

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

2008-015335

Klamath County, Oregon



00056170200800153350030035

11/13/2008 09:18:35 AM

Fee: \$31.00

GRANTOR:

Danoc Corporation
20100 Cheyne Road
Klamath Falls, OR 97603

GRANTEE:

City of Klamath Falls
500 Klamath Avenue
Klamath Falls, OR 97601

**AGREEMENT CLARIFYING AND MODIFYING ROAD EASEMENT
GRANTED IN WARRANTY DEED RECORDED IN KLAMATH COUNTY
RECORDS AT VOLUME M69, PAGES 10019, *ET SEQ.***

RECITALS

Danoc Corporation, an Oregon Corporation, ("Grantor" herein) is the current owner of the fee simple interest in the real property described in attached Exhibit A, which is incorporated herein by this reference (the "Property").

In November of 1969, a predecessor in interest to Grantor Danoc granted to the City of Klamath Falls, an Oregon municipal corporation, ("City" or "Grantee" herein) a road easement on and across the Property by means of a warranty deed recorded on November 24, 1969 in the deed records of Klamath County, Oregon at Volume M69, pages 10019, *et seq.* ("Road Easement").

Grantor Danoc has applied to partition the Property and Grantee City and Grantor Danoc desire to clarify and modify the Road Easement.

AGREEMENT/EASEMENT

Now, therefore, in consideration of the foregoing recitals, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, Grantor and Grantee agree to clarify and modify the Roadway Easement (recorded at M69, pages 10019, *et seq.*) as follows:

1. Grantee was and is granted a right-of-way easement on, over and across the Property ("Easement"). The Easement Area remains unchanged and is that area defined in the Warranty Deed recorded at M69, pages 10019 *et seq.* of the Klamath County Deed Records. The real property burdened by this Easement is the Property as described in attached Exhibit A.
2. This Easement shall be used as a right-of-way for public vehicular and pedestrian access and for installation, maintenance, repair, replacement and use of public utilities and all necessary appurtenances in, upon, over, across and under the Easement Area. In conjunction with such use, Grantee, and others authorized to utilize the Easement, may construct, reconstruct, maintain and repair the roadway and/or utilities situated within this Easement as permitted and allowed by Grantee.
3. Grantee agrees to indemnify, defend and hold harmless Grantor from any loss, claim or liability to Grantor arising out of use of the Easement.
4. This Easement and the rights reserved herein shall be perpetual and exclusive and shall be subject to the vacation and abandonment provisions of state and local laws applicable to dedicated public roads/streets.

5. This Easement shall run with the land as to all properties benefited and burdened by this Easement, including any division or partition of the Property. The rights, covenants and obligations of this Easement shall bind, burden and/or benefit each party's successors, assigns, heirs or beneficiaries under a deed of trust.

GRANTOR – DANOC CORPORATION

By:

John D. O'Connor
John D. O'Connor, President

GRANTEE – CITY OF KLAMATH FALLS

By:

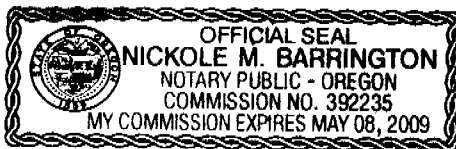
Jeff Ball
Jeff Ball, City Manager

Attest:

Elisa D. Olson
City Recorder

STATE OF OREGON)
) ss.
County of Klamath)

On November 7th, 2008, personally appeared John D. O'Connor, who, being first duly sworn, did acknowledge that he is the President of Danoc Corporation, that the foregoing instrument was signed on behalf of Danoc Corporation, that he is authorized to execute this instrument and that this instrument is the voluntary act and deed of that entity.

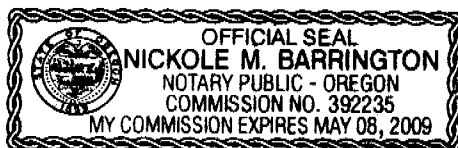


WITNESS my hand and official seal.

Nickole M. Barrington
SIGNATURE OF NOTARY PUBLIC
Notary Public for Oregon
My Commission Expires: 5-8-2009

STATE OF OREGON)
) ss.
County of Klamath)

On the 10th day of November, 2008, personally appeared Jeff Ball and Elisa D. Olson, who, each being first duly sworn, did acknowledge that the former is the City Manager and the latter is the City Recorder of the City of Klamath Falls, an Oregon municipal corporation, that the foregoing instrument was signed on behalf of said municipal corporation, and that this instrument is the voluntary act and deed of said municipal corporation.



WITNESS my hand and official seal.

Nickole M. Barrington
SIGNATURE OF NOTARY PUBLIC
Notary Public for Oregon
My Commission Expires: 5/8/2009

EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land situated in the N1/2 NW1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

The N1/2 NW1/4 of said Section 20 lying West of the following described tract of land.

Beginning at the iron pin marking the Southeast corner of the NW1/4 NE1/4 of said Section 20, thence South 89° 21' East 393.24 feet; thence North 00° 46' East 1,962.0 feet; thence North 89° 05' West 2,675.11 feet; thence South 00° 50' West 1,969.63 feet; thence South 89° 10' East 966.14 feet; thence South 89° 21' East 1,318.1 feet to the point of beginning.

EXCEPTING THEREFROM:

Commencing at the Southwest corner of the NW1/4 NW1/4 of said Section 20, which point is the true point of beginning; thence North, along the Westerly line of said Section 20 a distance of 726 feet; thence East 300 feet to a point; thence South 726 feet to a point being on the Southerly line of said NW1/4 NW1/4; thence West 300 feet to the point of beginning.

AND ALSO EXCEPTING that portion thereof conveyed to the State of Oregon by and through its Department of Transportation by Warranty Deed recorded August 21, 2002 in Volume M02, page 47235, described as follows:

A parcel of land lying in the NW1/4 NW1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and being a portion of that property described in that deed to Danoc Corporation, recorded in Book M-95, Page 19389 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Westerly of the Westerly right of way of Dan O'Brien Way and included in a strip of land variable in width, lying on the Southerly side of the "D" center line which center line is described as follows:

Beginning at Engineer's center line station "D" 1+000.000, said station being 24.986 meters North and 71.243 meters East of the Southwest corner of Section 17, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence South 67° 36' 55" West 16.549 meters; thence on a 70 meter radius curve right (the long chord of which bears South 79° 13' 13" West 28.163 meters) 28.357 meters; thence North 89° 10' 28" West 115.094 meters to Engineer's center line Station "D" 1+160.000.

The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on Southerly Side of Center Line
"D" 1+014		"D" 1+020	41.492 in straight line to 19.425

Bearings are based upon the Oregon Coordinate System of 1983 (1991), South Zone.