

RETURN TO
OREGON HIGHWAY DIVISION
RIGHT OF WAY SECTION
119 TRANSPORTATION BLDG.
SALEM, OREGON 97310

Highway Division
File 55946
F-41(7)
9B-27-18

ORIGINAL

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90008

K-39516
CONVEYANCE OF ACCESS RIGHTS AND EASEMENT

FORREST M. BREITHAUP and MARGUERITE F. BREITHAUP, Co-Trustees of Trust Agreement dated December 15, 1980; KENNETH R. MOORE and JANE M. MOORE, husband and wife, Grantors, do hereby convey and relinquish unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, Grantee, all access rights, and all rights in the nature of access rights, which have accrued or may hereinafter accrue, between Grantors' property situated in Section 1, Township 40 South, Range 9 East, W.M., Klamath County, Oregon, and being more particularly described in that Memorandum of Contract, recorded July 1, 1986, in Book M-86, Page 11531, Klamath County Record of Deeds, with the intent that all existing access rights between the right of way of the relocated Klamath Falls-Malin Highway and all of Grantors' remaining property are hereby conveyed to and vested in Grantee; EXCEPT, however,

Access rights are hereby reserved unto Grantors, their heirs and assigns, for service of the above-described property, access rights to and from said property to the relocated Klamath Falls-Malin Highway at the following places, in the following widths, and for the following purposes:

Hwy. Engr's Sta.	Side of Hwy.	Width	Purpose
			Unrestricted
498+75	West	35 feet	Unrestricted
499+75	West	35 feet	Unrestricted
500+45	West	35 feet	Unrestricted

Grantors also grant to Grantee, its successors and assigns, a permanent easement

for construction, reconstruction, and maintenance of irrigation and drainage facilities upon the following described property, to wit:

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 40 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Memorandum of Contract to Kenneth R. and Jane M. Moore, recorded in Book M-86, Page 11531 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Southerly of a line at right angles to the center line of the relocated Klamath Falls-Malin Highway at Engineer's Station 500+70 and included in a strip of land variable in width, lying on the Westerly side of said center line which center line is described as follows:

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Beginning at Engineer's center line station 489+50, said station being 1395.99 feet North and 5.25 feet East of the S.W. corner of Section 6, Township 40 South, Range 10 East, W.M.; thence South 0° 12' 56" West 1396 feet; thence South 0° 12' 30" East 1454 feet to Engineer's center line Station 513+00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Westerly Side of Center Line
500+70		503+00	45 in a straight line to 62

Bearings are based on County Survey No. 1275, dated June 10, 1968, Klamath County, Oregon.

The parcel of land to which this description applies contains 190 square feet, more or less.

Grantee, by virtue of this easement, shall have the right to go upon the above-described property for the purpose of making those certain changes in the irrigation and drainage facilities now constructed or to be constructed on said property, or property adjoining thereto, as may be necessitated by the reconstruction, widening, and improvement of the Lower Klamath Highway Section of the relocated Klamath Falls-Malin Highway, it being understood that the rights of the owners of said relocated irrigation and drainage facilities shall be the same as previously existed in that portion of the irrigation and drainage facilities which is being relocated.

IT IS ALSO UNDERSTOOD that this easement does not convey any right or interest in the above-described property except as stated herein.

Grantors represent and warrant that no one, other than Grantors, is using or entitled to use the access rights herein conveyed, and Kenneth R. Moore and Jane M. Moore do hereby covenant to and with State, its successors and assigns, that they are the contract purchasers of the above-mentioned property, which is free from all encumbrances created or suffered by them, except for easements, conditions and restrictions

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of record, and will warrant and defend the access rights herein conveyed and the easement rights herein granted from all lawful claims whatsoever.

The true and actual consideration received by Grantors for this Conveyance of Access Rights and Grant of Easement is \$ 500.00.

Dated this 28TH day of JULY, 1988.

Forrest M. Breithaupt
Forrest M. Breithaupt, Co-Trustee

Marguerite F. Breithaupt
Marguerite F. Breithaupt, Co-Trustee

Kenneth R. Moore
Kenneth R. Moore

Jane M. Moore
Jane M. Moore

STATE OF OREGON, County of KLAMATH

JULY 28, 1988. Personally appeared the above named Forrest M. Breithaupt and Marguerite F. Breithaupt, Co-Trustees of Trust Agreement dated December 15, 1980, who acknowledged the foregoing instrument to be their voluntary act.

Before me:

Gale Clark
Notary Public for Oregon
My Commission expires 12-13-91

STATE OF OREGON, County of KLAMATH

JULY 28, 1988. Personally appeared the above named Kenneth R. Moore and Jane M. Moore, who acknowledged the foregoing instrument to be their voluntary act.

Before me:

Gale Clark
Notary Public for Oregon
My Commission expires 12-13-91

6-2-88
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slb/acl/53

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 12th day of Aug. A.D., 19 88 at 11:31 o'clock A.M., and duly recorded in Vol. M88 of Deeds on Page 13027.

FEE \$18.00

Evelyn Biehn
County Clerk

By Douglas M. Henderson