

## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That RICHARD M. BAUMGARDNER and BARBARA J. BAUMGARDNER, husband and wife, hereinafter called "Grantors", for the consideration of the sum of Two Thousand Three Hundred and No/100 DOLLARS (\$2,300.00) 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 Lots 12, 13, 14 and 15, HIGHLAND PARK, Klamath County, Oregon; the said parcel being that portion of said Lots 12, 13, 14 and 15 included in a strip of land 44 feet in width, lying on the Northeasterly 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 160+00, said station being 1251.29 feet North and 2642.69 feet West of the Southeast corner of Section 1, Township 39 South, Range 9 East, W.M.; thence South 46° 06' 30" East 3150 feet to Engineer's center line Station 191+50.

The parcel of land to which this description applies contains 1180 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
188+33	35 feet	Northeast	Unrestricted
189+40	35 feet	Northeast	Unrestricted
190+20	35 feet	Northeast	Unrestricted
190+90	35 feet	Northeast	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.

Grantee has the right to construct or otherwise provide at any future time a public frontage road or roads, whereupon all rights of access hereinabove reserved to and from the highway that are on or adjacent to any such frontage road or roads shall cease, but Grantors, their heirs and assigns, shall have access to the frontage road or roads for any purpose upon obtaining a permit from Grantee under the applicable statutes and regulations governing the same. Said road or roads shall be connected to the main highway or to other public ways only at such places as Grantee may select.

Also for the consideration hereinabove stated, there is hereby granted to Grantee, a permanent right and easement to construct, operate and maintain irrigation facilities, and also a permanent easement to construct, maintain, repair and have free access to all slopes of cuts or fills, occasioned by or resulting from the construction, operation of maintenance of a public street or highway and appurtenances, upon the following described property, to wit:

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## PARCEL 2

A parcel of land lying in Lots 14 and 15, HIGHLAND PARK, Klamath County, Oregon; the said parcel being a strip of land extending from a line at right angles to the center line of the relocated Klamath Falls - Lakeview Highway at Engineer's Station 190+22 to a line at right angles to said center line at Engineer's Station 190+47 and lying between lines which are parallel with and 44 feet Northeasterly and 62 feet Northeasterly of said center line, which is described in Parcel 1.

The parcel of land to which this description applies contains 450 square feet, more or less.

Also for the consideration hereinabove stated there is hereby granted to Grantee a temporary easement for slopes upon the following described property, to wit:

## PARCEL 3

A parcel of land lying in Lots 12, 13, 14 and 15, HIGHLAND PARK, Klamath County, Oregon; the said parcel being that portion of said Lots 12, 13, 14 and 15 lying Northeasterly of Parcel 1 and included in a strip of land 47 feet in width, lying on the Northeasterly side of the center line of the Klamath Falls - Lakeview Highway as said highway has been relocated, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 2.

The parcel of land to which this description applies contains 810 square feet, more or less.

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

IT IS EXPRESSLY UNDERSTOOD that said easements do not convey any right, title or interest to the surface of the soil, nor any other rights except those expressly stated herein, nor prevent Grantors from the full use and dominion thereover, provided, however, that such use shall not be permitted to damage or destroy lateral support to said public street or highway, or to interfere in any way with the construction, operation or maintenance of Grantee's irrigation facilities, and provided further that nothing herein contained shall grant to Grantee, the right to excavate beneath existing buildings or deposit fill materials against existing buildings above the top of the foundations thereof, but it is understood and agreed that Grantee shall never be required to remove the dirt or other materials placed by it upon said property, nor shall Grantee be subject to any damages to Grantors, their heirs and assigns, by reason thereof, or by reason of the slopes and irrigation facilities 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.

Dated this 14 day of Sept, 1971.

Richard M. Baumgardner  
Barbara J. Baumgardner

STATE OF OREGON, County of Klamath

9/14, 1971. Personally appeared the above named Richard M. Baumgardner and Barbara J. Baumgardner, who acknowledged the foregoing instrument to be their voluntary act. Before me:

Kris McEllis  
Notary Public for Oregon

My Commission expires 1/10/75

ba/ka

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of OREGON STATE HWY COMM  
this 14 day of OCTOBER A. D. 1971 at 2.25 o'clock PM., and  
duly recorded in Vol. M 71, of DEEDS on Page 10814

Fee \$4.50

W. D. MILNE, County Clerk  
By Hazel Brazil