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Vol M04 Page 56642

State of Oregon, County of Klamath
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Linda Smith, County Clerk
Fee \$ 41.00 # of Pgs 5

**DECLARATION OF COVENANTS AND RESTRICTIONS
FOR THE
BRISTOL AVENUE MITIGATION SITE**

THIS DECLARATION made this 17th day of August, 2004, by The Oregon Barnett Group, LLC, ("Declarant").

RECITALS

1. WHEREAS, Declarant is the owner of the real property described in Exhibit "A" attached hereto and by this reference incorporated herein as the "Property", and desires to restore and enhance thereon wetlands to be maintained in accordance with restrictions and allowances
2. WHEREAS, Declarant desires to provide for the preservation and enhancement of the wetland values of the Property and for the maintenance and management of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of the Property.

NOW, THEREFORE, the Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration.

**ARTICLE 1
DEFINITIONS**

- 1.1 "Declaration" shall mean the covenants, restrictions, and all other provisions set forth in this document and more particularly, in Article 4 Use Restrictions and Management Responsibilities below.
- 1.2 "Declarant" shall mean and refer to The Oregon Barnett Group, LLC, its successors or assigns.
- 1.3 "Property" shall mean and refer to all real property subject to this Declaration, as more particularly set forth in Exhibit "A".

**ARTICLE 2
PROPERTY SUBJECT TO THIS DECLARATION**

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Klamath County, Oregon and is more particularly described in Exhibit "A".

41 co o/c Rabe Consulting

**ARTICLE 3
GENERAL PLAN OF DEVELOPMENT**

Declarant currently manages 3.25 acres of the site for the purpose of wetland mitigation.

**ARTICLE 4
USE RESTRICTIONS AND MANAGEMENT RESPONSIBILITIES**

The Property shall be used and managed for wetland mitigation purposes.

COVENANTS

- 1 There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any wetland vegetation in the Property, nor any disturbance or change in the natural habitat of the Property after a successful wetland has been established, except as needed for management and health of the wetland.
- 2 There shall be no agricultural, commercial, or industrial activity undertaken or allowed in the Property, nor shall any right of passage across or upon the Property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial, or industrial activity.
- 3 No domestic animals shall be allowed on the Property.
- 4 There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Property in any manner, after a successful wetland has been established, except as needed for management and health of the wetland.
- 5 There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or structures on the Property.
- 6 Access for maintenance of storm water conveyance is allowed provided all excavations return the site to the grade present pre-disturbance and native vegetation is reinstalled to the pre-disturbance condition.

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SIGNATURES

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed
this instrument this 19th day of August, ²⁰⁰⁴19.

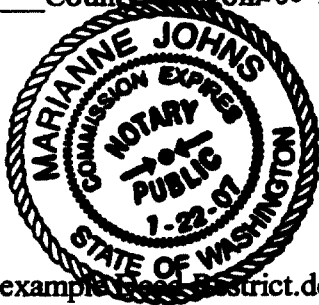
Your firms name The Barnett Group - OREGON, LLC
County, Oregon

By: David Barnett

Title: MANAGER

^{WASHINGTON}
STATE OF ~~OREGON~~)
County of Thurston) ss:

This instrument was acknowledged before me on August 19th (date) by
David Barnett (name of person) as Manager
The Barnett Group - Oregon LLC (title) of Your firms name of
Thurston County ~~Oregon~~ Washington



