

2009-012981

Klamath County, Oregon



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10/02/2009 08:59:49 AM

Fee: \$67.00

Return to:

Richard J. Busch
Busch Law Firm PLLC
5400 Carillon Point
Kirkland, WA 98033

PARTIAL RELEASE OF CONSERVATION EASEMENT

Grantor: **Friends of Train Mountain, Inc.**
Grantee: **Quentin L. Breen, Trustee of the Train Mountain Foundation,
or the successor Trustee of the Train Mountain Foundation,
Train Mountain, Inc., and
Train Mountain Railroad Museum**

Prior Recorded Documents: 2007-018428, Klamath County, Oregon

True Consideration Paid: Does not apply

Mailing Address for Taxes: Does not apply

AT&T Cell Site #: KF30

Cell Site Name: Steiger Butte

State: Oregon

County: Klamath

COMES NOW, Friends of Train Mountain, Inc., an Oregon corporation, and states as follows:

WHEREAS, Quentin L. Breen, Trustee of the Train Mountain Foundation, Train Mountain, Inc., and Train Mountain Railroad Museum (collectively the "Grantors"), granted to Friends of Train Mountain, Inc. a Conservation Easement dated October 24, 2007, which was recorded in the Klamath County records at Recording Number 2007-018428, and recorded on October 26, 2007, concerning certain property a portion of which is legally described in Exhibit A attached hereto ("Property");

WHEREAS, Friends of Train Mountain, Inc. is willing to allow the placement of wireless communications facilities on certain portions of the Property; and

WHEREAS, Friends of Train Mountain, Inc. is willing to convey a partial release of the Conservation Easement to the Grantors.

WHEREFORE, Friends of Train Mountain, Inc hereby:

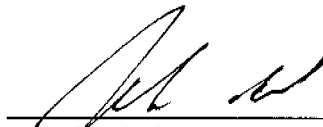
1. Finds that the installation, operation, maintenance, repair, replacement, upgrading and removal of wireless communications facilities above the 4710' contour on Parcel 8 which is legally described in Exhibit A does not materially impair or interfere with the significant Conservation values of the Protected Property, and is consistent with the purpose of the Conservation Easement.
2. Voluntarily grants and conveys to the Grantors a partial reconveyance of the Conservation Easement: (a) on Parcel 8 for the installation, operation, maintenance, repair, replacement,

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upgrading and removal of wireless communications facilities above the 4710' contour on Parcel 8, (b) access to the wireless communications facilities from the public right of way across Parcels 8, 9, 11, and 12 using the Baldwin 4-2-2 Gate on Highway 422, the existing O.C. & E. Road to the existing Great Northern Road to the existing Steiger Butte Road up the east side of Steiger Butte as located in Exhibit X, and (c) installation, operation, maintenance, repair, replacement, upgrading and removal of utility services to the wireless communications facilities above the 4710' contour provided utility services are (i) placed under existing O. C. & E. Road between Baldwin 4-2-2 Gate and Great Northern Road, under the existing Great Northern Road from O. C. & E. Road to Steiger Butte Road, and under the existing Steiger Butte Road from the Great Northern Road to contour 4710 as located in Exhibit X or, (ii) are overhead on the route of the existing pole lines across Parcels 8, 9, 11, and 12.

IN WITNESS WHEREOF, the Friends of Train Mountain, Inc. have executed this Partial Release of Conservation Easement as of the date written below.

FRIENDS OF TRAIN MOUNTAIN, INC.
an Oregon corporation



John C. Black
President

Date

8/30/09

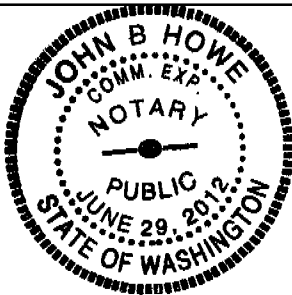
STATE OF ~~OREGON~~ ^{Washington})


) SS.

COUNTY OF ~~KLAMATH~~ ^{Skagit})

This instrument was acknowledged before me on August 31, 2009 by John C. Black as President of Friends of Train Mountain, Inc.

