

File: 9788079
Map: RW9788M

2022-013136
Klamath County, Oregon
11/08/2022 08:35:05 AM
Fee: \$97.00

PERMANENT EASEMENT

MERRILL LUMBER CO., an Oregon corporation, which took title as Merrill Lumber Company, an Oregon corporation, Grantor, for the true and actual consideration of \$750.00, 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 #: 41S10E01CC-6200

Property Address: parcel 120906
Merrill, OR 97633

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 12 day of October, 2022

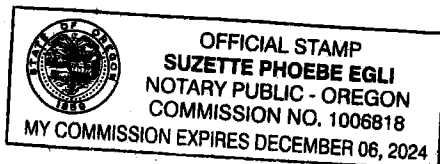
MERRILL LUMBER CO., an Oregon corporation, which took title as Merrill Lumber Company, an Oregon corporation

By Thomas Ongman 10/12/22
President

By Larita Ongman 1
Secretary

STATE OF Oregon, County of Klamath

Dated October 12, 2022, Personally appeared Thomas Ongman and Larita Ongman, who, being sworn, stated that they are the President and Secretary of Merrill Lumber Co., an Oregon corporation, and that this instrument was voluntarily signed on behalf of the corporation by authority of its Board of Directors. Before me:



Notary Public for the state of Oregon
My Commission expires Dec 6, 2024

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 1, Township 41 South, Range 10 East, W.M., Klamath County, Oregon and being a portion of that property described in that Indenture to Merrill Lumber Company, recorded May 5, 1955, in Volume 162 Page 404, Klamath County Mortgage Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of the relocated Klamath Falls - Malin Highway (OR39), which center line is described as follows:

Beginning at Engineer's center line Station 108+00.00, said station being 1.23 feet South and 1408.40 feet West of the Southeast corner of Section 2, Township 41 South, Range 10 East, W.M., Klamath County, Oregon; thence North 89°56'59" East, 1408.40 feet; thence North 89°56'08" East, 1291.60 feet to Engineer's center line Station 135+00.00.

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

Station	to	Station	Width on the Northerly Side of Center Line
127+89.00		128+50.00	41.59 feet in a straight line to 41.69 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 72 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 1, Township 41 South, Range 10 East, W.M., Klamath County, Oregon and being a portion of that property described in that Indenture to Merrill Lumber Company, recorded May 5, 1955, in Volume 162 Page 404, Klamath County Mortgage 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 - Malin Highway (OR39) at Engineer's center line Stations 127+84.00 and 128+50.00 and included in a strip of land 45.00 feet in width, lying on the Northerly side of said center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 2.

ALSO EXCEPT therefrom that portion of said parcel lying within the existing building.

EXHIBIT A - Page 2 of 2

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Drawing RW9788M
02-11-2022

This parcel of land contains 80 square feet, more or less, outside the existing right of way.

