

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601



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03/01/2013 03:45:22 PM

Fee: \$52.00

GRANTOR:

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

GRANTEE:

Loren Zelmer
1267 Whitehurst Road SW
Palm Bay, FL 32908

ACCESS EASEMENT

City of Klamath Falls, (Grantor), in consideration of the terms and conditions of this Easement, the sufficiency of which is hereby acknowledged, do hereby grant and convey to Loren Zelmer (Grantee), a perpetual, unless an easement release is recorded by mutual agreement of the parties, 20 foot wide access easement legally described and depicted on the attached Exhibit A, incorporated herein by this reference, and is situated on a portion of the Property legally described as follows: Lot 5, Block 73 of the Buena Vista Addition situated in the SE1/4 NW1/4 of Section 29, T38S, R9E W.M. Klamath County, Oregon (the "Property").

The terms of this Easement are as follows:

1. **Consideration**. Grantee has paid to Grantors the sum of \$0.00 (zero dollars), the receipt of which is hereby acknowledged by Grantee. The actual consideration for this transfer consists of or includes other property, improvements, or value given which is part of the whole consideration. Grantee shall bear the costs of recording this Easement.
2. **Property Burdened**. The Property as described above (Lot 5, Block 73 of the Buena Vista Addition) is burdened by this Easement.
3. **Property Benefitted**. The property benefitted is Lot 4 of the Buena Vista Addition only.
4. **Easement Use**. This Easement shall be used for vehicular and pedestrian right-of-way access upon, over, across and under the Easement Area, together with the right of reasonable ingress and egress over the Property. At the time that Lot 4 is developed, Grantee must:
 - a. Pave with asphalt or concrete the Easement area in accordance with City Code requirements at the time that Lot 4, Block 73 of the Buena Vista Addition is developed;
 - b. Improve a portion of the Prescott Street right-of-way. Improvement includes paving half of the street and installing an extruded curb from the current edge of the pavement, east to a line perpendicular to Lot 5 northern property line at the eastern edge of the Easement area. The estimated area needing improvement is 18' wide by 130' in length; and
 - c. Install a type III barricade beyond the edge of the pavement within the Prescott Street right of way.
5. **Restrictions**. Grantee shall not unreasonably disturb Grantor's use of their property. Grantor retains the right to use the Easement for access to Lot 5, as well as for any necessary public improvements such as installation, repair and replacement of City utilities and/or as needed for street right-of-ways.

6. **Indemnification.** Grantee agrees to indemnify, defend and hold harmless Grantors from any loss, claim or liability to Grantee arising out of use of the Easement. Grantee assumes all risk arising out of use of the Easement, and Grantor shall have no liability to Grantee or others for any condition existing thereon.

7. This Easement and rights reserved herein shall be perpetual and exclusive. 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.

IN WITNESS WHEREOF, We have hereunto set our hands this 2nd day of February, 2013.

GRANTOR:

CITY OF KLAMATH FALLS

By: _____

Nathan Cherpeski, City Manager

Attest: _____

Elisa D. Olson, City Recorder

GRANTEE:

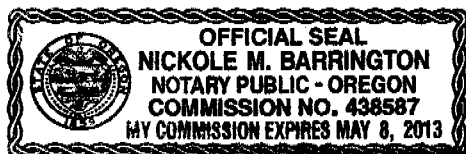
Loren Zelmer

STATE OF OREGON)

) ss.

County of Klamath)

On the 1st day of February, 2013, personally appeared Nathan Cherpeski 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, and that the foregoing instrument was signed on behalf of said municipal corporation, 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

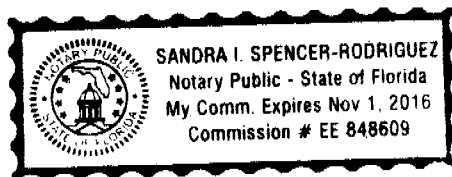
My Commission Expires: 5-8-2013

STATE OF Florida)

) ss.

County of Brevard)

On the 2nd day of February, 2013, personally appeared Loren Zelmer, and being first duly sworn, acknowledged said instrument to be his voluntary act and deed.



WITNESS my hand and official seal.

Sandra I. Spencer-Rodriguez
SIGNATURE OF NOTARY PUBLIC

Notary Public for Florida State

My Commission Expires: 11/1/2016

Easement Description

A parcel of land situated in the Southeast 1/4 of the Northwest 1/4 of Section 29, Township 38 South, Range 9 East of the Willamette Meridian, being a portion of Lot 5, Block 73 of the Supplemental Plat of Buena Vista Addition to the City of Klamath Falls, a duly recorded Subdivision, Being more particularly described as follows:

Beginning at the most Northerly corner Lot 4, Block 73 of said subdivision, said point being marked by a 5/8 Rebar with a plastic cap stamped "Rhine-Cross Group, LLC", Thence North 37°02'13" East, 13.56 feet to the South right-of-way line of Prescott Street; Thence along said right-of-way line, North 89°08'19" East, 25.35 feet; Thence leaving said right-of-way line, South 37°02'13" West, 29.21 feet to the Northerly line of said lot 4; Thence along said northerly line, North 52°42'49" West, 20.00 feet to the point of Beginning.

Containing 428 square feet, more or less.

Basis of Bearings per CS # 7917

EASEMENT ACROSS LOT 5, BLOCK 73, BUENA VISTA ADD.
SITUATED IN THE SE1/4 NW1/4 OF SECTION 29, T38S, R9E W.M.
KLAMATH COUNTY, OREGON

