

SEP 23 3 41 PM 1971

0199
ORIGINAL

File 44987

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That ROBERT B. CHILCOTE, hereinafter called "Grantors", for the consideration of the sum of One Thousand Four Hundred and No/100 DOLLARS (\$1,400.00) received, do hereby convey unto the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, hereinafter called "Grantee", the following described property, to wit:

PARCEL 1

A parcel of land lying in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Robert B. Chilcote, recorded in Book M-70, Page 11306 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land 44 feet in width, lying on the Southwesterly side of the center line of the Klamath Falls - Lakeview Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 145+22.86, said station being 2258.63 feet North and 3723.80 feet West of the Southeast corner of Section 1, Township 39 South, Range 9 East, W.M.; thence on a spiral curve right (the long chord of which bears South 48° 49' East) 500 feet to Engineer's center line Station 150+22.86 Back equals 150+21.50 Ahead; thence South 46° 06' 30" East 1454.55 feet to Engineer's center line Station 164+76.05.

The parcel of land to which this description applies contains 2,770 square feet, more or less.

Also for the above stated consideration, there is hereby conveyed to Grantee all existing, future or potential common law or statutory abutter's easements of access between the above described parcel and all of Grantors' remaining real property, EXCEPT, however,

Reserving for service of Grantors' remaining property, access rights to and from said remaining property to the abutting highway right of way at the following places and for the following width:

Hwy. Engr's Sta.	Width	Side of Hwy.	Purpose
155+26	35 feet	Southerly	Unrestricted
156+60	35 feet	Southerly	Unrestricted

If, after written notice to desist, Grantors, or any person holding under them, shall use any of the above places of access in a width greater than above stated, or shall permit or suffer any person to do so, the right of access therefor shall automatically be suspended and Grantee shall thereupon have the right to close said places of access. The suspension shall terminate when satisfactory assurance has been furnished Grantee that the places of access will be used in a width not greater than above stated.

Also for the consideration hereinabove stated there is hereby granted to Grantee a temporary easement for slopes, necessitated by the widening and improvement of the Klamath Falls - Lakeview Highway, to be constructed upon the following described property, to wit:

PARCEL 2

A parcel of land lying in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Robert B. Chilcote, recorded in Book M-70, Page 11306 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Southwesterly of Parcel 1; Northwesterly of a line at right angles to the center line of the relocated Klamath Falls - Lakeview Highway at Engineer's Station 157+00 and included in a strip of land 49 feet in width, lying on the Southwesterly side of said center line, which center line is described in Parcel 1.

The parcel of land to which this description applies contains 960 square feet, more or less.

IT IS UNDERSTOOD that this easement shall be for a period of three (3) years from the date hereof or until the completion and opening to traffic of the Patterson Street, Klamath Falls - Malin Highway Section of the Klamath Falls - Lakeview Highway, whichever is earlier.

It is also understood that Grantors shall be allowed to use all of the above described Parcel 2 for any purpose not inconsistent with the easement rights herein granted, provided that no such use will be permitted which will damage or endanger the lateral support of said highway, it being also understood that nothing herein contained shall be construed as imposing any obligation on Grantee to maintain said slopes, that Grantee shall never be required to remove the dirt or other materials placed by it upon said property, and that Grantee shall not be subject to any damages to Grantors, their heirs and assigns, by reason of the slopes constructed thereon, or by reason of change of grade of the street or highway abutting on said property.

And Grantors do hereby covenant to and with Grantee, its successors and assigns, that they are the owners in fee simple of the said property which is free from all encumbrances and will warrant and defend the property herein conveyed and the easement rights herein granted from all lawful claims whatsoever.

In construing this instrument, where the context so requires, the plural includes the singular.

Dated this 21st day of September, 1971.

Robert B. Chilcote

STATE OF OREGON, County of Klamath

September 21, 1971. Personally appeared the above named Robert B. Chilcote, who acknowledged the foregoing instrument to be their voluntary act. Before me:

Charles C. Skene
Notary Public for Oregon

My Commission expires March 12, 1973

ba/ss

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of State Highway Dept.
this 24 day of Salem, A. D. 1971 at 3:51 o'clock P. M., and
duly recorded in Vol. M71, of Deeds on Page 10195
Fee \$8.00
By Wm D. MILNE, County Clerk
Captha Campbell