

2015-001972

Klamath County, Oregon



00165962201500019720060063

03/05/2015 03:26:53 PM

Fee: \$67.00

After recording, return to:  
Henry & Patricia O'Keeffe  
P.O. Box 286  
Malin, Oregon 97632

Until further notice, send tax statements to:  
Henry & Patricia O'Keeffe  
P.O. Box 286  
Malin, Oregon 97632

## DEED

The CITY OF MALIN, Grantor, conveys and specially warrants to HENRY J. O'KEEFFE and PATRICIA D. O'KEEFFE, as Trustees of the O'KEEFFE FAMILY TRUST 1983 UTA/DTD 5/13/83, Grantee, the following described real property located in Klamath County, State of Oregon, free of encumbrances created or suffered by the Grantor except as specifically set forth herein:

*See Exhibit A.*

SUBJECT TO: Reservations and restrictions of record; rights of way and easements of record and those apparent upon the land; contracts and/or liens for irrigation and/or drainage; FURTHER, Grantor reserves for itself, its successors and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the real property described above, 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 the use of said airspace for landing on, taking off from, or operating on the Malin Airport.

The true and actual consideration for this conveyance is \$1,227.00 and other valuable consideration.

## COVENANT

As additional consideration for this conveyance, pursuant to the terms in a letter attached as Exhibit B, and incorporated herein by reference, Grantee agrees and covenants as follows:

Grantee agrees for itself, its successors and assigns, to restrict the height of structures, objects of natural growth and other obstructions, and prevent any use which would interfere with landing or taking off of aircraft at the Malin Airport, or otherwise constitute an airport hazard on the real property described in Exhibit A.

Grantee agrees for itself, its successors and assigns, to prevent any use of the real property described in Exhibit A which would interfere with landing or taking off of aircraft at the Malin Airport, or otherwise constitute an airport hazard. Such hazards including 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

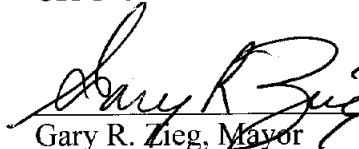
in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intended to use the airport, and Grantor reserves the right to enter upon the land released hereunder, and to remove the offending structure or object, and to cut off the offending growth, all at the expense of Grantee, in the even the aforesaid covenant is breached.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

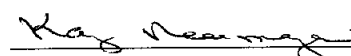
Dated this 4<sup>th</sup> day of March, 2015.

**Grantor:**

CITY OF MALIN

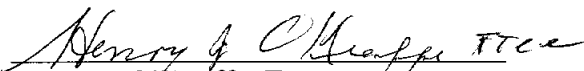
  
Gary R. Zieg, Mayor

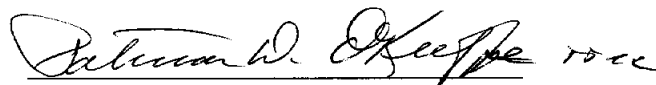
ATTESTED TO:

  
City Clerk

**Grantee:**

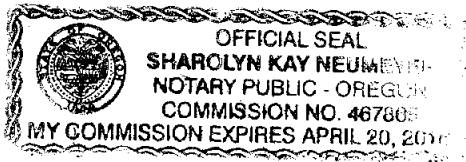
O'KEEFFE FAMILY TRUST 1983  
UTA/DTD 5/13/83

  
Henry J. O'Keeffe, Trustee

  
Patricia D. O'Keeffe, Trustee

STATE OF OREGON, County of Klamath ) ss.

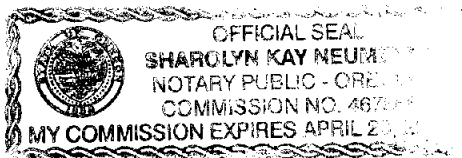
The foregoing instrument was attested to by me and acknowledged before me this 5<sup>th</sup> day of March, 2015, by Gary R. Zieg, who personally appeared.



Sharolyn Kay Neumeier  
Notary Public for Oregon  
My Commission expires: April 20, 2016

STATE OF OREGON, County of Klamath ) ss.

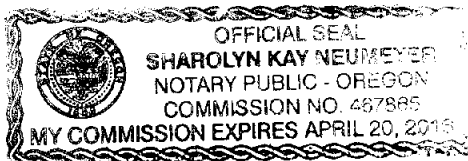
The foregoing instrument was attested to by me and acknowledged before me this 4<sup>th</sup> day of March, 2015, by Henry J. O'Keeffe, who personally appeared.



