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Vol. 73 Page 9388

**LYNNEWOOD  
MINERVA DEVELOPMENT CORPORATION**

**owners  
DONALD J. & LYNNE TEASDEL KELLEY**

**INTRODUCTION**

Lynnewood offers a unique mountain setting close to city center. These introductory statements are intended as guidelines for builders and homeowners, for the protection of the beautiful alpine environment of Lynnewood.

The site design, architecture and landscaping should work as a unit.

In locating each structure on its site, every effort should be made to preserve the natural features of the site and to prevent obscuring the principal views of surrounding properties. The site should not be arbitrarily modified simply to conform to the design of the structure, but rather the structure designed with the site in mind. Also, it is hoped that all outdoor paved areas will be kept to an absolute minimum.

It is encouraged that homes in Lynnewood be architect-designed, planned with originality and varied set-back lines, and using materials and finishes compatible with the mountain-like setting of Lynnewood.

Suggestions for appropriate materials are as follows: timbers, logs, boards, board and batten, wood siding, wood shingle. Redwood and cedar are particularly recommended for their natural weathering characteristics. The use of stone, natural woods and glass are encouraged, as are shingle and shake roofs.

The use of stains are encouraged over paints because of a more natural weathering appearance, and it is hoped that bright colors will be restricted to front doors or accent areas.

The basic objectives of landscaping and revegetation are to preserve the land in its natural state insofar as possible, to enhance the new structures and improvements, and to screen visually objectionable elements such as service areas, storage yards, utilities, etc. from public view. All new planting is encouraged to be an extension of the natural vegetation. Saving trees should be given top priority, even to the extent of designing outdoor decks AROUND existing trees.

It is hoped that these guidelines will help create an environment to preserve and enhance the already beautiful, natural and peaceful quality of life in Oregon.

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## DECLARATION OF CONDITIONS AND RESTRICTIONS FOR LYNNWOOD

We, the undersigned, being the registered owners and parties of interest in Lynnewood subdivision as described in the official plat thereof, located in Klamath County, State of Oregon, do hereby make the following declaration of conditions and restrictions covering the above-described real property, specifying that the declaration shall constitute covenants to run with all of the land, and shall be binding on all persons claiming under them and that these conditions and restrictions shall be for the benefit of and the limitations upon all future owners of said real property. These restrictions shall apply only to single family dwellings.

There shall be formed a "Design Review Committee" for the purpose of controlling and enforcing the conditions of this declaration and also to assist builders in constructing and maintaining a beautiful residential area. The committee shall be organized as follows:

**DESIGN REVIEW COMMITTEE:** The design review committee shall consist of the following members:

2 memberships for Minerva Development Corporation or their assigns.

1 appointed architect by Minerva Development Corporation or their assign.

2 member landowners elected from all of the land owners upon the above described premises.

The term of office shall be for a period of five (5) years on an alternating basis. Any vacancy in office may be temporarily filled by Minerva Development Corporation or their assigns.

The covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded, after which time these covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change these covenants in whole or in part. Any deviations from the conditions in this declaration will be allowed by a majority vote of the committee.

Invalidation of any of these covenants shall in no way affect any of the other provisions, which shall remain in full force and effect.

The following conditions and restrictions shall bind and enure to the benefit of, and be enforceable by suit for injunction or for damages, by the owner or owners of any of the above described lands, their and each of their legal representatives, heirs, successors, or assigns, failure to enforce any of such conditions or restrictions shall in no event be deemed a waiver of the right to do so thereafter.

Should suit or action be instituted to enforce any of the following restrictions or covenants after written demand for the discontinuance of a violation thereof, and any failure to do so, then, whether said suit be reduced to decree or not, the owner seeking to enforce or to restrain any such violation, shall be entitled to have and recover from such defendant or defendants, in addition to the costs and disbursements allowed by law, such sum as the Court may adjudge reasonable as an attorney fee in such suit or action.

