



MTC 779278 AM

File: 9788010

Map: RW9788M

2022-014478

Klamath County, Oregon

12/21/2022 03:22:01 PM

Fee: \$102.00

## PERMANENT EASEMENT

**JERALD BOYD MORGAN; BETTIMARIE HAMPTON**, Grantors, for the true and actual consideration of **\$5,000.00**, do 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-10600

Property Address: N/A

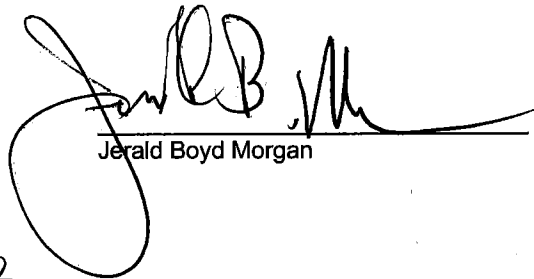
File: 9788010  
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Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition 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.

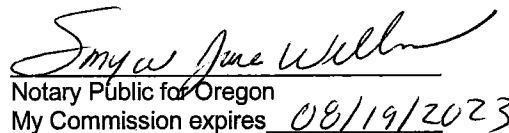
It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

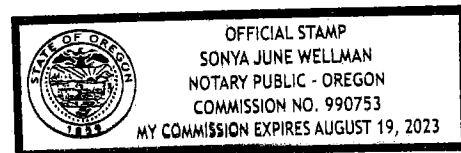
Dated this 15th day of June, 2022.

  
Jerald Boyd Morgan

STATE OF OREGON, County of Klamath

Dated November 18<sup>th</sup>, 2022. Personally appeared, and signed before me by the above named Jerald Boyd Morgan, who acknowledged the foregoing instrument to be his voluntary act. Before me:

  
Notary Public for Oregon  
My Commission expires 08/19/2023



SEE ATTACHED SEPARATE SIGNATURE AND ACKNOWLEDGMENTS ON PAGE 3

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Map: RW9788M

SIGNATURE AND ACKNOWLEDGMENT PAGE 3 AS ATTACHED TO ABOVE PERMANENT EASEMENT DOCUMENT

DATED JUNE 15, 2022

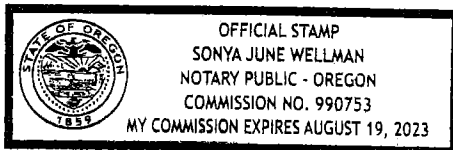
Bettimarie Hampton  
Bettimarie Hampton

STATE OF OREGON, County of Klamath

Dated November 18<sup>th</sup>, 2022. Personally appeared, and signed before me by the above named Bettimarie Hampton,

who acknowledged the foregoing instrument to be her voluntary act. Before me:

Sonya June Wellman  
Notary Public for Oregon  
My Commission expires 08/19/2023



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 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 Warranty Deed - Statutory Form to Jerald Boyd Morgan and Bettimarie Hampton, recorded June 3, 2021, as Instrument No. 2021-008797, Klamath County Official Records; the said parcel being that portion of said property described as follows:

Beginning at the most Northerly corner of Lot 20 Block 6 of 2<sup>nd</sup> Hot Springs Addition to Klamath Falls, said point being the right-of-way intersection of Spring Street and Esplanade Avenue; thence South 27°05'49" East along the Southwesterly right-of-way line of said Spring Street, 25.23 feet; thence leaving said right-of-way line South 62°54'11" West, 1.00 feet; thence North 27°05'49" West, 9.45 feet; thence South 77°33'06" West, 15.37 feet; thence South 31°50'50" West, 40.00 feet; thence North 58°09'10" East, 2.00 feet to a point lying on the Southeasterly right-of-way line of Esplanade Avenue; thence North 31°50'50" East along said right-of-way line, 59.73 feet to the point of beginning.

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

This parcel of land contains 236 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 Warranty Deed - Statutory Form to Jerald Boyd Morgan and Bettimarie Hampton, recorded June 3, 2021, as Instrument No. 2021-008797, Klamath County Official Records; the said parcel being that portion of said property described as follows:

Beginning at the most Northerly corner of Lot 20 Block 6 of 2<sup>nd</sup> Hot Springs Addition to Klamath Falls, said point being the right-of-way intersection of Spring Street and Esplanade Avenue; thence South 27°05'49" East along the Southwesterly right-of-way line of said Spring Street, 66.35 feet; thence leaving said right-of-way line South 62°54'11" West, 14.00 feet; thence North 27°05'49" West, 40.41 feet; thence North 89°25'06" West, 4.74 feet; thence South 31°50'50" East, 34.81 feet; thence North 58°09'10" West, 11.00 feet to the Southeasterly right-of-way line of Esplanade Avenue; thence North 31°50'50" East along said right-of-way line, 62.73 feet to the point of beginning.

**EXHIBIT A** - Page 2 of 2

**File 9788010**  
Drawing RW9788M  
02-11-2022

EXCEPT therefrom Parcel 1.

This parcel of land contains 1,354 square feet, more or less, outside the existing right of way.