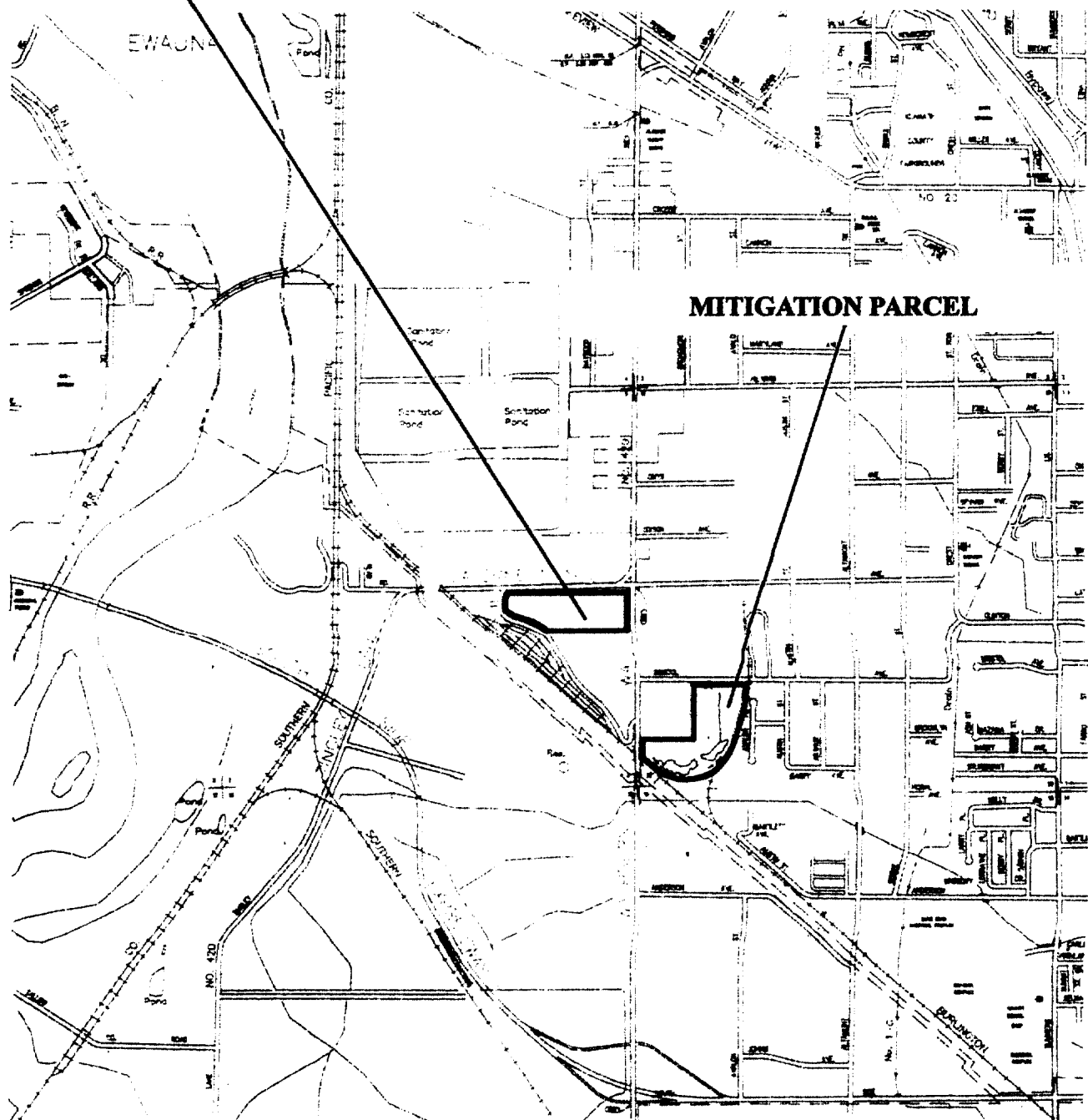
P:\example\Deed Restrict.doc

Marianne Johns
Signature of Notarial Officer
Marianne Johns
My Commission Expires: 01-22-07

