

2009-003093

Klamath County, Oregon



00061767200900030930060062

**COVER SHEET**

ORS: 205.234

03/02/2009 03:24:05 PM

Fee: \$46.00

This cover sheet has been prepared by the persons presenting the attached instrument for recording. Any errors in this cover sheet **DO NOT** affect the transaction(s) contained in the instrument itself.

After recording, return to:

First American  
401 Main St  
Klamath Falls OR 97601

1st 1180925

The date of the instrument attached is FEBRUARY 12 2009.

1) NAMES(S) OF THE INSTRUMENT(S) required by ORS 205.234(a)

Deed of Release

2) PARTY(IES)/GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160:

USA

3) PARTY(IES)/GRANTEE, required by ORS 205.125(1)(b) and ORS 205.160

City of Klamath Falls

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

\$ \_\_\_\_\_

5) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERK'S LIEN RECORDS, ORS 205.121(1)(c)

\_\_\_\_\_

6) RE-RECORDED to correct: \_\_\_\_\_  
Previously recorded as: \_\_\_\_\_

F4V

## DEED OF RELEASE

This instrument, a Deed of Release, made by the United States of America, acting by and through the Northwest Mountain Region, Seattle Airports District Office, Federal Aviation Administration, under and pursuant to the powers and authority contained in the provisions of Public Law 81-311 (63 Stat. 700), as amended, to the City of Klamath Falls, Oregon, a body politic under the laws of the State of Oregon, Witnesseth

### WHEREAS,

The United States of America, acting by and through the War Assets Administrator, under and pursuant to Executive Order 9689, dated January 31, 1946, and the powers and authority contained in the provisions of the Surplus Property Act of 1944, as amended, and applicable rules, regulations and orders, did by, Instrument of Transfer dated January 14<sup>th</sup>, 1948 in Book 215, page 459, Records of Conveyance of Klamath County, Oregon, release, and forever quitclaim to the City of Klamath Falls, Oregon its successors and assigns, all right, title and interest in and to certain property for airport purposes now known as Klamath Falls Airport, subject to certain conditions, reservations, covenants and restrictions; and

### WHEREAS,

The United States of America, acting by and through the War Assets Administrator, under and pursuant to Reorganization Plan One of 1947 (12 Fed. Reg. 4534) and the powers and authority contained in the provisions of the Surplus Property Act of 1944, as amended, and applicable rules, regulations and orders, did, by Correction Deed, dated May 24<sup>th</sup>, 1948 in Book 221, page 282, Klamath County, Oregon, release, and forever quitclaim to the City of Klamath Falls, Oregon its successors and assigns, all right, title and interest in and to certain property for airport purposes now known as Klamath Falls Airport, subject to certain conditions, reservations, covenants and restrictions; and

### WHEREAS,

The City of Klamath Falls, Oregon has requested the Administrator of the Federal Aviation Administration (herein known as the FAA) to release the hereinafter described real property from all conditions, reservations, and restrictions contained in said quitclaim deed and patent for the purpose of trading said property; and

### WHEREAS,

The Administrator of the FAA, under and pursuant to the powers and authority contained in Public Law 81-311 (61 Stat. 700) is authorized to grant a release from any of the terms, conditions, reservations, covenants and restrictions contained in, and to convey, quitclaim or release any right or interest reserved to the United States by any instrument of disposal under which surplus airport property was conveyed to an non-Federal public agency pursuant to Section 13 of the Surplus Property Act of 1944, as amended; and

**WHEREAS,**

The Administrator of the FAA has released said property deeded to City of Klamath Falls from that certain provision contained in the aforementioned Instrument of Transfer, dated January 14<sup>th</sup>, 1948; and

**WHEREAS,**

The Secretary of Transportation, acting by and through the Administrator of the FAA, under and pursuant to the powers and authority contained in Public Law 95-163 (91 Stat. 1289) approved November 9, 1977, is authorized to grant a release from any of the terms, conditions, reservations and restrictions contained in the Instrument of Transfer dated January 14, 1948, by which the United States gave and granted a interest in certain property Klamath County, Oregon, for airport purposes; and

**WHEREAS,**

The Administrator of the FAA has determined that the release of such real property as is herein described, from all terms, conditions, reservations and restrictions as set forth in the above identified instruments is in the best interests of the United States and civil aviation, and that the release herein will not prevent accomplishment of the purpose for which the property was transferred and is necessary to protect or advance the interests of the United States in civil aviation.