1. **MASS GRADING OF A SITE WILL NOT BE PERMITTED:** Earth work shall be only that required for foundations and driveways and be under and immediately adjacent to structures. This shall mean that construction disturbance shall be corrected so as to restore the ground to its original, natural appearance.
2. **TEMPORARY STRUCTURE:** No structure of a temporary nature, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily, or permanently, and no old structure shall be moved or placed onto any of said lots.

3. **SURFACE DRAINAGE:** Special attention shall be given to site surface drainage waters will not adversely affect neighboring properties.
4. **SET-BACK LINES:** No dwelling or other building shall be erected within two front property line, except a corner or unusually shaped lot, which may have a twenty line on the side abutting the street; however, a building may be placed further back line, if desired. Side yard set-back lines shall be not less than 10% of the lot width. set-backs are encouraged and exceptions to the preceding rule which will enhance structure will be approved by the design review committee.
5. **BUILDINGS:** No building shall be erected, altered, placed or permitted to remain other than one detached single family dwelling not to exceed two stories in height garage for not more than three automobiles. In no event shall the residential building be in height nor shall any building obstruct unnecessarily the view of any neighboring property.
6. **MOBILE HOMES:** No mobile or modular homes will be permitted.
7. **SIZE OF DWELLINGS:** No single family dwelling shall be less than 1,500 square feet main structure, exclusive of porches and garages.
8. **MATERIAL AND FINISHES:** All garages or car ports must be finished either with wood or complimentary material as the exterior of the home. All exterior rough hewn material must be galvanized or otherwise rust resistant. All siding material must be cleared by the design review committee. Aluminum or other reflective roof surfaces shall not be permitted and roof surfaces will be permitted only when aggregate is used in sufficient size and amount to insure full coverage of base coats. All metal surfaces including flues, exposed flashing, trim, etc. shall be anodized or painted to blend with the exterior colors and be non reflective. Asphalt tile roofs will be permitted.
9. **PUBLIC UTILITIES:** All utilities services shall be brought from the point of connection underground to the structure.
10. **SEWERAGE:** No individual sewage disposal system nor any drainage field shall be installed on any lot and all lots shall be hooked to the sanitary sewerage system of the City of Medford.
11. **FENCES AND WALLS:** No fence, or walls used as a fence shall be erected on any lot or property line within the front set-back areas, except around outdoor storage areas. No fence or wall used as a fence on any other portion of the property shall be more than six feet high at any point. All fencing must match or be compatible with the finish of the house.
12. **STORAGE AREAS:** All outdoor storage areas, garbage cans, utility boxes, etc. shall be fenced or screened with material which matches or is compatible with the finish of the house. All recreational vehicles, including boats, snowmobiles, campers, pickup campers shall be stored in a manner to be out of view of the general public.
13. **TELEVISION ANTENNAS:** No T.V. antennas will be allowed if cable television service is available. Any T.V. antennas placed upon the premises prior to the availability of cable service shall be removed immediately upon the availability of cable T.V. service.
14. **ANIMALS:** No livestock, poultry, horses, or other animals shall be raised, bred or kept on any lot except household pets.
15. **COMMERCIAL VENTURE:** No commercial venture shall be allowed on any lot herein.
16. **SIGNS:** No sign of any kind shall be displayed to the public view on any lot except a residential sign of not more than one square foot, one sign of not more than five square feet for the property for sale or rent, or signs used by a builder to advertise the property during construction and sales period.



