

**PERMANENT EASEMENT**

**MARGIE E. DARK, Trustee under the Dark Living Trust dated 5/15/95, Grantor, for the true and actual consideration of \$2,100.00, 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 09-08-2021, 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 09-08-2021**, 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 #: 39S09E02CB-7400

Property Address: 4334 S 6th Street  
Klamath Falls, OR 97603

File: 9788032  
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.

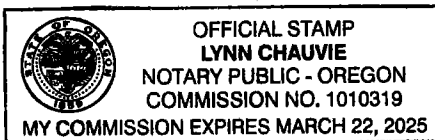
Dated this 11<sup>th</sup> day of August, 2022.

**DARK LIVING TRUST dated 5/15/95**

Margie E. Dark McKenney  
Margie E. Dark, Trustee Trust

STATE OF OREGON, County of Klamath

Dated August 11, 2022. Personally appeared the above named Margie E. Dark, Trustee, and acknowledged the foregoing instrument to be her voluntary act. Before me:



[Signature]  
Notary Public for Oregon  
My Commission expires March 22, 2025

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 2, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Warranty Deed to John O. Dark and Margie E. Dark, Trustees or Their Successors in Trust, Under the Dark Living Trust dated May 15, 1995, and Any Amendments Thereto, recorded August 19, 1996, in Volume M96, Page 25615, Klamath County Volume of Deeds; the 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 Klamath Falls - Lakeview Highway (OR39), which center line is described as follows:

Beginning at Engineer's center line Station "S. 6TH" 24+00.00 P.O.T., said station being 1304.43 feet North and 1973.05 feet West of the Brass Rod in a Monument Box monumenting the Center one-quarter of Section 3, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; thence South 55°50'25" East, 1765.50 feet; thence on a spiral curve left (the long chord of which bears South 59°31'15" East, 469.22 feet) 470.00 feet; thence on a 1219.06 foot radius curve left (the long chord of which bears South 72°54'28" East, 255.80 feet) 256.27 feet; thence on a spiral curve left (the long chord of which bears South 86°17'41" East, 469.22 feet) 470.00 feet to Engineer's center line Station "S. 6TH" 53+61.77 P.T. Back equals "S. 6TH" 53+70.60 P.O.T. Ahead; thence South 89°58'31" East, 2150.39 feet to Engineer's center line Station "S. 6TH" 75+20.99 Back equals "S. 6TH" 75+21.60 Ahead; thence North 89°44'04" East, 2984.00 feet; thence South 89°52'38" East, 2309.15 feet to Engineer's center line Station "S. 6TH" 128+14.75 Back equals "S. 6TH" 128+15.00 Ahead; thence South 89°51'00" East, 360.50 feet; thence on a spiral curve right (the long chord of which bears South 87°08'35" East, 499.55 feet) 500.00 feet; thence on a 1763.64 foot radius curve right (the long chord of which bears South 67°58'42" East, 838.38 feet) 846.49 feet; thence on a spiral curve right (the long chord of which bears South 48°48'48" East, 499.55 feet) 500.00 feet; thence South 46°06'23" East, 69.87 feet to Engineer's center line Station "S. 6TH" 150+91.86 Back equals 150+92.02 Ahead; thence South 46°06'23" East, 4093.12 feet to Engineer's center line Station "S. 6TH" 191+85.14.

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

| Station           | to | Station           | Width on the Southerly Side of Center Line  |
|-------------------|----|-------------------|---------------------------------------------|
| "S. 6TH" 80+83.00 |    | "S. 6TH" 80+89.00 | 41.00 feet                                  |
| "S. 6TH" 80+89.00 |    | "S. 6TH" 81+04.00 | 41.00 feet in a straight line to 49.00 feet |
| "S. 6TH" 81+04.00 |    | "S. 6TH" 81+25.00 | 49.00 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 157 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)**

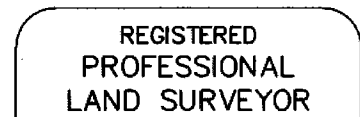
A parcel of land lying in the SW¼ of Section 2, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Warranty Deed to Margie E. Dark, Trustees or Their Successors in Trust, Under the Dark Living Trust dated May 15, 1995, and Any Amendments Thereto, recorded August 19, 1996, in Volume M96, Page 25615, Klamath County Volume of Deeds; the 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 Klamath Falls - Lakeview Highway (OR39), 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 the Southerly Side of Center Line  |
|-------------------|----|-------------------|---------------------------------------------|
| "S. 6TH" 80+83.00 |    | "S. 6TH" 80+88.00 | 46.00 feet                                  |
| "S. 6TH" 80+88.00 |    | "S. 6TH" 81+03.00 | 46.00 feet in a straight line to 54.00 feet |
| "S. 6TH" 81+03.00 |    | "S. 6TH" 81+25.00 | 54.00 feet                                  |

EXCEPT therefrom Parcel 1.

This parcel of land contains 155 square feet, more or less, outside the existing right of way.



*Jesse M. White*  
Jesse M. White  
Digitally Signed  
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RENEWS: 6/30/2022