

2009-010024

Klamath County, Oregon

After recording return to:  
Verizon Wireless  
5430 NE 122nd Avenue  
Portland, OR 97230



07/23/2009 01:52:40 PM

Fee: \$31.00

SITE: OR6 MALIN

**RESTRICTIVE COVENANT**  
**Fire Siting Standards for Cell Tower Modifications**

The undersigned, HICKEY RANCHES, INCORPORATED, a corporation, (insert names of all property owners) being the owners of record of all of the real property described as follows; R-4111-00300-01200 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 26-09, including any applicable previous or future permits related to the wireless telecommunications facility) to develop on property designated by the Klamath County Assessor's Office as Tax Lot 1200 in Township 41 South, Range 11 East, Section 3, 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 7 day of July, 2009.

Andy Hickey for A.R.I.  
HICKEY RANCHES INCORPORATED

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 7 day of July, 2009

By Andy Hickey For HRI



Margaret John  
Notary Public for State of Oregon

My Commission Expires:

9-12-2010

## EXHIBIT A

The concerned 100 foot by 100 foot leased property is owned by Hickey Ranches Incorporated in the County of Klamath located in the Southwest Quarter of the Southwest Quarter of Section 3 Township 41 South, Range 11 East, W.M., described as follows:

Commencing at the Southwest Corner of Section 3, Township 41 South, Range 11 East, W.M., thence North along the West Section Line a distance 700 feet more or less to a point on the West Section Line, thence East a distance of 595 feet more or less, to a point, said point being the True Point of Beginning of the Lease Area being described herein, thence East a distance of 100 feet, thence North a distance of 100 feet, thence West a distance of 100 feet, thence South a distance of 100 feet to the True Point of Beginning; an area containing 10,000 square feet.