

3/1/78

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Highway Division
File 49830
M-2298 (2)

ORIGINAL

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That FRANK S. JAKUBOWSKI and PEGGY LOU JAKUBOWSKI, also known as Peggy R. Jakubowski, husband and wife, Grantors, for the consideration of the sum of Seven Hundred Thirty and No/100 DOLLARS (\$730.00) received, do hereby convey unto KLAMATH COUNTY, a political subdivision of the STATE OF OREGON, Grantee, the following described property, to wit:

PARCEL 1

A parcel of land lying in Lot 2, Block 1, HOME ACRES, A SUBDIVISION OF ENTERPRISE TRACT NO. 25, Klamath County, Oregon; the said parcel being described as follows:

Beginning on the North line of said Lot 2 at a point 10 feet West of the Northeast corner of said Lot 2; thence East along said North line 10 feet to said Northeast corner; thence South along the East line of said Lot 2, a distance of 10 feet; thence Northwesterly in a straight line to the point of beginning, containing 50 square feet.

Also for the above stated consideration, there is hereby granted to 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 2

The North 3 feet of the E $\frac{1}{2}$ of Lot 2, Block 1, HOME ACRES, A SUBDIVISION OF ENTERPRISE TRACT NO. 25, Klamath County, Oregon.

EXCEPT therefrom Parcel 1, leaving a net area of 199 square feet.

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 Grantor 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. It is understood that Grantee shall never be required to remove the dirt or other materials used for the construction of said slopes nor shall Grantee be subject to any damages to Grantor, its successors and assigns, by reason thereof or by reason of change of grade of the street or highway abutting on said property.

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

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encumbrances and will warrant and defend the property herein conveyed and the easement rights herein granted from all lawful claims whatsoever.

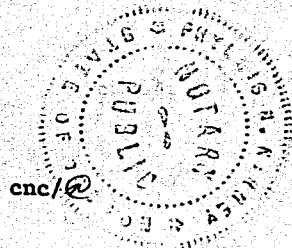
Dated this 9th day of March, 1978.

Frank S. Jakubowski
Frank S. Jakubowski

Peggy R. Jakubowski
Peggy Lou Jakubowski

STATE OF OREGON, County of Klamath

March 9, 1978. Personally appeared the above named Frank S. Jakubowski and Peggy Lou Jakubowski, also known as Peggy R. Jakubowski, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Phyllis M. Kinney
Notary Public for Oregon
My Commission expires 4-30-80

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Oregon State Highway Division
this 15th day of March A. D. 1978 at 2:13 clock P. M., and
fully recorded in Vol. M78, of Deeds on Page 4934

Return to
Oregon St. Highway Division
119 Transp. Bldg
Salem, Or 97310

Wm D. MILNE, County Clerk

By Bernetha H. Fitch

Fee \$6.00