

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTOR:

Klamath Cascade Group, LLC
2918 Edison Avenue
Klamath Falls, OR 97603

State of Oregon, County of Klamath

Recorded 08/14/2002 8:58 a. m.
Vol M02, Pg 45656-61
Linda Smith, County Clerk
Fee \$ 46.00 # of Pgs 6

GRANTEE:

City of Klamath Falls, Oregon
A Municipal Corporation
500 Klamath Avenue
Klamath Falls, OR 97601

RIGHT-OF-WAY EASEMENT

Klamath Cascade Group, LLC, an Oregon limited liability company (hereinafter referred to as "Grantor"), in consideration of the terms and conditions of this Easement and other good and valuable consideration, the sufficiency of which is hereby acknowledged, does hereby grant and convey to **City of Klamath Falls, Oregon**, a Municipal Corporation (hereinafter referred to as "Grantee"), on behalf of the public, a perpetual, public right-of-way to be known as "ESI Way," situated on property of Grantor described as Parcel 2 of Klamath County Land Partition 12-00, more particularly described as Parcel 2 on attached Exhibit "B," incorporated herein by this reference. The Easement is more particularly described as Parcel I on attached Exhibit "A," incorporated herein by this reference.

The terms of this Easement are as follows:

1. The parties acknowledge that a prior easement for the ESI Way right-of-way was previously recorded in the deed records of Klamath County at Volume M00, Pages 22399-22400, and the parties intend that this Easement supercede and replace that prior easement. The parties further acknowledge that the legal description set forth in Exhibit "A" is intended to be an "as-built" description of that prior easement.
2. The property of Grantor burdened by this Easement is described as Parcel 2 of Klamath County Land Partition 12-00, the legal description for which is set forth as Parcel 2 on attached Exhibit "B." This Easement shall be appurtenant to Parcels 1 and 2 on attached Exhibit "B."
3. This Easement shall be used for public vehicular and pedestrian access and for installation, maintenance, repair, replacement and use of public utilities. In conjunction with such use, Grantee, and others authorized to utilize the utility easement, may construct, reconstruct, maintain and repair the roadway or utilities situated within this Easement.
4. Grantee agrees to indemnify, defend and hold harmless Grantor from any loss, claim or liability to Grantor arising out of use of the Easement. Grantee assumes all risk arising out of use of the Easement, and Grantor shall have no liability to Grantee or others for any condition existing thereon.
5. This Easement shall be perpetual; provided, however, it shall be superceded and replaced upon dedication of the right-of-way as a public street pursuant to a partition or subdivision plat of Parcel

2 of Exhibit B.

6. This Easement shall run with the land as to all properties benefitted and burdened by this Easement, including any division or partition of such property. The rights, covenants and obligations of this Easement shall bind, burden and/or benefit each party's successors, assigns, heirs or beneficiaries under a deed of trust.

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

GRANTOR:
KLAMATH CASCADE GROUP, LLC

By: [Signature]
Title: Operating Manager
Attest: [Signature]
Title: Member

GRANTEE:
CITY OF KLAMATH FALLS

By: [Signature]
City Manager
Attest: [Signature]
City Recorder

STATE OF OREGON } ss.

County of Klamath

On the 31 day of July, 2002, personally appeared the above named Bob Stewart and Chuck Paulsen, acting as Operating Manager and Member, respectively, for Klamath Cascade Group, LLC, and each being first duly sworn, did say that the instrument was signed on behalf of said 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: April 22, 2006

STATE OF OREGON } ss.
County of Klamath

On the 5th day of August, 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

45658

EXHIBIT "A"
ESI WAY

GRANTOR:
KLAMATH PACIFIC
2918 EDISON AVE.
KLAMATH FALLS, OR 97603
JUNE 27, 2001
PARCELS I, II AND III

PARCEL I (RIGHT-OF-WAY DEDICATION)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, AND THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 18, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, SAID PARCEL ALSO BEING THAT PORTION WITHIN A STRIP OF LAND LYING ON THE LEFT AND RIGHT SIDE OF THE LINE DELINEATED BY FOLLOWING THE BELOW NOTED STATIONS AND OFFSETS OF THE CENTERLINE OF ESI WAY AS SAID CENTERLINE IS DESCRIBED BELOW.

