

MEMORANDUM OF ANNEXATION AGREEMENT

BE IT REMEMBERED, on the 24th day of December, 2003, the City of Klamath Falls, an Oregon municipal corporation (CITY), and Five Development, LLC, (OWNER) entered into an Annexation Agreement committing the following-described real property situated in Klamath County, Oregon, to possible future annexation to the City:

A tract of land situated in the E ½ NW ¼ of Section 12, Township 39 South, Range 9 E.W.M., more particularly described as follows: Beginning at a point located N. 89°52' W. along the section line common to Sections 1 and 12, Twp. 39 S.R. 9 E.W.M., a distance of 430 feet from the North quarter corner of said Section 12; thence S. 0°22' E. parallel to the East line of the NW ¼ of said Section 12 a distance of 408.38 feet; thence N. 89°52' W. parallel to the North line of said Section 12 a distance of 30 feet; thence S. 0°22' E. parallel to said East line of Section 12, a distance of 1065.75 feet; thence S. 42°50' W. a distance of 392.99 feet to the Northeasterly right of way line of the O.C.&E. Railroad; thence N. 66°54' W. along the Northeasterly right of way line of O.C. & E. Railroad 197.42 feet; thence N. 0°22' W. 1685.88 feet to the North line of Section 12; thence S. 89°52' E. along said section line 480 feet, more or less to the point of beginning. SAVING AND EXCEPTING ANY PORTION LYING WITHIN TRACT 1343, Phase One

Said Annexation Agreement includes a request to rezone the property following annexation.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 29 day of December, 2003.

CITY OF KLAMATH FALLS

OWNER, FIVE DEVELOPMENT, LLC

By: [Signature]
City Manager

[Signature]
FIVE Development, LLC Member
James F. Servoss

Attest: [Signature]
City Recorder

State of Oregon, County of Klamath
Recorded 01/12/2004 3:42 p m
Vol M04 Pg 1624
Linda Smith, County Clerk
Fee \$ 2.00 # of Pgs 1

STATE OF OREGON } ss.
COUNTY OF KLAMATH }

On the 5th day of January, 200⁴, 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:



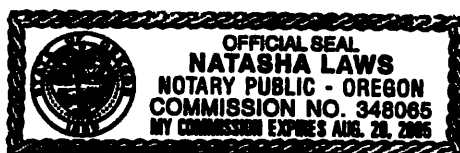
[Signature]
Notary Public for Oregon
My Commission Expires: 9-10-05

STATE OF OREGON }
COUNTY OF KLAMATH }

ss

On the 29 day of DECEMBER, 2003, personally appeared James F. Servoss ~~FOR FIVE~~, as Member, for Five Development, LLC and acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:



[Signature]
Notary Public for Oregon
My Commission Expires: 8-20-05

AFTER RECORDING RETURN TO:

Klamath Falls City Recorder
P.O. Box 237
Klamath Falls, OR 97601