

18839

Vol. 196 Page 15497

ODOT  
File 6326-010  
10B-7-35

## WARRANTY DEED

<sup>UDJ</sup>  
DONALD B. TRUNNEL and <sup>EMJ</sup> ESTHER M. TRUNNEL, husband and wife, Grantor, for the true and actual consideration of \$ 20,450----- does convey unto KLAMATH COUNTY, a political subdivision of the State of Oregon, Grantee, fee title to the following described property:

A parcel of land lying in Tracts 5 and 6, ALTAMONT SMALL FARMS, Klamath County, Oregon; the said parcel being that portion of said tracts lying Westerly and Southerly of the following described line:

Beginning at a point opposite and 75.00 feet Easterly of Engineer's Station 'WW'51+00.00 on the centerline of relocated Washburn Way; thence Southerly parallel with said centerline to Engineer's Station 'WW'53+00.00; thence Southerly in a straight line to a point opposite and 90.00 feet Easterly of Engineer's Station 'WW'56+00.00 on said centerline; thence Southerly in a straight line to a point opposite and 115.00 feet Easterly of Engineer's Station 'WW'57+00.00 on said centerline; thence Easterly in a straight line to a point opposite and 590.00 feet Northerly of Engineer's Station 'NSK'233+40.00 on the centerline of the relocated South Klamath Falls Highway; thence Southeasterly in a straight line to a point opposite and 565.00 feet Northerly of Engineer's Station 'NSK'234+35.00 on the centerline of the relocated South Klamath Falls Highway; thence Southeasterly in a straight line to a point opposite and 525.00 feet Northerly of Engineer's Station 'NSK'235+35.00 on the centerline of the relocated South Klamath Falls Highway; thence Southeasterly in a straight line to a point opposite and 265.00 feet Northerly of Engineer's Station 'NSK'238+10.00 on the centerline of the relocated South Klamath Falls Highway.

The centerline of relocated Washburn Way is described as follows:

Beginning at Engineer's centerline Station 'WW'36+10.41, said station being 4,338.02 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 3,822.88 feet to Engineer's centerline Station 'WW'74+33.29.

The centerline of the relocated South Klamath Falls Highway is described as follows:

Beginning at Engineer's centerline Station 'NSK'202+80.34, said station being 3,492.586 feet North and 2,264.083 feet West of the Southeast corner of Section 16, Township 39 South, Range 9 East, W.M.; thence South 33° 28' 25" East 176.85 feet; thence on a spiral curve left (the long chord of which bears South 36° 08' 23" East 799.31 feet) 800.00 feet; thence on a 2,864.79 foot radius curve left (the long chord of which bears South 49° 38' 35" East 814.19 feet) 816.96 feet; thence on a spiral curve left (the long chord of which bears South 62° 33' 46" East 599.48 feet) 600.00 feet; thence on a 7,639.44 foot radius curve left (the long chord of which bears South 77° 32' 58" East 3,042.61 feet) 3,063.08 feet; thence South 89° 02' 09" East 422.66 feet to Engineer's centerline Station 'NSK'261+59.89.

3-29-96

AFTER RECORDING RETURN TO

Sharon/Public Works

Account No.: 3909-15CB 300 &amp; 400

Property Address: Bare Land

EXCEPT therefrom that property described in that deed to Klamath County, recorded November 5, 1991 in Volume M91, Page 23158 of Klamath County Record of Deeds.

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

This parcel of land contains 1.34 acres, more or less.

TOGETHER WITH all abutter's rights of access between the relocated 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
51+50	East Side of Washburn Way	40 feet	unrestricted

It is specifically understood that the access rights opposite Highway Engineer's Station 51+50 is to be used and enjoyed in common with the adjoining property owner on the North, who currently is Chris C. Kems, (File No. 6326-011).

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 covenants to and with Grantee, its successors and assigns, that grantor 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.

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 18<sup>th</sup> day of April, 1996.

Donald B. Trunnell  
Donald B. Trunnell *DPZ*

Esther M. Trunnell  
Esther M. Trunnell *EM*

STATE OF OREGON, County of KLAMATH

APRIL 18, 1996. Personally appeared the above named Donald B. Trunnell and Esther M. Trunnell, who acknowledged the foregoing instrument to be their voluntary act, Before me:

Mary Brophy  
Notary Public for Oregon

My Commission expires 9/8/97



3-29-96  
Page 3 - WD  
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After recording return to Klamath County Public Works

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 29th day of May A.D., 19 96 at 1:29 o'clock PM., and duly recorded in Vol. M96 of Deeds on Page 15497.

FEE No Fee

Bernetha G. Letsch, County Clerk  
By Cheryl Russell