

2009-010025

Klamath County, Oregon

Page 1 of 3

After recording return to:

Verizon Wireless
ATTN: Network Real Estate
5430 NE 122nd Avenue
Portland, OR 97230



00069941200900100250030037

07/23/2009 01:54:43 PM

Fee: \$31.00

RESTRICTIVE COVENANT
Fire Siting Standards for Cell Tower Modifications

The undersigned, Lillian M. Hill, (and her successors) as Trustee of the Lillian M. Hill Trust U.T.A.D September 14, 2005, and Lillian M. Hill (and her successors) as Trustee of Trust "B" of the William V. Hill, Sr. and Lillian M. Hill Trust dated July 15, 1991, (collectively), being the owners of record of all of the real property 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 CUP-16-09) to develop on property designated by the Klamath County Assessor's Office as Tax Lot R-3614-00000-03600-000 in Township 36 South, Range 14 East, Section 23, 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

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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 17th day of July, 2009

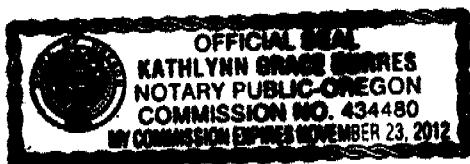
Lillian M. Hill, Trustee
Lillian M. Hill, Trustee

Lillian M. Hill, Trustee
Lillian M. Hill Trustee

STATE OF OREGON)
) ss.
County of ~~Klamath~~)
 Gilliam

Personally appeared the above named persons and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 17th day of July, 2009.

By Lillian M Hill



Kathlynn Burres
Notary Public for State of Oregon

My Commission Expires:

11-23-12

EXHIBIT A
Legal Description

For only that specific portion of the property used by RCC Atlantic, Inc., dba Verizon Wireless on the following subject property:

The following described real property situated in Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Section 23: ALL

EXCEPT the following described portion thereof; Beginning at a point 100 feet West of the Southeast corner of SW1/4 SE1/4 of said Section 23; thence North 200 feet; thence West 200 feet; thence South 200 feet; thence East 200 feet to the place of beginning;

ALSO EXCEPTING portion conveyed to Klamath County, Oregon, by deed recorded in Volume 288 at page 189.

ALSO EXCEPT any portion lying within County road right of ways.