15812

1

2

<u></u>

퓬

ŝ

Har

30

9

CIRCUIT COURT OF OREGON

ASPEN 32885

CERTIFIED

COPY

KLAMATH COUNTY

Defendants.

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

14 It appearing to the court and the court now finds that the 15 acquisition described in Paragraph 3 of plaintiff's Complaint 16 on file herein is necessary for public use; and

17 It appearing to the court and the court now finds that the 18 plaintiff, prior to the commencement of this action and 19 pursuant to its resolution, attempted to acquire said real 20 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

25 111

26 ///

Page 1 - STIPULATED FINAL JUDGMENT

DEPARTMENT OF JUSTICE JUSTICE BUILDING SALEM, OREGON 97310 PHONE 378-4460

It further appearing to the court that plaintiff, on 1 February 26, 1990 deposited with the clerk of this court the 2 sum of \$5,900.00 for the use and benefit of the defendants; and 3 It further appearing that plaintiff has deposited with the 4 clerk of this court the balance of the amount for the 5 appropriation which is over and above the \$5,900.00 heretofore 6 deposited, to wit: the sum of \$4,600.00, and that plaintiff is 7 now entitled to judgment, appropriating the acquisition 8 hereinafter described, to the State of Oregon, by and through 9 its Department of Transportation, free and clear of all liens 10 and encumbrances except as hereinafter provided; now, therefore, 11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED by this court 12 13 as follows:

10923

14

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:

1.

The legal description of said property is as set out in Exhibit A attached hereto and by this reference made a part hereof.
The use to be made of each parcel is as follows:
Title and fee simple to the property described as parcel 1.
All abutter's rights of access between the property described as parcel 1 and defendants' remaining real property.

> DEPARTMENT OF JUSTICE JUSTICE BUILDING SALEM, OREGON 97310 PHONE 378-4400

10924

1	<b>2.</b>				
2	The acquisition is encumbered and the plaintiff shall take				
3	the acquisition subject to the interests of other than the				
4	within named defendants in the following encumbrances:				
5	Easements of Modoc Irrigation District.				
6	Easements to Pacific Power & Light, Co., recorded February				
7	23, 1981, in Book M-81, Page 3139, and recorded October 6, 1987, in Book M-87, Page 18184.				
8	ана на селото на село На селото на				
9	That none of the parties shall recover costs or attorney				
10	fees incurred herein.				
11	DITTER this 30 in Main 90				
12	DATED this $30$ day of $May$ , 1920.				
13	101 P.1.10 B				
14	S. Richard C Bresley CIRCUIT COURT JUDGE				
15	IT IS SO STIPULATED:				
16					
17	Guarden Guarden				
18	Roger R. Warren Bradford J. Aspell Of Actorneys for Plaintiff Of Actorneys for Defendant				
19	$\mathcal{V} = \mathcal{V}$ . The second se				
20					
21	있는 것 같은 것은 것 같은 것은 것은 것은 것은 것은 것은 것은 것을 알았는데. 것은				
22					
23	가는 것이 있는 것이 가지 않는 것이 있는 것이 같이 있는 것이 있다. 같은 것이 같은 것이 같은 것이 같은 것이 같은 것이 같은 것은 것은 것이 같은 것이 있는 것이 있는 것이 있는 것이 같이 있는 것이 같이 있는 것이 같이 있는 것이 있는 것이 있는 것이 있는 것이 있				
24					
25	사람이 있는 것은 것을 가지 않는 것을 가지 같은 것은				
26					
Page	3 - STIPULATED FINAL JUDGMENT				

DEPARTMENT OF JUSTICE JUSTICE BUILDING SALEM, OREGON \$7310 PHONE 378-4400

## EXHIBIT A

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

## PARCEL 1

1

2

3

4

6

7

8

Q

10

11

12

13

14

15

16

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:

17	Station	to	Station	Width on Westerly
18				Side of Center Line
19	3143+00 3156+00		3156+00 3158+00	70 in a straight line to 85 85 in a straight line to 125
20	3158+00 3165+00		3165+00 3168+00	125 125 125 in a straight line to 100
21	3168+00		3177+00	100

acres, more or less, outside of the existing right of way.

- STIPULATED FINAL JUDGMENT

22

-

23 24

OVER

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

The parcel of land to which this description applies contains 2.98

26

25

Page

Exhibit A Page 1

10925

DEPARTMENT OF JUSTICE JUSTICE BUILDING BALEM, OREGON 87310 PHONE 378-4400

# EXHIBIT A (Continued)

10926

12

75801

3	PARCEL 2					
4	A parcel of land lying in Lots 31 and 36 of Section 4, Township 35					
5	South, Range / East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Edward W. and Marcedes F. St. John					
6	said parcel being that portion of said property lying Wasterly of Percel 1					
7	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.					
8	The center line referred to herein is described in Parcel 1.					
9	The parcel of land to which this description applies contains 1.15					
10	acres, more or less, outside of the existing right of way.					
11						
12						
13	ael/ 9-11-89					
14	NOTE: Parcel I Access Controlled (to Parcel)					
15						
16						
17						
18						
19						
20	에게 가지 않는 것이 같은 것은 것이 같은 것을 알려요. 것은 것은 것이 있는 것 같은 것은 것은 것이 같은 것은 것은 것이 같은 것이 있는 것은 것은 것이 있는 것 같은 것은 것은 것이 같은 것은 것이 같은 것이 같은 것이 있는 것이 없는 것이 있는 것이 없는 것이 없는 것이 없는 것이 있는 것이 있					
21						
22						
23						
24						
25	Exhibit A Page 2					
26						
Page 5 -	STIPULATED FINAL JUDGMENT					

10926

# A TIBIHXE (Continued)

a prepara of land lying in Lots 31 and 26 decision 4, Tournay 25 South Mange V Fars, M. W. Manath Cauncy, Gragan and Dalay a paratic of and to a solution of the base to be back to be showing to and granter of the solution of the s ter and in hook H-79, Tage 25070 of Stanach fodely licence of Bredit che I towar to stress of fairs graying bing to active upto gains for a bish betabelor of to seel Vanco and od saigns ofgin of anti s de vivelorat bis The bolice Saltionals Mignay at Engineer's Staller 1160450

#### STATE OF OREGON )

and the State of Oregon do hereby certify that the foregoing copy has been

the real of the transmits at all started of Mariaeling Salls your at a

and the State of Oregon do hereby certify that the foregoing copy has been by HAB Hidappred with the original, and that it is a transcript therefrom, and hyperbolic the state of such original as the same oppears on file or of record in my contractination for some on custody. In State Final or the WHEREOF I have hereunta my hand and attived in State Final for the Gourt, this Odday of A.D. 19 Clerk of Contracting the same oppears on file of the same oppears of the state of the same oppears on file or of record in my source that the same oppears on file of the same oppears on file or of record in my source that the same oppears on file or of

STATE OF OREGON: COUNTY OF KLAMATH: SS.

	m • • 7 O =	the <u>6th</u> day
Filed for record at request	of <u>Aspen Title Co.</u> A.D., 19 <u>90</u> at <u>3:38</u> o'clock <u>P.M.</u> , and duly	recorded in Vol. <u>M90</u> ,
of June	Co. LTen Docket on Page 10922	County Clerk
	or Evelyn Biehn	Mulendare
FEE \$30.00		

SOLUTIO THEMTHARED ALCE BURDERS 21619 VEL250, UD.243 0044-014-3950115

A aldrix! 

> S - STIPSENTE BITCHERTS - S २ हर्त रे

.  $h_{1}^{*}$ 

10927

X 0293X