

File 7651 002  
Map -----

**2016-005359**  
Klamath County, Oregon  
05/20/2016 02:37:27 PM  
Fee: \$72.00

MTC 100618

### PERMANENT EASEMENT

**TOKOLA PROPERTIES, INC.**, an Oregon corporation, Grantor, for the true and actual consideration of **\$3,600.00**, 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 and 2 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 and 2, 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 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 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 3, 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 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 16TH day of MARCH, 2016.

TOKOLA PROPERTIES, INC., an Oregon corporation

By   
President

By   
Secretary

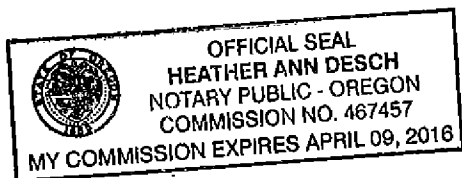
STATE OF OREGON, County of Multnomah

Dated March 16, 20 16. Personally appeared Dwight D. Unti and

Dwight D. Unti, who, being sworn, stated that they are the President and Secretary of Tokola

Properties, Inc., an Oregon Corporation, and that this instrument was voluntarily signed on behalf of the corporation by

authority of its Board of Directors. Before me:



H. Desch

Notary Public for Oregon

My Commission expires

04/09/16

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

[Signature]

J. MARK Young  
7651-1002

**DESCRIPTION OF A PERMANENT EASEMENT FOR TRAIL ACCESS  
AND MAINTENANCE OVER TWO PARCELS OF LAND SITUATED IN LOT 6,  
TRACT 1430-TIMBERMILL SHORES**

PARCEL 1:

A permanent easement for trail access and maintenance over a triangular parcel of land situated in Lot 6, Tract 1430, "Timbermill Shores", said parcel lying northerly and southerly of that portion of the construction centerline of the Lake Ewauna Trail situated in the NW ¼ SE¼ 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 on the southeasterly line of the 60.00 foot wide drainage and access easement as shown on said Lot 6, Tract 1430, said point is 17.97 feet right of Station 13+06.87 of the Lake Ewauna Trail construction centerline as described on the attached Exhibit "A"; Thence, along said southeasterly line, North 38°32'37" East, 27.02 feet to a point that is 8.39 feet left of Station 13+00.28; Thence South 28°39'47" East, 39.26 feet to a point that is 7.43 feet left of Station 13+84.14, 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 North 69°31'52" West, 38.07 feet along said 30.00 foot offset line and its northwesterly extension to the point of beginning. Containing 489 square feet more or less.

PARCEL 2:

A permanent easement for trail access and maintenance over a parcel of land situated in Lot 6, Tract 1430, "Timbermill Shores", said parcel lying northerly and southerly of that portion of the construction centerline of the Lake Ewauna Trail situated in the NW ¼ SE¼ 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 "C", being more particularly described as follows:

Beginning at a point that is 6.98 feet left of Station 15+02.36 of the Lake Ewauna Trail construction centerline as described on the attached Exhibit "A", said point is 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 76°04'52" East, 15.20 feet to a point that is 8.00 feet left of Station 15+20; Thence North 82°53'17" East, 25.32 feet to a point that is 8.00 feet left of Station 15+50; Thence North 57°13'01" East, 144.20 feet to a point that is 8.00 feet left of Station 16+95; Thence South 28°05'20" East, 2.88 feet to a point that is 5.12 feet left of Station 16+95, 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 ten (10) courses are along said northerly line); Thence South 54°54'25" West, 21.27 feet to a point that is 4.00 feet left of Station 16+74.19; Thence South 59°15'19" West, 17.74 feet to a point that is 4.79 feet left of Station 16+56.47; Thence South 26°35'05" West, 18.82 feet to a point that is 4.66 feet right of Station 16+40.20; Thence North 61°18'28" West, 12.58 feet to a point that is 6.45 feet left of Station 16+34.29; Thence South 53°08'17" West, 43.26 feet to a point that is 3.75 feet left of Station 15+91.12; Thence South 40°25'38" West, 50.33 feet to a point that is 12.63 feet right of Station 15+45.88; Thence South 30°01'29" East, 0.34 feet to a point that is 12.96 feet right of Station 15+45.93; Thence South 78°43'56" West, 9.00 feet to a point that is 12.42 feet right of Station 15+38.63; Thence North 65°29'56" West, 10.38 feet to a point that is 6.99 feet right of Station 15+31.10; Thence North 52°39'52" West, 31.46 feet to the point of beginning. Containing 1452 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 3:**

