

File 9338610  
Drawing 11B-9-30

**2018-013500**  
**Klamath County, Oregon**  
11/05/2018 03:20:00 PM  
Fee: \$97.00



#### **PERMANENT EASEMENT**

**KLAMATH COUNTY SCHOOL DISTRICT**, Grantor, for the true and actual consideration of **\$500**, 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 as **Parcel 1 on Exhibit "A" dated 4/10/2018**, attached hereto and by this reference made a part hereof.

IT IS 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.

IT IS ALSO UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it upon 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.

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 4/10/2018**, 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.

**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 #: 39-10-30-1600

Property Address: 8633 Highway 39  
Klamath Falls, OR 97603

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 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.

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 12<sup>th</sup> day of October, 2018.

**KLAMATH COUNTY SCHOOL DISTRICT**

By Renee M Ferguson  
Representative Director of Business Services

By \_\_\_\_\_  
Representative

STATE OF OREGON, County of Klamath

Dated October 12, 2018. Personally appeared Renee M. Ferguson and \_\_\_\_\_, who, being sworn, stated that they are the representatives for the Klamath County School District, and that this instrument was voluntarily signed on behalf of the School District by authority of an order of the School Board. Before me:



Lana Renee Loney  
Notary Public for Oregon  
My Commission expires May 30, 2021

Accepted on behalf of the Oregon Department of Transportation

[Signature]

**Parcel 1 – Permanent Easement For Slopes**

A parcel of land lying in the NW1/4SW1/4 of Section 30, Township 39 South, Range 10 East, Willamette Meridian, Klamath County, Oregon and being a portion of that property described in that Warranty Deed to Klamath County School District recorded October 27, 1999 in Volume M99, Page 42919, Klamath County Record of Deeds; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Klamath Falls-Malin Highway at Engineer's Stations 110+49.00 and 111+13.00 and included in a strip of land 36.00 feet in width, lying on the Easterly side of said center line, which center line is described as follows:

Beginning at Engineer's center line Station 108+00.00, said station being 2,756.24 feet South and 5.97 feet West of the NW corner of Section 30, Township 39 South, Range 10 East, W.M.; thence South 00° 01' 49" West 700.00 feet to Engineer's Station 115+00.00 on said center line.

Bearings are based upon the Oregon Coordinate Reference System (O.C.R.S.), Bend-Klamath Falls Zone, NAD 83(2011) Epoch 2010.00.

This parcel of land contains 384 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 NW1/4SW1/4 of Section 30, Township 39 South, Range 10 East, Willamette Meridian, Klamath County, Oregon and being a portion of that property described in that Warranty Deed to Klamath County School District recorded October 27, 1999 in Volume M99, Page 42919, Klamath County Record of Deeds; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Klamath Falls-Malin Highway at Engineer's Stations 110+39.00 and 111+18.00 and included in a strip of land 42.00 feet in width, lying on the Easterly side of said center line, which center line is described in Parcel 1.

This parcel of land contains 948 square feet, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

DIGITALLY SIGNED May 15 2018 12:39 PM

OREGON  
NOVEMBER 10, 2010  
TIMOTHY JOHN HUTCHISON  
72563

*EXPIRES 6/30/19*