

48992

71.00

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# ORIGINAL

## DEED

9 The **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantor, for the true and actual consideration of \$ 406,500.00 does convey unto ~~JULIA FOX COULTER~~ <sup>JULIA COULTER</sup>, Grantee, the following described property:

A parcel of land lying in Tract 3, BLAKLEY HEIGHTS, Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 347, Page 1197, Deschutes County Records; the said parcel being that portion of said property lying Northwesterly of the following described line:

Beginning at a point opposite and 75.00 feet Northwesterly of Engineer's Station 372+17.86 on the center line of the relocated The Dalles-California Highway; thence Southwesterly in a straight line to a point opposite and 80.00 feet Northwesterly of Engineer's Station 374+00.00 on said center line; thence Southwesterly in a straight line to a point opposite and 85.00 feet Northwesterly of Engineer's Station 377+17.86 on said center line; thence Southwesterly in a straight line to a point opposite and 84.00 feet Northwesterly of Engineer's Station 380+00.00 on said center line; thence Southwesterly in a straight line to a point opposite and 82.50 feet Northwesterly of Engineer's Station 383+35.00 on said center line.

The center line of the relocated The Dalles-California Highway referred to herein is described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 2000, Page 49898, Deschutes County Records.

ALSO that portion of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 389, Page 2796, Deschutes County Records lying Northwesterly of said described line.

ALSO that portion of that property described in that Donation Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 2002, Page 14131, Deschutes County Records lying Northwesterly of said described line.

EXCEPT therefrom that property lying Southerly of the South line of that property described in that Warranty Deed to Rudy Donald Stark and Mitra Vuicich, recorded in Volume 130, Page 455, Deschutes County Records and Southerly of the Easterly extension of said South line.

The parcel of land to which this description applies contains 5.21 acres, more or less.

TAX STATEMENTS SHALL BE SENT TO

AFTER RECORDING RETURN TO  
 OREGON DEPARTMENT OF TRANSPORTATION  
 PROPERTY MANAGEMENT RIGHT OF WAY SECTION  
 355 CAPITOL STREET NE, ROOM 411  
 Salem OR 97301-3871

After recording, return to:  
 AmeriTitle  
 15 OREGON AVENUE, BEND

DESCHUTES COUNTY OFFICIAL RECORDS  
 MARY SUE PENHOLLOW, COUNTY CLERK

2002-61043



\$91.00

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11/01/2002 03:09:04 PM

D-D Cnt=1 Stn=4 TRACY  
 \$45.00 \$11.00 \$10.00 \$5.00 \$20.00

**Reserving unto Grantor a Permanent Easement for Access over and across the following described property:**

A parcel of land lying in Tract 3, BLAKLEY HEIGHTS, Deschutes County, Oregon and being a portion of that property described in those deeds to the State of Oregon, by and through its Department of Transportation, recorded in Volume 347, Page 1197 and in Volume 2002, Page 14131 both of Deschutes County Records.

Beginning on the North line of Parcel 1 at a point 95.00 feet Westerly of the Northwest corner of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 389, Page 2796, Deschutes County Records; thence Southerly, parallel with the West line of said last-mentioned property, to the Westerly extension of the South line of said last-mentioned property; thence Southerly, in a straight line, to the Easterly extension of the North line of that property described in that Donation Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 2002, Page 14131, Deschutes County Records at a point 45.00 feet Easterly of the Northwest corner of said last-mentioned property; thence Southerly, parallel with the West line of said last-mentioned property, to the Southeast line of Parcel 1; thence Southwesterly, along said Southeast line, to the South line of said last-mentioned property; thence Westerly along said South line to the Southwest corner of said last-mentioned property; thence Northerly along the West line of said last-mentioned property to the Northwest corner of said last-mentioned property; thence Northerly, in a straight line, to the Westerly extension of the South line of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 389, Page 2796, Deschutes County Records at a point 125.00 feet Westerly of the Southwest corner of said last-mentioned property; thence Northerly, parallel with the West line of said last-mentioned property, to the North line of Parcel 1; thence Easterly, along the North line of Parcel 1, a distance of 30.00 feet to the point of beginning.

The parcel of land to which this description applies contains 24,050 square feet, more or less.

