

**2018-015243**

**Klamath County, Oregon**

12/21/2018 12:17:01 PM

Fee: \$102.00



### PERMANENT EASEMENT

**CHARLES T. EBNER and DEBRA C. EBNER, husband and wife**, Grantor, for the true and actual consideration of **\$1,500** , 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 4/5/2018**, 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 permanent easement for the construction, operation, and maintenance of drainage facilities over, under, and across the property described as **Parcel 2 on Exhibit "A" dated 4/5/2018**, 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 Parcel 2, except for the purposes herein above stated, nor prevent Grantor from the use of said property; provided, however, that such use does not interfere with the rights herein granted.

**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 #: 40 09 01 1100

Property Address: 11920 Highway 39  
Klamath Falls, OR 97603

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 3 on Exhibit "A" dated 4/5/2018**, 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.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described Parcel 3, 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.

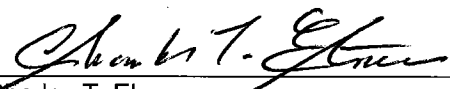
Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

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.

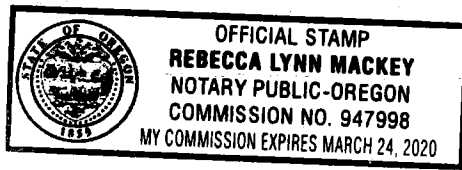
Dated this 8th day of October, 2018.

  
Charles T. Ebner

  
Debra C. Ebner

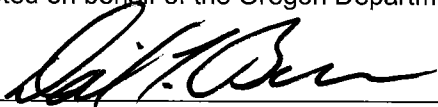
STATE OF OREGON, County of Klamath

Dated December 5, 2018. Personally appeared, and signed before me by, the above named Charles T. Ebner and Debra C. Ebner, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Rebecca Lynn Mackey  
Notary Public for Oregon  
My Commission expires 03/24/2020

Accepted on behalf of the Oregon Department of Transportation



**Parcel 1 – Permanent Easement For Slopes**

A parcel of land lying in the NE1/4SE1/4 of Section 1, Township 40 South, Range 9 East, Willamette Meridian, Klamath County, Oregon and being a portion of that property described in that Warranty Deed to Charles T. Ebner and Debra C. Ebner recorded July 26, 2005 in Volume M05, Page 57590, 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 478+29.00 and 480+38.00 and included in a strip of land 38.00 feet in width, lying on the Westerly side of said center line, which center line is described as follows:

Beginning at Engineer's center line Station 476+81.75, said station being the East quarter corner of Section 1, Township 40 South, Range 9 East, W.M.; thence South 00° 08' 50" West 818.26 feet to Engineer's Station 485+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 1,672 square feet, more or less.

**Parcel 2 – Permanent Easement For Drainage Facilities**

A parcel of land lying in the NE1/4SE1/4 of Section 1, Township 40 South, Range 9 East, Willamette Meridian, Klamath County, Oregon and being a portion of that property described in that Warranty Deed to Charles T. Ebner and Debra C. Ebner recorded July 26, 2005 in Volume M05, Page 57590, 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 480+27.00 and 481+00.00 and included in a strip of land 38.00 feet in width, lying on the Westerly side of said center line, which center line is described in Parcel 1.

This parcel of land contains 335 square feet, more or less.

**Parcel 3 – Temporary Easement For Work Area (3 years or duration of Project, whichever is sooner)**

A parcel of land lying in the NE1/4SE1/4 of Section 1, Township 40 South, Range 9 East, Willamette Meridian, Klamath County, Oregon and being a portion of that property described in that Warranty Deed to Charles T. Ebner and Debra C. Ebner recorded July 26, 2005 in Volume M05, Page 57590, 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 478+24.00 and 481+00.00 and included in a strip of land 43.00 feet in width, lying on the Westerly side of said center line, which center line is described in Parcel 1.

This parcel of land contains 3,186 square feet, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

DIGITALLY SIGNED May 15 2018 12:37 PM

OREGON  
NOVEMBER 10, 2010  
TIMOTHY JOHN HUTCHISON  
72563

EXPIRES 6/30/19