

60385

Vol. 112 Page 479

File 44992

ORIGINAL

JAN 13 3 41 PM 1972

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That LEON R. ANDRIEU and MINNIE R. ANDRIEU, husband and wife, hereinafter called "Grantors", for the consideration of the sum of Three Thousand Five Hundred and No/100 DOLLARS (\$3,500.00) 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 SE 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 Leon R. Andrieu and Minnie R. Andrieu, recorded in Book 355, Page 236 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 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 3050 feet to Engineer's center line Station 190+50.

The parcel of land to which this description applies contains 4,550 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 1 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
170+83	35 feet	Southerly	Unrestricted
171+65	35 feet	Southerly	Unrestricted
173+42	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.

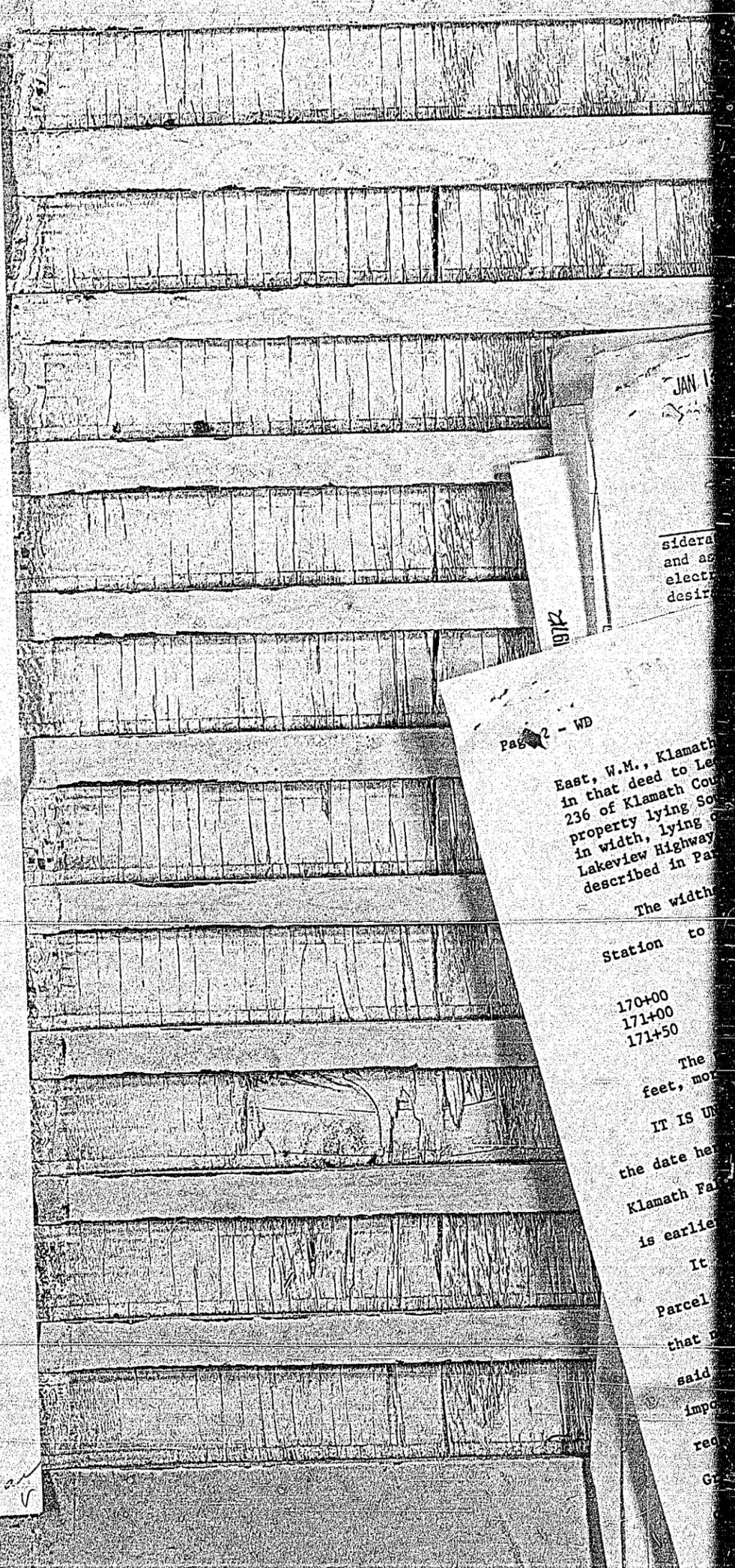
Grantee has the right to construct or otherwise provide at any future time a public frontage road or roads, whereupon all rights of access hereinabove reserved to and from the highway that are on or adjacent to any such frontage road or roads shall cease, but Grantors, their heirs and assigns, shall 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 an 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 SE 1/4 of Section 1, Township 39 South, Range 9

43



Page 2 - WD

East, W.M., Klamath in that deed to Leon R. Andrieu and Minnie R. Andrieu, recorded in Book 355, Page 236 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:

Station to

170+00
171+00
171+50

feet, more or less

IT IS UNLAWFUL

the date hereof

Klamath Falls

is earlier than

It is

Parcel

that is

said

improvement

recorded

Grantee

Grantee

Grantee

East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Leon R. Andrieu and Minnie R. Andrieu, recorded in Book 355, Page 236 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Southwesterly of Parcel 1 and included in a strip of land variable 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 in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to Station	Width on Southwesterly Side of Center Line
170+00	171+00	52
171+00	171+50	49
171+50	175+00	52

The parcel of land to which this description applies contains 2,435 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 and 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.

Dated this 3 day of January, 1971

Leon R. Andrieu
Minnie R. Andrieu

STATE OF OREGON, County of *W. L. Smith*

Jan 3, 1971. Personally appeared the above named Leon R. Andrieu and Minnie R. Andrieu, who acknowledged the foregoing instrument to be their voluntary act. Before me:



W. L. Smith
Notary Public for Oregon

My Commission expires *12/31/75*

JAN 13 4 04 PM 1971

sidera
and as
elect
desir
now l
State

The
cle
cut
lin
and
op

b
o

481

STATE OF OREGON
County of Klamath
Filed for record at request of
State Highway Comm.

on this 13 day of January A.D. 1972
at 3:41 o'clock PM, and duly
recorded in Vol. M72 of Deeds

Page 479
Wm D. MILNE, County Clerk
By *[Signature]* Deputy

Fee \$6.00

RETURN TO
OREGON STATE HIGHWAY COMMISSION
RIGHT OF WAY SECTION
STATE HIGHWAY BLDG. ROOM 119
SALEM, OREGON 97310

JAN 13 4 04 PM 1972

[Handwritten signature]

sidera
and as
elect
desir
now l
State

The
cle
cut
lin
and
op

45