

UTC 1396-10373

# 82110

2011-001646

Klamath County, Oregon

After recording return to:

Jerry Barrett  
P. O. Box 965  
Merrill, OR 97633



00096746201100016460030037

02/11/2011 03:19:41 PM

Fee: \$47.00

RESTRICTIVE COVENANT  
Conditional Use Permit

The undersigned, being the record owners of all of the real property described as follows; Proposed Land Partition  
47-09 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 1601 in Township 41 South, Range 10 East,  
Section 3, 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 10th day of February, 2011.

Jerry E. Barrett  
Klamath Basin Storage, LLC  
Jerry E. Barrett, member

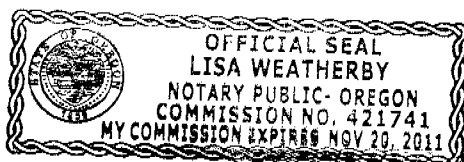
Jerry E. Barrett  
Jerry E. Barrett

Caroline K. Barrett  
Caroline K. Barrett

STATE OF OREGON )  
 ) ss.  
County of Klamath )

Personally appeared the above names Jerry E. Barrett individually and as member\* and acknowledged the  
foregoing instrument to be his/her voluntary act and deed before me this 10 day of February, 2011.

By \* of Klamath Basin Storage, LLC



Lisa Weatherby  
Notary Public for State of Oregon  
My Commission Expires: 11/20/2011



47Amf

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

**PARCEL 1**

The SE1/4 of Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING THEREFROM, that portion thereof described as follows:

A parcel of land situated in the SE1/4 of Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at an axle marking the Southwest corner of said SE1/4; thence North 00° 17' 30" East along the centerline of Merrill Pit Road, a county road 30.00 feet; thence South 89° 04' 13" East, 30.00 feet to the Easterly right of way line of said Merrill Pit Road and the point of beginning for this description; thence North 00° 17' 30" East along said right of way line, 2609.75 feet; thence South 89° 40' 30" East, 258.42 feet; thence South 09° 06' 53" East, 2652.97 feet to the Northerly right of way line of Falvey Road, a county road; thence North 89° 04' 13" West along said Northerly right of way line, 692.06 feet to the point of beginning.

AND EXCEPTING THEREFROM that portion thereof conveyed to Central Pacific Railway Company be deed recorded January 14, 1929, Deed Records of Klamath County, Oregon;

AND EXCEPTING THEREFROM that portion thereof lying Easterly of the Easterly right of way line of the Southern Pacific Railroad;

AND EXCEPTING THEREFROM Falvey Road.

**PARCEL 2**

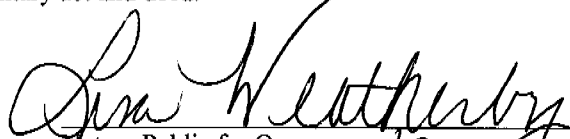
A parcel of land situated in the SE1/4 of Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

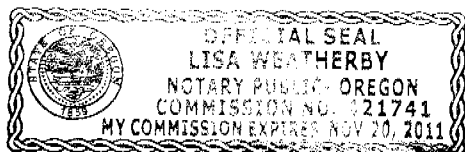
Commencing at an axle marking the Southwest corner of said SE1/4; thence North 00° 17' 30" East along the centerline of Merrill Pit Road, a county road 30.00 feet; thence South 89° 04' 13" East, 30.00 feet to the Easterly right of way line of said Merrill Pit Road and the point of beginning for this description; thence North 00° 17' 30" East along said right of way line, 2609.75 feet; thence South 89° 40' 30" East, 258.42 feet; thence South 09° 06' 53" East, 2652.97 feet to the Northerly right of way line of Falvey Road, a county road; thence North 89° 04' 13" West along said Northerly right of way line, 692.06 feet to the point of beginning.

State of Oregon  
County of Klamath

On this 11 day of February, 2011, personally appeared before me the above named Caroline K. Barrett, and acknowledged the foregoing instrument to be his/her/their voluntary act and deed.

WITNESS My hand and official seal.

  
Notary Public for Oregon  
My Commission expires: 11/20/2011



AMERITITLE has recorded this  
instrument by request as an accommodation only,  
and has not examined it for regularity and sufficiency  
or as to its effect upon the title to any real property  
that may be described therein.