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WARRANTY DEED

ZBINDEN PROPERTIES, LLC, an Oregon limited liability company; JON ZBINDEN, as Trustee for the COURTNEY ZBINDEN TRUST; JON ZBINDEN, as Trustee for the ADAM ZBINDEN TRUST, Grantor, for the true and actual consideration of **\$200,000.00** does convey unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION,** Grantee, fee title to the property described as **Parcels 1, 2 and 3 on Exhibit "A" dated 10/17/2019,** attached hereto and by this reference made a part hereof.

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct, reconstruct, operate, maintain, inspect and repair underground sewer line and appurtenances, upon, over, under, and across the property described as **Parcel 4 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 Parcel 4, except for the purpose 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 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 5 on Exhibit "A" dated 10/17/2019,** attached hereto and by this reference made a part hereof.

**AFTER RECORDING RETURN TO &
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 #: R-3909-01400-00500 and
R-3909-02300-00800

Property Address:

THIS IS A PARTIAL ACQUISITION FOR ROAD PURPOSES

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 5, 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.

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.


BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (9) (d) or (e).

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 29th day of June, 2020.

ZBINDEN PROPERTIES, LLC,
an Oregon limited liability company

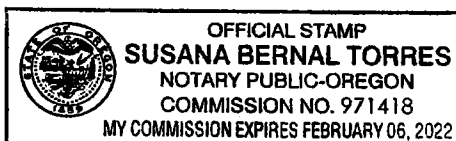



Member(s) / Manager(s)

Member(s) / Manager(s)

STATE OF OREGON, County of Multnomah

Dated Oct 27, 2020 Personally appeared the above named Jon Zbinden
and _____, Member(s) / Manager(s) of Zbinden Properties, LLC, an Oregon
limited liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:





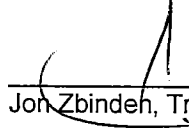
Notary Public for Oregon
My Commission expires 2/6/22

SEE ATTACHED SEPARATE SIGNATURE AND ACKNOWLEDGMENTS ON PAGE 4 OF 4

SIGNATURE AND ACKNOWLEDGMENT PAGE 4 OF 4 AS ATTACHED TO ABOVE WARRANTY DEED DOCUMENT

DATED JUNE 29, 2020

COURTNEY ZBINDEN TRUST



Jon Zbinden, Trustee

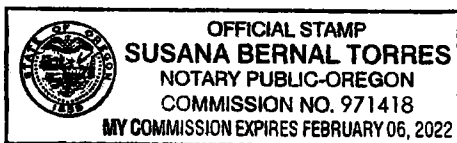
ADAM ZBINDEN TRUST

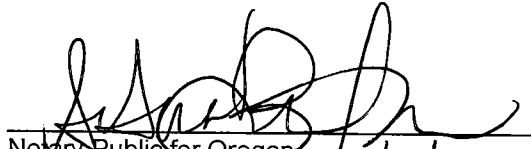


Jon Zbinden, Trustee

STATE OF OREGON, County of Multnomah

Dated Oct 27, 20 20. Personally appeared the above named Jon Zbinden, as Trustee of the Courtney Zbinden Trust and of the Adam Zbinden Trust, and acknowledged the foregoing instrument to be his voluntary act. Before me:





Notary Public for Oregon
My Commission expires 2/6/22

Accepted on behalf of the Oregon Department of Transportation



Parcel 1 – Fee

A parcel of land lying in the S½ SW¼ of Section 14 and the NE¼NW¼ of Section 23, 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 Zbinden Properties, LLC recorded April 5, 2011 in Book 2011, Page 004388 of Klamath County Record of Deeds; said parcel being that portion of said property included in a strip of land 120.00 feet in width, 60.00 feet on each side of the center line of the constructed Brett Way, which center line is described as follows:

Beginning at Engineer's center line Station 'B' 5+00.00, said station being North 684.94 feet and West 740.86 feet of the Southeast corner of Section 15, Township 39 South, Range 9 East, W.M; thence South 38°06'14" East 74.27 feet; thence on a 400.00 foot radius curve left (the long chord of which bears South 64°03'34" East 350.14 feet) 362.41 feet; thence North 89°59'06" East 520.13 feet; thence on a 350.00 foot radius curve left (the long chord of which bears North 73°34'38" East 197.73 feet) 200.46 feet; thence North 57°10'10" East 178.06 feet; thence on a 450.00 foot radius curve right (the long chord of which bears South 75°19'21" East 663.64 feet) 746.26 feet; thence South 27°48'51" East 341.40 feet; thence on a 350.00 foot radius curve left (the long chord of which bears South 58°20'13" East 355.52 feet) 372.91 feet; thence South 88°51'36" East 2,422.44 feet to Engineer's center line station 'B' 57+18.33, said station being North 9.65 feet and East 1,327.04 feet of the Southeast corner of Section 14, Township 39 South, Range 9 East, W.M.

EXCEPT therefrom that property described in that Right of Way Deed to Great Northern Railway Company, recorded May 5, 1931, in Book 95, Page 205 of Klamath County Records of Deeds.

ALSO, EXCEPT therefrom that property described in that Quit Claim Deed to the United States of America, recorded July 1, 1913, in Volume 26, Page 270 of Klamath County Records of Deeds.

