

2024-003365

Klamath County, Oregon

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601



00327835202400033650050051

05/01/2024 02:55:35 PM

Fee: \$102.00

GRANTOR:

Curt Baney, Inc.
475 NE Bellevue Ave. Suite 210
Bend, OR 97701

GRANTEE:

City of Klamath Falls
500 Klamath Avenue
Klamath Falls, OR 97601

EASEMENT FOR STREETLIGHT CONDUIT

Curt Baney, Inc., Grantor, in consideration of the terms and conditions of this Easement, the sufficiency of which is hereby acknowledged, does hereby grant and convey to the **CITY OF KLAMATH FALLS, OREGON** (Grantee), a perpetual, exclusive easement for the purpose of installing, inspecting, repairing, maintaining, altering and operating Grantee’s municipal streetlights and all necessary appurtenances in, into, upon, over, across and under a five (5) foot wide strip of land legally described and depicted on EXHIBIT A, attached hereto and incorporated herein (the “**Easement Area**”).

Additional terms of the Easement are as follows:

1. **Consideration.** Grantee has paid to Grantor the sum of \$0.00, the receipt of which is hereby acknowledged by Grantor. The actual consideration for this transfer consists of or includes other property or value given which is part of / the whole consideration. Grantor shall bear the costs of recording this Easement.

2. **Property Burdened.** The Easement Area lies within the real property owned by Grantor that is legally described as follows (the “**Property**”): Parcel 1 of Land Partition 29-14. See EXHIBIT B.

3. **Restrictions.** Grantor shall not erect any buildings or structures within the Easement Area that would inhibit access to Grantee’s said streetlight conduit / junction boxes or cause damage to them. Grantor retains the right to utilize the Easement Area for pedestrian walkways, driveways or parking area (reinforced Portland cement concrete is prohibited) and/or landscaping, except for trees that in Grantee’s judgment would interfere with the streetlight conduit. Grantor agrees that any other use of the Easement Area or the ingress/egress area permitted by Grantor shall not interfere with Grantee’s use and enjoyment of those areas as authorized herein.

4. **Indemnification by Grantee.** Grantee shall indemnify, defend and hold Grantor harmless from and against any and all claims, demands, damages, losses, liens, liabilities, penalties, fines, lawsuits and other proceedings asserted by third parties against Grantor and Grantor’s heirs, successors and assigns (including attorney fees, costs and expenses) that arise from or out of the Grantee’s use of the Easement Area or the Property at any time.

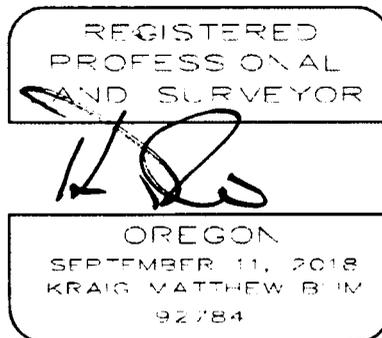
5. **Entry.** This Easement shall include the right of ingress and egress over the Property and Grantor’s adjoining lands for the purposes of Grantee’s use and enjoyment of this Easement and the perpetual right of Grantee to enter upon the Property at any necessary time, so long as Grantee uses its best efforts to coordinate such access with Grantor so as not to unreasonably interfere with Grantor’s ongoing activities/business.

6. **Easement Use and Restoration of Property.** Grantee agrees to use due care in any use of the Easement Area and in the construction, installation, repair, replacement and maintenance of either Grantee’s improvements or the Easement Area as provided for herein so as not to unreasonably disturb Grantor’s use of its property. Grantee agrees to return the Easement Area to its condition which existed prior to the installation of any

EXHIBIT A

AN AREA OF LAND IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 39 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

