

After Recording Return Document To:

The Oregon Department of Transportation
4040 Fairview Industrial Dr. SE
Salem, Oregon 97302

MEMORANDUM OF EASEMENT

THIS MEMORANDUM OF EASEMENT is hereby executed this 22nd day of February, 2024, by and between **BNSF RAILWAY COMPANY**, a Delaware corporation ("**Grantor**"), whose address for purposes of this instrument is 2500 Lou Menk Drive, Fort Worth, Texas 76131, and **THE OREGON DEPARTMENT OF TRANSPORTATION**, a political subdivision of the State of Oregon whose address for purposes of this instrument is 4040 Fairview Industrial Dr. SE, Salem, Oregon 97302, which terms "Grantor" and "Grantee" shall include, wherever the context permits or requires, singular or plural, and the heirs, legal representatives, successors and assigns of the respective parties:

WITNESSETH:

WHEREAS, Grantor owns or controls certain real property situated in Klamath County, Oregon as described on **Exhibit "A-1"** attached hereto and incorporated herein by reference (the "**Premises**");

WHEREAS, Grantor and Grantee entered into an Easement Agreement, dated February 22, 2024 (the "**Easement Agreement**") which set forth, among other things, the terms of an easement granted by Grantor to Grantee over and across the Premises (the "**Easement**"); and

WHEREAS, Grantor and Grantee desire to memorialize the terms and conditions of the Easement Agreement of record.

For valuable consideration the receipt and sufficiency of which are hereby acknowledged, Grantor does grant unto Grantee and Grantee does hereby accept from Grantor the Easement over and across the Premises.

The term of the Easement, unless sooner terminated under provisions of the Easement Agreement, shall be perpetual.

All the terms, conditions, provisions and covenants of the Easement Agreement are incorporated herein by this reference for all purposes as though written out at length herein, and both the Easement Agreement and this Memorandum of Easement shall be deemed to constitute a single instrument or document. This Memorandum of Easement is not intended to amend, modify, supplement, or supersede any of the provisions of the Easement Agreement and, to the extent there may be any conflict or inconsistency between the Easement Agreement or this Memorandum of Easement, the Easement Agreement shall control.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Memorandum of Easement to as of the date and year first above written

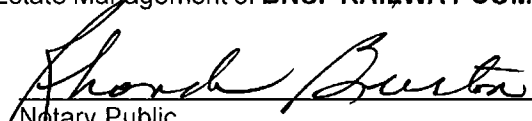
GRANTOR:

BNSF RAILWAY COMPANY, a Delaware corporation

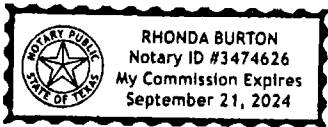
By: 
Name: Dean Ferris
Title: Director Right-of-Way and Real Estate Management

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on the 22nd day of February, 2024, by Dean Ferris as Director Right-of-Way and Real Estate Management of **BNSF RAILWAY COMPANY**, a Delaware corporation.


Notary Public

My appointment expires: 9/21/2024
(Seal)



GRANTEE:

THE OREGON DEPARTMENT OF
TRANSPORTATION, a political subdivision of the
State of Oregon

By: [Signature]

Name: Keith Benjamin

Title: Deputy State Revenue Manager

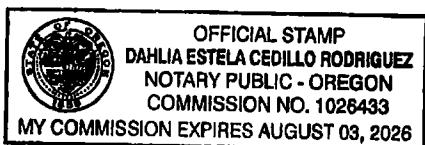
STATE OF OREGON §

§

COUNTY OF DESCHUTES §

This instrument was acknowledged before me on the 5th day of May, 2023

2021, by Keith Benjamin (name) as
Deputy State Revenue Manager (title) of Oregon Department of Transportation, a
political subdivision of the State of Oregon.



