File 51221 92423 EASEMENT Vol. M80 Popp 21938 KNOW ALL MEN BY THESE PRESENTS, That E. M. WEYL; M. ZUCKERMAN; R. C. ZUCKERMAN; MARION G. ZUCKERMAN, DAVID E. ZUCKERMAN, and DAVID LIVINGSTON, heirs and devigees of H. G. Zuckerman, deceased, Grantors, for the consideration of the sum of (\$ 100.00 ___) received, do hereby grant and convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, 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 a public street or highway and appurtenances, upon the following described property, to wit:

Highway Division

A parcel of land lying in Section 27 and in Section 34, Township 40 South, Range 8 East, W.M., Klamath County, Oregon; the said parcel being that portion of said subdivision& lying Northeasterly of the Northwesterly extension of the Northeasterly line of that property described in that deed to Klamath County, recorded in Book 101, Page 470 of Klamath County Record of Deeds; Southerly of the right of way of the Southern Pacific Transportation Company and between lines parallel with and 40 feet Northwesterly and 55 feet Northwesterly of the center line of the The Dalles-California Highway (formerly the Klamath Falls-Weed Highway), which center line is referred to in said deed to Klamath County.

The parcel of land to which this description applies contains 0.10 acre, more or less.

Nothing contained in the easement over and across the herein described property shall be construed to convey fee title to the land used for slopes 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. 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 Grantors, their heirs 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 encumbrances and will warrant and defend the easement rights herein granted from all lawful claims whatsoever.

Dated this 13 day of Sept. , 1980. hur lennon. reased

in <u>Pereoser</u> <u>Pereoser</u> <u>E. M. Weyl</u> <u>Pereoser</u> <u>M. Zuckerman</u> R. C. Jurkon

David Livingston

6-20-80

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TATE OF OREGON, County of, 1980. Personally appeared the above named E. M. Weyl, who hecknowledged the foregoing instrument to be voluntary act. Before me:	Hage 2 - Éasement	Highway Division File 51221
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STATE OF OREGON, County of		
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On this 2510 day of		STATE OF CALIFORNIA,
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DAVID E. ZUCKERMAN DAVID E. ZUCKERMAN HORE OF ICH. CERL IN WITNESS WHEREOF I have here unto set my hand and affired my official sec in theCounty of County of Musculation Admonisticate General My Commission Expires 8-15-81 STATE OF OREGON, County of My Commission Expires 8-15-81 STATE OF OREGON, County of Manual STATE OF OREGON, County of My Commission Expires 8-15-81 My Commission Expires 8-15-81 STATE OF OREGON, County of My Commission Expires 8-15-82 State of OREGON, County of My Commission expires Contrary act. Before me My Commission expires My Commission expires Contrary of State of OREGON: COUNTY OF KLAMATH: ss. I hereby certify that the within instrument was received and filed for record on the 12th day of November A.D., 19 80at 2:08 o'clock P, and duly recorded in Vol Notary Clerk Wy Commission Clerk M., and duly recorded in Vol MILE, gounty Clerk Wy A.D. MILE, gounty Clerk Wy A.D. MILE, gounty Clerk		hundred and Elgilly of California, duly commissioned and sworn, personally appeared
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