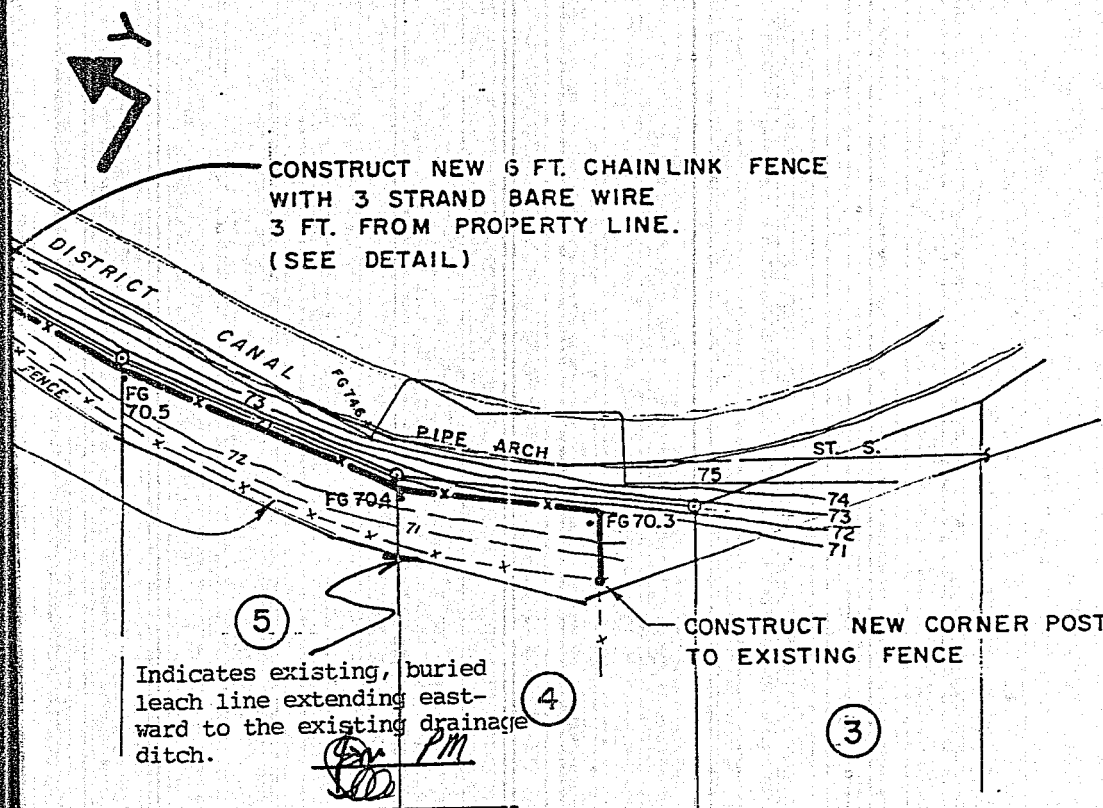


TYP. FENCE DETAIL



SECTION Y - Y

N.T.S.



It is understood that Albertson's, Inc. will not block this drain and/or will relocate the drain, if necessary, at sole cost to Albertson's, Inc.

Jim Muelley
Patricia J. Muelley

EXHIBIT MAP

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co the 17th day of March A.D., 19 93 at 10:44 o'clock A M., and duly recorded in Vol. M93 of Deeds on Page 5491.

FEE 65.00

Evelyn Biehn, County Clerk

By *Pauline Muelley*