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## ITIONS AND NNEWOOD

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3. **SURFACE DRAINAGE:** Special attention shall be given to site surface drainage so that surface waters will not adversely affect neighboring properties.
4. **SET-BACK LINES:** No dwelling or other building shall be erected within twenty feet of a front property line, except a corner or unusually shaped lot, which may have a twenty foot set-back line on the side abutting the street; however, a building may be placed further back from set-back line, if desired. Side yard set-back lines shall be not less than 10% of the lot width. Variations in set-backs are encouraged and exceptions to the preceding rule which will enhance the site and structure will be approved by the design review committee.
5. **BUILDINGS:** No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two stories in height and a private garage for not more than three automobiles. In no event shall the residential building exceed 25 feet in height nor shall any building obstruct unnecessarily the view of any neighboring properties.
6. **MOBILE HOMES:** No mobile or modular homes will be permitted.
7. **SIZE OF DWELLINGS:** No single family dwelling shall be less than 1,500 square feet for the main structure, exclusive of porches and garages.
8. **MATERIAL AND FINISHES:** All garages or car ports must be finished either with the same or complimentary material as the exterior of the home. All exterior rough hardware shall be galvanized or otherwise rust resistant. All siding material must be cleared by the design review committee. Aluminum or other reflective roof surfaces shall not be permitted and tar and gravel roof surfaces will be permitted only when aggregate is used in sufficient size and thickness to insure full coverage of base coats. All metal surfaces including flues, exposed flashings, vents, pipes, trim, etc. shall be anodized or painted to blend with the exterior colors and be non-reflective. No asphalt tile roofs will be permitted.
9. **PUBLIC UTILITIES:** All utilities services shall be brought from the point of utility company connection underground to the structure.
10. **SEWERAGE:** No individual sewage disposal system nor any drainage field shall be permitted on any lot and all lots shall be hooked to the sanitary sewerage system of the City of Klamath Falls.
11. **FENCES AND WALLS:** No fence, or walls used as a fence shall be erected or maintained on any lot or property line within the front set-back areas, except around outdoor storage areas or car-ports. No fence or wall used as a fence on any other portion of the property shall exceed a maximum height of six feet at any point. All fencing must match or be compatible with the exterior finish of the house.
12. **STORAGE AREAS:** All outdoor storage areas, garbage cans, utility boxes, meters and trash areas shall be fenced or screened with material which matches or is compatible with the exterior finish of the house. All recreational vehicles, including boats, snowmobiles, camper trailers and pickup campers shall be stored in a manner to be out of view of the general public.
13. **TELEVISION ANTENNAS:** No T.V. antennas will be allowed if cable television service is available. Any T.V. antennas placed upon the premises prior to the availability of cable television will be removed immediately upon the availability of cable T.V. service.
14. **ANIMALS:** No livestock, poultry, horses, or other animals shall be raised, bred, or kept on any lot except household pets.
15. **COMMERCIAL VENTURE:** No commercial venture shall be allowed on any of the property herein.
16. **SIGNS:** No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

9386

17. **CONDITION OF LOTS:** Each lot shall be maintained in a good and clean condition and free of hazards to the adjacent property and to the occupants thereof. No lots shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept excepting in sanitary containers. A definite enclosed location for trash storage shall be provided and located convenient to the street, unlocked for pickup, protected from animals, and out of view. No outdoor clothes lines shall be permitted.
18. **LANDSCAPING:** No tree measuring more than six inches in diameter at a point measured three feet above the ground shall be cut without approval of the design review committee, except trees located in the area of the structure itself. All original landscape plans shall be subject to the prior approval of the design review committee.
19. **PLANS:** No single family dwelling shall be built upon any of the lots in the above described property without first submitting the plot plan and the proposed house plans to the design review committee for approval prior to beginning work. No two homes with the same floor plans may be built next to each other. Any deviation from the original approved plans will not be allowed and the design review committee shall have the authority to request a court injunction. The approval of the design review committee shall be mandatory on the construction of any new home or for the change of any landscape plan. The decision of the design review committee shall be final.

Done this 19<sup>TH</sup> day of JULY, 1973.

MINERVA DEVELOPMENT CORPORATION

Donald J. Kelley  
Donald J. Kelley, President

Lynne T. Kelley  
Lynne T. Kelley, Secretary

State of Oregon )  
County of Klamath ) SS.

Subscribed and sworn to before me this 19th day of July 1973.

Beth P. Anderson  
Beth P. Anderson  
Notary Public for Oregon

My commission expires 4/7/75

STATE OF OREGON,  
County of Klamath  
Filed for record at request of

MINERVA DEV CORP

on this 20th day of JULY A.D. 19 73  
at 4:37 o'clock P M, and duly  
recorded in Vol. M 73 DEEDS  
page 9383

Wm D. Milne, County Clerk

By Harold D. Milne Deputy

for \$2.00



Minerva Dev. Corp  
120 Walnut Ave  
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