

7358 Oregon Parks and Recreation Department  
Vol. 1795 Page 27276  
1115 Commercial St.  
Salem OR 97310

QUITCLAIM DEED

THE GRANTOR, OREGON, CALIFORNIA & EASTERN RAILWAY COMPANY, a Nevada corporation, for and in consideration of public benefit, conveys and quitclaims to OREGON PARKS AND RECREATION COMMISSION, GRANTEE, the real estate, situated in Klamath County, Oregon, described on the attached Exhibit A; together with all after acquired title of the Grantor therein.

The true and actual consideration for this transfer stated in dollars is NONE (\$0.00) - a donation.

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 title to the property should check with the appropriate city or county planning department to verify approved uses.

The property described in this instrument may not be within a fire protection district protecting structures. The property is subject to land use laws and regulations which, in farm or forest zones, may not authorize the construction or siting of a residence. 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 and existence of fire protection for structures.

Dated the 7th day of August, 1995.

Return:  
Oregon State Parks & Rec Dept.  
46000 Hwy 97 N  
Chiloquin OR 97624

OREGON, CALIFORNIA & EASTERN  
RAILWAY COMPANY

Martin Rogers  
Timberlands Manager

Jim Monfere  
Asst Secretary

STATE OF OREGON )

) ss.

COUNTY OF KLAMATH )

Personally appeared before me, the undersigned authority in and for said county and state, on this 7th day of August, 1995, within my jurisdiction, the within named Martin Lugus and John Monfore, who acknowledged that they are Acting President and Assistant Secretary of **OREGON, CALIFORNIA & EASTERN RAILWAY COMPANY**, a Nevada corporation, and that for and on behalf of the said corporation, and as its act and deed they executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.



Catherine Haga  
Notary Public

My appointment expires: July 6, 1996

## IN KLAMATH COUNTY, OREGON

### Parcel 1:

Easement rights on, over and across a piece or parcel of land situate in the NW¼ of Section 3, Township 39 South, Range 9 East, W.M. in Klamath County, Oregon and more fully described as follows:

Beginning at a point in the southerly right of way line of the Dalles-California Highway from which the northwest corner of said Section 3 bears North 55° 52½' West 1596.6 feet along the said southerly right of way line and North 0° 00½' West 977.8 feet along the West line of said Section 3, said point of beginning being 50 feet distant at right angles from the center line of said Dalles-California Highway, as now constructed, and running thence **South 55° 52½' East** along said right of way line **25.0 feet**;

Thence **South 34°07½' West 327.2 feet**, more or less, to a point in the line marking the northeasterly boundary of the right of way of the Oregon, California and Eastern Railroad;

Thence **North 66°57½' West** along said right of way boundary line **25.5 feet**;

Thence **North 34°07½' East 332.1 feet**, more or less to the point of beginning;

Said easement rights having been conveyed to Oregon, California & Eastern Railway Company by document dated December 5, 1935 as recorded in Klamath County, Oregon Records in Volume 105 of Deeds, page 458.

### Parcel 2:

(A) All that portion of a strip of real property constituting ditch right of way known as Lateral "D" lying within and adjacent to the southerly line of the SE¼NW¼ of Section 3, Township 39 South, Range 9 East, W.M., extending easterly from the southwest corner of said SE¼NW¼ to the westerly line of right of way of Oregon, California & Eastern Railway.

(B) Also, all that portion of said Lateral "D" lying on each side of the line between the said SE¼NW¼ and NE¼SW¼ of said Section 3, and comprehended within the lines of the right of way of said Oregon, California & Eastern Railway;

Said Parcel 2 having been conveyed to Oregon, California & Eastern Railway Company by Quitclaim Deed dated August 11, 1936 as recorded in Klamath County, Oregon Records in Volume 107 of Deeds, page 53.

**Parcel 3:**

Being a strip of land 30 feet in width lying equally 15 feet on either side of the following described center line:

Beginning at a point on the southern boundary of the 100 foot right of way of the Oregon, California and Eastern Railroad, as deeded to Robert E. Strahorn by the Enterprise Land and Investment Co., by deed dated June 25th, 1917, and recorded on Page 373 of Book 47 of Deeds, Klamath County Records, from which point an iron pipe marking the northeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3, Township 39 South, Range 9 East, W.M. bears South 26°20' East a distance of 434.5 feet;

Thence following a 10 degree curve to the right **429.83 feet**, to a point which bears South 21° 16' East a distance of 429.5 feet distant from the point of beginning;

Thence **South 0° 13' West**, parallel with and 35 feet distant westerly from the easterly boundary of the said NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 3, being Enterprise Tracts Nos. 34 and 45, **1339.1 feet** more or less to the southerly line of the said NW $\frac{1}{4}$ SW $\frac{1}{4}$  and being a **part of Tracts 34 and 35 of Enterprise Tracts**, a duly recorded plat in Klamath County;

Said Parcel 3 having been conveyed to Oregon, California & Eastern Railroad Company by document dated January 25, 1929 as recorded in Klamath County, Oregon Records in Volume 85 of Deeds, page 257.

