

29550

Vol. 19/ Page 3390

Highway Division  
File 6068-017  
9B-36-12

ASPEN 35469

ORIGINAL

DEED

CHARLES ROGER NICHOLSON, Trustee of the Dorothy M. Nicholson Trust, 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, Section 16, Township 33 South, Range 7½ East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Charles Roger Nicholson, Trustee, recorded in Book M-85, Page 2920 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 Crater Lake Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 261+07.11, said station being 1753.95 feet North and 2268.72 feet West of the Southeast corner of Section 9, Township 33 South, Range 7½ East, W.M.; thence South 17° 25' 31" East 4814.77 feet; thence on a 22,918.31 foot radius curve right (the long chord of which bears South 16° 23' 56" East 820.97 feet) 821 feet; thence South 15° 22' 22" East 1756.46 feet to Engineer's center line Station 334+99.34.

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
261+07.11		311+80	40.5
311+80		313+00	40.5 in a straight line to 50
313+00		316+00	50 in a straight line to 45
316+00		317+00	45 in a straight line to 30

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

The parcel of land to which this description applies contains 4,000 square feet, more or less, outside of the existing right of way.

## PARCEL 2 - Fee

A parcel of land lying in Lot 7, Section 16, Township 33 South, Range 7½ East, W.M., Klamath County, Oregon; the said parcel being that portion of said lot lying Southerly of that property described in that deed to Walter L. Meshke, recorded in Book M-86, Page 20511 of Klamath County Record of Deeds; Northerly of GARDNER'S ADDITION TO FORT KLAMATH; and included in a strip of

land variable in width, lying on the Easterly side of the center line of the Crater Lake Highway as said highway has been relocated, 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 Easterly Side of Center Line
261+07.11		317+00	40
317+00		317+50	40 in a straight line to 30
317+50		334+99.34	30

The parcel of land to which this description applies contains 3,270 square feet, more or less, outside of the existing right of way.

**PARCEL 3 - Access Only**

A tract of land lying in Lot 4, Section 16, Township 33 South, Range 7 $\frac{1}{2}$  East, W.M., Klamath County, Oregon and being that property described in that deed to Charles Roger Nicholson, Trustee, recorded in Book M-85, Page 2920 of Klamath County Record of Deeds.

EXCEPT, however:

Reserving access rights for the service of Grantor's remaining property, to and from said remaining property to the abutting highway at the following places, in the following widths and for the following purposes:

Hwy. Engr's Sta.	Side of Hwy.	Width
307+55	W	35'
316+73	E	35'
323+21	W	35'
331+85	W	35'

The access rights reserved herein are subject to the statutes and regulations controlling access to the highway system. A standard Approach Road Permit must be applied for and obtained from the Highway Division's District Maintenance Office before construction is begun. When the State constructs the approach road, Grantor will be required to sign a standard Approach Road Permit to assure proper operation and maintenance of the approach road.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area over and across the following described property:

A-SPEE

9392

Highway Division  
File 6068-017  
9B-36-12

and referenced as File No. 86068-017. Recording of this Deed by Grantor constitutes  
**PARCEL 4 - Temporary Easement For Work Area (3 years or duration of project)**  
and D. Q has C and D and no other exhibits C and D.

A parcel of land lying in Lot 7, Section 16, 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 316+10 and 316+70 and included in a strip of land 50 feet in width, lying on the Easterly side of said center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 2.

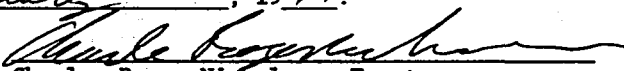
The parcel of land to which this description applies contains 600 square feet, more or less.

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 easement herein granted does not convey any right or interest in the above-described Parcel 4, 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.

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.

No monetary consideration is being received by Grantor for this conveyance. This Deed is given in consideration for the strict, complete and timely performance of the obligations of the State of Oregon set forth on Exhibits C and D of that certain Real Estate Option dated February 26, 1991, executed by Grantor  
Dated this 27 day of February, 1991.

  
Charles Roger Nicholson, Trustee

STATE OF OREGON, County of Klamath

February 27, 1991. Personally appeared the above named Charles Roger Nicholson, Trustee of the Dorothy M. Nicholson Trust, Trustee, and acknowledged the foregoing instrument to be his voluntary act. Before me:

02-04-91  
Page 3 - Deed  
ael/wel

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

  
Notary Public for Oregon  
My Commission expires 12-5-92

PEGGY R. REYNOLDS  
NOTARY PUBLIC - OREGON

My Commission Expires

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9392-A

Highway Division  
File 8068-017  
25-28-12

and referenced as file no. R6068 017. Recording of this Deed by Grantee constitutes acceptance by the Grantee of said Option and Grantee's promise to perform the obligations of State set forth on said Exhibits C and D.

A parcel of land lying in Loc. 7, Section 16, Township 33 South, Range 17 East, W.M., Multnomah County, Oregon; the said parcel being that portion of said lot lying between lines at right angles to the corner line of the referenced Grant Lake Highway at Engineer's Station 18+10 and 21+40 and included in a strip of land 30 feet in width lying on the easterly side of said corner line, which corner line is described in Parcel 1.

EXHIBIT hereto Parcel 2.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title co. the 17th day of May A.D., 19 91 at 2:09 o'clock P. M., and duly recorded in Vol. M91 of Deeds on Page 9390.

FEE \$23.00

Evelyn Biehn - County Clerk

By Roula Mullender

interest in the above-described parcel as stated herein, but providing Grantee from the use of said property; provided, however, that such use does not interfere with the rights herein granted.

THIS INSTRUMENT DOES 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.

No monetary consideration is being received by Grantee for this conveyance. This deed is given in consideration for the strict, complete and timely performance of the obligations of the Grantee under the Option to Purchase Grant Lake Highway, Parcel 2 and D of that certain Grant Lake Highway Option dated February 26, 1991, executed by Grantee dated this 17th day of May, 1991.

Charles Roger Nicholson, Trustee

Personally appeared the above named Charles Roger Nicholson, Trustee of the Dorothy M. Nicholson Trust, Trustee, and acknowledged the foregoing instrument to be his voluntary act, before me:

Notary Public for Oregon  
My Commission Expires 12-31-92

NOTARY PUBLIC - OREGON  
DOROTHY M. NICHOLSON  
12-31-92

RETURN TO  
OREGON STATE HIGHWAY DIVISION  
RIGHT OF WAY SECTION  
ATTN: TRANSMITTAL FILE  
SALEM, OREGON 97331