

ORIGINAL

Vol MQ1

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ODOT  
File 6875-004  
10B-14-34

## PERMANENT SLOPE EASEMENT

**DOROTHY PUGH; DANIEL S. MILLER and ~~ALBERTA E. MILLER~~**, Grantor, for the true and actual consideration of \$ 250.00 does grant to the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, upon the following described property:

A parcel of land lying in Block 5, NORTH CHEMULT, Klamath County, Oregon and being a portion of that property described in that Memorandum of Contract of Sale of Real Property to Daniel S. Miller and Alberta E. Miller, recorded in Book M-89, Page 3877 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land 16 meters in width, lying on the Westerly 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 20+999.999, said station being 329.679 meters South and 103.539 meters West of the Northeast Corner of Section 20, Township 27 South, Range 8 East, W.M.; thence South 19° 09' 00" East 1547.387 meters to Engineer's center line Station 22+547.386.

Bearings are based on an Oregon Department of Transportation Survey. See Drawing No. 6B-14-3, dated March, 1945.

The parcel of land to which this description applies contains 532 square meters, more or less, outside of the existing right of way.

GRANTOR RESERVES the right to leave any and all buildings and structures currently located in the easement area where they are, and to use and maintain same.

IT IS UNDERSTOOD that the easement herein granted does not convey any right or interest in the above-described property, except as stated herein, nor prevent Grantor from the use of said property including the right to build additional buildings or structures therein; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way.

IT IS ALSO UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor and grantor's heirs, successors and assigns, by reason thereof, or by reason of any change of grade of the public way abutting on said property.

1-26-01

RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

Account No.: 168302

Property Address: Highway 97  
Chemult OR 97731

31 c. 0201-716

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Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

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.

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 the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 9<sup>th</sup> day of February, 2001.

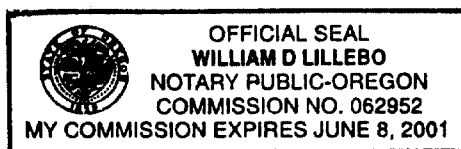
Dorothy Pugh  
Dorothy Pugh

Daniel S. Miller  
Daniel S. Miller

Alberta E. Miller

STATE OF OREGON, County of Clatsop

Dated February 9, 2001. Personally appeared the above named Dorothy Pugh, who acknowledged the foregoing instrument to be her voluntary act. Before me:



William D. Lillebo  
Notary Public for Oregon

My Commission expires June 8, 2001

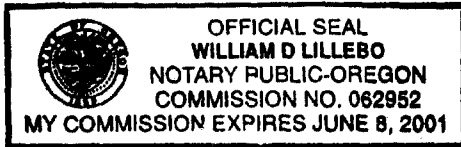
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STATE OF OREGON, County of Klamath

Dated February 9, 2001. Personally appeared the above named Daniel S. Miller, who acknowledged the foregoing instrument to be his voluntary act. Before me:



William D. Lillebo  
Notary Public for Oregon

My Commission expires June 8, 2001

STATE OF OREGON, County of \_\_\_\_\_

Dated \_\_\_\_\_, 20\_\_\_\_. Personally appeared the above named Alberta E. Miller, who acknowledged the foregoing instrument to be her voluntary act. Before me:

\_\_\_\_\_  
Notary Public for Oregon

My Commission expires \_\_\_\_\_

Accepted on behalf of the Oregon Department of Transportation

Kenn Donald  
for Cliff Houck

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State of Oregon, County of Klamath  
Recorded 02/22/01, at 2:54 p. m.  
In Vol. M01 Page 7136  
Linda Smith,  
County Clerk Fee \$ 3.00