

ATE 66770



08/20/2010 02:59:09 PM

Fee: \$57.00

**WARRANTY DEED**

**KENNETH S. CURBOW and MARIE M. CURBOW**, husband and wife, Grantor, for the true and actual consideration of **\$4,600.00**, 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 6/02/2010**, attached hereto and by this reference made a part hereof.

**TOGETHER WITH** all abutter's rights of access, if any, between the above-described parcel and Grantor's remaining real property.

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 6/02/2010**, 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.

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

Map and Tax Lot #: 24 09 30CA 01300 and 01400

Property Address:

ATE #51

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.

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.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.**

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (8) (d) or (e).

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 5<sup>th</sup> day of August, 2010.

Kenneth S. Curbow  
Kenneth S. Curbow

Marie M. Curbow  
Marie M. Curbow

STATE OF OREGON, County of Klamath

Dated August 5, 2010 Personally appeared, and signed before me by the above named Kenneth S. Curbow and Marie M. Curbow, who acknowledged the foregoing instrument to be their voluntary act.

Before me:



Alice L. Bishop  
Notary Public for Oregon  
My Commission expires August 19, 2010

Accepted on behalf of the Oregon Department of Transportation

[Signature]

**Parcel 1 – Fee**

A parcel of land lying in the NE¼SW¼ of Section 30, Township 24 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Kenneth S. and Marie M. Curbow, recorded July 31, 1989 in Book M89, Page 13929, 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 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 1536+23.13, said station being 541 feet North and 753 feet West of the East one quarter corner of Section 19, Township 24 South, Range 9 East, W.M., Klamath County, Oregon; thence South 16° 16' 26" West 3,417.26 feet to Engineer's center line Station 1570+40.39 Back equals 1574+65.62 Ahead; thence South 16° 16' 26" West 1,715.34 feet; thence on a spiral curve right, (the long chord of which bears South 17° 36' 09" West 399.91 feet) 400.00 feet; thence on a 2,874.62 feet radius curve right (the long chord of which bears South 28° 15' 31" West 799.98 feet) 802.59 feet; thence on a spiral curve right, (the long chord of which bears South 38° 54' 53" West 399.91 feet) 400.00 feet; thence South 40° 14' 36" West 1,158.43 feet; thence on a spiral curve left, (the long chord of which bears South 38° 49' 58" West 399.90 feet) 400.00 feet; thence on a 2,707.85 feet radius curve left (the long chord of which bears South 33° 22' 49" West 248.63 feet) 248.72 feet; thence on a spiral curve left, (the long chord of which bears South 27° 55' 39" West 399.90 feet) 400.00 feet; thence South 26° 31' 01" West 2,555.82 feet to Engineer's Station 1629+90.69 Back equals 9+60.92 Ahead on said center line.

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

Station	to	Station	Width on Westerly Side of Center Line
1612+50.00		1613+00.00	50.00 in a straight line to 60.00
1613+00.00		1614+60.00	60.00
1614+60.00		1614+84.00	60.00 in a straight line to 81.00

Bearings are based upon Record of Survey No. 7678, Klamath County Survey Records.

This parcel of land contains 2,150 square feet, more or less.

**Parcel 2 – Temporary Easement for Work Area (3 years or duration of Project, whichever is sooner)**

A parcel of land lying in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30, Township 24 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Kenneth S. and Marie M. Curbow, recorded July 31, 1989 in Book M89, Page 13929, Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land 60.00 feet in width, lying on the Westerly side of the center line of the relocated The Dalles – California Highway, which center line is described in Parcel 1. EXCEPT therefrom Parcel 1.

This parcel of land contains 979 square feet, more or less.

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