

05 APR 10 PM 3:25

MTL-68447^{UR}

AFTER RECORDING RETURN TO:

ECS Composites, Inc.
3560 Rogue River Highway
P. O. Box 188
Grants Pass, OR 97528

GRANTOR:

City of Klamath Falls
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTEE:

Environmental Container Systems, Inc. dba
ECS Composites, Inc.
3560 Rogue River Highway
P. O. Box 188
Grants Pass, OR 97528

CLERK'S STAMP

Vol M05 Page 27447

State of Oregon, County of Klamath
Recorded 04/19/2005 3:25 P m
Vol M05 Pg 27447-52
Linda Smith, County Clerk
Fee \$ 46.00 # of Pgs 6

TAX STATEMENTS:

Until requested otherwise, send all tax statements to:
Environmental Container Systems, Inc. dba
ECS Composites, Inc.
3560 Rogue River Highway
P. O. Box 188
Grants Pass, OR 97528

BARGAIN AND SALE DEED

[Statutory]

The City of Klamath Falls, a Municipal Corporation of the State of Oregon, Grantor, conveys to Environmental Container Systems, Inc., a California corporation, dba ECS Composites, Inc., an assumed business name, Grantee, the following described real property situated in the County of Klamath, State of Oregon, to-wit:

See Attached EXHIBIT "D," incorporated herein by this reference.

RESERVING UNTO GRANTOR A WATER LINE AND SANITARY SEWER
EASEMENT ON THE TERMS AND CONDITIONS SET FORTH IN
ATTACHED EXHIBIT A.

The true and actual consideration paid for such transfer, stated in terms of dollars is \$275,000.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 18th day of April, 2005.

City of ~~Klamath~~ Falls – Grantor

By: [Signature]

Jeffrey D. Ball, City Manager

46.00
4/19/05

27448

ATTEST:

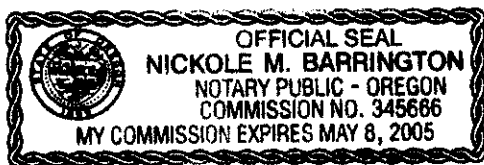


Elisa D. Olson, City Recorder

STATE OF OREGON)
)ss.
County of Klamath)

On the 18th day of April, 2005, 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:





Notary Public for Oregon
My Commission Expires: 5-8-2005

Exhibit A

As part of the foregoing property conveyance, there is hereby reserved unto Deed Grantor, **City of Klamath Falls, Oregon, a Municipal Corporation** (referred to in this Easement as "City"), a perpetual, exclusive water and sanitary sewer line easement situated on the Property legally described in the foregoing Deed. The Waterline Easement consists of a strip of land sixteen feet (16') wide, more particularly described in attached Exhibit "B," incorporated herein by this reference, and the Sanitary Sewer Easement consists of a strip of land twenty feet (20') wide, more particularly described in attached Exhibit "C," incorporated herein by this reference (collectively, the "Easement Area").

The terms of this Easement are as follows:

1. The Property as described in the foregoing Deed is burdened by this Easement.
2. This Easement shall be used for the purpose of installing, inspecting, repairing, maintaining, altering and operating City's municipal water and sanitary sewer lines and all necessary appurtenances in, into, upon, over, across and under the Easement Area, together with the right of reasonable ingress and egress over the Property for purposes of City's use of this Easement.
3. Deed Grantee, ECS Composites, Inc. (referred to in this Easement as "ECS") shall not erect any buildings or other permanent structures within the Easement Area that would inhibit access or cause damage to any utility lines within the Easement Area. ECS shall have the right to utilize the Easement Area for asphalt driveways, parking area and/or landscaping, except for trees that in City's judgment would interfere with the water and sewer line(s). Portland cement concrete is prohibited in the Easement Area except for curbs and gutters. ECS agrees that any other use by ECS of the Easement Area or the ingress/egress area permitted herein shall not interfere with City's use and enjoyment of those areas as authorized herein
4. City agrees to indemnify, defend and hold harmless ECS from any loss, claim or liability to ECS arising out of use of the Easement. City assumes all risk arising out of use of the Easement, and ECS shall have no liability to City or others for any condition existing thereon.
5. This Easement and rights reserved herein shall be perpetual.
6. This Easement shall run with the land as to all properties benefited and burdened by this Easement, including any division or partition of the Property. The rights, covenants and obligations of this Easement shall bind, burden and/or benefit each party's successors, assigns, heirs or beneficiaries under deed of trust.
7. This easement shall include the perpetual right of City to enter upon the Property at any necessary time, so long as City uses its best efforts to coordinate such access with ECS so as not to unreasonably interfere with the ongoing activities of ECS.



