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COPY

CIRCUIT COURT OF OREGON

1991 JAN 22 PH 4: 29 DLERK OSJACIST

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COUNTY OF KLAMATH

3 STATE OF OREGON, by and through) its Department of Transportation,)

Plaintiff,

No. 8902256 CV

FINAL JUDGMENT

EARL MARTIN KERNS and SHIRLEY F. KERNS, husband and wife; STATE OF OREGON, by and through its Director of Veterans' Affairs; arid PACIFIC NORTHWEST BELL TELEPHONE COMPANY, a Washington corporation,

Defendants.

The above-entitled matter came on regularly for trial on the 17th day of October, 1990, before Judge Rodger D. Isaacson of the above-entitled court, plaintiff appearing by and through Robert A. Petersen of its attorneys; and the defendants appearing by and through Karla J. Knieps and Stanley Jones, their attorneys; and

It appearing to the court and the court now finds that the real property described in 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

A jury having been called, examined, and duly empaneled and sworn; a view of the proposed acquisition having been held

1 - FINAL JUDGMENT

After Kecording Keturn To: Highway Division Right of Way Section Rm 409 Transportation Bldg Salem. OR 94310

	1	in the manner provided by law; the parties having made their
	2	opening statements; the parties having adduced evidence in
	3	support of their contentions; arguments by respective parties
	4	having been made to the jury, the jury having been regularly
	5	instructed in the law and having retired for deliberations did,
	6	on the 19th day of October, 1990, return its verdict, which
	7	verdict, omitting the title of the court and cause, is in the
	8 .	words and figures as follows:
	9	
	10	"We, the jury, being duly empaneled and sworn to try the above-entitled case, at least nine
	11	out of the twelve jurors in the verdict find just compensation to be paid for the
	12	acquisition to be \$26,859.
	13	DATED this 19th day of October, 1990.
	14	<u>/s/Robert G. Nau. Jr.</u> Foreperson."
	15	
	16	It appearing to the court and the court now finds that the
	17	amount of the verdict of the jury was more than plaintiff's
	18	tender made in writing more than 30 days prior to trial, and
	19	that defendants Earl Martin Kerns and Shirley F. Kerns
	20	therefore are entitled to their costs and disbursements
핑	21	incurred herein;
JUST	22	It appearing to the court from files and records herein
AENT OF JUSTICE ILDING EGON 97310	23	that on August 24, 1989, the plaintiff heretofore deposited the
E BUILD OREGO 378-440	24	sum of \$21,475 with the Clerk of the Court for the use and
DEPARTME JUSTICE BUILD SALEM OREGO PHONE 378-440	25	benefit of the defendants herein; and
	26	It further appearing to the Court that plaintiff has now
	Page	하다 보는 사람들은 그는 일반의 호환한 사람들이 만들었는데 모양하고 있다. 그 얼마를 하는 것이 되었다.
		그리는 수 있는 그 수 수수에 살아가 가지 않아 가지 않아 있다. 그는 사람들은 사람들은 사람들이 가지 않아 가장 살아 있다. 그는 그는 사람들은 그 없는 그 없는 것이다.

