



00067623200900081130060064

06/11/2009 03:28:50 PM

Fee: \$46.00

NTC 1394-9575

After Recording Return to:
Running Y Ranch Attn: Jon Barkee
5115 Running Y Road Klamath Falls, OR 97601

DECLARATION OF COVENANTS AND RESTRICTIONS

FOR THE

**{Klamath Community Youth Sports Complex Compensatory Mitigation
Project (Mouse Field)}**

THIS DECLARATION made this 9th day of JUNE, 2009,
by JELD-WEN, Inc., ("Declarant").

RECITALS

1. WHEREAS, Declarant is the owner of the real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto and by this reference incorporated herein as the "Property", and desires to {create restore or enhance} thereon wetlands to be maintained in accordance with the Permit Number approved by the Oregon Department of State Lands ("Department");

2. WHEREAS, Declarant desires to provide for the preservation and enhancement of the wetland values of the Property and for the maintenance and management of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of the Property.

NOW, THEREFORE, the Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration.

ARTICLE 1

DEFINITIONS

1.1 "Declaration" shall mean the covenants, restrictions, and all other provisions set forth in the Declaration of Covenants and Restrictions.

1.2 "Declarant" shall mean and refer to JELD-WEN, Inc., its successors or assigns.

Alam

1.3 "Removal fill permit" shall mean the final document approved by the Department that formally establishes the wetland mitigation and stipulates the terms and conditions of its construction, operation and long-term management.

1.4 "Property" shall mean and refer to all real property subject to this Declaration, as more particularly set forth in Exhibits "A" and "B".

ARTICLE 2

PROPERTY SUBJECT TO THIS DECLARATION

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Klamath County, Oregon and is more particularly described in Exhibits "A" and "B".

ARTICLE 3

GENERAL PLAN OF DEVELOPMENT

Declarant currently manages the site for the purpose of wetland mitigation. Current management is in accordance with Permit Number WD 2002-0460.

ARTICLE 4

USE RESTRICTIONS AND MANAGEMENT RESPONSIBILITIES

The Property shall be used and managed for wetland mitigation purposes in accordance with Permit Number WD 2002-0460. Declarant and all users of the Property are subject to any and all easements, covenants and restrictions of record affecting the Property.

1. There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation in the Property, nor any disturbance or change in the natural habitat of the Property, unless such work is performed in accordance with the objectives of the Mitigation Plan.
2. There shall be no agricultural or industrial activity undertaken or allowed in the Property; nor shall any right of passage across or upon the Property be allowed or granted if that right of passage is used in conjunction with agricultural or industrial activity. No domestic animals shall be kept on the property.
3. There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Property in any manner.
4. There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material on the Property.

ARTICLE 5
RESOLUTION OF DOCUMENT CONFLICTS

In the event of any conflict between this Declaration and Permit Number WD 2002-0460, the permit shall control.

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument this ~~June~~ 9th day of June, ~~19~~ 2009

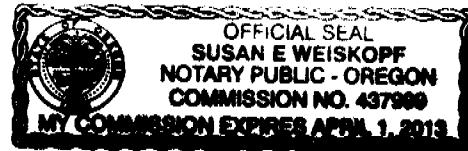
JELD-WEN, Inc.
Klamath County, Oregon

33 By: [Signature]

Title: Vice President, General Counsel

STATE OF OREGON)
County of Klamath)

SS:



This instrument was acknowledged before me on June 9, 2009 (date) by
David G. Stork (name of person) as Vice President
and General Counsel (title) of JELD-WEN, Inc., of
Klamath County, Oregon.

[Signature: Susan E Weiskopf]
Signature of Notarial Officer

My Commission Expires: 4/1/2013

MAY 27, 2009

RUNNING Y RESORT
KLAMATH SPORTS PARK MITIGATION AREA

WHPACIFIC PROJECT NO. 30057

(THE FOLLOWING DESCRIBED PARCEL LIES WITHIN THE PROPERTY DESCRIBED
IN VOLUME 2007, PAGE 008830 OF THE KLAMATH COUNTY DEED RECORDS)

EXHIBIT "A"

