

## WARRANTY DEED

STEVEN J. TYRHOLM and MICHAEL D. TYRHOLM, dba S & M Tyrholm Investments Co., Grantor, for the true and actual consideration of \$ 2,450.00 does convey unto the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the following described property:

**Parcel 1 - Fee**

A parcel of land lying in the NE¼SW¼ of Section 1, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in those deeds to S & M Tyrholm Investments Co., recorded in Book M-91, Page 21998 and in Book M-90, Page 1080 both 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 Northeasterly side of the center line of the relocated Klamath Falls-Lakeview Highway which center line is described as follows:

Beginning at Engineer's center line Station 3+690.012, said station being the West quarter corner of Section 1, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; thence South 89° 54' 16" East 109.899 meters; thence on a spiral curve right (the long chord of which bears South 87° 11' 51" East 152.264 meters) 152.400 meters; thence on a 537.520 meter radius curve right (the long chord of which bears South 68° 01' 57" East 255.515 meters) 257.984 meters; thence on a spiral curve right (the long chord of which bears South 48° 52' 03" East 152.264 meters) 152.400 meters; thence South 46° 09' 38" East 21.304 meters to Engineer's center line Station 4+600.

The widths in meters of the strip of land above referred to are as follows:

Station to	Station	Width on Northeasterly Side of Center Line
4+317	4+322	18.820 in a straight line to 14
4+322	4+326	14 in a straight line to 12.192

Bearings are based upon County Survey No. 5862, filed February 1, 1996, Klamath County, Oregon.

The parcel of land to which this description applies contains 15 square meters, more or less.

pt.  
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.: 508025, 3909 91CA 500

Property Address: 6225 S. 6th Street  
Klamath Falls, OR 97603

State of Oregon, County of Klamath  
Recorded 01/07/2002 8:18 a. m.  
Vol M02, Pg 699-702  
Linda Smith, County Clerk  
Fee \$ 26<sup>00</sup> # of Pgs 4

TOGETHER WITH all abutter's rights of access between the Klamath Falls – Lakeview Highway 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:

Hwy. Engr's Sta.	Side of Hwy.	Width
4+367	Left (North)	10.668 meters (35 feet)
4+417	Left (North)	10.668 meters (35 feet)
4+465	Left (North)	10.668 meters (35 feet)

The access rights reserved herein are subject to, and may only be exercised in accordance with, the statutes and administrative rules applicable to access control and road approaches. Such access is contingent upon issuance of an approach road permit, and no access rights may be exercised or construction of an approach road begun unless, and until, a standard Approach Road Permit application is submitted and a permit issued by the Oregon Department of Transportation. The approach road may only be constructed or maintained upon issuance of such permit and in accordance with such permit. If the State constructs the approach road during a highway project, Grantor is required to sign a standard Approach Road Permit to ensure proper operation and maintenance of the approach road.

Grantor also grants to Grantee, its successors and assigns, temporary easements for a work area for construction purposes over and across the following described property:

**Parcel 2 - Temporary Easement for Work Area (3 years or duration of project)**

A parcel of land lying in the NE¼SW¼ of Section 1, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to S & M Tyrholm Investments Co., recorded in Book M-90, Page 1080 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 Northeasterly side of the center line of the relocated Klamath Falls-Lakeview Highway which center line is described in Parcel 1.

The widths in meters of the strip of land above referred to are as follows:

Station to	Station	Width on Northeasterly Side of Center Line
4+317	4+340	15
4+340	4+389.363	15 in a straight line to 13.468
4+389.363	4+440	13.468

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 138 square meters, more or less.

**Parcel 3 - Temporary Easement for Work Area (3 years or duration of project)**

A parcel of land lying in the NE¼SW¼ of Section 1, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to S & M Tyrholm Investments Co., recorded in Book M-91, Page 21998 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Northwesterly of a line at right angles to the center line of the relocated Klamath Falls-Lakeview Highway at Engineer's Station 4+440 and included in a strip of land 15 meters in width, lying on the Northeasterly side of said center line which center line is described in Parcel 1.

The parcel of land to which this description applies contains 145 square meters, more or less.

IT IS UNDERSTOOD that the temporary 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 temporary easements herein granted does not convey any right or interest in the above-described Parcel 2 and 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 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 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.

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

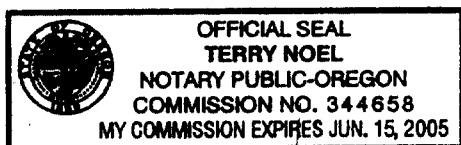
Dated this 7 day of December, 2001.

Steven J. Tyrholm  
Steven J. Tyrholm, dba S & M Tyrholm Investments Co.

Michael D. Tyrholm  
Michael D. Tyrholm, dba S & M Tyrholm Investments Co.

STATE OF OREGON, County of JACKSON

Dated December 7, 2001. Personally appeared the above named Steven J. Tyrholm, dba S & M Tyrholm Investments Co., who acknowledged the foregoing instrument to be his voluntary act. Before me:

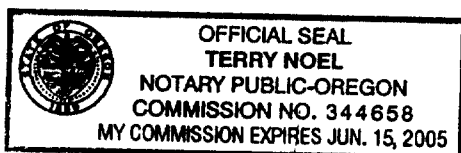


Terry Noel  
Notary Public for Oregon

My Commission expires 6/15/05

STATE OF OREGON, County of CLATSOP

Dated December 7, 2001. Personally appeared the above named Michael D. Tyrholm, dba S & M Tyrholm Investments Co., who acknowledged the foregoing instrument to be his voluntary act. Before me:



Terry Noel  
Notary Public for Oregon

My Commission expires 6/15/05

Accepted on behalf of the Oregon Department of Transportation

Ken Doud Ken Doud  
Region 4 R/W Project Manager