

EASEMENT AGREEMENTDATED: 12-4-96

In consideration of the sum of \$10.00, Perry A. and Iva Mae Langer, Grantors, convey to Klamath County, a political subdivision of the State of Oregon, Grantee, its successors and assigns, an exclusive use of the property of the Grantors, described below, for so long as Klamath County owns the appurtenant property to the servient property and uses the appurtenant property as the Applegate Trail Wayside, a tourist information center:

The parcel is bounded:

On the south [151 feet, more or less] by that property owned by Klamath County Department of Tourism, Deed Vol. M95, page 23466, dated August 30, 1995;

On the northwest [254 feet, more or less] {the northwest corner is marked by a fence post corner and a 3/4" steel pipe} by Southern Pacific Lines right-of-way acquired by Deed Vol. 22, page 549, dated May 10, 1907;

On the north by a wire fence leading easterly from above noted 3/4" steel pin 116' to a gate post ending the fence, thence 17 feet along the fence line extended to the northwest right-of-way line of Highway U.S. 97; noted wire fence and gate separates the land of Perry A. and Iva Mae Langer from that parcel conveyed to the California Northeastern Railway Company by Frank H. Downing, et al., Deed Vol. 25, page 154, dated September 5, 1908; and

Bounded on the east [213 feet, more or less] by the northwesterly right-of-way line of Highway U.S. 97, as constructed. The southeast corner of the parcel is a 5/8" steel pin surmounted by a yellow plastic cap marked "Tru-Line Surveying, LS658".

The description above contains 0.76 acre, more or less. All references to deed volumes and pages pertain to the records of Klamath County, Oregon.

The terms of this Easement are as follows:

1. Grantee, its agents, independent contractors and invitees shall use this Easement for access and parking to the property described in Paragraph 7 and in conjunction with such use may construct, reconstruct, and maintain the property as required.

2. Grantee agrees to indemnify and defend Grantors from any loss, claim, or liability to Grantors arising in any manner out of Grantee's use of the easement strip.

3. This easement is appurtenant to the real property owned by Grantee and described below in Paragraph No. 7.

4. This easement shall be perpetual; however, in the event that it is not used by Grantee or if the Applegate Trail Wayside is otherwise abandoned by Grantee, the easement shall automatically expire and Grantee shall, upon request of Grantors, their heirs, assigns, or successors, execute a recordable document evidencing such expiration.

5. Grantee is to be responsible for the real property taxes unless Grantors, their heirs, assigns, or successors exercise its rights for reconveyance of the property as outlined in Paragraph 4 above.

6. This easement is granted subject to all prior easements or encumbrances of record.

7. Following is a description of Grantees' property to which this easement is appurtenant:

A parcel of land lying in Lots 4 and 5 of fractional Section 16, Twp 41S, R8E, WM, Klamath County, Oregon, more particularly described as follows:

Starting at a 5/8" steel pin marking the closing corner of Sections 16 and 17, above Township and Range, and the Oregon-California State Line as surveyed and monumented in 1868;

Thence S89° 09' 35" E along the State Line 364.87 feet to a 3.5" Siskiyou County Surveyor aluminum cap in a 2 foot mound of stone marking the restoration of the State Line Milepost 94;

Thence S89° 03' 22" E along the State Line 629.68 feet to a PK nail set in a railroad tie marking the intersection of the Southern Pacific Railroad centerline with the State Line;

Thence S89° 03' 22" E along the State Line 263.37 feet to a 5/8" steel pin with a yellow plastic cap stamped "DEP PUB WKS LS659" marking the State Line Milepost station 93+ 66^{ch} 50^{ls}, which station was identified by the original November 26, 1968 General Land Office survey as being the intersection of the State Line with "the emigrant road to Jacksonville", and which monument is the

emigrant road to Jacksonville", and which monument is the POINT OF BEGINNING of this description;

