



2016-005245

Klamath County, Oregon

05/18/2016 03:34:28 PM

Fee: \$82.00

PERMANENT EASEMENT

PINE CONE LLC, an Oregon limited liability company, Grantor, for the true and actual consideration of **\$9725**, does grant unto the **CITY OF KLAMATH FALLS**, a municipal corporation of the State of Oregon, Grantee, its successors and assigns, a permanent easement for trail access and maintenance over and across the property described as **Parcels 1, 2 and 3 on Description dated 6-15-2015 and Exhibit "B" Map**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right or interest in the above-described Parcels 1, 2 and 3, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use does not interfere with the rights herein granted.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for trail construction purposes over and across the property described as **Parcel 4 on Description dated 6-15-2015 and Exhibit "B" Map**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described Parcel 4, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

AS SHOWN ON THE ATTACHED EXHIBIT "B" MAP, HEREIN AND MADE A PART OF THIS DOCUMENT AS SET FORTH ABOVE, THAT IN THE EVENT OF A CONFLICT OR DISCREPANCY BETWEEN THE EXHIBIT "B" MAP AS SHOWN AND THE WRITTEN LEGAL DESCRIPTION, THE WRITTEN LEGAL DESCRIPTION SHALL PREVAIL.

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM OR 97302-1142

Map and Tax Lot #: Section 32 & 33 T38S R9E

Property Address:

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property and will warrant the easement rights herein granted from all lawful claims whatsoever.


Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the City of Klamath Falls, a municipal corporation of the State of Oregon, unless and until accepted and approved by the recording of this document.

Dated this 16 day of December, 2015.

PINE CONE LLC, an Oregon limited liability company



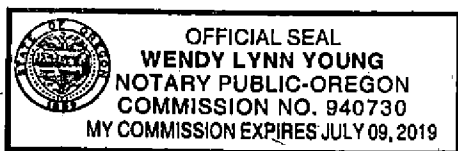
Member(s) / Manager(s)

Member(s) / Manager(s)

STATE OF OREGON, County of Klamath

Dated December 16, 2015. Personally appeared the above named Robert J. Shaw and

N/A, Member(~~X~~) / Manager(~~X~~) of Pine Cone LLC, an Oregon limited liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Wendy Lynn Young
Notary Public for Oregon
My Commission expires 7.9.19

Accepted on behalf of the City of Klamath Falls, a municipal corporation of the State of Oregon

A handwritten signature in black ink, appearing to be "Dan [unclear]", is written over a horizontal line.

Pinecone LLC
7651-606

**DESCRIPTION OF A PERMANENT EASEMENT FOR TRAIL ACCESS
AND MAINTENANCE OVER THREE PARCELS OF LAND
SITUATED IN PARCEL 1 OF LP 43-00**

PARCEL 1:

A permanent easement for trail access and maintenance over a triangular parcel of land situated in Parcel 1 of Land Partition No. 43-00, said parcel lying northeasterly of that portion of the construction centerline of the Lake Ewauna Trail situated in the SE ¼ of Section 32, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said parcel of land, shown on the attached Exhibit "B", being more particularly described as follows:

Beginning at a point that is 4.14 feet left of Station 31+82.01 of the Lake Ewauna Trail construction centerline as described on the attached Exhibit "A" said point being on an offset line 30.00 feet from and parallel with the high water line of Lake Ewauna, said line being the northerly line of a 30.00 foot wide trail easement as described in deed volume M04-62641; Thence South 24°54'27" East, 6.52 feet to a point that is 4.07 feet left of Station 31+89.06, said point being on an offset line 30.00 feet from and parallel with the high water line of Lake Ewauna, said line being the northerly line of a 30.00 foot wide trail easement as described in deed volume M04-62641; Thence, along said 30 foot offset line, North 77°16'01" West, 2.21 feet to a point that is 2.40 feet left of Station 31+87.52; Thence North 06°11'41" West, 5.46 feet along said 30.00 foot offset line to the point of beginning. Containing 5.7 square feet more or less.

