

8-4-76

18726

Vol. 1176 Page 14074

ORIGINAL

Highway Division
File 48855

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That GULL INDUSTRIES, INC., a Washington corporation, doing business as GULL OIL CO.; CLIFF YADEN SERVICE, INC., an Oregon corporation, Grantors, for the consideration of the sum of Six Thousand Six Hundred Fifty and No/100 DOLLARS (\$6,650.00) received, do 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 the NE $\frac{1}{4}$ of Section 4, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property designated as Parcel 1 and described in that deed to Cliff Yaden Service Inc., recorded in Book M-72, Page 731 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Easterly of a line parallel with and 20 feet Westerly of the Easterly line of said NE $\frac{1}{4}$.

The parcel of land to which this description applies contains 1631 square feet.

PARCEL 2

A parcel of land lying in the NE $\frac{1}{4}$ of Section 4, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Cliff Yaden Service Inc., recorded in Book M-72, Page 731 of Klamath County Record of Deeds; the said parcel being described as follows:

Beginning at the intersection of the Southwesterly line of South Sixth Street with the Westerly line of Parcel 1; thence Southerly along said Westerly line 10 feet to the true point of beginning; thence Northerly along said Westerly line 10 feet; thence Northwesterly along said Southwesterly line 10 feet; thence Southeasterly in a straight line to the true point of beginning.

The parcel of land to which this description applies contains 41 square feet.

Also for the consideration hereinabove stated, there is hereby granted unto Grantee, its successors and assigns, 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 a public street or highway and appurtenances, upon the following described property, to wit:

PARCEL 3

A parcel of land lying in the NE $\frac{1}{4}$ of Section 4, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Cliff Yaden Service Inc., recorded in Book M-72, Page 731 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land 3 feet in width lying Southwesterly of and adjoining the Southwesterly line of Parcel 1.

EXCEPT therefrom Parcel 2.

The parcel of land to which this description applies contains 468 square feet.

76 SEP 9 AM 8 32

14075

Highway Division
File 48855

Nothing contained in the easement over and across Parcel 3 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 is understood and agreed that Grantee shall never be required to remove the dirt or other materials used in the construction of said slopes.

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 26th day of August, 1976.

GULL INDUSTRIES, INC.,
a Washington corporation,
doing business as GULL OIL CO.,

By R. H. Victor
EX. Vice President

By Dale M. Nebeker
Secretary

~~YARDEN~~
CLIFF YARDEN SERVICE, INC.,
an Oregon corporation

By Clifford C. Yarden
President

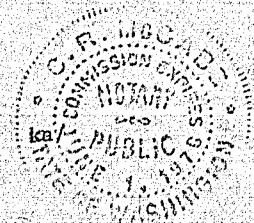
By Beth Yarden
Secretary

STATE OF WASHINGTON, County of King

August 26, 1976. Personally appeared the above named R. H. Victor
and Dale M. Nebeker, who, being sworn, stated that they are the President
and Secretary of grantor corporation, doing business as Gull Oil Co., and that this
instrument was voluntarily signed in behalf of the corporation by authority of its
Board of Directors. Before me:

CP McCady
Notary Public for Washington

My Commission expires 6-1-78



14076

Page 3 - WD
8-4-76

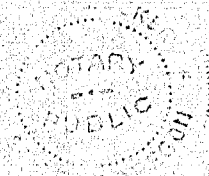
Highway Division
File 48855

STATE OF OREGON, County of Klamath
August 30, 1976. Personally appeared Clifford C. Yaden
and Beth Yaden, 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:

Frank Meeker
Notary Public for Oregon

My Commission expires 3-8-79

ka/



STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Oregon State Highway Division
this 9th day of September 76 at 8:32 A. D. 19 76 at 8:32 A. M. 14074
duly recorded in Vol. M76, of Deeds on Page

Wm D. MILNE, County Cl.

By Lorothy De Vore

Fee \$9.00