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File 7072 006
Drawing 10B-17-36

Aspen 58444

Vol M04 Page 22889

State of Oregon, County of Klamath
Recorded 04/19/2004 11:43 a m
Vol M04 Pg 22889-91
Linda Smith, County Clerk
Fee \$ 3.00 # of Pgs 3

WARRANTY DEED

DENNIS L. FIEGI and BETTY J. FIEGI husband and wife, Grantor, for the true and actual consideration of \$4,900.00 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 12/12/2003** 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 **Parcel 2 on Exhibit "A" dated 12/12/2003** 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 Parcel 2, 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.: R3908-012DB-02300-000, R495262

Property Address: 3738 Sunnyside Drive
Klamath Falls, OR 97601

21.00

22890

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 18 day of March, 2004.

Dennis L. Fiegl
Dennis L. Fiegl
Betty J. Fiegl
Betty J. Fiegl

STATE OF OREGON, County of Marion

Dated March 18, 2004. Personally appeared the above named Dennis L. Fiegl and Betty J.

Fiegl, husband and wife, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Carol E. Bartel
Notary Public for Oregon
My Commission expires 5-2-07

Accepted on behalf of the Oregon Department of Transportation

Cliff Buck
Reg & R/W Supervisor

PARCEL 1 - Fee

A parcel of land lying in the NW¼SE¼ of Section 12, Township 39 South, Range 8 East, W.M., Klamath County, Oregon; the said parcel being that portion of said NW¼SE¼ lying Southerly of that property described in that Warranty Deed to James R. Faun and Shirley A. Faun, recorded March 1, 1993 in Volume M-93, Page 4118 of Klamath County Record of Deeds and included in a strip of land variable in width, lying on the Westerly side of the "O" center line which center line is described as follows:

Beginning at Engineer's center line Station "O" 400+000.000, said station being 538.722 meters North and 420.472 meters West of the Northeast corner of Section 13, Township 39 South, Range 8 East, W.M.; thence South 1° 25' 56" West 120.000 meters to Engineer's center line Station "O" 400+120.000.

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

Station	to	Station	Width on Westerly Side of Center Line
400+000.000		400+056.000	6.000 in a straight line to 10.000
400+056.000		400+120.000	10.000

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

This parcel of land contains 121 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 NW¼SE¼ of Section 12, Township 39 South, Range 8 East, W.M., Klamath County, Oregon; the said parcel being that portion of said NW¼SE¼ lying between lines at right angles to the "O" center line at Engineer's Stations "O" 400+081.000 and "O" 400+089.000 and included in a strip of land 13.000 meters in width, lying on the Westerly side of said center line which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

This parcel of land contains 24 square meters, more or less.