

After Recording Return to:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

Grantor of Dedicated Easement (Tract No. 1163)

Eastport Equities Inc.
2100 NE Wyatt Ct. Ste. 103
Bend, OR 97701

**RESCISSION AND RELINQUISHMENT OF TEN FOOT JOGGING TRAIL EASEMENT
DEDICATED ON BLOCK 5 OF TRACT NO. 1163
"CAMPUS VIEW" AS RECORDED IN THE RECORDS
OF THE KLAMATH COUNTY CLERK ON NOVEMBER 30, 1979**

RECITALS

- A. On November 30, 1979 the Klamath County Clerk accepted for recording the plat map and dedication page for Tract No. 1163 "Campus View" (the "Subdivision").
- B. Sheet 1 of the plat documents states that the owner and developer of the subdivision, Eastport Equities, Inc., "does for itself, its transferees, successors and assigns, hereby dedicate, donate, and convey to the public use forever, all streets, said plat being subject to: . . . 4) jogging trail easement as shown on the annexed map."
- C. Sheet 2 of the plat documents (the plat map) depicts a 10-foot wide jogging easement in Block 5 along the southerly boundaries of Lots 8-12 and the easterly boundary of Lot 5. A copy of the Block 5 portion of the plat map with the easement marked is attached hereto as Exhibit A.
- D. The current owner of Lots 5, 6 and 8 of Block 5 desires to re-plat the lots and has requested that the Council for the City of Klamath Falls, on behalf of the public, rescind and relinquish the jogging easement to allow the most effective and efficient replatting of the lots.
- E. The City Council scheduled a public hearing to consider relinquishment of the easement on April 17, 2006, sent notice to fifteen (15) nearby property owners on March 28, 2006 and published a notice of the hearing in the Herald and News on March 31, 2006.
- F. At the conclusion of the public hearing on April 17, 2006, the City Council approved a motion to relinquish the jogging easement.
- G. The owners of Lots 1-6 and 8-12, Block 5 of the Subdivision that abut the jogging easement (collectively, the "Owners") are listed in attached Exhibit B and each such Owner has agreed to the rescission and relinquishment of the jogging easement.

**RESCISSION AND RELINQUISHMENT OF DEDICATED JOGGING TRAIL
EASEMENT, BLOCK 5, TRACT NO. 1163 "CAMPUS VIEW"**

In consideration of the foregoing recitals, the City of Klamath Falls, Oregon, on behalf of the public, does hereby rescind and relinquish that certain 10-foot wide jogging easement dedicated on Block 5 of the plat map for Tract No. 1163 "Campus View" as recorded in the records of the Klamath County Clerk on November 30, 1979.

The Owners whose signatures appear below do hereby consent and agree to the rescission and relinquishment of said jogging easement.

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

CITY OF KLAMATH FALLS

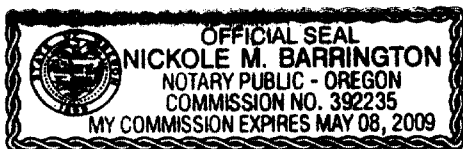
By: [Signature]
Jeff Ball, City Manager

Dated: 6/19/06

Attest: [Signature]
City Recorder

STATE OF OREGON)
) ss.
County of Klamath)

On the 19th day of June, 2006, 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.

[Signature]
SIGNATURE OF NOTARY PUBLIC

Notary Public for Oregon

My Commission Expires: 5/8/2009

MERLE WEST MEDICAL CENTER, INC.
(Owner of Lot 1, Block 5)

By: [Signature]
Printed Name: LESLIE A. FLICK
Title: VP, SUPPORT SERVICES

Dated: 6-12-06

STATE OF OREGON)
) ss.
County of Klamath)

On 12 JUNE, 2006, personally appeared LESLIE FLICK, who, being duly sworn, acknowledged to me that he (she) is the representative for Merle West Medical Center, Inc. ("MWMC"), that the foregoing instrument was signed on behalf of MWMC, that he (she) is authorized to execute this instrument and that the foregoing instrument is the voluntary act and deed of MWMC.