PARCEL 2:

A permanent easement for trail access and maintenance over a parcel of land situated in Parcel 1 of Land Partition No. 43-00, said parcel lying southwesterly and northeasterly of that portion of the construction centerline of the Lake Ewauna Trail situated in the SE ¼ of Section 32, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said parcel of land, shown on the attached Exhibit "B", being more particularly described as follows:

Beginning at a point that is 5.48 feet left of Station 32+50.72 of the Lake Ewauna Trail construction centerline as described on the attached Exhibit "A" said point being on an offset line 30.00 feet from and parallel with the high water line of Lake Ewauna, said line being the northerly line of a 30.00 foot wide trail easement as described in deed volume M04-62641; Thence South 32°45'31" East, 12.77 feet to a point that is 6.00 feet left of Station 32+65; Thence South 45°43'00" East, 13.32 feet to a point that is 6.00 feet left of Station 32+80; Thence South 61°20'34" East, 9.48 feet to a point that is 6.37 feet left of Station 32+90.69, said point being on an offset line 30.00 feet from and parallel with the high water line of Lake Ewauna, said line being the northerly line of a 30.00 foot wide trail easement as described in deed volume M04-62641; (The following four (4) courses are along said northerly line); Thence South 79°42'32" West, 7.79 feet to a point that is 1.46 feet left of Station 32+84.17; Thence South 70°25'59" West, 7.39 feet to a point that is 4.52 feet right of Station 32+79.93; Thence North 30°08'25" West, 13.62 feet to a point that is 0.55 feet right of Station 32+67.44; Thence North 11°10'52" West, 16.99 feet to the point of beginning. Containing 196 square feet more or less.

PARCEL 3:

A permanent easement for trail access and maintenance over a parcel of land situated in Parcel 1 of Land Partition No. 43-00, said parcel lying northerly and southerly of that portion of the construction centerline of the Lake Ewauna Trail situated in the SE ¼ of Section 32, and the SW ¼ of Section 33, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said parcel of land, shown on the attached Exhibit "B", being more particularly described as follows:

Beginning at a point that is 5.00 feet left of Station 34+73.27 of the Lake Ewauna Trail construction centerline as described on the attached Exhibit "A" said point being on an offset line 30.00 feet from and parallel with the high water line of Lake Ewauna, said line being the northerly line of a 30.00 foot wide trail easement as described in deed volume M04-62641; Thence South 40°03'10" East, 112.51 feet to a point that is 5.00 feet left of Station 35+85.78 at the beginning of a curve; Thence along a 17.00 foot radius curve to the left through a central angle of 84°24'38", (the long chord of which bears South 82°15'29" East, 22.84 feet) an arc-distance of 25.05 feet to a point that is 5.00 feet left of Station 36+18.19; Thence North 21°24'09" East, 331.44 feet to a point that is 6.47 feet left of Station 39+53.23; Thence South 57°55'42" East, 20.35 feet to a point that is 13.51 feet right of Station 39+49.37, said point being the northeast corner of said Parcel 1, LP 43-00; Thence South 21°24'09" West, 508.18 feet along the northeast line of said Parcel 1, to a point that is 171.08 feet right of Station 36+00.64, said point being on an

offset line 30.00 feet from and parallel with the high water line of Lake Ewauna, said line being the northerly line of a 30.00 foot wide trail easement as described in deed volume M04-62641; (The following nine (9) courses are along said northerly line); Thence North 17°25'34" West, 8.24 feet to a point that is 163.89 feet right of Station 36+00.17; Thence North 03°19'45" West, 35.19 feet to a point that is 130.32 feet right of Station 35+98.79; Thence North 04°58'51" East, 36.43 feet to a point that is 94.78 feet right of Station 35+97.47; Thence North 04°26'58" East, 42.75 feet to a point that is 54.31 feet right of Station 35+94.26; Thence North 06°07'07" East, 45.61 feet to a point that is 15.81 feet right of Station 35+82.88; Thence North 15°36'00" West, 32.55 feet to a point that is 2.33 feet right of Station 35+53.26; Thence North 36°24'07" West, 28.04 feet to a point that is 0.55 feet right of Station 35+25.51; Thence North 41°09'39" West, 29.98 feet to a point that is 1.13 feet right of Station 34+95.28; Thence North 24°30'22" West, 22.86 feet to the point of beginning. Containing 13301 square feet more or less.

