

Train Mountain Railroad (Ross Perrin)
36941 S. Clatskanie Rd.
Clatskanie, OR 97624

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2008-007411
Klamath County, Oregon



05/20/2008 01:06:07 PM

Fee: \$41.00

RESTRICTIVE COVENANT
(DEED RESTRICTION)

The undersigned, being the record owners of all of the real property described as follows, attached hereto as Exhibit A, also described in Conditional Use Permit 31-07 November 30, 2007 do 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 miniature, 7.5-inch gauge railroad with the necessary infrastructure on properties listed on Exhibit A hereto attached, the following restrictive covenant(s) bind the subject property:

"Subject properties even if all activities are free of charge are not exempt by the Oregon Structural Specialty Code as well as any outdoor activities such as amusement structures."

This covenant shall not be modified or terminated except by 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.

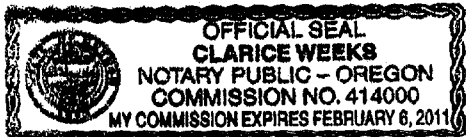
Dated this 28th day of December 2007

Record Owner _____

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above name QUENTIN BREEN and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 28th day of December 2007.

By CLARICE WEEKS



Clarice Weeks
Notary Public for the State of Oregon
My Commission Expires: FEB 6 2011

SITE DESCRIPTION

The subject parcel is described as:

1. Tax Lot 00602 identified as a 11.90± acre parcel located in Section 20 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R794162
2. Tax Lot 00701 identified as a 4.68± acre parcel located in Section 20 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R705295
3. Tax Lot 00101 identified as a 2.54± acre parcel located in Section 28 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R18028
4. Tax Lot 00301 identified as a 149.03± acre parcel located in Section 28 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R18055
5. Tax Lot 02500 identified as a 16.78± acre parcel located in Section 28D in Township 34 South, Range 07 East Willamette Meridian, Tax Account R196148
6. Tax Lot 00102 identified as a 58.55± acre parcel located in Section 29 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R729769
7. Tax Lot 00401 identified as a 2.50± acre parcel located in Section 29 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R875540
8. Tax Lot 00701 identified as a 105.89± acre parcel located in Section 29 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R17617
9. Tax Lot 00800 identified as a 160.00± acre parcel located in Section 29 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R196415
10. Tax Lot 01100 identified as a 119.49± acre parcel located in Section 29 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R196451
11. Tax Lot 00500 identified as a 19.93± acre parcel located in Section 31D in Township 34 South, Range 07 East Willamette Meridian, Tax Account R872044

12. Tax Lot 00100 identified as a 460.00± acre parcel located in Section 32 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R197076
13. Tax Lot 00200 identified as a 60.00± acre parcel located in Section 32 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R197085
14. Tax Lot 00800 identified as a 10.00± acre parcel located in Section 32 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R197147
15. Tax Lot 00900 identified as a 20.00± acre parcel located in Section 32 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R197156
16. Tax Lot 01000 identified as a 20.00± acre parcel located in Section 32 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R197165
17. Tax Lot 00100 identified as a 17.79± acre parcel located in Section 33 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R197334
18. Tax Lot 00200 identified as a 20.00± acre parcel located in Section 33 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R197343
19. Tax Lot 00300 identified as a 120.00± acre parcel located in Section 33 in Township 34 South, Range 07 East Willamette Meridian, Tax Account R197352
20. Tax Lot 00100 identified as a 84.00± acre parcel located in Section 04 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R223323
21. Tax Lot 00200 identified as a 20.00± acre parcel located in Section 04 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R223332
22. Tax Lot 00300 identified as a 117.24± acre parcel located in Section 04 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R223341

23. Tax Lot 00400 identified as a 20.00± acre parcel located in Section 04 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R223412
24. Tax Lot 01200 identified as a 4.60± acre parcel located in Section 04 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R223458
25. Tax Lot 01600 identified as a 6.41± acre parcel located in Section 04 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R223396
26. Tax Lot 01700 identified as a 2.56± acre parcel located in Section 04 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R223403
27. Tax Lot 01800 identified as a 5.00± acre parcel located in Section 04 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R223387
28. Tax Lot 01800 identified as a 1.13± acre parcel located in Section 04 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R599711
29. Tax Lot 02600 identified as a 14.75± acre parcel located in Section 04A in Township 35 South, Range 07 East Willamette Meridian, Tax Account R223733
30. Tax Lot 02800 identified as a 6.39± acre parcel located in Section 04A in Township 35 South, Range 07 East Willamette Meridian, Tax Account R223760
31. Tax Lot 00100 identified as a 22.00± acre parcel located in Section 05 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R218543
32. Tax Lot 00200 identified as a 20.00± acre parcel located in Section 05 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R218552
33. Tax Lot 00300 identified as a 180.25± acre parcel located in Section 05 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R218936



34. Tax Lot 00400 identified as a 22.40± acre parcel located in Section 05 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R218954
35. Tax Lot 00500 identified as a 18.60± acre parcel located in Section 05 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R218963
36. Tax Lot 00900 identified as a 160.0± acre parcel located in Section 05 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R218561
37. Tax Lot 00100 identified as a 6.49± acre parcel located in Section 06A in Township 35 South, Range 07 East Willamette Meridian, Tax Account R872045
38. Tax Lot 00200 identified as a 0.29± acre parcel located in Section 06A in Township 35 South, Range 07 East Willamette Meridian, Tax Account R787027
39. Tax Lot 00100 identified as a 123.85± acre parcel located in Section 09 in Township 35 South, Range 07 East Willamette Meridian, Tax Account R232073
40. Tax Lot 01600 identified as a 10.39± acre parcel located in Section 09A in Township 35 South, Range 07 East Willamette Meridian, Tax Account R232135
41. Tax Lot 01700 identified as a 8.87± acre parcel located in Section 09A in Township 35 South, Range 07 East Willamette Meridian, Tax Account R231895 & R597615
42. Tax Lot 01800 identified as a 10.47± acre parcel located in Section 09A in Township 35 South, Range 07 East Willamette Meridian, Tax Account R232037
43. Tax Lot 01900 identified as a 02.0± acre parcel located in Section 09A in Township 35 South, Range 07 East Willamette Meridian, Tax Account R232064

Staff Finding No. 2

The subject property is adequately described as required for a Conditional Use Permit.

