

NOT 9/6/85

2013-008979
Klamath County, Oregon
08/06/2013 02:01:35 PM
Fee: \$47.00

PERMANENT EASEMENT

EDMOND BARRY O'CONNOR and RUTH MERRILL O'CONNOR, as Trustees of the Barry and Ruth O'Connor Trust, uad December 12, 2012, and their successors in Trust, Grantor, for the true and actual consideration of **\$1,767** , does grant to the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, upon the property described on **Exhibit "A" dated 4/29/2013**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor and grantor's heirs, successors and assigns, by reason thereof, or by reason of any change of grade of the public way abutting on said property.

IT IS ALSO UNDERSTOOD that the easement herein granted does not convey any right or interest in the above-described property, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way.

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 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.

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 #: 41 11 300

Property Address: Hwy 39
Merrill, OR 97633

47mmf

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 July 17th, 20 13.

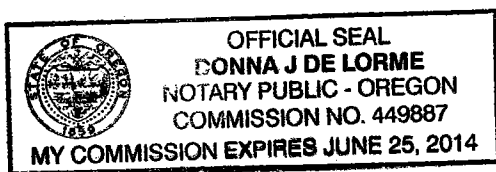
BARRY and RUTH O'CONNOR TRUST, uad December 12, 2012

Edmond Barry O'Connor, Trustee
Edmond Barry O'Connor, Trustee

Ruth Merrill O'Connor, Trustee
Ruth Merrill O'Connor, Trustee

STATE OF OREGON, County of Klamath

Dated July 17th, 20 13. Personally appeared the above named Edmond Barry O'Connor and Ruth Merrill O'Connor, Trustees, and acknowledged the foregoing instrument to be their voluntary act. Before me:



Donna J De Lorme
Notary Public for Oregon
My Commission expires June 25, 2014

Accepted on behalf of the Oregon Department of Transportation

[Signature]

Permanent Easement For Slopes

A parcel of land lying in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 41 South, Range 11 East, W.M., Klamath County, Oregon and being a portion of that property described in that Bargain and Sale Deed to Edmond Barry O'Connor and Ruth Merrill O'Connor, as Trustees of the Barry and Ruth O'Connor Trust, uad December 12, 2012, and their successors in Trust, recorded December 19, 2012 in Book 2012, Page 014126, Klamath County Record of Deeds; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the Klamath Falls-Malin Highway, which center line is described as follows:

~~Beginning at Engineer's center line Station "CL_39" 230+00.00, said station being 1.09 feet South and 104.68 feet East of the Northwest corner of Section 8, Township 41 South, Range 11 East, W.M., Klamath County, Oregon; thence South 89°24' 19" East 2100.00 feet to Engineer's Station "CL_39" 251+00.00 on said center line.~~

The width in feet of said strip of land is as follows:

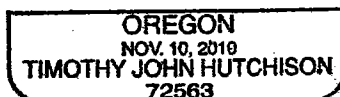
Station	to	Station	Width on the Southerly Side of Center Line
245+92.00		248+79.00	20.00 in a straight line to 47.00
248+79.00		249+39.00	47.00 in a straight line to 33.00

Bearings are grid, based on the Oregon Coordinate System, South Zone, NAD83(CORS96)(EPOCH2002).

This parcel of land contains 1,041 square feet, more or less.



Timothy J. Hutchison



RENEWALS: 6/30/13