

M05-69307

Klamath County, Oregon

11/17/2005 03:18:37 PM

Pages 2 Fee: \$26.00

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

MEMORANDUM OF ANNEXATION AGREEMENT

BE IT REMEMBERED, on the 31st day of October, 2005, the City of Klamath Falls, an Oregon municipal corporation (CITY), and Gallica Three/KF 3.5, LLC (OWNER), entered into an irrevocable Annexation Agreement committing the real property, known as Villa Place Subdivision, described in Exhibit "A" hereto, which Exhibit is hereby incorporated herein, situated in Klamath County, Oregon, to possible future annexation to the City. Said Annexation Agreement is irrevocable, 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 31st day of October, 2005.

CITY OF KLAMATH FALLS

 City Manager
GALLICA THREE/KF 3.5, LLC

 David Sturdevant, Member

Attest:

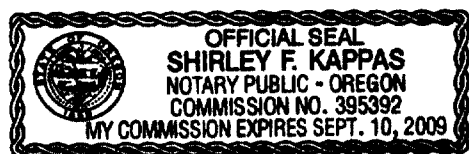

 City Recorder

STATE OF OREGON)

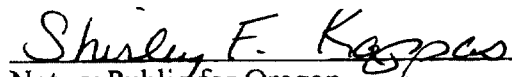
ss.

COUNTY OF KLAMATH)

On the 31st day of October, 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.



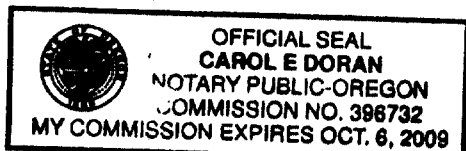
BEFORE ME:


 Notary Public for Oregon
 My Commission Expires: 9-10-09

STATE OF OREGON)

 County of Deschutes)ss.

On the 17 day of October, 2005, David Sturdevant personally appeared and being first duly sworn, did say that he was the representative for Gallica Three/KF 3.5, LLC, and that the instrument was signed on behalf of said Limited Liability Company; and he acknowledged said instrument to be its voluntary act and deed.



BEFORE ME:



 Notary Public for Oregon
 My Commission Expires: 10-6-2009

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

The N1/2 of the NE1/4 of the SW1/4 of the SE1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon,

EXCEPTING THEREFROM the Southerly 125 feet thereof.

ALSO EXCEPTING THEREFROM a tract of land situated in the N1/2 NE1/4 SW1/4 SE1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the Southerly line of the U.S.B.R. No. 1-C-3-B Drain as described in Volume 99 at page 167, Klamath County Deed Records, and the centerline of Homedale Road, a county road, said point being South 00° 26' 00" East 50.00 feet from the SE1/16 corner of said Section 11; thence South 00° 26' 00" East, along the centerline of said Homedale Road, 73.40 feet; thence South 88° 53' 24" West 30.00 feet to the Westerly right of way line of said line of said Homedale Road; thence continuing South 88° 53' 24" West, along a chain link fence and it's extension, 150.00 feet; thence North 00° 26' 00" West 78.82 feet to the Southerly line of said drain; thence along said drain South 89° 23' 04" East 150.01 feet to the Westerly right of way line of said Homedale Road; thence continuing South 89° 23' 04" East 30.01 feet to the point of beginning.

ALSO EXCEPTING THEREFROM the following described parcel:

Beginning at a point on the West line of Homedale Road which bears South 00° 31' 50" East 95.22 feet from the intersection of said West line with the South line of the USBR 1-C-3-B Drain; thence South 88° 46' 57" West 50.63 feet; thence 57.21 feet on the arc of a 500.00 foot radius curve to the left, said curve having a long chord which bears South 85° 30' 18" West 57.17 feet and a delta angle of 6° 33' 19"; thence 68.42 feet on the arc of a 500.00 foot radius curve to the right, said curve having a long chord which bears South 86° 08' 50" West 68.36 feet and a delta angle of 7° 50' 24"; thence North 89° 55' 58" West 95.05 feet; thence North 00° 03' 08" East 108.18 feet to the South line of the USBR 1-C-3-B Drain; thence along said South line South 89° 29' 31" East 120.05 feet; thence leaving said South line South 00° 32' 20" West 78.82 feet; thence North 88° 46' 57" East 150.00 feet to a point on the West line of Homedale Road, thence South along said West line to the point of beginning.

PARCEL 2:

The South 125 feet of the N1/2 of the NE1/4 of the SW1/4 of the SE1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.