

After recording contact:
Tim Henion- 503.519.8591



05/29/2009 09:15:54 AM

Fee: \$31.00

RESTRICTIVE COVENANT
Fire Siting Standards for Cell Tower Modifications

The undersigned, Quintin M & Melba L Nerida being the owners of record of all of the real property described as follows; R-39-7E-25 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 (File Number 60-08) to develop on property designated by the Klamath County Assessor's Office as Tax Lot 700 in Township 39 South, Range 07 East Willamette Meridian, Section 30, the following restrictive covenant(s) hereafter bind the subject property:

1. Road access shall meet the following minimum standards:
 - A. Maximum grade shall not exceed 10 percent.
 - B. Road surface must be a minimum of 20 feet wide with an all weather surface capable of supporting a fire apparatus at 60,000 lbs minimum or as prescribed by the Fire Marshall.
 - C. The entire legal access way shall be maintained, at all times, as a fuel break free of brush and other flammable material.
 - D. Installation of bridges or culverts shall have a minimum load limit of 40,000 lbs (20 ton) or as prescribed by the Fire District having jurisdiction, whichever is greater, and not be narrower than the improved travel surface serving each end.
2. Property fuel breaks, landscaping and maintenance shall be planned in accordance with the following minimum standards:
 - A. A Primary Fuel Break shall be created and maintained no less than 30 feet in width extending from the wall line of any structure. Vegetation shall be less than 3 inches high, at all times. All trees within the primary break shall be thinned to 15 feet between tree crowns, and dead limbs near or over-hanging any structure shall be removed at all times.
 - B. A Secondary Fuel Break shall be created and maintained no less than 70 feet wide on the down-slope side and 35 feet on all other sides. Extend the fuel break to 100 feet on the downhill side where steep slopes or dense vegetation are present. Live trees and shrubbery shall be pruned to reduce the possibility of fire reaching structures. Low-growing plants and grasses when irrigation is available shall be maintained to prevent the buildup of flammable fuels.
 - C. Fences shall be constructed of nonflammable materials and maintained to eliminate the buildup of flammable refuse.
5. Identification signs shall be posted at the nearest county, state or federal road serving the property described in Exhibit A; and, constructed of nonflammable materials with letters at least 3 inches high, ½ inch line width; and, with a reflective color that contrasts sharply with the background of both the sign itself and the surrounding vegetation.

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 Planning 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.

This covenant must be signed by all property owners of record, identified in Exhibit A. Failure to secure property owner signatures shall not invalidate this covenant.

Dated this 22 day of May, 20 09.

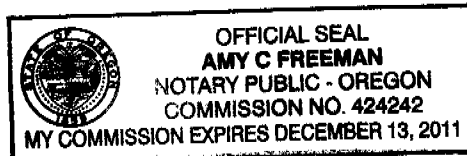
Quintin M. Nerida
Record Owner

Melba L. Nerida
Record Owner

QUINTIN M. NERIDA
Record Owner

Melba L. Nerida
Record Owner

STATE OF OREGON)
) ss.
County of Klamath)



Personally appeared the above named persons and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 22 day of May, 20 09.

By Quintin and Melba Nerida

Amy C. Freeman
Notary Public for State of Oregon

My Commission Expires December 13, 2011

Note:

A copy of the recorded instrument must be returned to Klamath County Planning Department before development permits can be issued.

EXHIBIT A

Legal Description

Real property in the County of Klamath, State of Oregon, described as follows: All that portion of the NE 1/4 of the SE 1/4 of Section 25, Township 39 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying Easterly and Northerly of Klamath River Acres, Sixth Addition.

All that portion of the E 1/2 of the NE 1/4 of Section 25, Township 39 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying Easterly of Klamath River Acres, Sixth Addition.

All of the SW 1/4 of the NW 1/4 of Section 30, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

Also an easement, described as follows: "... together with a strip of land 25 feet wide measured at right angles for the purpose of ingress and egress and public utilities lying North of the South line of Lot 10, Block 38 Klamath River Acres, Sixth Addition.

NOTE: This legal description was created prior to January 1, 2008.

Tax Parcel Number: R487146 and R488083 and R49206