Notary Seal





(Signature of Notary)

(Legibly Print or Stamp Name of Notary)

Notary Public in and for the State of Oregon

My appointment expires: 6/29/2012

EXHIBIT A

**LEGAL DESCRIPTION OF PROPERTY
SUBJECT TO PARTIAL RELEASE OF CONSERVATION EASEMENT**

Parcel 8:

The South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the SE $\frac{1}{4}$ AND the S $\frac{1}{2}$ of the SE $\frac{1}{4}$; ALL in Section 29, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon;

CODE 118 MAP 3407-02900 TL 01100 KEY #196451

Parcel 9:

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ AND that portion of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ AND that portion of the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$; ALL in Section 28, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying Southerly of State Highway #422, EXCEPT that portion conveyed to the State of Oregon for highway purposes by deed recorded July 17, 2002 in Volume M-02 on Page 40625, records of Klamath County, Oregon.

CODE 138 MAP 3407-02800 TL 00301 KEY # 18055

PARCEL 11:

The N $\frac{1}{2}$; The E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; The N $\frac{1}{2}$ of the SE $\frac{1}{4}$; AND the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$; ALL in Section 32, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

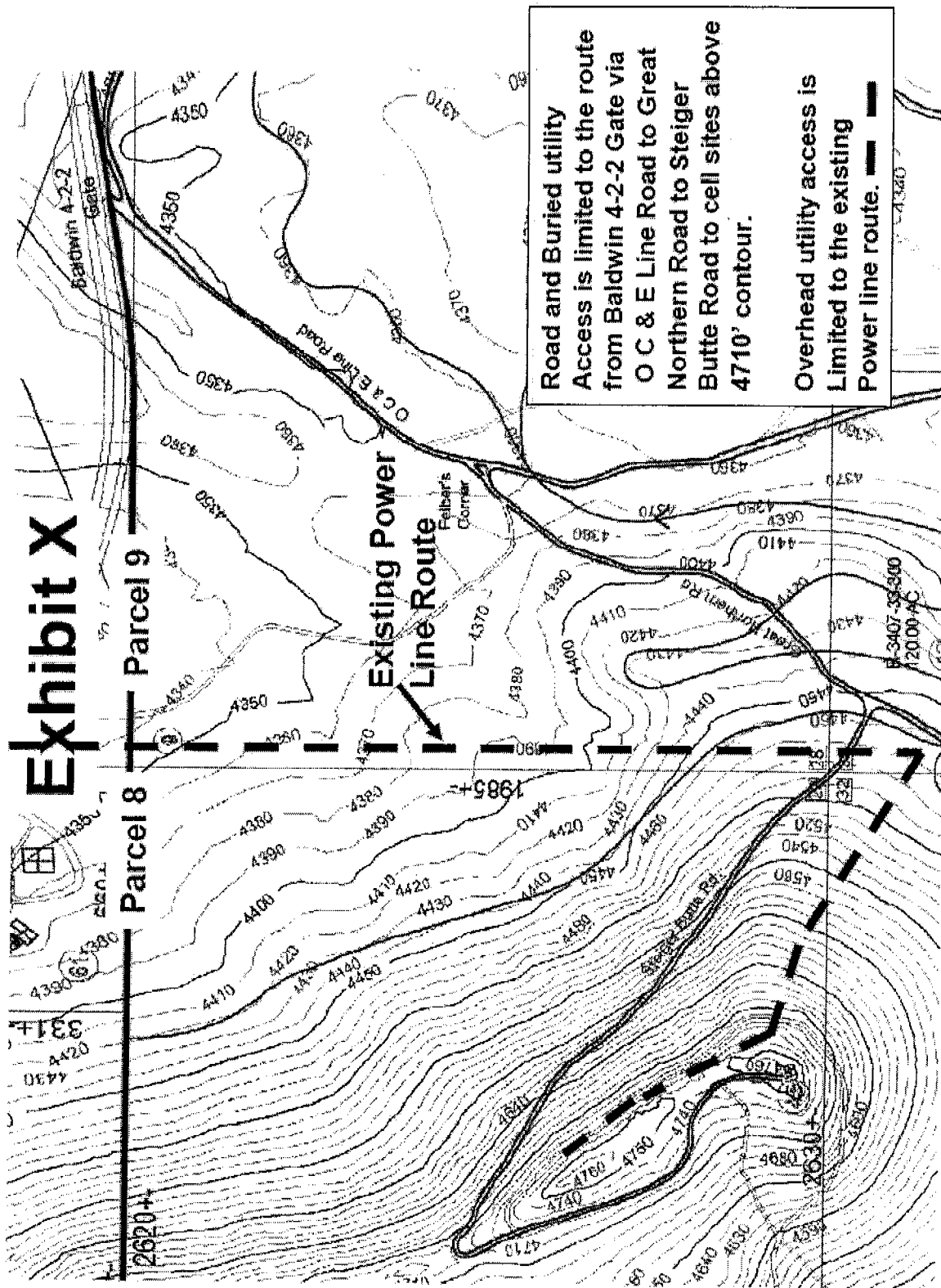
CODE 138 MAP 3407-03200 TL 00100 KEY #197076

