

2009-013585

Klamath County, Oregon

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10/19/2009 12:32:40 PM

Fee: \$42.00

After recording return to:

Jerry & Vicki Iverson  
19909 50th Ave NE  
Salem Ore 97305

# RESTRICTIVE COVENANT BIG GAME WINTER RANGE

The undersigned, being the record owners of all of the real property described as follows; R-3910-010 BC-00605 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 605 in Township 39 South, Range 10 East, Section 10 BC and located within an identified Goal 5 Big Game Winter Range habitat area, the following restrictive covenant(s) hereafter bind the subject property:

"Declarant and Declarant's heirs, legal representatives, assigns, and lessees hereby acknowledge and agree to accept by the recording of this instrument that the property herein described is subject to Statewide Planning Goal 5 resource habitat protections implemented through the Klamath County Land Development Code, which requires the owner to control free-roaming dogs and prohibits off-road vehicle use on the property herein described during the period of November through April each year; and in regard to fencing requires the perimeter of the property, if fenced, to be for livestock control purposes only; that fencing around home sites shall enclose no greater than 1 acre, and where designed to exclude wildlife shall not be placed within critical habitat or a migration corridor as may be identified by the Oregon Department of Fish and Wildlife"

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 19 day of October, 2009.

Vicki Iverson  
Record Owner

Jerry Iverson  
Record Owner

STATE OF OREGON )  
 ) ss.  
County of Klamath )

Personally appeared the above names Vicki Iverson and Jerry Iverson and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 19 day of October, 2009.

By Lisa Kessler



Lisa Kessler  
Notary Public for State of Oregon  
My Commission Expires: Mar. 13, 2011

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

## **EXHIBIT "A"**

### **DESCRIPTION FOR A PUBLIC ROADWAY ACCESS EASEMENT**

A thirty (30) foot wide public roadway easement, for the purpose of ingress and egress, over and across Parcels 1 and 3 of Land Partition No. 4-07, situated in the SW1/4 NW1/4 of Section 10, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, said easement being parallel with and 30.00 feet northwesterly of the following described line:

Beginning at a point on the south line of Parcel 3 of Land Partition No. 4-07, said point also being on the east line of that 30' wide access and public utility easement created per Land Partition No. 56-98; thence N.56°49'38"E., 32.71 feet to the beginning of a tangent curve to the left, having a radius of 226.67 feet; thence northeasterly, along the arc of said curve, distance of 85.03 feet to the south line of Ivy Lane as shown on said Land Partition No. 4-07, (chord of said curve bears N.46°04'55"E. a distance of 84.53 feet); thence N.66°29'07"E. a distance of 214.35 feet to the beginning of a tangent curve to the left, having a radius of 190.00 feet; thence northeasterly a distance of 72.19 feet along the arc of said curve to the most southerly corner of Parcel 1 of said Land Partition No. 4-07, (chord of said curve bears N.55°36'03"E. a distance of 71.75 feet); thence continuing northeasterly along said 190.00 foot radius curve to the left, an arc distance of 158.53 feet (chord of said curve bears N.20°48'50"W. a distance of 153.97 feet) to the end said easement line, with the westerly line of said easement, and described strip of land, extended to intersect with the south line of said Parcel 3.