**Parcel 4:**

Beginning at an iron pipe marking the southeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 3, Township 39 South, Range 9 East, W.M., and running thence **South 89°35' East** along the line marking the southerly boundary of Tract 33B of Enterprise Tracts as shown on the plats on file in the office of the County Clerk of Klamath County, **732.1 feet**, more or less, to a point in the southerly boundary of that certain right of way for a railroad granted to Robert E. Strahorn by the Enterprise Land and Investment Company by deed dated June 25th, 1917, and recorded in Book 47 of Deeds, at Page 374, Klamath County Records;

Thence **North 66°52' West** along the said southerly right of way line, which lies parallel with and fifty feet distant southerly from the center line of the Oregon, California and Eastern Railway, **971.0 feet**, more or less, to its intersection with the easterly line of that certain right of way for an industrial spur granted to the Oregon, California and Eastern Railway by the Enterprise Land and Investment Company by deed dated January 25th, 1929, and recorded in Book 85 of Deeds at Page 257, Klamath County Records;

Thence **southerly** along the easterly line of the said right of way for said industrial spur, along a curve to the right with a radius of 588.7 feet, a distance of **408.8 feet**;

Thence **South 0°13' West, 416.3 feet**, more or less, to the northerly line of Industrial Avenue, in the First Addition to Altamont Acres, as shown on the plat on file in the Office of the County Clerk of Klamath County;

Thence **South 89°35' East** along said northerly line of Industrial Avenue **20.0 feet**, more or less, to the easterly line of Tract 34, of Enterprise Tracts aforesaid;

Thence **North 0°13' East** along the easterly line of said Tract 34, **421.0 feet**, more or less, to the point of beginning;

And being **portions of Tracts 33B, 34 and 35 of the said Enterprise Tracts**, and located in the S½NW¼ and the NW¼SW¼ of Section 3, Township 39 South, range 9 East, W.M.;

Said Parcel 4 having been conveyed to Oregon-California and Eastern Railway by document dated September 7, 1929 as recorded in Klamath County, Oregon Records in Volume 88 of Deeds, page 48.

#### **Parcel 5:**

The **north five (5) acres of Tract No. 50 of Enterprise Tracts**, in Section 4, Township 39 South, Range 9 East, W.M., according to the official plat of said Enterprise Tracts;

**LESS AND EXCEPT** the 100 foot wide railroad right of way;

**AND LESS AND EXCEPT** the following described property conveyed to Klamath Korner Group, a joint venture, by deed dated December 15, 1993, recorded in Volume M93 of Deeds, on page 33474, Klamath County Records:

Beginning at the northwest corner of said Tract 50;

Thence **North 89°50'20" East**, along the north line of said Tract 50, **607.57 feet** to the westerly right of way of Washburn Way;

Thence **South 00°04'21" West**, along said right of way, **372.64 feet** to the centerline of the abandoned O.C. & E. Railroad;

Thence **North 66°51'15" West**, along said centerline, **660.25 feet** to a point on the west line of said Tract 50;

Thence **North 00°00'15" East 111.41 feet** to the point of beginning.

Said Parcel 5 having been conveyed to Oregon California & Eastern Railway Company by Bargain and Sale Deed, dated June 2, 1927 as recorded in Klamath County, Oregon Records in Book 75, page 509;

**Parcel 6:**

That portion of **Lot 3, Block 2, Tract 1080, of Washburn Park** (located in Section 4, Township 39 South, Range 9 East, W.M.) described as follows:

Beginning at the northwest corner of said Lot 3;

Thence run **South 66°51'15" East** along the southwesterly right of way line of the Oregon, California & Eastern Railway Company railroad right of way a distance of **57.63 feet** to its intersection with the southerly right of way line of the existing 25 foot wide railroad spur (Maywood spur) right of way;

Thence run **westerly** along said southerly line of said Maywood spur right of way a distance of **53.11 feet** to the westerly line of said Lot 3;

