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Fee: \$122.00

**AFTER RECORDING RETURN TO:**

City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601

**GRANTORS:**

5 Star OR, LLC  
Ruben Perez and Lola Perez  
Freddie L. Donahue  
John M. Harrison and Laura L. Harrison  
Christine L. Eddy

**GRANTEE:**

The City of Klamath Falls, an  
Oregon Municipal Corporation  
500 Klamath Avenue  
Klamath Falls, Oregon

**TAX STATEMENTS:**

Until requested otherwise,  
send all tax statements to:  
City of Klamath Falls  
500 Klamath Avenue  
Klamath Falls, Oregon 97601

**"AFFIDAVIT OF CORRECTION"**

**CITY OF KLAMATH FALLS' ACCEPTANCE OF DEEDS RECORDED IN  
KLAMATH COUNTY DEED RECORDS AT REFERENCE NUMBERS:  
2018-004226; 2018-009645; 2018-008369; 2018-008370; AND 2018-008821**

**RECITALS**

- A. The City of Klamath Falls, an Oregon Municipal Corporation (hereinafter "City"), in preparing for the development of a parcel of land abutting Agate Street in the City, discovered a surveying error.
- B. Said error created a strip of land approximately 30,683 square feet in size. The legal description of the land is attached as Exhibit A which is incorporated herein by reference.
- C. The ownership and intended use of the strip of land was unclear.
- D. In order to clarify ownership and intended use of the strip, City sought, and received, multiple bargain and sale deeds from all parties who had potential claims of ownership. Those deeds transferred to the City any and all interest that the parties had in the land in question.
- E. ORS 93.808 requires any instrument conveying title or interest to a city in this state to carry an indication of approval of the conveyance by the political subdivision accepting title or interest.
- F. The referenced bargain and sale deeds did not contain the required statutory language.
- G. The City intends by the execution and recording of this document to formally accept the conveyance of a dedicated right-of-way on the land described in Exhibit A in compliance with ORS 93.808.

NOW, THEREFORE:

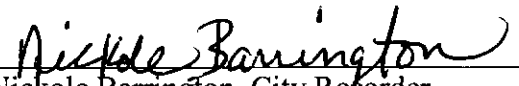
THE CITY hereby accepts the parcel of real property described in Exhibit A, which is conveyed to City in the following Bargain and Sale Deeds:

- 1) Deed from 5 Star OR, LLC to the City of Klamath Falls dated 4/9/2018 and recorded in the deed records of Klamath County, Reference Number 2018-004226.
- 2) Deed from Ruben Perez and Lola Perez to the City of Klamath Falls dated 8/14/2018 and recorded in the deed records of Klamath County, Reference Number 2018-009645.
- 3) Deed from Freddie L. Donahue to the City of Klamath Falls dated 7/13/2018 and recorded in the deed records of Klamath County, Reference Number 2018-008369.
- 4) Deed from John M. Harrison and Laura L. Harrison to the City of Klamath Falls dated 7/13/2018 and recorded in the deed records of Klamath County, Reference Number 2018-008370.
- 5) Deed from Christine L. Eddy to the City of Klamath Falls dated 7/25/2018 and recorded in the deed records of Klamath County, Reference Number 2018-008821.

City's acceptance of these conveyances recognizes these conveyances as transfers of a dedicated right-of-way for the real property described in Exhibit A and not in fee simple.

  
Nathan Cherpeski, City Manager

ATTEST:

  
Nickole Barrington, City Recorder

On the 19<sup>th</sup> day of December, 2018, personally appeared Nathan Cherpeski and Nickole Barrington, who, each being first duly sworn, did say 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 instrument was signed on behalf of said municipal corporation; and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:   
Notary Public for Oregon

My Commission Expires: February 26, 2021



## EXHIBIT A

### LEGAL DESCRIPTION FOR AN APPARENT GAP AS SHOWN ON SURVEY NO. 1939

A portion of land situated in the South Half of Section 7, Township 39 South, Range 9 East, Willamette Meridian, in the City of Klamath Falls, Klamath County, Oregon, and being more particularly described as follows:

**COMMENCING** at a the northwesterly corner of the 46.94-acre tract as shown on Survey No. 1939, "Map of Survey of S.E. 1/4 Sec. 7", filed in the Klamath County Surveyor's Office on February 8, 1974, Official Records of Klamath County, Oregon, said northwesterly corner being the **POINT OF BEGINNING**;

**THENCE**, South  $00^{\circ}52'46''$  East, a distance of 388.69 feet along the westerly boundary of the area approved on November 6, 2017, through an Order of Dedication by the City of Klamath Falls for use as a public right-of-way, said westerly boundary also being the west boundary of the Northwest Quarter of the Southeast Quarter of said Section 7 as shown on said Survey No. 1939;

**THENCE**, South  $00^{\circ}52'46''$  East, a distance of 546.39 feet along said west boundary of the Northwest Quarter of the Southeast Quarter of said Section 7 to the southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 7 as shown on said Survey No. 1939;

**THENCE**, North  $82^{\circ}04'26''$  West, a distance of 51.31 feet to the southeast corner of the "Lenox" subdivision as shown on said Survey No. 1939;

**THENCE**, North  $01^{\circ}19'12''$  East, a distance of 925.09 feet along the easterly boundary of the "Lenox" subdivision and the easterly right-of-way of Agate Street as shown on said Survey No. 1939;

**THENCE**, North  $78^{\circ}38'21''$  East, a distance of 15.46 feet along the prolongation of the southerly right-of-way of State Route 66 as shown on said Survey No. 1939 to the **POINT OF BEGINNING**.

Containing 30,683 square feet of land, more or less.

**BASIS OF BEARING:**

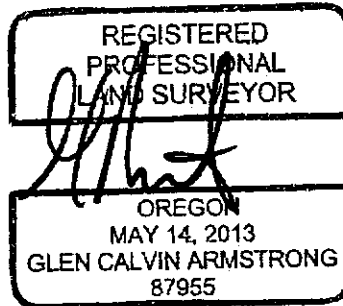
North was established with GPS observations using the Oregon State Plane Coordinate System (South Zone, NAD 83).

See attached Exhibit A1 for a depiction of the above legal description.

Prepared by:



Glen C. Armstrong, PLS  
Oregon Certificate No. 87955  
US Geomatics  
P.O. Box 3299  
Reno, Nevada, 89505



EXPIRES: **12-31-19**

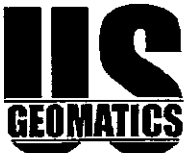
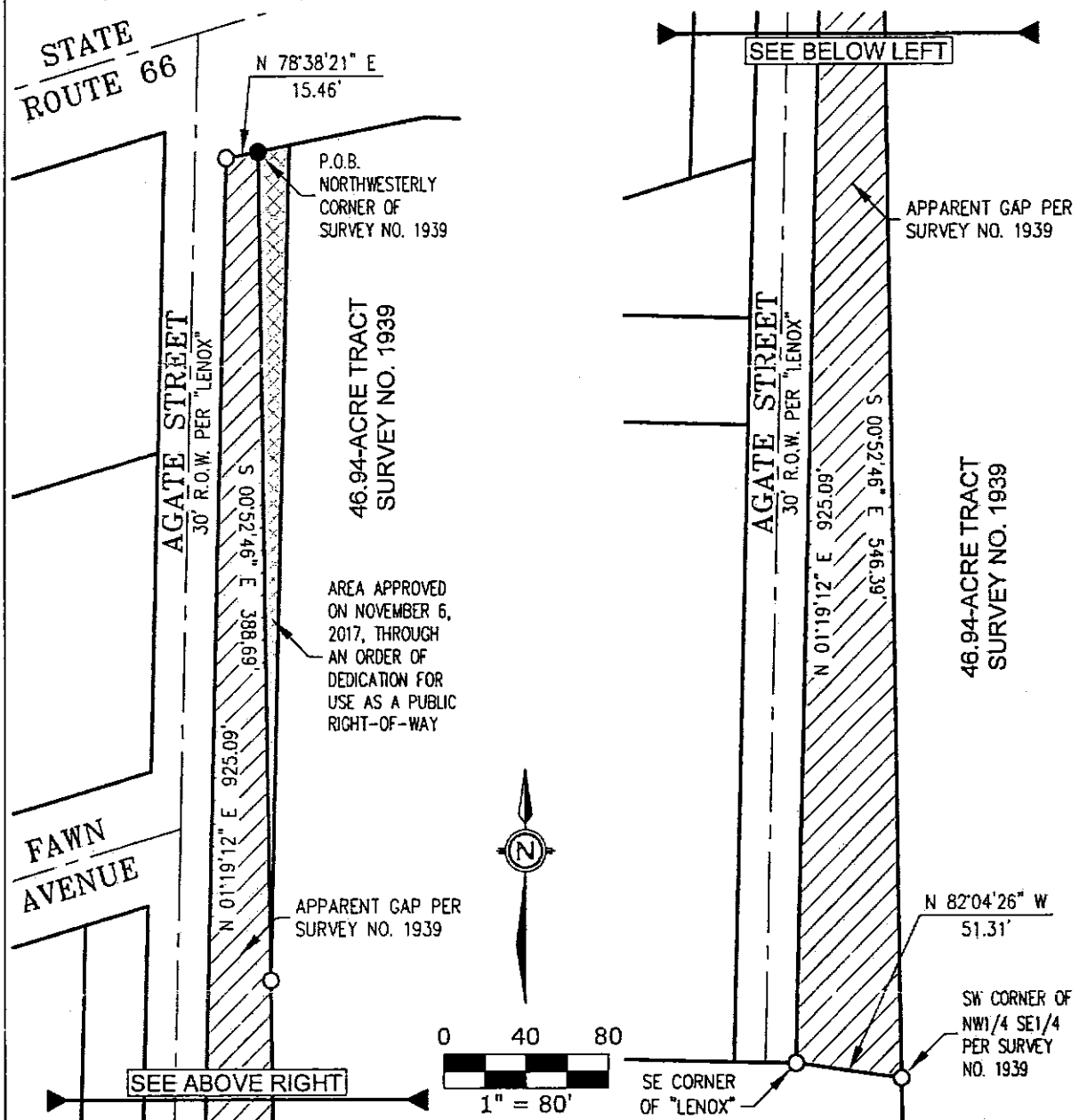
**3-19-18**

**BASIS OF BEARING:**

NORTH WAS ESTABLISHED WITH GPS OBSERVATIONS  
USING THE OREGON STATE PLANE COORDINATE  
SYSTEM (SOUTH ZONE, NAD83).

**TOTAL AREA OF APPARENT GAP:**

30,683 SQUARE FEET ± (0.70 ACRES ±)



P.O. Box 3299  
Reno, NV 89505  
P. 775.786.5111  
F. 775.297.4668  
www.usgeomatics.com

**EXHIBIT A1**

CITY OF KLAMATH FALLS  
**APPARENT GAP AS SHOWN ON SURVEY NO. 1939**

**A PORTION OF THE SOUTH HALF  
OF SECTION 7, T.39S., R.9E., W.M.**

KLAMATH COUNTY

OREGON

**SHEET**

1  
of  
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