

MTC1396-9037
After Recording Return to

W & H Pacific
1004 Main Street
Klamath Falls, OR 97601

2007-016937
Klamath County, Oregon



09/27/2007 03:26:38 PM

Fee: \$36.00

LANDSCAPE AND STREET LIGHT EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Steve E. Nelson and Mary Beth Nelson, as tenants by the entirety (Grantors), does hereby grant bargain, sell and convey to the City of Klamath Falls, a municipal corporation (Grantee), permanent non-exclusive easement for Landscape, Street lights and all necessary appurtenances in, into, upon, over, across and under a strip of land described and shown as follows:

SEE EXHIBIT 'A' ATTACHED HERETO

The Easement Area lies within the real property owned by Grantor that is legally described as follows:

Lot 9, Tract 1430 – TIMBERMILL SHORES, according to the official plat thereof on file in the Office of the Clerk of Klamath County, Oregon

Together with the rights of ingress and egress over Grantor's adjoining lands for the purpose of Grantee's use of this easement.

Grantor retains the right to utilize the Easement Area for any purposes that do not conflict with easement. Although this easement is non-exclusive, Grantor agrees that any other use of the Easement Area or the ingress/egress area permitted by Grantor shall not interfere with Grantee's use of those areas authorized herein. Grantor agrees that buildings will not be permitted within the easement area.

IN CONSIDERATION OF THIS GRANT OF EASEMENT, Grantee agrees to the following:

1. **Indemnification by Grantee**, Grantee shall indemnify, defend and hold Grantor harmless from and against any and all claims, demands, damages, losses, liens, liabilities, penalties, fines, lawsuits and other proceedings asserted by third parties against Grantor and Grantor's heirs, successors and assigns (Including attorney's fees, costs and expenses) that arise from or out of the Grantee's use of the Easement Area or the Property at any time.


AMERITITLE has recorded this instrument by request as an accommodation only, and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.


30 AMT

2. **Notice Prior to Entry.** This easement shall include the perpetual right to enter upon the Property at any necessary time, so long as Grantee uses it's best effort to coordinate such access with Grantor so as not to interfere with Grantor's ongoing business.
3. **Restoration of Property.** Upon the completion of Grantee's installation of utilities, or upon completion of grantee's ongoing maintenance or inspection of the utilities that are installed in the Easement Area. Grantee shall restore the Easement Area and the Property to the same condition as existed prior to Grantee's entry into the Easement Area or onto the property

This document shall be binding upon all subsequent purchasers of the Property, the Grantee, and the heirs, successors and assigns, of both.

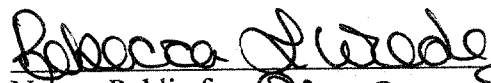
IN WITNESS WHEREOF, I/we have hereunto set our hands the 17TH day of September, 2007.


Steve E. Nelson

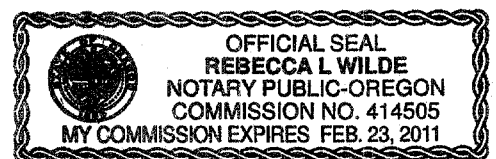

Mary Beth Nelson

State of Oregon
County of Deschutes

This instrument was acknowledged before me this 17 day of Sept., 2007
by Steve E. Nelson and Mary Beth Nelson


Notary Public for Oregon State

My commission expires Feb 23, 2011





1004 Main Street
Klamath Falls, Oregon 97601-5813
541.884.3042
Fax 541.885.2105

AUGUST 10, 2007

LEGAL DESCRIPTION – TIMBERMILL SHORES

4TH STREET-LOT 9 LANDSCAPE/STREET LIGHT EASEMENT

34460

EXHIBIT "A"

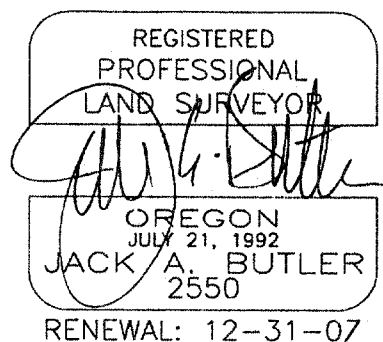
A TRACT OF LAND LOCATED IN TRACT 1430 TIMBERMILL SHORES SUBDIVISION AND BEING PART OF THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, CITY OF KLAMATH FALLS, KLAMATH COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE MOST NORTHWESTERLY 3.50 FEET OF LOT 9 OF SAID TRACT 1430 – TIMBERMILL SHORES, SAID 3.50 FOOT WIDE STRIP ABUTS THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH STREET ALONG IT'S ENTIRETY THROUGH SAID LOT 9, TOGETHER WITH THE MOST EASTERLY 16.00 FEET OF LOT 10 PER PROPERTY LINE ADJUSTMENT NO. 05 – 07 AS SHOWN ON C.S. 7420 OF THE KLAMATH COUNTY SURVEY RECORDS.

CONTAINING APPROXIMATELY 870 SQUARE FEET, MORE OR LESS.

