

2006-019515

Klamath County, Oregon



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09/28/2006 10:57:56 AM

Fee: \$51.00

After recording, return to:
Donald A. Gallagher, Jr.
Arnold Gallagher Saydack Percell Roberts & Potter
800 Willamette Street, Suite 800
Eugene, OR 97401

EASEMENT AGREEMENT

PARTIES: Bi-Mart Corporation, a California Corporation ("Bi-Mart")
220 Seneca Road
Eugene, OR 97402

Virginia Ray Thompson, Gary Turner, ("Klamath Korner Group")
and Darcia Turner, a co-partnership doing business
as Klamath Korner Group

DATE: _____, 2006

RECITALS:

- A. Bi-Mart owns the real property described on Exhibit A attached hereto and by this reference incorporated herein ("Bi-Mart Property").
- B. Klamath Korner Group owns the real property described on Exhibit B attached hereto and by this reference incorporated herein ("Klamath Korner Group Property").
- C. Klamath Korner Group desires to obtain an easement across a portion of the Bi-Mart Property to provide access from the Klamath Korner Group Property to Washburn Way.

NOW, THEREFORE, in consideration of mutual covenants contained herein, the parties agree as follows:

AGREEMENTS:

- 1. Bi-Mart grants to Klamath Korner Group, its heirs, successors, and assigns a non-exclusive easement to use the easement strip described on Exhibit C attached hereto for the purpose of vehicular ingress and egress from the Klamath Korner Group Property to Washburn Way.
- 2. This Easement shall be perpetual and is appurtenant to the Klamath Korner Group Property.

P/c Darcia Turner

3. Klamath Korner Group agrees to indemnify and defend Bi-Mart from any loss, claim, or liability to Bi-Mart arising in any manner out of Klamath Korner Group's use of the easement strip.

BI-MART CORPORATION:

By: [Signature]

KLAMATH KORNER GROUP, INC.:

By: [Signature]

Virginia Ray Thompson, Partner

By: [Signature]

Gary Turner, Partner

By: [Signature]

Darci Turner, Partner

STATE OF OREGON)

) ss.

COUNTY OF LANE)

This instrument was acknowledged before me on August 1, 2006, by John M. Harris, of Bi-Mart Corporation.

*This cert is attached to a
3pg. Easement Agreement
w/ Exp. A, B, C, sketch att. -
total of 7 pgs.*

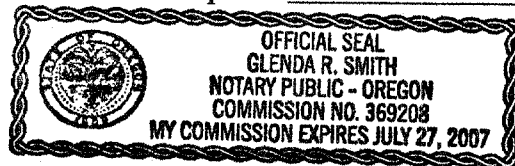
STATE OF OREGON)

) ss.

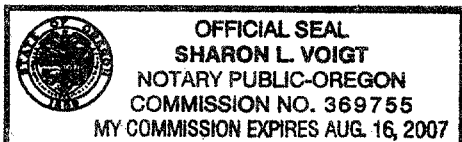
COUNTY OF Klamath)

Glenda R. Smith
Notary Public for Oregon

My commission expires: 7-27-07



This instrument was acknowledged before me on 9.21, 2006, by Virginia Ray Thompson, a Partner in Klamath Korner Group.

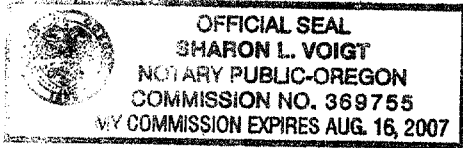


Sharon L. Voigt
Notary Public for Oregon

My commission expires: 8-16-07

STATE OF OREGON)
COUNTY OF Klamath) ss.

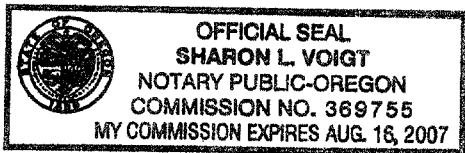
This instrument was acknowledged before me on 9-21, 2006, by Gary Turner, a Partner in Klamath Korner Group.



Sharon L. Voigt
Notary Public for Oregon
My commission expires: 8-16-07

STATE OF OREGON)
COUNTY OF Klamath) ss.

This instrument was acknowledged before me on 9-21, 2006, by Darci Turner, a Partner in Klamath Korner Group.



Sharon L. Voigt
Notary Public for Oregon
My commission expires: 8-16-07

Exhibit A

---A tract of land being a portion of Tract 805 of Enterprise Tracts, situated in the Northeast quarter of Section 4, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin with aluminum cap being on the South line of said Tract 805, said iron pin being South 89°51'00" West 20.00 feet from the Southeast corner of said Tract 805, and on the Westerly right of way line of Washburn Way; thence North 00°03'30" East, along the Westerly right of way line of Washburn Way (North 00°00'30" East by M73, Page 3750) 238.00 feet; thence North 55°46'50" West (North 55°50' West by M73, Page 3750) 257.48 feet; thence North 34°13'10" East (North 34°09'30" East by M73, Page 3753) 25.00 feet; thence North 55°46'50" West (North 55°50'30" West by M73, Page 3753) 50.00 feet; thence North 34°13'10" East (North 34°09'30" East by M73, Page 3753) 110.00 feet to the Southwesterly right of way line of South Sixth Street; thence North 55°46'50" West, along said South Sixth Street (North 55°50'30" West by M73, Page 3753 and North 55°50' West by M73, Page 3750) 50.00 feet; thence South 34°13'10" West (South 34°09'50" West by M73, Page 3753 and South 34°10' West by M73, Page 3750) 400.00 feet; thence South 55°46'50" East (South 55°50'30" East by M73, Page 3753 and South 55°50' East by M73, Page 3750) 27.00 feet; thence South 00°34'05" East 205.84 feet (Southerly, 205 feet, more or less, by M73, Page 3750) to the South line of said Tract 805; thence North 89°51'00" East, along said Southerly line (North 89°47' East by M73, Page 3750) 420.00 feet to the point of beginning.---

EXHIBIT B

A tract of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and being a portion of Tract 50 of ENTERPRISE TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, said tract of land being more particularly described as follows:

Beginning at the Northwest corner of said Tract 50; thence North $89^{\circ} 50' 20''$ East, along the North line of said Tract 50, 607.57 feet to the Westerly right of way of Washburn Way; thence South $00^{\circ} 04' 21''$ West, along said right of way 372.64 feet to the center line of the abandoned O.C. & E. Railroad; thence North $66^{\circ} 51' 15''$ West, along said centerline, 660.25 feet to a point on the West line of said Tract 50; thence North $00^{\circ} 00' 15''$ East 111.41 feet to the point of beginning

Exhibit C

LEGAL DESCRIPTION OF: BI-MART CROSSOVER EASEMENT

TAX LOT 3909-04AA-05600

A parcel of land, being a portion of Tract 805 of Enterprise Tracts, situated in the NE1/4 of Section 4, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being a portion of that property described in Deed Volume M88, Page 10487, Klamath County Deed Records, being more particularly described as follows:

Beginning at a point on the south line of said Tract 805, said point being North 89°22'17" West 27.00 feet from the southeast corner of said Tract 805; thence continuing North 89°22'17" West 115.00 feet along said south line; thence North 00°37'43" East, 50.00 feet; thence South 89°22'17" East, 115.20 feet along a line parallel with and 50.00 feet northerly of said south line of Tract 805; thence South 00°51'14" West, 50.00 feet along a line parallel with and 57.00 feet westerly of the centerline of Washburn Way, to the point of beginning.

Containing 5755 square feet, more or less.

Easement Sketch

