

20155

Vol. m90 Page 18511

ORIGINAL

RETURN:

Oregon State Highway Div
Right of Way Section
417 Transportation Bldg
Salem OR 97310

K-41699

WARRANTY DEED

Highway Division
File 58521

BILLEE SCHRIEBER; GENE R. BYRNES, Individually, and GENE R. BYRNES, Trustee of the James Ray Byrnes Trust; GENE A. SCHRIEBER; MICHELLE R. GRATZ; JAMES M. BYRNES; and SHANNON G. BYRNES, now known as Shannon Van Dyke, Grantors, convey unto the CITY OF KLAMATH FALLS, Oregon, a municipal corporation, Grantee, fee title to the following described property:

PARCEL 1 - Fee

A parcel of land lying in Lot 1 and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 38 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being that portion of said subdivisions lying Northeasterly of the existing The Dalles-California Highway and included in a strip of land 100 feet in width, 50 feet on each side of the center line of West Campus Drive which center line is described as follows:

Beginning at Engineer's center line Station 1+25.36, said station being 169.20 feet North and 1402.72 feet West of the Southeast corner of Section 18, Township 38 South, Range 9 East, W.M.; thence North 51° 02' 50" East 262.45 feet; thence on a 1041.74 foot radius curve right (the long chord of which bears North 72° 35' 51.5" East 765.30 feet) 783.65 feet; thence on a spiral curve right (the long chord of which bears South 81° 21' 06" East 149.84 feet) 150.01 feet; thence on an 818.51 foot radius curve right (the long chord of which bears South 47° 14' 59.5" East 799.29 feet) 835.04 feet; thence South 18° 01' 25" East 413 feet; thence on a 1206.23 foot radius curve left (the long chord of which South 53° 36' 26.5" East 1403.79 feet) 1498.26 feet to Engineer's center line Station 40+67.77.

Bearings are based on the Plat of TRACT 1174 - COLLEGE INDUSTRIAL PARK, Klamath County, Oregon, dated September 14, 1979.

The parcel of land to which this description applies contains 3.27 acres, more or less.

Grantors also grant to Grantee, its successors and assigns, permanent easements to construct and maintain slopes, upon the following described property:

PARCEL 2 - Permanent Easement for Slopes

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 38 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being that portion of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying between lines at right angles to the center line of West Campus Drive at Engineer's Stations 6+00 and 10+00 and included in a strip of land variable in width, lying on the Northwestern side of said center line which center line is described in Parcel 1.

8-17-90

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

Station	to	Station	Width on Northwestern Side of Center Line
6+00		7+00	50 in a straight line to 85
7+00		8+00	85 in a straight line to 80
8+00		9+00	80 in a straight line to 70
9+00		10+00	70 in a straight line to 50

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 8,950 square feet, more or less.

PARCEL 3 - Permanent Easement for Slopes

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 38 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being that portion of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying between lines at right angles to the center line of West Campus Drive at Engineer's Stations 10+00 and 11+71.46 and included in a strip of land variable in width, lying on the Southerly side of said center line which center line is described in Parcel 1.

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

Station	to	Station	Width on Southerly Side of Center Line
10+00		11+71.46	50 in a straight line to 50

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 225 square feet, more or less.

PARCEL 4 - Permanent Easement for Slopes

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 38 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being that portion of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying Southeasterly of a line at right angles to the center line of West Campus Drive at Engineer's Station 15+00 and included in a strip of land variable in width, lying on the Southwesterly side of said center line which center line is described in Parcel 1.

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

Station	to	Station	Width on Southwesterly Side of Center Line
15+00		16+00	
16+00		20+00	50 in a straight line to 60 60

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 1,775 square feet, more or less.

IT IS UNDERSTOOD that the easements herein granted do not convey any right or interest in the above-described Parcels 2, 3 and 4, except as stated herein, nor prevent Grantors from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the highway, that Grantee shall never be required to remove the slope materials placed by it upon said property, nor shall Grantee be subject to any damages to Grantors, their heirs and assigns, by reason thereof or by reason of any change of grade of the highway abutting on said property.

