

01 JUN 8 PM4:00

AFTER RECORDING RETURN TO:  
Boivin, Uerlings & Dilaconi, P.C.  
Attn: James R. Uerlings  
803 Main Street, Suite 201  
Klamath Falls, OR 97601

Vol MQ1 Page 27325

K-56769

## AGREEMENT FOR COMMUNICATION LINES & EQUIPMENT EASEMENT

~~May~~ <sup>June</sup> This Agreement for Communication Lines & Equipment Easement is made as of this 8<sup>th</sup> day of ~~May~~, 2001, by and between Merle West Medical Center, Inc., 2865 Daggett Avenue, Klamath Falls, Oregon ("MWMC"); and Klamath Falls Intercommunity Hospital Authority ("Authority"). The true and actual consideration paid is other than money.

### BACKGROUND

MWMC leases from Authority the real property on which Plum Ridge is located and other related real property described on **Exhibit A** (the "Premises").

In conjunction with the lease, MWMC wishes to establish a nonexclusive right of way and easement to install, operate, maintain, inspect, test, repair, replace, expand, upgrade, access, monitor and/or remove the communication lines and equipment that presently serve the other real property owned by MWMC and that cross over or under that portion of real property described and roughly diagramed on the attached **Exhibits B-1 and B-2**.

Therefore, the parties agree as follows:

### AGREEMENT

#### 1. Grant of Easement.

**1.1 Grant by Authority to MWMC.** The Authority, for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants and conveys to MWMC, its licensees, agents, lessors, successors and assigns (the "Permitted Users"), a right of way and easement to install, operate, maintain, inspect, test, repair, replace, expand, upgrade, access, monitor and/or remove a multiple conduit communications system, together with the appurtenances necessary for the operation of said communications system that is described and roughly diagramed on the attached **Exhibits B-1 and B-2**, together with the right of ingress and egress over and across the Premises for the purposes of exercising the rights granted herein. This easement is granted as a benefit or right appurtenant to all property now owned or leased by MWMC and all property hereinafter leased or acquired by MWMC. Further, provided that MWMC shall have no obligation to remove any equipment from the Premises after termination of the easement. This easement shall run with the land, benefitted and burdened hereby and shall be binding upon and shall inure to the benefit of the parties to this agreement, their respective successors and assigns. The property benefitted by this easement is described on the attached **Exhibit C**.

**2. Rights and Restrictions.** This easement shall be limited to the purposes set forth above. MWMC will have the right to clear and keep clear all trees, roots, brush and other obstructions from the surface and sub-surface of the easement as necessary for the purposes set forth above. The Authority will have the right to fully use and enjoy the Premises, subject to the Lease and except as to the rights herein granted.

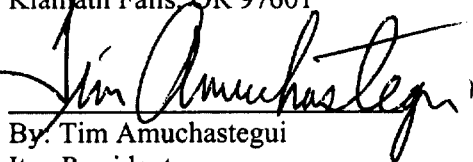
K567


3. **Modification of Agreement.** Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date first written above.

Grantor:

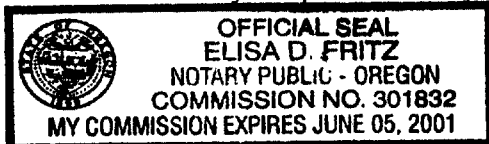
KLAMATH FALLS INTERCOMMUNITY HOSPITAL AUTHORITY  
City Hall - 500 Klamath Avenue  
Klamath Falls, OR 97601

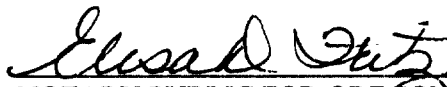
  
By: Tim Amuchastegui  
Its: President

  
By: Betty Dickson  
Its: Secretary

STATE OF OREGON )  
 ) ss.  
County of Klamath )

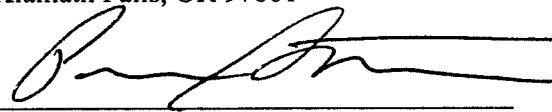
This instrument was acknowledged before me on this 11<sup>th</sup> day of May, 2001 by Tim Amuchastegui and Betty Dickson, who are, respectively, the President and the Secretary of the Klamath Falls Intercommunity Hospital Authority.



  
NOTARY PUBLIC FOR OREGON  
My Commission expires: 6-5-01

Grantee:


MERLE WEST MEDICAL CENTER, INC.  
2865 Daggett Street  
Klamath Falls, OR 97601

  
By: Paul Stewart  
Its: President/CEO

STATE OF OREGON )  
 ) ss.  
County of Klamath )

This instrument was acknowledged before me on this 8<sup>th</sup> day of June, 2001 by Paul Stewart as President/CEO of Merle West Medical Center, Inc.



