

7664

File 9727

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that the STATE OF OREGON, by and through its Department of Transportation, Highway Division, hereinafter called "State," grantor, has bargained, sold and conveyed and by these presents does bargain, sell and convey unto Southern Pacific Transportation Company, a Corporation of the State of Delaware, hereinafter called "Railroad," grantee, the following described parcel of land to wit:

That certain parcel of land lying in the Southwest quarter of Section 33, Township 38 South, Range 9 East, W.M. in the City of Klamath Falls, County of Klamath, State of Oregon, described as follows:

Being a strip of land 32 feet wide extending southeasterly from the southwesterly line of Sixth Street in said City to the westerly line of the land of the Central Pacific Railway Company described in deed recorded March 11, 1908, in Volume 23 of Deeds, Page 616, Records of Klamath County, lying equally 11.0 feet on each side of the centerline as follows:

Beginning at a point in the centerline of track as now located in Alley Lot No. 40 of Block 18,

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Second Railroad addition to Klamath Falls, at Engineer Station 6+65.08, that is Northerly 101.18 feet, measured along said centerline of track, produced southerly, from the southwestern line of said Sixth Street and 510 feet, more or less, northwesterly measured along said southwesterly line from the westerly line of said land described in said deed, said Station 6+65.08 equals 0.00 of the centerline being described; thence Southeasterly along a curve to the left of radius 409.26 feet, from a tangent that bears South  $0^{\circ}15'45''$  East from the first above mentioned point (being also the tangent northerly of said centerline of track in said Lot) through an angle of  $55^{\circ}47'15''$ , an arc distance of 398.48 feet to a point at Engineer Station 3+98.48; thence South  $56^{\circ}03'$  East, tangent to the last described curve at last mentioned point, 121.65 feet to a point at Engineer Station 5+20.13; thence Southeasterly along a curve to the right of radius of 409.26 feet, the tangent to which is the last described course at last mentioned point, through an angle of  $47^{\circ}08'$ , crossing said westerly line of said land at or near Engineer Station 7+57 an arc distance 336.67 feet to a point in the centerline of an existing track and the tangent therefore at Engineer Station 8+56.81 having a bearing of South  $8^{\circ}55'$  East.



14956

The side line of said 22 foot wide strip of land terminates in said southwesterly line of Sixth Street and in said westerly line of said land described in said Deed.

Containing an area of 14,425 square feet, more or less.

This grant is made subject:

(a) To all existing encumbrances, liens, leases, easements, restrictions, conditions, contracts and claims of third party title which may affect said property.

(b) To the provisions of that certain Agreement of January 27, 1956, between the parties hereto covering the construction and maintenance of a highway overcrossing at said location.

EXCEPTING AND RESERVING unto the State of Oregon by and through its Department of Transportation, Highway Division, its successors and assigns, the title and exclusive right to all the minerals and mineral ores of every kind and character now known to exist or thereafter discovered upon, within or underlying said parcels of land or that may be produced therefrom, including, without limiting the generality of the foregoing, all petroleum, oil, natural gas, and other hydrocarbon substances and products derived therefrom, together with the right of the State of Oregon, by and through its Department of Transportation, Highway Division, its successors and assigns, of ingress and egress beneath the surface of said

14957

land to explore for, mine, extract and remove the same and to make such use of said land beneath the surface as is necessary or useful in connection therewith, which use may include lateral or slant drilling, boring, digging or sinking of wells, shafts or tunnels; provided that the State of Oregon, by and through its Department of Transportation, Highway Division, its successors or assigns, shall not drill, dig, or mine through the surface of said land in the exercise of said rights and shall not disturb the surface of said land or otherwise develop the same in such manner as to disrupt or endanger use of the surface.

TO HAVE AND TO HOLD the same unto grantee, its successors and assigns forever.

The Oregon Transportation Commission, by a duly adopted delegation order, authorized its Chairman or Vice Chairman to act in its behalf in approving this conveyance. Approval was given for this conveyance on January 27, 1956 by Oregon State Highway Commission, which approval is on file in the Commission records. The delegation order also authorized the Administrator and State Highway Engineer to execute the conveyance on behalf of the Commission. DATED: November 24, 1975

GRANTOR:

STATE OF OREGON BY AND THROUGH ITS  
DEPARTMENT OF TRANSPORTATION,  
HIGHWAY DIVISION

  
Administrator and State Highway Engr.



14958

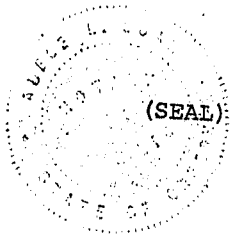
APPROVED AS TO FORM:

James L. Hagan  
Assistant Attorney General

STATE OF OREGON )  
County of Marion ) ss.

Nov. 24, 1975

Personally appeared F. B. Klaboe, who being  
duly sworn did say that he is Administrator and State Highway  
Engineer of the Oregon State Department of Transportation,  
Highway Division, and that the foregoing instrument was signed  
on behalf of the State of Oregon by authority of the Oregon  
Transportation Commission, and he acknowledged said instrument  
to be its voluntary act and deed. Before me:



Adelle L. Egan  
Notary Public for Oregon  
My Commission Expires: Oct. 30 1976

STATE OF OREGON; COUNTY OF KLAMATH; ss.  
Filed for record at request of STATE OF OREGON R/W DIVISION  
this 26th day of NOVEMBER A. D. 1975 at 2:30 o'clock P.  
duly recorded in Vol. M 75, of DEEDS on Page 14954

FEE \$ 15.00 W.D. MILLS, County

By Hazel Brazil

Pub. Co. State Hwy  
119 State Hwy Bldg  
Salem Ore  
97310