

# AVIGATION AND HAZARD EASEMENT CHILOQUIN STATE AIRPORT

WHEREAS the State of Oregon, acting by and through its Department of Fish and Wildlife, hereinafter called Grantor, is the owner in fee of that certain parcel of land situated in the County of Klamath, State of Oregon.

NOW THEREFORE, the Grantor, for itself, administrators, successors or assigns, do hereby grant and convey into the State of Oregon, by and through its Department of Transportation, Aeronautics Division, hereinafter called the Grantee, its successors and assigns, for the use and benefit of the public, an easement and right of way, appurtenant to the Chiloquin State Airport for the unobstructed passage of all aircraft ("Aircraft" being defined for the purpose of this instrument as "any contrivance now known or hereinafter invented, used or designed for navigation of or flight in the air" by whomsoever owned and operated); a perpetual easement for the unobstructed passage of aircraft above the Approach Surface, hereinafter defined, over as much of grantors real property as lies within the Clear Zone for the Chiloquin State Airport, which Clear Zone is described below:

## DESCRIPTION OF PROPERTY FOR EASEMENT

A parcel of land lying in Lot 8 of Section 4, Township 35 South, Range 7 East, W.M. Klamath County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its State Game Commission, recorded in Book M-66, Page 6570 of Klamath County Record of Deeds; the said parcel being a portion of said property lying Southeasterly of the existing Chiloquin Highway and included in a strip of land variable in width, lying on each side of the center line of the relocated Main Runway and Approach Surfaces of the Chiloquin State Airport which center line is described as follows:

Beginning at Engineer's center line station 145+00, said station being 1781.84 feet South and 479.43 feet West of the Northwest corner of Section 34, Township 7 East, W.M.; thence South 6° 54' 32" West 5500 feet to Engineer's center line Station 200+00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Easterly Side of Center Line	Width on Westerly Side of Center Line
186+00		196+00	125 in a straight line to 225	125 in a straight line to 225

Bearings are based upon the Oregon Coordinate System, South Zone.

The parcel of land to which this description applies contains 2.97 acres, more or less.

### APPROACH SURFACE

The Approach Surface is a surface sloping upward and outward at a rate of one foot vertically for each 20 feet horizontally when measured along the extension of the Chiloquin State Airport runway center line. The surface starts at the same elevation as that of the end of the airport runway where the runway center line extension intersects the beginning of the Clear Zone (Engineer's Station 186+00). At a point 1000 feet from the beginning point on the runway center line extension (Engineer's Station 196+00), the surface is 50 feet above the elevation of the end of the airport runway.

The property herein described and underlying the approach surface shall remain free and clear of any structures, trees, electrical impulses, lighting, smoke or any other object which is or becomes an obstruction or hazard to the flight of aircraft landing or taking-off at the Chiloquin State Airport. The property shall not be utilized, differently from its present usage, which is angler access and other related recreational usage, in a manner that would attract birds which could be hazardous to aircraft landing at or taking-off from the airport. It is agreed that the rights granted to Grantee shall include, but not be limited to, the following:

1. The continuing and perpetual right to cut and remove those portions of trees, bushes, shrubs, or any other perennial growth or undergrowth extending into, or which in the future may infringe or extend above, the Approach Surface herein defined and described.
2. The right to remove, raze or destroy those portions of buildings, other structures and land improvements infringing upon or extending above said Approach Surface, together with the right to prohibit the future erection of building or other structures which could infringe upon or extend above said Approach Surface.
3. The right to mark and light as obstructions to air navigation, any and all structures, trees, or other objects that may at any time project or extend above said surface.
4. The right of ingress to, egress from, and passage over said real property in exercise of the rights herein granted.
5. For the use and benefit of the public, the right of flight for the passage of aircraft in the airspace above the Approach Surface herein defined and described, together with the right to cause in all air space 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 Chiloquin State Airport; and Grantor does hereby waive, remise, and release any right or cause of action which it may now have or which it 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 Chiloquin Airport.

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 Chiloquin State Airport shall be abandoned and shall cease to be used for public airport purposes.

AND the Grantor for itself, successors and assigns, does hereby agree that for and during the life of said easement and right of way, it will not hereafter erect or permit the erection of or growth of, or permit or suffer to remain on Grantor's property any building, structure, tree or any other object extending into the aforesaid prohibited air space, and that they 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 communications between any installation upon said airport and aircraft, or to make it difficult for pilots to distinguish between airport lights and lights on Grantor's property, or to permit smoke or other discharge which might impair visibility in the vicinity of the airport or to otherwise endanger the landing, taking-off or maneuvering of aircraft. It is understood and agreed that the aforesaid covenants and agreements shall run with the land.

