

83745

Vol. ^m 73 Page 15379 ORIGINALHighway Division
File 44983, L-6588

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That JOSEPH T. RIKER and JOYCE L. RIKER, husband and wife, hereinafter called "Grantors", for the consideration of the sum of Three Thousand and No/100 DOLLARS (\$3,000.00) received, do hereby convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, 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 Joseph T. Riker and Joyce L. Riker, recorded in Book 235, Page 198 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 3,220 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 widths:

Hwy. Engr's Sta.	Width	Side of Hwy.	Purpose
151+32	40 feet	Southerly	Unrestricted
151+80	35 feet	Southerly	Unrestricted
152+58	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 further granted to Grantee an easement for the construction of slopes, necessitated by the widening and improvement of the Patterson Street - Klamath Falls - Malin Highway Section of the Klamath Falls - Lakeview Highway, over and across 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 Joseph T. Riker and Joyce L. Riker, recorded in Book 235, Page 198 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
150+00	150+50	62
150+50	151+50	62 taper to 49
151+50	154+00	49

The parcel of land to which this description applies contains 1,865 square feet, more or less.

IT IS UNDERSTOOD that the slope easement over Parcel 2 shall be for a period of three (3) years from the date hereof or until the completion and opening to traffic of said section of said highway, whichever is earlier.

IT IS EXPRESSLY UNDERSTOOD that Grantors shall be allowed to use the property herein described as Parcel 2 for uses not inconsistent with the rights herein granted and the Grantee shall never be required to remove the slope material placed by it upon said property, nor shall Grantee be subject to any damages to Grantors, their heirs and assigns, by reason of change of grade of the highway abutting on said property.

Also for the consideration hereinabove stated, there is hereby granted to Grantee a permit for the construction of road approaches, in connection with the widening of the Klamath Falls - Lakeview Highway, over and across the following described property, to wit:

PARCEL 3

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 Joseph T. Riker and Joyce L. Riker, recorded in Book 235, Page 198 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Southeasterly of a line at right angles to the center line of the relocated Klamath Falls - Lakeview Highway at Engineer's Station 151+15 and between lines which are parallel with and 44 feet Southwesterly and 85 feet Southwesterly of said center line, which center line is described in Parcel 1.

The parcel of land to which this description applies contains 6,560 square feet, more or less.

The above construction permit is given for a period of three (3) years from the date hereof or until the completion of said highway project, whichever is sooner.

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

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rights herein granted from all lawful claims whatsoever.

Dated this 12th day of October, 1973.

Joseph T. Riker
Joyce L. Riker

STATE OF OREGON, County of KLAMATH

October 12th, 1973. Personally appeared the above named Joseph T. Riker and Joyce L.

Riker, who acknowledged the foregoing instrument to be their voluntary act. Before me:

Alameda E. Hasonini
Notary Public for Oregon

My Commission expires August 5, 1974

ba/Ka

STATE OF OREGON, {
County of Klamath {
Filed for record at request of

Oregon State Highway Div.

on this 26th day of Nov. A.D. 1973

at 11:21 o'clock A M, and du

recorded in Vol. M73 of Deeds

page 15379

Wm D. MILNE, County Clerk

By Lucia Quintana Deputy

Fee \$6.00

Ret: State Hwy. Div.
Right of Way Branch
Rm 19 State Hwy. Bldg.
Salem, Ore