Grantors hereby covenant to and with Grantee, its successors and assigns, that they are the owners of all the above-described property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the property herein conveyed and the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration received by Grantors for this conveyance is

\$ 28,500.

Dated this 17th day of August, 1990.

Billee Schrieber 8/20/90
Billee Schrieber
Gene A. Schrieber 8/20/90
Gene A. Schrieber

Gene R. Byrnes
Gene R. Byrnes, Individually
James Ray Byrnes Trust
by Gene R. Byrnes, Trustee
Gene R. Byrnes, Trustee

Michelle R. Gratz 8-20-90
Michelle R. Gratz

SHANNON G. BYRNES and
JAMES M. BYRNES

By Gene R. Byrnes P.O.A.
GENE R. BYRNES, Attorney-in-Fact for
Shannon G. Byrnes and James M. Byrnes

STATE OF OREGON, County of KLAMATH

August 20, 1990. Personally appeared the above named Billee Schrieber, who acknowledged the foregoing instrument to be his voluntary act. Before me:

Earl Overberg
Notary Public for Oregon
My Commission expires 12/14/93

STATE OF OREGON, County of Marion

19 August, 1990. Personally appeared the above named Gene R. Byrnes, who acknowledged the foregoing instrument to be his voluntary act. Before me:

Kenneth H. Rolfe
Notary Public for Oregon
My Commission expires 3-16-94

STATE OF OREGON, County of Marion

17 August, 1990. Personally appeared the above named Gene R. Byrnes, Trustee of the James Ray Byrnes Trust, and acknowledged the foregoing instrument to be his voluntary act. Before me:

Kenneth H. Rolfe
Notary Public for Oregon
My Commission expires 3-16-94

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Highway Division
File 58521

STATE OF OREGON, County of _____

_____, 19____. Personally appeared the above named Gene A. Schrieber,
who acknowledged the foregoing instrument to be his voluntary act. Before me:_____
Notary Public for Oregon
My Commission expires _____STATE OF OREGON, County of KLAMATHAugust 20, 1990. Personally appeared the above named Michelle R. Gratz,
who acknowledged the foregoing instrument to be her voluntary act. Before me:Carl Overbury
Notary Public for Oregon
My Commission expires 12/14/93STATE OF OREGON, County of Marion17 August, 1990. Personally appeared the above named Gene R. Byrnes,
who being duly sworn, did say that he is the Attorney-in-Fact for Shannon G. Byrnes and
James M. Byrnes, and that he executed the foregoing instrument individually and by
authority of and in behalf of said principal; and he acknowledged to me that as an
individual and as Attorney-in-Fact for said principal, he executed the same freely and
voluntarily for the uses and purposes herein mentioned. Before me:Kenneth L. Rolfe
Notary Public for Oregon
My Commission expires 3-16-90

8-17-90

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GENE A. SCHRIEBER

By

BILLEE SCHRIEBER, Attorney-in-Fact
for Gene A. SchrieberSTATE OF OREGON, County of KLAMATHAugust 20, 1990. Personally appeared the above named Billee Schrieber,
who being duly sworn, did say that she is the Attorney-in-Fact for Gene A. Schrieber, and
that she executed the foregoing instrument individually and by authority of and in behalf
of said principal; and she acknowledged to me that as an individual and as Attorney-in-Fact
for said principal, she executed the same freely and voluntarily for the uses and purposes
herein mentioned. Before me:Carl Overbury
Notary Public for Oregon
My Commission expires 12/15/93

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 14th day
of Sept. A.D., 19 90 at 3:01 o'clock P.M., and duly recorded in Vol. M90
of _____ Deeds on Page 18511
Evelyn Biehn County Clerk
By Pauline Mullendare

FEE \$28.00