

2007-015084
Klamath County, Oregon

After recording return to:

RHINE-CROSS GROUP, LLC
430 WALNUT AVENUE
KLAMATH FALLS, OR 97603



08/27/2007 10:08:30 AM

Fee: \$31.00

RESTRICTIVE COVENANT
Split Zoned Property

The undersigned Tim Amuchastegui, representative for Capri Properties LLC, being the record owner(s) of all of the real property described as follows; Township 39 South, Range 09 East, Section 10CC, Tax Lot 00101, and further identified by "Exhibit A (Meets & Bounds) & Exhibit B (Map)" attached hereto, do hereby make the following restrictive covenant(s) in recognition of conditions of approvals found in Klamath County Planning File CLUP/ZC 7-06 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.

The following restrictive covenant(s) hereafter bind the subject property:

1. Land Use Zones identified on attached Exhibit A and Exhibit B shall restrict development per Klamath County zoning designation found in Klamath County Land Development code.
2. This covenant shall not be used or identified as instrument for land division.
3. This covenant shall not be changed unless by land use action approved by Klamath County.

The covenant(s) 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 27 day of August, 2007.

Tim M. Amuchastegui
Record Owner

Record Owner

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above names Tim Amuchastegui and
acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 27 day
August, 2007 of



Sandy Boatright
Notary Public for State of Oregon
My Commission Expires: April 25, 2011

EXHIBIT A

LEGAL DESCRIPTION FOR THAT PORTION OF PARCEL 1 OF
LAND PARTITION 82-06 TO BE ZONED COMMERCIAL-GENERAL
8/23/07

Being a portion of Parcel 1 of Land Partition 82-06, as filed at the Klamath County Clerk's office being a Replat of those portions of Tracts 13, 14, 15 and 16 of the "Supplemental Plat of Altamont Ranch Tracts" located in the S1/2 of the SW1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon. Being a portion of that certain Parcel 3 of Quitclaim Deed dated November 21, 1988 to Glacier Park Company from the Burlington Northern Railroad Company, recorded in Book M89, Page 9296 et seq., records of said Klamath County, Oregon, being more particularly described as follows:

Commencing at the initial point of said Land Partition 82-06, said point being the southeast corner of said Tract 16, being marked by a 5/8"x30" rebar with a yellow plastic cap stamped "Rhine-Cross Group LLC; thence, along said southerly line of said Tract 16, North 87°56'26" West, 505.51 feet to a point 15.00 feet westerly of (when measured at right angles) the track centerline of the southeasterly leg of the wye connecting the Southern Pacific interchange track centerline with the Burlington Northern and Santa Fe Railway Company's main track centerline and a point of non-tangential curvature; thence, leaving said southerly line, northeasterly and parallel with said wye track centerline and along the arc of a 590.80 foot radius curve to the right, through a central angle of 21°20'47" (the long chord of which bears North 21°13'31" East, 218.84 feet) an arc distance of 220.11 feet to a point 15.00 feet southeasterly of (when measured at right angles) the track centerline of the northwesterly leg of the wye connecting said Southern Pacific interchange track centerline with the Burlington Northern and Santa Fe Railway Company's main track centerline and the **True Point of Beginning**; thence, southwesterly and parallel with said northwesterly leg of the wye track centerline, along the arc of a 603.12 foot radius curve to the right, through a central angle of 45°46'14" (the long chord of which bears South 78°50'19" West, 469.09 feet) an arc distance of 481.80 feet to the northeasterly right-of-way line of said railway main line, said right-of-way line being 100.00 feet (when measured at right angles) from said railway main line; thence, along said northeasterly right-of-way line, North 46°54'59" West, 415.91 feet to the easterly right-of-way line of Washburn Way; thence, along said easterly right-of-way line, North 00°59'20" East, 265.10 feet to the northerly line of said Tract 15; thence along said northerly line, South 89°17'06" East, 697.55 feet; thence, leaving said northerly line, North 01°00'39" East, 660.57 feet to the southerly line of Bristol Avenue; thence, along said southerly line, South 88°56'38" East, 200.00 feet to the northwest corner of Parcel 2 of said Land Partition 82-06; thence, along the westerly line of said Parcel 2, South 01°00'39" West, 659.38 feet; thence along the southerly line of said Parcel 2; South 89°17'06" East, 152.67 feet to the southeast corner of said Parcel 2; thence along the arc of a 1339.29 foot radius curve to the right, through a central angle of 12°03'36" (the long chord of which bears South 27°50'04" West, 281.39 feet) an arc distance of 281.90 feet to a point of compound curvature; thence along the arc of a 702.33 radius curve to the right, through a central angle of 18°31'12" (the long chord of which bears South 44°49'48" West, 226.03 feet) an arc distance of 227.02 feet; thence South 00°00'00" West, 36.11 feet to the point of beginning.

