

WTC 9/16/91

2012-013242

Klamath County, Oregon

11/29/2012 03:51:40 PM

Fee: \$52.00

**WARRANTY DEED**

**JAMES K. NUNN and MARISSA L. NUNN, husband and wife**, Grantor, for the true and actual consideration of **\$1,500**, 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 3/15/2012**, attached hereto and by this reference made a part hereof.

TOGETHER WITH all abutter's rights of access, if any, between the Klamath Falls - Lakeview Highway and Grantor's remaining real property, EXCEPT, however,

Grantee shall either construct a public frontage road, or provide some other access road on the NORTH side of the highway, and Grantor and Grantor's heirs, successors and assigns, shall be entitled to access to said road for any purpose upon application filed with Grantee and issuance of a road approach permit pursuant to applicable statutes and regulations. Said road shall be connected to the main highway or to other public ways only at such places as Grantee may select.

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 3/15/2012**, attached hereto and by this reference made a part hereof.


IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate five (5) 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  
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2  
SALEM OR 97302-1142

Map and Tax Lot #: 38 11 004B0 01500

Property Address: 29841 Wood Chuck Lane  
Bonanza, OR 97623



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 reduction in value 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

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 (9) (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 13th day of November, 2012

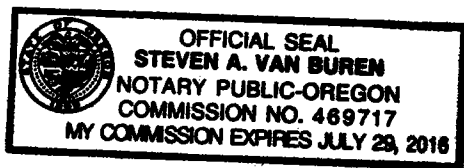
  
James K. Nunn

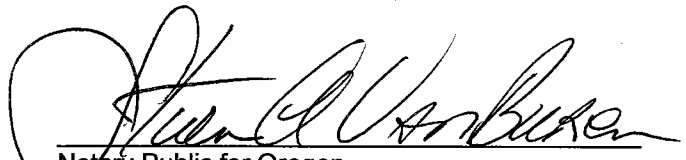
  
Marissa L. Nunn

STATE OF OREGON, County of Klamath

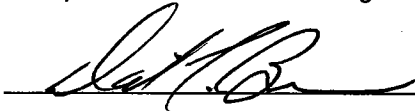
Dated November 13, 2012. Personally appeared, and signed before me by the above named James K. Nunn and Marissa L. Nunn, who acknowledged the foregoing instrument to be their voluntary act.

Before me:



  
Notary Public for Oregon  
My Commission expires July 29, 2016

Accepted on behalf of the Oregon Department of Transportation



**Parcel 1 – Fee**

A parcel of land lying in Government Lot 4 of Section 4 and Government Lot 1 of Section 5, Township 38 South, Range 11 East, W.M., Klamath County, Oregon and being a portion of that property described in that Warranty Deed to James K. Nunn and Marissa L. Nunn, recorded May 7, 2004 in Book M04, Page 28079, Klamath County Record of Deeds; the said parcel being that portion of said property lying Southerly of the center line of the relocated Klamath Falls – Lakeview Highway, TOGETHER WITH that portion of said property included in a strip of land, 130.00 feet in width, lying on the Northerly side of said center line, which center line is described as follows:

Beginning at Engineer's center line Station 1361+24.31 P.T., said station being 4,336.33 feet South and 6,481.35 feet West of the East Quarter Corner of Section 33, Township 37 South, Range 11 East, W.M.; thence North 18° 43' 11" East 69.31 feet; thence on a spiral curve right (the long chord of which bears North 21° 35' 02" East 269.73 feet) 270.00 feet; thence on a 900.00 foot radius curve right (the long chord of which bears North 47° 08' 19" East 610.45 feet) 622.81 feet; thence on a spiral curve right (the long chord of which bears North 72° 41' 36" East 269.73 feet) 270.00 feet; thence North 75° 33' 27" East 256.70 feet; thence on a spiral curve right (the long chord of which bears North 78° 05' 14" East 219.83 feet) 220.00 feet; thence on a 830.37 foot radius curve right (the long chord of which bears South 73° 41' 32" East 653.18 feet) 671.31 feet; thence on a spiral curve right (the long chord of which bears South 45° 28' 18" East 219.83 feet) 220.00 feet; thence South 42° 56' 32" East 449.16 feet to Engineer's Station 1391+73.60 P.S. on said center line.

Bearings are based upon CS 7047, Surveyed Records of Klamath County.

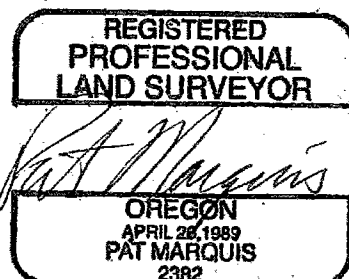
This parcel of land contains 7,084 square feet, more or less.

**Parcel 2 – Temporary Easement for Work Area (5 years or duration of Project, whichever comes sooner)**

A parcel of land lying in Government Lot 4 of Section 4, Township 38 South, Range 11 East, W.M., Klamath County, Oregon and being a portion of that property described in that Warranty Deed to James K. Nunn and Marissa L. Nunn, recorded May 7, 2004 in Book M04, Page 28079, Klamath County Record of Deeds; the said parcel being that portion of said property lying between lines at right angle to the center line of the relocated Klamath Falls – Lakeview Highway at Engineer's Stations 1377+60.00 and 1378+00.00 and included in a strip of land, 145.00 feet in width, lying on the Northerly side of said center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

This parcel of land contains 670 square feet, more or less.



EXPIRES 12-31-2012