

File 7651 001

Map -----

MTC 100619

2016-005361

Klamath County, Oregon

05/20/2016 02:43:57 PM

Fee: \$67.00

PERMANENT EASEMENT

WASHINGTON FEDERAL, successor by merger with SOUTH VALLEY BANK & TRUST, State of Oregon Banking corporation, Grantor, for the true and actual consideration of \$6500.00, 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 **Parcel 1 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 property, 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 2 on Exhibit "A" dated 6-15-2015 and Exhibit "B" Map**, 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.

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:

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described Parcel 2, 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.

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.

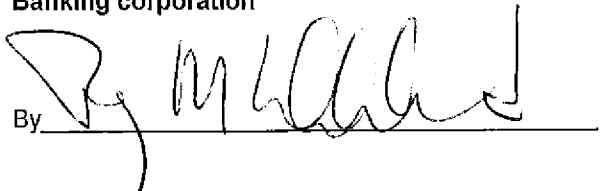
Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration 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 18th day of April, 2016.

WASHINGTON FEDERAL, successor by merger with
SOUTH VALLEY BANK & TRUST, State of Oregon
Banking corporation

By 

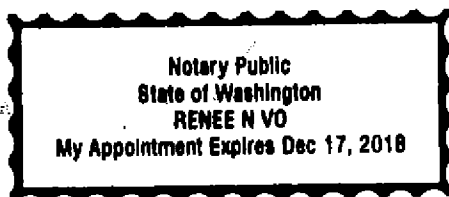
By _____

WASHINGTON
STATE OF OREGON, County of KING

Dated April 18th, 2016. Personally appeared the above named ROY M. WHITEHEAD and [Signature]

[Signature], known by me to be the PRESIDENT and
CHIEF EXECUTIVE OFFICER of Washington Federal, who acknowledged that he/she/they executed the same

for the purposes therein expressed and in the capacity therein stated, as the act and deed of said Bank. Before me:



[Signature: Renee N Vo]
Notary Public for Oregon WASHINGTON P.V.
My Commission expires 12-17-2018

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

[Signature]

Washington Federal
7651-001

**DESCRIPTION OF A PERMANENT EASEMENT FOR TRAIL ACCESS
AND MAINTENANCE OVER A PARCEL OF LAND SITUATED IN LOT 5,
TRACT 1430-TIMBERMILL SHORES**

Parcel 1:

A permanent easement for trail access and maintenance over a parcel of land situated in Lot 5, 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 that is 6.11 feet left of Station 11+14.01 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 North 74°22'27" East, 101.43 feet to a point that is 10.00 feet left of Station 12+13.00; Thence South 75°55'20" East, 33.17 feet to a point that is 9.17 feet left of Station 12+42.95, said point is on the northwesterly line of the 60.00 foot wide drainage and access easement as shown on said Lot 5, Tract 1430; Thence, along said northwesterly line, South 38°32'37" West, 60.38 feet to a point that is 44.69 feet right of Station 11+96.62, 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 three (3) courses are along said northerly line); Thence North 67°50'34" West, 34.47 feet to a point that is 23.90 feet right of Station 11+68.43; Thence North 76°54'49" West, 27.62 feet to a point that is 10.92 feet right of Station 11+44.04; Thence North 75°22'33" West, 34.53 feet to the point of beginning. Containing 3398 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 2:

