

NTC 87832

2011-012284

Klamath County, Oregon

File 7522 007
Drawing 11B-5-20



00109583201100122840030031

11/01/2011 03:27:09 PM

Fee: \$47.00

PERMANENT EASEMENT

TONY V. PATE and SANDRA D. PATE, husband and wife, Grantor, for the true and actual consideration of \$40,000, does grant to the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, its successors and assigns, a permanent easement to construct, reconstruct, repair, and maintain a public highway and its appurtenances and facilities, and also to construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under and across the property described as **Parcel 1 on Exhibit "A" dated 2/15/2011**, attached hereto and by this reference made a part hereof.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for the demolition of a structure and removal of debris and for a work area for construction purposes, over and across the property described as **Parcel 2 on Exhibit "A" dated 2/15/2011**, 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, and will warrant the easement rights herein granted from all lawful claims whatsoever.

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 34 07 34DB 05400

Property Address:

47Am

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.

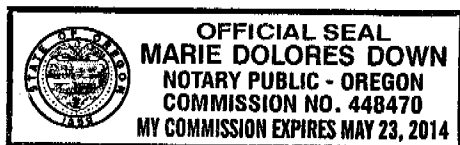
Dated this 20 day of Oct, 20 11.

Tony V. Pate
Tony V. Pate

Sandra D. Pate
Sandra D. Pate

STATE OF OREGON, County of Klamath

Dated October 20, 20 11. Personally appeared, and signed before me by the above named Tony V. Pate and Sandra D. Pate who acknowledged the foregoing instrument to be their voluntary act. Before me:



Marie Dolores Down
Notary Public for Oregon
My Commission expires 5-23-2014

Accepted on behalf of the Oregon Department of Transportation

[Signature]

Parcel 1 – Permanent Easement for Highway Right of Way Purposes

A parcel of land lying in the NW¼SE¼ of Section 34, Township 34 South, Range 7 East, W.M., Klamath County, Oregon and being a portion of that property designated as Lot 6, Block 14, FIRST ADDITION TO CHILOQUIN as described in that Warranty Deed to Tony V. and Sandra D. Pate, recorded June 2, 2003 in Book M03, Page 37168, Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land 42.00 feet in width lying on the Northerly side of center line of the relocated Chiloquin Highway, which center line is described as follows:

Beginning at Engineer's center line Station 0+00.00, said station being 1,076 feet North and 1,538 feet West of the Southeast corner of Section 34, Township 34 South, Range 7 East, W.M., Klamath County, Oregon; thence North 58° 40' 59" West 1,581.78 feet to Engineer's center line Station 15+81.78 P.C.

Bearings are based upon the Oregon Coordinate System, south zone, as surveyed by GPS observation utilizing the Oregon Real Time GPS Network [NAD83, (CORS 96), (Epoch: 2002)], as noted on Klamath County Survey No. 7796.

This parcel of land contains 626 square feet, more or less.

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

A parcel of land lying in the NW¼SE¼ of Section 34, Township 34 South, Range 7 East, W.M., Klamath County, Oregon and being a portion of that property designated as Lot 6, Block 14, FIRST ADDITION TO CHILOQUIN as described in that Warranty Deed to Tony V. and Sandra D. Pate, recorded June 2, 2003 in Book M03, Page 37168, Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land 100.00 feet in width lying on the Northerly side of center line of the relocated Chiloquin Highway, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

This parcel of land contains 2,900 square feet, more or less.