

04 APR 12 PM 2:06

Aspen 38840

File 7072 002
Map 10B-17-36

Vol M04 Page 20952

State of Oregon, County of Klamath
Recorded 04/12/2004 2:06 p m
Vol M04 Pg 20952 - 20955
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

WARRANTY DEED

VICTOR K. COOK and BETTY L. COOK, husband and wife, Grantor, for the true and actual consideration of \$10,350.00, does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, fee title to the property described as Parcel 1 on Exhibit "A" dated 02/02/2004 attached hereto and by this reference made a part hereof.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the property described as **Parcels 2 and 3 on Exhibit "A" dated 02/02/2004** attached hereto and by this reference made a part hereof.

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 easement herein granted does not convey any right or interest in the above-described **Parcels 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 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.

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.: R3908-013AB-03300-000, R496001

Property Address: 5395 Hwy 66
Klamath Falls, OR 97601

30A

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.

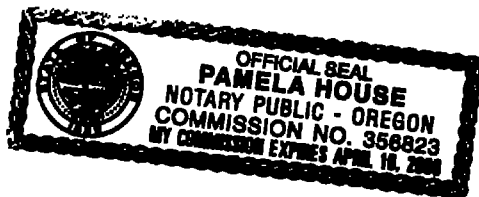
Dated this 3/22/04 day of April, 2004.

Victor K. Cook
Victor K. Cook

Betty L. Cook
Betty L. Cook

STATE OF OREGON, County of Clatsop

Dated 3-22, 2004. Personally appeared the above named Victor K. Cook and Betty L. Cook, husband and wife, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Pamela House
Notary Public for Oregon

My Commission expires 4-14-2006

Accepted on behalf of the Oregon Department of Transportation

Reg A RW Supervisor

PARCEL 1 - Fee

A parcel of land lying in the NW¼NE¼ of Section 13, Township 39 South, Range 8 East, W.M., Klamath County, Oregon and being a portion of that property described in that Warranty Deed to Victor K. Cook and Joanna L. Cook, recorded February 29, 1972 in Book M-72, Page 2139 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 Northwestern side of the center line of relocated Green Springs Highway which center line is described as follows:

Beginning at Engineer's center line Station 92+060.000, said station being 535.546 meters South and 833.341 meters West of the Northeast corner of Section 13, Township 39 South, Range 8 East, W.M.; thence North 46° 03' 13" East 43.988; thence on a 900.000 meter radius curve left (the long chord of which bears North 37° 13' 37" East 276.202 meters) 277.298 meters; thence North 28° 24' 01" East 418.714 meters to Engineer's center line Station 92+800.000.

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

Station	to	Station	Width on Northwestern Side of Center Line
92+381.286		92+520.000	16.000
92+520.000		92+600.000	10.000
92+600.000		92+610.000	10.000 in a straight line to 17.000

Bearings are based on County Survey Number 6739, filed February 8, 2002, Klamath County, Oregon.

This parcel of land contains 1333 square meters, more or less, outside of the existing right of way.

PARCEL 2 - Temporary Easement For Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in the NW¼NE¼ of Section 13, Township 39 South, Range 8 East, W.M., Klamath County, Oregon and being a portion of that property described in that Warranty Deed to Victor K. Cook and Joanna L. Cook, recorded February 29, 1972 in Book M-72, Page 2139 of Klamath County Record of Deeds; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Green Springs Highway at Engineer's Stations 92+520.000 and 92+524.000 and

EXHIBIT A - Page 2 of 2

File 7072002
Drawing 10B-17-36
02/02/2004

included in a strip of land 21.000 meters in width, lying on the Northwestern side of the center line of relocated Green Springs Highway which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

This parcel of land contains 44 square meters, more or less.

PARCEL 3 - Temporary Easement For Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 39 South, Range 8 East, W.M., Klamath County, Oregon and being a portion of that property described in that Warranty Deed to Victor K. Cook and Joanna L. Cook, recorded February 29, 1972 in Book M-72, Page 2139 of Klamath County Record of Deeds; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Green Springs Highway at Engineer's Station 92+524.000 and 92+600.000 and included in a strip of land 15.000 meters in width, lying on the Northwestern side of the center line of relocated Green Springs Highway which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

This parcel of land contains 380 square meters, more or less.