

## Agreement; Fairclo-Jones

This agreement is hereby made by and between David P. Fairclo, Susan E. House, formerly known as Susan E. Fairclo, and Richard S. Fairclo, herein referred to as "Owner" and Lowell W. Jones Co., Inc., herein referred to as "Neighbor."

The parties agree as follows:

This agreement is made to comply with Article 81.010 A. of the Klamath County Land Development Code and Order of the Klamath County Commissioners as regards public hearing held by Klamath County for the Rolling Rock Pit site on April 25, 1995.

Neighbor owns real property adjacent to Owner generally located to the South and East of real property owned by Owner; Neighbor's property includes portion of Section 14, Township 39 South, Range 10, East of the Willamette Meridian.

The 1,000 foot distance requirements stated in said Section 81.010 A. is hereby agreed to be decreased to 100 feet as between the ownerships of the property by this written agreement and pursuant to said section 81.010 A. of the Klamath County Land Development Code. Potential applicant (s), or their successors in interest, for conflicting or potentially conflicting uses are prohibited from filing complaints concerning the Goal 5 inventory resource and/or operations pertaining to the resource according to the operation specifications contained within said order and the regulations of the Oregon Department of Geology & Mineral Industries and the Department of Environmental Quality. It is recited herein that said 100 feet is measured from the boundary of the Significant Resource Overlay Zone as established pursuant to the above hearing and that such zone and said 100 feet is located entirely on the real property owned by Fairclo, located in portion of the NW 1/4 of Section 14 and portion of West 1/2 of Section 11 in Township 39 South, Range 10, East of the Willamette Meridian.

The parties agree that this agreement satisfies requirements of said Section 81.010 A. and further state that presently there are no sensitive or conflicting uses on Neighbor's property pursuant to said ordinance; this agreement reduces the 1,000 feet distance stated in said ordinance to 100 feet for possible future sensitive or conflicting uses, and shall run with the land.

*[Handwritten signatures: David P. Fairclo, Susan E. House, and Lowell W. Jones]*

X Lowell W. Jones - Pres.  
X Theresa L. Jones - Sec.

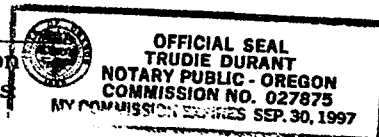
2000  
CK

STATE OF OREGON     |  
                               | ss.  
 County of Klamath    |

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day  
 of June, 1995, by Richard S. Saurdo.

Trudie Durant

Notary Public for Oregon  
 My Commission expires:

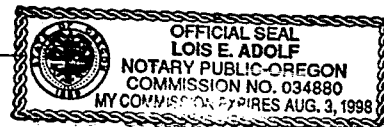


STATE OF OREGON     |  
                               | ss.  
 County of Klamath    |

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day  
 of October, 1995, by David P. Faircl.

Lois E. Adolf

Notary Public for Oregon  
 My Commission expires:

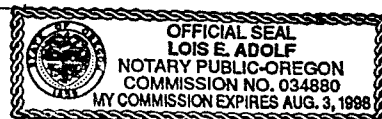


STATE OF OREGON     |  
                               | ss.  
 County of Klamath    |

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day  
 of October, 1995, by Susan E. House, FKA Susan E. Faircl.

Lois E. Adolf

Notary Public for Oregon  
 My Commission expires:



STATE OF \_\_\_\_\_ |  
                               | ss.  
 County of \_\_\_\_\_ |

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day  
 of \_\_\_\_\_, 1995, by \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public for \_\_\_\_\_  
 My Commission expires:

STATE OF OREGON

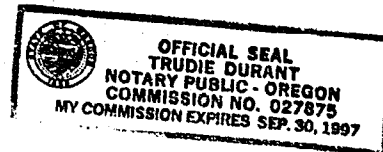
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County of Klamath

] ss.  
]

On this 7<sup>th</sup> day of June, 1995, personally appeared Lowell H. Jones  
Harmony Hawkins Jones who, being duly sworn, did say that he is the President  
and Secretary, Treasurer of Lowell H. Jones, Co. and that said  
instrument was signed and sealed on behalf of said Corporation by authority of its board of  
directors; and acknowledged said instrument to be its voluntary act and deed. Before me:

Trudie Durant  
Notary Public for Oregon  
My Commission expires:



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Richard Fairclo the 6th day  
of November A.D., 19 95 at 2:19 o'clock P M., and duly recorded in Vol. M95,  
of Deeds on Page 30315.

Bernetha G. Letsch, County Clerk

FEE \$20.00

Return: Richard Fairclo  
280 Main Street  
Klamath Falls, OR 97601

By

Annette Mueller