

2022-011569

Klamath County, Oregon

09/26/2022 11:00:01 AM

Fee: \$97.00

PERMANENT EASEMENT

JOSEPH EYSTAD and MARY ANN ARMINIO, Trustees of the Joseph D. Eystad and Mary Ann Arminio Revocable Trust dated 9/03/2003, Grantor, for the true and actual consideration of **\$1,900.00**, does grant to the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantee, its successors and assigns, a permanent easement to construct, reconstruct, repair, and maintain a public highway and its appurtenances and facilities, and also to construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under and across the property described as **Parcel 1 on Exhibit "A" dated 02-11-2022**, 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 02-11-2022**, 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.

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.

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 #: 38S09E28CC-8600

Property Address: 1501 Esplanade Ave
Klamath Falls, OR 97601

7



File: 9788008
Map: RW9788M

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 22 day of AUGUST, 2022

JOSEPH D. EYSTAD AND MARY ANN ARMINIO
REVOCABLE TRUST dated September 3, 2003

Joseph Eystad, Trustee

Mary Ann Arminio
Mary Ann Arminio, Trustee

STATE OF OREGON, County of _____

Dated _____, 20____. Personally appeared the above named Joseph Eystad and Mary Ann Arminio, Trustees, and acknowledged the foregoing instrument to be their voluntary act. Before me:

see attached

Notary Public for Oregon
My Commission expires _____

Accepted on behalf of the Oregon Department of Transportation

[Signature]

PARCEL 1 - Permanent Easement For Highway Right of Way Purposes

A parcel of land lying in the SW¼ of Section 28, Township 38 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Joseph Eystad and Maryann Arminio, Trustees of the Joseph D. Eystad and Maryann Arminio Revocable Trust, recorded July 29, 2005, in Volume M05 Page 58966, 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 Northwestern side of the center line of the relocated Esplanade Spur Highway (US97B), which center line is described as follows:

Beginning at Engineer's center line Station 8+69.15 P.O.T., said station being 1561.95 feet North and 766.47 feet East of the Southwest Corner of Section 28, Township 38 South, Range 9 East, W.M., Klamath County, Oregon; thence South 31°50'50" West, 1355.95 feet to Engineer's center line Station 22+25.10 P.O.T.

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

Station	to	Station	Width on the Northwestern Side of Center Line
16+34.00		16+60.00	40.00 feet in a straight line to 87.00 feet

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

This parcel of land contains 141 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 SW¼ of Section 28, Township 38 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Joseph Eystad and Maryann Arminio, Trustees of the Joseph D. Eystad and Maryann Arminio Revocable Trust, recorded July 29, 2005, in Book M05, Page 58966, Klamath County Record of Deeds; the said parcel being that portion of said property described as follows:

Beginning at Engineer's center line Station 16+20.00, 40.00 feet right, said point also being on the Northwestern right-of-way line of the relocated Esplanade Spur Highway (US97B); thence along said right-of-way line South 31°50'50" West, 32.06 feet to the

Northeasterly right-of-way line of Spring Street; thence North 27°05'49" West along said Northeasterly right-of-way line of Spring Street, 43.75 feet; thence leaving said Northeasterly right-of-way line North 63°32'55" East, 12.33 feet; thence South 26°23'36" East, 24.70 feet; thence South 84°43'04" East, 4.47 feet; thence North 31°50'50" East, 10.00 feet; thence South 58°09'10" East, 6.00 feet to the point of beginning.

The centerline of the relocated Esplanade Spur Highway (US97B) is described in Parcel 1.

EXCEPT therefrom Parcel 1.

This parcel of land contains 592 square feet, more or less, outside the existing right of way.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Andrew A. Reiter

OREGON
JULY 17, 1986
ANDREW A. REITER
2229

RENEWALS: 12/31/2022