

2020-011187
Klamath County, Oregon
09/03/2020 04:04:00 PM
Fee: \$97.00



PERMANENT EASEMENT

KLAMATH MAN CAVE LLC, an Oregon limited liability company, Grantor, for the true and actual consideration of **\$10,000.00**, 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 10/04/2019**, attached hereto and by this reference made a part hereof.

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 10/04/2019**, 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 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.

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.

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 #: 3909-015D0-02000

Property Address:

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 day of August, 2020.

KLAMATH MAN CAVE LLC,
an Oregon limited liability company

Scott McKay Member

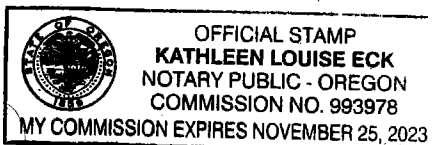
Member(s) / Manager(s)

member
Member(s) / Manager(s)

STATE OF OREGON, County of Klamath

Dated August 12, 2020 Personally appeared the above named Scott McKay and Mike McKay and Richard Garbutt Lee Matchett, Member(s) / Manager(s) of Klamath Man Cave LLC, an Oregon limited

liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Kathleen Louise Eck
Notary Public for Oregon
My Commission expires Nov 25, 2023

Accepted on behalf of the Oregon Department of Transportation

Parcel 1 - Permanent Easement for Slopes

A parcel of land lying in the SE¼SE¼ of Section 15, Township 39 South, Range 9 East, W.M., Klamath County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to Klamath Man Cave LLC an Oregon Limited Liability Corp, recorded March 6, 2015 as 2015-001998 of Klamath County Record of Deeds; said parcel being that portion of said property included in a strip of land 70.00 feet in width, lying on the Southerly side of the center line of the relocated South Klamath Falls Highway, which center line is described as follows:

Beginning at Engineer's center line Station 262+85.82, said station being South 1347.33 feet and West 2642.44 feet of the East quarter corner of Section 15, Township 39 South, Range 9 East, W.M.; thence South 89°06'25" East 1378.36 feet; thence on a 8,500.09 foot radius curve left (the long chord of which bears North 88°48'41" East 617.47 feet) 617.61 feet; thence North 86°43'48" East 13.21 feet to Engineer's center line Station 282+95.00 Back equals 282+94.97 Ahead; thence North 86°43'48" East 434.82 feet; thence on a 8,500.39 foot radius curve right (the long chord of which bears North 88°07'32" East 414.08 feet) 414.12 feet; thence North 89°31'17" East 1133.42 feet; thence South 89°40'28" East 2669.36 feet to Engineer's center line station 340+00.30, said station being South 1407.88 feet and West 275.64 feet of the Southeast corner of Section 14, Township 39 South, Range 9 East, W.M.

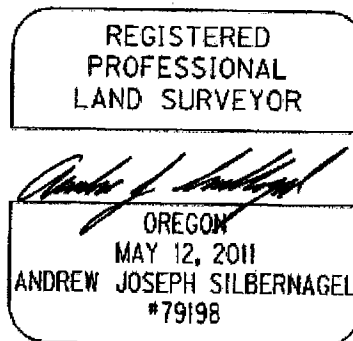
Bearings are based on the Oregon Coordinate Reference System – Bend Klamath-Falls Zone, NAD 83 (2011) epoch 2010.00.

This parcel of land contains 3,507 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 SE¼SE¼ of Section 15, Township 39 South, Range 9 East, W.M., Klamath County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to Klamath Man Cave LLC an Oregon Limited Liability Corp, recorded March 6, 2015 as 2015-001998 of Klamath County Record of Deeds; said parcel being that portion of said property lying Westerly of a line at right angles to the center line of the relocated South Klamath Falls Highway, at Engineer's Station 283+70.00 and included in a strip of land 90.00 feet in width, lying on the Southerly side of said center line, which center line is described in Parcel 1.

This parcel of land contains 3,184 square feet, more or less, outside the existing right of way.



RENEWS: JUNE 30, 2020
SIGNED: 10/04/2019