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02/10/2022 03:05:00 PM

Fee: \$107.00

TEMPORARY CONSTRUCTION EASEMENTCampus Drive/Daggett Avenue RoundaboutRecitals

- A. Aspen Real Estate, LLC, an Oregon Limited Liability Company ("Grantor"), owns the real property located at 2682 Campus Drive, Klamath Falls, Oregon 97601 (the "Property").
- B. The City of Klamath Falls ("City") is constructing a roadway project, known as the Campus Drive/Daggett Avenue Roundabout ("Project") and wishes to obtain a temporary construction easement ("Temporary Construction Easement") for use by City and its agents, employees, and contractors for construction and other construction-related activity in connection with construction of the Project.
- C. Grantor and City have agreed that Grantor will grant a Temporary Construction Easement over the Property on the terms and conditions described in this easement agreement. City is acquiring the Temporary Construction Easement over the Property through its exercise of eminent domain purchase authority, subject to ORS 465.255(3)(a)(B), 42 USC 9607(b)(3) and 9601(35)(A).

Terms of Easement

- Grantor grants the City a Temporary Construction Easement over the Property in the location described in Exhibit A and shown on the attached Exhibit Map (the "Easement Area").
- The Temporary Construction Easement term shall commence March 1, 2022. The Temporary Construction Easement shall expire on March 1, 2023, or upon final acceptance of the Project by the City, whichever is sooner ("Term"). City shall provide Grantor; (a) five (5) day written notice before entry onto the Easement Area and commencement of work and (b) written notice that the work has been completed and that the Temporary Construction Easement is no longer needed. Grantor shall not erect any structures in the easement area or unreasonably interfere with City's access to or use of the Easement Area during the Term of this Temporary Construction Easement. Notwithstanding anything to the contrary herein, Grantor shall be able to use the Easement Area for purposes not inconsistent with City's authorized uses hereunder.

3. On completion of any excavation or other work within the Easement Area, the City shall, at City's sole cost and expense, restore to the condition existing prior to the commencement of City's use, the Easement Area and Grantor's Property of which the Easement Area is a part, including any improvements thereon damaged by City's construction activities.
4. City shall hold Grantor harmless from any liability caused by, or arising from, City's construction activities or work within the easement. In the event suit or action is instituted to enforce any of the terms of this Temporary Construction Easement, the prevailing party shall be entitled to recover from the other party their attorney fees, costs and expenses in such sum as the court or arbitrator may adjudge reasonable, incurred at trial, and on appeal of such suit or action, in addition to all other sums provided by law.
5. Grantor warrants and represents that Grantor has the right to grant this Temporary Construction Easement.
6. Consideration for Temporary Construction Easement is \$20.00.

Dated this 16<sup>th</sup> day of DECEMBER, 2021

(See following pages for signatures and acknowledgement)

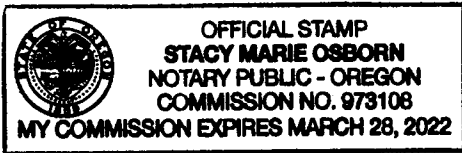
GRANTOR(S)

Aspen Real Estate, LLC

David Panossian, President  
Name/Title

STATE OF OREGON     )  
                                  ) SS.  
County of Klamath     )

This instrument was acknowledged before me on Dec. 16, 2021  
by David Panossian as President of Aspen Real  
Estate, LLC, an Oregon Limited Liability Company.



Stacy M Osborn  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: March 28, 2022

\_\_\_\_\_  
Name/Title


STATE OF OREGON     )  
                                  ) SS.  
County of \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 2021  
by \_\_\_\_\_ as \_\_\_\_\_ of Aspen Real  
Estate, LLC, an Oregon Limited Liability Company.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_


Shirley

) SS.



OFFICIAL STAMP  
**NICKOLE MARIE BARRINGTON**  
 NOTARY PUBLIC - OREGON  
 COMMISSION NO. 1013101  
 MY COMMISSION EXPIRES JUNE 21, 2025

Approved as to form:



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Temporary Construction Easement – Campus Drive/Daggett Avenue Roundabout  
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DCAPDX\3977516.v1

**TEMPORARY CONSTRUCTION EASEMENT  
SE CORNER CAMPUS DRIVE AND DAGGETT AVE.**

**TL 4400**

A parcel of land, being a portion of that property described in Instrument No. 2004-43060 as filed at the Klamath County Clerk's Office, situated in the Southeast one-quarter of the Northwest one-quarter of Section 20, Township 38 South, Range 09 East of the Willamette Meridian, Klamath County Oregon, being more particularly described as follows:

