Klamath County, Oregon 06/20/2006 11:31:24 AM Pages 11 Fee: \$71.00

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 Jogging Easement - Page 1

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:	red: 6/19/06
Attest: LL DO OWN	
City Recorder	
STATE OF OREGON) ss.	
County of Klamath	
On the 19th day of 1000 June 2006. Olson, who, each being first duly sworn, did say latter is the City Recorder of the City of Klamath that the instrument was signed on behalf of said acknowledged said instrument to be its voluntary a	Falls, an Oregon municipal corporation, and it municipal corporation; and each of them
OFFICIAL SEAL NICKOLE M. BARRINGTON NOTARY PUBLIC - OREGON COMMISSION NO. 392235 NY COMMISSION FYPRES MAY 08, 2009 NOTARY PUBLIC - OREGON	my hand and official seal. M. Banunci for RE OF NOTARY PUBLIC blic for Oregon ission Expires: 58 2009

MERLE WEST MEDICAL CENTER, INC.	
(Owner of Lot 1, Block 5)	
By:	Dated: 6-12-06
Printed Name: LESUR A. FLICK_ Title: VP, Suffort Sywicos	Dated.
Title: VP, Suffort Sylvicus	
STATE OF OREGON)	
County of Klamath) ss.	
On 12 JUNE 2006, persona	ally appeared LEGLE FIICK
who, being duly sworn, acknowledged to me	that he she is the representative for Merle West
Medical Center, Inc. ("MWMC"), that the fore	egoing instrument was signed on behalf of
is the voluntary act and deed of MWMC.	this instrument and that the foregoing instrument
is the voluntary act and deed of MANION.	
A	WITNESS my hand and official seal.
OFFICIAL SEAL	foar m Trode
NOTABY OF BRODIE	SIGNATURE OF NOTARY PUBLIC
COMMISSION NO. 386689 MY COMMISSION EXPIRES NOV. 8, 200	Notary Public for OREGON
NOV. 9, 2008	My Commission Expires: 11/09/08
()	
DANIEL BENSON	
(Owner Lots 2 and 3, Block 5)	
	C/2/26
	Dated: 6///07
STATE OF OREGON)	
) ss.	1)
County of Klamath)	
On the $\frac{1}{2}$ day of $\frac{1}{2}$ une, 2006, perso	nally appeared Daniel Benson, who, being duly
sworn, acknowledged said instrument to be hi	s voluntary act and deed.
	WITNESS my hand and 1000 to
	WITNESS my hand and official seal.
OFFICIAL SEAL CAMERON FORNEY	SIGNATURE OF NOTARY PUBLIC
NOTARY PUBLIC-OREGON COMMISSION NO. 395096	Notary Public for State of Orogen
MY COMMISSION EXPIRES JUL. 20, 2009	My Commission Expires: Quly 20, 2009

DAVID AND TERESA PANOSSIAN	
(Owner Lot 4, Block 5)	0/2/20
Stand anossia	Dated: $\frac{\zeta \left(8 \right) \zeta}{}$
Fresa Panossean	
STATE OF OREGON)	
) ss. County of Klamath)	
•	
On the, 2006, perso who, being duly sworn, acknowledged said in	nally appeared David and Teresa Panossian, strument to be their voluntary act and deed.
and the same	WITNESS my hand and official seal.
OFFICIAL SEAL CAMERON FORNEY NOTARY PUBLIC-OREGON	SIGNATURE OF NOTARY PUBLIC
COMMISSION NO. 395096 MY COMMISSION EXPIRES JUL. 20, 2009	Notary Public for State of Oregen My Commission Expires: July 20, 2009
X I	My Commission Expires.
EASTPORT EQUITIES INC.	
(Owner Lots 5 and 8, Block 5)	
By:	Dated:
Printed Name: Title:	
STATE OF OREGON)	
) ss.	
County of Klamath))
On, 2006, personall	y appeared
who, being duly sworn, acknowledged to me the Equities Inc., that the foregoing instrument was	s signed on behalf of EEI, that he/she is
authorized to execute this instrument and that deed of EEI.	the foregoing instrument is the voluntary act and
	TAYETT TOO I I I I I I I I I I I I I I I I I
	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 Consistan	Dated: 6 (8 06
Fresa Panostean	' \
STATE OF OREGON)) ss.	
County of Klamath)	
On the, day of, 2006, person who, being duly sworn, acknowledged said in	strument to be their voluntary act and deed.
OFFICIAL SEAL CAMERON FORNEY NOTARY PUBLIC-OREGON COMMISSION NO. 395096 MY COMMISSION EXPIRES JUL. 20, 2009	WITNESS my hand and official seal. SIGNATURE OF NOTARY PUBLIC Notary Public for State of Oregen My Commission Expires: July 20, 2009
EASTPORT EQUITIES INC. (Owner Lots 5 and 8, Block 5)	clalar
By:	Dated: 6/9/06
County of Hannih) ss. County of Hannih) On June 9 , 2006, personal	ly appeared Kerry S. bilbert
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.	
OFFICIAL SEAL LESLIE GILLIAN MEINERS NOTARY PUBLIC-OREGON COMMISSION NO. 359490 MY COMMISSION EXPIRES JULY 15, 2006	WITNESS my hand and official seal. SIGNATURE OF NOTARY PUBLIC Notary Public for the State of Drugon My Commission Expires: July 15, 2006
Rescission and Relinquishment of Jogging East	ement – Page 4

CAMPUS DEVELOPMENT CO. (Owner Lot 6, Block 5)	
Printed Name: Kenneth L Title: President	Dated: 6-13-06
STATE OF OREGON) ss.	
County of Klamath)	
Development Co. ("CDC"), that the fore	rsonally appeared, to me that he/she is the representative for Campus going instrument was signed on behalf of CDC, that rument and that the foregoing instrument is the
OFFICIAL SEAL CAMERON FORNEY NOTARY PUBLIC-OREGON COMMISSION NO. 395096 MY COMAI SION EXPIRES JUL. 20, 2009	WITNESS my hand and official seal. SIGNATURE OF NOTARY PUBLIC Notary Public for Glete of Oregon My Commission Expires: July 20, 2009
THOMAS AND CHRISTINE TUCKER (Owner Lot 9, Block 5)	Dated: 5/18/06
STATE OF OREGON)) ss. County of Klamath)	
On the <u>18</u> day of <u>May</u> , 2006,	personally appeared Thomas and Christine Tucker, said instrument to be their voluntary act and deed.
OFFICIAL SEAL CAMERON FORNEY NOTARY PUBLIC-OREGON COMMISSION NO. 395096 MY COMMISSION EXPIRES JUL. 20, 2009	WITNESS my hand and official seal. SIGNATURE OF NOTARY PUBLIC Notary Public for State of Oregen My Commission Expires: July 26, 2009

ALLEN AND GENEVIEVE TIMMS TRUST (Owner Lots 10 and 11, Block 5)	
all / nins	Dated: 6/9/06
Trust Representative Printed Name: MULEN //MMS	, ,
STATE OF OREGON) ss.	
County of Klamath)	
who, being duly sworn, acknowledged to me Genevieve Timms Trust ("Trust"), that the for	lly appearedAllen_Times that he/she is the representative for the Allen and regoing instrument was signed on behalf of Trust, ument and that the foregoing instrument is the
OFFICIAL SEAL CAMERON FORNEY NOTARY PUBLIC-OREGON COMMISSION NO. 395096 MY COMMISSION EXPIRES JUL. 20, 2009	WITNESS my hand and official seal. Shum Shum 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)	. () /
JACKSON) SS. County of Klamath)	
On, 2006, personal who, being duly sworn, acknowledged to me a Associates ("J&BA"), that the foregoing instruction is authorized to execute this instrument and the and deed of J&BA.	ly appeared, that he/she is the representative for J&B ment was signed on behalf of J&BA, that he/she hat the foregoing instrument is the voluntary act
	WITNESS my hand and official seal.
	SIGNATURE OF NOTARY PUBLIC Notary Public for
Rescission and Relinquishment of Jogging East	My Commission Expires:
The state of the s	ciriciti - 1 age o

ALLEN AND GENEVIEVE TIMMS TRUST	Γ
(Owner Lots 16 and 11, Block 5)	
all mins	Dated: 6/9/06
Trust Representative Printed Name: MUEN //MMS	
STATE OF OREGON) ss.	
County of Klamath)	
On <u>June</u> 9 th, 2006, person	onally appeared Allen Times
	ne 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 in	strument and that the foregoing instrument is the
voluntary act and deed of Trust.	8
	WITNESS my hand and official seal.
OFFICIAL SEAL CAMERON FORNEY	
NOTARY PUBLIC-OREGON COMMISSION NO. 395096	SIGNATURE OF NOTARY PUBLIC
MY COMMISSION EXPIRES JUL. 20, 2009	Notary Public for State of Oregon
	My Commission Expires:
***	1 3
J&B ASSOCIATES	
(Owner Lot 12, Block 3)	
By:	Dated: 06-15-2006
Printed Name Bruce S. Logan	
Title: President	
STATE OF OREGON)	~ \ 1 \
JACKSON) SS.	
County of Klamath	
On June 15 , 2006, perso	nally appeared Bruce S. Logan
who, being duly sworn, acknowledged to n	
Associates ("I&BA"), that the foregoing ins	trument was signed on behalf of J&BA, that he/she
is authorized to execute this instrument and	I that the foregoing instrument is the voluntary act
and deed of J&BA.	the following modulities to the voluntary det
······	
OFFICIAL SEAL	WITNESS my hand and official seal.
WASHING JANICE L. HUNT (1)	A-a 0001 C
NOTARY PUBLIC-OREGON COMMISSION NO. 377987	Janue & Shew
MY COMMISSION EXPIRES APR. 30, 2008 (SIGNATURE OF NOTARY PUBLIC
	Notary Public for OREGON
	My Commission Expires: <u>04-30-2008</u>

Rescission and Relinquishment of Jogging Easement - Page 6

(OWNER LOT 10, BLOCK 5)	
BY: DATED:	06/12/06
PRINTED NAME: AFRES VOELEL	<u></u>
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 OF NOTARY PUBLIC

CLOVER PROPERTIES LLC.

NOTARY PUBLIC FOR State of Oregon MY COMMISSION EXPIRES: 9 4 20,2009 OFFICIAL SEAL
CAMERON FORNEY
NOTARY PUBLIC-OREGON
COMMISSION NO. 395096
MY COMMISSION EXPIRES JUL. 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