

MTCT7840

File 6023 022
Drawing 8B-28-22

2007-010508
Klamath County, Oregon



06/11/2007 03:41:38 PM

Fee: \$31.00

CONVEYANCE OF ACCESS RIGHTS

For the true and actual consideration of \$ 41,600, **KLAMATH ETNA, LLC**, an Oregon limited liability company, Grantor, as the owner of the property described as on **Exhibit "A"** dated **11/14/2006** attached hereto and by this reference made a part hereof, does convey and relinquish unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, all abutter's rights of access between the real property hereinabove described and the Klamath Falls - Lakeview Highway, EXCEPT, however,

Access rights are reserved unto Grantor and grantor's heirs, successors and assigns, for the service of the above-described property, to and from said property and the Klamath Falls - Lakeview Highway at the following place(s), in the following width(s):

Hwy. Engr's Sta.
80+27

Side of Hwy.
North

Width
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 represents and warrants that no one, other than Grantor, is using or entitled to use the access rights herein conveyed and does covenant to and with Grantee, its successors and assigns, that Grantor is the legal owner of the above-mentioned property.

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

Map and Tax Lot #: 39-09-02BC-6300

Property Address: 4333 S. Sixth Street
Klamath Falls, OR 97603

5/4/2007
Page 1 of 2 - car
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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.

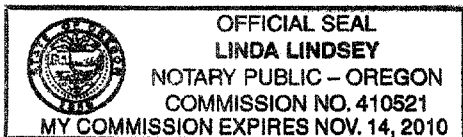
Dated this 30 day of May, 20 07.

KLAMATH ETNA, LLC, an Oregon limited liability company,

M. Eugene Dickerhoff
Manager

STATE OF OREGON, County of Benton

Dated 30th May, 20 07. Personally appeared the above named M. Eugene Dickerhoff Manager of Klamath Etna, LLC, an Oregon limited liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Linda Lindsey
Notary Public for Oregon
My Commission expires 11-14-10

Accepted on behalf of the Oregon Department of Transportation

[Signature]

Access only

A parcel of land lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being all that portion of that property designated as Parcel 2 and described in that Warranty Deed to Klamath ETNA LLC, recorded December 28, 2004 in Book M04, Page 88682 of Klamath County Record of Deeds.

This parcel of land contains 1.60 acres, more or less.