WITNESS my hand and official seal.

[Signature]
SIGNATURE OF NOTARY PUBLIC

Notary Public for OREGON

My Commission Expires: 11/09/08

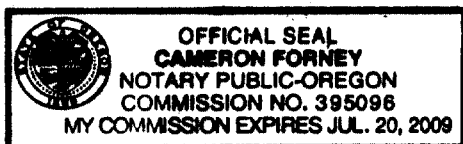
DANIEL BENSON
(Owner Lots 2 and 3, Block 5)

[Signature]

Dated: 6/7/06

STATE OF OREGON)
) ss.
County of Klamath)

On the 7 day of June, 2006, personally appeared Daniel Benson, who, being 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 State of Oregon

My Commission Expires: July 20, 2009

DAVID AND TERESA PANOSSIAN
(Owner Lot 4, Block 5)

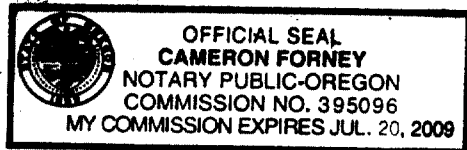
David Panossian

Teresa Panossian

Dated: 6/8/06

STATE OF OREGON)
) ss.
County of Klamath)

On the 6 day of June, 2006, personally appeared David and Teresa Panossian, who, being duly sworn, acknowledged said instrument to be their voluntary act and deed.



WITNESS my hand and official seal.

Cameron Forney
SIGNATURE OF NOTARY PUBLIC
Notary Public for State of Oregon
My Commission Expires: July 20, 2009

EASTPORT EQUITIES INC.
(Owner Lots 5 and 8, Block 5)

By: _____
Printed Name: _____
Title: _____

Dated: _____

STATE OF OREGON)
) ss.
County of Klamath)

On _____, 2006, personally appeared _____, who, being duly sworn, acknowledged to me that he/she is the representative for Eastport Equities Inc., that the foregoing instrument was signed on behalf of EEI, that he/she is authorized to execute this instrument and that the foregoing instrument is the voluntary act and deed of EEI.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY PUBLIC
Notary Public for _____
My Commission Expires: _____

DAVID AND TERESA PANOSSIAN
(Owner Lot 4, Block 5)

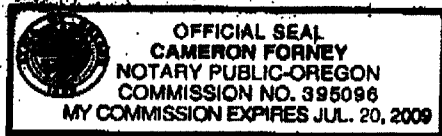
David Panossian

Dated: 6/8/06

Teresa Panossian

STATE OF OREGON)
) ss.
County of Klamath)

On the 6 day of June, 2006, personally appeared David and Teresa Panossian, who, being duly sworn, acknowledged said instrument to be their voluntary act and deed.



WITNESS my hand and official seal.

Cameron Forney
SIGNATURE OF NOTARY PUBLIC
Notary Public for State of Oregon
My Commission Expires: July 20, 2009

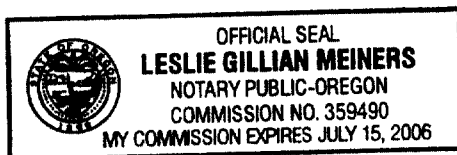
EASTPORT EQUITIES INC.
(Owner Lots 5 and 8, Block 5)

By: Kerry S. Gilbert
Printed Name: Kerry S. Gilbert
Title: president

Dated: 6/9/06

STATE OF OREGON)
) ss.
County of Multnomah)
~~Klamath~~

On June 9, 2006, personally appeared Kerry S. Gilbert who, being duly sworn, acknowledged to me that he/she is the representative for Eastport Equities Inc., that the foregoing instrument was signed on behalf of EEI, that he/she is authorized to execute this instrument and that the foregoing instrument is the voluntary act and deed of EEI.



WITNESS my hand and official seal.