PARCEL 12:

The N $\frac{1}{2}$ of the NW $\frac{1}{4}$; AND the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$; ALL in Section 33, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

CODE 138 MAP 3407-03300 TL 00300 KEY #197352

Exhibit X



CONSENT TO LEASE

This Consent to Lease is granted on the date indicated below by 36869 Highway 62, Ltd., as follows:

WHEREAS, Quentin L. Breen, Trustee of the Train Mountain Foundation, Train Mountain, Inc., and Train Mountain Railroad Museum (collectively the "Grantors"), granted to 36869 Highway 62, Ltd., a Trackage Rights Easement Agreement last notarized on September 6, 2007, which was recorded in the Klamath County records at Recording Number 2007-018427, recorded on October 26, 2007, concerning certain property a portion of which is legally described in Exhibit A attached hereto ("Property"); and

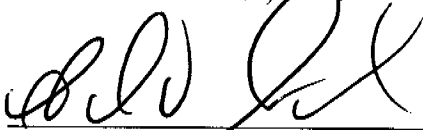
WHEREAS, 36869 Highway 62, Ltd. is willing to allow the placement of wireless communications facilities on certain portions of the Property.

WHEREFORE, 36869 Highway 62, Ltd. hereby:

1. Finds that the installation, operation, maintenance, repair, replacement, upgrading and removal of wireless communications facilities above the 4710' contour on Parcel 8 which is legally described in Exhibit A does not materially impair or interfere with the Trackage Rights Easement Agreement.
2. Voluntarily consents to the: (a) installation, operation, maintenance, repair, replacement, upgrading and removal of wireless communications facilities above the 4710 contour on Parcel 8, (b) access to the wireless communications facilities from the public right of way across Parcels 8, 9, 11 and 12 using the Baldwin 4-2-2 Gate on Highway 422, the existing O.C. & E. Road to the existing Great Northern Road to existing Steiger Butte Road up the east side of Steiger Butte as located in Exhibit X, and (c) installation, operation, maintenance, repair, replacement, upgrading and removal of utility services to the wireless communications facilities above the 4710' contour provided utility services are (i) placed under the existing O. C. & E. Road between Baldwin 4-2-2 Gate and Great Northern Road, under the existing Great Northern Road from O. C. & E. Road to Steiger Butte Road, and under the existing Steiger Butte Road from the Great Northern Road to contour 4710 as located in Exhibit X or, (ii) are overhead on the route of the existing pole lines across Parcels 8, 9, 11 and 12.

IN WITNESS WHEREOF, 36869 Highway 62, Ltd. has executed this Consent to Lease as of the date written below.

36869 HIGHWAY 62, LTD.



Carl Vanderspek
President

AUG 31, 2009
Date

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SUBJECT TO CONSENT TO LEASE**

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CODE 118 MAP 3407-02900 TL 01100 KEY #196451

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Exhibit X

