

mtc 9/16/15

2013-004921
Klamath County, Oregon
05/07/2013 11:19:07 AM
Fee: \$52.00

WARRANTY DEED

NICHOLAS B. FEY, Grantor, for the true and actual consideration of **\$520.00** does convey unto the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION** Grantee, fee title to the property described 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 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.

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 005A0 01000

Property Address:


52 Amt

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.

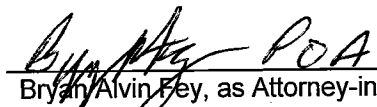
The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (9) (d) or (e).

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 4th day of April, 2013.



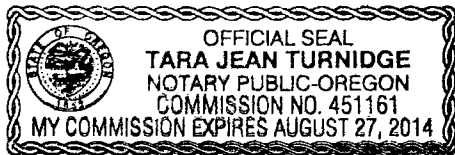
Nicholas B. Fey

By:  POA

Bryan Alvin Fey, as Attorney-in-Fact

STATE OF OREGON, County of Yamhill

Dated April 8, 20 13. Personally appeared the above named Bryan Alvin Fey, who being duly sworn, did say that he is the Attorney-in-Fact for Nicholas B. Fey, and that he executed the foregoing instrument by authority of and on behalf of said principal; and acknowledged to me that as Attorney-in-Fact for said principal, executed the same freely and voluntarily for the uses and purposes herein mentioned. Before me: _____



Tara Turnidge
Notary Public for Oregon
My Commission expires Aug. 27, 2014

Accepted on behalf of the Oregon Department of Transportation

[Signature]

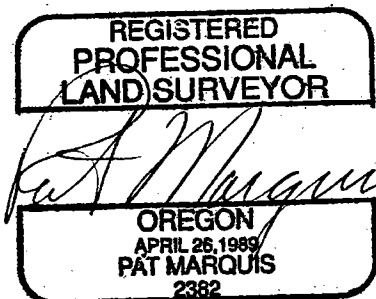
Fee

A parcel of land lying in Government Lot 1 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 38 South, Range 11 East, W.M., Klamath County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Nicholas B. Fey, recorded February 17, 2010 in Book 2010, Page 002377, Klamath County Record of Deeds; the said parcel being that portion of said property lying on the Northwestern side of the center line of the relocated Klamath Falls – Lakeview Highway, TOGETHER WITH that portion of said property included in a strip of land, 115.00 feet in width, lying on the Southeasterly side of said center line, which center line is described as follows:

Beginning at Engineer's center line Station 1326+00.00, said station being 6,637.29 feet South and 9,090.64 feet West of the East Quarter corner of Section 33, Township 37 South, Range 11 East, W.M.; thence North 52° 28' 42" East 2,694.02 feet; thence on a spiral curve left (the long chord of which bears North 49° 17' 46" East 299.63 feet) 300.00 feet; thence on a 900.00 foot radius curve left (the long chord of which bears North 35° 35' 57" East 229.65 feet) 230.28 feet; thence on a spiral curve left (the long chord of which bears North 21° 54' 07" East 299.63 feet) 300.00 feet; 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 to Engineer's Station 1376+13.12 P.S. on said center line.

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

This parcel of land contains 4,331 square feet, more or less.



EXPIRES 12-31-2012