

UTC 80475

File 6012 104
Drawing 11B-1-22

2008-013111
Klamath County, Oregon



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09/19/2008 03:26:24 PM

Fee: \$46.00

PERMANENT WETLAND AND ACCESS EASEMENT

JELD-WEN, INC., an Oregon corporation, Grantor, for the true and actual consideration of \$17,000.00 _____, does grant to the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, its successors and assigns, a permanent easement to preserve the wetland and natural state of the property described as Parcel 1 on Exhibit "A" dated October 9, 2007 attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that this easement shall include the right to enter upon said easement area for the purpose of planting, digging, cleaning and performing such other activities as benefit wildlife and otherwise preserve the natural state of said easement area.

IT IS FURTHER UNDERSTOOD that the easement area cannot be dredged, filled, (except for development or re-development of the Wetlands) or contaminated by any waste or toxic materials, or drained.

Grantor shall, however, retain those rights which do not conflict with the easement rights herein granted on and over said property, or interfere with the wetland and natural state of said easement area. Grantor shall not however convey easement rights to others on, over or under said easement area without the written consent of Grantee.

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

Map and Tax Lot #: 3808-00600-00100-000 and
3808-00700-00101-000

Property Address:

Grantor also grants to Grantee, its successors and assigns, a permanent easement for access over and across the property described as **Parcel 2 on Exhibit "A" dated October 9, 2007** attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right or interest in the above-described Parcels 1 and 2, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use does not interfere with the rights herein granted.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 10th day of SEPTEMBER, 2008.

APPROVED AS TO LEGAL SUFFICIENCY

By Stephen M. Jones
Counsel

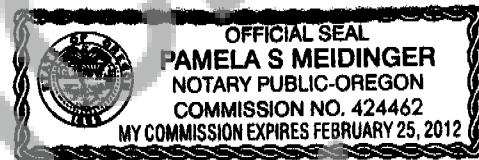
JELD-WEN, INC., an Oregon corporation

By Samuel D. Porter
Samuel Porter, Corporate Secretary

STATE OF OREGON, County of Klamath

Dated September 10, 2008. Personally appeared Samuel Porter, who, being sworn, stated that he is the Corporate Secretary of Jeld-Wen, Inc., an Oregon corporation and that this instrument was voluntarily signed on behalf of the corporation by authority delegated to him. Before me:

Pamela S. Meidinger
Notary Public for Oregon
My Commission expires 2/25/12



Accepted on behalf of the Oregon Department of Transportation

[Signature]



1004 Main Street
Klamath Falls, Oregon 97601-5813
541.884.3042
Fax 541.885.2105

OCTOBER 9, 2007

ODOT FILE: 6012104 AND MAP: 11B-1-22

RUNNING Y RESORT

W&H PACIFIC PROJECT NO. 30057

(THE FOLLOWING DESCRIBED PARCELS LIE WITHIN THE PROPERTY DESCRIBED
IN VOLUME 2007, PAGE 008830 OF THE KLAMATH COUNTY DEED RECORDS)

EXHIBIT "A"

**PARCEL 1: (5.00 ACRE PERMANENT EASEMENT FOR WETLAND MITIGATION
TO ODOT)**

A PARCEL OF LAND, SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 7,
TOWNSHIP 38 SOUTH, RANGE 8 EAST, WILLAMETTE MERIDIAN, KLAMATH
COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTIONS 5
AND 8 OF SAID TOWNSHIP 38 SOUTH, RANGE 8 EAST; THENCE NORTH 80°52'48"
WEST, 5,616.34 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE
HIGHWAY 140, 60.00 FEET RIGHT OF ENGINEER'S CENTERLINE STATION
1643+83.99; THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 01°59'28" WEST
98.53 FEET; THENCE SOUTH 15°24'52" WEST, 128.40 FEET TO A POINT OF
CURVATURE; THENCE ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE
RIGHT, AN ARC DISTANCE OF 273.17 FEET, THROUGH A CENTRAL ANGLE OF
52°10'18" (THE LONG CHORD OF WHICH BEARS SOUTH 41°30'01" WEST 263.83 FEET)
TO A POINT OF TANGENCY; THENCE SOUTH 67°35'10" WEST, 106.25 FEET TO A
POINT OF CURVATURE; THENCE ALONG THE ARC OF A 207.00 FOOT RADIUS
CURVE TO THE LEFT, AN ARC DISTANCE OF 224.60 FEET, THROUGH A CENTRAL
ANGLE OF 62°10'00" (THE LONG CHORD OF WHICH BEARS SOUTH 36°30'10" WEST,
213.74 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 05°25'11" WEST, 152.18
FEET; THENCE SOUTH 01°18'53" WEST, 217.11 FEET; THENCE SOUTH 07°43'30"
WEST, 153.03 FEET; THENCE SOUTH 04°18'26" WEST, 335.17 FEET; THENCE SOUTH
00°28'57" WEST, 232.42 FEET; THENCE SOUTH 04°52'56" WEST, 40.63 FEET; THENCE
SOUTH 85°07'04" EAST, 40.00 FEET TO THE POINT OF BEGINNING. THENCE SOUTH
68°16'37" EAST, 213.50 FEET; THENCE SOUTH 04°44'50" EAST, 779.47 FEET TO THE
SOUTHERLY LINE OF PROPERTY DESCRIBED IN VOLUME 2007, PAGE 008830 OF
THE KLAMATH COUNTY DEED RECORDS; THENCE ALONG SAID SOUTHERLY LINE
NORTH 68°16'37" WEST, 485.17 FEET TO THE EASTERLY LINE OF A 50.00 FOOT WIDE
ACCESS EASEMENT TO BENEFIT THIS PARCEL; THENCE LEAVING SAID
SOUTHERLY LINE AND ALONG SAID EASTERLY LINE THE FOLLOWING FIVE (5)
COURSES: NORTH 27°45'13" EAST, 47.59 FEET; THENCE NORTH 36°57'04" EAST,
128.18 FEET; THENCE NORTH 26°52'57" EAST, 44.50 FEET; THENCE NORTH 10°38'20"
EAST, 263.30 FEET; THENCE NORTH 04°52'56" EAST, 234.08 FEET TO THE POINT OF
BEGINNING.