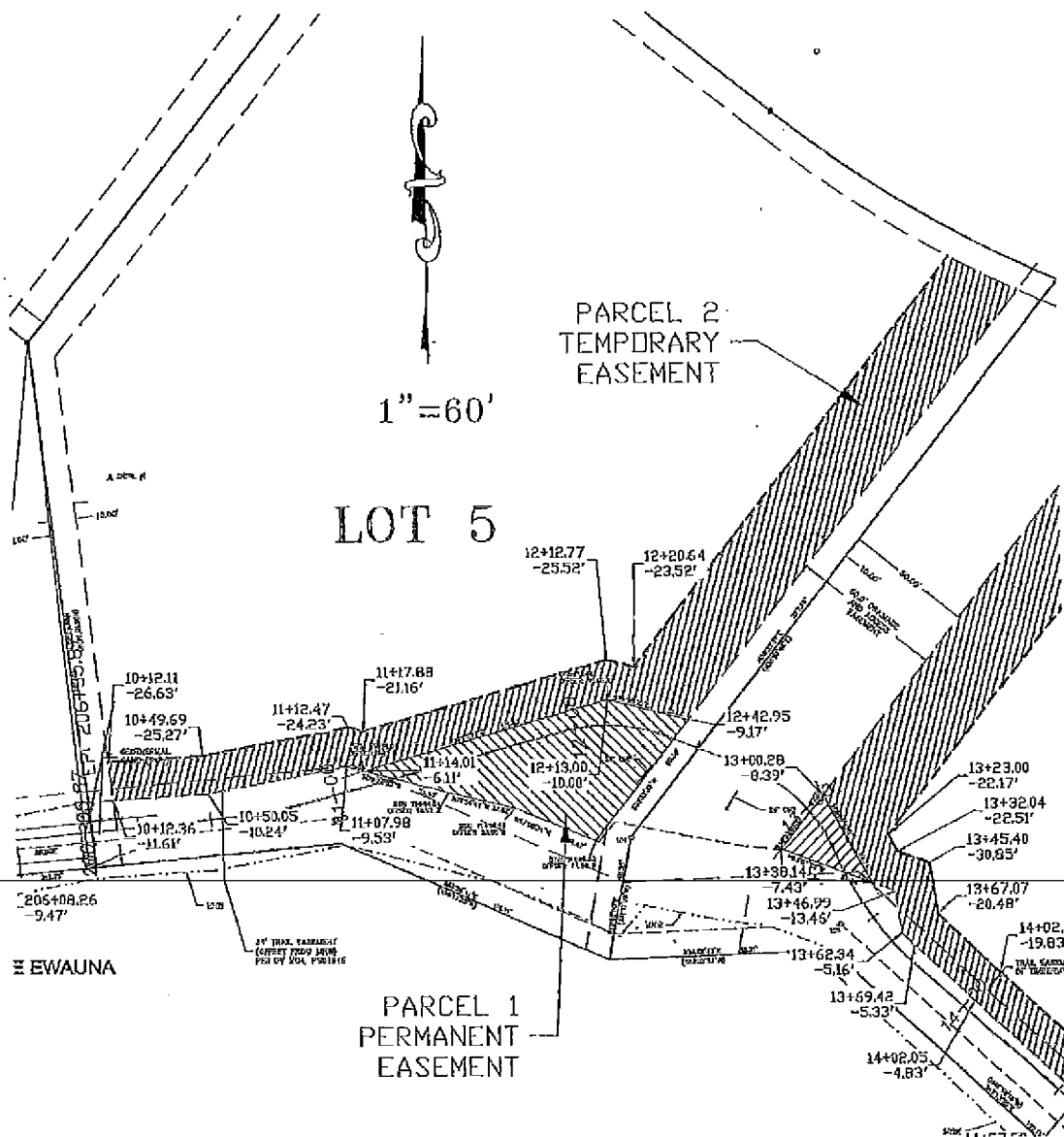
A temporary easement for trail construction over a parcel of land situated in Lot 5, Tract 1430, "Timbermill Shores", said parcel lying northerly and southerly of that portion of the construction centerline of the Lake Ewauna Trail situated in the NW ¼ SE¼ of Section 32, Township 38 South, Range 9 East 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 that is 6.11 feet left of Station 11+14.01 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 M04-6264; Thence westerly along said northerly line, the following three (3) courses; North 75°22'33" West, 6.93 feet to a point that is 9.53 feet left of Station 11+07.98; South 79°25'39" West, 56.19 feet to a point that is 10.24 feet left of Station 10+50.05; South 86°18'18" West, 37.71 feet to a point that is 11.61 feet left of Station 10+12.36, said point is on the easterly line of the 40.00 foot wide drainage and access easement as shown on said Lot 5, Tract 1430; Thence, leaving said northerly line of said trail easement described in deed volume M04-6264, North 06°43'23" West, 15.02 feet to a point that is 26.63 feet left of Station 10+12.11, said point is on the easterly line of the 40.00 foot wide drainage and access easement as shown on said Lot 5, Tract 1430; Thence North 86°18'18" East, 37.60 feet to a point that is 25.27 feet left of Station 10+49.69; Thence North 79°25'39" East, 58.64 feet to a point that is 24.23 feet left of Station 11+12.47; Thence South 75°22'33" East, 6.23 feet to a point that is 21.16 feet left of Station 11+17.88; Thence North 74°22'27" East, 101.36 feet to a point that is 25.52 feet left of Station 12+12.77; Thence South 75°55'20" East, 11.02 feet to a point that is 23.52 feet left of Station 12+20.64; Thence North 38°32'37" East, 204.49 feet along a line 30.00 feet northwesterly of and parallel with the northwesterly line of a 60.00 foot wide drainage and access easement as shown on said Lot 5, Tract 1430, to a point on 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°35'32", (the long chord of which bears South 63°50'57" East, 30.72 feet) an arc distance of 30.72 feet to the intersection of said Public Utility Easement and the northwesterly line of the 60.00 foot wide drainage and access easement as shown on said Lot 5, Tract 1430; Thence, along said northwesterly line, South 38°32'37" West, 213.92 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 9.17 feet left of Station 12+42.95; Thence North 75°55'20" West, 33.17 feet, along said northerly line, to a point that is 10.00 feet left of Station 12+13.00; Thence South 74°22'27" West, 101.43 feet, along said northerly line, to the Point of Beginning. Containing 9648 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

Phone: (541) 851-9405 Fax: (541) 273-9200 admin@rc-grp.com
LakeEwuna_PermEase_Lot5-Tract1430 1-28-2014
LakeEwuna_TempEase_Lot5-Tract1430 5-19-2015