

<p>AFTER RECORDING RETURN TO:</p> <p>City Recorder</p> <p>500 Klamath Avenue</p> <p>Klamath Falls, OR 97601</p>	<p>CLERK'S STAMP:</p> <p>State of Oregon, County of Klamath</p> <p>Recorded 04/15/2002 <u>8:24a</u> m.</p> <p>Vol M02. Pg <u>21848-49</u></p> <p>Linda Smith, County Clerk</p> <p>Fee \$ <u>26.00</u> # of Pgs <u>2</u></p>
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RECISSION OF ANNEXATION AGREEMENT

PARTIES:

CITY: City of Klamath Falls, a Municipal Corporation
500 Klamath Avenue
Klamath Falls, Oregon 97601

OWNER: Hubert D. Thompson and Nancy M. Thompson
2055 Greensprings Drive, Space #20
Klamath Falls, Oregon 97601

RECITALS:

- A. OWNER owns the following described real property herein referred to as the "Property," that is located outside of CITY's boundaries:

The SW 1/4 of the NE 1/4 lying North and East of State Highway 66 and State Highway 140 in Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

LESS AND EXCEPT the premises described in deeds to Jerry Depuy, et ux, recorded February 13, 1969 in Volume M69, Page 1145, and April 1963 in Volume 344 at Page 432, Deed Records of Klamath County, Oregon; and

LESS AND EXCEPT the premises described in a deed recorded in the same County on May 5, 1965 in Volume 361 at page 256, Deed Records of Klamath County, Oregon; and

LESS AND EXCEPT the premises described in deed to the State of Oregon, by and through its State Highway Commission recorded December 18, 1967 in Volume M67, Page 9768, Microfilm Records of Klamath County, Oregon.

A Memorandum of the Agreement was recorded on March 20, 2001 in Volume M01 at page 11041 of the deed records for Klamath County.

- B. On March 7, 2001, CITY and OWNER entered into an Annexation Agreement whereby CITY agreed to supply sewer service to the Property in exchange for OWNER consenting to the annexation of the Property into the CITY.
- C. CITY no longer requires annexation as a condition of providing sewer service outside the City limits to residential customers.
- D. CITY and OWNER desire to rescind the Annexation Agreement.

RECISSION AGREEMENT:

IN CONSIDERATION of the foregoing and the mutual conditions and promises herein contained, CITY and

OWNER mutually contract and agree with each other as follows:

1. CITY and OWNER agree that the Annexation Agreement dated March 7, 2001, and recorded on March 20, 2001 in Volume M01 at page 11041 of the deed records for Klamath County, is hereby rescinded, annulled and cancelled; provided, however, that OWNER understands, acknowledges and agrees:
 - a. CITY will continue to supply OWNER sewer service to the Property according to CITY's rules and regulations regarding supply of the service as currently exist and as may in the future be amended.
 - b. OWNER shall pay the monthly sewer service rates, including demand charges, for the services described hereinabove as established by CITY ordinance or resolution subject to future amendment, for sewer service supplied outside the City limits.
 - c. Except for the possibility of water service, the CITY shall not extend or supply any other municipal services to the Property, including, but not limited to, police and fire protection and street services.
2. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, personal representatives, successors and assigns of the parties. If there is more than one OWNER, each OWNER is jointly and severally bound hereby.
3. CITY shall cause an executed copy of this Agreement to be recorded in the deed or other real property records of the Klamath County Clerk and OWNER agrees to pay the recording costs.

IN WITNESS WHEREOF, CITY and OWNER have caused this instrument to be executed as of the day and year indicated below.

CITY OF KLAMATH FALLS

OWNER

By: [Signature]
City Manager

[Signature]
Hubert D. Thompson

Attest: [Signature]
City Recorder

[Signature]
Nancy M. Thompson

STATE OF OREGON } ss.

County of Klamath

On the 9th day of April, 2002, 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: 9-10-05

STATE OF OREGON } ss.

County of Klamath

On the 9th day of April, 2002, personally appeared Humber D. Thompson and Nancy M. Thompson and acknowledged said instrument to be their voluntary act and deed.

BEFORE ME:



[Signature]
Notary Public for OTB
My Commission Expires: 9-10-05