

Klamath County, Oregon

**Fee: \$92.00**

Klamath Falls, OR 97601

Klamath Falls BTS Retail, LLC
14600 Detroit Ave, Suite 1500
Lakewood, OH 44607

Klamath County
305 Main Street
Klamath Falls, OR 97601

Klamath Falls BTS Retail, LLC, an Oregon Limited Liability Company, Grantor, does hereby grant unto the County of Klamath, hereinafter called the "County", a perpetual, easement for the purpose of public pedestrian access in, into, upon, over, across and under a strip of land situated in Klamath County, Oregon and legally described and depicted by the following, attached hereto and incorporated herein (the "**Easement Area**"):

- Additional terms of the Easement are as follows:**

1. Said easement is for the purpose of maintaining Public Access along a Public Street. Grantor shall not erect any buildings or structures within the Easement Area that would inhibit access to the Public. Grantor agrees that all initial construction and any subsequent maintenance shall be borne by the Grantor as specified in ORS 368.910. Grantor shall also be responsible for landscape and surface maintenance within the easement. County's use of the easement shall not unreasonably interfere with Grantor's use of its property.
2. The Grantor does hereby agree to defend, hold harmless, and indemnify the County, its successors and assigns, from any claim of liability or any other claim involving the sidewalks, or arising out of the County's use of the easement described above.
3. This Easement, and the rights and obligations granted and imposed herein, shall run with the Property, including any division or partition of the Property. The rights, covenants and obligations of this Easement shall bind, burden and/or benefit all subsequent purchasers of the Property, the County, and the heirs, successors and assigns of both.

By: James A. Strauss
James A. Strauss, Authorized Signatory

On Sept 28, 2020, personally appeared James A. Strauss, who, being first duly sworn, did acknowledge that he is the Authorized Signatory of Klamath Falls BTS Retail, LLC, that the foregoing instrument was signed on behalf of Said Company, that he/she is authorized to execute this instrument and that this instrument is the voluntary act and deed of that entity.

Notary Public for State of Ohio
My Commission Expires: 6/24/22

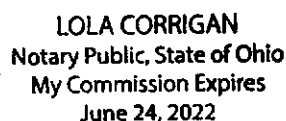


EXHIBIT "A"

PUBLIC PEDESTRIAN ACCESS EASEMENT LEGAL DESCRIPTION

A tract of land being a portion of that land described in Instrument Number 2017-14764, Deed Records of Klamath County, located in the Northwest Quarter of Section 1, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of said Instrument Number 2017-14764, being the intersection of the North Right-of-Way boundary of South Sixth Street and the West Right-of-Way boundary of Ogden Street; Thence Westerly along the South Boundary of said Instrument Number 2017-14764, coincident with said North Right-of-Way boundary, North 89°53'33" West, 19.98 feet to the beginning of a non-tangent curve, concave Northwesterly, having a radius of 20.00 feet, a radial to said curve bears South 00°06'27" West; Thence leaving said South boundary and said Northerly Right-of-Way boundary, along said curve an arc distance of 31.39 feet, through a central angle of 89°55'59", the chord of which bears North 45°08'27" East, 28.27 feet to a point on the East boundary of said Instrument Number 2017-14764, being on the aforementioned Westerly Right-of-Way boundary of said Ogden Street; Thence Southerly along said East boundary, coincident with said Westerly Right-of-Way boundary, South 00°10'28" West, 19.98 feet to the point of beginning and there terminating.

The above described tract contains 85.62 square feet, more or less.

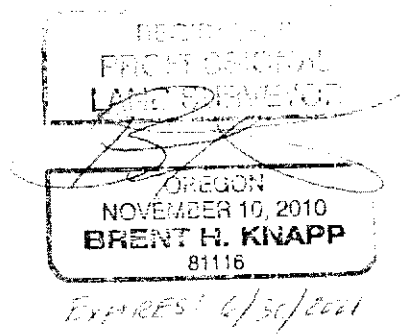


EXHIBIT "B"
PUBLIC PEDESTRIAN ACCESS EASEMENT
TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.
KLAMATH COUNTY, OREGON
 SEPTEMBER 24, 2020

39S 09E 01BC TL3500

INSTRUMENT
 NUMBER
 2017-14764

SOUTH SIXTH STREET
(VARIABLE WIDTH RIGHT-OF-WAY)

POINT OF BEGINNING

RADIAL=S00°06'27"W
 CH=N45°08'27"E
 28.27'
 R=20.00'
 L=31.39'
 Δ=89°55'59"

N89°53'33"W 19.98'

S00°10'28"W 19.98'

PEDESTRIAN ACCESS EASEMENT AREA
 85.62 SQFT(.002 ACRES)

OGDEN STREET
(60' RIGHT-OF-WAY)



SCALE: 1"=10'



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PROJECT NO. 2612-08
DWG BY: MLK

