

9049

"Correction" 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.

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.

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.

This deed supersedes and replaces, and is given to correct the legal description contained on Exhibit "A" in that certain deed dated December 14, 1988, and recorded June 19, 1989, in the records of Klamath County, Oregon, in Book M89 at Pages 10878 through 10881, as Document No. 1613.

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.

89 DEC 14 AM 11 42

24168

The true consideration for this conveyance is \$0.00.

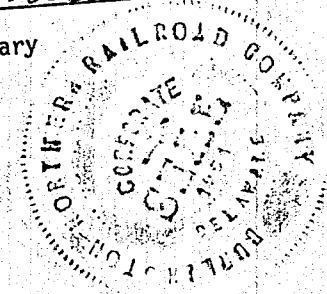
Dated this 27<sup>TH</sup> day of NOVEMBER, 1989.

BURLINGTON NORTHERN RAILROAD COMPANY

BY J. H. Ilkka  
J. H. Ilkka  
Director - Title Services

ATTEST:

BY Anita D. Wells  
Anita D. Wells  
Assistant Secretary



24169

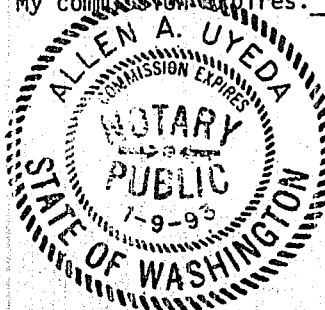
STATE OF WASHINGTON     )  
                                  ) ss.  
COUNTY OF KING         )

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: Allen A. Uyeda  
Notary Public for Washington  
My commission expires: 1-9-93

This instrument was drafted by:

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



## EXHIBIT "A"

Parcel 1

All that portion of Lots 11 and 12, Section 8, and Lot 5, Section 5 in T39S, R9E of the W.M., Klamath County, Oregon, lying Southeasterly of a line drawn parallel with and distant 75.0 feet Southeasterly of, as measured at right angles to, Burlington Northern Railroad Company's (formerly Great Northern Railway Company) Main Track centerline, as now located and constructed.

Parcel 2

A portion of the NE $\frac{1}{4}$  of Section 8, T39S, R9E of the W.M., Klamath County, Oregon, described as follows, to-wit:

Beginning at the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; thence S21°10'W to the point of intersection with a line drawn parallel with and distant 160.0 feet Northwesterly of, as measured at right angles to, Burlington Northern Railroad Company's (formerly Great Northern Railway Company) Main Track centerline, as now located and constructed; thence Northeasterly parallel with said Main Track centerline to the point of intersection with the North line of said NE $\frac{1}{4}$  of Section 8; thence Westerly along said North line to the Point of Beginning.