CONTAINING APPROXIMATELY 5.00 ACRES OR 217,589 SQUARE FEET MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PER THE OREGON STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 DATUM.

PARCEL 2: (PERMANENT EASEMENT FOR ACCESS TO ODOT)

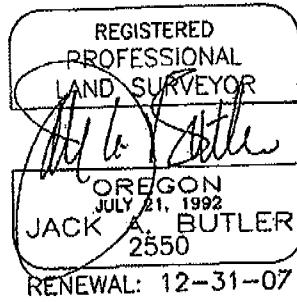
A STRIP OF LAND OF VARYING WIDTH, SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 6 AND THE NORTHWEST ONE-QUARTER OF SECTION 7, TOWNSHIP 38 SOUTH, RANGE 8 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTIONS 5 AND 8 OF SAID TOWNSHIP 38 SOUTH, RANGE 8 EAST; THENCE NORTH $80^{\circ}52'48''$ WEST, 5,616.34 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 140, 60.00 FEET RIGHT OF ENGINEER'S CENTERLINE STATION 1643+83.99 AND THE POINT OF BEGINNING. THENCE LEAVING SAID RIGHT-OF-WAY LINE IN A SOUTHERLY DIRECTION ALONG THE CENTER OF THE EXISTING DIKE, AND 10.00 FEET LEFT AND RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE: SOUTH $01^{\circ}59'28''$ WEST 98.53 FEET; THENCE SOUTH $15^{\circ}24'52''$ WEST, 128.40 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 273.17 FEET, THROUGH A CENTRAL ANGLE OF $52^{\circ}10'18''$ (THE LONG CHORD OF WHICH BEARS SOUTH $41^{\circ}30'01''$ WEST 263.83 FEET) TO A POINT OF TANGENCY; THENCE SOUTH $67^{\circ}35'10''$ WEST, 106.25 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 207.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 224.60 FEET, THROUGH A CENTRAL ANGLE OF $62^{\circ}10'00''$ (THE LONG CHORD OF WHICH BEARS SOUTH $36^{\circ}30'10''$ WEST, 213.74 FEET) TO A POINT OF TANGENCY; THENCE SOUTH $05^{\circ}25'11''$ WEST, 152.18 FEET; THENCE SOUTH $01^{\circ}18'53''$ WEST, 217.11 FEET; THENCE SOUTH $07^{\circ}43'30''$ WEST, 153.03 FEET; THENCE SOUTH $04^{\circ}18'26''$ WEST, 335.17 FEET; THENCE SOUTH $00^{\circ}28'57''$ WEST, 232.42 FEET; THENCE SOUTH $04^{\circ}52'56''$ WEST, 40.63 FEET; THENCE 40.00 FEET LEFT AND 10.00 FEET RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE: CONTINUING SOUTH $04^{\circ}52'56''$ WEST 232.08 FEET; THENCE SOUTH $10^{\circ}38'20''$ WEST, 255.58 FEET; THENCE SOUTH $26^{\circ}52'57''$ WEST, 35.27 FEET; THENCE SOUTH $36^{\circ}57'04''$ WEST 127.87 FEET; THENCE SOUTH $27^{\circ}45'13''$ WEST, 55.03 FEET TO THE SOUTHERLY LINE OF PROPERTY DESCRIBED IN VOLUME 2007, PAGE 008830 OF THE KLAMATH COUNTY DEED RECORDS AND THE TERMINATION OF THE HEREIN DESCRIBED EASEMENT.

THE SIDELINES ARE SUBJECT TO LENGTHENING AND/OR SHORTENING TO TERMINATE UPON THE PROPER BOUNDARIES.

CONTAINS APPROXIMATELY 1.72 ACRES OR 74,744 SQUARE FEET, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PER THE OREGON STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 DATUM.



Unofficial
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