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Vol M04 Page 58372

State of Oregon, County of Klamath
Recorded 09/01/04 8:31 a m
Vol M04 Pg 58372-75
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

plu
cc
AFTER RECORDING, RETURN TO:
JELD-WEN, Inc.
Attn: Real Estate Manager
3250 Lakeport Blvd.
Klamath Falls, OR 97601

PEDESTRIAN ACCESS EASEMENT

DATED:

9/30, 2004

BETWEEN: **JELD-WEN, inc.**, an Oregon corporation
3250 Lakeport Blvd.
Klamath Falls, OR 97601

"Grantor"

AND: **HARBOR ISLES HOMEOWNERS' ASSOCIATION**, an
Oregon nonprofit corporation
601 Harbor Isles Blvd.
Klamath Falls, OR 97601

"Grantee"

Grantor is the owner of a parcel of real property known as Lot 97, 4th Addition to Harbor Isles – Tract 1347, Klamath County, Oregon ("Lot 97") which is located in a subdivision commonly known as "Harbor Isles". Grantee is the owner of and/or responsible party for certain common area and canal waterways located in Harbor Isles. Grantee desires to have an easement over a portion of Lot 97 to construct and maintain a pedestrian access pathway from Harbor Isles Boulevard to the adjacent canal waterway for use by its members as further described in the attached **Exhibit A** (the "Access Easement").

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Grantor grants to Grantee a permanent, exclusive easement to construct, use and maintain a fifteen foot wide pedestrian access pathway on the Access Easement as more fully described in the attached Exhibit A, for use by members of Grantee.
2. Grantee shall indemnify, defend, and hold Grantor harmless from any liability related to Grantee's, or Grantee's members, ingress and egress on the Access Easement and related to any construction of improvements, if any, on, and the use, operation and maintenance of, the Access Easement.
3. Grantee shall not erect any structures on, commence any construction on, or make improvements to, the Access Easement without the prior written approval by Grantor, which approval shall be withheld or granted in Grantor's sole discretion.
4. In consideration of the easement granted herein, Grantee agrees to maintain at all times and at its sole cost and expense the Access Easement and any improvements thereon in a clean and attractive condition, in good repair and in such a fashion as not to create a fire hazard or any other hazard. Further, Grantee accepts maintenance responsibility for bank retention within the Access Easement, or adjacent or proximate thereto as a result of any improvements or construction by Grantee, as specified in the

36

Declaration of Protective Covenants, Conditions and Restrictions for Harbor Isles recorded in Klamath County, Oregon. Grantee has no right to require that the Access Easement be improved or maintained by Grantor to accommodate its use of the adjacent canal waterways.

5. Grantor agrees to pay any expenses relating to the granting of this easement, including but not limited to, professional fees for document preparation, surveying, recording and other related expenses.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Pedestrian Access Easement as of the day and year set forth above.

GRANTOR:

JELD-WEN, inc., an Oregon corporation

BY R.C. Wendt
 Its PRESIDENT
 Printed Name R.C. WENDT

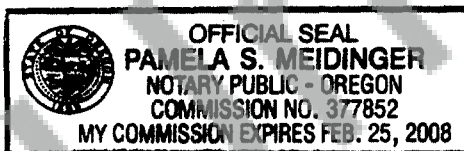
GRANTEE:

HARBOR ISLES HOMEOWNERS' ASSOCIATION, an Oregon nonprofit corporation

BY Gregory Stathos
 Its President
 Printed Name Gregory Stathos

STATE OF OREGON)
) ss.
 COUNTY OF KLAMATH)

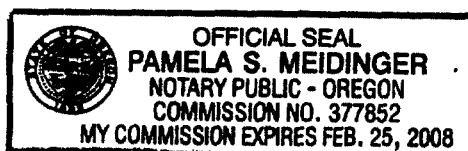
This instrument was acknowledged before me on AUGUST 30, 2004 by R.C. WENDT as PRESIDENT of JELD-WEN, inc., an Oregon corporation.



Pamela S. Meidinger
 Notary Public for Oregon
 My Commission expires: 2-25-08

STATE OF OREGON)
) ss.
 COUNTY OF KLAMATH)

This instrument was acknowledged before me on AUGUST 30, 2004 by GREGORY STATHOS as PRESIDENT of HARBOR ISLES HOMEOWNERS' ASSOCIATION, an Oregon nonprofit corporation.



Pamela S. Meidinger
 Notary Public for Oregon
 My Commission expires: 2-25-08

August 26, 2004

4th ADDITION TO HARBOR ISLES
TRACT 1347
PEDESTRIAN ACCESS EASEMENT
EXHIBIT "A"

A 15.00 FOOT ACCESS EASEMENT LOCATED IN LOT 97 OF THE 4TH ADDITION TO HARBOR ISLES - TRACT 1347, KLAMATH COUNTY RECORDS, IN SECTION 19, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, CITY OF KLAMATH FALLS, KLAMATH COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 97 OF SAID 4TH ADDITION TO HARBOR ISLES - TRACT 1347, SAID CORNER BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF HARBOR ISLES BOULEVARD, 30.00 FEET FROM CENTERLINE WHEN MEASURED AT RIGHT ANGLES TO SAID CENTERLINE, THENCE SOUTH 77°45'36" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 15.00 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 12°14'24" WEST, 72.91 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 97; SOUTH 42°49'30" EAST, 10.70 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 35.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 23°24'22", AN ARC LENGTH OF 14.30 FEET (THE LONG CHORD OF WHICH BEARS SOUTH 54°31'41" EAST, 14.20 FEET) TO A POINT OF NON-TANGENCY; THENCE SOUTH 12°14'24" EAST, 53.19 FEET TO THE POINT OF BEGINNING.

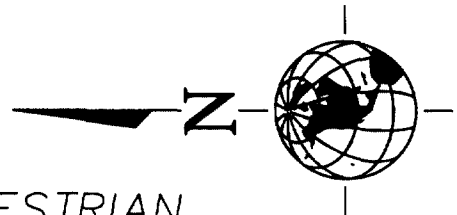
SAID ACCESS EASEMENT CONTAINS 923 SQUARE FEET, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PER THE PLAT OF "FOURTH ADDITION TO HARBOR ISLES - TRACT 1347".

SEE ATTACHED EXHIBIT MAP "B".



58375



15' PEDESTRIAN
ACCESS EASEMENT

HARBOR ISLES BLVD

15.00

10.70

S12°14'24"E
72.91'

97
9,983 S.F.

96
9,877 S.F.

30.00'

Office: K Falls / System: WHP-KLM-SRCV121 / User: TFOSTER

DESIGNED BY: _____			CHECKED BY: _____		
DRAWN BY: _____ TPF			APPROVED BY: _____		
LAST EDIT: _____			PLOT DATE: 08/26/04		
DATE	BY	REV#	REVISION	CK'D	APPR

WH

1004 Main St.
Klamath Falls, Oregon
97601-5413

(541) 286-2000
(541) 286-0900 Fax
wh@wh.com

RUNNING Y RESORT
4TH ADDITION TO HARBOR ISLES - TRACT 1347
PEDESTRIAN ACCESS EASEMENT
EXHIBIT "B"

KLAMATH FALLS OREGON

SCALE: 1" = 30'	PROJECT NO.	DRAWING FILE NAME: SHBIPT01	1 SHEET	1
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