

2006-022480

Klamath County, Oregon



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11/09/2006 02:57:42 PM

Fee: \$46.00

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

First am 7029-534417

EASEMENT AGREEMENT

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

("Bi-Mart")

Yousef and Nuha Saddi
2564 S. 6th Street
Klamath Falls, OR 97601

("Saddi")

DATE: Aug 1, 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. Saddi owns the real property described on Exhibit B attached hereto and by this reference incorporated herein ("Saddi Property").
- C. Saddi desires to obtain an easement across a portion of the Bi-Mart Property to provide access from the Saddi Property to Washburn Way.

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

AGREEMENTS:

1. Bi-Mart grants to Saddi, their 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 Saddi Property to Washburn Way.
2. This Easement shall be perpetual and is appurtenant to the Saddi Property.
3. Saddi agrees to indemnify and defend Bi-Mart from any loss, claim, or liability to Bi-Mart arising in any manner out of Saddi's use of the easement strip.

BI-MART CORPORATION:

By: [Signature]

SADDI: [Signature]

Yousef Saddi [Signature]

Nuha Saddi [Signature]

STATE OF OREGON)
COUNTY OF LANE) ss.

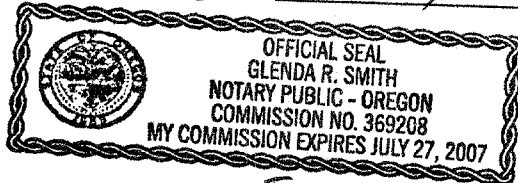
*This cert. is being attached to a
6 pg. Easement Agreement.*

This instrument was acknowledged before me on Aug. 1, 2006, by
[Signature] of Bi-Mart Corporation.
[Signature]

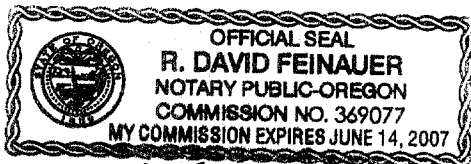
Notary Public for Oregon

My commission expires: 7-27-07

STATE OF Oregon)
COUNTY OF Klamath) ss.



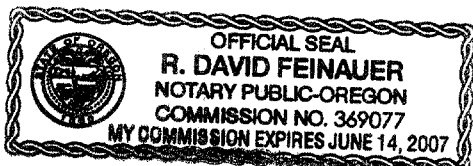
This instrument was acknowledged before me on July 13, 2006,
Yousef Saddi.



STATE OF OREGON)
COUNTY OF Klamath) ss.

R David Feinauer
Notary Public for OREGON
My commission expires: 6/14/07

This instrument was acknowledged before me on July 13, 2006,
Nuha Saddi.



R David Feinauer
Notary Public for OREGON
My commission expires: 6/14/07

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.---

G
NOTAR
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Exhibit B

Real property in the County of Klamath, State of Oregon, described as follows:

The following described parcels of real property situate in the City of Klamath Falls, Oregon; being portions of Tract 805, Enterprise Tracts:

Parcel One

A tract or parcel of land lying at the intersection of Washburn Way and South Sixth Street, more particularly described as follows: Beginning at the Southwest corner of the intersection of South Sixth Street and Washburn Way, running thence along the Southerly line of South Sixth Street in a Westerly direction 75 feet along South Sixth Street to a point; thence Southerly at right angles to South Sixth Street 135 feet to a point; thence Easterly and parallel to South Sixth Street to the Westerly right of way line of Washburn Way as the same is now located; thence Northerly along the Westerly right of way line of Washburn Way to the place of beginning.

Parcel Two

Beginning at a point on the Westerly right of way line of Washburn Way, which point is 30 feet West of the line between Sections 3 and 4, Township 39 South, Range 9 East of the Willamette Meridian, which point is the Southeast corner of Tract 805 of Enterprise Tracts, a platted Subdivision of Klamath County, Oregon; thence North $0^{\circ}00' \frac{1}{2}''$ West, along the West line of said Washburn Way, a distance of 224.85 feet, more or less, to the most Southerly corner of a tract heretofore conveyed to John T. Smith and Cliff C. Yaden; thence North $55^{\circ}50'$ West along a line parallel to and 135 feet distant from the present Southwesterly right of way line of South Sixth Street of the City of Klamath Falls, Oregon, as widened by the Oregon State Highway Department in 1946, a distance of 166.6 feet, more or less, to the Southwesterly corner of said tract heretofore conveyed to John T. Smith and Cliff C. Yaden, which is the true point of beginning; thence North $34^{\circ}10'$ East 135 feet, more or less to said Southwesterly line of South Sixth Street, thence North $55^{\circ}50'$ West along said Southwesterly line of South Sixth Street, 115 feet, more or less, to the most Easterly corner of parcel heretofore conveyed to George F. Hayes and Clara May Hayes; thence South $34^{\circ}10'$ West at right angles to said South Sixth Street, a distance of 135 feet; thence South $55^{\circ}50'$ East 115 feet to the true point of beginning.

Saving and excepting from those parcels above those portions deeded to the State of Oregon in Deed Volume 191 on page 240 and in Deed Volume M-76 on page 14074, records of Klamath County, Oregon.

Tax Parcel Number: R530973

Exhibit C

LEGAL DESCRIPTION OF: BI-MART CROSSOVER EASEMENT 2

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:

Commencing at a point on the south line of said Tract 805, said point being North 89°22'17" West 20.00 feet from the southeast corner of said Tract 805, and on the westerly right of way line of Washburn Way; thence along said westerly right-of-way line, (said line being parallel with and 50.00 feet westerly of the centerline of Washburn Way) North 00°51'14" East, 237.91 feet to the south line of that property described as Parcel 2 in Deed Volume M04, Page 89337; thence North 55°00'03" West, 6.29 feet to the True Point of Beginning; thence South 02°28'38" West, 63.44 feet; thence South 00°51'14" West, 1.82 feet along a line parallel with and 57.00 feet westerly of the center line of Washburn Way; thence North 55°00'03" West, 171.38 feet along a line parallel with and 55.00 feet southwesterly from the south line of that property described as Parcel 2 in Deed Volume M04, Page 89337; thence North 34°59'57" East, 55.00 feet to a point on said south line; thence along said south line, South 55°00'03" East, 136.25 feet to the point of beginning.

Containing 8458 square feet more or less.

CL
ITH
REGON
369208
JULY 27, 20

Easement Sketch

