

Kris and Christine Palmerton, Grantors for the true and actual consideration of \$1,058, this amount equivalent to \$1.30/sf. In the event Grantor sells parcel 3809-020CB-1600-000 for more than \$1.30/sf in the next 120 calendar days, the grantee shall pay an additional amount to equate to the new per square foot value as determined by the sales price, do grant to the City of Klamath Falls by and through its Public Works Department, Grantee, its successors and assigns, an easement for the purpose of the construction and reconstruction and maintenance of street excavation and embankment slopes over a portion of the following described property:

A tract of land situated in the NW1/4, SW 1/4, Section 20, T.38S., R.09E., W.M., Klamath County, Oregon, being more particularly described as follows:

Commencing at the southeast corner of property described in Volume M95, Pages 1256 and 1257 of the Klamath County Deed Records, said corner being on the west right-of-way line of Biehn Street, said corner also being East, 1280 feet more or less and North, 1352 feet more or less from the southwest corner of said Section 20 as described in said deed volume and pages; thence North, along said west right-of-way line, 101.09 feet; thence S62°20'14"E 10 feet more or less to the true point of beginning; thence N0°41'56"E 10 feet more or less; thence S62°20'14"E 15 feet more or less to the west line of a highway easement described in Volume 97, Page 256 of the Klamath County Deed Records; thence south along the west line of said highway easement, 10 feet more or less; thence northwesterly, 15 feet more or less to the true point of beginning.

In further consideration for this easement, Grantee shall construct two driveways into Grantor's property. One driveway at the southwest corner of the property accessing Lakeport Blvd. constructed of 3/4" .0" aggregate base, paved the first 15 feet back from Lakeport Blvd.. The other driveway is a relocation of the existing access to Biehn street, shifted to the southeast corner of the property, same construction specifications with a concrete access across the new sidewalk. It is understood that construction of these driveways will result in the removal of approximately six (6) trees. Grantor's consent to entry onto Grantor's property by Grantee and Grantee's agents for the purpose of constructing said driveways.

It is understood that the easement herein granted does not convey any right of interest in the above-described property, except as stated herein, nor prevent Grantor from the use of said property; however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the City Road.

It is also understood that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantors, his heirs/successors and assigns, by reason thereof, or by reason of any change of grade of the City Road abutting on said property.

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

Grantor covenants to and with Grantee, its successors and assigns, that he/she is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever

Dated this 22 day of Aug, 1997.

Kris Palmerton
Kris Palmerton

Christine Palmerton
Christine Palmerton

Washington
State of Oregon)
County and City of Klamath) ss
Whetstone



That on this 22 day of Aug, 1997 Personally appeared the above named Kris and Christine Palmerton and acknowledged the foregoing instrument to be his/her voluntary act and deed.

Before me: Carol Remsen
Notary Public for Washington Carol Remsen
My commission Expires 12-19-98

STATE OF OREGON: COUNTY AND CITY OF KLAMATH: ss

Filed for record at request of City of Klamath Falls the 13th day of November A.D., 19 97 at
3:37 o'clock P.M., and duly recorded in Vol M97 of Deeds on Page 37523
Bernethia Letsch County Clerk
By Kettie Rose

Fee: \$15.00