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11/09/2007 03:37:49 PM

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 Darci 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.

4. 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: Virginia Ray Thompson, Partner

By: Gary Turner, Partner

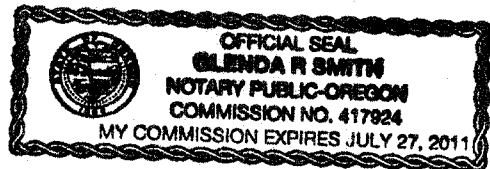
By: Darci Turner, Partner

STATE OF OREGON       )  
                                  ) ss.  
COUNTY OF LANE       )

This instrument was acknowledged before me on October 2, <sup>2007</sup>~~2006~~, by John Harris, of Bi-Mart Corporation.

Glenda R. Smith  
Notary Public for Oregon  
My commission expires: 7-27-11

STATE OF OREGON       )  
                                  ) ss.  
COUNTY OF \_\_\_\_\_)



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

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

STATE OF OREGON                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

      This instrument was acknowledged before me on \_\_\_\_\_, 2006, by Gary  
Turner, a Partner in Klamath Korner Group.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

STATE OF OREGON                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

      This instrument was acknowledged before me on \_\_\_\_\_, 2006, by  
Darci Turner, a Partner in Klamath Korner Group.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

NOTA  
CON  
MMI

## 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.---

FIG  
IDA  
PUB  
SIO  
NE

## EXHIBIT B

A tract of land situated in the SE ¼ NE ¼ 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° 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° 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° 51' 15" West, along said centerline, 660.25 feet to a point on the West line of said Tract 50; thence North 00° 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

