

MTC13910-9445

After Recording Return to

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

2008-004044

Klamath County, Oregon



00042666200800040440040044

03/26/2008 11:14:48 AM

Fee: \$36.00

## LANDSCAPE AND STREET LIGHT EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Nickelman LLC, an Oregon Limited Liability Company (Grantor), 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 11, 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.

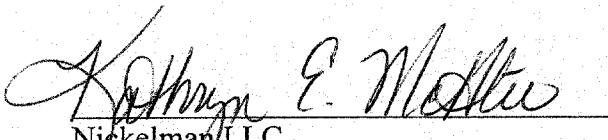
AMERITITLE, has recorded this instrument by request as an accommodation only, and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.

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

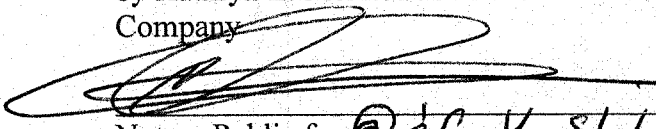
This document shall be binding upon all subsequent purchasers of the Property, the Grantee, and the heirs, successors and assigns, of both.

IN WITNESS WHEREOF, I/we have hereunto set our hands the \_\_\_\_\_ day of February, 2008.

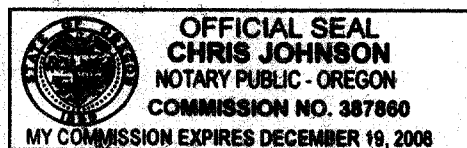
  
Nickelman LLC  
By Kathryn E. McAtee, member

State of Oregon  
County of Klamath

This instrument was acknowledged before me this 18th day of March, 2008  
by Kathryn E. McAtee as member of Nickelman LLC, an Oregon Limited Liability  
Company

  
Notary Public for @ & for the State of Oregon Chris Johnson

My commission expires 12-19-2008





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

AUGUST 10, 2007

LEGAL DESCRIPTION – TIMBERMILL SHORES  
4<sup>TH</sup> STREET-LOT 11 LANDSCAPE/STREET LIGHT EASEMENT

34460

**EXHIBIT "A"**

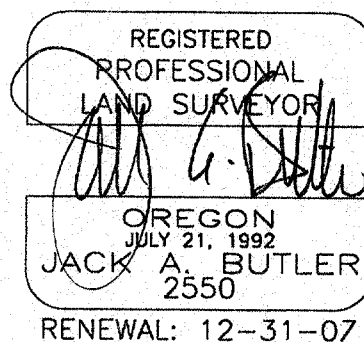
A TRACT OF LAND LOCATED IN TRACT 1430 TIMBERMILL SHORES SUBDIVISION AND BEING PART OF THE NORTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, CITY OF KLAMATH FALLS, KLAMATH COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE MOST NORTHWESTERLY 3.50 FEET OF LOT 11 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 11.

CONTAINING APPROXIMATELY 441 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\Lot11EX04081007.doc