**NOW THEREFORE,**

For and in consideration of the above-expressed recitals and of the benefits to accrue to the United States and to civil aviation, the United States of America, upon inclusion by the City of Klamath Falls, Oregon in the Instrument of Transfer conveying title to the hereinafter described real property of provisions as follows:

- (1) That the City of Klamath Falls, Oregon reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for passage of aircraft in the airspace above the surface of the real property hereinafter described, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, and for use of said airspace for landing on, taking off from or operating on the Klamath Falls Airport,
- (2) That the Grantee expressly agrees for itself, its successors, and assigns to restrict the height of structures, objects of natural growth, and other obstructions on the hereinafter described real property to a height of not more than 4245 feet above mean sea level at any place on the property. Any structures, objects, or natural growth at locations on the property which exceed 4095 feet above mean sea level must be approved by the FAA through the notice of proposed construction review process,
- (3) That the Grantee expressly agrees for itself, its successors and assigns to prevent any use of the hereinafter described real property which would interfere with landing or taking off of aircraft at the Klamath Falls Airport,
- (4) In the event the aforementioned covenant is breached, the Grantor reserves the right to enter on the land conveyed hereunder and to remove, lower, mark, or light the

offending structure, tree, or other object, all of which shall be at the expense of the Grantee,

(5) The Grantee expressly agrees for itself, its successors and assigns that it will not erect nor permit the erection of any structure or object nor permit the growth of any trees on the land conveyed hereunder that would violate the standards established in Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace, as amended,

(6) The Grantee expressly agrees for itself, its successors and assigns to prevent any use of the above described real property which would interfere with landing or taking off of aircraft at the Klamath Falls Airport, or otherwise constitute an airport hazard. Such hazards include uses that create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. In the event the aforesaid covenant is breached, the Grantor reserves the right to enter on the land conveyed hereunder and cause the abatement of such interference at the expense of the Grantee,

hereby releases the said real property from the conditions, reservations and restrictions as contained in the above-mentioned Instrument of Transfer from the United States of America to the City of Klamath Falls, Oregon dated January 14<sup>th</sup>, 1948, which real property is described as follows:

Parcel 1 of Land Partition 7-01, filed for record on November 14, 2001, located in Section 22, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon.

See Exhibit A attached and made a part hereof.

Containing 7.89 acres more or less.

By its acceptance of this Deed of Release the City of Klamath Falls, Oregon covenants and agrees for itself, its successors and assigns, to comply with and observe all of the conditions and limitations hereof, which are expressly limited to the above-described real property.

IN WITNESS WHEREOF the United States of America has caused this Deed of Release to be executed as of the 12<sup>th</sup> day of FEBRUARY, 2009.

UNITED STATES OF AMERICA

By *Stanley C. Allison*  
 for Carol A. Suomi ASSISTANT MGR.  
 Manager, Seattle Airports District Office  
 Northwest Mountain Region  
 Federal Aviation Administration

STATE OF WASHINGTON )

COUNTY OF KING )

On this 12<sup>th</sup> day of February, 2009, before me Moifair Chin a Notary Public in and for the State of Washington, personally appeared Carol A. Suomi, known to me to be the Manager, Seattle Airports District Office, Northwest Mountain Region, Federal Aviation Administration, and known to me to be the person whose name is subscribed to this Deed of Release and acknowledged that he executed the same on behalf of the Administrator, Federal Aviation Administration and the United States of America.



Accepted:  
 City of Klamath Falls, Oregon

Notary Public in and for the  
 State of Washington  
 Residing in Seattle, WA.

My Commission Expires 03-29-2011

Signature: *M. Chin*

By \_\_\_\_\_  
 Title \_\_\_\_\_

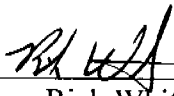
**CERTIFICATE OF APPROVAL AND ACCEPTANCE OF CONVEYANCE  
(ORS 93.808)**

The City of Klamath Falls, a municipal corporation., hereby approves and accepts, pursuant to ORS 93.808, the conveyance from the State of Oregon, acting through the Oregon Military Department, to the City of Klamath Falls of the real property described in the deed of release from FAA to which this Certificate is attached.

A copy of this Certificate may be affixed to, and recorded with, the deed described above.

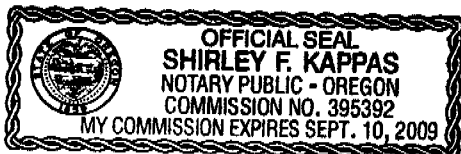
DATED this 25 day of February, 2009.

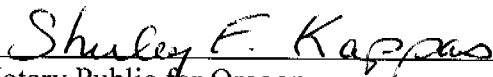
The City of Klamath Falls,  
A municipal corporation

By:   
Name: Rick Whitlock  
Title: City Attorney

STATE OF OREGON           )  
  ) ss.  
County of KLAMATH       )

This instrument was acknowledged before me on this 25 day of February, 2009, by Rick Whitlock as the City Attorney and authorized representative of the City of Klamath Falls, acting under authority granted to him by the City Council of the City of Klamath Falls.



  
Notary Public for Oregon  
My Commission expires: 9-10-09