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(12)

Vol. m 93 Page 10256

#577 6th & Homedale  
Klamath Falls, OR  
4/22/93

Aspen Title #01038257

**ACCESS EASEMENT**

THIS INDENTURE is made this 7<sup>th</sup> day of may, 1993, by ALBERTSON'S REALTY, INC., an Idaho corporation ("Grantor"), to ALBERTSON'S, INC., a Delaware corporation ("Grantee").

WHEREAS, Grantor owns a parcel of land located in Klamath County, Oregon more particularly described on Schedule I attached hereto (the "Realty Property");

WHEREAS, Grantee owns a parcel of land located in Klamath County, Oregon more particularly described on Schedule II (the "Albertson's Property");

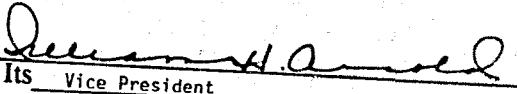
WHEREAS, Grantor has agreed, for good and valuable consideration, to grant to Grantee an access easement over the Realty Property for purposes of ingress and egress to and from the Albertson's Property.

NOW, THEREFORE, Grantor hereby grants, bargains, sells and conveys to Grantee, and its successors in interest in the Albertson's Property, a permanent, non-exclusive 35-foot easement over the portion of the Realty Property cross-hatched on Exhibit "A", and more particularly described in Schedule III attached hereto, for ingress and egress to and from the Albertson's Property to and from that certain public street commonly known as Madison Street. Grantor, at Grantor's expense, shall maintain such easement for the benefit of both parties.


This Easement runs with the land and binds the successors-in-interest and assigns to each parcel.

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

ALBERTSON'S REALTY, INC., an Idaho corporation

By   
Its Vice President

ALBERTSON'S, INC., a Delaware corporation

By   
Vice President, Real Estate Law

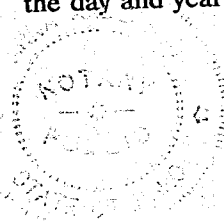
STATE OF IDAHO

County of Ada

) ss.

On this 4<sup>th</sup> day of May, 1993, before me, Anna Anderson, a Notary Public in and for said State, personally appeared William H. Arnold, known or identified to me to be the Vice President of Albertson's Realty, Inc., the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Anna Anderson  
Notary Public for Idaho  
Residing at Borisi, Id  
My commission expires 4/15/99

STATE OF IDAHO

County of Ada

) ss.

On this 4<sup>th</sup> day of May, 1993, before me, Anna Anderson, a Notary Public in and for said State, personally appeared William H. Arnold, known to me 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.



Anna Anderson  
Notary Public for Idaho  
Residing at Borisi, Id  
My commission expires 4/15/99

10258

## Owners

Erwin R. Ritter, L.S. W.R.E.  
Dennis A. Ensor, L.S. W.R.E.

TRU (SURVEYING) LINE

## SCHEDULE I

LEGAL DESCRIPTION  
OF  
ALBERTSON'S SURPLUS PARCEL

A TRACT OF LAND SITUATED IN THE NE1/4 SE1/4 OF SECTION 2,  
T39S, R9EWM, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED  
AS FOLLOWS.

