

PERMANENT EASEMENT

MERRILL PARK DISTRICT, a district of the State of Oregon, 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 **Parcels 1 and 2 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 **Parcels 3 and 4 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 Parcels 3 and 4, 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 #: 41S10E11AA-1100

Property Address: 120, 130 S Main St & 365 Front St
Merrill, OR 97633

File: 9788064
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 12 day of October, 20 22.

MERRILL PARK DISTRICT, a district of the State of Oregon

By Rodney Scott Green
Representative

By Jan Ongman
Representative

STATE OF OREGON, County of Klamath

Dated October 12th, 20 22.

Personally appeared

Rodney Scott Green and

Jan Ongman, who, being sworn, stated that they are the representatives for Merrill Park District, and

that this instrument was voluntarily signed on behalf of the Park District by authority of its Board. Before me:



[Signature]
Notary Public for 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 NE¼ of Section 11, Township 41 South, Range 10 East, W.M., Klamath County, Oregon and being a portion of that property described in that Deed to Merrill Park District, recorded July 14, 1986, in Volume M86 Page 12295, Klamath County Deed 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 111+75.00 and 112+79.00 and included in a strip of land 42.00 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 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.

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

This parcel of land contains 173 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 NE¼ of Section 11, Township 41 South, Range 10 East, W.M., Klamath County, Oregon and being a portion of that property described in that Deed to Merrill Park District, recorded July 14, 1986, in Volume M86 Page 12295, Klamath County Deed 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 114+80.00 and 115+11.00 and included in a strip of land 42.00 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 62 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 NE¼ of Section 11, Township 41 South, Range 10 East, W.M., Klamath County, Oregon and being a portion of that property described in that Deed to Merrill Park District, recorded July 14, 1986, in Volume M86 Page 12295, Klamath County Deed 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 111+75.00 and 112+84.00 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.

EXCEPT therefrom Parcel 1.

This parcel of land contains 639 square feet, more or less, outside the existing right of way.

PARCEL 4 - Temporary Easement For Work Area (3 years or duration of project, whichever is sooner)

A parcel of land lying in the NE¼ of Section 11, Township 41 South, Range 10 East, W.M., Klamath County, Oregon and being a portion of that property described in that Deed to Merrill Park District, recorded July 14, 1986, in Volume M86 Page 12295, Klamath County Deed Records; 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 - Malin 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
114+75.00		115+19.00	47.00 feet
115+19.00		115+76.00	61.00 feet
115+76.00		116+19.00	46.00 feet

EXCEPT therefrom Parcel 2.

This parcel of land contains 1,763 square feet, more or less, outside the existing right of way.

