

2007-016869

Klamath County, Oregon



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09/26/2007 03:08:08 PM

Fee: NO FEE

EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into this 17th day of September 2007, by and between Virgin Enterprises, LLC (hereinafter "Grantor"), and Klamath County Oregon (hereinafter "Grantee").

W I T N E S S E T H

Grantor is the record owner of real property in Klamath County, State of Oregon, particularly described as follows:

That portion of the SE1/4 SW/4 and Government Lot 4 in Section 18, Township 23 South, Range 10 East of the Willamette Meridian, lying Southeasterly of the Dalles-California Highway U.S. 97

For the purposes of public access and public safety, to include emergency vehicle response, Klamath County has an interest in ensuring that the public has access to Highway 97 from Michael Road.

To create a public right of way intended to benefit the general public, Grantor hereby conveys to Grantee for the sum of \$15,000 a perpetual non-exclusive easement across the property of Grantor in the location described on the attached Exhibit "A".

The terms of this easement are as follows:

1. This easement establishes a public road as defined in ORS 368.001(5) and is under the jurisdiction of Klamath County.

2. Grantor reserves any and all rights to use the road located upon this easement, which uses do not unreasonably interfere with the rights granted herein.

1. EASEMENT AGREEMENT - Michael Road

3. Grantor shall not grant any other easements on the subject road without first informing Klamath County, who shall coordinate with the Oregon Department of Transportation to ensure that any additional easement agreements meet applicable laws and regulations.

4. Grantee agrees to indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of the public's wrongful use of the easement. Grantor shall have no liability to Grantee or to others for any condition existing thereon or arising therefrom.

5. This easement is perpetual from the date of execution.

6. The easement granted herein shall run with the land of Grantor and all obligations and duties detailed herein shall transfer to the assigns, heirs or any other successors in interest to Grantor. Grantee shall record this agreement or a memorandum thereof in the deed records of Klamath County and shall record any subsequent documents as necessary to reflect any extension or termination of this agreement.

7. This easement is granted subject to all encumbrances of record and is not intended to extinguish any rights that Grantor's property enjoys.

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2. EASEMENT AGREEMENT - Michael Road

IN WITNESS THEREOF, the parties have caused this instrument to be executed this 17th day of September, 2007.

GRANTOR:

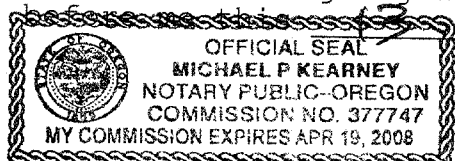
Joan M. Virgin
Joan M. Virgin
Member of
VIRGIN ENTERPRISES, LLC

GRANTEES:

Reginald R. Davis
Reginald R. Davis, County Counsel
on behalf of the Klamath Board
of County Commissioners

STATE OF OREGON)
) ss.
County of Klamath)

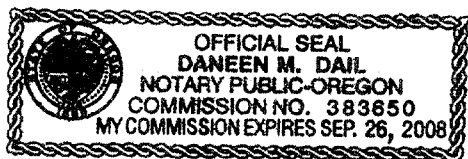
Personally appeared the above-named Joan M. Virgin, and acknowledged the foregoing instrument to be her voluntary act and deed, before me this 13 day of September, 2007.



Michael P. Kearney
Notary Public for Oregon
My Commission expires: 4-19-2008

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above-named Reginald R. Davis, and acknowledged the foregoing instrument to be his voluntary act and deed, before me this 17th day of September, 2007.



Daneen M. Dail
Notary Public for Oregon
My Commission expires: Sept. 26, 2008

3. EASEMENT AGREEMENT - Michael Road

EXHIBIT A

MICHAEL ROAD
PUBLIC ROAD EASEMENT

A strip of land for a **Public Road Easement** over and across a portion of Government Lot 4 and the SE1/4 of the SW1/4 of Section 18, Township 23 South, Range 10 East, W.M., Klamath County, Oregon more particularly described as follows:

Said Public Road Easement, being 60 feet wide lying 30 feet on each side of the existing centerline of the road known as Michael Road, beginning on the east right of way line of Highway 97 at milepost 175.46 and terminating at the east line of said SE1/4 of the SW1/4 of Section 18.