56645

DEVELOPMENT PARCEL

MITIGATION PARCEL



0.25 Miles



MITIGATION AND DEVELOPMENT SITE LOCATION



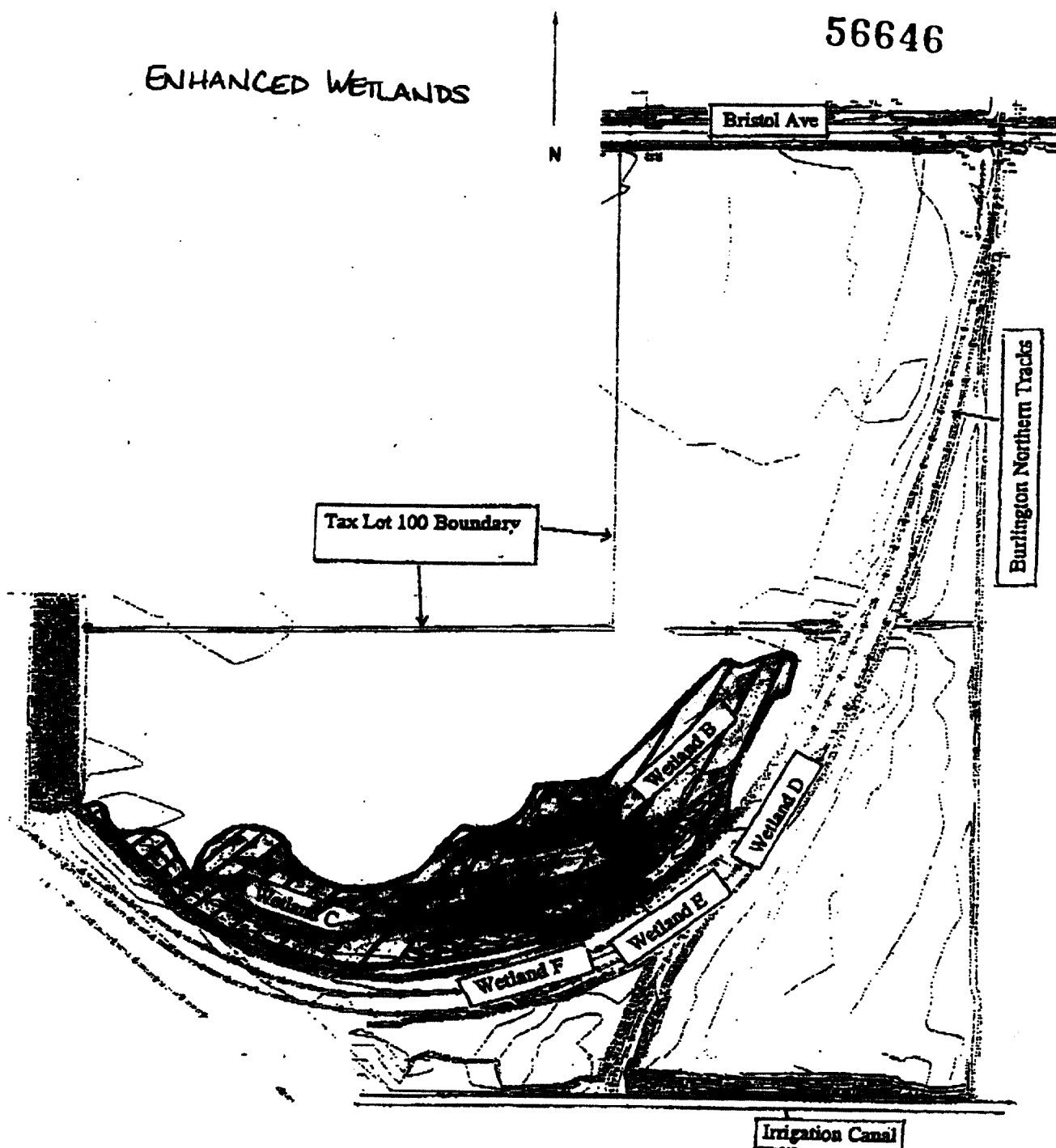
Rabe Consulting
22539 Highway 140E
Dairy, Oregon 97625
(541) 891-2137/ andrea@rabeconsulting.com

Project: Oregon Barnett Group LLC
Date: 3/20/04
By: CC

FIGURE 1.2

56646

ENHANCED WETLANDS




Property Lines Are Professional Land Survey And Taken From
 Klamath County Assessors Map 398 09E Sec. 10 SW1/4 SW1/4
 Wetlands A - F Surveyed By Tru-Line Surveying, Inc., Klamath Falls, Oregon

1" = 200'

☒ Area of mitigation wetland

EXHIBIT A

Mitigation Parcel		
	Rabe Consulting 22539 Highway 140E Dairy, Oregon 97625 (541) 891-2137 Fax: (541) 545-6750	
	Project: Oregon Barnett Group LLC Date: 7/15/04 By: AR	