

ORIGINAL

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From File 40708  
To File 41260

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That the State of Oregon, by and through its State Highway Commission, Grantor, for the consideration of the sum of One and No/100 Dollar (\$1.00) and other valuable considerations by it received, has bargained and sold and by these presents does grant, bargain, sell and convey unto Stanley R. Hoff and Catherine F. Hoff, husband and wife, Grantees, the following described premises, to wit:

A parcel of land lying in the NW $\frac{1}{4}$  of Section 5, Township 39 South, Range 9 East, W.M., Klamath County, Oregon, and being a portion of that property described in that deed to the State of Oregon, by and through its State Highway Commission, recorded in Book M-67, Page 6169 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Westerly of a line which is parallel to and 50 feet Westerly of the center line of Riverside Street as said street has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station "R" 12+50, said station being 3774.10 feet North and 2264.22 feet East of the Southwest corner of said Section 5; thence on a 716.20 foot radius curve right (the long chord of which bears South 1° 41' 30" West) 251.25 feet; thence on a spiral curve right (the long chord of which bears South 13° 52' 30" West) 80 feet; thence South 14° 56' 30" West, 48.20 feet; thence on a spiral curve left (the long chord of which bears South 8° 56' 48" West) 120 feet to Engineer's center line Station "R" 17+49.45.

Bearings are based upon the Oregon Co-ordinate System, South Zone.

The parcel of land to which this description applies contains 0.5 acre, more or less.

Provided, however, there is reserved to the Grantor, and waived by the Grantees, all right of access between the above described real property and the right of way of the The Dalles-California Highway abutting on said parcel, which public highway is further identified as State Highway No. 4,

EXCEPT, that Grantees, their heirs and assigns, shall upon filing application with the State pursuant to applicable statutes and regulations, have access to the frontage road located on the Easterly side of the property herein conveyed.

This reservation shall run with the land and shall not be subject to modification, cancellation or destruction by adverse user or estoppel, no matter how long continued. Nothing in this conveyance contained shall be construed as conveying any estate, right, title or interest in and to the public highway right of way or any rights of reversion therein or thereto.

This conveyance is made upon the express condition that the above-described land shall never be used for the placing or maintenance of any advertising sign, display or device, except such sign, display or device used to advertise the activities conducted on said land, or the sale or lease of said land or any portion thereof, and upon the further express condition that said land shall never be used as a place for the storage, keeping, buying, selling, dismantling or other processing of any junk, scrap, junked motor vehicles or parts thereof, debris, trash, waste or other such materials, including any garbage dump or sanitary fill.

In the event of violation of the condition pertaining to advertising signs, displays or devices, the Grantor shall have the right, through its authorized officers, agents or employees, to enter upon said land and remove, destroy or obliterate any unauthorized sign, display or device, without liability for damage or injury thereto, and to recover the cost of such removal, destruction or obliteration from the owner of said land.

In the event of the violation of the condition pertaining to storage, keeping, buying, selling, dismantling or other processing of junk, scrap or other material mentioned above on said land Grantor shall have the right, through its authorized officers, agents or employees to enter upon said land and remove or destroy any unauthorized junk, scrap or other material mentioned above and recover the cost of such removal or destruction from the owner of said land, or Grantor may, at its



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election, notify the owner of said land to eliminate the cause of the violation and upon the failure to do so within 30 days from the receipt of said notice, Grantor may declare this deed to be forfeited and thereupon all right, title and interest herein granted shall revert to and vest in Grantor, without necessity of re-entry by Grantor.

The rights and remedies herein reserved or provided shall not be exclusive and shall not be in derogation of any other right or remedy which Grantor may have. The restrictions, rights, and conditions herein contained shall run with said land and shall forever bind the Grantees, their heirs and assigns.

This conveyance is made, executed and delivered upon the grounds and for the reason that the real property hereinabove described is no longer needed, required or useful for highway purposes.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever.

IN WITNESS WHEREOF, the State of Oregon, by and through its State Highway Commission, has caused the seal of said Commission to be affixed hereunto and these presents to be executed on this the 27<sup>th</sup> day of December, 1967.

ATTEST:

Secretary

APPROVED:

Assistant State Highway Engineer

APPROVED AS TO FORM:

Assistant State Counsel

Staff Attorney

STATE OF OREGON, by and through its  
State Highway CommissionBy Glenn L. Jackson  
ChairmanBy David B. Simpson  
CommissionerBy David B. Simpson  
Commissioner

STATE OF OREGON,

County of Marion

On this 28<sup>th</sup> day of December, 1967, before me appeared Glenn L. Jackson, David B. Simpson and ~~David B. Simpson~~, to me personally known, who, each being duly sworn, did say that he, the said Glenn L. Jackson, is Chairman of the State Highway Commission of the State of Oregon, and that he, the said David B. Simpson ~~and he, the said David B. Simpson~~ is State Highway Commissioner of the State of Oregon; that the seal affixed to said instrument is the seal of the State Highway Commission, and that the said instrument is signed and sealed in behalf of said State by said Commission, and that the said Chairman and the said Commissioners acknowledge said instrument to be the free act and deed of said State, by said State Highway Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public for Oregon

My Commission expires 4-19-69

STATE OF OREGON

Filed for record at 11:20 o'clock AM., and  
this 12 day of January on Page 291duly recorded in Vol. M-68, of Deeds  
By Dorothy Rogers, County Clerk

fee 3.00