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1
     deposited the balance of the verdict over and above the said
     $21,475 heretofore deposited, the added sum of $5,384, plus
 3
     interest at 9% per annum from September 25, 1989, the date the
 4 .
     plaintiff took possession of the property described herein, to
 5
     the date of payment, and that plaintiff is now entitled to
 6
     judgment herein; now, therefore,
          IT IS HEREBY ORDERED AND ADJUDGED by this court as follows:
          That the real property hereinafter described be, and the
10
     same hereby is appropriated for public purposes; and title to
11
     said property, together with all rights and easements therein
12
     be, and the same herein is vested in the State of Oregon, by
13
     and through its Department of Transportation, free and clear of
14
     all liens and encumbrances. Said real property so appropriated
15
     is described on the attached Exhibit A.
16
          The use to be made of each parcel is as follows:
17
          Title in fee simple to the property described
          as Parcels 1, 2, and 3.
18
         All abutter's rights of access between the
19
          relocated Green Springs Highway and your
          remaining real property, EXCEPT, however,
20
         Reserving access rights, for the service of
21
         your remaining property, to and from said
          remaining property to the abutting highway at
22
          the following place, in the following width:
         Hwy. Engr's Sta.
                             Side of Hwy.
                                                 Width
24
             168+00
                               Northerly
                                                  35'
             187+00
                               Southerly
25
                                                  35'
             187+00
                               Northerly
                                                  35'
             196+11
                               Southerly
                                                  35 '
26
```

DEPARTMENT OF JUSTICE JUSTICE BJILDING SALEM, OREGON 97310 PHONE 378-4400

Page 3 - FINAL JUDGMENT

1	*196+11	Northerly 35'
	212+00	Southerly 35'
2	212+00	Northerly 35'
	218+70	Southerly 35'
3	221+75	Southerly 35'
	222+40	Southerly 35'
4	223+55	Northerly 35'

*Reconnect to existing access road.

Reserving, for the service of defendants' remaining property for farm use only, a right to establish, maintain and use a crossing of a width of 35 feet at a point opposite Highway Engineer's Stations 218+70 (south side) and 218+05 (north side); such right is to continue only so long as the crossing is used for farm purposes exclusively, and such right is to continue only so long as any portion of the said remaining property on both sides of the highway and service by such crossing is held in a single ownership.

2.

Plaintiff, as a part of the highway project and at its sole cost, will construct a fence along or near the boundaries of the right of way of the highway project where the same abuts defendants' remaining land. The maintenance of the fence shall not be the responsibility of plaintiff; provided, however, defendants, their heirs and assigns, shall have the right to enter upon the right of way for the purpose of repairing and maintaining the fence.

3.

4.

Plaintiff shall take title of the real property described

Page 4 - FINAL JUDGMENT

	1	herein subject to the interests of others than the within named
	2	defendants in the following encumbrances:
	3	Easements of the Klamath Project and Keno Irrigation District.
	5	5.
	6	That defendant shall recover of and from the plaintiff the
	7	sum of \$26,000. as their costs and disbursements taxed
	. 8	herein.
	9	DATED this 22 day of sure, 194.
	10	
	11	Rodentrasan
	12	CIRCUIT COURT JUDGE
	13	8361T/dsk
	14	그렇게 하고 있는 그 이번 하는 그들은 밤됐다. 한 번째 하는 이번 생각이다.
	15	- 보고 보다 보다 보고 있는 사람들이 되었다. 그런
		어마는 그는 그는 방에 그만한 나라의 병원장을 갖춰 봤는데 어디를 하는데 다
	16	어린 방문 그는 사람들이 모든 아이들의 사람들이 뭐 먹었다.
	17	STATE OF OREGON)
	18	County of Klamath)
	19	HARDY Clerk of the Circuit Court of the Cour
	20	such original as the same appears on the or entered
щ .	21	WHEREOF, I have hereupto set my hand and affixed A.D. 19—ILL LYN G. HARDY Clerk of Court
USTIC	22	LYN G. HARDY, Clerk of Coard Lyn G. HARDY
DEPARTMENT OF JUSTICE JUSTICE SULDING SALEM, OREGON 97310 PHONE 378-4400	23	By By
	24	그는 그리고 그리고 그렇게 되는 이 사람들이 불어놓았다. 그는 작가 그래?
EPART STICE B LEM, OF	24	그리고 하는 것이 되는 것이 되는 것이 되는 것이 되는 것이 되는 것이 함께 주었습니다. 그런 것이 되는 것이 되는 것이 되는 것이다. 그렇게 맛있다는 것이 되는 것이다.
S S S S	25	등록하는 마시는 한국 등에는 하는 것이 하는 말을 통해 주었다. 그는 이 가는 이 보다.
	26	가는 그 그는 그는 사람들이 되는 수업을 하고 있는 것이 되는 것이 가는 사람들이 되었다. 하는 사람들이 되었다.

