

2013-008146

Klamath County, Oregon



00139381201300081460050050

07/17/2013 03:43:51 PM

Fee: \$57.00

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTOR:

Moore, Janice Sue
2609 Reclamation Ave
Klamath Falls, OR 97601

GRANTEE:

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

EASEMENT FOR PEDESTRIAN ACCESS AND SIDEWALK

Moore, Janice Sue, Grantor, in consideration of the terms and conditions of this Easement, the sufficiency of which is hereby acknowledged, does hereby grant and convey to the CITY OF KLAMATH FALLS, OREGON (Grantee), a perpetual, exclusive easement for the purpose of public use of the pedestrian access and sidewalk off of Washburn Way and all necessary appurtenances in, into, upon, over, across and under a two hundred and four (204) square foot parcel of land legally described and depicted on Exhibit A, attached hereto and incorporated herein (the "Easement Area").

Additional terms of the Easement are as follows:

1. Consideration. Grantee has paid to Grantor the sum of \$325.00. The actual consideration for this transfer consists of or includes other property or value given which is part of the whole consideration. Grantee shall bear the costs of recording this Easement.

2. Property Burdened. The Easement Area lies within the real property owned by Grantor that is legally described on Exhibit B (the "Property"):

3. Restrictions. Grantor shall not erect any buildings or structures within the Easement Area that would inhibit access to Grantee's said pedestrian access and sidewalk or cause damage to it. Grantor retains the right to utilize the Easement Area for landscaping, except for trees that in Grantee's judgment would interfere with the already existing landscaping and pedestrian access and sidewalk. 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 and enjoyment of those areas as authorized herein.

4. 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 attorneys' fees, costs and expenses) that arise from or out of the Grantee's use of the Easement Area or the Property at any time.

5. Entry. This Easement shall include the right of ingress and egress over the Property and Grantor's adjoining lands for the purposes of Grantee's and the Public's use and enjoyment of this Easement and the perpetual right of Grantee and the Public to enter upon the Property at any necessary time.

6. Easement Use and Maintenance of the Property. Grantor agrees to use due care in any use of the Easement Area and in the construction, installation, repair, replacement and maintenance of the Easement Area as provided for herein so as not to unreasonably disturb Grantee's use of its property. Grantor agrees to maintain the Easement Area, as to the condition at the time of execution of this Easement, including, but not limited to, the replacement of any sod, landscaping, paving or other improvements that existed within the Easement Area.

7. This Easement, and the rights and obligations granted and imposed herein, shall run with the Property, including any division or partition of the Property. The rights, covenants and obligations of this Easement shall bind, burden and/or benefit all subsequent purchasers of the Property, the Grantee, and the heirs, successors and assigns of both.

IN WITNESS WHEREOF, We have hereunto set our hands this 8th day of July, 2013.

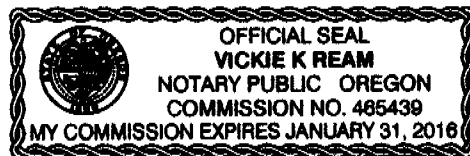
GRANTEE:
CITY OF KLAMATH FALLS

By: [Signature]
Nathan Cherpeski, City Manager

Attest: [Signature]
Elisa D. Olson, City Recorder

GRANTOR:
Moore, Janice Sue

By: [Signature]
Name/Title: Janice Sue Moore



STATE OF OR)
) ss.
County of Klamath)

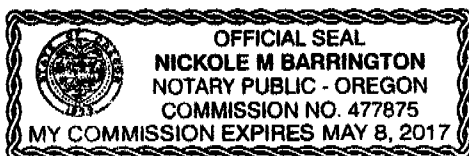
On June 5, 2013, personally appeared Janice Sue Moore, who, being first duly sworn, did acknowledge that he/she is the owner of 2609 Reclamation Avenue, that he/she is authorized to execute this instrument and that this instrument is the voluntary act and deed of that entity.

WITNESS my hand and official seal.

