

AVIGATION AND HAZARD EASEMENT

WHEREAS, Gerald S. Whitlatch, hereinafter called the Grantor, is the owner in fee of that certain parcel of land situated in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southeast corner of Section 23, Township 39 South, Range 9 East, W. M.; thence S89°34'23" West 1309.08 feet to a point on the East right of way of Homedale Road, N0°29'07" West along said East Right of Way 822.81 feet, N81°40'22" East 1323.61 feet to a point on the east line of said Section 23, and S0°21'44" East 1004.74 feet to the point of beginning.

hereinafter called "Grantor's property", and outlined on the attached map (Exhibit I):

NOW, For and in consideration of an exchange of land of approximately equal value and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, executors, successors, and assigns, does hereby grant, bargain, sell, and convey unto the City of Klamath Falls, Oregon, hereinafter called the Grantee, its successors, and assigns, for the use and benefit of the public, an easement and right of way, appurtenant to Kingsley Field for the unobstructed passage of all aircraft (aircraft being defined for the purpose of this instrument as any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air) by whomsoever owned and operated, in all the airspace from the surface of Grantor's property at the westernmost point of this property, to 38.50 feet above Grantor's 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 to an infinite height above these said levels, together with the right to cause in all airspace above the surface of Grantor's 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 said Kingsley Field; and Grantor does hereby fully waive, remise, and release any right of cause of action, which he may now have or which he may have in the future against Grantee, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on said Kingsley Field.

The easement and right of way hereby granted includes the continuing right in the Grantee to prevent the erection or growth upon Grantor's property of any building, structure, tree, or other object, extending into the airspace above the said level of the surface of the property at the westernmost point of this property to 38.50 feet above Grantor's 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 Grantor's property, and to remove from said airspace, or at the sole option of the Grantee,

80 JUL 10 PM 2 37

12753

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 Grantor's property, together with the right of ingress to, egress from, and passage over Grantor's property for the above purposes.

TO HAVE AND TO HOLD said easement and right of way, and all rights appertaining thereto unto the Grantee, its successors, and assigns, until said Kingsley Field shall be abandoned and shall cease to be used for public airport purposes.

AND for the consideration hereinabove set forth, the Grantor, for himself, his heirs, administrators, executors, successors, and assigns, does hereby agree that for and during the life of said easement and right of way, he will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon Grantor's property any building, structure, tree, or other object extending into the aforesaid prohibited airspace, and that he shall not hereafter use or permit or suffer the use of Grantor's 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, it being understood and agreed that the aforesaid covenants and agreements shall run with the land.

Gerald S. Whitlatch

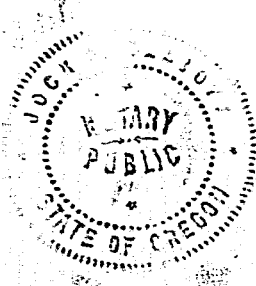
STATE OF OREGON

County of KLAMATH

On this 15<sup>TH</sup> day of JANUARY, 1980, personally came before me, a Notary Public in and for said county and state, the within named GERALD S. WHITLATCH and \_\_\_\_\_, his wife,

to me personally known to be the identical person described in, and who executed the within instrument, and who each personally acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein named.

Witness my hand and official seal the day and year last above written.



Return

Klamath Municipal  
airport

airport managers office  
Klamath Falls, Oregon 97601

[Signature]  
Notary Public for Oregon

My commission expires 7-8, 1981

12754

AIRWAY DRIVE

1/4 A.S. R. Survey 1957 1327.09 (Acres)

HOMEDALE ROAD  
5522.30 N 0° 17' 03" W

This line runs to line with old fence to West

20.26

1/4 Line  
As per fence line

Set 5/8" pin on line with North fence

1332.19

589° 21' 31" W  
1311.93

EXCLUDE FROM EASEMENT

500.00

1322.74

1/4 R.R. Property

Set 5/8" pin in fence

1309.08  
1358.08

5335.90  
N 89° 34' 23" E

22 23  
27 26  
End B.C. in  
Mound of  
stone

12755



Find RR Spike  
Survey 1957

14  
23 24

3989.16

N 0° 21' 49" W

(S 00° 04' 25" E 5310.44 R.S. 1957)

1/4 By  
Proportion  
21' 49" Pm  
1004.94  
321.55

N 57° 33' 07" E  
N 57° 34' 30" E

CORRECTED 5-12-77 B.F.N.

N 48° 13' 28" W  
1761.06

23 24 1582.80

26 25  
Find B.C. in  
fence - Survey  
1957

Set 3/8" Pm  
in fence

1/4  
Find 3/8" Pm  
Survey 1628  
WEST (Basis  
of Bearings)

(ASSUMED)

(EXHIBIT I)

IN THE  
COUNTY  
OF

Map of Survey  
in

12756

T39S R9EWM  
Sec. 23 & 24  
KLAMATH COUNTY, ORE.

FOR: CITY OF KLAMATH FALLS  
ORDERED BY: Aviation Planning Service

March 31, 1977

1" = 500'

WAYNE R RAWSON & ASSOC.  
KLAMATH FALLS, OREGON



State of Oregon,  
County of Klamath } ss.

I hereby certify that the within instrument was  
received and filed for record on the 10th  
day of July, 19 80, at 2:37  
o'clock P M. and recorded on Page 12752  
in Book M80 Records of Deeds  
of said County.

WM. D. MILNE, County Clerk

By Francis Roberts Deputy

Fee \$17.50

19  
30

FILED

OFFICE OF THE CLAMATH  
Y SURVEYOR THIS 21 DAY  
APRIL 1977

Francis Roberts  
FRANCIS ROBERTS  
puty County Surveyor