

2020-011033

Klamath County, Oregon

09/01/2020 11:59:00 AM

Fee: \$102.00



### CONVEYANCE OF ACCESS RIGHTS AND WARRANTY DEED

For the true and actual consideration of \$3,500, **JAMES B. HILL**, Grantor, as the owner of the property described as **Parcel 1 on Exhibit "A" dated 04/14/2020** 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 South Klamath Falls Highway and Grantor's remaining real property, EXCEPT, however,

Grantee shall either construct a public frontage road, or provide some other public access road on the North 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 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.

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 04/14/2020** attached hereto and by this reference made a part hereof.

TOGETHER WITH all abutter's rights of access, if any, between the South Klamath Falls Highway and Grantor's remaining real property, EXCEPT, however,

Grantee shall either construct a public frontage road, or provide some other public access road on the North 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.

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 #: 39S9E14DA-6000

Property Address:

**THIS IS A PARTIAL ACQUISITION FOR ROAD PURPOSES**

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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 04/14/2020**, 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 agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages 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.

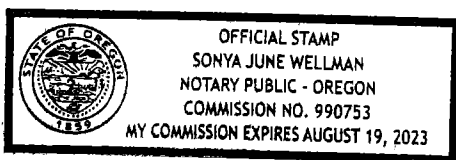
It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 28th day of July, 20 20.

  
\_\_\_\_\_  
James B. Hill

STATE OF OREGON, County of Klamath

Dated July 28, 2020, 20 20. Personally appeared, and signed before me by the above named  
James B. Hill, who acknowledged the foregoing instrument to be his voluntary act. Before me:



Sonya June Wellman  
Notary Public for Oregon  
My Commission expires 08/19/2023

Accepted on behalf of the Oregon Department of Transportation

[Signature]

**Parcel 1 – Access**

A parcel of land lying in the NE¼SE¼ of Section 14, 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 James B Hill, recorded October 26, 2009, in Book M-09, Page 013816 of Klamath County Record of Deeds.

**Parcel 2 – Fee**

A parcel of land lying in the NE¼SE¼ of Section 14, 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 James B Hill, recorded October 26, 2009, in Book M-09, Page 013816 of Klamath County Record of Deeds; said parcel being that portion of said property included in a strip of land variable in width, lying on Easterly side of the center line of the relocated County Road 880 (Homedale Road), which center line is described as follows:

Beginning at Engineer's center line Station 'H' 63+27.25, said station being North 10.37 feet and West 1327.25 feet of the Southeast corner of Section 14, Township 39 South, Range 9 East, W.M.; thence North 0°02'35" East 2722.75 feet to Engineer's center line station 'H' 90+50.00, said station being North 4.53 feet and East 4021.05 feet of the West quarter corner of Section 14, Township 39 South, Range 9 East, W.M.

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

Station	to	Station	Width on Easterly Side of Center Line
"H" 77+60.00		"H" 78+25.00	60.00 in a straight line to 30.00

Bearings are based on the Oregon Coordinate Reference System – Bend-Klamath Falls Zone, NAD 83 (2011) epoch 2010.00.

This parcel of land contains 624 square feet, more or less, outside the existing right of way.

**Parcel 2 – Temporary Easement for Work Area (3 years or duration of Project, whichever is sooner)**

A parcel of land lying in the NE¼SE¼ of Section 14, 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 James B Hill, recorded October 26, 2009, in Book M-09, Page 013816 of Klamath County Record of Deeds; said parcel being that portion of said property

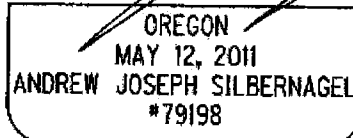
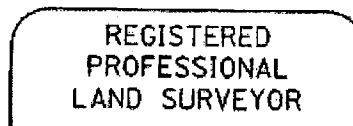
included in a strip of land variable in width, lying on Easterly side of the center line of the relocated County Road 880 (Homedale Road), which center line is described in Parcel 1.

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

Station	to	Station	Width on Easterly Side of Center Line
"H" 77+60.00		"H" 78+30.00	65.00 in a straight line to 48.00

EXCEPT therefrom Parcel 1.

This parcel of land contains 796 square feet, more or less, outside the existing right of way.



RENEWS: JUNE 30, 2020  
SIGNED: 04/14/2020