[Signature]
SIGNATURE OF NOTARY PUBLIC
Notary Public for Oregon
My Commission Expires: 1/31/2016

STATE OF OREGON)
) ss.
County of Klamath)

On the 8th day of July, 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.

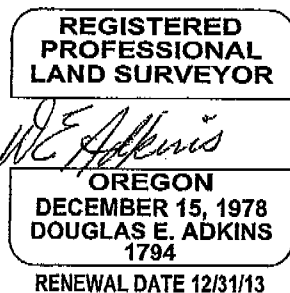
[Signature]
SIGNATURE OF NOTARY PUBLIC
Notary Public for Oregon
My Commission Expires: 5-8-2017

Public Pedestrian Access Easement

A parcel of land situated in the NW1/4 of the SW1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the southwest corner of Lot 7 of Old Orchard Manor; thence North 00° 27' 07" West along the west line of said Lot 7, 9.35 feet; thence South 51° 21' 57" East 14.74 feet to the south line of said Lot 7; thence South 89° 16' 53" West along said south line 11.44 feet to the point of beginning, containing 53 square feet, more or less.

1000-1301
January 22, 2013





SCALE: 1" = 10'

LOT 7, OLD ORCHARD
MANOR

TAX LOT R-3809-034CB-06400
JANICE MOORE

WASHBURN WAY

N00°27'07"W
9.35

S51°21'57"E
14.74

EASEMENT

11.44
S89°16'53"W

SOUTHWEST CORNER
OF LOT 7

RECLAMATION AVE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

D. E. Adkins

OREGON
DECEMBER 15, 1978
DOUGLAS E. ADKINS
1794

RENEWAL DATE 12/31/13

ADKINS



CONSULTING
ENGINEERING, LLC

Engineers ▲ Planners ▲ Surveyors

2950 Shasta Way · Klamath Falls, Oregon 97603 · (541) 884-4666 · FAX (541) 884-5335

Oregon · California

1/22/2013

1000-1301

PUBLIC PEDESTRIAN
ACCESS EASEMENT
EXHIBIT MAP

19747

WARRANTY DEED

Vol. 1794 Page 17486

THE KLAMATH TRIBES HOUSING AUTHORITY, A PUBLIC CORPORATE BODY,

Grantor (s) hereby grant, bargain, sell and convey to

JANICE SUE MOORE,

Grantee (s) and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of KLAMATH and State of Oregon, to wit:

Lot 7 in OLD ORCHARD MANOR, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

SUBJECT TO: all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any; and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORE 10.930.

The true and actual consideration for this conveyance is \$ 83,000.00.

Until a change is requested, all tax statements shall be sent to Grantee at the following address: 2609 RECLAMATION AVENUE, KLAMATH FALLS, OR 97601

Dated this 12th day of June, 1996

THE KLAMATH TRIBES HOUSING AUTHORITY

BY

DONALD D. OGDEN

EXECUTIVE DIRECTOR

NOTARY ACKNOWLEDGEMENT

STATE OF

COUNTY OF

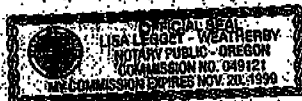
ss.

Personally appeared the above named

Donald D. OgdenExecutive Director

and acknowledged the foregoing instrument to be his

voluntary act.



(seal)

Before me:

Lisa Leggett WeatherlyNotary Public for OregonMy commission expires 11/20/99

ESCROW NO. MT38340-LW

Return to:

JANICE SUE MOORE
2609 RECLAMATION AVENUE
KLAMATH FALLS, OR 97601

STATE OF OREGON,

County of Klamath ss.

Filed for record at request of:

AmeriTitle
on this 12th day of June A.D. 19 96
at 3:57 o'clock P.M. and duly recorded
in Vol. 1796 of Deeds Page 17486
Bernetha G. Letsch, County Clerk
By Sherry J. Marshall Deputy.
Fee \$30.00

36 JUN 12 P3:57