

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That ELEANOR A. WILBURN, hereinafter called "Grantors", for the consideration of the sum of One Thousand and No/100 DOLLARS (\$1,000.00) 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 Lot 1 of Section 7, Township 39 South, Range 10 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Evelyn R. Cheyne, recorded in Book M-69, Page 10705 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Southerly of a line parallel with and 24 feet Northerly of the center line of the Westbound lane 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 "KFL2" 191+85.14, said station being 942.54 feet South and 333.44 feet West of the Northeast corner of Section 12, Township 39 South, Range 9 East, W.M.; thence South 46° 06' 30" East 109.25 feet; thence on a spiral curve left (the long chord of which bears South 52° 06' 12" East) 300 feet; thence on a 477.47 foot radius curve left (the long chord of which bears South 68° 09' 30" East) 67.50 feet; thence on a spiral curve left (the long chord of which bears South 84° 12' 48" East) 300 feet; thence North 89° 47' 30" East 338.11 feet to Engineer's center line Station "KFL2" 203+00.

The parcel of land to which this description applies contains 0.03 acre, 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 right of way of the public way identified as the relocated Klamath Falls - Lakeview Highway 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 place and for the following width:

Hwy. Engr's Sta.	Width	Side of Hwy.	Purpose
KFL2 199+20	35 feet	Northerly	Unrestricted

If, after written notice to desist, Grantors, or any person holding under them, shall use the above place 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 place of access. The suspension shall terminate when satisfactory assurance has been furnished Grantee that the place 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 relocation of irrigation facilities and the construction of slopes necessitated by the widening and improvement of the Patterson Street - Klamath Falls Section of the relocated Klamath Falls - Lakeview Highway, upon the following described property, to wit:

PARCEL 2

A parcel of land lying in Lot 1 of Section 7, Township 39 South, Range 10

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East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Evelyn R. Cheyne, recorded in Book M-69, Page 10705 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land 25 feet in width lying between lines which are parallel with and 24 feet Northerly and 49 feet Northerly of the center line of the West-bound lane of the relocated Klamath Falls - Lakeview Highway, which center line is described in Parcel 1.

The parcel of land to which this description applies contains 0.06 acre, more or less.

Grantee shall have the right to go upon the real property hereinabove described as Parcel 2 for the purpose of making those certain changes in the irrigation facilities now constructed on said property or property adjoining thereto as may be necessitated by the widening and improvement of said section of highway, it being understood that the rights in said relocated irrigation facilities shall be the same as previously existed in that portion of the irrigation facilities which is being relocated; therefore, for the purpose of creating said rights, Grantors, for the consideration hereinabove stated, grant unto Enterprise Irrigation District the perpetual right to operate, maintain or replace said relocated facilities to be located on the property hereinabove described as Parcel 2.

Nothing contained in the easement over and across Parcel 2 herein granted shall be construed to convey fee title to the land used for slope purposes, 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; 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 the Grantors, their heirs and assigns, by reason thereof, or by reason of the slopes constructed thereon, or by reason of change of grade of the street or highway abutting on said property or by reason of the irrigation facilities constructed thereon.

IT IS FURTHER UNDERSTOOD that the provisions contained herein shall be covenants running with the land and shall bind Grantors, their heirs and assigns.

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 9th day of March, 1972.

Elmer A. Wilburn

STATE OF OREGON, County of Klamath.

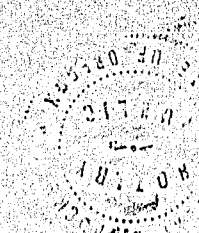
March 9, 1972. Personally appeared the above named Eleanor A. Wilburn, who acknowledged the foregoing instrument to be their voluntary act. Before me:

Robert A. Buel
Notary Public for Oregon

My Commission expires 1/11/75

ba/ka

STATE OF OREGON,
County of Klamath
Filed for record at request of
STATE OF OREGON HWY COMM
on this 17 day of MARCH A.D. 19 72
at 2:46 o'clock P M, and duly
recorded in Vol. M 72 of DEEDS
Page 2913
Wm D. MILNE, County Clerk
By Deputy
Fee \$6.00



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