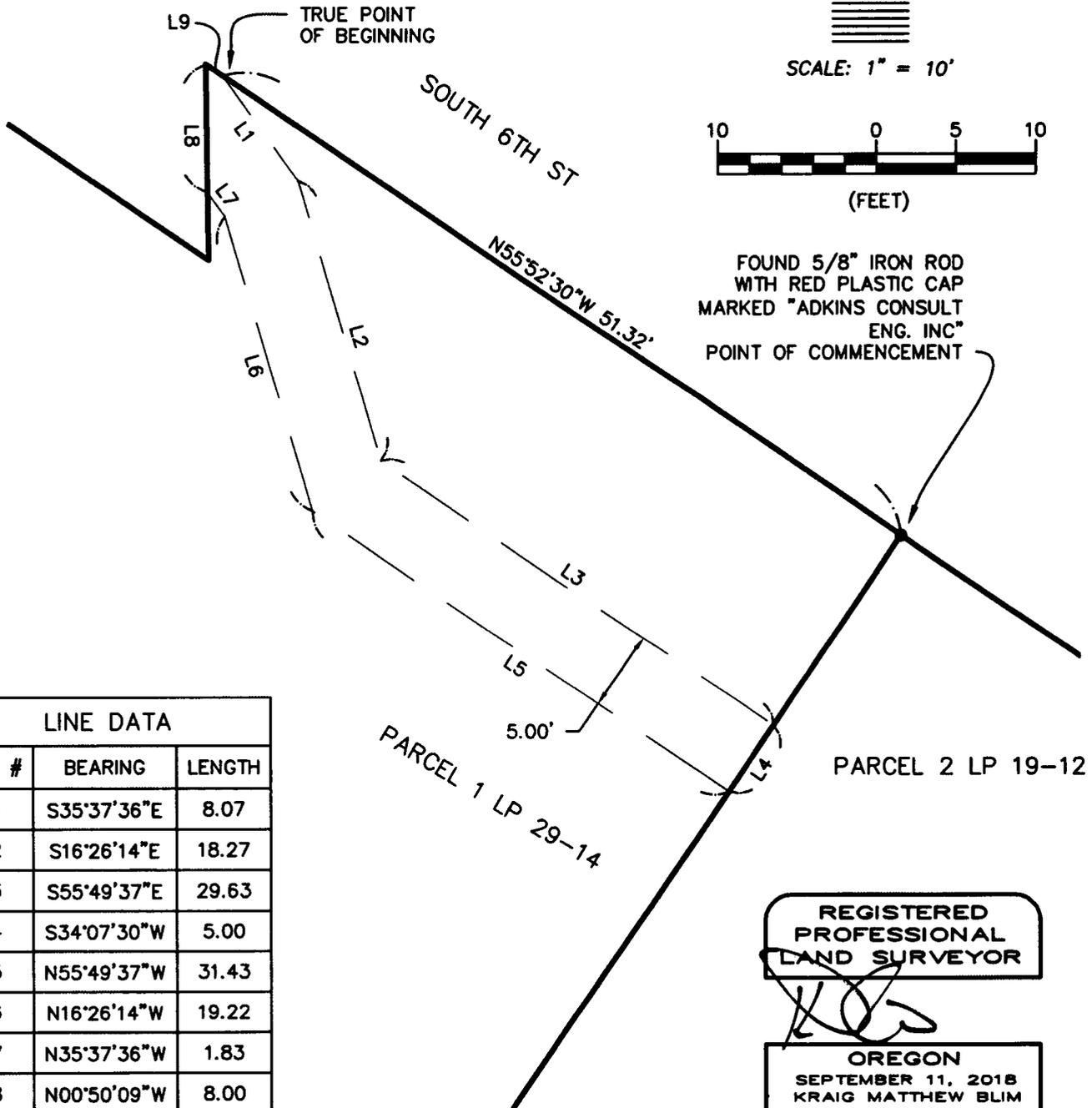
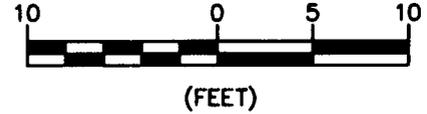
COMMENCING AT THE NORTHEAST CORNER OF PARCEL 1 OF LAND PARTITION 29-14 BEING MARKED WITH A 5/8" IRON ROD WITH RED PLASTIC CAP MARKED 'ADKINS CONSULT ENG INC.'; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF SOUTH 6TH ST. NORTH 55°52'30" WEST, 51.32 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 35°37'36" EAST, 8.07 FEET; THENCE SOUTH 16°26'14" EAST, 18.27 FEET ; THENCE SOUTH 55°49'37" EAST, 29.63 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 1; THENCE ALONG SAID EAST LINE, SOUTH 34°07'30" WEST, 5.00 FEET; THENCE LEAVING SAID EAST LINE OF PARCEL 1, NORTH 55°49'37" WEST, 31.43 FEET; THENCE NORTH 16°26'14" WEST, 19.22 FEET; THENCE NORTH 35°37'36" WEST, 1.83 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SOUTH 6TH STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, NORTH 00°50'09" WEST, 8.00 FEET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY SOUTH 55°52'30" EAST, 1.26 FEET TO THE POINT OF BEGINNING.