Thence N89° 03' 22" W along the State Line 179.55 feet to a 5/8" steel pin with a plastic cap marked "658LS", and which monument lies in the southeast right-of-way line of the railroad, and is the SW corner of this parcel;

Thence northeasterly along said right-of-way line on a 1960.08 ft radius curve (arc-definition, having been converted from chord-definition) left 200 feet to a 5/8" steel pin with a plastic cap marked "658LS" [the long chord bears N50° 24' 32" E 199.91 feet];

Thence northeasterly along said right-of-way line on the same 1960.08 ft radius curve left 200 feet to a 5/8" steel pin with a plastic cap marked "658LS" [the long chord bears N44° 33' 46" E 199.91 feet];

Thence northeasterly along said right-of-way line on the same 1960.08 ft radius curve left 200 feet to a 5/8" steel pin with a plastic cap marked "658LS", and which monument marks the NW corner of this parcel [the long chord bears N38° 42' 59" E 199.91 feet];

Thence S80° 48' 49" E 173.98 feet to a 5/8" steel pin with a plastic cap marked "658LS", and which monument lies in the westerly right-of-way line of The Dalles/California Highway [US97], and marks the NE corner of this parcel;

Thence southwesterly along said right-of-way line on a 2814.79 ft radius curve right 189.05 feet to a 5/8" steel pin with a plastic cap marked "658LS" [the long chord bears S28° 10' 22" W 189.01 feet];

Thence southwesterly along said right-of-way line on the same 2814.79 ft radius curve right 189.05 feet to a 5/8" steel pin with a plastic cap marked "658LS", and which monument marks the point of tangency of this southeasterly boundary [the long chord bears S32° 01' 13" W 189.01 feet];

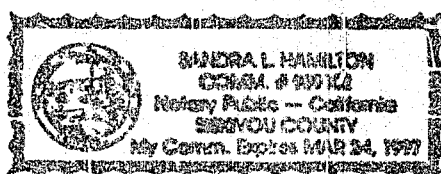
Thence along said tangent S33° 57' 28" W 92.76 feet to a point in the right-of-way line marked by a 5/8" steel pin with a plastic cap marked "658LS", the SE corner of this parcel;

Thence N89° 03' 22" W along the State Line 170.34 feet to the point of beginning. The parcel described above contains 2.46 acres.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

Perry A. Langer
Perry A. Langer

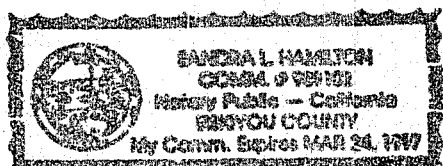
SUBSCRIBED and sworn to before me this 20th day of November, 1996.



Sandra L. Hamilton
Notary Public for California.
My Commission expires 3-24-97

Iva Mae Langer
Iva Mae Langer

SUBSCRIBED and sworn to before me this 20th day of November, 1996.



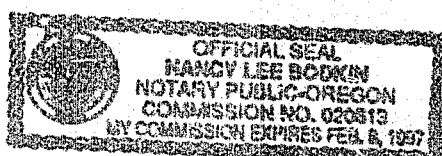
Sandra L. Hamilton
Notary Public for California.
My Commission expires 3-24-97

F. Jean Elzner
Chairperson

Nell Kuonen
Commissioner

Floyd L. Wynne
Commissioner

On this 4th day of December, 1996, before me, a Notary Public in and for the State of Oregon, personally appeared F. Jean Elzner, Nell Kuonen, and Floyd L. Wynne, known to me to be the persons who executed the within Easement on behalf of Klamath County, a political subdivision of the State of Oregon, and acknowledged to me that they executed the same for the purposes therein stated.



Nancy Lee Bodkin
Notary Public for Oregon. My
Commission expires Feb 8, 1997

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 9th day of December A.D., 19 96 at 11:04 o'clock A.M., and duly recorded in Vol. M96 of Deeds on Page 38287.

FEE No Fee Return: Public Works

Bernetha G. Letsch, County Clerk
By Nathaniel Ross