

8-76

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ORIGINAL

Highway Division
File 48943

WARRANTY DEED

Vol. 1776 Page 13262

KNOW ALL MEN BY THESE PRESENTS, That SWAN LAKE MOULDING COMPANY, an Oregon corporation; BASIN READY-MIX, INC., an Oregon corporation, Grantor, for the consideration of the sum of Thirty Two Thousand One Hundred Sixty-nine and No/100 DOLLARS (\$32,169.00) received, does hereby convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, Grantee, the following described property, to wit:

PARCEL 1

A parcel of land lying in Tract 44, ENTERPRISE TRACTS, situated in Section 3, Township 39 South, Range 9 East, W.M., Klamath County, Oregon, the said parcel being described as follows:

Beginning at the Northwest corner of Section 3, Township 39 South, Range 9 East, W.M.; thence South 00° 00' 30" East 977.8 feet along the Westerly line of said Section 3 to a point 50 feet Southwesterly of (when measured at right angles to) the center line of the The Dalles - California Highway (also known as South 6th Street), as the same is now located and constructed; thence South 55° 52' 30" East, parallel with said center line 36.2 feet to a point 30 feet Easterly of (when measured at right angles to) the center line of the relocated Midland Highway (also known as Washburn Way), which point is marked by a railroad spike with a cross on top, embedded in the pavement; thence South 00° 00' 30" East, parallel with said last mentioned center line 227.83 to a point 30 feet Easterly of (when measured at right angles to) said last mentioned center line at Engineer's Station 12+26 and the true point of beginning; thence continuing South 00° 00' 30" East parallel with said last mentioned center line 459.17 feet to a point which is 50 feet Northeasterly of (when measured as right angles to) the center line of the Oregon, California and Eastern Railway and 30 feet Easterly of (when measured at right angles to) the center line of the relocated Midland Highway at Engineer's Station 16+85.17; thence South 66° 57' 30" East parallel with said railway center line 10.86 feet; thence North 00° 00' 30" West 463.42 feet; thence South 89° 59' 30" West 10 feet to the true point of beginning, containing 4613 square feet, more or less.

Including all of Grantors' right, title and interest in and to the metal shop building, office building and storage shed, 5-ton chain hoist and trolley, air compressor and tank located on said property, which buildings and equipment are owned by Basin Ready-Mix, Inc., one of the Grantors herein, plus damage and inconvenience to the remainder.

Also for the above stated consideration, there is hereby granted to Grantee, a permanent easement to construct, maintain, repair and have free access to all slopes of cuts or fills, occasioned by or resulting from the construction, operation or maintenance of the adjoining highway and appurtenances, and to construct, operate and maintain a drainage facility, upon, over, through and across the following described property, to wit:

PARCEL 2

A parcel of land lying in Tract 44, ENTERPRISE TRACTS, situated in Section 3, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being a strip of land 5 feet in width lying contiguous to and Easterly of Parcel 1, containing 2322 square feet, more or less.

It IS UNDERSTOOD that the slope and drainage easements herein granted do not convey any right, title or interest in the above described property except those expressly stated herein, nor prevent Grantors from the full use and dominion thereover; provided, however,

P. 2 - WD
8-10-76

Highway Division
File 48943

13263

that such use shall not be permitted to damage or destroy lateral support to said highway, or to interfere in any way with the construction, operation or maintenance of Grantee's drainage facility.

IT IS ALSO UNDERSTOOD that nothing herein contained shall be construed to impose any duty, obligation or liability upon Grantee by reason of the construction or operation of said drainage facility and that Grantee shall never be required to remove the fill material which may be placed by it upon the above described property for slope purposes, nor shall Grantee be subject to any damages to Grantor, its successors and assigns, by reason of change of grade of the highway abutting on said property.

IT IS FURTHER UNDERSTOOD that the easements hereinabove granted shall be terminated by mutual agreement of Grantee and Grantors when no longer needed for the purposes for which they were acquired.

Also for the above stated consideration, there is hereby granted to Grantee, a permanent easement for the construction and maintenance of a sign and appurtenances therefor upon the following described property, to wit:

PARCEL 3

A parcel of land lying in Tract 44, ENTERPRISE TRACTS, situated in Section 3, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being that portion of the strip of land described in Parcel 2 lying between lines at right angles to the center line of the relocated Midland Highway at Engineer's Stations 16+05 and 16+15, containing 50 square feet.

And Grantors do hereby covenant to and with Grantee, its successors and assigns, that Swan Lake Moulding Company, is the owner in fee simple of all of the real property described herein and that Basin Ready-Mix, Inc., is the legal owner of the above mentioned buildings and equipment, and that said real property, buildings and equipment are free from all liens and encumbrances, except for easements heretofore granted for irrigation facilities, electric power, telephone, water, sewer and gas services, and that Swan Lake Moulding Company will warrant and defend the real property herein conveyed and the easement rights herein granted from all lawful claims whatsoever, except for the aforesaid easements.

Dated this 16th day of August, 1976.

SWAN LAKE MOULDING COMPANY,
an Oregon corporation

By Harold J. Creeds
President

By Anthony V. Collier
Secretary

BASIN READY-MIX, INC.,
an Oregon corporation

By Fred B. Owen, Pres
President

By _____
Secretary

as Individual
Fred B. Owen

13264

STATE OF OREGON, County of Klamath Fred T. Owen, Individual
August 16, _____, 1976. Personally appeared Fred T. Owen, President
and _____, who, being sworn, stated that ^{He is} they are the President
and Secretary of grantor corporation and that this instrument was voluntarily signed in
behalf of the corporation by authority of its Board of Directors. Before me:

Sarah V. Collier
Notary Public for Oregon

My Commission expires January 29, 1979

STATE OF OREGON, County of Klamath
August 16, _____, 1976. Personally appeared Alfred D. Collier
and Dorothy V. Collier, who, being sworn, stated that they are the President
and Secretary of grantor corporation and that this instrument was voluntarily signed in
behalf of the corporation by authority of its Board of Directors. Before me:

Donald J. Ferguson
Notary Public for Oregon

My Commission expires 9-26-78

ret: One State Hwy
R/W Section
11 1/2 State Hwy Bld
Salem, Or 97310

STATE OF OREGON, COUNTY OF KLAMATH, ss.

I hereby certify that the within instrument was received and filed for record on the 25th day of
August A.D., 19 76 at 11:25 o'clock A M., and duly recorded in Vol. M76
of Deeds _____ on Page 13262.

FEE \$9.00

WM. D. MILNE, County Clerk

By Sarah V. Collier Deputy