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10/08/2009 01:08:52 PM

Fee: \$42.00

After recording return to:

Tim Henion  
19561 Brookside Way  
Bend, Oregon 97702

### RESTRICTIVE COVENANT Conditional Use Permit

The undersigned, being the record owners of all of the real property described as follows; Klamath County  
School District 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 400 in Township 39 South, Range 9 East, Section 15, the following restrictive covenant(s) hereafter bind the subject property:

"Declarant and Declarant's heirs, legal representatives, assigns, and lessees hereby recognize(s) the rights of adjacent and nearby landowners to conduct farm and forest operations consistent with accepted farming practices and Forest Practices Act, ORS 30.090 and Rules for uses authorized by this Code."

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 23 day of September, 2009.

Ken Hadlock

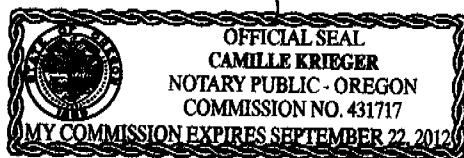
Record Owner

Record Owner

STATE OF OREGON     )  
                                   ) ss.  
 County of Klamath    )

Personally appeared the above named Ken Hadlock and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 23 day of Sept, 2009

By Camille Krieger



Camille Krieger  
 Notary Public for State of Oregon  
 My Commission Expires: 9-22-2012

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

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**EXHIBIT A**  
**LEGAL DESCRIPTION**

**PARCEL 1:**

COMMENCING AT THE ONE-QUARTER CORNER COMMON TO SECTIONS 14 AND 15, TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M. KLAMATH COUNTY, OREGON; THENCE SOUTH  $0^{\circ} 06'$  WEST ALONG THE EAST BOUNDARY OF SECTION 15 A DISTANCE OF 370.60 FEET; THENCE NORTH  $89^{\circ} 54'$  WEST, 30.00 FEET TO A POINT ON THE WEST BOUNDARY OF SUMMERS LANE FOR THE TRUE POINT OF BEGINNING; THENCE NORTH  $89^{\circ} 31'$  WEST, 414.44 FEET TO A  $5/8"$  IRON PIN; THENCE NORTH 623.79 FEET TO A  $5/8"$  IRON PIN; THENCE SOUTH  $89^{\circ} 59'$  EAST, 225.16 FEET TO A  $5/8"$  IRON PIN; THENCE NORTH  $01^{\circ} 30' 50"$  EAST, 97.67 FEET TO AN  $5/8"$  IRON PIN; THENCE NORTH  $30^{\circ} 30' 10"$  EAST, 371.98 FEET TO A  $5/8"$  IRON PIN ON THE WEST BOUNDARY OF SUMMERS LANE; THENCE ALONG SAID BOUNDARY SOUTH  $0^{\circ} 06'$  WEST, 370.61 FEET TO THE TRUE POINT OF BEGINNING;

**PARCEL 2:**

BEGINNING 349 FEET SOUTH AND 30 FEET WEST OF THE QUARTER SECTION CORNER BETWEEN SECTIONS 14 AND 15 TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M. THENCE WEST 165 FEET; THENCE SOUTH 528 FEET; THENCE EAST 165 FEET; THENCE NORTH 528 FEET TO PLACE OF BEGINNING.

AND BEGINNING AT A POINT 349 FEET SOUTH AND 195 FEET WEST OF THE QUARTER SECTION CORNER BETWEEN SECTIONS 14 AND 15, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF WILLAMETTE MERIDIAN; THENCE WEST 165 FEET; THENCE SOUTH 528 FEET; THENCE EAST 165 FEET; THENCE NORTH 528 FEET TO THE PLACE OF BEGINNING.

**LESS AND EXCEPT THEREFROM:**

COMMENCING AT THE ONE-QUARTER CORNER COMMON TO SECTIONS 14 AND 15, TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M., KLAMATH COUNTY, OREGON, THENCE SOUTH  $0^{\circ} 06'$  WEST ALONG THE EAST BOUNDARY OF SECTION 15, A DISTANCE OF 898.60 FEET; THENCE NORTH  $89^{\circ} 54'$  WEST, 30.00 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN VOLUME 223, PAGE 319, OF TITLE DEED RECORDS OF KLAMATH COUNTY, OREGON, FOR THE TRUE POINT OF BEGINNING; THENCE NORTH  $89^{\circ} 31'$  WEST ALONG THE NORTH BOUNDARY OF SAID TRACT, 330.00 FEET; THENCE NORTH  $0^{\circ} 06'$  EAST, PARALLEL TO THE EAST BOUNDARY OF SECTION 15, A DISTANCE OF 528.00 FEET; SAID POINT BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN VOLUME 148, PAGE 493 OF THE DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE SOUTH  $89^{\circ} 31'$  EAST, 70.00 FEET; THENCE SOUTH  $0^{\circ} 06'$  WEST 468.00 FEET; THENCE SOUTH  $89^{\circ} 31'$  EAST, 260.00 FEET TO THE WEST BOUNDARY OF SUMMERS LANE; THENCE SOUTH  $0^{\circ} 06'$  WEST ALONG SAID BOUNDARY, 60.00 FEET TO THE TRUE POINT OF BEGINNING. THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE SUBDIVISION PLAT OF ELMWOOD PARK.