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CIRCUIT COURT OF OREGON

KLAMATH COUNTY

STATE OF OREGON, by and
through its Department of
Transportation

Plaintiff,

v.

EDWARD W. ST. JOHN and
MERCEDES E. ST. JOHN,

Defendants.

No. 90-00446

STIPULATED FINAL JUDGMENT

The above-entitled matter having come on regularly upon stipulation of the parties, plaintiff appearing by and through Roger R. Warren of its attorneys and defendants appearing by and through Bradford J. Aspell, their attorney; and

It appearing to the court and the court now finds that the acquisition described in Paragraph 3 of plaintiff's Complaint on file herein is necessary for public use; and

It appearing to the court and the court now finds that the plaintiff, prior to the commencement of this action and pursuant to its resolution, attempted to acquire said real property by agreement and purchase, but was unable to do so; and

It appearing to the court from the records and files herein and the stipulation of the parties that the sum to be awarded to the defendants for the appropriation of the property hereinafter described is the sum of \$10,500.00, and

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1 It further appearing to the court that plaintiff, on
2 February 26, 1990 deposited with the clerk of this court the
3 sum of \$5,900.00 for the use and benefit of the defendants; and

4 It further appearing that plaintiff has deposited with the
5 clerk of this court the balance of the amount for the
6 appropriation which is over and above the \$5,900.00 heretofore
7 deposited, to wit: the sum of \$4,600.00, and that plaintiff is
8 now entitled to judgment, appropriating the acquisition
9 hereinafter described, to the State of Oregon, by and through
10 its Department of Transportation, free and clear of all liens
11 and encumbrances except as hereinafter provided; now, therefore,

12 IT IS HEREBY ORDERED, ADJUDGED AND DECREED by this court
13 as follows:

1.

15 That the acquisition hereinafter described be, and the
16 same hereby is, appropriated for public purposes; and title to
17 said acquisition, together with all rights and easements
18 therein, be, and the same hereby is vested in the State of
19 Oregon, by and through its Department of Transportation, free
20 and clear of all liens and encumbrances, except as herein
21 provided:

22 The legal description of said property is as set out in
23 Exhibit A attached hereto and by this reference made a
part hereof.

24 The use to be made of each parcel is as follows:

25 Title and fee simple to the property described as parcel 1.

26 All abutter's rights of access between the property described
as parcel 1 and defendants' remaining real property.
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2.

The acquisition is encumbered and the plaintiff shall take the acquisition subject to the interests of other than the within named defendants in the following encumbrances:

Easements of Modoc Irrigation District.

Easements to Pacific Power & Light, Co., recorded February 23, 1981, in Book M-81, Page 3139, and recorded October 6, 1987, in Book M-87, Page 18184.

3.

That none of the parties shall recover costs or attorney fees incurred herein.

DATED this 30 day of May, 1990.

/s/ Richard C. Beasley
CIRCUIT COURT JUDGE

IT IS SO STIPULATED:

Roger R. Warren
Of Attorneys for Plaintiff

Bradford J. Aspell
Of Attorneys for Defendant

EXHIBIT A

Survey Approval Project
 Section: Forge Rd. - Lobert Rd. (South Unit)
 Highway: The Dalles-California
 Throughway

PARCEL 1

A parcel of land lying in Lots 31 and 36 of Section 4 and in Lots 2 and 7 of Section 9, Township 35 South, Range 7 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Edward W. and Mercedes E. St. John, recorded in Book M-79, Page 25020 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of the relocated The Dalles-California Highway which center line is described as follows:

Beginning at Engineer's center line Station 3125+00, said station being 1288.13 feet South and 1086.50 feet East of the North quarter corner of Section 4, Township 35 South, Range 7 East, W.M.; thence South 6° 29' 28" West 519.89 feet; thence on a spiral curve left (the long chord of which bears South 6° 21' 58" West 250 feet) 250 feet; thence on a 19,098.59 foot radius curve left (the long chord of which bears South 5° 43' 33" West 260.18 feet) 260.19 feet; thence on a spiral curve left (the long chord of which bears South 5° 05' 08" West 250 feet) 250 feet; thence South 4° 57' 38" West 6419.92 feet to Engineer's center line Station 3202+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
3143+00		3156+00	70 in a straight line to 85
3156+00		3158+00	85 in a straight line to 125
3158+00		3165+00	125
3165+00		3168+00	125 in a straight line to 100
3168+00		3177+00	100

Bearings are based upon the Oregon Co-ordinate System, South Zone.

The parcel of land to which this description applies contains 2.98 acres, more or less, outside of the existing right of way.

OVER

EXHIBIT A
(Continued)

PARCEL 2

A parcel of land lying in Lots 31 and 36 of Section 4, Township 35 South, Range 7 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Edward W. and Mercedes E. St. John, recorded in Book M-79, Page 25020 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Westerly of Parcel 1 and Northerly of a line at right angles to the center line of the relocated The Dalles-California Highway at Engineer's Station 3160+50.

The center line referred to herein is described in Parcel 1.

The parcel of land to which this description applies contains 1.15 acres, more or less, outside of the existing right of way.

ael/

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NOTE: Parcel 1 Access Controlled (to Parcel)

Exhibit A
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