

Returned at Counter

AFTER RECORDING RETURN TO:

Klamath County Public Works
305 Main Street
Klamath Falls, OR 97601

GRANTOR:

Carolyn D. Acevedo
1776 Burns St
Klamath Falls, OR 97603

GRANTEE:

Klamath County
305 Main Street
Klamath Falls, OR 97601

2022-005646

Klamath County, Oregon



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05/03/2022 03:39:49 PM

Fee: \$107.00

DRAINAGE EASEMENT

Carolyn D. Acevedo, an individual, hereinafter called Grantor, does hereby grant unto the County of Klamath, a political subdivision of the State of Oregon and Grantee, hereinafter called the "County", a perpetual drainage ditch easement on, over, and under the following described real property situated in Klamath County, Oregon:

- See attached Exhibit 'A' Legal Description and;
- See attached Exhibit 'B' Sketch Map "Drainage Easement"

All attached hereto and by this reference incorporated herein.

The true consideration of this conveyance is for **\$500.00**, the receipt of which is hereby acknowledged by GRANTOR.

The purpose of the easement is for a drainage ditch and for operating, maintaining, constructing, installing pipe and structures and accessing the existing 1-C-5 drainage ditch all of which are hereinafter called FACILITIES. Grantor its heirs, agents, successors and assigns hereby agrees not to unreasonably interfere with the exercise of the easement rights by grantee or its guests, agents, invitees or licensees. The Grantor hereby agrees to allow the County the right to install a gate and locking system to prevent the unauthorized from occupying or travelling over said easement and the 1-C-5 drain and to protect its right and interest in the facilities

Grantor shall indemnify, defend and hold the Grantee, its heirs, representations, agents, employees, successors and assigns, harmless from any and all costs, liabilities, damages, losses, claims, actions or proceedings whatsoever, including, without limitation, for injury to persons (including death) which may be claimed to have arisen out of any damage, accident, injury or other similar occurrences in the Easement due to grantors negligence or misconduct; or the use, maintenance or repair of the easement by grantor, its guests, invitees, agents, or contractors. It is expressly understood and agreed that, notwithstanding anything in this agreement to the contrary, the liability of grantee hereunder, to the extent any exist, shall be limited solely and exclusively to the interest of grantee in and to the grantee easement and neither grantee, nor any of its heirs, representatives, successors, employees, affiliates or agents, shall have any personal liability for any claim arising hereunder and grantor hereby expressly waives and releases grantee and such heirs, representatives, successors, employees, affiliates and agents from any and all personal liability.

And the GRANTOR warrants that 1) GRANTOR has marketable title to the property, 2) the County may peaceably enjoy the rights and benefits of this easement, 3) there are no other interests in the property which conflict with the County's intended use of this easement, 4) the property is free of encumbrances except those of which GRANTOR has notified the County, and 5) GRANTOR has the unrestricted right to deed the property without additional consent or permission.

Dated this 14 day of April, 2022

GRANTOR:

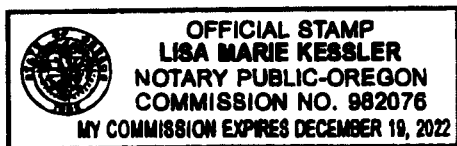
Carolyn D. Acevedo

DRAINAGE EASEMENT

STATE OF OREGON)
)ss.
COUNTY OF KLAMATH)

This instrument was acknowledged before me on this 14th day of April, 2022 by

Carolyn Acevedo



Lisa M. Kessler
Notary Public for Oregon
My commission expires: December 19, 2022

Approved as to Form

Out

County Counsel

Accepted on behalf of Klamath County by the Klamath County Board of Commissioners

[Signature]
Chair

[Signature]
Commissioner

Vacant
Commissioner

5/3/22
Date

5/3/22
Date

Date

EXHIBIT 'A'

That portion of Lot 4, Block 'A' HOMECREST, lying South and East of the 1-C-5 drain, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

