

AFTER RECORDING, RETURN TO:

Sierra Developments, LLC.
Post Office Box 5077
Klamath Falls OR 97601

Vol MO1 Page 33615

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EASEMENT

THIS EASEMENT, which shall be effective as of the date it is recorded, is made by Sierra Developments, LLC., an Oregon Limited Liability Company, for the purpose of providing an Easement and rights-of-way for ingress and egress, utilities, and other purposes to the land described on Exhibit "A," which is owned by and being developed by Sierra Developments, LLC., and to land adjoining the property described on Exhibit "A," which may now or in the future be owned by Sierra Developments, LLC.

Sierra Developments, LLC. hereby grants and conveys to itself and to adjoining land owners permanent, mutual, and reciprocal rights-of-way on, over, across, and along the strip of property thirty (30) feet in width, described on Exhibit "B" attached hereto and incorporated herein by this reference.

The rights-of-way granted hereby shall be appurtenant to and benefit the real property described on Exhibit "A" and adjoining real property and any other land hereafter acquired by Sierra Developments, LLC., its successors, or assigns, which is contiguous to any of the real property currently owned by Sierra Developments, LLC.

The rights-of-way established by this Easement may be used for vehicular and pedestrian ingress and egress to the land described on Exhibit "A" and to other parcels of land that are contiguous to the land described on Exhibit "A." In addition, the rights-of-way may be used as a utility corridor for the provision of on-the-ground, underground, and above-ground utility services to the land described on Exhibit "A" and the contiguous property hereafter acquired by Sierra Developments, LLC. No party's rights hereunder shall lapse as a result of that party's failure to use the right-of-way.

Sierra Developments, LLC. makes this Easement in anticipation of the development of the real property described on Exhibit "A" and the potential additional development of contiguous parcels. It is probable that the rights-of-way established hereby will be developed to the standards then existing of the Land Development Code(s) of the City, County, or other governmental entity with jurisdiction. In the event said entity requires a wider or narrower right-of-way, the rights-of-way established herein shall be adjusted accordingly. Sierra Developments, LLC. does hereby reserve, for a period of ten years commencing on the date of recording of this Easement, the right to expand the width of the rights-of-way created by the Easement up to 15 feet on each side of the strip of land described on Exhibit "B." Said expansion of this Easement shall be effective upon the execution and recording by Sierra Developments, LLC. of an Amended Easement specifically referring to and incorporating the terms of this Easement. Sierra Developments, LLC. may expand the width of this Easement as provided above without payment of any consideration to the owner(s) of the land affected. This Easement shall constitute a servitude and reservation of right as to the land that would be affected by this reservation of right in favor of Sierra Developments, LLC.

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Any party benefitted by this Easement may, at any time, improve any portion of the rights-of-way hereby established, provided, however, that none of the other parties who have the right to use the rights-of-way shall have any obligation to participate financially in any such improvements. The party making said improvements shall be solely responsible for the maintenance of said improvements until such time as another party commences the improvement of its property or the use of the rights-of-way. Thereafter, the costs of maintenance shall be shared by each holder of an interest in the Easement in proportion to the use made of the Easement by each holder of an interest in the Easement. Use of the Easement shall be based on the frequency of use and the weight of the vehicles using the Easement.

No party shall construct fences, walls, or other structures on the Easement described on Exhibit "B" at any time, so that said area shall be fully available at all times for the construction of roads and the installation of utilities.

If Sierra Developments, LLC. or any other party is required by an appropriate governmental jurisdiction to dedicate a right-of-way for public use, then each party shall promptly execute and deliver to such jurisdiction a Deed or other instrument conveying its respective portion of the right-of-way for such purposes.

Any party using the rights-of-way shall, in consideration for their use of the rights-of-way, indemnify and hold harmless other parties having the right to use the rights-of-way from any liability and costs, including attorneys' fees arising out of the usage of the rights-of-way established hereby.

The Easement and rights-of-way granted or created hereby shall run with the land as to all property burdened and benefitted by such Easement and rights-of-way, including any division or partition of such property. The rights, covenants, and obligations contained in this Easement shall bind, burden, and benefit each party's successors and assigns, lessees, mortgagees, or beneficiaries under a Trust Deed.

IN WITNESS WHEREOF, this Easement has been executed by Sierra Developments, LLC. effective as of the date of its recording in the records of the Clerk of Klamath County, Oregon.

SIERRA DEVELOPMENTS, LLC.

By: [Signature]
Its Operating Manager

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 10th day of July 2001, by Michael L. Wilcher as Operating Manager of Sierra Developments, LLC.



[Signature]
Notary Public for Oregon

My Commission Expires: 8203

EXHIBIT "A" -1

The following described real property situate in Klamath County, Oregon:

All that portion of lot 7 of Section 6 in Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, starting at the Southwest corner of said lot; running East 794 feet and thence North to a point on the North boundary of the right of way of the Enterprise Irrigation Canal which is the true point of beginning; thence running Northwesterly along the said North line of said Canal right of way to a point which is 400 feet East of the West boundary of said Lot 7; thence North to the North boundary of said Lot 7; thence East along the said North boundary of said Lot 7 (304 feet more or less) to a point North of the true point of beginning; thence South to said point of beginning.

