

2024-002683

Klamath County, Oregon



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04/10/2024 02:14:51 PM

Fee: \$97.00

After recording return to:

City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601

RESTRICTIVE COVENANT**Grantee**

Oregon DEQ - Eastern Region/Columbia  
Gorge Office

400 E. Scenic Drive - Suite 307

The Dalles, OR 97058

Attention: Ronald Doughten  
Manager/Materials Mgmt. and Hazardous  
Waste

**Grantor**

City of Klamath Falls

500 Klamath Avenue

Klamath Falls, OR 97601

Attention: Jonathan Teichert-City Manager

Grantor is the owner of certain real property legally described and depicted in the attached Exhibits A and B, which is incorporated herein as (the "Property").

The Property is used as a storage site for contaminated soils excavated during the LMT – Runway 8/26 Project (the "Project"). The Project is near areas of concern as identified by the Oregon Air National Guard. Soil within the Project roadway footprint was tested and identified as having low concentrations of perfluoroalkyl substances (PFAS).

DEQ Solid Waste Disposal Site Permit #1742 authorizes the Grantor to sequester up to 1200 cubic yards of excavated soil from the Project on the Property. The soil will be sealed in a 60-mil HDPE liner forming a capsule, covered by 2 feet of agricultural soil, and seeded and mulched to stabilize the soil.

The PFAS contaminated soil will be encapsulated in a manner to:

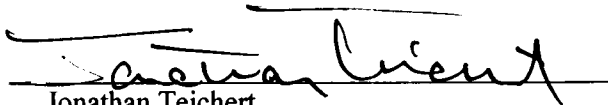
- prevent direct contact by human and environmental receptors;
- prevent leaching of PFAs into underlying soil and groundwater; and
- store the PFAS contaminated soil in a location that is easily accessible should forthcoming regulations require additional actions.

For the entire duration that PFAS encapsulated soils are stored on the Property, no development of any kind is allowed within the Property. In addition, no earth disturbing activities are allowed that have any potential to compromise the HDPE liner encapsulating the contaminated soils or disturb the soil cover. This restriction shall remain in effect until released by the Grantee.

The Grantor shall, at least 30 days prior to removing the contaminated soils from the Property, notify Grantee's Solid Waste Program in The Dalles Office. Grantee's Solid Waste Staff reserve

the right to inspect the removal of contaminated soil and/or inspect the Property after soil removal is complete. Once soil removal is complete, Grantor shall submit to Grantee's Solid Waste Program in The Dalles Office a written communication describing the soil removal activity, party or parties who removed the soil, when the soil was removed, where the soil was relocated or disposed, photos showing the Property after soil removal and any other pertinent information. Once Grantee reviews the written communication, inspects the site as needed, and deems the removal of contaminated soil from the Property as complete, Grantee shall issue a written communication to Grantor that the restrictive covenant may be lifted.

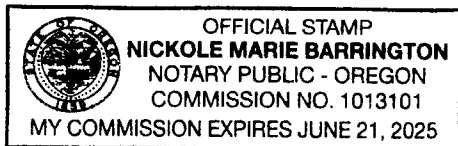
On behalf of Grantor:

  
Jonathan Teichert  
Title: City Manager of Klamath Falls

STATE OF OREGON   )  
                                  )ss.  
County of Klamath       )


On this 25<sup>th</sup> day of October, 2023, personally appeared the above-named (Jonathan Teichert), who being sworn, stated that he is the City Manager of the City of Klamath Falls, and that the foregoing instrument was voluntarily signed on behalf of the City of Klamath Falls.

Before me:



  
Notary Public for Oregon

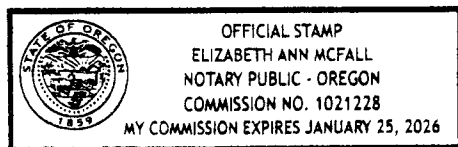
Accepted by the Grantee

By:   
Ronald Doughten  
Title: Manager/Materials Mgmt. & Hazardous Waste

STATE OF OREGON   )  
                                  )ss.  
County of Wasco       )

On this 23 day of February, 2023, personally appeared the above-named (Ronald Doughten), who being first duly sworn, did say that he is the Manager of Materials Management & Hazardous Waste for Grantee, and that this instrument was signed on behalf of Grantee; and acknowledged said instrument to be the Grantee's voluntary act and deed.