A perpetual drainage ditch easement lying adjacent to the east right of way of that easement described in DV 46. Pg. 83 for the 1-C-5 drain and more particularly described as follows; commencing at the intersection of the easterly right of way of said easement and the west right of way of Burns Street, thence along said easterly right of way S60°43'W, 27.60' more or less to a point, thence continuing along said right of way S11°15'W, 48.84' to a point, thence leaving said right of way N37°04'E, 54.72' more or less to a point on the west right of way of Burns Street, thence northerly along said Burns Street right of way 18.00' more or less to the point of beginning containing 792 square feet more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 12, 2005
RYAN M. HAMILTON
65472

EXPIRES: 06-30-23

EXHIBIT 'B'

20' DRAINAGE EASEMENT



LOT 4, BLOCK 'A' HOMECREST
SUBDIVISION

KLAMATH COUNTY
R3909-003AB-01501

DRAINAGE EASEMENT
PER EXHIBIT 'A'

PUBLIC ALLEY

CENTERLINE OF 10' 1-C-5
DRAINAGE EASEMENT
(VOLUME 46, PAGE 83)

BURNS STREET
60' RIGHT OF WAY

ALVA STREET
60' RIGHT OF WAY

CAROLYN D ACEVEDO
R3909-003AB-01500

1-C-5 DRAIN



BOARD OF COMMISSIONERS

Agenda Item Summary

Agenda Category: <u>Other</u>	Item No: <u>1201</u>
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Date: May 3, 2022

Originating Department: Klamath County Drainage Service District

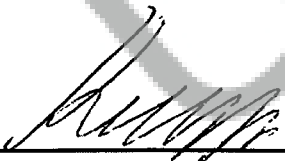
Issue: In the matter of procuring a drainage easement for a drainage ditch for access and maintenance of the existing 1-C-5 drain.

Background: The purpose of the easement is for a drainage ditch and for operating, maintain, constructing, installing pipe and structures and accessing the existing 1-C-5 drainage ditch. This action will procure the land required to move forward with completing projects. The settlement agreement in question was negotiated by the County, with a willing seller.

Fiscal Impact: \$500.00 expenditure to the Klamath County Drainage Service District Operating Budget.

Recommended Motion: Board to approve and sign the drainage easement of approximately 792 square feet of real property and authorize payment of \$500.00 to Carolyn D. Acevedo for acquisition costs. Fiscal impact is \$500.00 expenditure to the Klamath County Drainage Service District Operating Budget.

DONE AND DATED this 3rd day of May, 2022



Chair
Approved ☒
Denied ☐



Vice-Chair
Approved ☒
Denied ☐

Vacant

Commissioner
Approved ☐
Denied ☐



KLAMATH COUNTY - PUBLIC WORKS DEPARTMENT

ROAD DEPARTMENT • WEED CONTROL DIVISION

305 MAIN STREET • KLAMATH FALLS, OR 97601

(541) 883-4696 • FAX (541) 882-3046

April 13, 2022

Carolyn D. Acevedo
1776 Burns St
Klamath Falls, OR 97603

Re: Drainage Easement
3909-003AB-01500

In consideration for the property described in the attached DRAINAGE EASEMENT and associated Exhibits, Klamath County's offer for the purchase of EASEMENT rights is as follows:

Residential zoned property: 792 Sq. Ft.	\$ 500.00
Total:	\$ 500.00

If you accept this offer, please sign and date this letter, the enclosed Drainage Easement Deed, and W-9 and return to Klamath County Public Works. If you have any questions or concerns regarding these documents Klamath County recommends consulting your attorney prior to signing. Once Klamath County receives the signed documents, final closing and disbursement will be performed by Klamath County. Payment will be available to you after closing.

If you have questions or require further discussion please contact Ryan Hamilton at 541-883-4696 or by email at rhamilton@co.klamath.or.us.

Sincerely,

Jeremy Morris, P.E.

Klamath County Drainage Service District Manager

I accept Klamath County's offer as set forth above.

Carolyn D. Acevedo, Grantor

4/14/2022
Date

Delivered: Email carolynacevedo88@gmail.com