

Files 40721
and 41578

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, hereinafter called "Grantor", for the consideration of the sum of Three Hundred Fifty and No/100 DOLLARS (\$350.00) hereby conveys unto FREDERICK H. WILLIAMS and GWENDOLYN H. WILLIAMS, husband and wife, hereinafter called "Grantees", the following described property, to wit:

A parcel of land lying in Block 6, RIVERVIEW, Klamath County, Oregon; the said parcel being that portion of Lots 1 and 2 and the N $\frac{1}{2}$ of Lot 3, said Block 6 lying Southeasterly of the following described line:

Beginning at a point opposite and 100 feet Southeasterly of Engineer's Station 179+50 on the center line of the relocated The Dalles - California Highway; thence Southwesterly in a straight line to a point opposite and 125 feet Southeasterly of Engineer's Station 187+50 on said center line, which center line is described as follows:

Beginning at Engineer's center line Station 173+89.60, said station being 3064.47 feet North and 2316.65 feet East of the Southwest corner of Section 5, Township 39 South, Range 9 East, W.M.; thence South 28° 36' 30" West 5610.4 feet to Engineer's center line Station 230+00.

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

The parcel of land to which this description applies contains 0.15 acre, more or less.

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

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rights and conditions herein contained shall run with said land and shall forever bind 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 state highway, scenic or park purposes.

Dated this 5th day of November, 1970.

ATTEST:

Howard Quay
Secretary

APPROVED:

W. K. Labe
Assistant State Highway Engineer

APPROVED AS TO FORM:

W. K. Labe
Chief Counsel

STATE OF OREGON, by and through its
STATE HIGHWAY COMMISSION

By Glenn L. Jackson
Chairman

By

Commissioner

By

Thaddeus B. Bruno
Commissioner

STATE OF OREGON, County of Marion

On this 5th day of November, 1970, before me personally appeared Glenn L. Jackson, Chairman of the Oregon State Highway Commission, ~~Fred W. Hill~~ and Thaddeus B. Bruno, Oregon State Highway Commissioners, who each being duly sworn, stated that this instrument was voluntarily signed and sealed on behalf of the State of Oregon by said Commission.

Cecil H. Head
Notary Public for Oregon

My Commission expires 11-5-74

ba/

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of STATE HIGHWAY DEPARTMENT

this 10th day of November A. D. 19 70 at 2:26 clock PM., and
duly recorded in Vol. M70, of Deeds on Page 10043

Wm D. MILNE, County Clerk

Fee \$3.00

By Cynthia M. Steel

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FOR

A-20580 4651

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