

EASEMENT FOR A WATER METER

M06-02921

Klamath County, Oregon

02/15/2006 08:14:16 AM

Pages 6 Fee: \$46.00

o/c **K FALLS ONE LLC**, (Grantor) in consideration of the terms and conditions of this Easement, the sufficiency of which is hereby acknowledged. Do hereby grant and convey to the **CITY OF KLAMATH FALLS, OREGON** (Grantee), a perpetual, exclusive easement for the purpose of installing, inspecting, repairing, maintaining, altering and operating a water meter and all necessary appurtenances in, into, upon, over, across and under a tract of land legally described and depicted on EXHIBIT A, attached hereto and incorporated herein (the "**Easement Area**"). This Easement shall also include the right of ingress and egress over Grantor's adjoining lands for the purposed of Grantee's use and enjoyment of this Easement.

The Easement Area lies within the real property owned by Grantor that is legally described as follows (the "**Property**").

All that portion of Tracts 32, 33A and 36 of Enterprise Tracts, situated in the NW ¼ of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the point of intersection of the northeasterly right-of-way of Pershing Way and the northwesterly right-of-way of Austin Street, said point being a 5/8" iron rod with a 1-1/2" aluminum cap per Klamath County Survey No. 1441; thence along said northwesterly right-of-way of said Austin Street, north 34 degrees 06 minutes 49 seconds East, 465.40 feet to an angle point in said right-of-way; thence along the westerly right-of-way of said Austin Street, North 00 degrees 19 minutes 19 seconds East, 722.25 feet; thence north 89 degrees 39 minutes 15 seconds West, 629.50 feet to a point on the southeasterly right-of-way of Avalon Street; thence along said southeasterly right-of-way, South 30 degrees 34 minutes 36 seconds West, 667.21 feet to the most northerly corner of a tract described as Parcel 3 in Deed Volume 256, Page 96, Klamath County Deed Records; thence along the northeasterly line of said tract, South 59 degrees 24 minutes 29 seconds East, 150.02 feet; thence along the southeasterly line of said tract, South 30 degrees 44 minutes 43 seconds West, 59.15 feet to a point on the northeasterly right-of-way of said Pershing Way; thence along said northeasterly right-of-way, South 55 degrees 53 minutes 18 seconds east, 730.63 feet to the point of beginning.

Said tract contains 17.21 acres, more or less.

Additional terms of the Easement are as follows:

1. **Consideration**. Grantor shall bear the costs of recording this Easement.
 2. **Restrictions**. Grantor shall not erect any buildings or structures within the Easement Area that would inhibit access to Grantee's improvements or facilities or in any way interfere with Grantee's use of this Easement.
 3. **Indemnification by Grantee**. Grantor shall indemnify, defend and hold Grantee harmless from and against any and all claims, demands, damages, losses, liens, liabilities, penalties, fines, lawsuits and other proceedings asserted by K Falls One LLC, and their heirs successors and assigns, against Grantee, and Grantee's successors and assigns (including attorney fees, cost and expenses) that arise from or out of the Grantee's use of the Easement Area or the Property at any time.
- 4/4*

4. **Entry.** This Easement shall include the perpetual right of Grantee to enter upon the Property at any necessary time.

5. **Easement Use and Restoration of Property.** Grantee agrees to use due care in any use of the Easement Area and in the construction, installation, repair, replacement and maintenance of either Grantee's improvements or the Easement Area as provided for herein so as not to unreasonably disturb Grantor's use of his adjoining property.

6. **Indemnification by Grantor.** Grantor shall indemnify, defend and hold Grantee harmless from and against any and all claims, demands, damages, losses, liens, liabilities, penalties, fines, lawsuits and other proceedings asserted by K Falls One LLC, and their heirs, successors and assigns, against Grantee, and Grantee's successors and assigns (including attorney fees, cost and expenses) that arise from or out of the Grantee's use of the Easement Area or the Property at any time.

This Easement and the rights and obligations granted and imposed herein, shall run with the Property, including any division or partition of the Property. The rights, covenants and obligations of this Easement shall bind, burden and/or benefit all subsequent purchasers of the Property, the Grantee, and the heirs, successors and assigns of both.

IN WITNESS WHEREOF. We have hereunto set our hands the 10th day of February, 2005.

