

MTC 91791

WARRANTY DEED

KLAMATH COUNTY FIRE DISTRICT NO. 5, Grantor, for the true and actual consideration of **\$2650** 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 RIGHT 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.

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.

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 003B0 02000

Property Address: 9133 Bly Mtn Cutoff Rd
Bonanza, OR 97623

57 AMT

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 March, 2013.

KLAMATH COUNTY FIRE DISTRICT NO. 5

By John Ed Harriman
Representative

By Colman Harriman 2nd chair
Representative

STATE OF OREGON, County of Klamath

Dated March 13, 2013. Personally appeared John Bodnar and
Hilmer Sherman, who, being sworn, stated that they are the representatives for the

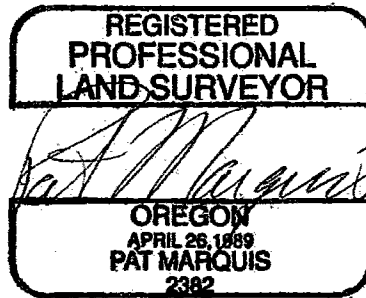
Klamath County Fire District No. 5, and that this instrument was voluntarily signed on behalf of the District by authority
of an order of the Board. Before me: Kathy Longoria



Kathy Longoria
Notary Public for Oregon
My Commission expires March 15, 2015

Accepted on behalf of the Oregon Department of Transportation

[Signature]



Parcel 1 – Fee

A parcel of land lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 38 South, Range 11 East, W.M., Klamath County, Oregon and being a portion of that property described in that Quitclaim Deed to Klamath County Fire District No. 5, recorded February 2, 1999 in Book M99, Page 3873, Klamath County Record of Deeds; the said parcel being that portion of said property lying Westerly of the following described line:

Beginning at a point opposite and 445.00 feet Southeasterly of Engineer's Station 1441+39.00 on the center line of the relocated Klamath Falls – Lakeview Highway; thence Northerly in a straight line to a point opposite and 258.00 feet Southeasterly of Engineer's Station 1442+68.00 on said center line; thence Northerly in a straight line to a point opposite and 130.00 feet Southeasterly of Engineer's Station 1444+64.00 on said center line; thence Northerly in a straight line to a point opposite and 144.00 feet Easterly of Engineer's Station 1446+06.00.00 on said center line, which center line is described as follows:

Beginning at Engineer's center line Station 1426+71.20 P.T., said station being 4,446.37 feet South and 1,308.36 feet West of the East Quarter corner of Section 33, Township 37 South, Range 11 East, W.M.; thence South 73° 12' 06" East 573.07 feet; thence on a spiral curve left (the long chord of which bears South 76° 34' 03" East 274.62 feet) 275.00 feet; thence on a 780.00 foot radius curve left (the long chord of which bears North 56° 05' 53" East 1,015.21 feet) 1,105.42 feet; thence on a spiral curve left (the long chord of which bears North 8° 45' 49" East 274.62 feet) 275.00 feet; thence North 5° 23' 52" East 856.57 feet; thence on a spiral curve left (the long chord of which bears North 4° 26' 35" East 299.97 feet) 300.00 feet; thence on a 3,000.00 foot radius curve left (the long chord of which bears North 5° 24' 34" West 829.08 feet) 831.74 feet; thence on a spiral curve left (the long chord of which bears North 15° 15' 43" West 299.97 feet) 300.00 feet; thence North 16° 13' 01" West 406.93 feet to Engineer's Station 1475+94.93 P.S. on said center line.

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

This parcel of land contains 7,158 square feet, more or less.

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

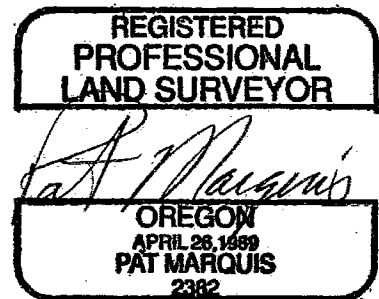
A parcel of land lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 38 South, Range 11 East, W.M., Klamath County, Oregon and being a portion of that property described in that Quitclaim Deed to Klamath County Fire District No. 5, recorded February 2, 1999 in Book

M99, Page 3873, Klamath County Record of Deeds; the said parcel being that portion of said property lying Westerly of the following described line:

Beginning at a point opposite and 453.00 feet Southeasterly of Engineer's Station 1441+60.00 on the center line of the relocated Klamath Falls – Lakeview Highway; thence Northerly in a straight line to a point opposite and 279.00 feet Southeasterly of Engineer's Station 1442+84.00 on said center line; thence Northerly in a straight line to a point opposite and 159.00 feet Southeasterly of Engineer's Station 1444+70.00 on said center line; thence Northerly in a straight line to a point opposite and 168.00 feet Easterly of Engineer's Station 1445+70.00 on said center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

This parcel of land contains 8,489 square feet, more or less.



Expires 12-31-2012