Leslie Gillian Meiners
SIGNATURE OF NOTARY PUBLIC
Notary Public for the State of Oregon
My Commission Expires: July 15, 2006

CAMPUS DEVELOPMENT CO.
(Owner Lot 6, Block 5)

By: Kenneth L Tuttle Dated: 6-13-06
Printed Name: KENNETH L TUTTLE
Title: President

STATE OF OREGON)
) ss.
County of Klamath)

On 6/13 June 13th, 2006, personally appeared Kenneth Tuttle,
who, being duly sworn, acknowledged to me that he/she is the representative for Campus
Development Co. ("CDC"), that the foregoing instrument was signed on behalf of CDC, that
he/she is authorized to execute this instrument and that the foregoing instrument is the
voluntary act and deed of CDC.



WITNESS my hand and official seal.

Cameron Forney
SIGNATURE OF NOTARY PUBLIC
Notary Public for State of Oregon
My Commission Expires: July 20, 2009

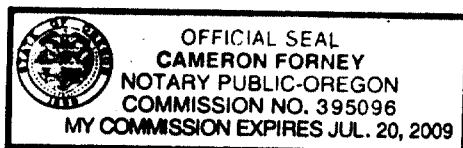
THOMAS AND CHRISTINE TUCKER
(Owner Lot 9, Block 5)

Thomas L. Tucker
Christine Tucker

Dated: 5/18/06

STATE OF OREGON)
) ss.
County of Klamath)

On the 18 day of May, 2006, personally appeared Thomas and Christine Tucker,
who, being duly sworn, acknowledged said instrument to be their voluntary act and deed.



WITNESS my hand and official seal.

Cameron Forney
SIGNATURE OF NOTARY PUBLIC
Notary Public for State of Oregon
My Commission Expires: July 20, 2009

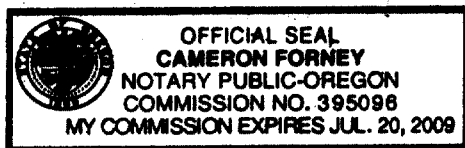
ALLEN AND GENEVIEVE TIMMS TRUST
(Owner Lots 10 and 11, Block 5)

Allen Timms
Trust Representative
Printed Name: ALLEN TIMMS

Dated: 6/9/06

STATE OF OREGON)
) ss.
County of Klamath)

On June 9th, 2006, personally appeared Allen Timms,
who, being duly sworn, acknowledged to me that he/she is the representative for the Allen and
Genevieve Timms Trust ("Trust"), that the foregoing instrument was signed on behalf of Trust,
that he/she is authorized to execute this instrument and that the foregoing instrument is the
voluntary act and deed of Trust.



WITNESS my hand and official seal.

Cameron Forney
SIGNATURE OF NOTARY PUBLIC
Notary Public for State of Oregon
My Commission Expires: July 20, 2009

J&B ASSOCIATES
(Owner Lot 12, Block 5)

By: _____
Printed Name: _____
Title: _____

Dated: _____

STATE OF OREGON)
) ss.
County of ~~Klamath~~ JACKSON)

On _____, 2006, personally appeared _____,
who, being duly sworn, acknowledged to me that he/she is the representative for J&B
Associates ("J&BA"), that the foregoing instrument was signed on behalf of J&BA, that he/she
is authorized to execute this instrument and that the foregoing instrument is the voluntary act
and deed of J&BA.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY PUBLIC
Notary Public for _____
My Commission Expires: _____

ALLEN AND GENEVIEVE TIMMS TRUST

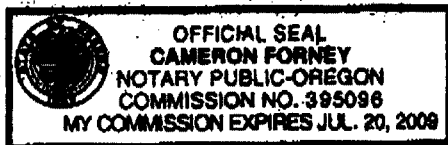
(Owner Lots ~~10~~ and 11, Block 5)

Allen Timms
 Trust Representative
 Printed Name: ALLEN TIMMS

Dated: 6/9/06

STATE OF OREGON)
) ss.
 County of Klamath)

On June 9th, 2006, personally appeared Allen Timms,
 who, being duly sworn, acknowledged to me that he/she is the representative for the Allen and
 Genevieve Timms Trust ("Trust"), that the foregoing instrument was signed on behalf of Trust,
 that he/she is authorized to execute this instrument and that the foregoing instrument is the
 voluntary act and deed of Trust.



