


2019-011945
Klamath County, Oregon
10/14/2019 09:48:01 AM
Fee: \$102.00


MTC 207444 AM

CONVEYANCE OF ACCESS RIGHTS and WARRANTY DEED

For the true and actual consideration of \$4,201.00, **STEVEN L. ROBERTS and SUSAN M. ROBERTS, husband and wife**, Grantor, as the owner of the property described as **Parcel 1 on Exhibit "A" dated 1/3/2019**, attached hereto and by this reference made a part hereof, does convey and relinquish unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, all abutter's rights of access, if any, between the Klamath Falls - Lakeview Highway, and Grantor's remaining real property, **EXCEPT**, however,

Reserving access rights, for the service of Grantor's remaining property, to and from said remaining property to the abutting highway at the following place(s), in the following width(s):

Hwy. Engr's Sta.	Side of Hwy.	Width
94+14	Left	20"

The access rights reserved herein are subject to, and may only be exercised in accordance with, the statutes and administrative rules applicable to access control and road approaches. Such access is contingent upon issuance of an approach road permit, and no access rights may be exercised or construction of an approach road begun unless, and until, a standard Approach Road Permit application is submitted and a permit issued by the Oregon Department of Transportation. The approach road may only be constructed or maintained upon issuance of such permit and in accordance with such permit. If the State constructs the approach road during a highway project, Grantor is required to sign a standard Approach Road Permit to ensure proper operation and maintenance of the approach road.

Grantor represents and warrants that no one, other than Grantor, is using or entitled to use the access rights herein conveyed and does covenant to and with Grantee, its successors and assigns, that Grantor is the legal owner of the above-mentioned property.

**AFTER RECORDING RETURN &
TAX STATEMENTS 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 09 02BD 4300

Property Address: 4725 S 6th Street
Klamath Falls, OR 97603

THIS IS A PARTIAL ACQUISITION FOR ROAD PURPOSES

GRANTOR ALSO CONVEYS UNTO the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the property described as **Parcel 2 on Exhibit "A" dated 1/3/2019**, 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,

Reserving access rights, for the service of Grantor's remaining property, to and from said remaining property to the abutting highway at the following place(s), in the following width(s):

Hwy. Engr's Sta.	Side of Hwy.	Width
94+14	Left	20'

The access rights reserved herein are subject to, and may only be exercised in accordance with, the statutes and administrative rules applicable to access control and road approaches. Such access is contingent upon issuance of an approach road permit, and no access rights may be exercised or construction of an approach road begun unless, and until, a standard Approach Road Permit application is submitted and a permit issued by the Oregon Department of Transportation. The approach road may only be constructed or maintained upon issuance of such permit and in accordance with such permit. If the State constructs the approach road during a highway project, Grantor is required to sign a standard Approach Road Permit to ensure proper operation and maintenance of the approach road.

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 1/3/2019**, 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 State of Oregon Department of Transportation's 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 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.

Parcel 1 – Access Only

A parcel of land lying in the SE¼NW¼ of Section 2, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being that property described in that Statutory Warranty Deed to Steven L. Roberts and Susan M. Roberts, as tenants by the entirety, recorded January 30, 2004 in Book M04, Page 05714, Klamath County Record of Deeds.

This parcel of land contains 23,087 square feet, more or less.

Parcel 2 - Fee

A parcel of land lying in the SE¼NW¼ of Section 2, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Steven L. Roberts and Susan M. Roberts, as tenants by the entirety, recorded January 30, 2004 in Book M04, Page 05714, Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land, variable in width, lying on the Northerly side of the center line of the relocated Klamath Falls-Lakeview Highway, which center line is described as follows:

Beginning at Engineer's center line Station 75+21.60, said station being 131.80 feet East and 1.47 feet South of the West quarter corner of Section 2, Township 39 South, Range 9 East W.M.; thence North 89° 44' 04" East 2,984.00 feet; thence South 89° 52' 38" East 2,309.15 feet to Engineer's center line Station 128+14.75 Back equals 128+15.00 Ahead; thence South 89° 51' 00" East 360.50 feet to center line station 131+75.50 on said center line.

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

Station	to	Station	Width on Northerly Side of Center Line
93+90.00		94+33.00	42.00
94+33.00		94+64.00	48.00
94+64.00		95+10.00	42.00

Bearings are based on County Survey No. 7892, filed January, 2012, Klamath County, Oregon.

This parcel of land contains 304 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Steven L. Roberts and Susan M. Roberts, as tenants by the entirety, recorded January 30, 2004 in Book M04, Page 05714, 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-Lakeview Highway at Engineer's Stations 93+90.00 and 95+10.00 and included in a strip of land 58.00 feet in width, lying on the Northerly side of said center line, which center line is described in Parcel 2.

EXCEPT therefrom Parcel 2.

This parcel of land contains 1,134 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED Feb 28 2019 10:40 AM

OREGON
NOVEMBER 10, 2010
TIMOTHY JOHN HUTCHISON
72563

EXPIRES 6/30/19