[Signature]
Notary Public

My appointment expires: 8/3/2026

(Seal)

EXHIBIT “A-1”
“Premises”

[EXHIBIT A – Page 1 of 1, Parcel 3 – Permanent Easement for Slopes,

Contains 2,104 square feet, more or less,

and

EXHIBIT A – 2 Vicinity Map, Sheet 1 of 1

Follows behind this page]

Parcel 3 – Permanent Easement for Slopes

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 39 South, Range 9 East, W.M., Klamath County, Oregon, and being a portion of that property described in that Right of Way Deed to Great Northern Railway Company, recorded April 20, 1931, in Book 95, Page 217 of Klamath County Record of Deeds; said parcel being that portion of said property described as follows:

Beginning at a point opposite and 25.00 feet Southwesterly of Engineer's Station 121+60.91 on the center line of relocated Burlington Northern Railroad, at a point on the Southwesterly Right of Way line of said Railroad, said point also being on the southerly right of way of the relocated South Klamath Falls Highway; thence along said southerly right of way line, North 86°43'48" East 105.21 feet to a point on the Northeasterly Right of Way line of said Railroad; thence leaving said southerly right of way line, South 47°48'09" East 28.06 feet along said Northeasterly Right of Way line; thence South 86°43'48" West 105.21 feet to a point on the Southwesterly Right of Way line of said Railroad; thence North 47°48'09" West 28.06 feet along said Southwesterly Right of Way line to the point of beginning.

The center line of the relocated Burlington Northern Railroad (formerly known as the Great Northern Railway) referred to herein is described as follows:

Beginning at Engineer's center line Station 'RR' 115+00.00, said station being South 928.40 feet and West 853.00 feet of the West quarter corner of Section 14, Township 39 South, Range 9 East, W.M.; thence South 47°48'09" East 3000.00 feet to Engineer's center line station 'RR' 145+00.00, said station being South 303.54 feet and East 1355.44 feet of the Southwest corner of Section 14, Township 39 South, Range 9 East, W.M.

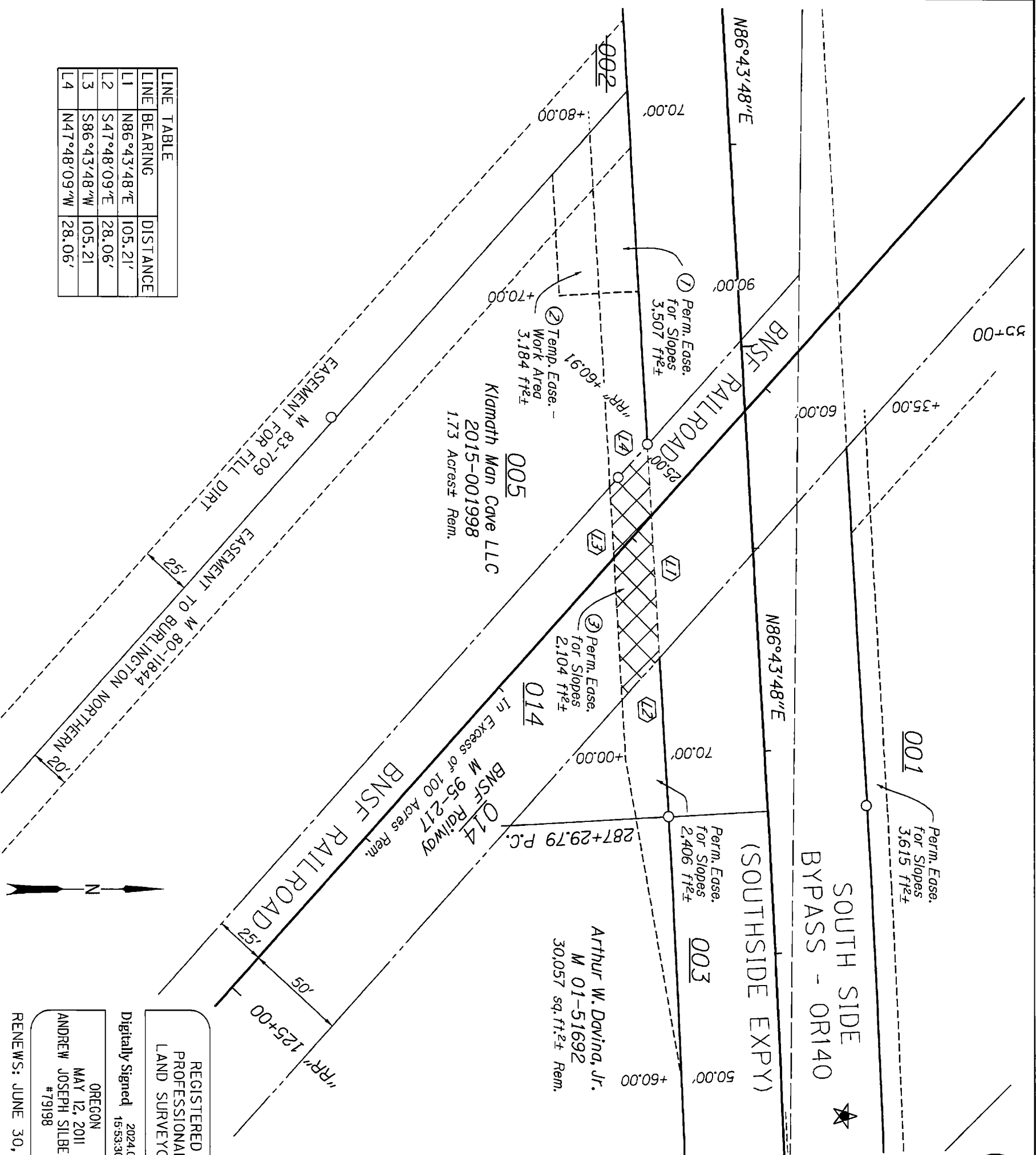
This parcel of land contains 2,104 square feet, more or less, outside the existing right of way.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed | 2024.02.02
15:53:03-08'00'

OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2024



LINE TABLE	
LINE	BEARING
L1	N86°43'48"E
L2	S47°48'09"E
L3	S86°43'48"W
L4	N47°48'09"W
DISTANCE	
L1	105.21'
L2	28.06'
L3	105.21'
L4	28.06'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed 2024.02.02
15:53:30-08'00"

OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2024

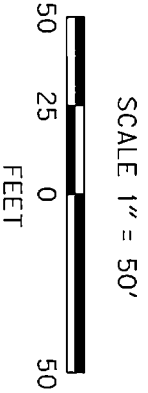
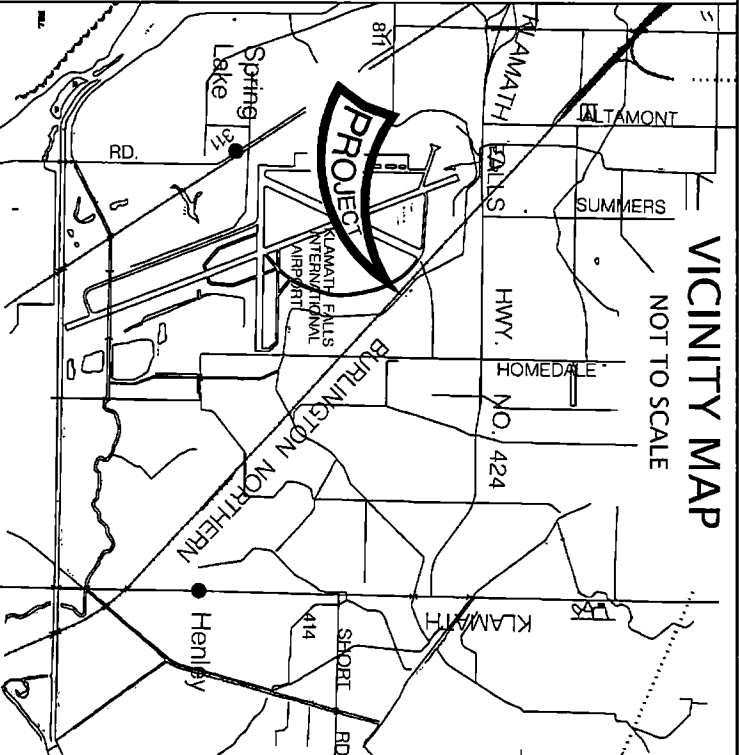


EXHIBIT A-2

OREGON DEPARTMENT OF TRANSPORTATION

RAILROAD ENCROACHMENT DRAWING

OR 140: BRETT WAY EXTENSION

SOUTH KLAMATH FALLS HIGHWAY

KLAMATH COUNTY, OREGON

February 02, 2024

PROJECT NO. R/W FILE NO. 9044-014

KEY NO. 18731

SEE DRAWING 11B-9-61

ENCROACHMENT ON
(RAILROAD)