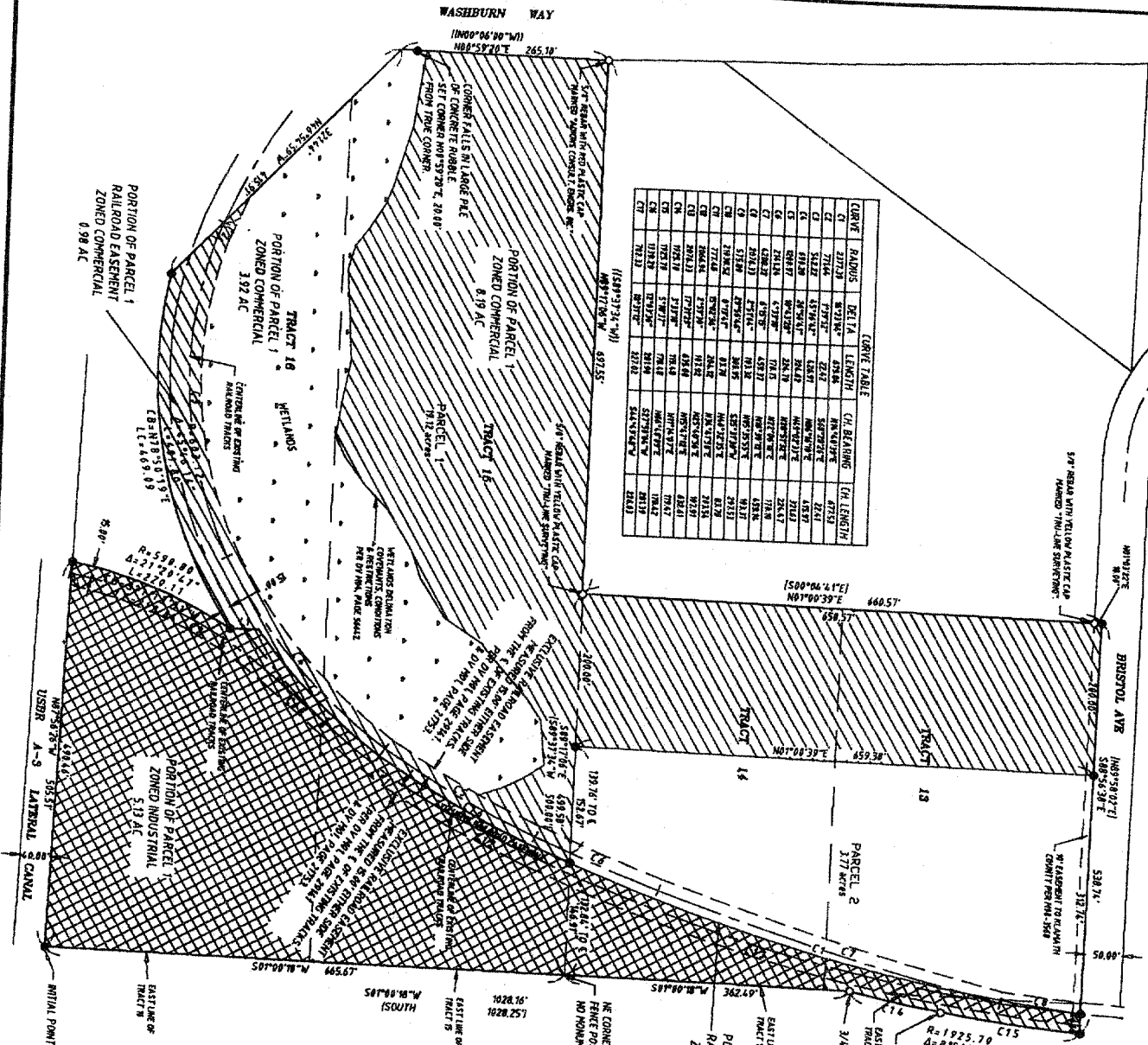
The basis of bearings is Grid North based upon the Oregon State Plane Coordinate system of 1983, South Zone. The above legal description is intended to describe the bounds of a zoning area only. It does not in any way describe the creation of a new, legal parcel of land.