  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 8-2-03

AGREEMENT FOR COMMUNICATION LINES  
& EQUIPMENT EASEMENT

Page 2  
April 25, 2001

## Exhibit A

Klamath Falls Intercommunity Hospital Authority/  
Merle West Medical Center, Inc.  
Restated Lease

The real property situated in Klamath County, State of Oregon, described as follows, to-wit:

## Parcel 1

A tract of land situated in the SW1/4 NE1/4 of Section 20, Township 38 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, being a portion of Blocks 7 and 8 and vacated Hilltop Street, McLoughlin Heights Subdivision, more particularly described as follows:

Commencing at the Northeast corner of McLoughlin Heights; thence South 0°46'00" West along the East boundary of McLoughlin Heights 100.00 feet to the true point of beginning of this description; thence South 0°46'00" West along the East boundary of McLoughlin Heights 572.30 feet to the North boundary of Foothills Boulevard; thence 40.57 feet along the arc of a 20.00 foot radius curve to the right (the long chord of which bears South 58°53' West 33.97 feet); thence North 63°00'00" West along the North boundary of Foothills Boulevard 104.35 feet; thence 482.81 feet along the arc of a 774.83 foot radius curve to the left (the long chord of which bears North 80°51'03" West 475.03 feet); thence leaving said road boundary North 20°39'40" East 504.11 feet; thence South 89°21'00" East 420.87 feet to the true point of beginning, containing 5.89 acres, more or less.

TOGETHER with the Northerly one-half of vacated Foothill Boulevard abutting the Southerly boundary of the above described parcel

## Parcel 2

Lots 8, 9, 10, 11, 12, 13, 14 and 15 in Block 6 of McLoughlin Heights 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.

Subject to: i) Reservations and restrictions in the dedication of McLoughlin Heights.



**EASEMENT DESCRIPTION  
WEST SIDE OF PLUM RIDGE  
CARE CENTER**

A 12 foot wide strip of land situated in the SW¼ of the NE¼ of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being six feet (6) wide on each side of center line, said center line being more particularly described as follows:

Commencing at the NE 1/16 corner of said section, being the northeast corner of McLoughlin Heights subdivision; thence along the east boundary of said McLoughlin Heights and the east line of said SW¼ NE¼ South 0°46'00" West 100.00 feet to the northeast corner of a parcel described in Deed Volume M91, Page 13596; thence along the northerly boundary of said parcel North 89°21'00" West 420.87 feet to the northwest corner of said parcel; thence South 20°39'40" West 347.17 feet to a point on the westerly boundary of that parcel described in Deed Volume M75 Page 8321 and the True Point of Beginning; thence South 40°37'56" East 20.53 feet; thence South 24°19'42" West 87.29 feet; thence South 16°48'20" West 29.08 feet; thence South 05°47'26" West 46.72 feet to the centerline of vacated Foothill Boulevard, McLoughlin Heights Subdivision, the sidelines of said strip to be shortened or lengthened to be continuous and to begin on the westerly boundary of said Deed Volume M75, Page 8321 and terminate on said centerline of vacated Foothill Boulevard.

1047-26  
October 3, 2000

*Communication lines*

Exhibit B-1

27329

NE CORNER McLOUGHLIN  
HEIGHTS SUBDIVISION  
(NE1/16 COR. SEC. 20)

CENTERLINE OF  
EAST EASEMENT

CRYSTAL TERRACE

# SKETCH FOR UTILITY EASEMENT DESCRIPTIONS FOR MERLE WEST MEDICAL CENTER IN THE SW1/4 SEC. 20, T.38S., R.9E.W.M. KLAMATH COUNTY, OREGON

100.00  
183.00  
500'46'00"W

S88°54'33"E  
48.50

POINT OF BEGINNING

M90°00'00"E  
30.65

S08°39'39"W  
149.19

CENTERLINE OF VACATED  
FOOTHILLS BOULEVARD

S07°37'41"W  
270.70

10 M012

PARCEL 2 OF M91 PG. 13596  
LOTS 8-15, BLOCK 6

PARCEL 1 OF  
M91 PG. 13596

PLUM RIDGE  
CARE CENTER

DEED VOL.  
M75 PG. 8321

CENTERLINE OF  
WEST EASEMENT

POINT OF BEGINNING

S20°39'40"W  
347.17

S40°37'56"E  
20.53

S24°19'42"W  
87.29

S16°46'20"W  
29.08

S05°47'26"W  
46.72

Communications line connecting  
MWHM and new medical office building

**ADKINS**

CONSULTING  
ENGINEERS, INC.

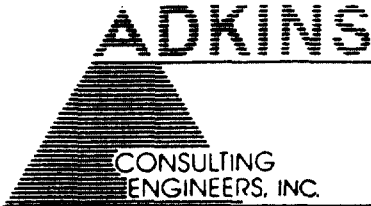
2950 Shasta Way • Klamath Falls, Oregon 97603 • (541) 884-4686 • FAX (541) 884-5335  
Klamath Falls, OR • Medford, OR • Alturas, CA

OCTOBER, 2000

Engineers ▲ Planners ▲ Surveyors

SCALE: 1" = 100'





27330

Engineers



Planners



Surveyors

EXHIBIT C

DESCRIPTION OF PROPERTY  
REVISED 4/26/2001

The following described real property situate in Klamath County, Oregon

PARCEL 1: HOSPITAL

A:

A parcel of land situate in the SW1/4NE1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin marking the Northeast corner of said SW1/4NE1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian; thence S. 0°46' W. along the East line of said SW1/4NE1/4 a distance of 100.00 feet to a point; thence N. 89°21' W. a distance of 420.87 feet to a point; thence S. 20°39'40" W. a distance of 504.11 feet to a point on the Northerly line of Foothill Boulevard in the plat of McLoughlin Heights Subdivision; thence, Westerly along said Northerly line to its intersection with the Northeasterly line of Daggett Avenue as shown on the plat of Re-subdivision of a portion of McLoughlin Heights; thence Northwesterly along the Northeasterly line of Daggett Avenue to an iron pin on the West line of said SW1/4NE1/4; thence N 0°51' E. along said West line a distance of 381.24 feet, more or less, to the Northwest corner of said SW1/4NE1/4; thence S. 89°21' E. along the North line of said SW1/4NE1/4 a distance of 1318.1 feet, more or less, to the point of beginning.

B:

Lots 1 thru 7 and Lots 16 thru 22 in Block 6 of McLoughlin Heights, according to the official plat thereof on file in the records of Klamath County, Oregon.

C:

A parcel of land situate in the SE1/4NW1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a Brass cap monument marking the Northeast corner of said SE1/4NW1/4 of Section 20, which monument also marks the Northwest corner of McLoughlin Heights Subdivision, thence N. 89° 10' W. along the North line of said SE1/4NW1/4 a distance of 182.58 feet to a point on the Easterly line of Campus Drive; thence S. 2°38' W. along the Easterly line of Campus Drive to its intersection with the



Northerly line of Daggett Avenue; thence East along the Northerly line of Daggett Avenue a distance of 191.34 feet, more or less, to the East line of said SE1/4NW1/4; thence N. 0°51' E., along said East line a distance of 381.24 feet, more or less, to the point of beginning.

#### PARCEL 2: BUSINESS OFFICE

A parcel of land situated in the SE1/4NW1/4 of Section 20, Township 38 South, Range 9 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron pin on the Easterly line of that parcel described in Volume M69 page 5894, Deed Records of Klamath County, Oregon, which point bears N. 0°51' E. a distance of 549.15 feet from the center one-quarter corner of said Section 20; thence N. 87°49' W. a distance of 85.0 feet, thence S 0°51' W. a distance of 107.95 feet; thence S. 87°49' E. a distance of 85.0 feet, to the East line of said SE1/4NW1/4; thence N. 0°51' E. along said East line a distance of 107.95 feet to the point of beginning.

#### PARCEL 3: CANCER CENTER

A. A portion of vacated and repartitioned Block 5 of Resubdivision of a portion of McLoughlin Heights, more particularly described as follows:

Beginning at a point on the Easterly boundary of relocated Uhrmann Road and the Westerly boundary of vacated and repartitioned Block 5 of Resubdivision of a portion of McLoughlin Heights from which the monument marking the center quarter section corner of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, bears N. 82°01' W. 60.47 feet and S. 0°51' W. 674.8 feet distance and the Northwest corner of said Block 5 bears N. 0°51' E. 170.5 feet distant; thence S. 82°01' E 174.7 feet to a point on the easterly boundary of said Block 5; thence S. 12°26'20" E. along said Easterly boundary 159.0 feet to a point; thence N. 82°01' W. 211.6 feet to a point on the westerly boundary of said Block 5 thence N. 0°51' E. 150.25 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the Northerly 23.0 feet thereof as described in Volume M72 page 5888, Deed Records of Klamath County, Oregon.

B. A portion of vacated and repartitioned Block 5 of Resubdivision of a portion of McLoughlin Heights, more particularly described as follows:

Beginning on the easterly boundary of relocated Uhrmann Road and the westerly boundary of vacated and repartitioned Block 5 of Resubdivision of a portion of McLoughlin Heights from which the monument marking the center quarter section corner of Section 20, T. 38 S. R. 9 E.W.M., bears N. 82°01' W. 60.47 feet and S. 0°51' W. 524.55 feet distant and the Northwest corner of said Block 5 bears N. 0°51' E.



27332

320.75 feet distant; thence S.  $82^{\circ}01'$  E. 211.6 feet to a point on the easterly boundary of said Block 5; thence following the easterly, southerly and westerly boundaries of said block 5, S.  $12^{\circ}26'20''$  E. 59.2 feet; thence along a circular curve to the right (which has radius of 20.0 feet, a central angle of  $110^{\circ}25'20''$ , and a long chord which bears S.  $42^{\circ}56'30''$  W. 32.96 feet) a distance of 38.5 feet to a point; thence N.  $82^{\circ}01'$  W. 185.35 feet to a point; thence along a circular curve to the right (which has a radius of 20.0 feet; a central angle of  $82^{\circ}52'$ , and a long chord which bears N.  $40^{\circ}35'$  W. 26.45 feet) a distance of 28.9 feet to a point; thence N.  $0^{\circ}51'$  E. 65.6 feet, more or less, to the point of beginning.

State of Oregon, County of Klamath  
Recorded 06/08/01, at 4:00 p.m.  
In Vol. M01 Page 27325  
*Linda Smith,*  
County Clerk Fee\$ 56<sup>00</sup>