Also that parcel of land, the boundaries of which are described as follows: Beginning at a point 30 feet North and 600 feet North 89°58' East from the Southwest corner of Section 6 in Township 39 South, Range 10 East of the Willamette Meridian; thence North 89°58' East 194 feet; thence North 370 feet, more or less, to the South or lower line of the right of way of Enterprise Irrigation District Canal; thence Northwesterly along said canal line to a point due North of the point of beginning; thence South 430 feet more or less to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land situated in Lot 7, Section 6, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a 5/8" iron pin lying South 89°59' East 660.0 feet and North 0°19'20" West 30.0 feet from the Section corner common to Sections 1, 6, 7 and 12, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, said pin being on the North right of way line of Hilyard St.; thence continuing North 0°19'20" West 150.0 feet to a point; thence South 89°59' East 134.0 feet to a point; thence South 0°19'20" East 150.0 feet to a point on the North right of way line of Hilyard St.; thence North 89°59' West 134.0 feet to the point of beginning; with bearings based on Survey No. 3070, filed in the Klamath County Engineer's Office.

ALSO EXCEPTING THEREFROM the North 38 feet thereof.

EXHIBIT "A"-2

DESCRIPTION OF PROPERTY

Lots 20, 21, 22 and 25 of PIEDMONT HEIGHTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon,
ALSO one-half of vacated Jones Street adjacent to Lots 20 and 21.

A portion of Lot 7 of Section 6, Township 39 South, Range 10 East of the Willamette meridian, more particularly described as follows:

Beginning at a point where the North line of the canal of the Enterprise Irrigation District crosses the West line of Section 6, Township 39 S., R. 10 E.W.M., said point being 600 feet, more or less, North of the Southwest corner of said Section; thence North along said West line of Section 6 to the Northwest corner of Lot 7 thereof; thence Easterly along the North line of said Lot 7 a distance of 400 feet; thence South parallel to the West line of said lot and 400 feet distant therefrom to the said North line of said canal; thence Westerly along said North line of said canal to the point of beginning.

EXCEPTING THEREFROM the following described real property:

A parcel comprising a portion of Lot 20, 21, 22, 25 and all of Lot 26 and 29, as follows:

Beginning at an iron axle marking the initial point, said point being on the Northeast corner of Lot 29 of said Piedmont Heights and said point being South 0°27' East a distance of 987.5 feet from the East quarter corner of Section 1, Township 39 South, Range 9 East of the Willamette Meridian; thence South 0°27' East along the East line of Piedmont Heights a distance of 343.4 feet to an iron pin on the Southwest corner of Skyline View Subdivision; thence West parallel with the South line of Lot 26 of Piedmont Heights a distance of 130 feet to an iron pin; thence South 0°27' East parallel with the East line of Piedmont Heights a distance of 475.0 feet; thence West parallel with the centerline of vacated Delaware Avenue a distance of 220.0 feet to an iron pin on the East line of Watson Street; thence North 0°27' West along the East line of Watson Street a distance of 818.4 feet to an iron pin on the northwest corner of Lot 29 of Piedmont Heights; thence East along the North line of said Lot 29 a distance of 350.0 feet, more or less, to the point of beginning.

ALSO SAVING AND EXCEPTING the following described property:

Beginning at a point from which the South 1/16 corner common to said Sections 1 and 6, said corner and being the Southwest corner of "Skyline View" bears N. 00°20'24" W. 475.00 feet and N. 89°55'22" E. 129.72 feet; thence N. 00°20' 24" W. along the East line of those lands described in Deed Volume M00 page 7633 of Klamath County Deed Records 293.17 feet; thence N. 89°39'36" E. 175.28 feet; thence S. 76°32'25" E. 56.10 feet; thence S. 00°20'24" E. 281.76 feet; thence N. 89°50'57" W. 229.77 feet, to the point of beginning, containing 1.54 acres more or less.

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OWNERS

DENNIS ENSOR O.L.S., C.W.R.E.
SANDIE ENSOR**TRU SURVEYING, INC. LINE**2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603
PHONE: (541) 884-3691JOHN HEATON L.S.T.
CHAD ENSOR L.S.T.

JUNE 04, 2001

LEGAL DESCRIPTION OF ACCESS EASEMENT

A 30 FOOT WIDE ACCESS EASEMENT SITUATED ON A PORTION OF LOTS 20 AND 21 OF "PIEDMONT HEIGHTS", AND IN THE SE1/4 OF SECTION 1, T39S, R9EWM, AND THE SW1/4 OF SECTION 6, T39S, R10EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 20, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF WATSON STREET; THENCE N00°17'57"W, ALONG THE SAID EASTERLY RIGHT OF WAY LINE, 30.00 FEET; THENCE S89°50'57"E 230.84 FEET; THENCE, ON THE ARC OF A CURVE TO THE LEFT (RADIUS EQUALS 70.00 FEET AND CENTRAL ANGLE EQUALS 69°59'45") 85.52 FEET; THENCE, ON THE ARC OF A CURVE TO THE RIGHT (RADIUS EQUALS 130.00 FEET AND CENTRAL ANGLE EQUALS 69°59'45") 158.82 FEET; THENCE S89°50'57"E 30.00 FEET; THENCE S00°09'03"W 30.00 FEET; THENCE N89°50'57"W 30.00 FEET; THENCE, ON THE ARC OF A CURVE TO THE LEFT (RADIUS EQUALS 100.00 FEET AND CENTRAL ANGLE EQUALS 69°59'45") 122.17 FEET; THENCE, ON THE ARC OF A CURVE TO THE RIGHT (RADIUS EQUALS 100.00 FEET AND CENTRAL ANGLE EQUALS 69°59'45") 122.17 FEET; THENCE N89°50'57"W 230.60 FEET TO THE POINT OF BEGINNING, WITH BEARINGS BASED ON RECORD OF SURVEY 5671 ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.


DENNIS A. ENSOR O.L.S. 2442

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 28, 1991
DENNIS A. ENSOR
2442

EXPIRES 12/31/01

State of Oregon, County of Klamath
Recorded 07/11/01 at 11:02a.m.
In Vol. M01 Page 33615
Linda Smith,
County Clerk Fee \$ 41.00

EXHIBIT 3PAGE 1 OF 1