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Vol. 091 Page 9879
FILEDSTATE OF OREGON
KLAMATH CO. CIRCUIT COURT

1991 MAY -9 PM 2:14

CLERK OF COURT

BY _____

No. 90-03389CV

STIPULATED FINAL
JUDGMENT

CIRCUIT COURT OF OREGON

KLAMATH COUNTY

ASPEX 34364

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

Plaintiff,)

v.)

KENNETH L. TUTTLE, and KAREN L.
TUTTLE, husband and wife,
Individually and as Partners
doing business as Double K Ranch;
DOLORES EVANS; WILLIAM. P.
BRANDSNESS, TRUSTEE for ALLEN
CARROLL EVANS and for ALLEN G.
EVANS; LEROY JACKSON, SR.;
FLORENCE WRIGHT; SUSAN SARGEANT
ALICE FRANCES DeLORME; STACY ERIC
DeLORME; JERRY STEVEN DeLORME;
CAMILLE KAY DeLORME; and KLAMATH
COUNTY, a political subdivision
of the State of Oregon;)

Defendant.)

The above-entitled matter having come on regularly upon
stipulation of the parties, plaintiff appearing by and through
Robert A. Petersen of its attorneys and defendants Kenneth L.
Tuttle and Karen L. Tuttle appearing by and through Michael
Brandt, their attorney; and

It appearing to the court and the court now finds that an
Order of Default has been entered herein against defendants
William Brandsness, Leroy Jackson, Sr., and Florence Wright; and
It appearing that to the court and the court now finds that
an Order of Dismissal has been entered herein against defendants,
Dolores Evans, Allen Carroll Evans, Allen G. Evans, Susan

Page 1 - STIPULATED FINAL JUDGMENT

TO: HIGHWAY DIVISION
RIGHT OF WAY SECTION
409 TRANSPORTATION BLDG.
SALEM, OR 97310

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

90-34-14

1 Sargeant, Alice Frances DeLorme, Stacy Eric DeLorme, Jerry Steven
2 DeLorme, Camille Kay DeLorme, and Klamath County; and

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

6 It appearing to the court and the court now finds that the
7 plaintiff, prior to the commencement of this action and pursuant
8 to its resolution, attempted to acquire said real property by
9 agreement and purchase, but was unable to do so; and

10 It appearing to the court from the records and files herein
11 and the stipulation of the parties that the sum to be awarded to
12 the defendants for the appropriation of the property hereinafter
13 described is the sum of \$4,200; and

14 It further appearing to the court that plaintiff, on
15 October 16, 1990, deposited with the clerk of this court the sum
16 of \$2,600, for the use and benefit of the defendants; and

17 It further appearing that plaintiff has deposited with the
18 clerk of this court the balance of the amount for the
19 appropriation which is over and above the \$2,600 heretofore
20 deposited, to wit: the sum of \$1,600, plus interest at the rate
21 of 9% per annum from October 22, 1990, the date the plaintiff
22 took possession of the property described herein, to the date of
23 payment, and that plaintiff is now entitled to judgment,
24 appropriating the acquisition hereinafter described, to the State
25 of Oregon, by and through its Department of Transportation, free
26 and clear of all liens and encumbrances; now, therefore,

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1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED by this court as
2 follows:

3 1.

4 That the acquisition hereinafter described be, and the same
5 hereby is, appropriated for public purposes; and title to said
6 acquisition, together with all rights and easements therein, be,
7 and the same hereby is vested in the State of Oregon, by and
8 through its Department of Transportation, free and clear of all
9 liens and encumbrances. Said acquisition so appropriated is
10 described on the attached Exhibit A.

11 "The use to be made of each parcel is as
12 follows:

13 Title in fee simple to the property described
14 in the Exhibit A.

15 All abutter's rights of access between the
16 property described in the Exhibit A and
17 defendants' remaining real property.

18 2.

19 That none of the parties shall recover costs or attorney
20 fees incurred herein.

21 DATED this 9 day of May, 1991.

22 
23 
24 
25 

26 IT IS SO STIPULATED:

27 ROBERT A. PETERSEN
28 Of Attorneys for Plaintiff

29 MICHAEL BRANDT BRANT OSB #68019
30 Of Attorneys for Defendants

31 JTT003F0/cr

32 Page 3 - STIPULATED FINAL JUDGMENT

3882

EXHIBIT A

File R6050005

Kenneth L. Tuttle, Karen L.
Tuttle, Double K Ranch, et al.
CLM 11-30-89 9B-34-14

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

Yes

A parcel of land lying in the E4SE4 of Section 16, Township 34 South, Range 7 East, W.M., Klamath County, Oregon; the said parcel being that portion of said E4SE4 included in a strip of land variable in width, lying on the Easterly 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 2893+99.72, said station being 3268.76 feet North and 520.20 feet West of the East quarter corner of Section 16, Township 34 South, Range 7 East, W.M.; thence South 2° 03' 01" East 3678.93 feet; thence on a spiral curve right (the long chord of which bears South 1° 50' 31" East 250 feet) 250 feet; thence on an 11,459.16 foot radius curve right (the long chord of which bears South 0° 22' 27" West 719.66 feet) 719.78 feet; thence on a spiral curve right (the long chord of which bears South 2° 35' 25" West 250 feet) 250 feet; thence South 2° 47' 55" West 9599.37 feet to Engineer's center line Station 3038+97.80.

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
2926+00		2929+00	110 in a straight line to 85
2929+00		2950+00	85
2950+00		2961+00	85 in a straight line to 130

Bearings are based upon the Oregon Co-ordinate System of 1927, South Zone.

The parcel of land to which this description applies contains 2.14 acres, more or less, outside of the existing right of way.

rlr

01-10-90

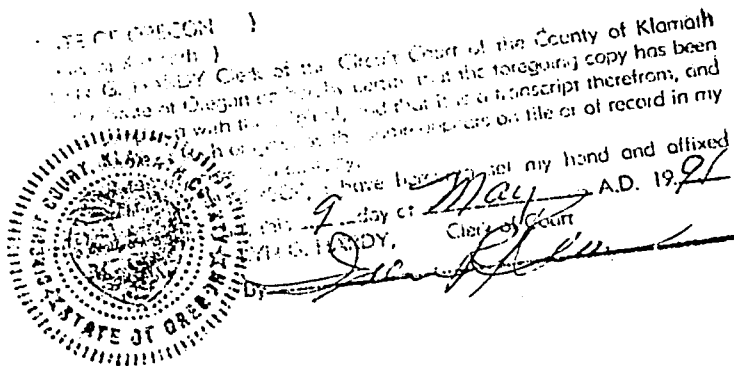
NOTE: Access Controlled to Parcel

Outside area: In excess of 100 acres, right.

Prior file RW8567

Exhibit A

9882-A



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title co. the 24th day
of May A.D., 19 21 at 3:14 o'clock P M., and duly recorded in Vol. M91
of Co. Lien Docket on Page 9879.

FEE \$25.00

Evelyn Biehn County Clerk

By Pauline Mulholland