

WTC 91595

2011-011817

Klamath County, Oregon

AFTER RECORDING RETURN TO:  
Boivin, Uerlings & Dilaconi, P.C.  
Attn: Barbara M. Dilaconi  
803 Main Street, Suite 201  
Klamath Falls, OR 97601



00109030201100118170040045

10/21/2011 02:53:03 PM

Fee: \$52.00

### Temporary Access Easement for Parcel One

This Temporary Access Easement for Parcel One is made as of this 26 day of October, 2011, by and between KBQ LLC, an Oregon limited liability company ("KBQ") (Grantor) and Sanford World Clinics, ("Sanford") (Grantee). The true and actual consideration paid is other than money.

#### BACKGROUND

1. KBQ is selling and or/ground leasing to Sanford, Parcel One of a larger parcel of real property identified as Tax Lot 38-09-20BD-400 and more specifically identified as SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, Township 38 south, Range 9 east, Willamette Meridian, City of Klamath Falls, Klamath County, Oregon. Parcel One is more thoroughly described on the Partition Map prepared by Sun Country Engineering & Surveying, Inc., attached hereto as **Exhibit A** and incorporated herein by reference.
2. Sanford now requires a temporary and purpose limited easement across the property to be retained by KBQ and identified on **Exhibit A** as Parcel Three for entry onto Parcel One during construction and operation of the Sanford Children's Clinic Complex until such time as the formal extension of Daggett Avenue by the City of Klamath Falls, County of Klamath, Oregon, is dedicated and available for use by the general public, which will then provide the necessary ingress and egress to the Sanford property. KBQ has agreed to grant a Temporary Access Easement to Sanford.

Therefore, the parties agree as follows:

#### AGREEMENT

1. **Grant of Temporary Access Easement for Parcel One from KBQ to Sanford.** KBQ hereby grants a temporary access easement to Sanford, its licensees, agents, and employees with necessary equipment, to enter onto and have access to Parcel One. Such temporary easement is for the express purpose of ingress / egress into the Sanford Children's Clinic Complex until such time as the formal extension of Daggett Avenue by the City of Klamath Falls, County of Klamath, Oregon, is dedicated and available for use by the general public, which will then provide the necessary ingress and egress to the Sanford property, with said temporary access easement as identified on the attached **Exhibit A**. The temporary access easement shall terminate upon completion of the formal extension of Daggett Avenue by the City of Klamath Falls, County of Klamath, Oregon and its dedication and availability for use by the general public.

2. **Rights and Restrictions.** This temporary access easement shall be limited to the purposes set forth above. Sanford will have the right to clear and keep clear all trees, roots, brush and other obstructions from the surface and sub-surface of the easement as necessary for the purposes set forth above. KBQ will have the right to fully use and enjoy Parcels Two and Three as identified on **Exhibit A**, except as to the rights granted herein.

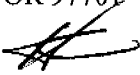
529th

3. **Modification of Agreement.** Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date first written above.

**Grantor:**

KBQ LLC  
2450 NE Mary Rose Place – Suite 200  
Bend, OR 97701

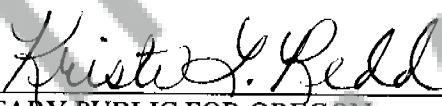
  
By: Dr. Robert Quinn  
Its: Member-Manager

STATE OF OREGON )

County of Klamath ss.

This instrument was acknowledged before me on this 20<sup>th</sup> day of October, 2011 by Robert Quinn as Member-Manager of KBQ LLC.



  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 11/16/2011

**Grantee:**

Sanford World Clinics  
1305 West 18<sup>th</sup> Street  
Sioux Falls, SD 57105

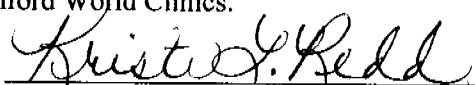
  
By: VS  
Its:

STATE OF Oregon )

County of Klamath ) ss.

This instrument was acknowledged before me on this 20<sup>th</sup> day of October, 2011 by James D. Slack as Vice President of Sanford World Clinics.



  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 11/16/2011

**EXHIBIT A**  
**PARTITION MAP**

Unofficial  
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