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

This parcel of land contains 7.72 acres, more or less, outside the existing right of way.

Parcel 2 – Fee

A parcel of land lying in the S½ SW¼ of Section 14, 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 Zbinden Properties, LLC recorded April 5, 2011 in Book 2011, Page 004388 of Klamath County Record of Deeds; said parcel lying Northerly of the Northerly line of Parcel 1, lying Northeasterly of the Northeasterly line of the Burlington Northern Railroad Right of Way, lying Southerly and Southwesterly of the Southerly and Southwesterly lines of the United States Bureau of Reclamation Canal 1-C Drain Right of Way.

This parcel of land contains 39,086 square feet, more or less.

Parcel 3 – Fee

A parcel of land lying in the S½ SW¼ of Section 14 and the NE¼NW¼ of Section 23, 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 Zbinden Properties, LLC recorded April 5, 2011 in Book 2011, Page 004388 of Klamath County Record of Deeds; said parcel being that portion of said property lying Southerly of the following described line:

Beginning at a point opposite and 107.51 feet Northeasterly of Engineer's Station 27+16.90 on the center line of the constructed Brett Way; thence Southeasterly in a straight line to a point opposite and 118.62 feet Northeasterly of Engineer's Station 28+20.15 on said center line; thence Southeasterly on a 175.00 foot radius curve left (the long chord of which bears South 47°30'56" East 116.99 feet) 119.28 feet to a point opposite and 157.92 feet Northeasterly of Engineer's Station 29+36.30 on said center line; thence Southeasterly in a straight line to a point opposite and 196.66 feet Northeasterly of Engineer's Station 31+70.36 on said center line; thence on a 130.00 foot radius curve right (the long chord of which bears South 30°35'10" East 154.50 feet) 165.43 feet to a point opposite and 75.01 Northerly of Engineer's Station 33+23.31 on said centerline; thence Southerly in a straight line to a point opposite and 161.01 feet Southerly of Engineer's Station 33+03.78 on said center line.

The centerline of the constructed Brett Way is described in Parcel 1.

EXCEPT therefrom Parcel 1.

ALSO, EXCEPT therefrom that property described in that Quit Claim Deed to the United States of America, recorded July 1, 1913, in Volume 26, Page 270 of Klamath County Records of Deeds.

This parcel of land contains 33,245 square feet, more or less.

Parcel 4 – Permanent Easement for Sanitary Sewer Line Facilities

A parcel of land lying in the S½SW¼ of Section 14, 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 Zbinden Properties, LLC recorded April 5, 2011 in Book 2011, Page 004388 of Klamath County Record of Deeds; said parcel being that portion of said property lying within the following described tract:

Beginning at a point North 11.53 feet and East 1318.99 feet of the Southwest corner of Section 14 on the Proposed Right-of-Way line of Brett Way, said point being opposite and 60.00 feet Southwesterly of Engineer's Station 'B' 30+50.00 on the center line of the constructed Brett Way; thence South 41°23'38" West 30.00 feet; thence North 84°12'53" West 385.67 feet to the Burlington Northern Railroad Southwesterly Right of Way; thence along said Railroad Right of Way, South 47°48'09" East 50.83 feet; thence leaving said Railroad Right of Way, South 84°1'14" East 349.98 feet; thence South 88°37'31" East 100.67 feet to said Proposed Right-of-Way line of Brett Way; thence on a 410.00 foot radius curve to the right (the long chord of which bears North 55°38'08" West 100.35 feet) 100.60 feet along said Proposed Right of Way line to the Point of Beginning.

The center line of the constructed Brett Way is described in Parcel 1.

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

EXCEPT therefrom Parcel 1.

ALSO, EXCEPT therefrom that property described in that Right of Way Deed to Great Northern Railway Company, recorded May 5, 1931, in Book 95, Page 205 of Klamath County Records of Deeds.

This parcel of land contains 6,000 square feet, more or less, outside the existing right of way.

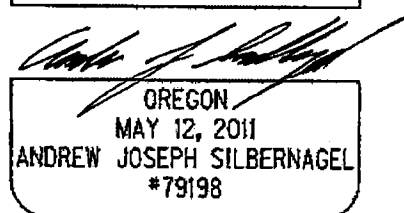
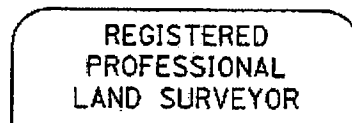
Parcel 5 – Temporary Easement for Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in the S½ SW¼ of Section 14 and the NE¼NW¼ of Section 23, Township 39 South, Range 9 East, Klamath County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to Zbinden Properties, LLC recorded April 5, 2011 in Book 2011, Page 004388 of Klamath County Record of Deeds; said parcel lying Southerly and Southwesterly of Parcel 1, lying Northeasterly of the Burlington

Northern Railroad Right of Way, lying Southerly and Southwesterly of the United States
Bureau of Reclamation Canal 1-C Drain Right of Way.

EXCEPT therefrom Parcel 1.

This parcel of land contains 5.34 acres, more or less, outside the existing right of way.



RENEWS: JUNE 30, 2020
SIGNED: 06/26/2020