Basis of bearings is grid north of the Oregon Coordinate Reference System (OCRS), Bend-Klamath Falls zone.

TOGETHER WITH THE FOLLOWING TEMPORARY CONSTRUCTION EASEMENT:

PARCEL 4:

A temporary easement for trail construction over a parcel of land situated in Parcel 1 of Land Partition No. 43-00, said parcel lying northerly of that portion of the construction centerline of the Lake Ewauna Trail situated in the SE ¼ of Section 32, and the SW ¼ of Section 33, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said parcel of land, shown on the attached Exhibit "B", being more particularly described as follows:

Beginning at a point that is the intersection of the offset line 30.00 feet from and parallel with the high water line of Lake Ewauna, said line being the northerly line of a 30.00 foot wide trail easement as described in deed volume M04-62641, and the southwesterly extension of the northwesterly line of said Parcel 1, Land Partition No. 43-00 (Record of Survey No. 6623) said intersection point is 5.05 feet left of Station 29+04.78; Thence North 38°37'27" East, 15.44 feet, along said northwesterly line and its southwesterly extension to a point on said northwesterly line that is 20.00 feet left of Station 29+00.92; Thence South 37°38'54" East, 41.12 feet to a point that is 19.66 feet left of Station 29+46.50; Thence South 61°45'47" East, 45.18 feet to a point that is 22.55 feet left of Station 29+91.75; Thence South 38°54'54" East, 47.67 feet to a point that is 20.90 feet left of Station 30+32.03; Thence South 24°08'45" East, 55.98 feet to a point that is 25.82

