

2007-013684

Klamath County, Oregon



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08/02/2007 01:51:12 PM

Fee: \$26.00

# **RESTRICTIVE COVENANT** **Discretionary Land Use Permit – Big Game Winter Range**

The undersigned, being the record owners of all of the real property described as follows: R-3711-02900-02300  
11644 WILD HORSE DR. and further identified by "Exhibit A" attached hereto, do hereby make the following restrictive covenant(s) for the above-described real property, specifying that the covenant(s) shall run with the land and shall be binding on all persons claiming under such land, and that these restrictions shall be for the benefit of and limitation on all future owners of said real property.

In consideration of approval by Klamath County, Oregon of a land use permit to construct a single family dwelling on property designated by the Klamath County Assessor's Office as Tax Lot 02300 in Township 37 South, Range 11 East, Section 29, and located within an identified Goal 5 Big Game Winter Range habitat area, the following restrictive covenant(s) hereafter bind the subject property:

"Declarant and Declarant's heirs, legal representatives, assigns, and lessees hereby acknowledge and agree to accept by the recording of this instrument that the property herein described is subject to Statewide Planning Goal 5 resource habitat protections implemented through the Klamath County Land Development Code, which requires the owner to control free-roaming dogs and prohibits off-road vehicle use on the property herein described during the period of November through April each year."

This covenant shall not be modified or terminated except by the express written consent of the owners of the land at the time, and the Klamath County Community Development Department, as hereafter provided.

KLAMATH COUNTY, a political subdivision of the State of Oregon, shall be considered a party to this covenant and shall have the right, if it so desires, to enforce any or all of the covenant(s) contained herein by judicial or administrative proceeding. This covenant is made pursuant to the provisions of the Klamath County Land Development Code.

Dated this 2 day of August, 2007.

Kevin G. McIlwain  
Record Owner

\_\_\_\_\_  
Record Owner

STATE OF OREGON     )  
                                  ) ss.  
County of Klamath     )

Personally appeared the above names Kevin G. McIlwain and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 02 day of August, 2007



Cis McSorley  
Notary Public for State of Oregon  
My Commission Expires: April 08, 2008

**Note:** A copy of the recorded instrument must be returned to Community Development before permits can be issued.

Returned @ Counter

**EXHIBIT A**

**(attach copy of legal description)**

*Lot 8 Block 4 TRACT 1039 YONNA Woods UNIT 2*

*TAX ACCOUNT R399250*

*R-3711-02900-02300-000*