

RETURN TO:
Brandsness, Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

Grantor:
Cascade Aggregate Resources, LLC
4815 Tingley Lane #A
Klamath Falls, OR 97603

Grantee:
Richard and Charlotte Rodgers
9030 Shady Pine Road
Klamath Falls, OR 97601

EASEMENT

THIS AGREEMENT, made and entered into this 23rd day of June, 2017, by and between Cascade Aggregate Resources, LLC, an Oregon limited liability company, hereinafter called Grantor, and Richard R. Rodgers and Charlotte B. Rodgers, hereinafter called Grantees:

W I T N E S S E T H

WHEREAS, Grantor is the record owner of the following described real property in Klamath County, State of Oregon, to-wit:

Government Lots 1,2,3,4 and 5; the NW1/4 of the NE1/4; the E1/2 of the NW1/4; All in Section 30 Township 37 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

A tract of land situated in Lot 5, Section 25, Township 37 South Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at an iron rod monument on the Westerly right-of-way line of Shady Pine Road which bears South 05° 01' 49" West a distance of 1335.29 feet from the brass cap monument marking the Northeast corner of said Section 25; said beginning point being the Southeasterly corner of parcel described in Volume M86, page 15572, Microfilm Records of Klamath County, Oregon; thence Southeasterly along the Westerly line of Shady Pine Road to its intersection with the East line of said Section 25; thence South 01° 17' West 5.0 feet, more or less, to the meander corner; thence South 0° 33' West along the East line of said Section 25 a distance of 460.6 feet; thence West 466.6 feet, more or less, to a point on the Easterly right-of-way line of the relocated Dalles-California Highway; as the same is presently located and constructed; thence Northerly along said right-of-way line to the Southwest corner of parcel described in Volume M86, page 15572, Microfilm Records of Klamath County, Oregon; thence North 87° 54' East along the South line of said parcel a distance of 374.83 feet, more or less, to the point of beginning

AND a tract of land situated in the E1/2 of Section 25, T.37S. R.8E. and the W1/2 of Section 30, T37S. R.9E. of the W.M., Klamath County Oregon, being more particularly described as follows:

Commencing at the northeast corner of said Section 25 thence South 02°13'53" West, 1499.49 feet to the TRUE POINT OF BEGINNING, said point being on the southwesterly right-of-way line of Shady Pine Road; thence along said right-of-way line, along the arc of a 24850.48 foot radius curve to the right, through a central angle of 01°18'35" (the long chord of which bears South 30°21'42" East, 568.05 feet) an arc distance of 568.06 feet to a point of compound curvature; thence continuing along said right-of-way line, along the arc of a 2053.89 foot radius curve to

the left, through a central angle of 09°41'19" (the long chord of which bears South 33°25'10" East, 346.90 feet) an arc distance of 347.31 feet; thence, continuing along said right-of-way line, South 37°14'05" East, 596.14 feet; thence, leaving said right-of-way line, North 89°03'07" West, 1315.63 feet to the easterly right-of-way line of Highway 97; thence along said easterly right-of-way line, North 00°10'19" West, 773.13 feet to the southwest corner of Parcel 2 as described in Deed Volume M04-79169, as recorded at the Klamath County Clerk's Office; thence leaving said easterly right-of-way line and along the southerly line of said Parcel 2, South 89°03'07" East, 466.63 feet to the southeast corner of said Parcel 2; thence along the easterly line of said Parcel 2 the following two courses, North 01°29'53" East, 460.60 feet; thence North 02°13'53" East a distance of 6.70 feet to the Point of Beginning. Basis of Bearings is Grid north of the Oregon State Plane Coordinates System of 1983, South Zone. Containing 19.72 Acres, more or less.

EXCEPTING THEREFROM that portion of a strip of land 25 feet in width that lies within the above described property, said strip is described in Volume 128, page 279, Deed Records of Klamath County, Oregon, and shown on record of survey no. 1545.

And has the unrestricted right to grant the easement hereinafter described relative to said real property.

Grantor conveys to Grantees, their heirs, successors, and assigns, a perpetual non-exclusive easement across the property of the Grantor, more particularly described as: the westerly 60 feet and the southerly 130 feet of said parcel.

The terms of this easement are as follows:

1. Grantees, their agents, independent contractors and invitees shall use the easement for purposes of maintaining existing irrigation and drainage ditches within or contiguous to the easement granted herein, "the ditches."

2. Grantor may grant use rights for use by third parties. The parties shall cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to the others, however, in case of conflict, Grantor's right of use shall be dominant.

3. Grantees agree to indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantees' use of the easement. Grantees assume all risks arising out of their use of the easement and Grantor shall have no liability to Grantees or others for any condition existing thereon.

4. This easement is appurtenant and for the benefit of the real property owned by Grantees and described below in paragraph 8.

5. This easement is for the purpose of allowing the grantees to maintain the ditches. This easement shall terminate upon elimination of the ditches and the need to maintain irrigation or drainage systems that replace the ditches.