Before me:



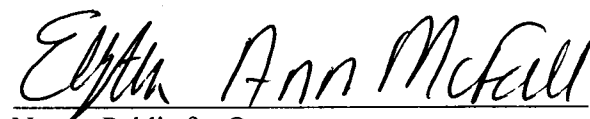
  
Notary Public for Oregon

EXHIBIT "A"

A PFAS easement, 250 feet by 250 feet, situated in NE 1/4 of Section 27, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon. Said easement being more particularly described as follows:

Commencing at the Northwest Section Corner of said Sections 27; thence South  $87^{\circ}47'28''$  East, 2677.12 to the North Quarter Section Corner common to Sections 22 and 27; thence South  $75^{\circ}41'05''$  East, 1098.20 feet to the TRUE POINT OF BEGINNING; thence North  $53^{\circ}13'08''$  East, 250.00 feet; thence South  $36^{\circ}46'52''$  East, 250.00 feet; thence South  $53^{\circ}13'08''$  West, 250.00 feet to a point bearing South  $81^{\circ}35'24''$  East, 3931.20 feet from said Northwest Section Corner; thence North  $36^{\circ}46'52''$  West, 250.00 feet to the Point of Beginning.

Basis of Bearing is Grid North of the Oregon State Plane Coordinate System, South Zone.

Containing 62500 square feet, more or less.

# EXHIBIT "B"

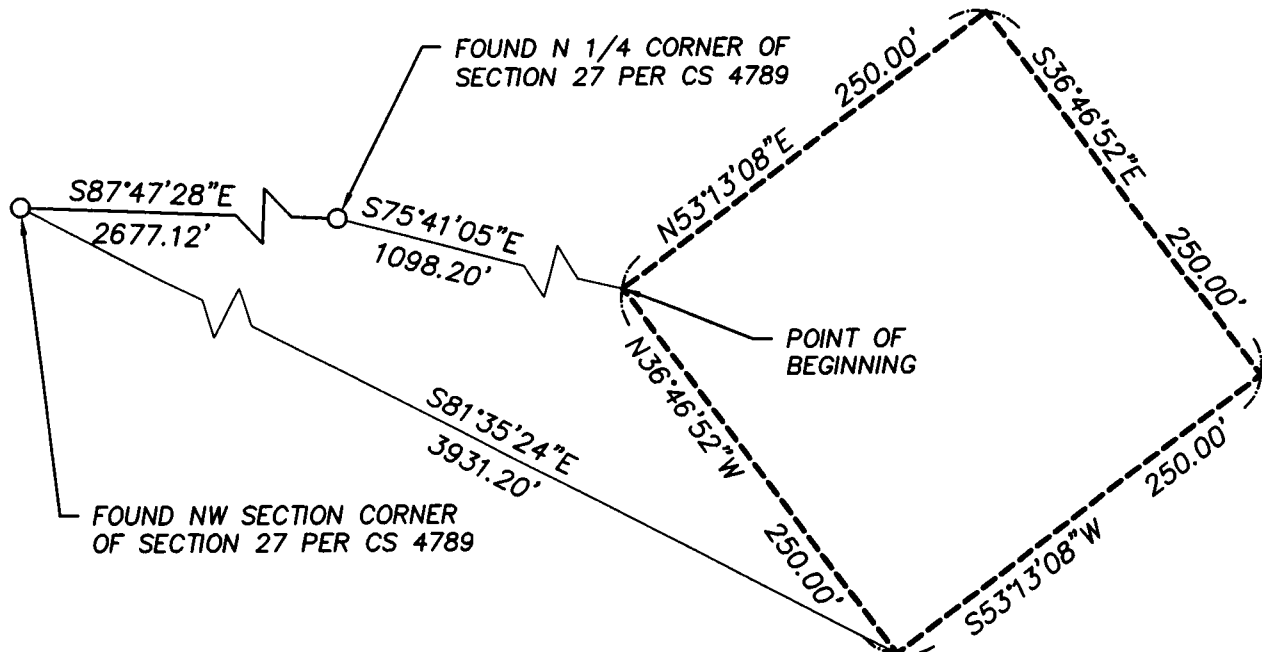
A PFAS EASEMENT 250' BY 250'  
SITUATED IN THE NE 1/4 OF SECTION 27, T39S, R09E W.M.  
KLAMATH COUNTY, OREGON

## LEGEND:

- FOUND MONUMENT
- BOUNDARY LINE
- - - EASEMENT LINE



SCALE: 1" = 100'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Calvin Owen Baker*

OREGON  
MARCH 14, 2023  
CALVIN OWEN BAKER  
95990

RENEWAL DATE: 12-31-25

**R-C**  
RHINE-CROSS  
GROUP

**RHINE-CROSS GROUP** LLC

ENGINEERING - SURVEYING - PLANNING  
112 N 5th ST - SUITE 200 - P.O. BOX 909  
KLAMATH FALLS, OREGON 97601

Phone: (541) 851-9405

Fax: (541) 273-9200

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