

42987

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Highway Division
File 6076-001
10B-1-9

WARRANTY DEED

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

A parcel of land lying in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Donald C. and Patricia H. Kirkpatrick, recorded in Book M-67, Page 5674 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Southerly of a line at right angles to the center line of the relocated The Dalles-California Highway at Engineer's Station 258+00 and included in a strip of land variable in width, lying on the Westerly side of said center line which center line is described as follows:

Beginning at Engineer's center line Station 247+76.35, said station being 12,553.26 feet North and 905.45 feet West of the Southeast corner of Section 19, Township 39 South, Range 9 East, W.M.; thence South 20° 35' 30" West 255.81 feet; thence on a spiral curve left (the long chord of which bears South 19° 33' West 499.93 feet) 500 feet; thence on an 4583.66 foot radius curve left (the long chord of which bears South 1° 51' 25.5" West 2466.75 feet) 2497.53 feet; thence on a spiral curve left (the long chord of which bears South 15° 50' 09" East 499.93 feet) 500 feet; thence South 16° 52' 39" East 1878.54 feet; thence on a spiral curve right (the long chord of which bears South 14° 52' 40" East 599.71 feet) 600 feet; thence on a 2864.79 foot radius curve right (the long chord of which bears South 6° 02' 16.5" East 483.38 feet) 483.96 feet; thence on a spiral curve right (the long chord of which bears South 2° 48' 07" West 599.71 feet) 600 feet; thence South 4° 48' 06" West 4533.62 feet; thence on a spiral curve right (the long chord of which bears South 6° 11' 26" West 499.88 feet) 500 feet; thence on a 3437.75 foot radius curve right (the long chord of which bears South 21° 14' 22" West 1461.30 feet) 1472.53 feet; thence on a spiral curve right (the long chord of which bears South 36° 17' 18" West 499.88 feet) 500 feet; thence South 37° 40' 38" West 2079.02 feet to Engineer's center line Station 411+77.36.

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
258+00		258+75	110 in a straight line to 140
258+75		259+75	140 in a straight line to 100

EXCEPT therefrom that property described in that deed to the State of Oregon, by and through its State Highway Commission, recorded in Book M-68, Page 1361, of Klamath County Record of Deeds.

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

The parcel of land to which this description applies contains 840 square feet, more or less, outside of the existing right of way.

TOGETHER WITH ALL abutter's rights of access between the above-described parcel and Grantor's remaining real property, EXCEPT, however,

RESERVATION . . . Reserving, for service of Grantors, remaining property, rights of access to and from the abutting highway right of way, at each of the following places and for the following widths:

Hwy. Engr's Sta.	Side of Highway	Reservation	Widths Top Surface	Curb Cut	*To Be Constructed By State
255+00	West	35'	24'	n/a	

Allowed use shall be unrestricted.

When the State constructs the approach road, Grantors will be required to sign a standard Approach Road Permit to assure proper operation and maintenance of the approach road. This will be provided by the District Maintenance Engineer's office at no cost to the Grantor and before construction is begun.

If any of the construction under the terms of this Deed is outside of the highway right of way, Grantors hereby grant State, its employees or contractors, permission to enter upon their remaining property for the purpose of performing any of said construction work.

It is expressly intended that the above benefits and restrictions shall run with the land and shall forever bind the Grantors, their heirs (successors) and assigns.

STATE'S OTHER OBLIGATIONS:

State shall re-establish the survey pin on the new right of way line between this property and File R6076-002, which lies to the south.

Issue access permits at no cost for approaches constructed by the State per the Option Agreement in right of way File 40756. Both are unrestricted with a 35' reservation and a 24' top surface. The access on highway 21 (Oregon 66) is located on the south side at Station GS2 14+50. The access on highway 4 (U. S. 97) will be replaced by that shown on Exhibit B at Station 255+00 (west side) and should be permitted accordingly.

Future frontage Road:

Grantee has the right to construct or otherwise provide at any future time a public frontage road or roads; whereupon all rights of access hereinabove reserved to and from the highway that are on or adjacent to any such frontage road or roads shall cease, but the Grantor, his heirs or successors* and assigns, shall have access to the frontage road or roads for any purpose upon obtaining a permit from the State under the applicable statutes and regulations governing the same. Said road or roads shall be connected to the main highway or to other public ways only at such places as the Grantee may select.

Grantor covenants to and with Grantee, its successors and assigns, that he is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

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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

\$ 125.00.

Dated this 19th day of MARCH, 1992.

Donald C. Kirkpatrick
Donald C. Kirkpatrick

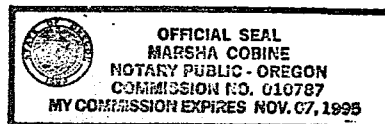
STATE OF OREGON, County of Klamath

March 19, 1992. Personally appeared the above named Donald C. Kirkpatrick, who acknowledged the foregoing instrument to be his voluntary act.

Before me:

Marsha Cobine
Notary Public for Oregon

My Commission expires 11-7-95



12-30-91
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RETURN TO
OREGON STATE HIGHWAY DIVISION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM, OREGON 97310

Account No.: 39 09 07 1800

Property Address: None

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

Oregon Hwy Dept.
on this 2nd day of April A.D., 19 92
at 11:40 o'clock A M. and duly recorded
in Vol. M92 of Deeds Page 6953.
Evelyn Biehn County Clerk
By Dorlene Mullendore

Fee, \$20.00

Deputy.