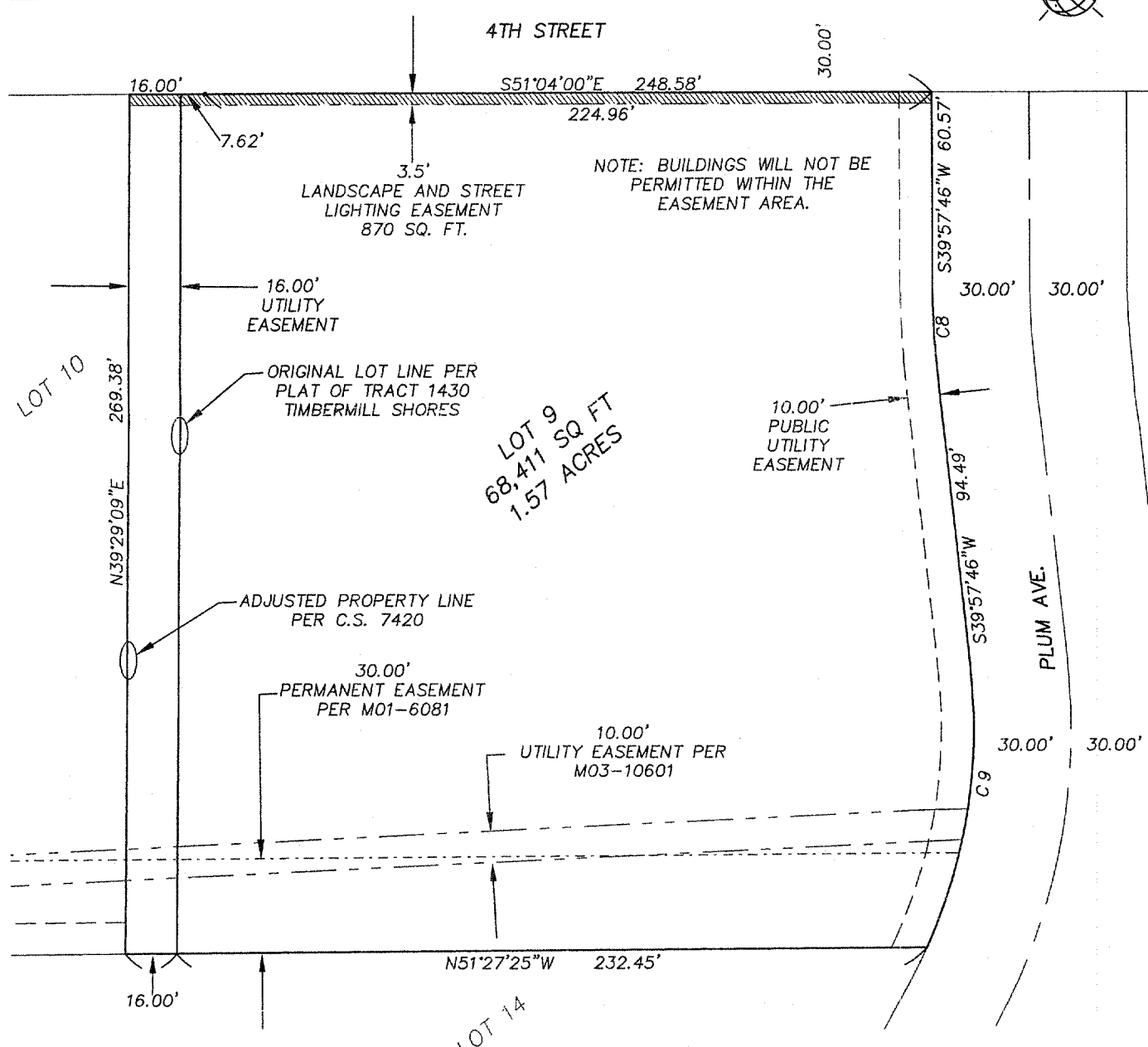
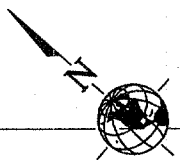
BUILDINGS WILL NOT BE PERMITTED WITHIN THIS 3.50 FOOT WIDE EASEMENT AREA.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PER TRACT 1430, TIMBERMILL SHORES SUBDIVISION.

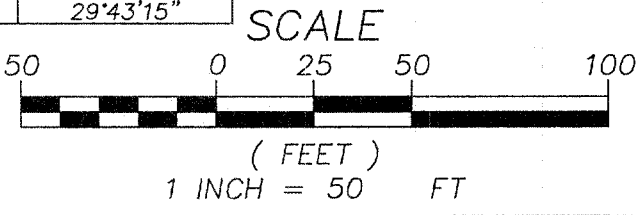


P:\Pine Cone LLC\034396\Survey\Documents\Lot9EX04081007.doc

EXHIBIT "B"
SKETCH TO ACCOMPANY
LEGAL DESCRIPTION



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C8	230.00	24.23	24.22	S35°56'39"W	6°02'13"
C9	175.50	91.04	90.02	S47°47'10"E	29°43'15"



DESIGNED BY: _____		CHECKED BY: _____		
DRAWN BY: _____ PM		APPROVED BY: _____		
LAST EDIT: _____		PLOT DATE: 08/13/07		
DATE	BY	REV#	REVISION	CK'D/APPR

W&H
PACIFIC
1004 Main St.
Klamath Falls, Oregon
97601-5813
(541)884-3048
(541)885-2105 Fax
whpacific.com

**TRACT 1430 - TIMBERMILL SHORES
4TH STREET IMPROVEMENT PROJECT
LANDSCAPE AND STREET LIGHTING EASEMENT
LOT 9**

KLAMATH FALLS

SCALE: 1"=50'

PROJECT NO. 34396

DRAWING FILE NAME: 34396-SURV-EX04

1 SHEET

OREGON 1

Office: KFALLS / System: WHP-KLM-C7RUC91 / User: JBUTLER / Time: 08/13/2007 12:01:30