

7404

DEED

KNOW ALL MEN BY THESE PRESENTS, That the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, Grantor, for the consideration of the sum of Five Thousand Eight Hundred and No/100 DOLLARS (\$5,800.00) hereby conveys unto KLAMATH FIRE DISTRICT #1, Grantee, the following described property, to wit:

A parcel of land lying in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 38 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its State Highway Commission, recorded in Book 109, Page 505 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Northerly of that property described in that deed to Klamath County, recorded in Book 293, Page 143 of Klamath County Record of Deeds.

The parcel of land to which this description applies contains 0.53 acre, more or less.

It is understood that this conveyance is made and delivered upon the following express conditions, reservations and restrictions:

1. That there is reserved unto the State of Oregon, its successors, and assigns, all minerals, as defined in ORS 273.775(1), and all geothermal resources, as defined in ORS 273.775(2), together with the right to make such use of the surface as may be reasonably necessary for prospecting for, exploring for, mining, extracting, re-injecting, storing, drilling for, and removing such minerals and geothermal resources; provided, however, that the right hereby reserved to use the surface for any of the above activities shall be subordinate to that actual use of the surface of the premises deeded herein, or any part thereof, being made by the surface rights owner at the time that the State's lessee conducts any of the above activities. In the event such use of the premises by a surface rights owner would be damaged by one or more of the activities described above, then such owner shall be entitled to compensation from State's lessee to the extent of the diminution in value of the real property, based on the actual use by the surface rights owner at the time the State's lessee conducts any of the above activities.

2. That there is reserved to Grantor, and waived by Grantee, all access rights between the above described real property and the right of way of the The Dalles-California Highway abutting on said parcel. This reservation shall run with the land and shall not be subject to modification, cancellation or destruction by adverse user or estoppel, no matter how long continued. Nothing in this conveyance contained shall be construed as conveying any estate, right, title or interest in and to said public highway right of way or any rights of reversion therein or thereto.

3. This conveyance is made upon the express condition that the above described land shall never be used as a place for the open storage, keeping, buying, selling, dismantling or other processing of any junk, scrap, junked motor vehicles or parts thereof, debris, trash, waste or other such materials, including any garbage dump or sanitary land fill.

In the event of the violation of the above condition, Grantor shall have the right, through its authorized officers, agents or employees to enter upon said land and remove or destroy any unauthorized junk, scrap or other material mentioned above and recover the cost of such removal or destruction from the owner of said land.

11/30/81

Highway Division
File 4392
1R-1-1683

The rights and remedies herein reserved or provided shall not be exclusive and shall not be in derogation of any other right or remedy which Grantor may have. The restrictions, rights and conditions herein contained shall run with said land and shall forever bind Grantee, its successors and assigns.

Dated this 4 day of December, 1931.

APPROVED AS TO FORM:

James S. Larkin
Asst. Attorney General and Counsel

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION,
Highway Division

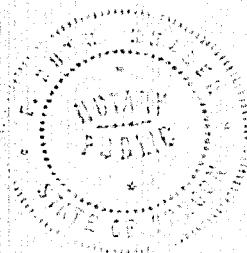
By J. B. Boyd
J. B. Boyd, Right of Way Manager

STATE OF OREGON, County of Marion

Dec 4, 1931. Personally appeared J. B. Boyd, who being sworn, stated that he is the Right of Way Manager for the State of Oregon, Department of Transportation, Highway Division, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:

E. Heath
Notary Public for Oregon

My Commission expires Feb 1, 1935



STATE OF OREGON; COUNTY OF KLAMATH; ss.

ed for record on Dec 16 of 1931

is 16 day of December A.D. 19 31 at 11:30 clock A.M.

is recorded in Vol. M 81, of Deeds on Page 21468

Fee \$8.00

EVELYN BIEHN, County

By James S. Larkin