

20289

Vol. M90 Page 15521

ODOT
File 6326-017
10B-7-35

DEED

MAURICE E. BERCOT and MILDRED A. BERCOT, Trustees of the Bercot Family Trust u.d. February 6, 1990, Grantor, for the true and actual consideration of \$825,000 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 SE¼SE¼ 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 Maurice E. Bercot and Mildred A. Bercot, Trustees, recorded March 9, 1990 in Volume M90, Page 4484 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'77+06.59 and included in a strip of land variable in width, lying on the Westerly side of said centerline, 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; thence on a 7639.44 foot radius curve right (the long chord of which bears South 1° 20' 08" West 273.28 feet) 273.30 feet; thence South 2° 21' 38" West 578.99 feet to Engineer's centerline Station 'WW'82+85.58.

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

Station	to	Station	Width on Westerly Side of Centerline
'WW'77+06.59		'WW'77+70.00	56.00 in a straight line to 73.35
'WW'77+70.00		'WW'79+00.00	73.35

Bearings are based upon County Survey No. 3585, filed November 18, 1981 in Klamath County, Oregon.

This parcel of land contains 1100 square feet, more or less.

4-25-86

AFTER RECORDING RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
#17 TRANSPORTATION BDDG.
SALEM OR 97310

Account No.: R-3909-01600-01100-000

Property Address: 5880 Washburn Way
Klamath Falls OR 97603

96 JUN 24 AM 10:12

PARCEL 2 - 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 Maurice E. Bercot and Mildred A. Bercot, Trustees, recorded March 9, 1990 in Volume M90, Page 4484 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Northerly of a line at right angles to the centerline of relocated Washburn Way at Engineer's Station WW72+50.00 and included in a strip of land variable in width, lying on the Westerly side of said centerline, which centerline is described in Parcel 1.

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

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width on Westerly Side of Centerline</u>
WW67+90.00		WW72+50.00	105.00 in a straight line to 61.50

This parcel of land contains 133 square feet, 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

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 North, who currently are Charles D. Bury and Lynn E. Bury, husband and wife, (File No. 6326-016)).

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 3 - 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 Maurice E. Bercot and Mildred A. Bercot, Trustees, recorded March 9, 1990 in Volume M90, Page 4484 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Northerly of a line at right angles to the centerline of relocated Washburn Way at Engineer's Station 'WW'72+50.00 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 2.

This parcel of land contains 2942 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 3, 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 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 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.

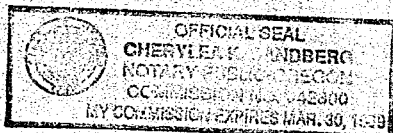
Dated this 24th day of May, 1996.

Maurice E. Bercot
Maurice E. Bercot, Trustee

Mildred A. Bercot
Mildred A. Bercot, Trustee

STATE OF OREGON, County of Klamath

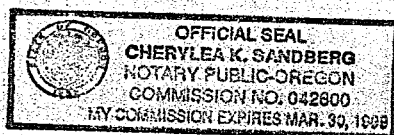
May 21, 1996. Personally appeared the above named Maurice E. Bercot, Trustee, and acknowledged the foregoing instrument to be his voluntary act. Before me:



Cherylea K. Sandberg
Notary Public for Oregon
My Commission expires 3-30-99

STATE OF OREGON, County of Klamath

May 21, 1996. Personally appeared the above named Mildred A. Bercot, Trustee, and acknowledged the foregoing instrument to be her voluntary act. Before me:



Cherylea K. Sandberg
Notary Public for Oregon
My Commission expires 3-30-99

After recording return to Klamath County Public Works

4-25-98
Page 4 - Deed
and

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of Klamath County the 24th day
of June A.D., 1996 at 10:12 o'clock AM, and duly recorded in Vol. M96
of Deeds on Page 18621

FEE \$No Fee

By Bernetha G. Letsch
Bernetha G. Letsch, County Clerk