*whpacific.com*

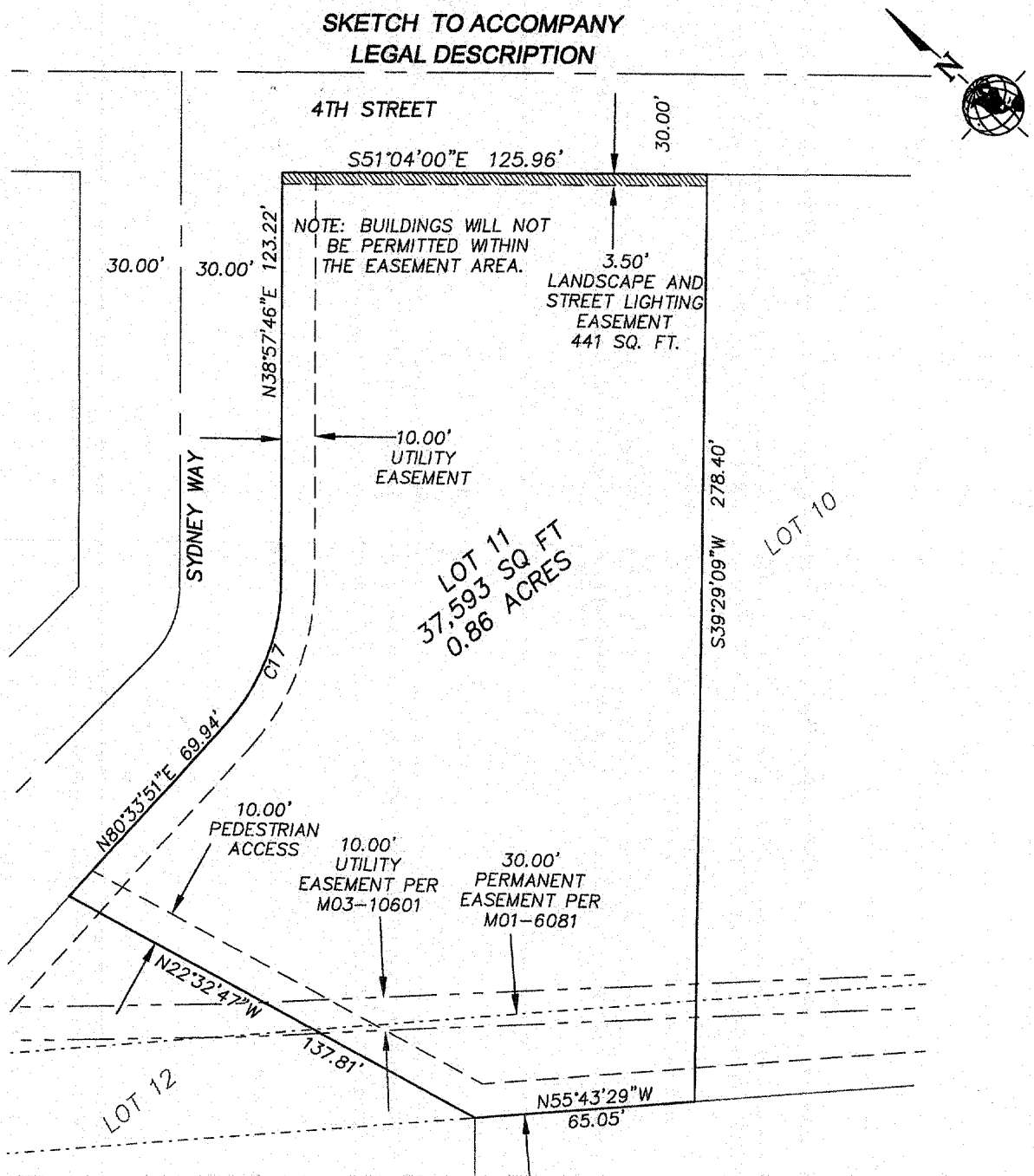
*planners*

*surveyors*

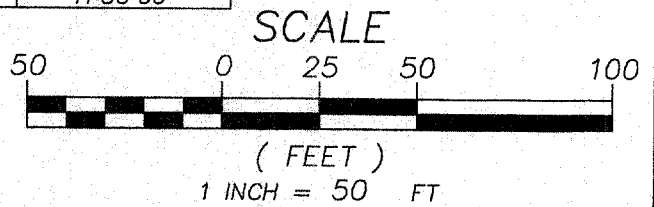
*engineers*

*landscape architects*

EXHIBIT "B"  
SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C17	63.84	46.35	45.34	N59°45'49"E	41°36'06"



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



TRACT 1430 - TIMBERMILL SHORES 4TH STREET IMPROVEMENT PROJECT LANDSCAPE AND STREET LIGHTING EASEMENT LOT 11			
KLAMATH FALLS	PROJECT NO. 34396	DRAWING FILE NAME: 34396-SURV-EX06	OREGON
SCALE: 1"=50'			1 SHEET 1