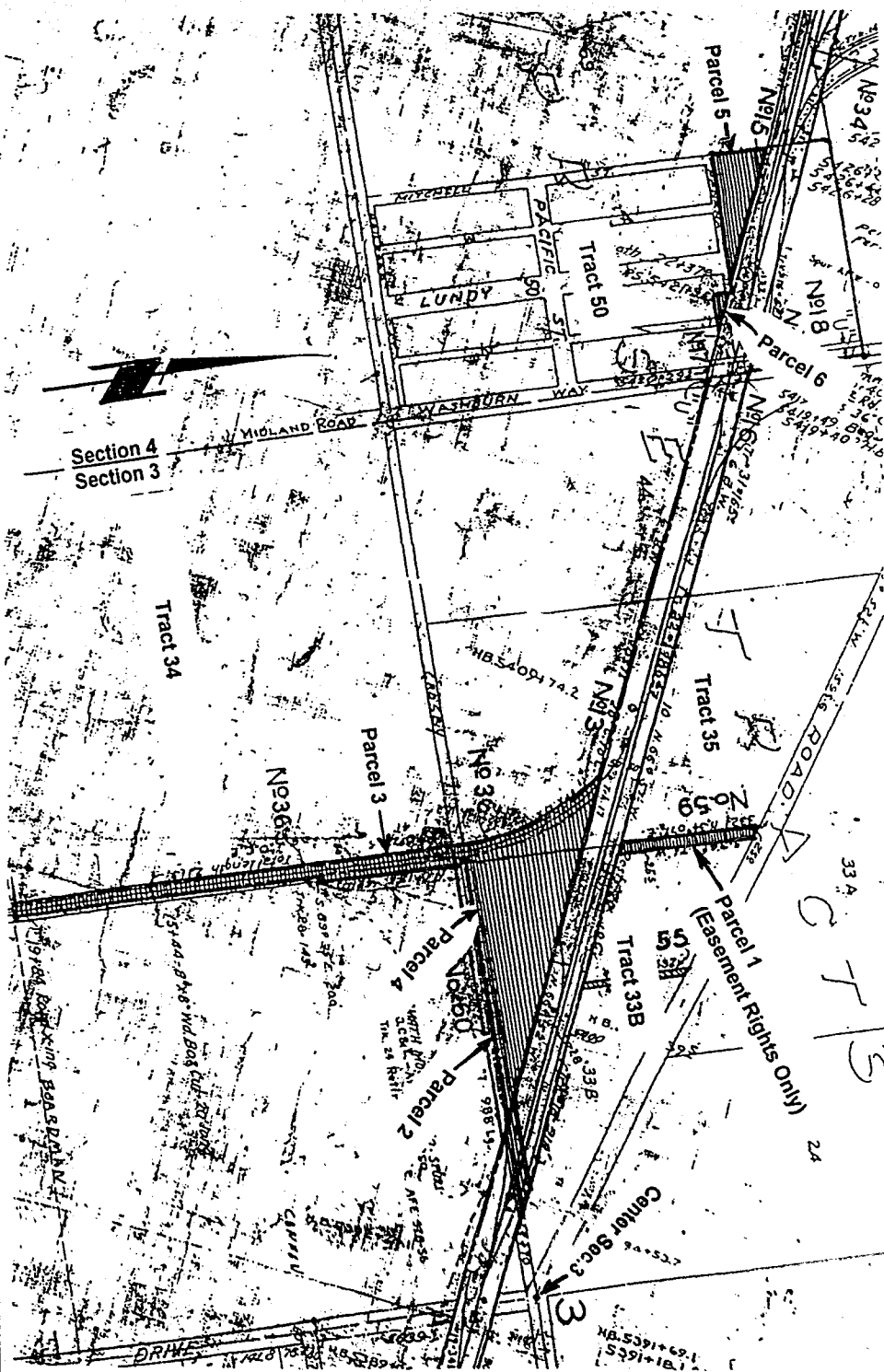
Thence run **northerly** along said westerly line of said Lot 3 to the point of beginning and the end of this description;

Said Parcel 6 having been conveyed to Oregon, California & Eastern Railway Company by Quit Claim Deed, dated November 1, 1990 as recorded in Klamath County, Oregon Records in Volume M90, page 22540.

**Parcels 1-6, described above, are located approximately as shown on the attached Exhibit B.**

**RESERVATION:** To the extent not heretofore conveyed, excepted or reserved, the Grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors and assigns, forever, all geothermal steam and heat and all metals, ores and minerals of any nature whatsoever in or upon said land including, but not limited to, coal, lignite, peat, oil and gas, including coal seam gas, together with the right to take out and remove therefrom all such geothermal resources, metals, ores and minerals. Provided that Grantor, its successors and assigns, will not occupy or use the surface of said land and will not do any development, excavation or mining within a vertical depth of 500 feet. Grantor, its successors and assigns, shall, however, have the right to enter upon such land to conduct geophysical and geological surveys and other exploration. Grantee and Grantee's heirs, representatives, successors and assigns, shall be paid just and reasonable compensation for any injury or damage to the surface of said land, to the crops or to the improvements thereon caused by the exercise of any rights herein reserved; provided further, that the exercise of such rights by Grantor, its successors and assigns, shall not be postponed or delayed so long as Grantor is making reasonable efforts to agree upon or have determined such just and reasonable compensation.

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**Oregon, California &  
Eastern Railway Company**

A Weyerhaeuser Company

EO. No. 1218  
Klamath Falls, Oregon 97601  
Tel. (503) 872 9539

DATE: January 31, 1995

FROM: D. C. Williams

SUBJECT: DELEGATION OF AUTHORITY

TO: Pam Redmon, CH 1F23  
John Monfore

Due to relocation of Weyerhaeuser Company duties I delegate all of my Oregon, California and Eastern Railway Company authority to Martin Lugas for the calendar year 1995.

*D. C. Williams*  
D. C. Williams  
President

DCW:ch

cc: Martin Lugas

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Oregon State Parks & Recreation Department the 10th day  
of October A.D., 19 95 at 1:33 o'clock P M., and duly recorded in Vol. M95,  
of Deeds on Page 27276.

FEE \$45.00

Bernetha G. Letsch, County Clerk  
By Annette Myeullen