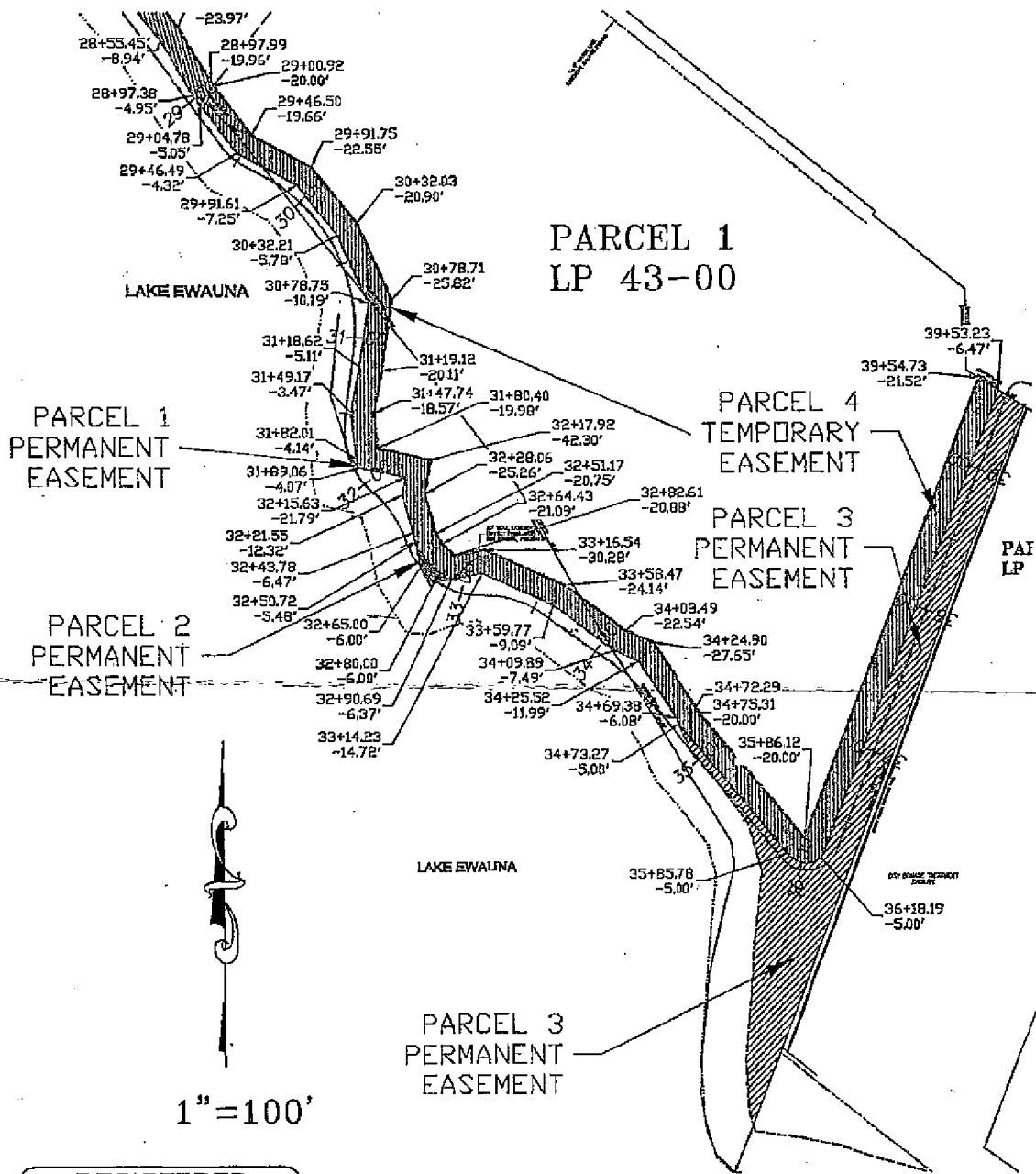
feet left of Station 30+78.71; Thence South 08°37'50" West, 46.92 feet to a point that is 20.11 feet left of Station 31+19.12; Thence South 10°55'56" West, 28.66 feet to a point that is 18.57 feet left of Station 31+47.74; Thence South 06°02'26" East, 22.90 feet to a point that is 19.98 feet left of Station 31+80.40; Thence South 77°16'01" East, 36.23 feet to a point that is 42.30 feet left of Station 32+17.92; Thence South 10°22'27" West, 22.93 feet to a point that is 25.26 feet left of Station 32+28.06; Thence South 15°17'52" East, 27.48 feet to a point that is 20.75 feet left of Station 32+51.17; Thence South 32°45'31" East, 8.20 feet to a point that is 21.09 feet left of Station 32+64.43; Thence South 45°43'00" East, 11.19 feet to a point that is 20.88 feet left of Station 32+82.61; Thence North 79°42'32" East, 20.52 feet to a point that is 30.28 feet left of Station 33+16.54; Thence South 66°31'20" East, 58.24 feet to a point that is 24.14 feet left of Station 33+58.47; Thence South 53°01'52" East, 50.04 feet to a point that is 22.54 feet left of Station 34+08.49; Thence South 67°16'43" East, 20.34 feet to a point that is 27.65 feet left of Station 34+24.90; Thence South 32°50'27" East, 54.47 feet to a point that is 20.00 feet left of Station 34+75.31; Thence South 40°03'10" East, 110.49 feet to a point that is 20.00 feet left of Station 35+86.12; Thence North 21°24'09" East, 326.50 feet to a point that is 21.52 feet left of Station 39+54.76; Thence South 57°55'42" East, 15.26 feet to a point that is 6.47 feet left of Station 39+53.23; Thence South 21°24'09" West, 331.44 feet to a point that is 5.00 feet left of Station 36+18.19; Thence northwesterly along a 17.00 foot radius curve to the right, through a central angle of 84°24'38", (the long chord of which bears North 82°15'29" West, 22.84 feet) an arc distance of 26.05 feet, to the end of said curve, at a point that is 5.00 feet left of Station 35+85.78; Thence North 40°03'10" West, 112.51 feet to a point on an offset line 30.00 feet from and parallel with the high water line of Lake Ewauna, said line being the northerly line of a 30.00 foot wide trail easement as described in deed volume M04-62641, said point is 5.00 feet left of Station 34+73.27; Thence North 24°30'22" West, 4.03 feet, along said northerly line, to a point that is 6.08 feet left of Station 34+69.38; Thence North 33°20'57" West, 45.63 feet, along said northerly line, to a point that is 11.99 feet left of Station 34+25.52; Thence North 67°16'43" West, 17.64 feet, along said northerly line, to a point that is 7.49 feet left of Station 34+09.89; Thence North 53°01'52" West, 50.14 feet, along said northerly line, to a point that is 9.09 feet left of Station 33+59.77; Thence North 66°31'20" West, 51.92 feet, along said northerly line, to a point that is 14.72 feet left of Station 33+14.23; Thence South 79°42'32" West, 20.57 feet, along said northerly line, to a point that is 6.37 feet left of Station 32+90.69; Thence North 61°20'34" West, 9.48 feet, along said northerly line, to a point that is 6.00 feet left of Station 32+80.00; Thence North 45°43'00" West, 13.32 feet, along said northerly line, to a point that is 6.00 feet left of Station 32+65.00; Thence North 32°45'31" West, 12.77 feet, along said northerly line, to a point that is 5.48 feet left of Station 32+50.72; Thence North 11°10'52" West, 6.62 feet, along said northerly line, to a point that is 6.47 feet left of Station 32+43.78; Thence North 16°04'54" West, 25.98 feet, along said northerly line, to a point that is 12.32 feet left of Station 32+21.55; Thence North 10°22'27" East, 12.06