It is Grantor's intent to reserve this easement for the use of Tax Lots 18-12-08B, 1502 & 1504, Deschutes County.

**Reserving unto Grantor a Permanent Easement to construct, reconstruct, operate, and maintain Water Lines, Fixtures, and Facilities over, under and across the following described property:**

A parcel of land lying in Tract 3, BLAKLEY HEIGHTS, Deschutes County, Oregon and being a portion of that property described in those Warranty Deeds to the State of Oregon, by and through its Department of Transportation, recorded in Volume 347, Page 1197 and in Volume 389, Page 2796 both of Deschutes County Records; the said parcel being that portion of said property described as follows:

Beginning at the Northeast corner of Parcel 1; thence Southwesterly along the Southeast line of Parcel 1 to a point opposite Engineer's Station 375+10.00 on the center line of the relocated The Dalles-California Highway; thence Northwesterly, at right angles to said Southeast line, to a line parallel with and 20.00 feet Northwesterly of said Southeast line; thence Northeasterly, parallel with said Southeast line, to a line parallel with and 40.00 feet Southerly of the North line of Parcel 1; thence Northwesterly, in a straight line, to the intersection of a line parallel with and 40.00 feet Northwesterly of said Southeast line with a line parallel with and 20.00 feet Southerly of said North line; thence Westerly, parallel with said North line, to a line parallel with and 20.00 feet Easterly of the West line of Parcel 1; thence Southerly, parallel with said West line, to a line parallel with and 50.00 feet Southerly of said North line; thence Westerly, parallel with said North line, to said West line; thence Northerly, along said West line, to the Northwest corner of Parcel 1; thence Easterly, along said North line, to said Northeast corner and the point of beginning.

The center line of the relocated The Dalles-California Highway referred to herein is described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 2000, Page 49898, Deschutes County Records.

The parcel of land to which this description applies contains 17,520 square feet, more or less.

It is Grantor's intent to reserve this easement for water lines to serve certain properties to be identified later.

**Reserving unto Grantor a Permanent Easement to construct, reconstruct, operate and maintain Water Lines, Fixtures, and Facilities over, under and across the following described property:**

A parcel of land lying in Tract 3, BLAKLEY HEIGHTS, Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 389, Page 2796, Deschutes County Records; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated The Dalles-California Highway at Engineer's Stations 374+75.00 and 374+95.00; and included in a strip of land 20.00 feet in width lying on the Northwesterly side of the Southeast line of Parcel 1.

The center line of the relocated The Dalles-California Highway referred to herein is described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 2000, Page 49898, Deschutes County Records.

The parcel of land to which this description applies contains 400 square feet, more or less.

It is Grantor's intent to reserve this easement for the use of the Arnold Irrigation District.

A map showing the property conveyed and the location of these various easements reserved thereon has been marked Exhibit "A" and is attached hereto and by this reference made a part hereof.

This conveyance is made and delivered upon the following express conditions, reservations, and restrictions:

1. Subject to special assessments, existing restrictions, reservations and easements of record, if any.
2. That there is reserved by Grantor, and waived by Grantee, all access rights between the above described real property and Powers Road and the relocated The Dalles-California Highway abutting on said parcel.

This reservation shall run with the land and shall not be subject to modification, cancellation, or destruction by adverse user or estoppel, no matter how long continued. Nothing in this conveyance shall be construed as conveying any estate, right, title, or interest in and to said abutting public highway right of way or any rights of reversion therein or thereto.

3. That the above described land shall never be used for the placing or maintenance of any advertising sign, display, or device, except such sign, display, or device used to advertise the activities on said land, or the lease or sale of said land or any portion thereof. In the event of violation of this condition, Grantor shall have the right, through its authorized officers, agents, or employees to enter upon said land and remove, destroy, or obliterate any unauthorized sign, display, or device, without liability for damage or injury thereto, and to recover the cost of such removal, destruction or obliteration from the owner of said land.

4. That no junk, scrap, junked motor vehicles, or parts thereof, debris, trash, waste, or other such materials shall be placed on said land for whatever purpose in any manner so as to be visible from a state highway, provided that such items as listed above can otherwise be placed on said land without violating any applicable law, ordinance, or regulation. In the event of violation of this condition, Grantor shall have the right, through its authorized officers, agents, or employees, to enter upon said land and remove or destroy any unauthorized junk, scrap, or other material mentioned above and recover the cost of such removal or destruction from the owner of said land.

5. That this property shall not be used for the operation of any garbage dump or sanitary land fill. If such use is made of the property, Grantor may, at its election, enter upon said land and restore it to the condition that existed prior to said use for garbage dump or sanitary land fill purposes and recover the cost thereof from the owner of said land.

6. That this conveyance is made upon the further condition, which shall constitute a covenant running with the land, that Grantor shall not at any time become liable to Grantee and grantee's heirs, successors and assigns in interest, for damages to the land herein described or any buildings, structures, improvements, or property of any kind or character now or hereafter located upon said land or for any injuries to any owner, occupant, or any person in or upon said land or for any interference with the use and enjoyment of said land or for damages which except for this covenant might constitute a nuisance caused directly or indirectly by noise or air pollutant emissions from transportation vehicles using the highway or transportation facility adjacent to said land. Any reference in this covenant to the highway or transportation facility adjacent to said land refers to the highway or transportation facility as it now exists and also as it will exist with future improvements. Grantee and grantee's heirs, successors and assigns covenant not to sue Grantor for any said injuries or damages.

7. Property sold "as is" including any hazardous materials.

It is understood that the conditions, reservations, restrictions, and covenants herein set out have been considered in determining the amount of consideration of this conveyance.

The rights and remedies herein reserved or provided shall not be exclusive and shall not be in derogation of any other right or remedy which Grantor may have. The conditions and restrictions herein contained shall run with said land and shall forever bind Grantee and grantee's heirs, successors and assigns. Where any action is taken to enforce the above mentioned conditions and restrictions, Grantor shall not be liable for any trespass or conversion as to any real or personal property. Where legal proceedings are commenced by Grantor to enforce the foregoing conditions and restrictions or for the recovery of the aforementioned removal or destruction costs, the successful party shall be entitled to reasonable attorney fees and court costs.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

**THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

Dated this 29th day of October, 2002.

STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION

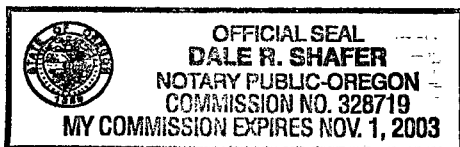
By Deolinda G. Jones  
Deolinda G. Jones, Right of Way Manager

STATE OF OREGON, County of Marion

Dated October 29, 2002. Personally appeared Deolinda G. Jones, who being sworn, stated that she is the Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:

Dale R. Shafer  
Notary Public for Oregon

My Commission expires 11/01/2003



**EXHIBIT A**

**File R6118050**

Bend Parkway Section, Phase 2  
The Dalles-California Highway  
Deschutes County  
Drg. No. 1A-22-22  
Non-Throughway  
MSS 06-06-2002

Oregon Department of Transportation  
Parcels 1, 2, 3, and 4

**Parcel 1 - Sale**

A parcel of land lying in Tract 3, BLAKLEY HEIGHTS, Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 347, Page 1197, Deschutes County Records; the said parcel being that portion of said property lying Northwesterly of the following described line:

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ALSO that portion of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 389, Page 2796, Deschutes County Records lying Northwesterly of said described line.

ALSO that portion of that property described in that Donation Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 2002, Page 14131, Deschutes County Records lying Northwesterly of said described line.

EXHIBIT A CONTINUED - Page 2

File R6118050

EXCEPT therefrom that property lying Southerly of the South line of that property described in that Warranty Deed to Rudy Donald Stark and Mitra Vuicich, recorded in Volume 130, Page 455, Deschutes County Records and Southerly of the Easterly extension of said South line.

The parcel of land to which this description applies contains 5.21 acres, more or less.

### **Parcel 2 – Reserving a Permanent Easement for Access**

A parcel of land lying in Tract 3, BLAKLEY HEIGHTS, Deschutes County, Oregon and being a portion of that property described in those deeds to the State of Oregon, by and through its Department of Transportation, recorded in Volume 347, Page 1197 and in Volume 2002, Page 14131 both of Deschutes County Records.

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The parcel of land to which this description applies contains 24,050 square feet, more or less.

EXHIBIT A CONTINUED - Page 3

File R6118050

**Parcel 3 – Reserving a Permanent Easement for Water Lines, Fixtures, and Facilities**

A parcel of land lying in Tract 3, BLAKLEY HEIGHTS, Deschutes County, Oregon and being a portion of that property described in those Warranty Deeds to the State of Oregon, by and through its Department of Transportation, recorded in Volume 347, Page 1197 and in Volume 389, Page 2796 both of Deschutes County Records; the said parcel being that portion of said property described as follows:

Beginning at the Northeast corner of Parcel 1; thence Southwesterly along the Southeast line of Parcel 1 to a point opposite Engineer's Station 375+10.00 on the center line of the relocated The Dalles-California Highway; thence Northwesterly, at right angles to said Southeast line, to a line parallel with and 20.00 feet Northwesterly of said Southeast line; thence Northeasterly, parallel with said Southeast line, to a line parallel with and 40.00 feet Southerly of the North line of Parcel 1; thence Northwesterly, in a straight line, to the intersection of a line parallel with and 40.00 feet Northwesterly of said Southeast line with a line parallel with and 20.00 feet Southerly of said North line; thence Westerly, parallel with said North line, to a line parallel with and 20.00 feet Easterly of the West line of Parcel 1; thence Southerly, parallel with said West line, to a line parallel with and 50.00 feet Southerly of said North line; thence Westerly, parallel with said North line, to said West line; thence Northerly, along said West line, to the Northwest corner of Parcel 1; thence Easterly, along said North line, to said Northeast corner and the point of beginning.

The center line of the relocated The Dalles-California Highway referred to herein is described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 2000, Page 49898, Deschutes County Records.

The parcel of land to which this description applies contains 17,520 square feet, more or less.

(CONTINUED ON PAGE 4)

EXHIBIT A CONTINUED - Page 4

File R6118050

**Parcel 4 - Reserving a Permanent Easement for Water Lines, Fixtures, and Facilities**

A parcel of land lying in Tract 3, BLAKLEY HEIGHTS, Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 389, Page 2796, Deschutes County Records; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated The Dalles-California Highway at Engineer's Stations 374+75.00 and 374+95.00; and included in a strip of land 20.00 feet in width lying on the Northwesterly side of the Southeast line of Parcel 1.

The center line of the relocated The Dalles-California Highway referred to herein is described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 2000, Page 49898, Deschutes County Records.

The parcel of land to which this description applies contains 400 square feet, more or less.



**File R6118050**

**NOTES:**

RETAIN all access rights to Powers Road and the relocated The Dalles-California Highway. Access to be provided from Reed Lane via Coulter Lane.

All of Parcel 2 lies within Parcel 1.  
Parcel 2 will be reserved for Tax Lots 18-12-08B-1502 and 1504 of Deschutes County.

All of Parcel 3 lies within Parcel 1.  
Parcel 3 includes 600 square feet of Parcel 2.  
Parcel 3 will be reserved for certain tax lots served by the water lines.

All of Parcel 4 lies within Parcel 1.  
All of Parcel 4 lies within Parcel 3.  
Parcel 4 is for a junction box at this location.  
Parcel 4 needs to include ingress/egress rights over Parcel 1 for access.  
Parcel 4 will be reserved for Arnold Irrigation District.

Area breakdown: File R6118050 – 3.98 acres.  
File 6436302 – 1.08 acres.  
File 6007272 – 0.15 acres.

These parcels lie Northwesterly of Engineer's center line Station 376+00.

These parcels lie within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 8, T 18 S, R 12 E, WM.

Parcel 1 lies within Tax Lots 18-12-08B-1500, 1501, and 1505 of Deschutes County.  
Parcel 2 lies within Tax Lots 18-12-08B-1500 and 1505 of Deschutes County.  
Parcel 3 lies within Tax Lots 18-12-08B-1500 and 1501 of Deschutes County.  
Parcel 4 lies within Tax Lot 18-12-08B-1501 of Deschutes County.