WITNESS my hand and official seal.

Cameron Forney
 SIGNATURE OF NOTARY PUBLIC
 Notary Public for State of Oregon
 My Commission Expires: July 20, 2009

J&B ASSOCIATES

(Owner Lot 12, Block 3)

By: [Signature]
 Printed Name: Bruce S. Logan
 Title: President

Dated: 06-15-2006

STATE OF OREGON)
) ss.
 County of ~~Klamath~~ JACKSON)

On June 15, 2006, personally appeared Bruce S. Logan,
 who, being duly sworn, acknowledged to me that he/she is the representative for J&B
 Associates ("J&BA"), that the foregoing instrument was signed on behalf of J&BA, that he/she
 is authorized to execute this instrument and that the foregoing instrument is the voluntary act
 and deed of J&BA.



WITNESS my hand and official seal.

Janice L. Hunt
 SIGNATURE OF NOTARY PUBLIC
 Notary Public for OREGON
 My Commission Expires: 04-30-2008

CLOVER PROPERTIES LLC.
(OWNER LOT 10, BLOCK 5)

BY: [Signature] DATED: 06/12/06

PRINTED NAME: ALFRED VOEGELS

TITLE: MEMBER

STATE OF OREGON)
) SS
COUNTY OF KLAMATH)

ON June 12, 2006, PERSONALLY APPEARED Alfred Voegels,
WHO, BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE
REPRESENTATIVE FOR CLOVER PROPERTIES LLC, THAT FOREGOING
INSTRUMENT WAS SIGNED ON BEHALF OF CLOVER PROPERTIES LLC, THAT
HE IS AUTHORIZED TO EXECUTE THIS INSTRUMENT AND THAT
FOREGOING INSTRUMENT IS THE VOLUNTARY ACT AND DEED OF CLOVER
PROPERTIES LLC.

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]

SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC FOR State of Oregon
MY COMMISSION EXPIRES: July 20, 2009

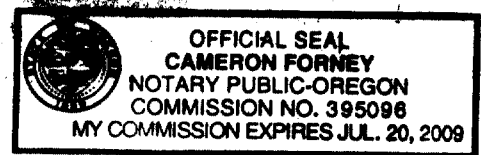


EXHIBIT "B"

- 1) LOT 1
R-3809-20BD-1700
MERLE WEST MEDICAL CENTER INC
2565 DAGGETT STREET
KLAMATH FALLS OR 97601
- 2) LOTS 2 AND 3
R-3809-20BD-1800 AND 1900
DANIEL BENSON
2615 ALMOND
KLAMATH FALLS OR 97601
- 3) LOT 4
R-3809-20BD-2000
DAVID AND TERESA PANOSSIAN
721 ARROWHEAD ROAD
KLAMATH FALLS OR 97601
- 4) LOTS 5 AND 8
R-3809-20BD-2100 AND 2400
EASTPORT EQUITIES CORP & S CENTRAL ENTERPRISES LLC
2100 NE WYATT CT STE 103
BEND OR 97701
- 5) LOT 6
R-3809-20BD-2200
CAMPUS DEVELOPMENT CO
1696 COVE POINT ROAD
KLAMATH FALLS OR 97601
- 6) LOT 9
R-3809-20BD-2500
THOMAS & CHRISTINE TUCKER
2586 CLOVER STREET
KLAMATH FALLS OR 97601
- 7) LOTS 10 AND 11
R-3809-20BD-2600 AND 2700
ALLEN & GENEVIEVE TIMMS TRUST
4334 JANA DRIVE
KLAMATH FALLS OR 97603
- 8) LOT 12
R-3809-20BD-2800
J&B ASSOCIATES
1625 EAST MCANDREWS
MEDFORD OR 97504

Exhibit "A"

CAMPUS

DR

