

MTL 92472

2012-012985

Klamath County, Oregon

11/21/2012 11:41:31 AM

Fee: \$57.00

PERMANENT EASEMENT

TERRY R. ETTERS and DEBORAH A. ETTERS, husband and wife, Grantor, for the true and actual consideration of \$1,850, 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 5/14/2012, 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, EXCEPT, however,

Reserving access rights for the service of Grantor's remaining property, to and from said remaining property to the abutting highway at the following place(s), in the following width(s):

Hwy. Engr's Sta. 139 + 37	Side of Hwy. S	Width 35'
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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.

AFTER RECORDING 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 #: 3909-001CB-01500-000

Property Address: 6120 S 6th Street
Klamath Falls, OR 97603

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 5/14/2012**, 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.

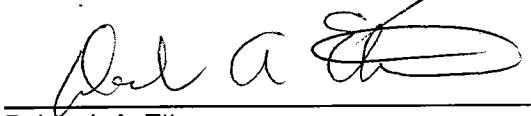
Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does 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 day of October 29th, 2012.


Terry R. Etters


Deborah A. Etters

STATE OF OREGON, County of Klamath

Dated October 29th, 20 12. Personally appeared, and signed before me by, the above named Terry R. Etters and Deborah A. Etters, who acknowledged the foregoing instrument to be their voluntary act. Before me:




Notary Public for Oregon
My Commission expires 9/29/2015

Accepted on behalf of the Oregon Department of Transportation



Parcel 1 – Permanent Easement for Highway Right of Way Purposes

A parcel of land lying in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; said parcel being a portion of that property described in that Bargain and Sale Deed to Terry R. Etters and Deborah A. Etters, recorded March 22, 2005 in Book M05, Page 18811, Klamath County Record of Deeds; said parcel being that portion of said property lying Northerly of the following described line:

Beginning at a point opposite and 55.00 feet Southerly of Engineer's Station 13+44.00 on the center line of the relocated Klamath Falls – Lakeview Highway; thence Easterly in a straight line to a point opposite and 50.00 feet Southerly of Engineer's Station 139+15.00; thence Easterly in a straight line to a point opposite and 50.00 feet Southerly of Engineer's Station 140+21.00; thence Easterly in a straight line to a point opposite and 50.00 feet Southerly of Engineer's Station 141+40.00 on said center line.

The center line of the relocated Klamath Falls – Lakeview Highway is described as follows:

Beginning at center line station 128+15.00, said station being the West quarter corner of Section 1, Township 39 South, Range 9 East W.M., thence South 89° 51' 00" East 360.50 feet; thence on a spiral curve right (the long chord of which bears South 87° 08' 35" East 499.55 feet) 500.00 feet; thence on a 1,763.64 foot radius curve right (the long chord of which bears South 67° 58' 42" East 838.38 feet) 846.48 feet; thence on a spiral curve right (the long chord of which bears South 48° 48' 48" East 499.55 feet) 500.00 feet; thence South 46° 06' 23" East 69.88 feet to Engineer's center line station 150+91.86 Back equals 150+92.02 Ahead; thence South 46° 06' 23" East 4,093.12 feet to center line station 191+85.14, on said center line.

Bearings are based on County Survey No. 7892, filed January, 2012, Klamath County, Oregon.

This parcel of land contains 565 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; said parcel being a portion of that property described in that Bargain and Sale Deed to Terry R. Etters and Deborah A. Etters, recorded March 22, 2005 in Book M05, Page 18811, Klamath County Record of Deeds; said parcel being that portion of said property lying Northerly of the following described line:

Beginning at a point opposite and 84.00 feet Southerly of Engineer's Station 137+22.00 on the center line of the relocated Klamath Falls – Lakeview Highway; thence Easterly in a straight line to a point opposite and 73.00 feet Southerly of Engineer's Station 139+22.00; thence Easterly in a straight line to a point opposite and 72.00 feet Southerly of Engineer's Station 140+29.00; thence Easterly in a straight line to a point opposite and 57.00 feet Southerly of Engineer's Station 141+58.00 on said center line, which center line is described in Parcel 1.

This parcel of land contains 2,873 square feet, more or less.