BEGINNING AT THE 1/4 CORNER ON THE EAST LINE OF SAID SECTION  
2; THENCE N89°43'42"W 30.00 FEET AND S00°00'18"E 426.70 FEET TO  
THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED  
VOLUME 113 PAGE 587 OF THE KLAMATH COUNTY DEED RECORDS ON THE  
WESTERLY RIGHT OF WAY LINE OF MADISON STREET AND BEING THE TRUE  
POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N70°19'00"W 426.92  
FEET, ALONG THE SOUTH LINE OF THE FOLLOWING TRACTS OF LAND  
DESCRIBED IN THE KLAMATH COUNTY DEED RECORDS, VOLUME 113 PAGE 587,  
VOLUME 100 PAGE 619, VOLUME 92 PAGE 213, VOLUME 107 PAGE 614, AND  
VOLUME 92 PAGE 355 TO THE SOUTHWEST CORNER OF SAID VOLUME 92 PAGE  
355, BEING ON THE EAST LINE OF THE PROPOSED ALBERTSON'S PARCEL;  
THENCE S00°00'26"W 186.48 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, 232.02 FEET TO A POINT ON  
THE EAST LINE OF "BAILEY TRACTS No. 2" A DULY RECORDED  
SUBDIVISION; THENCE ALONG THE LINE DESCRIBED AS PARCEL 1 IN DEED  
VOLUME M89 PAGE 25,075 OF THE KLAMATH COUNTY DEED RECORDS,  
S00°20'39"W 166.08 FEET TO AN IRON PIN MARKING THE NORTHWEST  
CORNER OF LOT 7 BLOCK 1 OF "BEL-AIRE GARDENS", A DULY RECORDED  
SUBDIVISION; THENCE S89°46'21"E 430.44 FEET TO AN IRON PIN MARKING  
THE NORTHERLY CORNER OF LOT 3 BLOCK 1 OF SAID "BEL-AIRE GARDENS";  
THENCE CONTINUING S89°46'21"E 74.63 FEET (75.00 FEET BY DEED);  
THENCE N00°00'51"W 100.00 FEET; THENCE S89°46'21"E 129.94 FEET TO  
THE WESTERLY RIGHT OF WAY LINE OF MADISON STREET; THENCE  
N00°00'18"W 115.70 FEET TO THE TRUE POINT OF BEGINNING.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Dennis A. Ensor*  
DENNIS A. ENSOR

O.L.S. 2442

*Dennis A. Ensor*  
OREGON  
JULY 25, 1990  
DENNIS A. ENSOR  
2442

EXPIRES 12-31-93



## LEGAL DESCRIPTION -- ALBERTSON'S PARCEL

A TRACT OF LAND SITUATED IN LOTS 1 THROUGH 8 OF BLOCK 1 AND LOTS 1, 2, 3, 8, AND 9 OF BLOCK 2 OF "BAILEY TRACTS No. 2", A DULY RECORDED SUBDIVISION, AND IN THE NE1/4 SE1/4 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", BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF SOUTH SIXTH STREET; THENCE N89°43'42"W, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 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", BEING ON THE EASTERLY RIGHT OF WAY LINE OF HOMEDALE ROAD; THENCE S00°17'12"W, ALONG SAID EASTERLY RIGHT OF WAY LINE, 35.24 FEET TO A POINT ON THE WEST LINE OF LOT 9 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, BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF SOUTH SIXTH STREET; THENCE N89°43'42"W 232.41 FEET TO THE POINT OF BEGINNING, CONTAINING 7.535 ACRES, MORE OR LESS.

## SCHEDULE III

LEGAL DESCRIPTION  
OF  
35 FOOT EASEMENT  
(SWANSON AND TSHOPPE TO ALBERTSONS)

AN EASEMENT 35 FEET IN WIDTH SITUATED 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 E  $\frac{1}{4}$  CORNER OF SAID SECTION 2; THENCE  
S42°38'05"W 637.81 FEET TO THE SOUTHEAST CORNER OF THE PROPOSED  
ALBERTSON'S PARCEL AND BEING THE TRUE POINT OF BEGINNING OF  
THIS DESCRIPTION; THENCE N88°54'32"E 402.10 FEET TO A POINT  
ON THE WESTERLY RIGHT OF WAY LINE OF MADISON STREET; THENCE  
N00°00'18"W 35.00 FEET TO THE SOUTHEAST CORNER OF THAT TRACT  
OF LAND DESCRIBED IN DEED VOLUME 113 PAGE 587 OF THE KLAMATH  
COUNTY DEED RECORDS; THENCE S88°54'32"W 402.10 FEET TO A POINT  
ON THE EAST LINE OF THE PROPOSED ALBERTSON'S PARCEL; THENCE  
S00°00'26"W 35.00 FEET TO THE TRUE POINT OF BEGINNING.

10261

KLAMATH FALLS / LAKEVIEW HIGHWAY

( SO. SIXTH ST. )

