

2009-000846

Klamath County, Oregon

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01/26/2009 09:42:44 AM

Fee: \$26.00

After recording return to:

Tom Tresler  
1215 Jay Street  
Colusa, CA 95932

### RESTRICTIVE COVENANT BIG GAME WINTER RANGE

The undersigned, being the record owners of all of the real property described as follows; **42841 Highway 97 N Chiloquin, OR 97624** 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 R-3407-02100-00100-000 in Township 34 South, Range 7 East, Section 21**, 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; and in regard to fencing; requires the perimeter of the property, if fenced, to be for livestock control purposes only; that fencing around home sites shall enclose no greater than 1 acre, and where designed to exclude wildlife shall not be placed within critical habitat or a migration corridor as may be identified by the Oregon Department of Fish and Wildlife"

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 24<sup>th</sup> day of January, 2009

Arath Tresler

Thomas Tresler

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

Returned to County

BRIAN ROSS  
1-15

State of California )  
 )ss  
County of Sutter )

On January 24, 2009 before me, Brian Boundy  
Notary Public, personally appeared Arah Tresler and Thomas Tresler, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature Brian Boundy (Seal)



#### EXHIBIT A LEGAL DESCRIPTION

*That portion of the NE ¼ section lying east of Highway 97 In Sect 21, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County Oregon. Saving and excepting there from that portion conveyed to the State of Oregon by and through its Department of Transportation, Highway Division in Warranty Deed recorded July 11, 1990 In Volume M90- Page 13707, microfilm Records of Klamath County, Oregon.*

