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FILED  
OCT - 7 1971  
CLAY MYERS  
SECRETARY OF STATE

ORIGINAL

File 44987  
Vol. 171 Page 11031

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 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 Sta-  
tion 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 auto-  
matically 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 prop-  
erty, to wit:

PARCEL 2

A parcel of land lying in the NE 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.

NOTE: This deed is being re-recorded as the original recording showed the  
24 day of Salem, which should be September, and page 10195 should be 10194.

110711

FORM 11

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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. Skinner  
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 September, A.D. 1971, at 3:55 o'clock P.M., and

duly recorded in Vol. M71, of Deeds, on Page 10195

Fee \$3.00

By Wm D. Milne, County Clerk  
Christina Milne

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