HOMEDALE ROAD

NOT

A

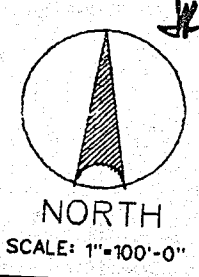
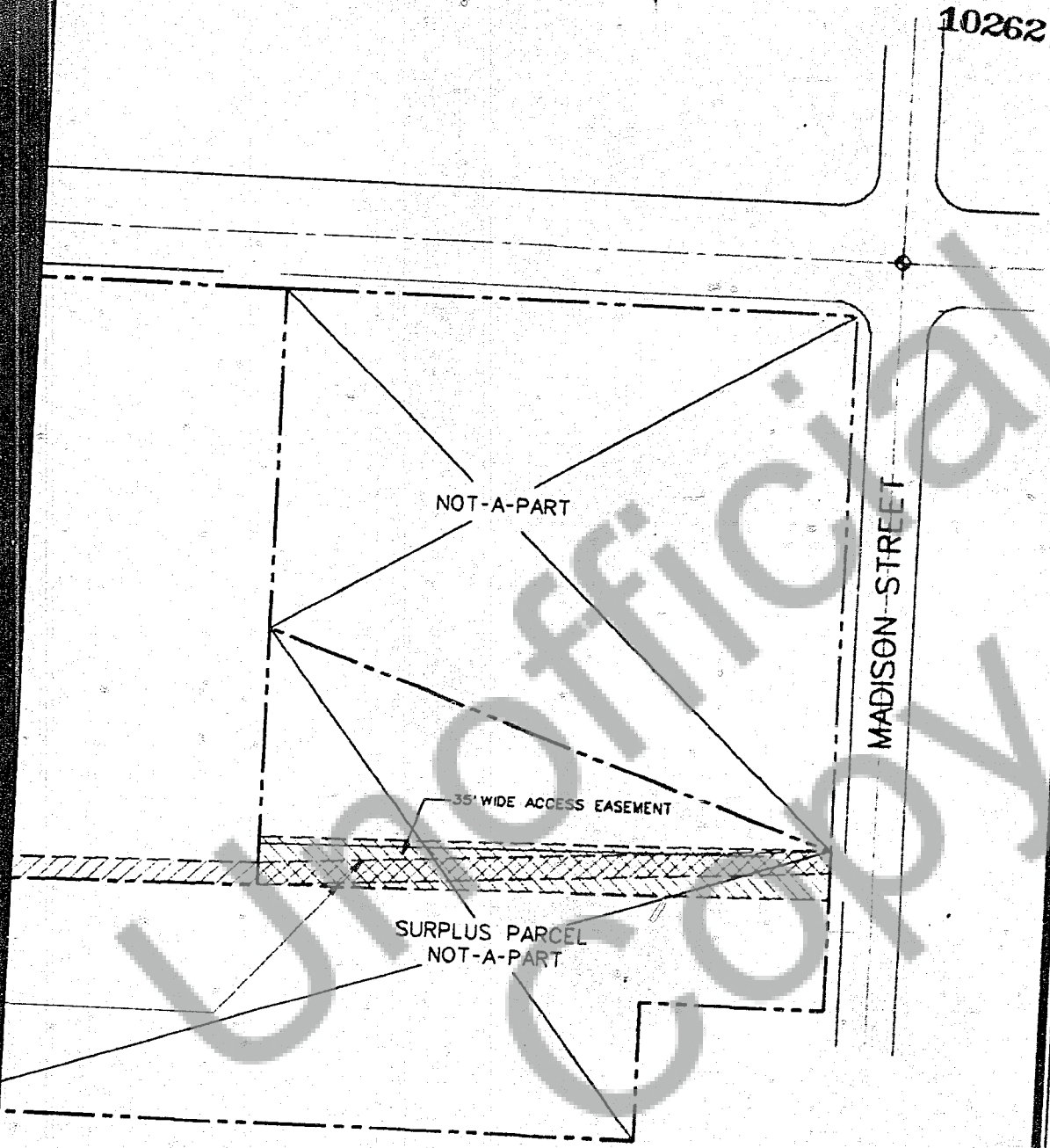
PART

SIGN  
EASEMENT

SIGN VISIBILITY EASEMENT

ENTERPRISE  
IRRIGATION CANAL  
EASEMENT





STATE OF OREGON, ss.  
County of Klamath

Filed for record at request of:

Aspen Title Co  
on this 7th day of May A.D., 19 93  
at 3:23 o'clock P.M. and duly recorded  
in Vol. M93 of Deeds Page 10256  
Evelyn Biehn County Clerk  
By Daniel M. Mendenhall  
Deputy.

Fee, \$60.00

ALBERTSONS NO. 577  
S.E.C. HOMEDALE RD. & SO. SIXTH STREET KLAMATH FALLS, OR



DATE 4-28-93

EASEMENT  
LOCATION  
PLAN

1  
577.49