

After recording return to:

Lani R. Hickey  
P.O. Box 785  
Merrill, OR 97633



00092078201000125250060068

10/25/2010 09:56:13 AM

Fee: \$62.00

**RESTRICTIVE COVENANT**  
**Fire Siting Standards**

The undersigned, Dennis P. Hickey Jr & Lani R. Hickey (insert names) being the owners of record of all of the real property described as follows; R-4012 - 31 - 200 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 develop on property designated by the Klamath County Assessor's Office as Tax Lot 200 in Township 40 South, Range 12 East, Section 31, the following restrictive covenant(s) hereafter bind the subject property:

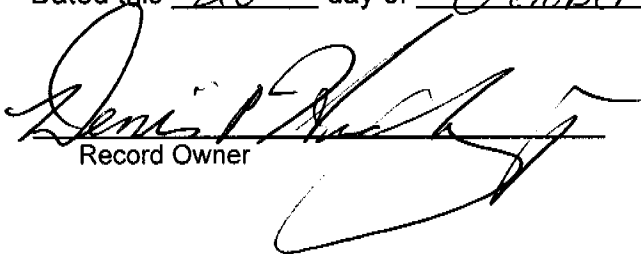
1. All new development shall comply with the following:
  - A. Provide a dependable supply of water adequate for normal daily consumption and peak emergency needs from a source authorized in accordance with Oregon Administrative Rule (OAR) and that any surface water used is not from a Class II stream.
  - B. Provide for and make available a permanent source of water with a capacity of 4000 gallons or more. If a stream, pond, or lake exists within 500 feet of the homesite a road access shall be provided to within 15 feet of the water's edge. Access to water shall be not less than 15 feet wide and shall be an improved and maintained surface with an improved vehicle turning area of sufficient size to accommodate local fire protection equipment.
  - C. Where residences are supplied with individual water systems without a permanent source of water for fire suppression (e.g., fire hydrants), the following standards shall apply:
    - a. At least one 1 inch hydrant standpipe shall be provided at least 50 feet from a building and no greater distance than 10 feet from the driveway with adequate protection from freezing weather.
    - b. Electrical service to a well pump shall not pass through, under, or onto any non-well protecting structure.
2. 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.

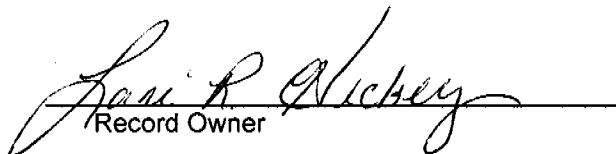
- C. The entire legal access way shall be maintained, at all times, as a fuel break free of brush and other flammable material.
  - D. The length of cul-de-sacs shall not exceed 700 feet and have a right-of-way with a 50 foot radius with an improved vehicle turning area not less than 80 feet in diameter.
  - E. Installation of bridges or culverts shall have a minimum load limit of 40,000 lbs (20 ton) and not be narrower than the improved travel surface serving each end.
3. All structures shall be constructed to the following standards:
- A. Roofing materials shall carry a minimum of Class B rating. In areas of extreme fire hazard rating, Class A rated roof shall be required.
  - B. The siting of a manufactured home shall require fully skirting from the floor-line to the ground-line with vents or openings screened with corrosion-resistant mesh not greater than ¼ inch size.
  - C. All chimneys shall have spark arrest installed with nonflammable, corrosive-resistant material having opening in the mesh no larger than ¼ inch.
4. Property fuel breaks, landscaping and maintenance may 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 of a residence 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 roofs of structures or the crowns of trees. Low-growing plants and grasses 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. Home identification signs shall be posted at the nearest county, state or federal road serving the residence; 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.

Dated this 20<sup>th</sup> day of October, 20 10.

  
Record Owner

  
Record Owner

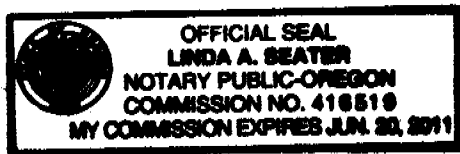
Record Owner

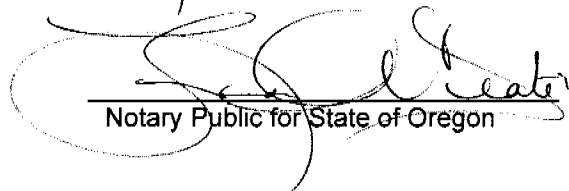
Record Owner

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 20<sup>th</sup> day of October, 20 10.

By Denis P. Hickey, Jr. ; Lani R. Hickey



  
Notary Public for State of Oregon

My Commission Expires:

 20, 2011

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

## **EXHIBIT A**

### **PARCEL 1**

Beginning at the SW corner of the NE1/4 SE1/4 of Section 31, Township 40 South, Range 12 East of the Willamette Meridian; thence East 280 feet; thence 20° North of East a distance of 330 feet to the West side of Poe Valley Market Road; thence Northerly along the West side of said Poe Valley Market Road to the West line of said NE1/4 SE1/4, Section 31, Township 40 South, Range 12 East, Willamette Meridian; thence Southerly along the West line of said NE1/4 SE1/4 in said Section, Township and Range to the point of beginning.

### **PARCEL 2**

The SE1/4 NW1/4, NE1/4 SW1/4, and those portions of the NE1/4 NW1/4 SW1/4 NE1/4 and NW1/4 SE1/4 lying Southwesterly of the County Road. All in Section 31, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

MT78290-KR

After recording return to:

Denis P. Hickey Jr.

PO Box 812

Merrill, OR 97633

Until a change is requested all  
tax statements shall be sent to  
The following address:

Denis P. Hickey Jr.

PO Box 812

Merrill, OR 97633

Escrow No. MT78290-KR

Title No. 0078290

SWD

### STATUTORY WARRANTY DEED

**Gerald Herman and Nelda Herman, as tenants by the entirety, Grantor(s) hereby convey and warrant to Denis P. Hickey Jr. and Lani R. Hickey, as tenants by the entirety, 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:**

**SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE**

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 **\$355,000.00**.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 7th day of March, 07.

Gerald Herman  
Gerald Herman

Nelda Herman  
Nelda Herman

State of Oregon  
County of KLAMATH

This instrument was acknowledged before me on 3-7, 2007 by Gerald/Herman and Nelda Herman.

Herbie Sinnock  
(Notary Public for Oregon)

My commission expires 9-8-09



*Parcel 1*  
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PARCEL 2

The SE1/4 NW1/4, NE1/4 SW1/4, and those portions of the NE1/4 NW1/4, SW1/4 NE1/4 and NW1/4 SE1/4 lying Southwesterly of the County Road. All in Section 31, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.