

12-10-79

79626

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Highway Division  
From File 50393, J-2  
To File 50393, J-1

DEED

KNOW ALL MEN BY THESE PRESENTS, That the CITY OF KLAMATH FALLS, Oregon, a municipal corporation, Grantor, hereby conveys unto GERALD S. WITLATCH, Grantee, the following described property, to wit:

A parcel of land situated in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of Section 24, Township 39 South, Range 9 East, Willamette Meridian; thence, East along the South line of said Section 24, 1,582.80 feet to a point on the Southwesterly right of way of the Great Northern Railway Company, North 48°13'28" West along said right of way 1,767.06 feet to a point on the Southerly right of way of a drain ditch, South 57°33'07" West along said right of way of the drain ditch 321.55 feet to a point on the West line of said Section 24, and South 0°21'44" East 1004.74 feet to the point of beginning.

The parcel of land to which this description applies contains 24.53 acres, more or less.

RESERVING, HOWEVER, to Grantor, its successors and assigns, an avigation and hazard easement and right of way for the unobstructed passage of all aircraft in the airspace 38.50 feet above said property at the westernmost point to 85.06 feet at the easternmost point of said property, based on a slope of 34:1 (1 foot high for every 34 feet of horizontal distance) for all intermediate heights to an infinite height above these said levels, together with the right to cause in the airspace above the surface of said property such noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on Kingsley Field.

There is also hereby reserved to Grantor, its successors and assigns, the continuing right to prevent the erection or growth upon said property of any building, structure, tree, or other object, extending into the airspace above the 38.50 foot level at the westernmost point of said property to 85.06 feet above said property at the easternmost point of this property, based on a slope of 34:1 (1 foot high for every 34 feet of horizontal distance) for all intermediate heights above said property, and to remove from said airspace, or at the sole option of the Grantor, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree, or other objects now upon, or which in the future may be upon said property, together with the right of ingress to, egress from, and passage over said property for the above purposes.

Grantee, his heirs and assigns, shall not erect, permit the erection or growth of, or permit or suffer to remain upon said property any building, structure, tree, or other object extending into the aforesaid prohibited airspace, and shall not use

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or permit or suffer the use of said property in such a manner as to create electrical interference with radio communication between any installation upon said Kingsley Field and aircraft, or as to make it difficult for pilots to distinguish between airport lights and others, or as to impair visibility in the vicinity of the airport, or as to otherwise endanger the landing, taking off, or maneuvering of aircraft.

Said easement and right of way, and all rights appertaining thereto, shall be in full force and effect until said Kingsley Field shall be abandoned and shall cease to be used for public airport purposes.

No monetary consideration is being received by Grantor for this deed.

Dated this 15th day of January, 19 80.

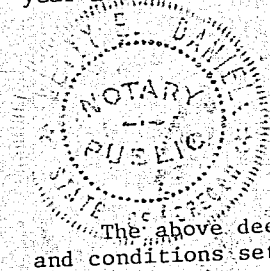
CITY OF KLAMATH FALLS, Oregon,  
a municipal corporation

By George C. Flitcraft  
Mayor  
By Harold Derrah  
City Recorder

STATE OF OREGON     )  
                              )ss  
County of Klamath    )

On this 15th day of January, 19 80, before me appeared George C. Flitcraft and Harold Derrah, both to me personally known, who being duly sworn, did say that he, the said George C. Flitcraft, is the Mayor, and he, the said Harold Derrah, is the City Recorder of the City of Klamath Falls, the within named municipal corporation, and that the seal affixed to the said instrument is the seal of the said City and that said instrument was signed and sealed by authority of motion of Council of said City, and said George C. Flitcraft and Harold Derrah, each acknowledged to me that said deed was the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



Betty E. Daniel  
Notary Public for Oregon

My Commission expires 4/23/83

The above deed is hereby accepted by Grantee in accordance with the reservations and conditions set out therein.

Gerald S. Whitlatch  
Gerald S. Whitlatch

jmc (2)

Ret: City Hall  
Klamath Falls, Ore

STATE OF OREGON; COUNTY OF KLAMATH; ~~FILED~~  
filed for record at request of City of Klamath Falls  
this 21st day of January A. D. 19 80 at 2:56 o'clock P.M., and  
suly recorded in Vol. M-80, of Deeds on Page 1225

Wm D. MILNE, County Clerk

By Jacqueline J. Mettler

Fee \$7.00

CR 100  
24 100