Sharolyn Kay Neumeier  
Notary Public for Oregon  
My Commission expires: April 20, 2016

STATE OF OREGON, County of Klamath ) ss.

The foregoing instrument was attested to by me and acknowledged before me this 4<sup>th</sup> day of March, 2015, by Patricia D. O'Keeffe, who personally appeared.



Sharolyn Kay Neumeier  
Notary Public for Oregon  
My Commission expires: April 20, 2016



**ANDERSON ENGINEERING AND SURVEYING, INC.**  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

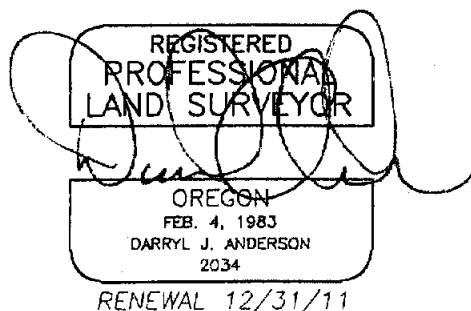
17681 Hwy. 395, Lakeview, Oregon 97630  
(541) 947-4407 Fax (541) 947-2321  
www.andersonengineering.com

Legal Description prepared for Henry & Patricia O'Keeffe  
Township 41 South, Range 12 East, Section 22

A parcel of land located in the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , of Section 22, Township 41 South, Range 12 East, Willamette Meridian, Klamath County, Oregon; more particularly described as follows:

Beginning at the North  $\frac{1}{4}$  Corner of Section 15; Thence S  $4^{\circ} 30' 00''$  E along the West line of Government Lot 2, 396.00 feet more or less to the Southwest Corner of Government Lot 2, said point is also the Northwest Corner of Government Lot 4; Thence N  $70^{\circ} 15' 00'$  W along the extended South line of Government Lot 2, 33.01 feet more or less to the East line of the Northeast  $\frac{1}{4}$ , of the Northwest  $\frac{1}{4}$ , of section 15; Thence North along the East line of the Northeast  $\frac{1}{4}$ , of the Northwest  $\frac{1}{4}$ , of section 15, 383.62 feet, more or less, to the point of Beginning.

Parcel Contains 0.14 acres, more or less.





U.S. Department  
of Transportation  
Federal Aviation  
Administration

Seattle Airports District Office  
1601 Lind Avenue, S. W., Suite 250  
Renton, Washington 98055-4056

June 13, 2014

Ms. Kay Neumeyer  
City Recorder  
City of Malin  
P.O. Box 61  
Malin, OR 97632

Dear Ms. Neumeyer:

This is in reply to the City of Malin request for the release of approximately 5960 square feet of land at the Malin Airport, Malin, Oregon, from all restrictions, reservations, and conditions of agreements with the United States Government.

We have determined that the 5960 square feet of land located at the Malin Airport acquired under Section 16 of the Federal Airport Act, and as described on the enclosed legal description, is no longer needed for aeronautical purposes, and that the City of Malin is released from the applicable terms, conditions, reservations and restrictions recorded in the federal obligations to the Federal Aviation Administration (FAA).

For all intents and purposes, this letter constitutes the intent of the United States, acting by and through the Administrator FAA to release from all terms, conditions, reservations, and restrictions, that portion of land owned by the City of Malin and shown on the exhibits furnished with your request.

Release of this property is contingent upon receipt of a deed of conveyance that contains the following:

- (1) That the City of Malin reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for the 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 the use of said airspace for landing on, taking off from, or operating on the Malin 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, and prevent any use which would interfere with landing or taking off of aircraft at the Malin Airport, or otherwise constitute an airport hazard on the real property.
- (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 Malin 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

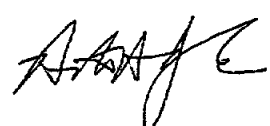
EXHIBIT " B

Page 1 of 2

aircraft intending to use the airport. The grantor reserves the right to enter upon the land released hereunder, and to remove the offending structure or object, and to cut the offending growth, all at the expense of the grantee, in the event the aforesaid covenant is breached.

If you have any questions, please call me at 425-227-2652.

Sincerely,



Peter Doyle  
Compliance Specialist, Seattle Airports District Office