COMMENCING AT STATION 0+00 AT THE INTERSECTION OF SYKES BLVD. CENTERLINE AND ESI WAY CENTERLINE, SAID POINT BEARS SOUTH 23°32'00" EAST, 1206.80 FEET FROM THE CENTER-EAST ONE-SIXTEENTH CORNER OF SAID SECTION 18, EVIDENCED BY A ¾" IRON PIPE WITH 2" ALUMINUM CAP MARKED "L.S. 993"; THENCE SOUTH 71°07'11" WEST, 40.30 FEET TO STATION 0+40.30, SAID POINT BEING THE INTERSECTION OF THE CENTERLINE OF ESI WAY AND THE WESTERLY RIGHT-OF-WAY OF SYKES BLVD. AND THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY SOUTH 71°07'11" WEST 50.81 FEET TO A POINT OF CURVATURE AND STATION 0+91.11; THENCE ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 59°38'39", AN ARC DISTANCE OF 312.30 FEET (THE LONG CHORD OF WHICH BEARS NORTH 79°03'30" WEST, 298.38 FEET) TO A POINT OF COMPOUND CURVATURE AND STATION 4+03.41; THENCE ALONG THE ARC OF A 1000.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 18°43'15", AN ARC DISTANCE OF 326.74 FEET (THE LONG CHORD OF WHICH BEARS NORTH 39°52'33" WEST, 325.29 FEET) TO A POINT OF TANGENCY AND STATION 7+30.15; THENCE NORTH 30°30'56" WEST, 49.17 FEET TO A POINT OF CURVATURE AND STATION 7+79.32; THENCE ALONG THE ARC OF A 1000.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°11'14", AN ARC DISTANCE OF 177.80 FEET (THE LONG CHORD OF WHICH BEARS NORTH 25°25'19" WEST, 177.57 FEET) TO A POINT OF REVERSE CURVATURE AND STATION 9+57.12; THENCE ALONG THE ARC OF A 500.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 26°10'56", AN ARC DISTANCE OF 228.48 FEET (THE LONG CHORD OF WHICH BEARS NORTH 33°25'10" WEST, 226.50 FEET) TO A POINT OF REVERSE CURVATURE AND STATION 11+85.60; THENCE ALONG THE ARC OF A 500.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 47°53'42", AN ARC DISTANCE OF 417.96 FEET (THE LONG CHORD OF WHICH BEARS NORTH 22°33'47" WEST, 405.90 FEET) TO A POINT OF TANGENCY AND STATION 16+03.57; THENCE NORTH 01°23'04" EAST, 1096.43 FEET TO THE POINT OF TERMINUS AND STATION 27+00, SAID POINT BEARS SOUTH 58°51'25" WEST, 576.30 FEET FROM THE NORTHEAST ONE-SIXTEENTH CORNER OF SAID SECTION 18, EVIDENCED BY A ¾" IRON PIPE.

45659

BEARINGS ARE BASED UPON FOUND MONUMENTATION SHOWN ON LAND PARTITION NO. 12-00 AS FILED IN KLAMATH COUNTY RECORDS, KLAMATH COUNTY, OREGON.

<u>STATION TO STATION</u>	<u>LEFT O/S</u>	<u>RIGHT O/S</u>
0+40.30 TO 0+52.93	TAPER 52.73' TO 40.00'	TAPER 52.54' TO 40.00'
0+52.93 TO 16+30.72	40.00'	40.00'
16+30.72 TO 25+39.73	30.00'	40.00'

THE PARCEL OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 4.39 ACRES (191,025 SQUARE FEET) MORE OR LESS.

45660

LEGAL DESCRIPTION

PARCEL 1

Government Lot 2 in Section 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the iron pin which marks the center of Section 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and which point is also the Southeast corner of First Addition to Terminal Tracts and running thence South along the quarter line 1320 feet to the Southeast corner of Government Lot 2; thence West along the South line of Government Lot 2 to its intersection with the East right of way line of the Dalles-California Highway #97; thence Westerly and Northerly following the Easterly right of way line of the Dalles-California Highway #97 to its intersection with the North line of Government Lot 2, which line is also the South line of First Addition to Terminal Tracts; thence East along the North line of Government Lot 2, which line is also the South line of Terminal Tracts, to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by Deed recorded June 25, 1979 in Volume M79 at page 14975, Microfilm Records of Klamath County, Oregon.

