



MTC 479245 AM

File: 9788028

Map: RW9788M

2022-012356

Klamath County, Oregon

10/17/2022 08:39:01 AM

Fee: \$97.00

## PERMANENT EASEMENT

LTD-J&R, LLC, an Oregon limited liability company, Grantor, for the true and actual consideration of **\$2,000.00**, does grant to the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, its successors and assigns, a permanent easement to construct, 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 **Parcels 1 and 2 on Exhibit "A" dated 02-22-2022**, 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 3 on Exhibit "A" dated 02-22-2022**, 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 3, 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 #: 39S09E03DB-100

Property Address: 3732 S 6th Street  
Klamath Falls, OR 97603

File: 9788028  
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 9 day of August, 2022

LTD-J&R, LLC, an Oregon limited liability company

Elmer Ronald Isakson  
Member / Manager

James Matthew Yenchuk  
Member / Manager

STATE OF Oregon, County of Klamath

Dated August 9, 2022. Personally appeared the above named Elmer Ronald Isakson and James Matthew Yenchuk Member(s) / Manager(s) of LTD-J&R, LLC, an Oregon limited liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Heather Renae Tyler  
Notary Public for State of Oregon  
My Commission expires July 2, 2023

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 SE¼ of Section 3, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Special Warranty Deed to LTD - J&R, LLC, an Oregon Limited Liability Company, recorded July 14, 2021, as Instrument No. 2021-010882, Klamath County Official Records; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Klamath Falls - Lakeview Highway (OR39) at Engineer's center line Stations "S. 6TH" 60+33.00 and "S. 6TH" 60+49.00 and included in a strip of land 49.00 feet in width, lying on the Southerly side of said center line, 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.

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

This parcel of land contains 128 square feet, more or less, outside the existing right of way.

**PARCEL 2 - Permanent Easement For Highway Right of Way Purposes**

A parcel of land lying in the SE¼ of Section 3, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Special Warranty Deed to LTD - J&R, LLC, an Oregon Limited Liability Company, recorded July 14, 2021, as Instrument No. 2021-010882, Klamath County Official Records; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Klamath Falls - Lakeview Highway (OR39) at Engineer's center line Stations "S. 6TH" 61+03.00 and "S. 6TH" 61+20.00 and included in a strip of land 48.00 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 71 square feet, more or less, outside the existing right of way.

**PARCEL 3 - Temporary Easement For Work Area (3 years or duration of project, whichever is sooner)**

A parcel of land lying in the SE¼ of Section 3, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Special Warranty Deed to LTD - J&R, LLC, an Oregon Limited Liability Company, recorded July 14, 2021, as Instrument No. 2021-010882, Klamath County Official Records; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Klamath Falls - Lakeview Highway (OR39) at Engineer's center line Stations "S. 6TH" 60+21.00 and "S. 6TH" 60+33.00 and included in a strip of land 47.00 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 72 square feet, more or less, outside the existing right of way.

