

In consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, and other good and valuable consideration, including the landscaping, lighting and irrigation improvements that will benefit the burdened property, the Sherrill-Thomas Trust, an Oregon Business Trust, Grantor, does hereby grant and convey to the City of Klamath Falls, Grantee, a perpetual, exclusive easement to use a parcel of land situated on the property of Grantor. The easement is more particularly described in Exhibit 1, attached hereto and incorporated herein by this reference.

The terms of this easement are as follows:

1. This easement shall be appurtenant to the 5th Street and 6th Street rights-of-way owned by Grantee and abutting the easement. The property of Grantor burdened by this easement (Property) is described as Lots 6, 7, 8, 9 and 10 in Block 106 of Klamath Addition to the City of Klamath Falls and an additional area of land lying generally east of said lots and more particularly described as Parcels 3 and 4 in that certain Bargain and Sale Deed recorded at Volume M93, Page 17354, of the Klamath County Deed Records.
2. Grantee shall use the easement area for landscaping, "welcome" signage, lighting and landscape irrigation purposes only, and in conjunction with such use may construct, reconstruct, maintain and repair the improvements and utilities thereon or in. This easement shall also include access to and the use of an electrical service presently in or near the easement area and initiated in or on one of Grantor's buildings on the Property; provided, however, that Grantee shall establish a separate service line with Pacific Power so that Grantor, or Grantor's tenants, will not be responsible to pay for electrical consumption. In the event additional electrical equipment is required, this easement shall include use of a portion of one of Grantor's building to accommodate such equipment. Grantee agrees to pay all utility expenses associated with use of the easement and to install, maintain and repair all improvements to the easement area and the electrical service at its sole expense, without cost to Grantor. The easement shall include the right of ingress and egress over Grantor's adjoining lands for the purposes of using this easement.
3. Grantee agrees to indemnify, defend and hold harmless Grantor from any loss, claim or liability to Grantor arising out of Grantee's use of the easement area. Grantee assumes all risk arising out of its use of the easement area and Grantor shall have no liability to Grantee or others for any condition existing thereon.
4. This easement is granted subject to all prior easements or encumbrances of record and is binding on and runs to the heirs, successors or assigns of the parties.

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

CITY OF KLAMATH FALLS

By: [Signature]
City Manager

Attest: [Signature]
City Recorder

GRANTOR

By: [Signature]
Terry D. Sherrill, Trustee for Thomas Sherrill Trust,
an Oregon Business Trust

Attest: _____

STATE OF OREGON)
:ss
County of Klamath)

On the 28th day of May, 2001, personally appeared Jeffrey D. Ball and Elisa D. Olson, who, each being first duly sworn, did say that the former is the City Manager and the latter is the City Recorder of the City of Klamath Falls, an Oregon municipal corporation, and that the instrument was signed on behalf of said municipal corporation; and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

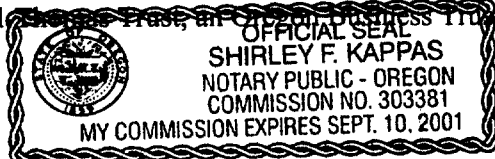


[Signature]
Notary Public for Oregon
My Commission Expires: 9-10-01

STATE OF OREGON)
:ss
County of Klamath)

The foregoing instrument was acknowledged before me this 25th day of May, 2001, by Terry D. Sherrill, Trustee for the Sherrill-Thomas Trust, an Oregon Business Trust.

BEFORE ME:



[Signature]
Notary Public for Oregon
My Commission Expires: 9-10-01

AFTER RECORDING RETURN TO:
City Recorder, 500 Klamath Avenue
Klamath Falls, OR 97601

State of Oregon, County of Klamath
Recorded 07/06/01 at 9:50 A m.
In Vol. M01 Page 32805
Linda Smith,
County Clerk Fee \$ 31.00

CITY OF KLAMATH FALLS**LANDSCAPE EASEMENT**

AN EASEMENT SITUATED IN THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER AND THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID SECTION 33 WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF SOUTH SIXTH STREET; THENCE SOUTH 39°33'37" EAST, 64.45 FEET TO A POINT ON THE NORTHEASTERLY LINE OF PARCEL 3 AS DESCRIBED IN DEED RECORDED JUNE 11, 1993, IN VOLUME M93, PAGE 17354, MICROFILM RECORDS OF KLAMATH COUNTY, OREGON, SAID POINT BEARS NORTH 65°41'45" EAST, 45.04 FEET FROM THE WEST ONE-QUARTER OF SAID SECTION 33 EVIDENCED BY A 3" BRASS CAP MONUMENT, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 3 AS FOLLOWS: NORTH 34°13'30" EAST, 8.00 FEET; THENCE SOUTH 55°46'30" EAST, 56.02 FEET; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 3, SOUTH 78°37'30" WEST, 78.69 FEET; THENCE LEAVING SAID SOUTHEASTERLY LINE OF PARCEL 3, NORTH 11°15'59" WEST, 8.02 FEET; THENCE NORTH 78°37'30" EAST, 46.56 FEET; THENCE NORTH 11°01'33" EAST, 10.17 FEET; THENCE NORTH 55°46'30" WEST, 23.83 FEET TO THE TRUE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 987 SQUARE FEET, MORE OR LESS.