A PARCEL OF LAND, SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 7,
TOWNSHIP 38 SOUTH, RANGE 8 EAST, WILLAMETTE MERIDIAN, KLAMATH
COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTIONS 5
AND 8 OF SAID TOWNSHIP 38 SOUTH, RANGE 8 EAST; THENCE NORTH 80°59'12"
WEST, 5,604.96 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE
HIGHWAY 140, 60.00 FEET RIGHT OF ENGINEER'S CENTERLINE STATION
1643+94.62; THENCE ALONG SAID RIGHT-OF-WAY LINE AND ALONG A SPIRAL
CURVE TO THE LEFT, 144.14 FEET, 60.00 FEET RIGHT OF ENGINEER'S CENTERLINE
STATION 1645+38.76 P.S.C., THE CENTERLINE OF SAID SPIRAL CURVE BEING 300
FEET IN LENGTH AND HAVING A CENTRAL ANGLE OF 00°54'00"; THENCE
CONTINUING ALONG SAID RIGHT-OF-WAY LINE AND ALONG A 9,609.30 FOOT
RADIUS CURVE TO THE LEFT, 363.51 FEET, SAID CURVE HAVING A CENTRAL
ANGLE OF 02°10'03", THE CHORD OF WHICH BEARS SOUTH 40°06'26" EAST;
THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 00°00'00" WEST 2191.95 FEET
TO A POINT OF CURVATURE; THENCE ALONG A 150.00 FOOT RADIUS CURVE TO
THE RIGHT, 157.57 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 60°11'20",
THE CHORD OF WHICH BEARS SOUTH 30°05'40" WEST 150.43 FEET TO A POINT OF
TANGENCY; THENCE SOUTH 60°11'20" WEST 26.39 FEET TO A POINT OF
CURVATURE; THENCE ALONG A 150.00 FOOT RADIUS CURVE TO THE RIGHT, 134.92
FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 51°32'03", THE CHORD OF
WHICH BEARS SOUTH 85°57'21" WEST 130.41 FEET TO A POINT OF TANGENCY AND
TO THE SOUTHERLY LINE OF PROPERTY DESCRIBED IN DEED VOLUME 2007, PAGE
008830; THENCE ALONG SAID DEED LINE NORTH 68°16'37" WEST 333.49 FEET;
THENCE LEAVING SAID DEED LINE NORTH 04°44'50" WEST 779.47 FEET; THENCE
NORTH 68°16'37" WEST 213.50 FEET; THENCE NORTH 85°07'04" WEST 30.00 FEET;
THENCE NORTH 04°52'56" EAST 41.02 FEET; THENCE NORTH 00°28'57" EAST 232.47
FEET; THENCE NORTH 04°18'26" EAST 334.54 FEET; THENCE NORTH 07°43'30" EAST
153.30 FEET; THENCE NORTH 01°18'53" EAST 217.31 FEET; THENCE NORTH 05°25'11"
EAST 151.82 FEET TO A POINT OF CURVATURE; THENCE ALONG A 197.00 FOOT
RADIUS CURVE TO THE RIGHT, 213.75 FEET, SAID CURVE HAVING A CENTRAL
ANGLE OF 62°10'00", THE CHORD OF WHICH BEARS NORTH 36°30'10" EAST 203.42
FEET TO A POINT OF TANGENCY; THENCE NORTH 67°35'10" EAST 106.25 FEET TO A
POINT OF CURVATURE; THENCE ALONG A 310.00 FOOT RADIUS CURVE TO THE
LEFT, 282.28 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 52°10'18", THE
CHORD OF WHICH BEARS NORTH 41°30'01" EAST 272.62 FEET TO A POINT OF
TANGENCY; THENCE NORTH 15°24'52" EAST 129.61 FEET; THENCE NORTH 01°59'28"

EAST 87.93 FEET TO SAID STATE HIGHWAY 140 RIGHT-OF-WAY LINE AND THE
POINT OF BEGINNING.

CONTAINING APPROXIMATELY 38.61 ACRES OR 1,682,008 SQUARE FEET MORE OR
LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PER THE OREGON STATE
PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 DATUM.

