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Vol. m89 Page 11883

K-41155  
QUITCLAIM DEED

BURLINGTON NORTHERN RAILROAD COMPANY (formerly named Burlington Northern Inc.), a Delaware corporation, GRANTOR, in confirmation of, and pursuant to, the Asset Transfer Agreement and Deed as of May 26, 1988 between Grantor and Grantee, releases and quitclaims, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, to GLACIER PARK COMPANY, a Delaware corporation, of 1011 Western Avenue, Suite 700, Seattle, Washington 98104, GRANTEE, all right, title and interest in and to the real property described on Exhibit "A" attached hereto and made a part hereof, situated in Klamath County, Oregon, together with all after acquired title of Grantor therein.

RESERVING, however, unto said Grantor, its successors and assigns, a railroad easement including the right, privilege and easement to construct, maintain, repair, renew, use, operate over, replace or remove railroad tracks, drainage facilities and appurtenances thereto in, along, over, upon or across that portion of the premises herein conveyed, as shown shaded on the attached Exhibit "B" and by this reference made a part hereof.

TO HAVE AND TO HOLD said easement for so long as the same is used or required for railroad purposes and until said Grantor, its successors or assigns, shall remove all such facilities from the said premises with the intent to abandon said easement. Upon such removal with the intent to abandon said premises, the easement created hereby shall immediately terminate without further action by Grantor or Grantee. Grantee may, at any time after the termination of the easement created hereby, record an affidavit of termination in the public records to conclusively evidence the termination of the easement.

The true consideration for this conveyance is \$0.00.

Dated this 20th day of January, 1989.

BURLINGTON NORTHERN RAILROAD COMPANY

BY

J. H. Ilkka

Director - Title Services

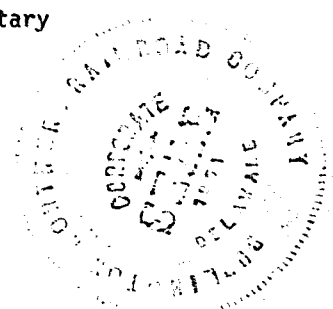
ATTEST:

BY

Anita D. Wells

Assistant Secretary

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.

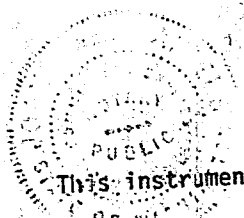


STATE OF WASHINGTON )  
COUNTY OF KING ) ss.

January 20, 19 89.

Personally appeared J. H. Ilkka and Anita D. Wells, who, each being first duly sworn, did say that the former is the Director - Title Services and the latter is the Assistant Secretary of Burlington Northern Railroad Company, a Delaware corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: Paul B. Hauke  
Notary Public for State of Washington  
My commission expires: May 21, 1990



This instrument was drafted by:

Return:

Glacier Park Company  
Title Services Department  
1011 Western Avenue, Suite 700  
Seattle, Washington 98104

## EXHIBIT "A"

A portion of the SW $\frac{1}{4}$  of Section 16 and Section 21, T41S, R12E, W.M., Klamath County, Oregon, described as follows, to-wit:

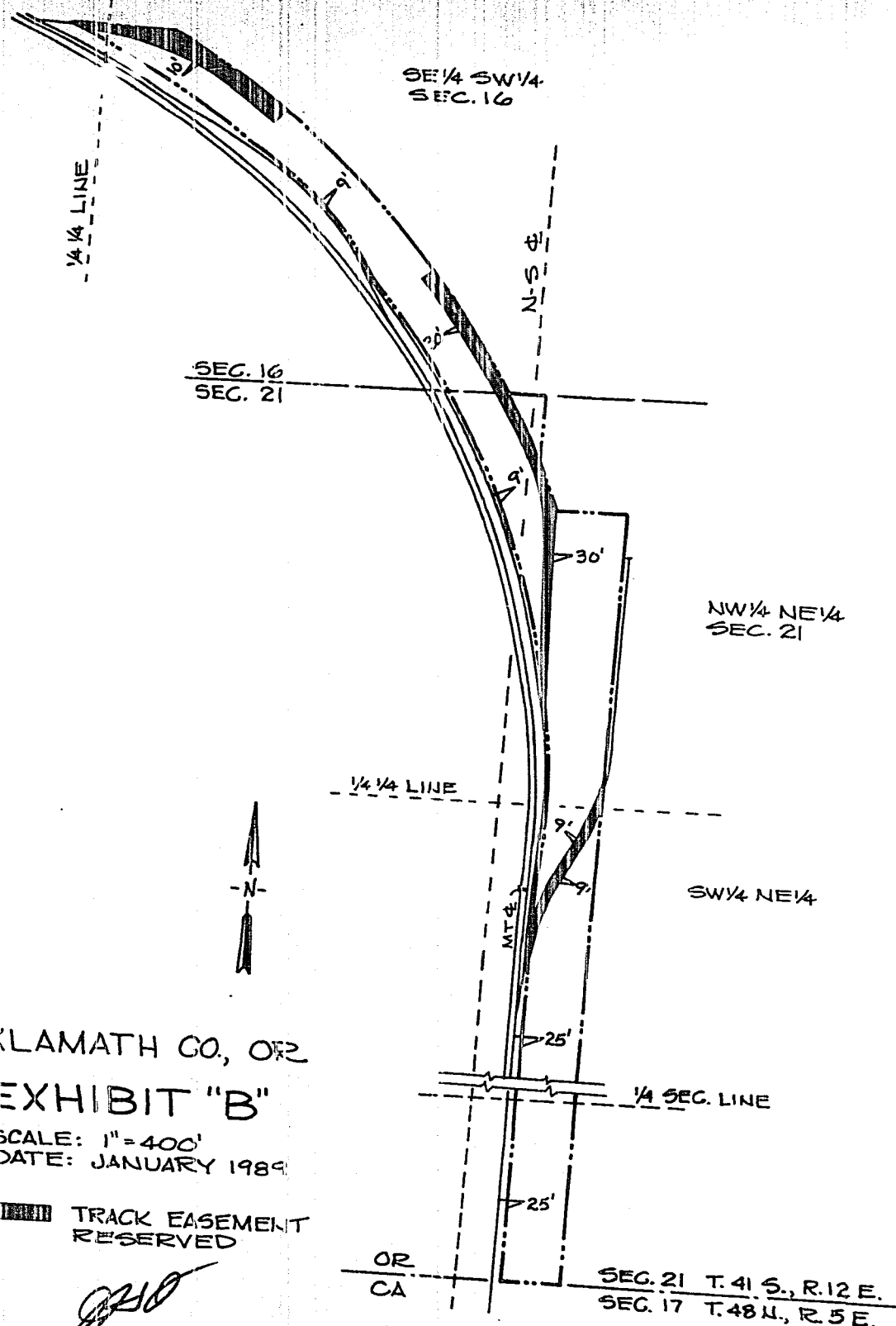
Beginning at the point of intersection of the South line of said Section 21 and a line drawn parallel with and distant 25.0 feet Easterly of, as measured at right angles to, Burlington Northern Railroad Company's (formerly Great Northern Railway Company) hereinafter described Klamath Falls, Oregon to Bieber, California Branch Line Main Track centerline; thence Northerly parallel with said Main Track centerline to the point of intersection with a line drawn parallel with and distant 9.0 feet Easterly of, as measured at right angles to, said Railroad Company's most Easterly passing track centerline, as now located and constructed; thence Northwesterly parallel with said most Easterly passing track to the point of intersection with a line drawn concentric with and distant 50.0 feet Northeasterly of, as measured radially to, said Main Track centerline; thence Northwesterly parallel with said Main Track centerline to the point of intersection with a line drawn parallel with and distant 8.5 feet Northerly of, as measured at right angles to, said Railroad Company's most Northeasterly ladder track centerline, as now located and constructed; thence Easterly parallel with the North line of the NE $\frac{1}{4}$  of said SW $\frac{1}{4}$  of Section 16 to the point of intersection with a line drawn concentric with and distant 200.0 feet Northeasterly of, as measured radially to, said Main Track centerline; thence Southeasterly parallel with said Main Track centerline to the point of intersection with the South line of said Section 16; thence Easterly along said South line of Section 16 to the Northwest corner of the NE $\frac{1}{4}$  of said Section 21; thence Southerly along the North-South centerline of said Section 21 to the point of intersection with a line drawn concentric with and distant 200.0 feet Northeasterly of, as measured radially to, said Main Track centerline; thence Southeasterly parallel with said Main Track centerline to the point of intersection with a line drawn parallel with and distant 360.0 feet Southerly of, as measured at right angles to, said South line of Section 16; thence Easterly parallel with said South line of Section 16 a distance of 205.0 feet, more or less, to the point of intersection with the Northerly extension of a line drawn parallel with and distant 12.5 feet Westerly of, as measured at right angles to, said Railroad Company's most Easterly Spur track centerline; thence Southerly parallel with said most Easterly Spur track centerline and the Northerly extension thereof, to the point of intersection with a line drawn parallel with and distant 200.0 feet Easterly of, as measured at right angles to, said Main Track centerline; thence Southerly parallel with said Main Track centerline to the point of intersection with said South line of Section 21; thence Westerly along said South line of Section 21 to the True Point of Beginning.

JPD

Main Track Centerline Description

Commencing at the Northeast corner of Section 17, T48N, R5E, of the Mt. Diablo Meridian, Modoc County, California; thence Westerly along the North line of said Section 17 a distance of 457.2 feet to the point of intersection with said Main Track centerline to be described; thence deflecting in a Northerly direction  $89^{\circ}05'$  to the right a distance of 1717.0 feet to the point of curvature; thence along a curve concave to the West having  $02^{\circ}00'$  of curvature ( $\Delta=89^{\circ}53'$ ) a distance of 3475.4 feet and there terminating.

List # 3  
Sequence # 1912  
10C.3G.3/1912



KLAMATH CO, OR

EXHIBIT "B"

SCALE: 1"=400'  
DATE: JANUARY 1989

A black and white photograph showing a railroad track receding into the distance. A large, rectangular sign is positioned in the foreground, partially obscuring the tracks. The sign has the words "TRACK EASEMENT" on the top line and "RESERVED" on the bottom line, both in bold, capital letters. The background shows a flat landscape under a bright sky, with some distant structures visible on the horizon.

**TRACK EASEMENT  
RESERVED**

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co.  
of June A.D., 19 89 at 3:39 o'clock PM., and duly recorded in Vol. 30th day  
of Deeds on Page 11883 M89

**FEE \$28.00**

On Page 11883  
Evelyn Biehn - County Clerk

By Danielle Mulvaney