7. This easement is granted subject to all prior easements or encumbrances of record.

8. The following is a description of the Grantees dominant property to which this easement is appurtenant;

Unit 1:

Lots 6, 7, and 8 of Section 30, Township 37 South, Range 9 East of the Willamette Meridian.

Unit 2:

All of those portions of Lots 6, and 8 of Section 25 and Lots 1, 2, and 3 of Section 36, Township 37 South, Range 8 East of the Willamette Meridian, which lies Easterly from the Easterly boundary of the right of way of the Oregon Eastern Railway (Southern Pacific Railway.)

All of those portions of Lots 1 and 5 of Section 25, Township 37 South, Range 8 East of the Willamette Meridian, which lies easterly from the Easterly boundary of the right of way of the Oregon Eastern Railway (Southern Pacific Railway) SAVING AND EXCEPTING THEREFROM That certain tract heretofore conveyed to Leonard Hamilton by deed dated March 16, 1940, recorded in Volume 128 at page 279, Deed Records of Klamath County, Oregon, AND ALSO EXCEPTING THEREFROM those certain parcels deeded to the State of Oregon, by and through its State Highway Commission by Robert E. Graham, et al, dated April 11, 1940, recorded April 29, 1940, and T.B. Watters, et ux, dated August 2, 1941, recorded August 15, 1941, in Volume 129 at page 21 and Volume 140 at page 349, respectively, Deed Records of Klamath County, Oregon.

Unit 3:

A piece or parcel of land situated in Lot 6, Section 30, Township 37, Range 9 East of Klamath County, Oregon, being more particularly described as follows:

Beginning at the meander corner of the westerly boundary of Section 30, Township 37 South, Range 9 East of the Willamette Meridian, from which the Northwest corner of said Section bears North 1° 17' East 1803.1 feet distant; thence South 0° 33' West along the Westerly boundary of said Section 30, 460.6 feet; thence East 283.0 feet, more or less, to the meander line; thence North 31° 10' West along the meander line 538.3 feet, more or less to the point of beginning.

AND a piece or parcel of land situated in Lots 1 and 5, Section 25, Township 37 South, Range 8 East of the W.M. in Klamath County, Oregon being more particularly described as follows:

All those portions of Lots 1 and 5, Section 25, Township 37 South, Range 8 East of the W.M. lying Northerly and Easterly from the center line of Klamath County Road No. 698 (original Dalles-California Highway) as the same is presently located and constructed.

EXCEPTING THEREFROM the above described property units; A tract of land situated in the E1/2 of Section 25, T.37S. R.8E. and the W1/2 of Section 30, T37S. R.9E. of the W.M., Klamath County Oregon, being more particularly described as follows:

Commencing at the northeast corner of said Section 25 thence South 02°13'53" West, 1499.49 feet to the TRUE POINT OF BEGINNING, said point being on the southwesterly right-of-way line of Shady Pine Road; thence along said right-of-way line, along the arc of a 24850.48 foot radius curve to the right, through a central angle of 01°18'35" (the long chord of which bears South 30°21'42" East, 568.05 feet) an arc distance of 568.06 feet to a point of compound curvature; thence continuing along said right-of-way line, along the arc of a 2053.89 foot radius curve to the left, through a central angle of 09°41'19" (the long chord of which bears South 33°25'10" East, 346.90 feet) an arc distance of 347.31 feet; thence, continuing along said right-of-way line, South 37°14'05" East, 596.14 feet; thence, leaving said right-of-way line, North 89°03'07" West, 1315.63 feet to the easterly right-of-way line of Highway 97; thence along said easterly right-of-way line, North 00°10'19" West, 773.13 feet to the southwest corner of Parcel 2 as described in Deed Volume M04-79169, as recorded at the Klamath County Clerk's Office; thence leaving said easterly right-of-way line and along the southerly

line of said Parcel 2, South 89°03'07" East, 466.63 feet to the southeast corner of said Parcel 2; thence along the easterly line of said Parcel 2 the following two courses, North 01°29'53" East, 460.60 feet; thence North 02°13'53" East a distance of 6.70 feet to the Point of Beginning. Basis of Bearings is Grid north of the Oregon State Plane Coordinates System of 1983, South Zone. Containing 19.72 Acres, more or less.

WITNESS the hands of the parties hereto as of the day and year first above written.

CASCADE AGGREGATE RESOURCES, LLC

By Jamie Jackson
Jamie Jackson, Manager

Richard R. Rodgers
Richard R. Rodgers

Charlotte B. Rodgers
Charlotte B. Rodgers

STATE OF OREGON)
) ss.
County of Klamath)

This instrument was acknowledged before me on May 30, 2017, by Jamie Jackson as Manager of Cascade Aggregate Resources, LLC.

Heather Rebecca Criss
Notary Public for Oregon
My Commission expires: 02-07-2020

STATE OF OREGON)
) ss.
County of Klamath)

This instrument was acknowledged before me on June 23, 2017, by Richard R. Rodgers and Charlotte B. Rodgers.

Heather Rebecca Criss
Notary Public for Oregon
My Commission expires: 02-07-2020

