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NOTICE OF LIS PENDENS
CIVIL NO. 65-494

NOTICE IS HEREBY GIVEN that on the 29th day of September, 1965, the United States of America filed in the United States District Court for the District of Oregon, a Declaration of Taking of the continuing perpetual rights in and to lands more particularly designated and described in Exhibit "A" annexed hereto for the establishment of additional facilities for the use of the Department of the Air Force and for other military uses incident thereto in connection with Kingsley Field, Klamath County, State of Oregon, and deposited in the Registry of said Court the estimated just compensation for the taking of said estates in said land, and on the same day the United States in said Court instituted condemnation proceedings based upon said Declaration of Taking entitled United States of America v. George A. McDonald and Alice G. McDonald, husband and wife; Dale A. Fleming and Janice M. Fleming, husband and wife; Peter R. Garske, a single man; William Daniel Dingler and Patricia Dingler, husband and wife; Klamath Irrigation District, Federal Land Bank of Spokane, a corporation; Klamath County, a municipal corporation and political subdivision of the State of Oregon, and 70.32 Acres of Land, more or less, situated in Klamath County, Oregon, Civil No. 65-494, to acquire said estates in said land, to determine the just compensation to be paid therefor, and to distribute such just compensation among those entitled thereto; said lands are located in Klamath County, State of Oregon.

Dated at Portland, Oregon, this 12th day of October, 1965.

Joseph E. Buley
JOSEPH E. BULEY
Assistant United States Attorney

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CLEARANCE EASEMENTS

The estates taken for said public uses are:

(a) The continuing perpetual right in the land described in Schedule "A", to top trees, bushes, shrubs or any other perennial growth or undergrowth which infringe upon, extend into, or extend above a plane or planes ten feet below and parallel to the glide plane surface and/or transitional surfaces set forth after the land descriptions in Schedule "A",

(b) The continuing perpetual right in the land described in Schedule "A", to remove, to raze, to destroy, and to prohibit the future construction of buildings or portions thereof, other structures or portions thereof, land, embankments of earth and other materials which infringe upon, extend into, or extend above the glide plane surface and/or transitional surfaces set forth after the land descriptions in Schedule "A",

(c) The right of ingress to, egress from, and passage on and over the land described in Schedule "A" for the purpose of exercising the rights hereby taken for said public uses;

Subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs, executors, administrators, and assigns all right, title, interest, and privilege as may be exercised and enjoyed without interference with or abridgment of the rights hereby taken for said public uses.

TRACT NO. C-328E

The south one-third of the west half of Tract 16, the west half of Tract 17, and the adjoining proportionate share of road, commonly known as Anderson Avenue, all as shown on the official plat of the "Subdivision of Tracts 25 to 32 inclusive together with the South 10 feet of Tracts 33 and 34 of Altamont Ranch Tracts", filed in the office of the County Clerk, Klamath County, Oregon, and lying in Section 15, Township 39 North, Range 9 East of the Willamette Meridian, said county and state, EXCEPTING a ten foot strip of land lying along the west boundary lines of said Tracts 16 and 17 and its southerly extension to the south line of the platted road, all more particularly described as follows:

EXHIBIT "A"

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TRACT NO. C-328E (continued)

BEGINNING at the point of intersection of the southerly extension of the east line of the west half of Tract 17 with the southerly line of the north 40.00 feet of Anderson Avenue, said point having a ground elevation of 4092.00 feet, more or less, a glide angle plane surface elevation of 4175.90 feet, and a clearance of 83.90 feet, more or less, above ground; thence westerly along the southerly line of the north 40.00 feet of Anderson Avenue for a distance of 257.00 feet to point of intersection with the southerly extension of the east line of the ten foot strip of land lying along the west boundary line of Tract 17, said point having a ground elevation of 4090.00 feet, more or less, a glide angle plane surface elevation of 4177.0 feet, and a clearance of 87.0 feet, more or less, above ground; thence northerly 370.67 feet along said extended line and the east lines of the ten foot strips of land lying along the west boundary line of Tract 17 and the south one-third of Tract 16 to point of intersection with the north line of the south one-third of Tract 16, said point having a ground elevation of 4093.00 feet, more or less, a glide angle plane surface elevation of 4184.7 feet, and a clearance of 91.7 feet, more or less, above ground; thence easterly along said north line for a distance of 257.00 feet to point of intersection with the east line of the west half of Tract 16, said point having a ground elevation of 4092.00 feet, more or less, a glide angle plane surface elevation of 4182.80 feet, and a clearance of 90.80 feet, more or less, above ground; thence southerly along the east boundary lines of the west halves of Tracts 16 and 17 and the southerly extension thereof for a distance of 370.67 feet to the point of beginning.

