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State of Oregon, County of Klamath
Recorded 07/23/2004 11:01a
Vol M04 Pg 48380-83
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

MEMORANDUM OF ANNEXATION AGREEMENT

BE IT REMEMBERED, on the 8th day of June, 2004, the City of Klamath Falls, an Oregon municipal corporation (CITY), and Regional Disposal Company, dba Rabanco Regional Disposal Company (OWNER), entered into an Annexation Agreement committing the property described in Exhibit "A" hereto, which Exhibit is hereby incorporated herein, to possible future annexation to the City. Said Annexation Agreement includes a request to rezone the property following annexation and is binding upon OWNER and all successive Owners of all or part of said Property.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 8 day of June, 2004.

CITY OF KLAMATH FALLS

OWNER, Regional Disposal Company dba
Rabanco Regional Disposal Company

By: [Signature]
City Manager

[Signature]

Attest: [Signature]
City Recorder

STATE OF OREGON }
COUNTY OF KLAMATH } ss.

On the 8th day of June, 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 WA
COUNTY OF KLAMATH KING

} ss

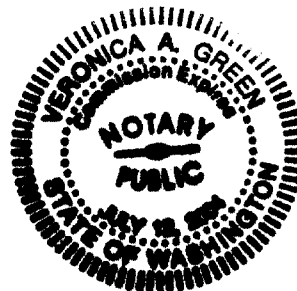
On the 11 day of June, 2004, personally appeared PETE FEUER
VICE PRES for Regional Disposal Company, dba Rabanco Regional Disposal Company, and acknowledged said instrument its voluntary act and deed.

BEFORE ME:

[Signature]
Notary Public for WASHINGTON
My Commission Expires: 7/13/04

AFTER RECORDING RETURN TO:
Klamath Falls City Recorder
P.O. Box 237
Klamath Falls, OR 97601

Amt - Kristi



3600

ACKNOWLEDGEMENT AND CONSENT
AGREEMENT

THIS ACKNOWLEDGEMENT AND CONSENT AGREEMENT is made and entered into this 13th day of July 2004 by and between Klamath County ("County") and the City of Klamath Falls ("City").

RECITALS

1. In accordance with an Agreement dated January 14, 2003, County and Regional Disposal Company ("RDC") contracted for RDC to obtain real property and build the Klamath Regional Disposal Transfer Station ("Transfer Station").
2. The real property for the Transfer Station was purchased by RDC in December of 2003.
3. In exchange for extending water service to the Transfer Station, City and RDC entered into an Annexation Agreement for the Transfer Station property dated June 8, 2004, the terms of which are incorporated herein by this reference. City and RDC intended that the foregoing attached Memorandum of Annexation, the terms of which are incorporated herein by this reference, be recorded prior to any sale of the Transfer Station property by RDC.
4. On June 11, 2004, RDC sold the Transfer Station property to the County, as required in the January 14, 2003 Agreement, and the deed of conveyance was recorded prior to the foregoing Memorandum of Annexation. In recognition of the failure to previously record the Memorandum of Annexation, RDC and County signed an "Addendum to Escrow Instructions," the terms of which are incorporated herein. The Addendum states:

"All parties are fully aware that the Memorandum of Annexation with the City of Klamath Falls has not yet been recorded with the Klamath County Clerk. Buyers have read, received and approved a copy outside of this escrow and understand that the original will be recorded when the original is delivered to Brad Aspell's office or to the City of Klamath Falls."

AGREEMENT

In consideration of the mutual covenants and promises contained herein, and the foregoing recitals, the parties agree as follows:

County and City hereby acknowledge and agree to the terms of the foregoing Memorandum of Annexation, and the complete terms of the Annexation Agreement incorporated by reference in said Memorandum, hereby consent to the recording of the said Memorandum and hereby agree that the terms of said Memorandum, and the incorporated Annexation Agreement, shall be binding on the County and City and their successors and assigns.

Dated: 7-1-04

CITY OF KLAMATH FALLS

By: [Signature]
Jeff Ball, City Manager

Attest: Shirley Kappas

Approved as to Form

[Signature]
Rick Whitlock
City Attorney

Dated: 7-13-04

KLAMATH COUNTY

[Signature]
Chairman

Out of Office Today

Commissioner
[Signature]
Commissioner

Approved as to Legal Sufficiency

[Signature]
Reginald R. Davis
Klamath County Counsel

Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

Parcel One: A parcel of land situated in the NE 1/4 SW 1/4 of Section 9, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and being a portion of Ewauna Park Subdivision according to the official plat thereof on file in the office of the Klamath County Clerk, more particularly described as follows:

Beginning at a point on the Easterly right of Way line of Tingley Lane (formerly Manzanita Way), said point being the intersection of said Easterly line with the South right of way line of Birch Street (now vacated of said Ewauna Park Subdivision; thence S. 70°19'42" E. along the South right of way line of said vacated Birch Street, a distance of 191.00 feet to a point; thence N. 19°40'18" E. perpendicular to the said South right of way line, a distance of 50.00 feet to a point on the North right of way line of said vacated Birch Street; thence S. 70°19'42" E. along said North right of way line, a distance of 325.34 feet to a point on the East line of the NE 1/4 SW 1/4 of said Section 9, said point being S. 00°06'02" W. 561.65 feet from the Northeast corner of said NE 1/4 SW 1/4; thence S. 00°06'02" W. along said East line of the NE 1/4 SW 1/4, a distance of 477.59 feet to the southeast corner of Lot 1, Block 20 of said Ewauna Park Subdivision; thence N. 70°19'42" W., along the southerly lines of the following Lots; Lot 1 of Block 20, Lots 10 and 17 of Block 18 and Lots 8, 9, and 10 of Block 15, a distance of 676.32 feet to the Southwest corner of said Lot 8; thence N. 19°40'18" E. along the West line of Block 15 a distance of 400.00 feet to the Point of Beginning; containing 5.94 acres more or less.

Parcel Two: A parcel of land situated in the SE 1/4 of Section 9, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of said SE 1/4 of Section 9, said point being S. 00°06'02" W. 30.00 feet from the Northwest corner of said SE 1/4; thence S. 89°13'13" E. along the South right of way line of LaVerne Avenue, a distance of 60.00 feet to the Westerly right of way line of the Burlington Northern & Santa Fe Railway Co. (formerly Great Northern Railway Co.); thence S. 00°06'02" W. 189.04 feet along said Westerly right of way line; thence S. 47°23'24" E., 1413.45 feet along said Westerly right of way line; thence S. 42°36'36" W. perpendicular to said Westerly right of way line, a distance of 207.80 feet; thence N. 48°25'27" W. 299.92 feet; thence N. 60°58'37" W., 600.45 feet; thence N. 87°57'55" W., 211.38 feet to a point on the West line of said SE 1/4 of Section 9; thence N. 00°06'02" E. along the said West line, a distance of 801.85 feet to the Point of Beginning; containing 9.58 acres more or less.

Also know as Parcel 1 of Land Partition 10-03, situate in SE 1/4 of Section 9, Township 39 South, Range 9 East of the Willamette Meridian.

Tax Parcel Number: