

2019-001653

Klamath County, Oregon



02/21/2019 03:49:06 PM

Fee: \$102.00

GRANTOR:

Steiner Klamath Investors Inc.
Gloria Steiner
2380 South 6th Street
Klamath Falls, OR 97601

GRANTEE:

Ocean Cove, LLC
Nisha Jackson
3265 Hillcrest Park Drive
Medford, OR 97504

AGREEMENT FOR COMMON USE ACCESS EASEMENT

RECITALS

- A. The City of Klamath Falls, an Oregon Municipal Corporation (hereinafter "City"), has a Transportation System Plan which encourages driveway consolidation along South 6th Street.
- B. Previously, there were three driveways within 140 feet of each other on South 6th Street near 2340 South 6th Street. One of those driveways was closed and currently there are two driveways along that part of South 6th Street.
- C. The Parties acknowledge and agree that it is necessary and appropriate to develop a common use access easement to collect the vehicle traffic within the Parties' collective properties and to provide combined ingress and egress from their respective properties to and from South 6th Street.
- D. The Parties intend by this Agreement to improve traffic safety in the area by creating a common use access easement for the benefit of Parties' properties, employees and invitees, and the general public.

AGREEMENT

In consideration of the terms and conditions of this Easement Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

- 1. Grantor hereby grants and conveys to Grantee a perpetual, non-exclusive, common use easement across that portion of Grantor's property depicted and legally described in Exhibits A and A1, which are attached and fully incorporated herein by reference, for the purpose of constructing, reconstructing, inspecting, repairing, maintaining, and using the easement for access, ingress, egress and traffic movements (the "Easement"). This Easement shall include the right of reasonable ingress and egress over Grantor's property for the purpose of Grantee's use and enjoyment of the Easement. Additional terms of the Easement are set forth below in paragraphs 2-7.
- 2. This Easement is created for the benefit and use of Grantee's property, the employees and invitees of Grantee and the general public in accordance with the City Transportation System Plan.

3. The property of Grantor burdened by this Easement is set forth in Exhibit A1 and referenced as "Grantor Parcel". The property of Grantee benefitted by this Easement is set forth in Exhibit A1 and referenced as "Grantee Parcel". This Easement shall be appurtenant to the respective properties of Grantor and Grantee as described in Exhibits A1.
4. The Parties agree that each Party shall be responsible for a fair share of the costs of maintenance and repairs to the improvements within the Easement area associated with their respective use of the Easement.
5. The Grantee agrees to indemnify and hold harmless Grantor for any loss, claim or liability to Grantor arising in any manner out of use of the Easement.
6. Neither Grantor nor Grantee shall erect any buildings, permanent structures or other encroachments or impediments within the Easement area that would interfere with use of the Easement.
7. This Easement shall be perpetual, shall not terminate for periods of non-use and shall run with the land as to all properties benefitted and burdened by this Easement, including any division or partition of such property. The rights, covenants and obligations of this Easement shall bind, burden and/or benefit the successors, assigns, heirs and beneficiaries under a deed of trust as to all properties benefitted or burdened by this Easement.

IN WITNESS WHEREOF, the Grantee and Grantor above named, have hereunto set their hands and their seals on the dates set forth below.

GRANTEE:

Ocean Cove, LLC

By: Nisha Jackson

Date:

11/26/18

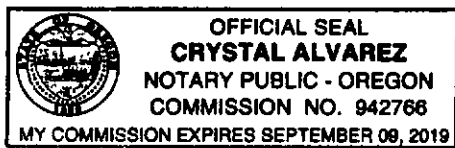
STATE OF OREGON)

) ss.

County of Klamath)

On the 26 day of November, 2018, personally appeared Nisha Jackson, acting as authorized representative for Ocean Cove, LLC, and being first duly sworn, did say that the instrument was signed on behalf of said corporation, and acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:



Notary Public for Oregon

My Commission Expires: 9/9/2019

Grantor:
Steiner Klamath Investors Inc.

Gloria Steiner
By: Gloria Steiner

Date: Jan 2, 2019

STATE OF OREGON)
) ss.
County of Klamath)

On the 2nd day of January, 201⁹, personally appeared Gloria Steiner, acting as authorized representative for Steiner Klamath Investors, Inc., and being first duly sworn, did say that the instrument was signed on behalf of said corporation, and acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

Margaret Johnson
Notary Public for Oregon
My Commission Expires: 2-25-20

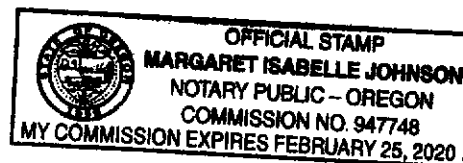


EXHIBIT A

ACCESS EASEMENT DESCRIPTION

**A PORTION OF PROPERTY DESCRIBED IN DEED VOLUME M78-P10249
RECORDED IN THE KLAMATH COUNTY CLERK'S OFFICE AND BEING
SITUATED IN THE NORTHEAST 1/4, NORTHEAST 1/4, SECTION 4, TOWNSHIP 38
SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY
OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

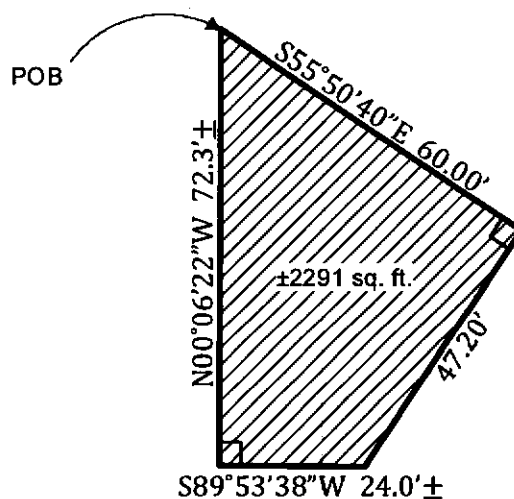
Beginning at the northwest corner of property described in Deed Volume M78-P10249 and shown on Klamath County Survey Map Number 3542 filed in the Klamath County Surveyor's Office, said corner being on the south right of way line of South Sixth Street also being known as the Klamath Falls-Lakeview Hwy. No. 39 (140); thence S55deg50'40"E, along said south right of way line, 60.00 feet; thence southwesterly, along a line being perpendicular to said south right of way line, 47.20 feet; thence S89deg53'38"W, along a line being perpendicular to the west property line of said M78-P10249 as shown on said Survey Map No. 3542, 24.0 feet more or less to said west property line; thence N00deg06'22"W, along said west property line, 72.3 feet more or less to said point of beginning. Containing 2291 square feet more or less.

[Grantor Legal Description to Be Provided]

ACCESS EASEMENT FOR DEED INSTRUMENT 18-001159
RECORDED IN THE KLAMATH COUNTY CLERK'S OFFICE,
SITUATED IN THE NE1/4, NE1/4, SEC 4, T39S, R9E, WM,
KLAMATH COUNTY, OR.

EXHIBIT A1

S 6TH STREET



Reference Klamath County
Survey No. 3452

R-3909-004AA-06100-000
(Grantee Parcel)

R-3909-004AA-06400-000
(Grantor Parcel)

R-3909-004AA-06000-000
(Grantor Parcel)

Tom Del Santo PLS, CWRE
Jeff Hansen
City of Klamath Falls
500 Klamath Avenue
Klamath Falls, OR 97601