Elevations contained herein refer to mean sea level.

The tract of land above described contains 2.19 acres, more or less.

The glide plane surface of the approach zone shall slope upward and outward from a point within the clear zone which is 200 feet beyond the end of the runway, commencing from an elevation corresponding with the elevation at the end of the runway at the rate of one foot vertically to each fifty feet horizontally. The property corners and other described points in the above tract description, projected vertically from the elevations of the ground at each position indicated in the description to a plane ten feet below and parallel to the glide plane surface of the approach zone, form the restrictive easement on said surface and represent the maximum permissible height of trees, bushes, shrubs, or any other perennial growth or undergrowth. The property corners and other described points in the above tract description projected vertically from the elevations of the ground at each position indicated in the description to the glide plane surface of the approach zone, form the restrictive easement on said surface and represent the maximum permissible height of buildings or portions thereof, other structures or portions thereof, land, embankments of earth and other materials.

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TRACT NO. 502E-1

A parcel of land in that portion of the north half of the northeast quarter of Section 35, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, lying south of the southerly right-of-way line of the Lost River Diversion Channel, described as follows:

BEGINNING at the northeast corner of Tract A 135E-1 and in the southerly line of Tract A 135-1, said tracts acquired by the United States of America by instruments dated November 28, 1960, recorded in Volume 326 of Deeds, pages 242 and 239 respectively, in the office of the recorder of said county, said corner having a ground elevation of 4086.00 feet, more or less, a glide plane surface elevation of 4118.00 feet and a clearance of 32.00 feet, more or less, above ground level; thence north $68^{\circ} 14' 00''$ east in the south line of said Tract A 135-1 for a distance of 50.00 feet to the southeast corner thereof, said corner having a ground elevation of 4086.00 feet, more or less, a glide plane surface elevation of 4118.00 feet, and a clearance of 32.00 feet, more or less, above ground level; thence north $21^{\circ} 46' 00''$ west 409.03 feet in the easterly line of said Tract A 135-1 to a point in the said southerly line of the Lost River Diversion Channel, said point having a ground elevation of 4086.00 feet, more or less, a glide plane surface elevation of 4110.00 feet, and a clearance of 24.00 feet, more or less, above ground level; thence in said southerly line south $89^{\circ} 59' 29''$ east 570.00 feet to a point having a ground elevation of 4086.00 feet, more or less, where the glide plane surface adjoins the transitional surface, said surfaces having an elevation of 4114.30 feet, and a clearance of 28.30 feet, more or less, above ground level; thence continuing along said southerly line south $89^{\circ} 59' 29''$ east 30.00 feet, more or less, to a point having a ground elevation of 4086.00 feet, more or less, a transitional surface elevation of 4117.80 feet, and a clearance of 31.80 feet, more or less, above ground level; thence following the said right-of-way line north 20.00 feet to a point having a ground elevation of 4086.00 feet, more or less, a transitional surface elevation of 4118.70 feet, and a clearance of 32.70 feet, more or less, above ground level; thence continuing south $89^{\circ} 59' 29''$ east 556.74 feet, more or less, to a point 1340.00 feet, more or less, northeasterly, when measured at right angles to the extended centerline of NW-SE Runway No. 14-32 of Kingsley Field, said point being in the east edge of the transitional surface and having a ground elevation of 4086.00 feet; more or less, a transitional surface elevation of 4184.51 feet, and a clearance of 98.51 feet, more or less, above ground level; thence leaving said southerly line of the Lost River Diversion Channel and running south $15^{\circ} 05' 17''$ east 1212.07 feet, more or less, along said east edge of the transitional surface to the south line of said north half of the northeast quarter at a point 132.00 feet west of the east line of said Section 35, said point having a ground elevation of 4086.00 feet, more or less, a transitional surface elevation of 4184.51 feet, and a clearance of 98.51 feet, more or less, above ground level; thence west 375.00 feet in the south line of said subdivision to a point having a ground elevation of 4087.00 feet, more

