

2021-005636

Klamath County, Oregon

04/14/2021 03:50:00 PM

Fee: \$102.00

*****MEMORANDUM OF EASEMENT***
Recorder's Cover Sheet**

Preparer Information:

BNSF Railway Company, LAW Dept., 2500 Lou Menk Dr., AOB3, Ft. Worth, TX 76131 (817) 352-6400***

Taxpayer Information:

The City of Klamath Falls, 63055 N. Highway 97, Bldg. "M", Bend, OR 97701-5754

Return Address:

The City of Klamath Falls, 63055 N. Highway 97, Bldg. "M", Bend, OR 97701-5754

Grantors: BNSF Railway Company

Grantees: The City of Klamath Falls

Legal Description: See Exhibit "A-1" Klamath Falls County, Oregon

Document or instrument number if applicable: N/A

This instrument was drafted by:

**BNSF Railway Company
BNSF LAW
2500 Lou Menk Drive, AOB 3
Fort Worth, Texas 76131-2830**

MEMORANDUM OF EASEMENT

THIS **MEMORANDUM OF EASEMENT** is hereby executed this 14th day of April, 2021, by and between **BNSF RAILWAY COMPANY**, a Delaware corporation ("**Grantor**"), whose address for purposes of this instrument is 2500 Lou Menk Drive, Fort Worth, Texas 76131, and **THE CITY OF KLAMATH FALLS**, a municipal corporation in the State of Oregon, a ("**Grantee**"), whose address for purposes of this instrument is ~~63055 N. Highway 97, Bldg. "M", Bend, OR 97701-5754~~ 63055 N. Highway 97, which terms "Grantor" and "Grantee" shall include, wherever the context permits or requires, singular or plural, and the heirs, legal representatives, successors and assigns of the respective parties:

WITNESSETH:

WHEREAS, Grantor owns or controls certain real property situated in Klamath Falls County, Oregon as described on Exhibit "A-1" attached hereto and incorporated herein by reference (the "**Premises**");

WHEREAS, Grantor and Grantee entered into an Easement Agreement, dated April 14, 2021 (the "**Easement Agreement**") which set forth, among other things, the terms of an easement granted by Grantor to Grantee over and across the Premises (the "**Easement**"); and

WHEREAS, Grantor and Grantee desire to memorialize the terms and conditions of the Easement Agreement of record.

For valuable consideration the receipt and sufficiency of which are hereby acknowledged, Grantor does grant unto Grantee and Grantee does hereby accept from Grantor the Easement over and across the Premises.

The term of the Easement, unless sooner terminated under provisions of the Easement Agreement, shall be perpetual.

All the terms, conditions, provisions and covenants of the Easement Agreement are incorporated herein by this reference for all purposes as though written out at length herein, and both the Easement Agreement and this Memorandum of Easement shall be deemed to constitute a single instrument or document. This Memorandum of Easement is not intended to amend, modify, supplement, or supersede any of the provisions of the Easement Agreement and, to the extent there may be any conflict or inconsistency between the Easement Agreement or this Memorandum of Easement, the Easement Agreement shall control.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Memorandum of Easement to as of the date and year first above written.

GRANTOR:

BNSF RAILWAY COMPANY, a Delaware corporation

By:

Blaine Bilderback

Name:

Blaine Bilderback

Title:

Director Real Estate

STATE OF TEXAS

§
§
§

COUNTY OF TARRANT

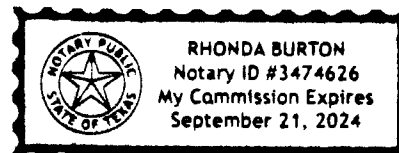
This instrument was acknowledged before me on the 14th day of Apr. 1, 2021,
by Blaine Bilderback (name) as
Director Real Estate (title) of **BNSF RAILWAY COMPANY**, a Delaware corporation.

Rhonda Burton
Notary Public

My appointment expires:

9/21/2024

(Seal)



GRANTEE:

THE CITY OF KLAMATH FALLS, a municipal corporation in the State of Oregon

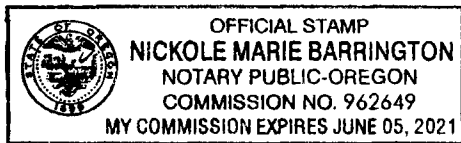
By: *[Signature]*

Name: Nathan Cherpesti

Title: City Manager

STATE OF Oregon §
COUNTY OF Klamath §

This instrument was acknowledged before me on the 2nd day of February, 2021, by Nathan Cherpesti (name) as City Manager (title) of City of Klamath Falls, a Municipal Corporation / Government.



Nickole Marie Barrington
Notary Public

My appointment expires: 6-05-2021

(Seal)

EXHIBIT "A-1"

Parcel 1 – Permanent Easement for Highway Right of Way Purposes

A parcel of land lying in the SW¼SW¼ of Section 14, Township 39 South, Range 9 East, W.M., Klamath County, Oregon, and being a portion of that property described in that Right of Way Deed to Great Northern Railway Company, recorded May 5, 1931, in Book 95, Page 205 of Klamath County Record of Deeds; said parcel being that portion of said property described as follows:

Beginning at a point opposite and 50.00 feet Southwesterly of Engineer's Station 131+24.36 on the center line of relocated Burlington Northern Railroad, at a point on the Southwesterly Right of Way line of said Railroad; thence North 57°10'10" East 103.51 feet to a point on the Northeasterly Right of Way line of said Railroad; thence South 47°48'09" East 124.22 feet along said Northeasterly Right of Way line; thence South 57°10'10" West 103.51 feet to a point on the Southwesterly Right of Way line of said Railroad; thence North 47°48'09" West 124.22 feet along said Southwesterly Right of Way line to the point of beginning.

The center line of the relocated Burlington Northern Railroad (formerly known as the Great Northern Railway) referred to herein is described as follows:

Beginning at Engineer's center line Station 'RR' 115+00.00, said station being South 928.40 feet and West 853.00 feet of the West quarter corner of Section 14, Township 39 South, Range 9 East, W.M.; thence South 47°48'09" East 3000.00 feet to Engineer's center line station 'RR' 145+00.00, said station being South 303.54 feet and East 1355.44 feet of the Southwest corner of Section 14, Township 39 South, Range 9 East, W.M.

Bearings are based on the Oregon Coordinate Reference System – Bend-Klamath Falls Zone, NAD 83 (2011) epoch 2010.00.

This parcel of land contains 12,422 square feet, more or less, outside the existing right of way.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2020
SIGNED: -----