

17427

Vol. M95 Page 12695

File 6328-016
10B-7-35

WARRANTY DEED

CHARLES D. BURY and LYNN E. BURY, husband and wife, Grantor, for the true and actual consideration of \$ 7,050 does convey unto KLAMATH COUNTY, a political subdivision of the State of Oregon, Grantee, fee title to the following described property:

PARCEL 1 - Fee

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Charles D. Bury and Lynn E. Bury, recorded June 30, 1995 in Volume M95, Page 17207 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 centerline of relocated Washburn Way, which centerline is described as follows:

Beginning at Engineer's centerline Station 'WW'36+10.41, said station being 4338.02 feet North and 53.87 feet East of the Southeast corner of Section 16, Township 39 South, Range 9 East, W.M.; thence South 0° 18' 39" West 3822.88 feet to Engineer's centerline Station 'WW'74+33.29.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Centerline
'WW'67+20.00		'WW'67+90.00	270.00 in a straight line to 105.00
'WW'67+90.00		'WW'72+50.00	105.00 in a straight line to 61.50

Bearings are based upon County Survey No. 3565, filed November 16, 1981 in Klamath County, Oregon.

This parcel of land contains 0.40 acres, more or less.

TOGETHER WITH all abutter's rights of access between the South Klamath Falls Highway and Washburn Way and Grantor's remaining real property, 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 place___, in the following width___ and for the following purpose___:

Hwy. Engr's Sta.	Side of Hwy.	Width	Purpose
72+00	West Side of Washburn Way	30 feet	unrestricted

3-29-96

AFTER RECORDING RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM OR 97310

Account No.: R3909-001600-01000-000 & 00402-000

Property Address: Bare Land

It is specifically understood that the access rights opposite Highway Engineer's Station 72+00 is to be used and enjoyed in common with the adjoining property owners on the South, who currently are Maurice E. Bercot and Mildred A. Bercot, Trustees of the Bercot Family Trust u.a.d. February 6, 1990, (File No. 6328-017)).

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 Oregon Department of Transportation'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 to construct a road approach over and across the following described property:

PARCEL 2 - Temporary Easement for Road Approach (3 years or duration of project)

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Charles D. Bury and Lynn E. Bury, recorded June 30, 1995 in Volume M95, Page 17207 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 centerline of relocated Washburn Way at Engineer's Station 'WW'70+00.00 and included in a strip of land 120.00 feet in width, lying on the Westerly side of said centerline, which centerline is described in Parcel 1.

EXCEPT therefrom Parcel 1.

This parcel of land contains 0.18 acres, 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 2, 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 covenants to and with Grantee, its successors and assigns, that grantor 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.

Grantor agrees the consideration recited herein is just compensation for the property, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement of the highway.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

THIS WARRANTY DEED IS GIVEN TO GRANTEE IN SATISFACTION OF GRANTEE'S ACTION IN EMINENT DOMAIN TO ACQUIRE THE DESCRIBED PROPERTY.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon Klamath County, a political subdivision of the State of Oregon, unless and until accepted and approved by the recording of this document.

Dated this 8 day of April, 1996



Charles D. Bury
Charles D. Bury

Lynn E. Bury
Lynn E. Bury

STATE OF OREGON, County of Klamath

April 8, 1996. Personally appeared the above named Charles D. Bury and Lynn E. Bury, who acknowledged the foregoing instrument to be their voluntary act. Before me:

Susan A. Cahill
Notary Public for Oregon

My Commission expires 3-28-98

3-28-98
Page 3 - WD
ael/

After recording return to Klamath County Public Works
STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 3rd day
of May A.D., 19 96 at 10:18 o'clock AM., and duly recorded in Vol. M96
of Deeds on Page 12695

FEE No Fee

By Bernetha G. Letsch, County Clerk