27450

YOUR PROFESSIONAL ENGINEERING TEAM SINCE 1957

P 541-772-7115 F 541-779-4079 1120 EAST JACKSON PO BOX 490 MEDFORD, OR 97501
EMAIL: info@marquess.com WEB: www.marquess.com

Exhibit "B"

WATERLINE EASEMENT

A strip of land located in the Northwest one quarter of Section 22, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon.

Commencing at the Southwest corner of Parcel 3, of Land Partition 32-95 recorded in the Klamath County Clerk's Office; thence, along the northerly right-of-way line of Joe Wright Road, South $89^{\circ} 27' 28''$ East a distance of 398.81 feet to the adjusted property line as shown on Property Line Adjustment No. 23-04, on file in the City of Klamath Falls Engineering Office, to the True Point of Beginning; thence North $00^{\circ} 32' 32''$ East 16.00 feet; thence South $89^{\circ} 27' 28''$ East 873.46 feet; thence North $47^{\circ} 51' 33''$ East 144.05 feet to the easterly line of Parcel 1 and westerly line of Yorktown Avenue as shown on Land Partition 25-99 recorded in the Klamath County Clerk's Office; thence along said westerly line South $00^{\circ} 28' 12''$ West 7.24 feet to a point of curvature; thence Southwesterly along the arc of a 106.42 foot radius curve which is concave to the Northwest (long chord of South $45^{\circ} 28' 12''$ West 150.50 feet) to the northerly right-of-way line of Joe Wright Road; thence along said right-of-way line North $89^{\circ} 27' 28''$ West 872.94 feet to the True Point of Beginning.



27451

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EMAIL: info@marquess.com WEB: www.marquess.com

Exhibit "C"

20' SANITARY SEWER EASEMENT

A strip of land located in the Northwest one quarter of Section 22, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon.

Beginning at the Southeast corner of Parcel 2 of Land Partition 25-99 recorded in the Klamath County Clerk's Office; thence along the north line of Parcel 3 of Land Partition 32-95 recorded in the Klamath County Clerk's Office; South 89° 27' 28" East 213.28 feet; thence continuing South 89° 27' 28" East 204.75 feet; thence North 00° 32' 32" East 20.00 feet; thence North 89° 27' 28" West 418.03 feet to the easterly line of Parcel 2 of Land Partition 25-99; thence South 00° 32' 32" West along said easterly line of Parcel 2, a distance of 20.00 feet to the Point of Beginning.

EXHIBIT "D"
LEGAL DESCRIPTION

PARCEL 1:

Parcel 1 of Land Partition 25-99, said Land Partition being a portion of Parcel 2 of Land Partition 32-95, and being situated in the SW1/4 of Section 15 and the NW1/4 of Section 22, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Tax Account No:	3909-01500-00702-000	Key No:	873615
Tax Account No:	3909-02200-00202-000	Key No:	878721

PARCEL 2:

A parcel of land situated in the NW1/4 of Section 22, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being the Easterly 398.81 feet of Parcel 3 of Land Partition 32-95 as recorded at the Klamath County Clerks Office, being more particularly described as follows:

Beginning at the Northeast corner of said Parcel 3, said point being marked by a 2-1/2" aluminum cap stamped "City of Klamath Falls"; thence along the Easterly line of said Parcel 3, South 00° 32' 32" West 549.05 feet to the right-of-way line of Joe Wright Road; thence along said right-of-way line North 89° 27' 28" West 398.81 feet; thence leaving said right-of-way line and parallel with said Easterly line North 00° 32' 32" East 549.05 feet to the Northerly line of said Parcel 3; thence along said Northerly line South 89° 27' 28" East 398.81 feet to the point of beginning.

Tax Account No:	3909-02200-00203-000	Key No:	878720
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