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Fee: \$42.00

RETURN TO:  
Klamath County Mental Health  
403 Pine St., 3<sup>rd</sup> Floor  
Klamath Falls, OR 97601

-- CROSS ACCESS AGREEMENT--  
(Driveway and Parking)

DATED: Aug. 31, 2011

**RECITALS**

A. Klamath County owns three parcels of real property in Klamath County, Oregon further described as Parcels 1, 2 and 3 of Land Partition (LP) 69-07 located in the NW  $\frac{1}{4}$  of Section 34, T38S, R9E W.M., that being a replat of Tract 40C of Enterprise Tracts (the "3 parcels").

B. A decommissioned facility currently crosses over property lines for Parcel 1 and Parcel 2 that were created as a part of LP 69-07, which was processed by the Klamath County Planning Department. This decommissioned facility crosses over the portion of Parcel 2 which was to provide access to Washburn Way.

C. As a condition of an Administrative Design Review, the City of Klamath Falls Planning Department, in the Final Decision and Conditions document 23-DR-10, requires Klamath County to record a Cross Access Agreement that allows for legal access from the subject property being Parcel 2 across Parcel 3 for driveway access to Washburn Way.

D. It is the intent of Klamath County, by and through this Cross Access Agreement, to set forth temporary access for Parcel 2 to Washburn Way across Parcel 3.

NOW, THEREFORE, in consideration of the foregoing and the terms and conditions hereafter set forth:

### AGREEMENT

1. Klamath County, as owner of the 3 parcels, hereby provides temporary access across Parcel 3 from Washburn Way to Parcel 2 for purpose of parking and the ingress and egress for pedestrian and motor vehicle use;
2. Klamath County will not sell, transfer, assign or otherwise relinquish any of the 3 parcels of the above mentioned real property until such time as the decommissioned building crossing Parcels 1 and 2 is removed.
3. Klamath County will not sell, transfer, assign or otherwise relinquish any of the 3 parcels until the removal of asphalt from Parcel 3 and creation of the driveway through Parcel 2 as indicated on the attached map 38 09 34BC, which driveway will be created to conform to City of Klamath Falls Code 8.570 for width and number of driveways and to section 8-5.3.8 of the City of Klamath Falls Public Works Engineering Standards, or current edition, for location and design criteria.

Klamath County hereby executes this Agreement with the intent that it be a condition, covenant and restriction upon the 3 Parcels and that it run with and become appurtenant to the 3 Parcels.

KLAMATH COUNTY

**Out of Office Today**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

State of **OREGON**  
County of **KLAMATH**

This instrument was acknowledged before me on this day 31  
of Aug, 2010 by Laura Turner  
(Print name)



\_\_\_\_\_  
Notary Public - State of Oregon

My Commission expires: March 2, 2013