GRANTEE:
CITY OF KLAMATH FALLS

By: [Signature]
Jeff Ball, City Manager

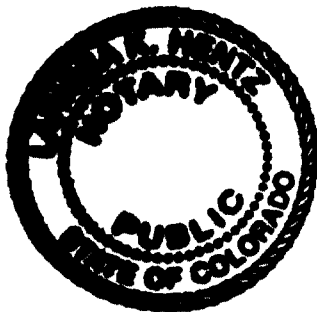
GRANTOR:
K FALLS ONE LLC

[Signature]
Greg Geertsen
Managing Partner

Attest: [Signature]
Elisa D. Olson, City Recorder

STATE OF COLORADO)
) ss.
County of Arapahoe)

On the 20th day of December, 2005, personally appeared Greg Geertsen, and being first duly sworn, acknowledged said instrument to be his voluntary act and deed.



WITNESS my hand and official seal.

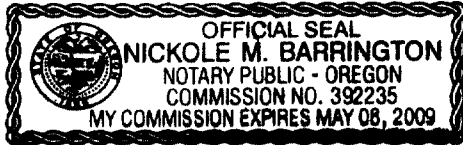
[Signature]
SIGNATURE OF NOTARY PUBLIC

Notary Public for Colorado

My Commission Expires: 10-09-07

STATE OF OREGON)
) ss.
County of Klamath)

On the 10th day of February, 2005, personally appeared Jeff 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.



WITNESS my hand and official seal.

Nickole M. Barrington
SIGNATURE OF NOTARY PUBLIC
Notary Public for Oregon
My Commission Expires: 5-8-2009

EXHIBIT A

LEGAL DESCRIPTION:

A 10 FOOT BY 17 FOOT WATER METER EASEMENT LOCATED IN THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF AUSTIN STREET AND THE NORTHEASTERLY RIGHT OF WAY LINE OF PERSHING WAY; BEING MONUMENTED WITH A 5/8" IRON ROD WITH A 1 1/2" ALUMINUM CAP PER KLAMATH COUNTY SURVEY NO. 1441;

THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE NORTH 34 DEGREES 06 MINUTES 49 SECONDS EAST, A DISTANCE OF 124.58 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID RIGHT OF WAY, NORTH 55 DEGREES 53 MINUTES 11 SECONDS WEST, A DISTANCE OF 10.00 FEET;

THENCE PARALLELING SAID RIGHT OF WAY, NORTH 34 DEGREES 06 MINUTES 49 SECONDS EAST, A DISTANCE OF 17.00 FEET;

THENCE SOUTH 55 DEGREES 53 MINUTES 11 SECONDS EAST, A DISTANCE OF 10.00 FEET RETURNING TO SAID NORTHWESTERLY RIGHT OF WAY:

THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 34 DEGREES 06 MINUTES 49 SECONDS WEST, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 170 SQUARE FEET OR 0.004 ACRES.

BASIS OF BEARINGS IS PER MONUMENTATION FROM COUNTY SURVEY NO. 4202, KLAMATH COUNTY OFFICIAL RECORDS.

LINE TABLE

| | | |
|----|-------------|--------|
| L1 | N55°53'11"W | 10.00' |
| L2 | N34°06'49"E | 17.00' |
| L3 | S55°53'11"E | 10.00' |
| L4 | S34°06'49"W | 17.00' |

ENTERPRISE TRACTS

TRACT 33A

10x17' WATER METER
EASEMENT



NORTHEASTERLY ROW
PERSHING WAY

POINT OF
COMMENCEMENT
5/8" IR

N34°06'49"E
124.58'

NORTHWESTERLY ROW

AUSTIN STREET



SCALE: 1"=50 FEET

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

PARCEL CONTAINS 170 SQ. FT.

CITY OF KLAMATH FALLS

Date: Revision:

ILLUSTRATION FOR EXHIBIT A –
WATER METER LEGAL DESCRIPTION

Drwn. By:

Date:

Drwg

No:

ILLUSTRATION FOR EXHIBIT A

LINE TABLE

| | | |
|----|-------------|--------|
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| L3 | S55°53'11"E | 10.00' |
| L4 | S34°06'49"W | 17.00' |

0 50 100

GOTTSCHALKS



OWNER:

10X17' WATER METER
EASEMENT

POINT OF
COMMENCEMENT
5/8" IR

TRUE
POB

124.58'
AUSTIN STREET

N34°06'49"E

N'WESTERLY ROW

N'EASTERLY ROW
PERSHING WAY

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

PARCEL CONTAINS 170. SQ. FT.

CITY OF KLAMATH FALLS, OREGON

A WATER METER EASEMENT SITUATED IN THE
NORTHWEST 1/4 OF SECTION 3, T39S, R9E,
WILLAMETTE P.M., KLAMATH COUNTY, OREGON

DRAWN BY:

MFU

SCALE:

1"=100'

R.O.W. FILE NUMBER:

CHECKED BY:

SMO

DATE:

12/14/05

JOB NUMBER:

05.0053