

4/24/78

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Highway Division
File 49834
M-2298 (2)

PERMANENT EASEMENT AND PERMIT

KNOW ALL MEN BY THESE PRESENTS, That AUBREY YOUNG and JUNE YOUNG, also known as Aubrey M. Young and June D. Young, husband and wife, Grantors, for the consideration of the sum of One Hundred and No/100 DOLLARS (\$100.00) received, do hereby grant to KLAMATH COUNTY, a political subdivision of the State of Oregon, Grantee, an easement to construct, maintain, repair, and have free access to a retaining wall and/or slopes of cuts or fills occasioned by or resulting from the construction, operation or maintenance of Shasta Way and appurtenances, upon the following described property, to wit:

PARCEL 1

The North 3 feet of the W $\frac{1}{2}$ of Lot 1, Block 2, HOME ACRES, A SUBDIVISION OF ENTERPRISE TRACT NO. 25, Klamath County, Oregon, containing 225 square feet.

IT IS UNDERSTOOD that this easement only conveys the rights expressly stated herein and that Grantors shall be allowed to use the above described property, provided, that Grantors' use does not interfere with the widening and improvement of the South Sixth Street - East Side By-Pass (Klamath Falls) Section of Shasta Way or damage or destroy lateral support to said public way. It is further 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 Grantors, their heirs and assigns, by reason thereof, or by reason of the retaining wall and the slopes constructed thereon, or by reason of change of grade of public ways abutting Grantors' property.

Also for the above stated consideration, there is hereby granted to Grantee, a construction permit for the purpose and term set out hereinbelow over, across, and upon the following described property, to wit:

PARCEL 2

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

Beginning on the Northerly line of said Lot 1 at a point 23 feet Westerly of the Northeast corner of said W $\frac{1}{2}$ of Lot 1; thence Easterly along said Northerly line 23 feet to said Northeast corner; thence Southerly along the Easterly line of said W $\frac{1}{2}$ of Lot 1, a distance of 65 feet; thence Westerly parallel with the Northerly line of said Lot 1, a distance of 18 feet; thence Northwesterly with a straight line to the point of beginning, containing 1333 square feet, more or less.

The purpose of this permit is for a work area to construct a road approach and to construct a retaining wall on the Easterly and Westerly sides of Grantors' driveway, in connection with the construction of the South Sixth Street - East Side By-Pass (Klamath Falls) Section of Shasta Way.

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The term and duration of this permit shall be for a period of two (2) years from the date hereof, or until the completion of said project, whichever is sooner.

It is understood that nothing herein contained shall be construed to impose any duty, obligation or liability upon Grantee by reason of the construction of said road approach and retaining wall.

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 easement rights and the permit herein granted from all lawful claims whatsoever.

Dated this 12th day of April, 1978.

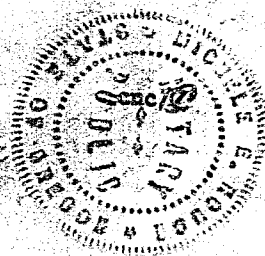
Aubrey Young
June Young

STATE OF OREGON, County of Klamath

April 12, 1978. Personally appeared the above named Aubrey Young and June Young, also known as Aubrey M. Young and June D. Young, who acknowledged the foregoing instrument to be their voluntary act. Before me:

Michael E. Hensch
Notary Public for Oregon

My Commission expires 3-31-81



STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Oregon State Highway Division
on 24th day of April, A. D. 1978, at 10:48 clock A M., and
fully recorded in Vol. M78, of Deeds, on Page 7925

Wm D. MILNE, County Clerk

Fee \$6.00

Return to
Oregon State Highway Div.
To R/W Section
119 Transp. Bldg.
Salem, Or 97310

Benjamin D. Litch