Page

FINAL JUDGMENT

EXHIBIT A

File 57744
Earl Martin and Shirley F. Kerns
AFD 8-16-88 9B-32-1

Survey Approval Project Section: Kern Swamp Rd.-Weyerhaeuser Rd. Highway: Green Springs Non-throughway

PARCEL 1

A parcel of land lying in Sections 27 and 28, Township 39 South, Range 8 East, W.M., Klamath County, Oregon; the said parcel being that portion of said sections lying between lines at right angles to the center line of the relocated Green Springs Highway at Engineer's Stations 178+30 and 218+25 and included in a strip of land variable in width, lying on the Northwesterly side of said center line which center line is described as follows:

Beginning at Engineer's center line Station 166+76.11, said station being 2087.46 feet South and 1351.25 feet West of the East quarter corner of Section 28, Township 39 South, Range 8 East, W.M.; thence North 68° 26' 16" East 372.28 feet; thence on a spiral curve left (the long chord of which bears North 66° 26' 17" East 199.90 feet) 200 feet; thence on a 954.93 foot radius curve left (the long chord of which bears North 57° 37' 15" East 292.74 feet) 293.90 feet; thence on a spiral curve left (the long chord of which bears North 40° 48' 13" East 199.90 feet) 200 feet; thence North 38° 48' 14" East 3688.91 feet; thence on a spiral curve right (the long chord of which bears North 40° 08' 14" East 399.91 feet) 400 feet; thence on a 2864.79 foot radius curve right (the long chord of which bears North 44° 19' 09" East 151.51 feet) 151.53 feet; thence on a spiral curve right (the long chord of which bears North 48° 30' 04" East 399.91 feet) 400 feet; thence North 49° 50' 04" East 2112.37 feet to Engineer's center line Station 244+95.10.

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

Station	to	Station	Width on Northwesterly Side of Center Line
178+30 182+80		182+80 186+50	40 in a straight line to 50
186+50 189+10		189+10 199+00	50 in a straight line to 60
199+00 200+00		200+00 215+00	60 in a straight line to 45
215+00 216+30		216+30 218+25	45 in a straight line to 60

OVER

ALSO that portion of the NEINW of Section 27 lying Southerly of Round Lake Road (County Road); Northwesterly of the existing Green Springs Highway and Northeasterly of a line at right angles to said center line at Engineer's Station 218+25.

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

The parcel of land to which this description applies contains 2.77 acres, more or less, outside of the existing right of way.

PARCIEL 2

A parcel of land lying in the Wł of Section 27 and in the SEł of Section 28, Township 39 South, Range 8 East, W.M., Klamath County, Oregon; the said parcel being that portion of said subdivisions lying Northeasterly of a line at right angles to the center line of the relocated Green Springs Highway at Engineer's Station 178+30 and included in a strip of land variable in width, lying on the Southeasterly 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 Southeasterly Side of Center Line	
•	하는 이 이 이 이 사람들은 사람들로 가장 가는 것이 되었다.	
178+30 193+00 194+00	193+00 45 in a straight line to 195+00 65 in a straight line to	65 45
195+00 200+50	200+50 202+00 45 in a straight line to	40
202+00 214+31.20 219+82.73 223+82.73	214+31.20 219+82.73 223+82.73 229+20 40 in a straight line to 55 in a straight line to	45

The parcel of land to which this description applies contains 0.80 acre, more or less, outside of the existing right of way.

PARCEL 3

A parcel of land lying in the NEINWI of Section 27, Township 39 South, Range 8 East, W.M., Klamath County, Oregon; the said parcel being that portion of said NEINWI lying Northerly of Round Lake Road (County Road), Westerly of that property described in that deed to Robert R. and Velma B. Rowton, recorded in Book 252, Pagd 330 of Klamath County Record of Deeds and included in a strip of land variable in width lying on the Northwesterly side of the center line of Green Springs Highway as said highway has been relocate, which center line is described in Parcel 1.

CONTINUED

EXHIBIT A CONTINUED - Page 3

File 57744

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

Station to Station Width on Northwesterly Side of Center Line

219+00 220+25 70
220+25 70 in a straight line to 45

The parcel of land to which this description applies contains 0.26 acre, more or less, outside of the existing right of way.

ae1/ 8-25-88

NOTE: Parcels 1, 2 and 3 Access Controlled (to Highway).

SIAIE	JF UREGON: C	OUNTY OF KLAMATH: ss.	
Filed for	record at reque	est of Klamath County Title Co. the 25th	dav
OI	TED.		 ,
FEE	\$43.00	Evelyn Biehn County Clerk By Queline Mulendere	
		그는 것이 하는 이 그는 얼마나 뭐 하면 있었다. 그리고 말했다. 그리고 말했다. 그리고 말했다.	