PARCEL 2

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

The NE1/4 of the SE1/4 of Section 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, together with the right of ingress and egress to and from the land hereby conveyed, over and upon the road presently located upon the SE1/4 of the SE1/4 of Section 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon. EXCEPTING THEREFROM that portion reserved to W. D. Miller Construction Company by deed dated October 14, 1958, recorded October 21, 1958 in Volume 305, page 166, Deed Records of Klamath County, Oregon.

The SW1/4 of the NE1/4, the NW1/4 of the SE1/4 of Section 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

A tract of land situated in Government Lot 1, Section 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner of said Government Lot 1; thence North 89 degrees 25' West along the North line of said Government Lot 1 to the Northerly right of way line of The Dalles-California Highway; thence Southeasterly along said right of way line to the East line of said Government Lot 1; thence North 0 degrees 22' East along the East line of said Government Lot 1 to the point of beginning.

- Continued -

45661

PARCEL 2 Continued...

The SE1/4 of the SE1/4 of Section 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, LESS area occupied by Highway as described in Book 95, page 181, Deed Records of Klamath County, Oregon; and EXCEPTING THEREFROM a parcel of land in the Southwest corner of said SE1/4 of the SE1/4 of said Section 18, lying South of a line drawn parallel to and 347.77 feet Northeasterly at right angles from the centerline of the paved surface of Highway 97 as now constructed.

A parcel of land lying in the SE1/4 of the SE1/4 Section 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said parcel lying between the Northeasterly right of way line of The Dalles-California Highway and a line parallel to and 347.77 feet distant Northeasterly from the centerline of The Dalles-California Highway, said parcel being more particularly described as follows:

Beginning at a point on the South line of Section 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said point also lying on the Northeasterly right of way line of The Dalles-California Highway; thence Northwesterly along the Northeasterly right of way line of The Dalles-California Highway to a 1 1/2" pipe on the West line of the SE1/4 of the SE1/4 of said Section 18, said 1 1/2" pipe being 1068.93 feet South of the Northwest corner of the SE1/4 of the SE1/4 of said Section 18; thence North along the West line of the SE1/4 of the SE1/4 of said Section 18 to a point which lies 347.77 feet Northeasterly, when measured at right angles, from the centerline of The Dalles-California Highway; thence Southeasterly parallel to and 347.77 feet distant from the center line of The Dalles-California Highway to a point on the South line of said Section 18; thence West along the South line of said Section 18 to the point of beginning.

SAVING AND EXCEPTING those portions deeded to the City of Klamath Falls by Deeds recorded September 14, 1990 in Deed Volume M90 at page 18511, and recorded September 19, 1990 in Deed Volume M90, page 18838, all Microfilm Records of Klamath County, Oregon. FURTHER EXCEPTING any portion lying Southerly of West Campus Drive now known as Dan O'Brien Way.

AND FURTHER EXCEPTING A tract of land located in the SE1/4 of Section 18, Township 38 South Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Northwest corner of Parcel 1 of Land Partition 34-97, said corner being on the Southerly right of way line of Northern Heights Boulevard, 50.00 feet from the centerline when measured at right angles to said centerline, said corner also being on the line between Sections 17 and 18; thence South 01 degrees 14' 29" West along said Section line and the West line of said parcel, 310.13 feet to the Northerly right of way line of Dan O'Brien Way, 50.00 feet from centerline when measured at right angles to said centerline; thence along said right of way line and along a non-tangent 868.50 foot radius curve to the left, 257.70 feet, said curve having a central angle of 17 degrees 00' 02", the chord of which bears North 61 degrees 31' 28" West, 256.75 feet to a point on non-tangency; thence leaving said Northerly right of way line the following 4 courses: North 16 degrees 44' 41" East, 60.62 feet; thence along a tangent 150.00 foot radius curve to the right, 147.99 feet, said curve having a central angle of 56 degrees 31' 41", the chord of which bears North 45 degrees 00' 20" East, 142.06 feet to a point of Tangency; thence North 73 degrees 16' 28" East, 119.67 feet to said Section line; thence South 01 degrees 14' 29" West along said Section line 5.30 feet to said Southerly right of way line and the point of beginning. The basis of bearings for this description is per Land Partition 34-97.