Page 1 of 3

After recording return to:

2010-002459 Klamath County, Oregon

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02/18/2010 02:35:14 PM

Fee: \$47.00

RESTRICTIVE COVENANT Fire Siting Standards for Cell Tower Modifications

The undersigned, <u>JOHN E 4 JAURA V HOLE</u> (insert names of property owners) being the owners of record of all of the real property described as follows; R-390	al!
property owners) being the owners of record of all of the real property described as follows; R- 396	28
<u> 人(の - 0 0 2万</u> end further identified by "Exhibit A" attached hereto, do hereby make the followin	חם
restrictive covenant(s) for the above-described real property, specifying that the covenant(s) shall run wi	th
the land and shall be binding on all persons claiming under such land, and that these restrictions shall be	Эе
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)	to
develop on property designated by the Klamath County Assessor's Office as Tax Lot <u>00308</u> . Township <u>39</u> South, Range <u>08</u> East, Section <u>02100</u> the following restrictive covenant(in
	s)
hereafter bind the subject property: Set Zxhib, + A	·

- 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.
- 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.

4 1	
Dated this 16 day of 1eb , 20 10	 /
ahn & Anle	Saura / Hole
/ Record Owner	Record Owner
Record Owner	Record Owner
Indiana STATE OF OPECONAL)	
STATE OF OREGON _H .)) ss.	
County of Klamath) Mori⊸.	
Personally appeared the above named persons and acknowluntary act and deed before me this	wledged the foregoing instrument to be his/hell day of ★
By traffic	
KRISTY MARS NOTARY PUBLIC	Kilua
STATE OF INDIANA (BOONE COUNTY) MY OGMONSSION SKIPKES DED 27, 2014	Notary Publisher State of Oregon Indiana
	My Commission Expires:
	12-27-2014

Note:

A copy of the recorded instrument must be returned to Klamath County Planning Department before development permits can be issued.



THIS SPACE

2008-000988 Klamath County, Oregon

ExhibitA



01/23/2008 03:17:57 PM

Fee: \$21.00

After recording return to: Trustees of the Laura V. Hale Living Trust 7644 Forest Dr. Fishers, IN 46038 Until a change is requested all tax statements shall be sent to the following address:

Trustees of the Laura V. Hale Living Trust 7644 Forest Dr. Fishers, IN 46038

Escrow No. Title No. SWD

MT80051-MS

0080051

STATUTORY WARRANTY DEED

W.S. Robinson and Doris M. Robinson, as tenants by the entirety, Grantor(s) hereby convey and warrant to John E. Hale and Laura V. Hale, Trustees of the Laura V. Hale Living Trust, Grantee(s) the following described real property in the County of KLAMATH and State of Oregon free of encumbrances except as specifically set forth herein: **Dated December 22, 1999

Parcel 2 of Land Partition 28-94 located in the NE1/4 of Section 21, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$170,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195,300, 195,301 AND 195,305 TO 195,336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE TO ND

ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 195.300, 195.301 A 195.305 TO 195.305 AND SECTIONS 5 TO 195.305
195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.
Dated this
W.S. Robinson
Davin In Roll
Doris M. Robinson
Winfred S. Robinson, her attorney in fact
State of Oregon County of KLAMATH
This instrument was acknowledged before me on 1-18 2008 by W.S. Robinson, also become a Windowski
Robinson, individually and as Attorney in Fact for Doris M. Robinson.
OFFICIAL SEAL MARJORIE A STUART NOTARY PUBLIC- OREGON (Notary Public for Oregon)
COMMISSION NO. 412331 () HY COMMISSION EXPIRES DEC 20, 2010 () My commission expires (2720) (0