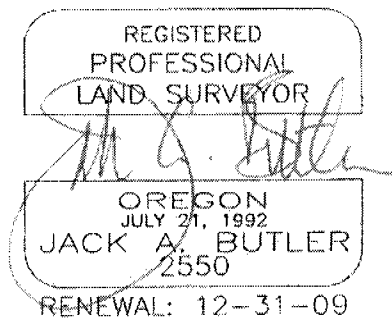
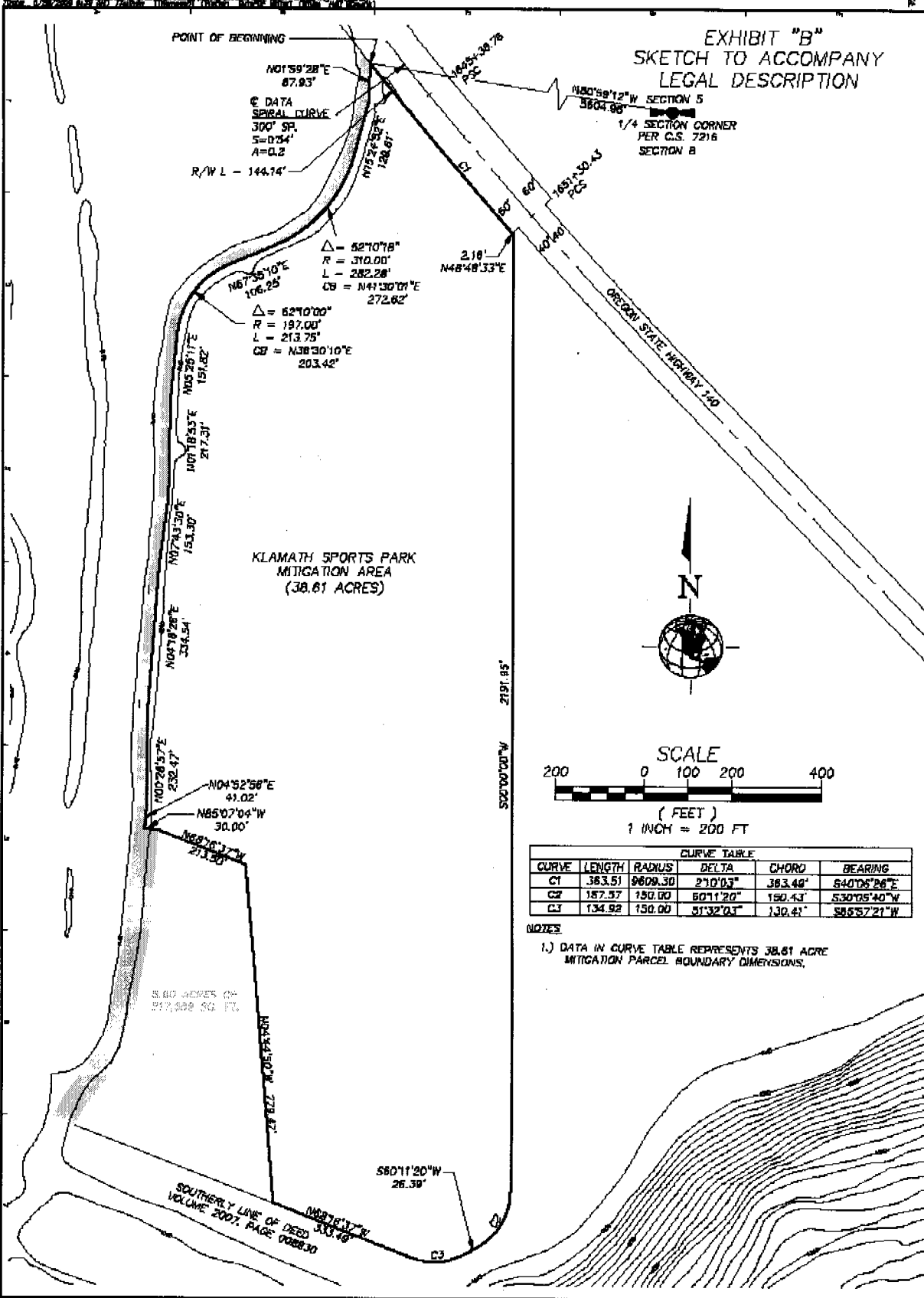


EXHIBIT "B" SKETCH TO ACCOMPANY LEGAL DESCRIPTION



DRAWN BY: JES LAST DATE: 05/28/08 DATE: 05/28/08 BY: JES CHECKED BY: JES APPROVED BY: JES DATE: 05/28/08 BY: JES		EXHIBIT "B" RUNNING Y RESORT KLAMATH SPORTS PARK MITIGATION AREA KLAMATH COUNTY, OREGON SCALE: 1"=200' PROJECT NO: 300257 DRAWING FILE NAME: 300257-004-000000		WHPacific 600 N. W. 10th St. Astoria, OR 97103 503.325.1111 www.whpacific.com
---	--	---	--	--