

File 9044-003
Drawing 11B-9-61

2020-012197

Klamath County, Oregon

09/24/2020 11:57:00 AM

Fee: \$97.00

AmériTitle
MTC 298109 AM

PERMANENT EASEMENT

ARTHUR W. DAVINA, JR.; and KEITH A. STOTTS, Grantors, for the true and actual consideration of **\$15,000**, do 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 on **Exhibit "A" dated 10/17/2019**, 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 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.

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 #: 3909-015D0-01900

Property Address:

5/26/2020

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LD / CP

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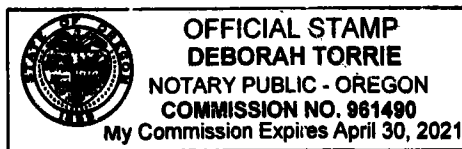
It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

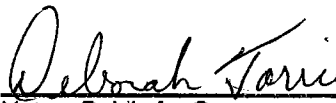
Dated this 26th day of May, 2020.


Arthur W. Davina, Jr.

STATE OF OREGON, County of Klamath

Dated August 24th, 20 20. Personally appeared, and signed before me by, the above named Arthur W. Davina, Jr., who acknowledged the foregoing instrument to be his voluntary act. Before me:




Notary Public for Oregon
My Commission expires April 30th 2021

SEE ATTACHED SEPARATE SIGNATURE AND ACKNOWLEDGMENTS ON PAGE 3 OF 3

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SIGNATURE AND ACKNOWLEDGMENT PAGE 3 OF 3 AS ATTACHED TO ABOVE PERMANENT EASEMENT DOCUMENT

DATED MAY 26, 2020
Keith A. StottsSTATE OF OREGON, County of KlamathDated August 24th, 2020. Personally appeared, and signed before me by, the above named Keith

A. Stotts, who acknowledged the foregoing instrument to be his voluntary act. Before me:

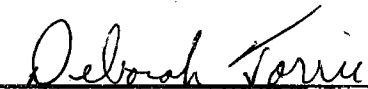
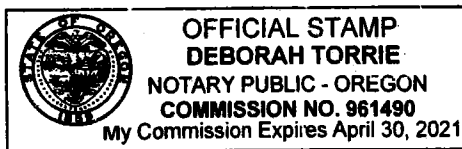
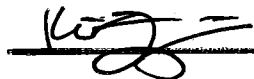

Notary Public for Oregon
My Commission expires April 30th 2021Accepted on behalf of the
Oregon Department of Transportation

EXHIBIT A – Page 1 of 1**File 9044003**

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Andrew Silbernagel, PLS OBEC – 10/17/2019

Permanent Easement for Slopes

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 39 South, Range 9 East, W.M., Klamath County, Oregon, and being a portion of that property described in that Land Sale Contract to Keith A. Stotts, recorded October 10, 2001 in Book M01, Page 51692 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 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.

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

Station	to	Station	Width on Southerly Side of Center Line
286+40.00		287+00.00	70.00
287+00.00		288+60.00	70.00 in a straight line to 50.00

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

This parcel of land contains 2,406 square feet, more or less, outside the existing right of way.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2020
SIGNED: 10/12/2019