EASEMENT

ERIC H. WITHERSPOON AND CARLTON VETERINARY PROPERTIES, LLC, “Grantors,” hereby grant to YAMHILL COUNTY, a political subdivision of the State of Oregon, “Grantee,” a permanent, perpetual, non-exclusive easement, over, across and under real property situated in Yamhill County, as more particularly described in the attached Exhibit A and as shown on the attached survey B, labeled as follows and incorporated herein by reference (“Easement Area”):

EXHIBIT A - Description: File 18332001 Containing “1,713 square feet, more or less”

EXHIBIT B - Survey: “001 PERM EASE FOR MULTI-USE PATH 1,713 ft² ±”

1. Easement uses. The easement conveyed by Grantor to Grantee and Grantee’s successors and assigns, the right to future use and development of the Easement Area solely for the installation, replacement and operation of a public trail. The right to construct, maintain and operate a public trail on the Easement Area includes the right to landscape and manage storm water erosion over, under and across the Easement Area, in a manner that does not adversely affect Grantor’s property. Grantee shall have no right to install fences or barricades of any sort on the Easement Area, provided Grantee may install bollards, lighting and other safety and/or traffic control devices related to a public trail on the Easement Area if such installations abut public streets. Any landscaping Grantee places on the Easement Area shall be consistent with and of a like quality to the landscaping then on Grantor’s property. Grantee may assign or otherwise transfer its rights under this easement to another government entity and/or organization qualified under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which will operate a public trail. No such assignment shall convey rights to the Easement Area in excess of those set forth in this Section 1.
2. **Maintenance and Repair.** Grantee, its successors and/or assigns, shall be responsible for maintenance and repair of the Easement Area, and Grantor shall have no responsibility for maintenance or repair. Grantee, its successors and/or assigns, shall be responsible for monitoring the Easement Area to ensure ongoing maintenance as necessary to prevent nuisance and/or safety problems from arising or affecting Grantor’s property.

3. **Consideration.** The consideration for grant of this easement consists of the mutual covenants and agreements of the parties contained herein.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on:

Date: 12/20/17

**CARLTON VETERINARY PROPERTIES, LLC**

By: [Signature]

By: [Signature]

**STATE OF OREGON**
County of Yamhill

The foregoing instrument is acknowledged before me this 20th day of December, 2017, by [Signature].

[Notary Stamp]

Notary Public for Oregon
My Commission Expires: Feb 1, 2021

Date: ________________

By: ERIC H. WITHERSPOON

**STATE OF OREGON**
County of Yamhill

The foregoing instrument is acknowledged before me this 7th day of December, 2017, by [Signature].

[Notary Stamp]

Notary Public for Oregon
My Commission Expires:
PARCEL 1 – Permeant Easement for Multi-Use Path

A parcel of land lying in the Peter Smith Donation Land Claim Number 64, Township 3 South, Range 4 West, W.M., Yamhill County, Oregon, and being a portion of that property described in the Warranty Deed to Eric H. Witherspoon, recorded May 07, 2009 on Instrument No. 200906782, Records of Yamhill County; said parcel being that portion of said property included in a strip of land 16.00 feet in width, lying 8.00' on each side of the following described centerline:

Beginning at a point, being North 22°26'46" West, 1904.14 feet of the Northeast corner of the William S. Adams, Executor of the James Ramage Donation Land Claim No. 65 Township 3 South, Range 4 West, W.M.; thence North 07°03'01" West, 619.89 feet; thence North 05°22'49" West, 167.39 feet; thence North 04°34'04" West, 202.74 feet; thence North 07°02'42" West, 586.628 feet to the terminus of said centerline which bears North 15°15'05" West, 5447.46 feet from said Donation Land Claim Corner.

Bearings are based County Survey Number 13132 recorded in Yamhill County Surveyor’s office.

This parcel of land contains 1,713 square feet, more or less.