

M05-68472

Klamath County, Oregon

11/07/2005 02:27:44 PM

Pages 1 Fee: \$21.00

EASEMENT AGREEMENT

KNOW ALL MEN by these presents that Brian Sherrill, manager of Jan-Terr L.L.C., owner and operator of "Human Bean Coffee" located at So. Sixth and Hope Street; in consideration of a mutual reciprocal easement over the westerly adjacent property does hereby create a joint use driveway access easement over a portion of that property described in Exhibit "A" of Deed Volume M76-9716, said portion described as follows:

A parcel of land situated in the SE1/4 of the NW1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said parcel being a 20 foot wide and 60 foot long strip of land more particularly described as follows:

Beginning at a point on the north right-of-way line of the Klamath Falls – Lakeview Highway (South Sixth Street), said point being N.89°43'52"E., 330.00 feet from the west line of said SE1/4 NW1/4 of Section 2; thence N.00°10'00"E., 60.00 feet; thence N.89°43'52"E., 20.00 feet; thence S.00°10'00"W., 60.00 feet; thence S.89°43'52"W., 20.00 feet to the Point of Beginning. Bearings based on record of survey No. 3053 on file in the records of Klamath County.

The easement shall go into effect only when the westerly adjacent property is re-developed and a reciprocal joint use driveway access easement is established by the adjacent owner over an ODOT permitted approach to the State Highway. Adjacent property owner shall be responsible for the construction and cost of the new joint driveway, including but not limited to demolition, grading, base rock, asphalt, curbs and sidewalks. The reciprocal easements shall be used for cross-over vehicular and pedestrian ingress and egress purposes only by the adjoining business owners and "permitted persons". "Permitted persons" means the employees, representatives, agents, business visitors, customers, and invitees of the adjoining business owners. Each owner will be responsible for maintenance and repair of their easement area and approach, and expressly reserves the right to modify the access way and approach on such owner's parcel from time to time, provided that such modification does not obstruct the use of joint cross-over ingress and egress.

IN WITNESS WHEREOF, Jan-Terr L.L.C. has caused this instrument to be signed by its manager this 7th day of November, 2005.

o/c Brian Sherrill
Brian Sherrill Jan-Terr L.L.C.



State: Oregon
County: Klamath

Kirsten Harper exp. 8/8/06