

M05-71203

Klamath County, Oregon

12/15/2005 03:12:02 PM

Pages 2 Fee: \$26.00

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

**REVOCATION AND RESCISSION
OF EASEMENT RECORDED AT M05, PAGE 65918-65920,
KLAMATH COUNTY DEED RECORDS**

RECITALS:

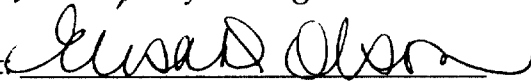
- A. Washburn Trust JV, an Oregon Partnership is the owner of three parcels of real property legally described as follows (the "Property"): Parcels 1, 2 and 3 of Land Partition 34-04, being a replat of "Land Partition 46-02," situated in the NW ¼ NW ¼ of Section 10, T39S, R9EWM, as recorded in the office of the Clerk of Klamath County, Oregon.
- B. On or about October 5, 2005, Randall D. Simonson, on behalf of Washburn Trust JV, created a water line easement in favor of the City of Klamath Falls, Oregon, ("City"). This easement was recorded in the records of Klamath County on October 6, 2005 at volume M05, pages 65918-65920. The parties hereto agree that this easement was created and granted in error because the waterline in question should be a privately owned and maintained waterline and should not be part of the City's municipal water system.

Now, therefore, Washburn Trust JV, by and through Randall D. Simonson, and City hereby agree that the Easement created in favor of City dated October 5, 2005 and recorded October 6, 2005 at M05, pages 65918-65920, is hereby revoked and rescinded. When Washburn Trust JV sells or conveys either Parcel 1 or Parcel 3 of Land Partition 34-04, Washburn Trust JV hereby agrees to create, and grant and record a new easement allowing the placement of a private waterline across Parcel 1 to service Parcel 3.

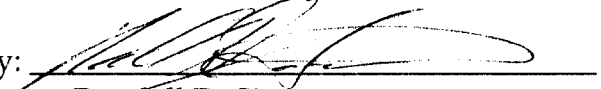
IN WITNESS WHEREOF, We have each executed this document on the dates set forth below.

CITY OF KLAMATH FALLS

By: 
Jeff Ball, City Manager

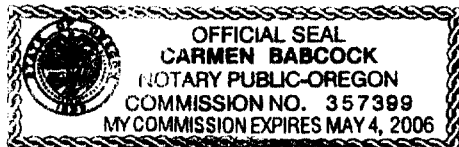
Attest: 
Elisa D. Olson, City Recorder

WASHBURN TRUST JV

By: 
Randall D. Simonson

STATE OF OREGON)
) ss.
County of Klamath)

On the 8th day of December, 2005, personally appeared Randall D. Simonson, who, being duly sworn, acknowledged to me that he is the representative for Washburn Trust JV, that the foregoing instrument was signed on behalf of Washburn Trust JV, that he is authorized to execute this instrument and that the foregoing instrument is the voluntary act and deed of Washburn Trust JV.



WITNESS my hand and official seal.

Carmen Babcock

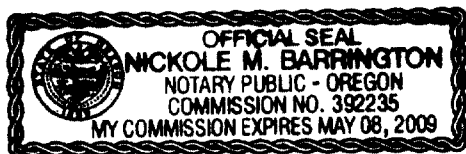
SIGNATURE OF NOTARY PUBLIC

Notary Public for Oregon

My Commission Expires: 5/4/2006

STATE OF OREGON)
) ss.
County of Klamath)

On the 12th day of December, 2005, personally appeared Jeff Ball and Elisa D. Olson, who, each being first duly sworn, did acknowledge that the former is the City Manager and the latter is the City Recorder of the City of Klamath Falls, an Oregon municipal corporation, that the instrument was signed on behalf of said municipal corporation and that said instrument is the voluntary act and deed of said municipal corporation.



WITNESS my hand and official seal.

Nickole M. Barrington

SIGNATURE OF NOTARY PUBLIC

Notary Public for Oregon

My Commission Expires: 5-8-2009