

Highway Division  
File 6068-005  
9B-36-11

ORIGINAL

## WARRANTY DEED

SYDNEY K. GIACOMINI, Grantor, conveys unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, Grantee, fee title to the following described property:

## PARCEL 1 - Fee

A parcel of land lying in Lot 3, Lot 4, and the SE $\frac{1}{4}$  of Section 6, Township 33 South, Range 7 $\frac{1}{2}$  East, W.M., Klamath County, Oregon; the said parcel being that portion of said subdivisions included in a strip of land variable in width, lying on the Southwesterly side of the center line of the Crater Lake Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 65+87.87, said station being 2365.59 feet North and 1139.85 feet West of the Southeast corner of Lot 4, Section 31, Township 32 South, Range 7 $\frac{1}{2}$  East, W.M.; thence South 24° 57' 11" East 3880.83 feet; thence on a spiral curve left (the long chord of which bears South 28° 17' 08" East 399.46 feet) 400 feet; thence on an 1145.92 foot radius curve left (the long chord of which bears South 36° 49' 43" East 75.02 feet) 75.03 feet; thence on a spiral curve left (the long chord of which bears South 45° 22' 19" East 399.46 feet) 400 feet to Engineer's Station 113+43.73 Back equals 113+42.49 Ahead; thence South 48° 42' 16" East 1607.83 feet to Engineer's center line Station 129+50.32.

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
65+87.87		105+50	40
105+50		107+00	40 in a straight line to 50
107+00		110+00	50
110+00		113+50	50 in a straight line to 40
113+50		129+50.32	40

Bearings are based upon the Oregon Co-ordinate System of 1983, South Zone.

The parcel of land to which this description applies contains 0.49 acre, more or less, outside of the existing right of way.

TOGETHER WITH all abutter's rights of access between the relocated Crater Lake Highway and Grantor's remaining real property, EXCEPT, however,

Highway Division  
File 6068-005  
9B-36-11

Reserving access rights for the service of Grantor's remaining property, to and from said remaining property to the abutting highway at the following place\_, in the following width\_ and for the following purpose\_:

Hwy. Engr's Sta.	Side of Hwy.	Width	Purpose
97+73	W	35 '	Unrestricted
102+47	W	35 '	Unrestricted
104+22	W	35 '	Unrestricted
110+50	W	35 '	Unrestricted
116+78	W	35 '	Unrestricted

Grantor also grants to Grantee, its successors and assigns, temporary easements for a work area for construction purposes to be used by Grantee in connection with the reconstruction, widening and improvement of the Crater Lake Boundary-Fort Klamath Section of the relocated Crater Lake Highway over and across the following described property:

**PARCEL 2 - Temporary Easement For Work Area (3 years or duration of project)**

A parcel of land lying in Lots 3 and 4 of Section 6, Township 33 South, Range 7½ East, W.M., Klamath County, Oregon; the said parcel being that portion of said lots lying Northwesterly of a line at right angles to the center line of the relocated Crater Lake Highway at Engineer's Station 96+50 and included in a strip of land 50 feet in width, lying on the Southwesterly side of said center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 4,750 square feet, more or less.

**PARCEL 3 - Temporary Easement For Work Area (3 years or duration of project)**

A parcel of land lying in Lot 3, Section 6, Township 33 South, Range 7½ East, W.M., Klamath County, Oregon; the said parcel being that portion of said lot lying between lines at right angles to the center line of the relocated Crater Lake Highway at Engineer's Stations 98+30 and 100+30 and included in a strip of land 50 feet in width, lying on the Southwesterly side of said center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 2,000 square feet, more or less.

Highway Division  
File 6068-005  
9B-36-11

IT IS UNDERSTOOD that the easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the easements herein granted do not convey any right or interest in the above-described Parcels 2 and 3, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

Grantor hereby covenants to and with Grantee, its successors and assigns, that he is the owner 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 Grantor for this conveyance is \$975.00.

Dated this 27 day of Feb, 1991.

Sydney K. Giacomini  
Sydney K. Giacomini

STATE OF OREGON, County of Klamath

Feb. 27, 1991. Personally appeared the above named Sydney K. Giacomini, who acknowledged the foregoing instrument to be his voluntary act. Before me:

Eda Gilbert  
Notary Public for Oregon  
My Commission expires 6-1-91

9-6-90  
Page 3 - WD  
ael/ew

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

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Oregon Dept. of Transportation the 26th day of March A.D., 19 91 at 10:26 o'clock A M., and duly recorded in Vol. M91 of Deeds on Page 5313.

FEE \$15.00

Evelyn Biehn County Clerk

By Rachel Muller