feet, along said northerly line, to a point that is 21.79 feet left of Station 32+15.63; Thence North 77°16'01" West, 30.33 feet, along said northerly line, to a point that is 4.07 feet left of Station 31+89.06; Thence North 24°54'27" West, 6.52 feet, along said northerly line, to a point that is 4.14 feet left of Station 31+82.01; Thence North 06°04'07" West, 30.44 feet, along said northerly line, to a point that is 3.47 feet left of Station 31+49.17; Thence North 10°55'56" East, 30.60 feet, along said northerly line, to a point that is 5.11 feet left of Station 31+18.62; Thence North 08°37'50" East, 42.21 feet, along said northerly line, to a point that is 10.19 feet left of Station 30+78.75; Thence North 24°08'45" West, 49.62 feet, along said northerly line, to a point that is 5.78 feet left of Station 30+32.21; Thence North 38°54'54" West, 42.70 feet, along said northerly line, to a point that is 7.25 feet left of Station 29+91.61; Thence North 61°45'47" West, 45.35 feet, along said northerly line, to a point that is 4.32 feet left of Station 29+48.49; Thence North 37°38'54" West, 40.66 feet, along said northerly line, to the Point of Beginning. Containing 15,703 square feet more or less.

Basis of bearings is grid north of the Oregon Coordinate Reference System (OCRS), Bend-Klamath Falls zone.

DURATION OF TEMPORARY EASEMENT: Three (3) years or duration of project.

EXHIBIT "B"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Keith R. Rhine

OREGON
JULY 11, 2000
KEITH R. RHINE
58985

RENEWAL DATE: 12-31-16

R-C
GROUP

RHINE-CROSS GROUP LLC

ENGINEERING - SURVEYING - PLANNING
112 N 5th ST - SUITE 200 - P.O. BOX 909
KLAMATH FALLS, OREGON 97601

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LakeEwauna_TempEase_Parcel1-LP43-00 5-19-2015