

Subdivision: Tract 1441– Sky Ridge Estates-Phase 1

Subdivider: Skyridge Estates III, LLC

SUBDIVISION DEVELOPMENT AGREEMENT

The CITY OF KLAMATH FALLS, an Oregon municipal corporation, called CITY and Skyridge Estates-III, LLC, an Oregon Limited Liability Company, owner and developer of the Subdivision (hereinafter called "SUBDIVIDER") agree as follows:

- A. The parties agree that good and valuable consideration exists as a basis for this Agreement including, but not limited to, the CITY'S approval of the Subdivision, which SUBDIVIDER agrees is a special benefit to Subdivision.
- B. SUBDIVIDER proposes to develop Tract 1441 pursuant to the provisions of the Community Development Code of the City of Klamath Falls.
- C. This Agreement is binding upon the SUBDIVIDER, the SUBDIVIDER'S successors (including, without limitation, Sky Ridge Estates Homeowner's Association, Inc.), both jointly and severally, and shall be recorded in the office of the County Clerk in order to put prospective purchasers and other interested parties on notice of its terms. Additionally, the SUBDIVIDER agrees to notify subsequent purchasers of the Subdivision or any portion thereof, of the existence of this Agreement and the purchaser's potential obligations hereunder.
- D. The SUBDIVIDER will operate and maintain the drainage facilities within Lot 24 and Common Area "A" (Detention Pond) of the Subdivision. Lot 24 facilities include an existing drainage ditch located within an easement. Common Area "A" facilities consist of a 12 inch storm pipe, an 18 inch storm pipe, a 24 inch storm pipe, flow control structures, together with the detention pond, landscaping and pond fencing.
- E. The SUBDIVIDER has been advised that there is a commercial airport near the Subdivision. The Klamath Falls Airport has a military Air National Guard at the

Returned @ Counter

31 ✓ Timothy L. ERWIN Project Mgr. 39 NEVADA ST. KLAMATH FALLS, OR. 97601

airport. The military aircraft operate at a Stage 1 noise level that can exceed 100 decibels under certain circumstances. The Subdivision is also under the Klamath Falls Airport extended traffic pattern, and when the airport is busy, numerous over-flights may occur. SUBDIVIDER shall place this notice in the recorded Covenants, Conditions and Restrictions for the Subdivision.

- F. The SUBDIVIDER agrees to construct sidewalks and ADA-compliant curb ramps in the public rights-of-way in compliance with City Standards. SUBDIVIDER shall construct the segment of sidewalk adjoining each lot within the Subdivision in conjunction with the development of each lot and shall obtain written acceptance from the City before the structure on a developed lot is occupied. The ADA-compliant curb ramps shall be constructed by no later than June 1, 2006. SUBDIVIDER shall complete all sidewalk improvements within the Subdivision and shall obtain written approval and acceptance from the City within two years from the date the Subdivision Final Plat is recorded.
- G. SUBDIVIDER has agreed to construct various, additional infrastructure improvements as set forth in an "Agreement and Assurance of Performance" between CITY and SUBDIVIDER dated February 1, 2006. These improvements include street signs, traffic control signs and devices, street striping and completion of all "punch-list" items as determined by the City in a walk-through of the project. SUBDIVIDER shall timely construct all such improvements in compliance with all City regulations, requirements and Engineering Design Standards
- H. SUBDIVIDER agrees to comply with the Planned Community and Homeowner's Association provisions of ORS 94.550-94.783 and to prepare and, if appropriate, record Planned Community declarations and Homeowner's Association Bylaws in compliance with State law. Pursuant to ORS 94.635(3), and consistent with the Bylaws of the Sky Ridge Estates Homeowner's Association, Inc., a Turnover Meeting shall be held no later than one hundred twenty (120) days after Lots representing 75 percent (75%) of the Lots have been conveyed by the SUBDIVIDER. Notice for this meeting shall be given in conformance with the Bylaws for a Special Meeting of the Shareholders. Any Lot owner may call the Turnover Meeting under ORS 94.609. The purpose of the Turnover Meeting shall be to conform to the provisions of ORS 94.609.


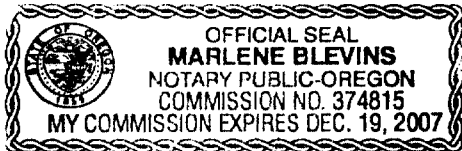
Dated this 9th day of February, 2006.



Ken Gearhart
Skyridge Estates III, LLC

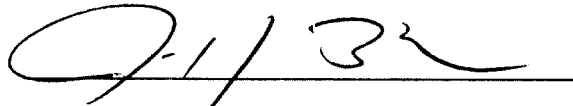
STATE OF OREGON)
County of Klamath)

Personally appeared, Ken Gearhart, who being duly sworn, stated he is the President and Secretary of Sky Ridge Estates Homeowner's Association, Inc., and that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and he acknowledged said instrument was its voluntary act and deed, before me.


Notary Public for Oregon
My Commission expires: 12/19/2007

Dated this 9th day of February, 2006.

CITY OF KLAMATH FALLS, OREGON



By: Jeff Ball
Its: City Manager

ATTESTED this 10th day of February, 2006.



By: _____
Its: City Recorder