Containing 13.09 acres, in the following portions:

- 8.19 acres of useable land
- 3.92 acres of wetlands
- 0.98 acres of exclusive railroad easement

EXHIBIT B
PARCEL 1 ZONE AREAS
 BEING A REPLAT OF TRACTS 13, 14, 15 & 16 OF THE
 "SUPPLEMENTAL PLAT OF ALTAMONT RANCH TRACTS",
 SITUATED IN THE SW 1/4 OF SECTION 10, T39S, R9E WM
 KLAMATH COUNTY, OREGON

| CURVE | RADIUS | DELTA | LENGTH | CH BEARING | CH LENGTH |
|-------|---------|-----------|--------|------------|-----------|
| C1 | 2777.28 | 87°31'21" | 425.84 | 181°52'12" | 425.84 |
| C2 | 7144.4 | 7°32'21" | 22.42 | 180°29'21" | 22.42 |
| C3 | 5122.8 | 5°34'42" | 158.81 | 180°00'00" | 158.81 |
| C4 | 4912.8 | 8°24'42" | 204.49 | 144°54'21" | 204.49 |
| C5 | 4912.8 | 8°24'42" | 204.49 | 315°05'21" | 204.49 |
| C6 | 4912.8 | 8°24'42" | 204.49 | 45°00'00" | 204.49 |
| C7 | 4912.8 | 8°24'42" | 204.49 | 135°00'00" | 204.49 |
| C8 | 4912.8 | 8°24'42" | 204.49 | 225°00'00" | 204.49 |
| C9 | 4912.8 | 8°24'42" | 204.49 | 315°00'00" | 204.49 |
| C10 | 4912.8 | 8°24'42" | 204.49 | 0°00'00" | 204.49 |
| C11 | 4912.8 | 8°24'42" | 204.49 | 90°00'00" | 204.49 |
| C12 | 4912.8 | 8°24'42" | 204.49 | 180°00'00" | 204.49 |
| C13 | 4912.8 | 8°24'42" | 204.49 | 270°00'00" | 204.49 |
| C14 | 4912.8 | 8°24'42" | 204.49 | 360°00'00" | 204.49 |



LEGEND:

- FOUND MONUMENT AS NOTED
- SETS 5/8" X 3/4" BEARER WITH YELLOW PLASTIC CAP MARKED "RHINE-CROSS GROUP LLC"
- RECORD INFORMATION PER PLAT OF TRUST ADDITION TO CASITAS-
- RECORD INFORMATION PER CS#80028
- RECORD INFORMATION PER CS#81974
- RECORD INFORMATION PER CS#84978
- BOUNDARY LINE
- EASEMENT LINE AS NOTED

THE BASIS OF BEARINGS IS GRID NORTH BASED UPON THE OREGON STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH ZONE.

EASEMENTS OF RECORD:

1. BY WAJ, PG 2125, NONEXCLUSIVE PERMANENT EASEMENT FOR PAPER OPTICS LINE, NOT DERIVABLE.
2. BY WAJ, PG 2024, NONEXCLUSIVE PERMANENT EASEMENT FOR PAPER OPTICS LINE, NOT DERIVABLE.

REGISTERED PROFESSIONAL LAND SURVEYOR
 JULY 11, 2000
 KETH R. RHINE
 OREGON
 EXPIRES
 RENEWAL DATE: 12-31-08

SURVEY FOR: CAPRI PROPERTIES LLC
 520 KLAMATH AVE.
 KLAMATH FALLS, OR 97601

DATE: AUGUST 2007 PROJECT NO. 646

R-C RHINE-CROSS GROUP LLC
 ENGINEERING - SURVEYING - PLANNING
 430 WALNUT AVE. - P.O. BOX 599
 KLAMATH FALLS, OREGON 97601

Phone: (541) 851-9405 Fax: (541) 279-9200 email@rc-grp.com