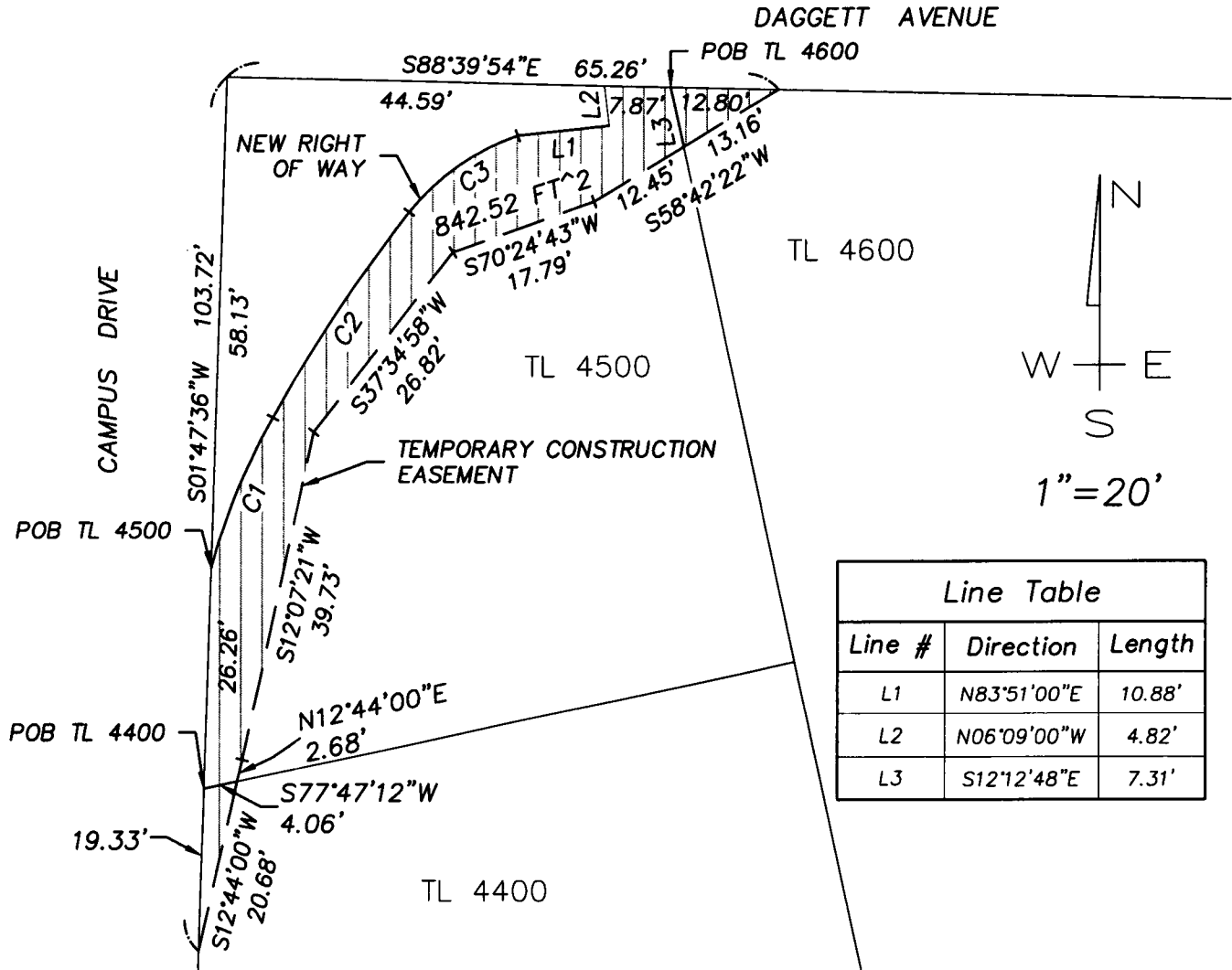
Commencing at the Northwesterly corner of that parcel of land described in Volume M69 at page 5894, as filed at the Klamath County Clerk's Office, said point also being the intersection of the Southerly right of way line of Daggett Avenue and the Easterly right of way line of Campus Drive; thence along said Easterly right of way line of Campus Drive, South  $01^{\circ}47'36''$  West, 84.39 feet to the northwest corner of tax lot 4400 and the TRUE POINT OF BEGINNING; thence, along the northerly line of said tax lot 4400, North  $77^{\circ}47'12''$  East, 4.06 feet; thence leaving said northerly line, South  $12^{\circ}44'00''$  West, 20.68 feet to the Easterly right of way line of Campus Drive; thence along said Easterly right of way line, North  $01^{\circ}47'36''$  East, 19.33 feet to the true point of beginning.

Containing 37.93 square feet, more or less.

Basis of bearings is Grid North of the Oregon Coordinate Reference System (OCRS), Bend to Klamath Falls Zone.

# EXHIBIT MAP

TEMPORARY CONSTRUCTION EASEMENT AT SE CORNER  
OF CAMPUS DRIVE AND DAGGETT ST  
SITUATED IN THE SE1/4 OF THE NW1/4 OF SEC 20, T38S, R09E, W.M.



Line Table

Line #	Direction	Length
L1	N83°51'00"E	10.88'
L2	N06°09'00"W	4.82'
L3	S12°12'48"E	7.31'

Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	79.11'	19.26'	13°56'57"	N22°15'23"E	19.21'
C2	186.40'	29.07'	8°56'07"	N33°25'02"E	29.04'
C3	28.05'	15.93'	32°32'13"	N54°43'06"E	15.72'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Keith R. Rhine*

OREGON  
JULY 11, 2000  
KEITH R. RHINE  
58985

RENEWAL DATE: 12-31-22

**R-C**  
RHINE-CROSS  
GROUP

**RHINE-CROSS GROUP LLC**

ENGINEERING - SURVEYING - PLANNING  
112 N 5th ST - SUITE 200 - P.O. BOX 909  
KLAMATH FALLS, OREGON 97601

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