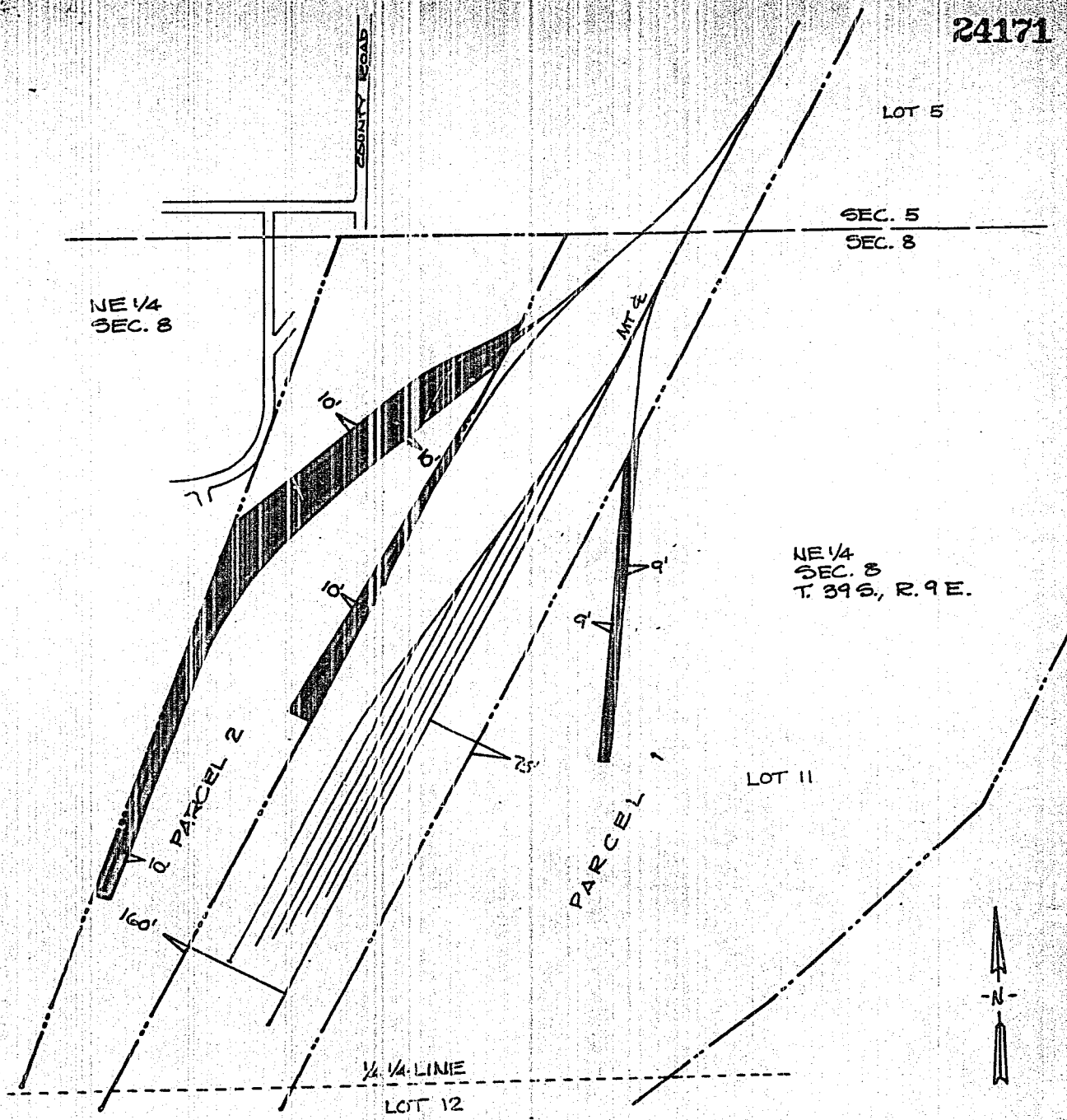
Parcel 3

A portion of the Government Lot 13, Section 8, T39S, R9E of the W.M., Klamath County, Oregon, described as follows, to-wit:

Commencing at the point of intersection of the North line of said Section 8 and Burlington Northern Railroad Company's (formerly Great Northern Railway Company) Main Track centerline, as now located and constructed; thence Southwesterly along said Main Track centerline a distance of 3549.6 feet; thence Southeasterly, at right angles to said Main Track centerline, to the point of intersection with a line drawn parallel with and distant 15.0 feet Southeasterly of, as measured at right angles to, said Railroad Company's Log Dump Spur Track centerline, as now located and constructed, said point of intersection being the Point of Beginning of the parcel to be described; thence continuing, at right angles to said Main Track centerline, to the point of intersection with the Westerly shoreline of Klamath River; thence Northerly along said shoreline to the point of intersection with said line drawn parallel with the Log Dump Spur Track; thence Southwesterly parallel with said Log Dump Spur Track to the True Point of Beginning.

*JSB*

24171



 TRACK EASEMENT  
RESERVED

*SS* KLAMATH CO., OREGON  
EXHIBIT "B"

SCALE: 1" = 200'  
DATE: NOVEMBER 1988

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 14th day  
of Dec. A.D., 19 89 at 11:42 o'clock A.M., and duly recorded in Vol. M89,  
of Deeds on Page 24167

FEE \$28.00

Evelyn Biehn, County Clerk  
By Danese Muller