EXPIRES 12/31/25



SCALE: 1" = 10'



LINE DATA		
LINE #	BEARING	LENGTH
L1	S35°37'36"E	8.07
L2	S16°26'14"E	18.27
L3	S55°49'37"E	29.63
L4	S34°07'30"W	5.00
L5	N55°49'37"W	31.43
L6	N16°26'14"W	19.22
L7	N35°37'36"W	1.83
L8	N00°50'09"W	8.00
L9	S55°52'30"E	1.26

REGISTERED PROFESSIONAL LAND SURVEYOR

[Signature]

OREGON
SEPTEMBER 11, 2018
KRAIG MATTHEW BLIM
92784

EXPIRES: 12/31/25

AL ADKINS
ENGINEERING & SURVEYING
1435 ESPLANADE AVENUE
KLAMATH FALLS, OR 97601
o / 541.884.4666
w / AdkinsEngineering.com
ENGINEERING • PLANNING • SURVEYING

**STREET LIGHT
CONDUIT EASEMENT
NW 1/4 OF SECTION 3
TWP 39S, R9E, W.M.**

LAND PARTITION 29-14

FOR CURT BANNEY, INC.
 LOCATED IN S1/4 OF SECTION 3, T39S, R9E1W
 KLAMATH COUNTY, OREGON
 REPLAT OF PARCEL 1 OF LP 19-12

DECLARATION

THIS IS TO CERTIFY THAT CURT BANNEY, INC. IS A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF OREGON. THE SAID CORPORATION HAS BEEN INCORPORATED IN THE STATE OF OREGON AND THE SAID CORPORATION'S CERTIFICATE OF INCORPORATION IS FILED IN THE CLERK'S OFFICE OF THE CLERK OF THE COUNTY OF OREGON. THE SAID CORPORATION IS THE OWNER OF THE LAND DESCRIBED IN THIS DECLARATION AND HAS BEEN DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF OREGON. THE SAID CORPORATION IS THE OWNER OF THE LAND DESCRIBED IN THIS DECLARATION AND HAS BEEN DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF OREGON. THE SAID CORPORATION IS THE OWNER OF THE LAND DESCRIBED IN THIS DECLARATION AND HAS BEEN DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF OREGON.

Curt Banney, President

STATE OF OREGON }
 COUNTY OF DESCHUTES } SS. 2ND DAY OF FEBRUARY 2015.
 BE IT REMEMBERED THAT ON THE 2ND DAY OF FEBRUARY 2015, I, DOUGLAS E. ADKINS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HAVE PERSONALLY APPEARED BEFORE ME, CURT BANNEY, AND BROUGHT TO ME TO BE THE ORIGINAL PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE INSTRUMENT, AND AS SUCH OFFICER OF SAID CORPORATION HE HAS EXECUTED THE SAME FREELY AND VOLUNTARILY IN WITNESS WHEREOF I HAVE HERETOFORE SET MY HAND AND AFFIXED MY OFFICIAL NOTARY SEAL, THIS DAY AND DATE HEREIN ABOVE.