A temporary easement for trail construction over a parcel of land situated in Lot 6, Tract 1430, "Timbermill Shores", said parcel lying northerly of that portion of the construction centerline of the Lake Ewauna Trail situated in the NW ¼ SE¼ 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 on the southeasterly line of the 60.00 foot wide drainage and access easement as shown on said Lot 6, Tract 1430, said point is 8.39 feet left of Station 13+00.28 of the Lake Ewauna Trail construction centerline as described on the attached Exhibit "A"; Thence, along said southeasterly line, North 38°32'37" East, 223.83 feet to the intersection of said southeasterly line with the 10.00 foot wide Public Utility Easement on the south side of Timbermill Drive; Thence southeasterly, on an arc of a 490.00 foot radius curve to the left through a central angle of 3°49'31", (the long chord of which bears South 74°56'03" East, 32.71 feet) an arc distance of 32.71 feet to the intersection of said Public Utility Easement with a line that is 30.00 feet southeasterly of and parallel with the southeasterly line of said 60.00 foot wide drainage and access easement; Thence South 38°32'37" West, 233.19 feet, along a line 30.00 feet southeasterly of and parallel with the said southeasterly line of a 60.00 foot wide drainage and access easement, to a point that is 22.17 feet left of Station 13+23; Thence South 28°39'47" East, 7.43 feet to a point that is 22.51 feet left of Station 13+32.04; Thence South 69°31'52" East, 13.40 feet to a point that is 30.85 feet left of Station 13+45.40; Thence South 08°12'33" East, 20.06 feet to a point that is 20.48 feet left of Station 13+67.07; Thence South 46°53'58" East, 33.84 feet to a point that is 19.83 feet left of Station 14+02.47; Thence South 46°57'00" East, 55.21 feet to a point that is 19.03 feet left of Station 14+56.56; Thence South 50°37'41" East, 27.27 feet to a point that is 22.37 feet left of Station 14+82.82; Thence South 52°20'28" East, 11.29 feet to a point that is 22.31 feet left of Station 15+01.87; Thence South 76°04'52" East, 9.27 feet to a point that is 23.17 feet left of Station 15+17.66; Thence North 82°53'17" East, 19.12 feet to a point that is 23.36 feet left of Station 15+51.30; Thence North 57°13'01" East, 157.06 feet to a point that is 25.15 feet left of Station 17+07.13; Thence South 28°05'20" East, 5.46 feet to a point that is 19.72 feet left of Station 17+07.66; Thence North 69°45'25" East, 24.10 feet to a point that is 21.64 feet left of Station 17+27.76; Thence North 89°21'24" East, 9.08 feet to a point on the lot line common to Lot 6 and Lot 7 of said Tract 1430, said point is 20.45 feet left of Station 17+35.25; Thence South 02°11'41" West, 15.02 feet, along said lot line, 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 5.61 feet left of Station 17+33.19; Thence South 89°21'24" West, 5.74 feet, along said northerly line, to a point that is 6.42 feet left of Station 17+27.82; Thence South 69°45'25" West, 32.18 feet, along said northerly line, to a point that is 5.44 feet left of Station 16+97.26; Thence South 54°54'25" West, 2.40 feet, along said northerly line, to a point that is 5.12 feet left of Station 16+95.00; Thence North 28°05'20" West, 2.88 feet to a point that is 8.00 feet left of Station 16+95; Thence South 57°13'01" West, 144.20 feet to a point that is 8.00 feet left of Station 15+50; Thence South 82°53'17" West, 25.32 feet to a point that is 8.00 feet left of Station 15+20; Thence North 76°04'52" West, 15.20 feet to a point is 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 6.98 feet left of Station 15+02.36; Thence North 52°20'28" West, 14.67 feet, along said northerly line, to a point that is 7.49 feet left of Station 14+85.42; Thence North 50°37'41" West, 27.98 feet, along said northerly line, to a point that is 4.05 feet left of Station 14+57.50; Thence North 46°57'00" West, 55.70 feet, along said northerly line, to a point that is 4.83 feet left of Station 14+02.05; Thence North 47°16'55" West, 32.33 feet, along said northerly line, to a point that is 5.33 feet left of Station 13+69.42; Thence North 45°04'38" West, 6.79 feet, along said northerly line, to a point that is 5.16 feet left of Station 13+62.34; Thence North 08°12'33" West, 16.44 feet, along said northerly line, to a point that is 13.46 feet left of Station 13+46.99; Thence, leaving said northerly line, North 69°31'52" West, 10.10 feet to a point that is 7.43 feet left of Station 13+38.14; Thence North 28°39'47" West, 39.26 feet to the Point of Beginning. Containing 13,028 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.**