SEE ATTACHED EXHIBIT MAP "A".

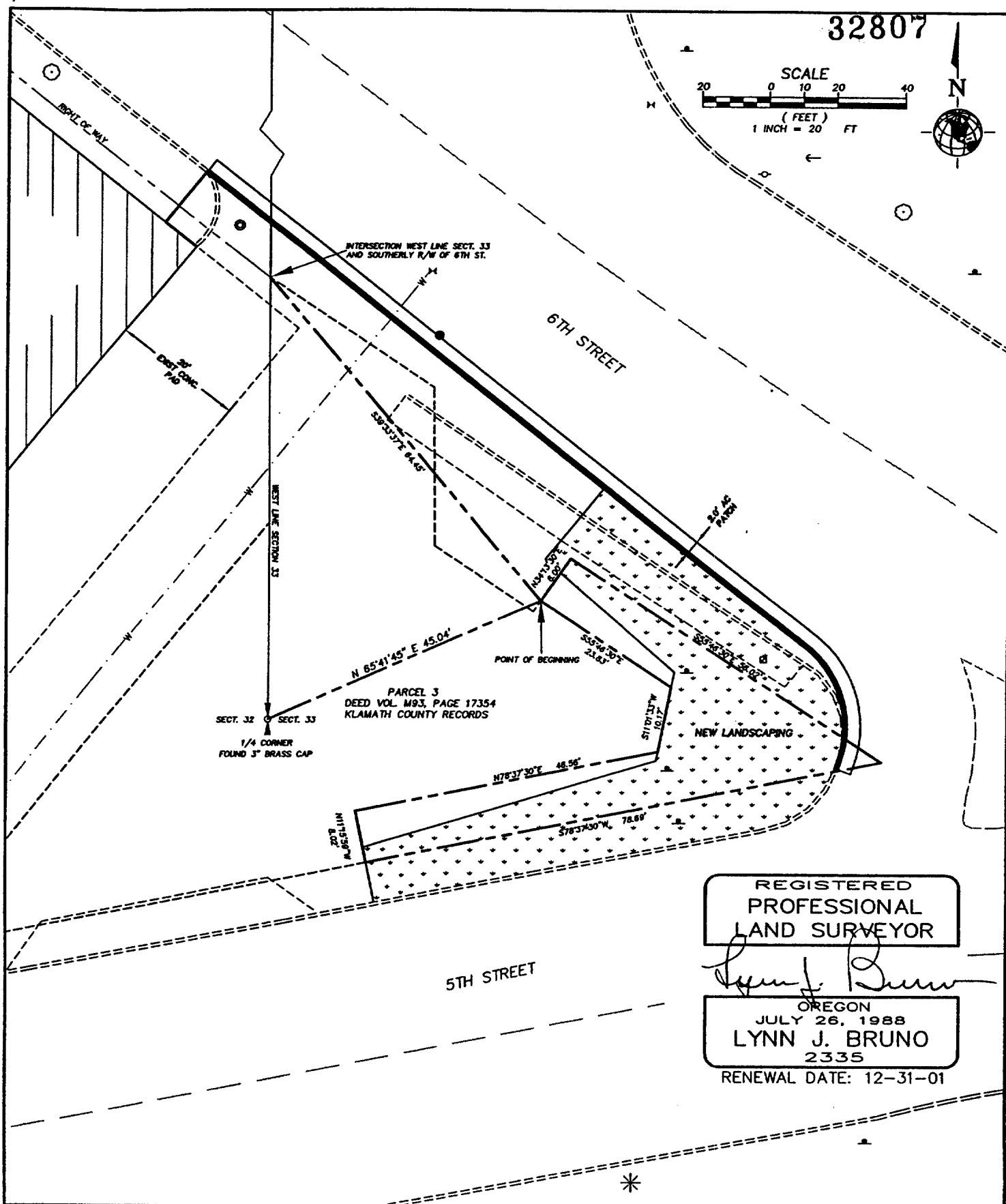
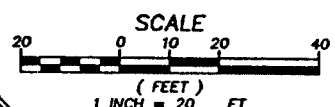
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Lynn J. Bruno

OREGON
JULY 28, 1988
LYNN J. BRUNO
2335

RENEWAL DATE: 12/31/01

32807



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Lynn J. Bruno

OREGON
JULY 26, 1988
LYNN J. BRUNO
2335

RENEWAL DATE: 12-31-01

DESIGNED BY:	TAH	CHECKED BY:	TAH		
DRAWN BY:	TPF	APPROVED BY:	TAH		
LAST EDIT:	6/18/01	PLOT DATE:	6/18/01		
DATE	BY	REV	REVISION	CK'D	APPR
6/18/01	TPF	1	Additional easement area		

W&H
PACIFIC

A Division of the H Group

1004 Main St.
Klamath Falls, Oregon
97601-5833

(541) 286-2000
(541) 286-2100 Fax
w&hpacific.com

**CITY OF KLAMATH FALLS
5TH AND 6TH STREET INTERSECTION
LANDSCAPE EASEMENT
EXHIBIT MAP "A"**

KLAMATH COUNTY

SCALE: 1"=20'	PROJECT NO. 827284.001	DRAWING FILE NAME: CITY.DWG	1 SHEET 1
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OREGON