Douglas E. Adkins
 Notary Public for Oregon
 My Commission Expires 11/31/16

DISTRICT CERTIFICATES

I, MARK STAMBERG, MANAGER OF THE KLAMATH COUNTY DRAINAGE SERVICE DISTRICT, HEREBY CERTIFY THAT LAND PARTITION 29-14 IS INCLUDED WITHIN THE FEES AND OTHER CHARGES OF THE DISTRICT.
 I, S.R. STONOLAND, MANAGER OF THE KLAMATH COUNTY DRAINAGE SERVICE DISTRICT, HEREBY CERTIFY THAT LAND PARTITION 29-14 IS INCLUDED WITHIN THE FEES AND OTHER CHARGES OF THE DISTRICT.
 S.R. STONOLAND, MANAGER

MARK STAMBERG, MANAGER
 DATE 2/19/15

TAX COLLECTOR'S CERTIFICATE

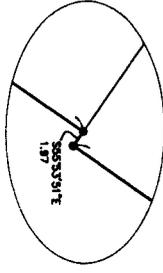
I, HENRY CENTRY, THAT ALL TAXES, INTEREST, PENALTIES, ASSESSMENTS, FEES OR OTHER CHARGES REQUIRED BY O.A.S. 22.060 HAVE BEEN PAID.
 COUNTY TAX COLLECTOR
 DATE 2/19/15

APPROVED BY: [Signature]
 KLAMATH COUNTY PLAT BOOKS DIRECTOR
 DATE 2/19/15
 APPROVED BY: [Signature]
 KLAMATH COUNTY PLANNING DIRECTOR
 DATE 2/19/15
 APPROVED BY: [Signature]
 KLAMATH COUNTY SURVEYOR
 DATE 2/19/15

SURVEYOR'S CERTIFICATE

I, DOUGLAS E. ADKINS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HAVE PERSONALLY APPEARED BEFORE ME, CURT BANNEY, AND BROUGHT TO ME TO BE THE ORIGINAL PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE INSTRUMENT, AND AS SUCH OFFICER OF SAID CORPORATION HE HAS EXECUTED THE SAME FREELY AND VOLUNTARILY IN WITNESS WHEREOF I HAVE HERETOFORE SET MY HAND AND AFFIXED MY OFFICIAL NOTARY SEAL, THIS DAY AND DATE HEREIN ABOVE.