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TRACT NO. 502E-1 (continued)

or less, where the transitional surface adjoins the glide plane surface, said surfaces having an elevation of 4139.40 feet, and a clearance of 52.40 feet, more or less, above ground level; thence continuing west 700.00 feet, more or less, in said south line to a point 200.00 feet, northeasterly when measured at right angles to the said extended centerline of the runway, said point also being the southeast corner of said Tract A 135E-1 and having a ground elevation of 4087.00 feet, more or less, a glide plane surface elevation of 4134.20 feet, and a clearance of 47.20 feet, more or less, above ground level; thence north $21^{\circ} 46'$ west 802.03 feet in the east line of said Tract A 135E-1 to the point of beginning.

The above described parcel contains 30.48 acres, more or less.
The elevations contained herein refer to mean sea level.

The glide plane surface of the approach zone shall slope upward and outward from a point within the clear zone which is 200 feet beyond the end of the runway, commencing from an elevation corresponding with the elevation at the end of the runway at the rate of one foot vertically to each fifty feet horizontally, and the transitional surfaces of the transition zones, on each side of the runway and approach zone, shall slope upward and outward from the outer edges of the glide plane surface at the rate of one foot vertically to each seven feet horizontally. The property corners and other described points in the above tract description, projected vertically from the elevations of the ground at each position indicated in the description to a plane or planes ten feet below and parallel to the glide plane surface of the approach zone and to the transitional surfaces of the transition zones, form the restrictive easement on said surfaces and represent the maximum permissible height of trees, bushes, shrubs, or any other perennial growth or undergrowth. The property corners and other described points in the above tract description projected vertically from the elevations of the ground at each position indicated in the description to the glide plane surface of the approach zone and to the transitional surfaces of the transition zones, form the restrictive easement on said surfaces and represent the maximum permissible height of buildings or portions thereof, other structures or portions thereof, land, embankments of earth and other materials.

TRACT NO. 502E-2

A parcel of land in that portion of the north half of the northeast quarter of Section 35, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, lying south of the southerly right-of-way line of the Lost River Diversion Channel, described as follows:

BEGINNING at the southwest corner of said subdivision, said corner having a ground elevation of 4089.00 feet, more or less, a transitional surface elevation of 4163.30 feet, and a clearance of 74.30 feet, more or less, above ground level; thence north 970.00 feet, more or less, in the west line of said subdivision to a point having a ground elevation of 4087.00 feet, more

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TRACT NO. 502E-2 (continued)

or less, where the transitional surface adjoins the glide plane surface, said surfaces having an elevation of 4105.40 feet, and a clearance of 18.40 feet, more or less, above ground level; thence continuing north in said west line 175.00 feet, more or less, to a point in the said southerly right of way line of the Lost River Diversion Channel, said point having a ground elevation of 4087.0 feet, more or less, a glide plane surface elevation of 4102.10 feet, and a clearance of 15.1 feet, more or less, above ground level; thence east 497.00 feet, more or less, in said right of way line to the northwest corner of a parcel of land known as Tract A 135-2, as acquired by the United States of America by instrument dated November 28, 1960, recorded in Volume 326 of Deeds, Page 239 in records of said County, said corner having a ground elevation of 4086.00 feet, more or less, a glide plane surface elevation of 4105.80 feet, and a clearance of 19.80 feet, more or less, above ground level; thence south 21° 46' east 608.43 feet in the west line of said Tract A 135-2 to the southwest corner thereof, said corner having a ground elevation of 4086.00 feet, more or less, a glide plane surface elevation of 4118.00 feet, and a clearance of 32.00 feet, more or less, above ground level; thence north 68° 14' east 50.00 feet in the south line of said Tract A 135-2 to the northwest corner of a parcel of land known as Tract A 135E-2 as acquired by the United States of America by instrument dated November 28, 1960, recorded in Volume 326 of Deeds, Page 242, in the records of said county, said corner having a ground elevation of 4086.00 feet, more or less, a glide plane surface elevation of 4118.00 feet, and a clearance of 32.00 feet, more or less, above ground level; thence south 21° 46' east 642.25 feet in the westerly line of said Tract A 135E-2 to a point in the south line of said subdivision, said point having a ground elevation of 4087.00 feet, more or less, a glide plane surface elevation of 4130.90 feet, and a clearance of 43.90 feet, more or less, above ground level; thence west 675.00 feet, more or less, in said south line to a point having a ground elevation of 4088.0 feet, more or less, where the glide plane surface adjoins the transitional surface, said surfaces having an elevation of 4126.00 feet, and a clearance of 38.00 feet, more or less, above ground level; thence continuing west in the said south line of the subdivision to the point of beginning.

The above described parcel contains 20.20 acres, more or less.

Elevations contained herein refer to mean sea level.

The glide plane surface of the approach zone shall slope upward and outward from a point within the clear zone which is 200 feet beyond the end of the runway, commencing from an elevation corresponding with the elevation at the end of the runway at the rate of one foot vertically to each fifty feet horizontally, and the transitional surfaces of the transition zones, on each side of the runway and approach zone, shall slope upward and outward from the outer edges of the glide plane surface at the rate of one foot vertically to each seven feet horizontally.

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TRACT NO. 502E-2 (continued)

The property corners and other described points in the above tract description, projected vertically from the elevations of the ground at each position indicated in the description to a plane or planes ten feet below and parallel to the glide plane surface of the approach zone and to the transitional surfaces of the transition zones, form the restrictive easement on said surfaces and represent the maximum permissible height of trees, bushes, shrubs, or any other perennial growth or undergrowth. The property corners and other described points in the above tract description projected vertically from the elevations of the ground at each position indicated in the description to the glide plane surface of the approach zone and to the transitional surfaces of the transition zones, form the restrictive easement on said surfaces and represent the maximum permissible height of buildings or portions thereof, other structures or portions thereof, land, embankments of earth and other materials.

TRACT NO. 511E

A tract of land in a portion of the northwest quarter of the southwest quarter of Section 36, and in a portion of Tract 4 of the Plat of "400 Subdivision" in Section 35, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, as recorded June 1, 1929, in the Office of the Recorder, said county and state, described in two parcels as follows:

Parcel 1: BEGINNING at the northwest corner of said southwest quarter, said corner having a ground elevation of 4086.00 feet, more or less, a glide plane surface elevation of 4168.10 feet, and a clearance of 82.10 feet, more or less, above ground level; thence easterly 95.00 feet in the north line of said subdivision to a point having a ground elevation of 4086.00 feet, more or less, where the glide plane surface adjoins the transitional surface, said surfaces having an elevation of 4169.00 feet, and a clearance of 83.00 feet, more or less, above ground level; thence continuing in said north line east 130.00 feet to a point on the east edge of the transitional surface and having a ground elevation of 4086.00 feet, more or less, a transitional surface elevation of 4184.51 feet, and a clearance of 98.51 feet, more or less, above ground level; thence south 15° 05' 17" east 765.00 feet, more or less, in said east edge to a point 950.00 feet northeasterly when measured at right angles to the extended centerline of NW-SE Runway No. 14-32 of Kingsley Field at station 155+43, said point having a ground elevation of 4086.00 feet, more or less, where the transitional surface adjoins the glide plane surface, said surfaces having an elevation of 4184.51 feet, and a clearance of 98.51 feet, more or less, above ground level; thence south 68° 14' 00" west 240.00 feet to point of intersection with the north line of that certain parcel conveyed by William Greene and Margaret Greene to William F. Wong and Esther M. Wong by deed dated December 20, 1944, recorded March 14, 1946 in Deed Volume 186, Page 307, Deed Records of Klamath County,

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TRACT NO. 511E (continued)

Oregon, said point having a ground elevation of 4087.00 feet, more or less, a glide plane surface elevation of 4184.51 feet, and a clearance of 97.51 feet, more or less, above ground level; thence westerly 180.00 feet in said north line to a point in the west line of said Section 36, said point having a ground elevation of 4087.00 feet, more or less, a glide plane surface elevation of 4183.10 feet, and a clearance of 96.10 feet, more or less, above ground level; thence north in said west line to the point of beginning.

Parcel 2: BEGINNING at the northeast corner of said Tract 4, said corner having a ground elevation of 4087.00 feet, more or less, a glide plane surface elevation of 4180.80 feet, and a clearance of 93.80 feet, more or less, above ground level; thence south 195.00 feet in the east line of said Tract 4 to a point which is opposite said extended runway centerline station 155+43, said point having a ground elevation of 4087.00 feet, more or less, a glide plane surface elevation of 4184.50 feet, and a clearance of 97.50 feet, more or less, above ground level; thence south 68° 14' west, at right angles to said centerline, to a point in the north-easterly right-of-way line of the Southern Pacific Railroad, said point having a ground elevation of 4090.00 feet, more or less, a glide plane surface elevation of 4184.50 feet, and a clearance of 94.50 feet, more or less, above ground level; thence north 33° 32' 50" west along said right-of-way line to the northwest corner of said Tract 4, said corner having a ground elevation of 4090.00 feet, more or less, a glide plane surface elevation of 4170.70 feet, and a clearance of 80.70 feet, more or less, above ground level; thence east in the north line of said Tract 4 to the point of beginning.

The above described parcel contains 17.45 acres, more or less.

Elevations contained herein refer to mean sea level.

The glide plane surface of the approach zone shall slope upward and outward from a point within the clear zone which is 200 feet beyond the end of the runway, commencing from an elevation corresponding with the elevation at the end of the runway at the rate of one foot vertically to each fifty feet horizontally, and the transitional surfaces of the transition zones, on each side of the runway and approach zone, shall slope upward and outward from the outer edges of the glide plane surface at the rate of one foot vertically to each seven feet horizontally. The property corners and other described points in the above tract description, projected vertically from the elevations of the ground at each position indicated in the description to a plane or planes ten feet below and parallel to the glide plane surface of the approach zone and to the transitional surfaces of the transition zones, form the restrictive easement on said surfaces and represent the maximum permissible height of trees, bushes, shrubs, or any other perennial growth or undergrowth. The

TRACT NO. 511E (continued)

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property corners and other described points in the above tract description projected vertically from the elevations of the ground at each position indicated in the description to the glide plane surface of the approach zone and to the transitional surfaces of the transition zones, form the restrictive easement on said surfaces and represent the maximum permissible height of buildings or portions thereof, other structures or portions thereof, land, embankments of earth and other materials.

STATE OF OREGON, COUNTY OF KLAMATH, ss:

Filed for record at request of U. S. Dept. of Justice

this 14 day of Oct. A.D. 1965 at 11:30 clock A.M., and

daily recorded in Vol. M-65 of Mortgages on Page 2710

Fee \$13.50

DOROTHY ROGERS, County Clerk

By *James M. New*

RET.: U. S. Dept. of Justice,
District of Oregon,
United States Attorney,
Portland, Oregon

STATE OF OREGON, COUNTY OF KLAMATH, ss:

Filed for record at request of *U. S. Dept. of Justice*

this 18 day of Oct. A.D. 1965 at 2:00 clock P.M., and

daily recorded in Vol. M-65, of *Deeds* on Page 2840

DOROTHY ROGERS, County Clerk

By *James M. New*