Approved by the STATE OF OREGON, by and through its Department of Fish and Wildlife

By C. Wayne Rawlins Date January 25, 1990

STATE OF OREGON

County of Multnomah

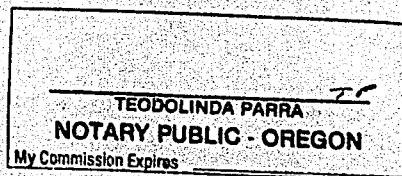
January 25, 1990

Personally appeared the above-named C. Wayne Rawlins and acknowledged the foregoing instrument to be a voluntary act. Before me:

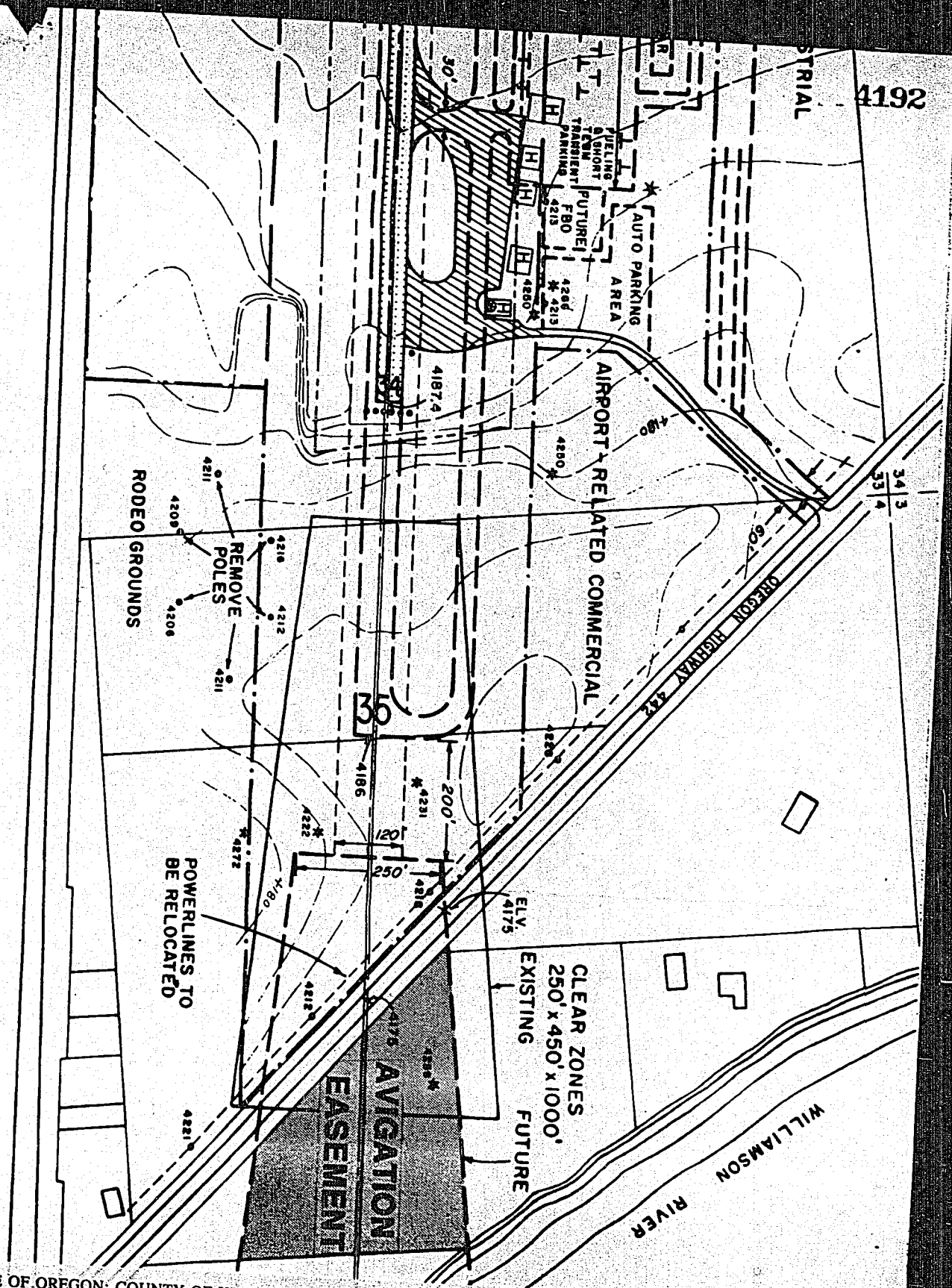
Teodolinda Parra  
Notary Public for Oregon

My Commission expires 1-6-92

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STATE OF OREGON: COUNTY OF KLAMATH: ss. \_\_\_\_\_

Filed for record at request of Oregon Aeronautics Div. the 6th day  
of March A.D., 19 90 at 11:34 o'clock A.M., and duly recorded in Vol. M90  
of \_\_\_\_\_ Deeds: \_\_\_\_\_ on Page 4189

FEE \$23.00  
Return: Oregon Aeronautics Div.  
3040 25th St. SE, Salem, Or. 97310

Evelyn Biehn, County Clerk  
By Pauline Mullendore