Douglas E. Adkins
 DATE 2-4-15



EASEMENTS

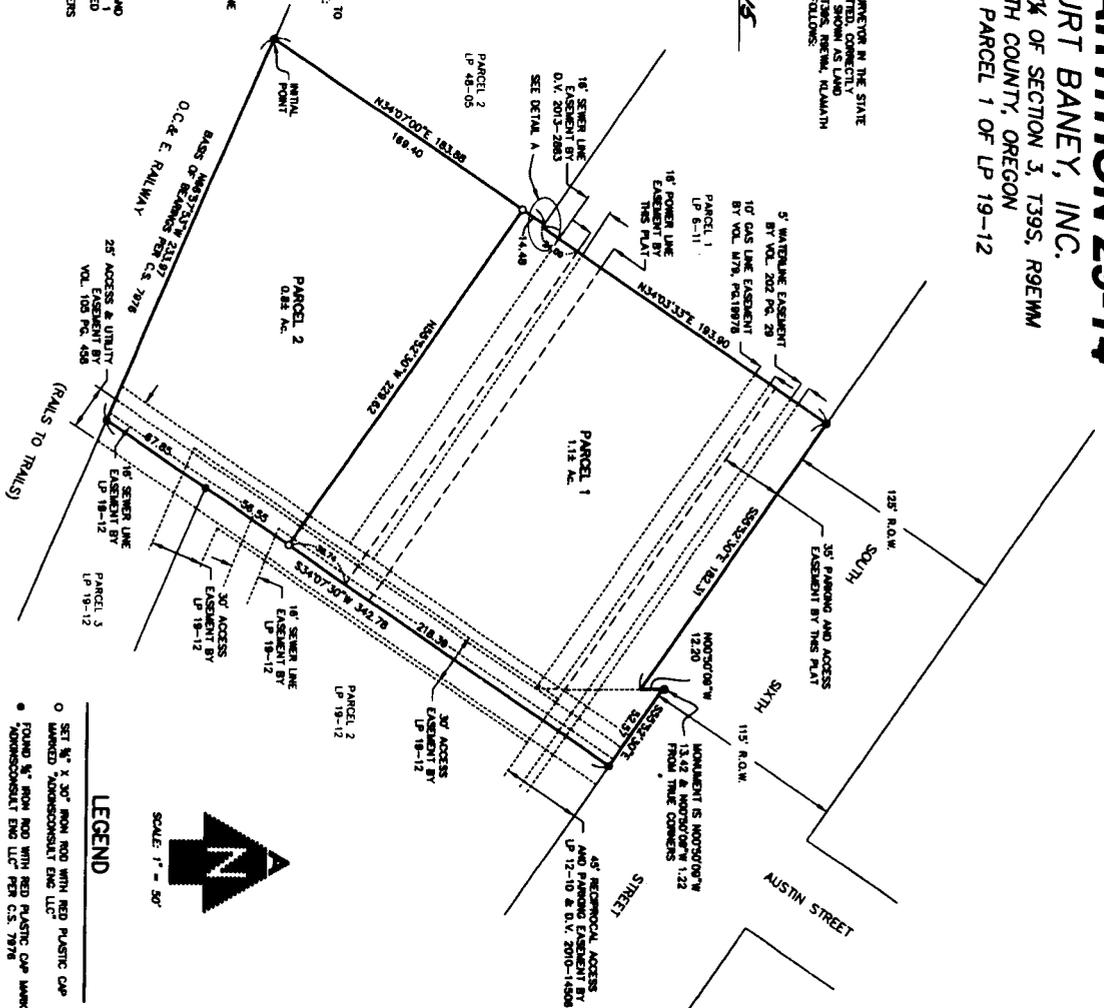
IN ADDITION TO THOSE SHOWN HEREON, PROPERTY MAY BE SUBJECT TO THE FOLLOWING EASEMENTS THAT ARE NOT SPECIFICALLY IDENTIFIED:
 187' PAGE 848, EASEMENT FOR SEWER LINE AND STORM DRAIN
 171' PAGE 1864, EASEMENT FOR SEWER LINE RESERVED IN LEASE
 171' PAGE 1970, GRANTED TO P.P. & L. FOR UTILITIES
 171' PAGE 2000, EASEMENT GRANTED TO P.P. & L. FOR POWER LINE

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MONUMENT THE BOUNDARY AND PARCELS OF LAND PARTITION 29-14, WHICH IS A REPLAT OF PARCEL 1 OF LAND PARTITION 19-12. MONUMENTS OF RECORD WERE RECOVERED AND USED FOR SURVEY CONTROL. THIS WORK WAS ACCORDING TO THE OREGON SURVEYING ACT AND 4800 SERIES O.A.S. RECEIVERS AND A TSC-2 SURVEY CONTROLLER.

FILED FOR RECORD THIS 17TH DAY OF FEBRUARY, 2015.
 Douglas Adkins
 COUNTY CLERK
 Rebekah Young
 CLERK

REGISTERED PROFESSIONAL LAND SURVEYOR
 DOUGLAS E. ADKINS
 OREGON
 LICENSE NO. 17348
 [Signature]



ADKINS

CONSULTING ENGINEERING LLP
 2500 Shasta Hwy, Roseburg, Oregon 97503 (541) 864-4444
 3125 State Street #111, Medford, Oregon 97504 (541) 864-1600
 Oregon California
 Engineers A Planners A Surveyors

- LEGEND
- SET "X" MON ROD WITH RED PLASTIC CAP
 - MARKED "ADKINSCONSULT ENG LLC"
 - FOUND "X" MON ROD WITH RED PLASTIC CAP MARKED "ADKINSCONSULT ENG LLC" PER C.S. 19718
 - FOUND "X" MON ROD W/ CAP PER C.S. 8148
 - FOUND "X" MON ROD W/ CAP PER C.S. 7800
 - EXISTING EASEMENT
 - - - - - EASEMENT CREATED BY THIS PLAT

2015-1353