

After Recording Return To:  
Randall Simonson @ Washburn JV  
2861 Pinecrest Court  
Medford, Or 97504

Returned to Counter

## **NO BUILD EASEMENT**

**THIS AGREEMENT** is made this \_\_\_\_ day of October, 2005, by and between **RANDALL D. SIMONSON** on behalf of Washburn Trust JV an Oregon Partnership as "Grantor", and the **CITY OF KLAMATH FALLS, OREGON**, hereinafter "Grantee".

**WHEREAS**, Grantor is the owner of certain real property located in Jackson County, Oregon, more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein, also known as Washburn Center, Klamath Falls, OR and has the right and authority to grant this easement

**WHEREAS**, Grantor desires approval by **THE CITY OF KLAMATH FALLS, OREGON**, of the project and site plan for the "Washburn Center" located at 3267 Washburn Way, Klamath Falls, Oregon, and,

**WHEREAS**, the City of Klamath Falls will grant approval of said site plan with the grant of this certain "no build easement".

**NOW, THEREFORE, IN CONSIDERATION** of the mutual promises contained herein the parties hereby agree as follows;

1. Grantor hereby grants to Grantee and its successors in interest a perpetual non-exclusive no build easement on Grantor's property described as follows;

A thirty foot strip of land from 191.10 feet to 221.10 feet south of the northwest corner of Parcel 3 (2.03 acres) of **LAND PARTITION 34-04, BEING A RE-PLAT OF PARCEL 2 OF "LAND PARTITION 46-02" SITUATED IN THE NW ¼ NW ¼ OF SECTION 10, T39S, R9E W.M. KLAMATH COUNTY OREGON SURVEYED OCTOBER, 2004.** extending from the western boundary of said Parcel 3, 250.0' feet to the eastern boundary of said Parcel 3.

And a similar thirty foot strip of land beginning from the northwest corner of Parcel 2 of **LAND PARTITION 34-04** referred to above, to thirty feet east along the northern boundary of Parcel 2 and extending 151.10 feet southward along the western boundary of Parcel 2.

upon which Grantor agrees not to erect any structure or obstruction that would impede free ingress or egress from said Parcels 2 or 3 of Land Partition 34-04.

2. Grantee hereby agrees to approve Grantor's site plan of the Washburn Center described above upon recording of this easement.

**IN WITNESS WHEREOF**, the parties have set their hands the day and year first above written.

WASHBURN TRUST JV

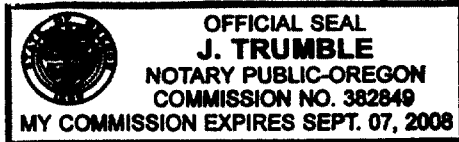
By   
Randall D. Simonson, Partner

CITY OF KLAMATH FALLS

By \_\_\_\_\_

STATE OF OREGON           )  
  ) SS  
County of Jackson        )

ON BEHALF OF WASHBURN TRUST JV  
Personally appeared Randall Simonson and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 5th day of Oct., 2005.



  
Notary Public for Oregon

My Comm. Exp. 9.7.08

STATE OF OREGON           )  
  ) SS  
County of Klamath        )

Personally appeared \_\_\_\_\_ and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public for Oregon

My Comm. Exp. \_\_\_\_\_

