

2011-006882

Klamath County, Oregon

After recording return to:

BILL ADAMS
PLANNING DIRECTOR
KLAMATH COUNTY



00102900201100068820020024

06/06/2011 09:14:47 AM

Fee: NO FEE

RESTRICTIVE COVENANT


In consideration of approval by Klamath County, Oregon of a Comprehensive Plan amendment and zone change, the undersigned, being the record owners of all of the real property described by the Klamath County Assessor's Office as follows; Map Nos. R-3909-003BC-01100 & R-3909-003CB-00100 & 00300 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.

"Declarant and Declarant's heirs, legal representatives, assigns, and lessees do hereby specify that when a proposed commercial development is identified for this property the TIS shall be updated to determine if the OR 39/Shasta Way intersection will function within ODOT v/c standards. If it is determined to meet standards with the development no mitigation will be required of the developer. If it is determined the development causes the intersection to exceed ODOT v/c standards, mitigation must be identified that is acceptable to ODOT and built before the development can open for business."

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.

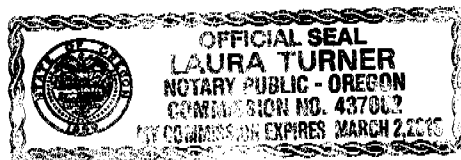
Dated this 1 day of June, 2011.


 Record Owner

STATE OF OREGON)
) ss.
 County of Klamath)

Personally appeared the above names William A. Switzer and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 1 day of June, 2011.

By Laura Turner Laura Turner.



Laura Turner
 Notary Public for State of Oregon
 My Commission Expires: March 2, 2013

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

A parcel of land in Section 3, Township 39 South, Range 9 East, W.M., being more particularly described as follows: Beginning at the West quarter corner of Section 3, Township 39 South, Range 9 E., W.M.; thence North $0^{\circ}46'$ West 291.85 feet; thence North $89^{\circ}14'$ East 450 feet to the Southwest corner of that property deeded to Klamath County in Vol. 308, page 389 of Deed Records of Klamath County and being the true point of beginning; thence South $0^{\circ}46'$ East parallel to the West section line of Section 3, 452.5 feet; thence North $89^{\circ}14'$ East 764.30 feet to a point that is 60 feet West of the West right-of-way line of the railroad spur track; thence South $0^{\circ}35'$ East parallel to the West right-of-way line of said railroad 315.2 feet; thence North $89^{\circ}14'$ East 60 feet to the West right of way line of said railroad; thence North $0^{\circ}35'$ West along the West right of way line of said railroad 466.4 feet to the beginning of a 10.2136 degree curve to the left; thence along the arc of said curve 314.77 feet to the Southeast corner of that property described in Vol. 308, page 389 of Klamath County Deed Records; thence South $89^{\circ}14'$ West along the South line of that property described in Vol. 308, page 389 of Klamath County Deed Records 739.26 feet to the point of beginning, containing 8.71 acres, more or less.

AND

A parcel of land in Lot 3, Block 3, WASHBURN PARK, a recorded subdivision in Klamath County, Oregon, being more particularly described as follows: Beginning at the Southwest corner of Lot 3, Block 3, WASHBURN PARK; thence S. $89^{\circ}25'10''$ E. 66.76 feet along the North right of way line of Crosby Avenue to the true point of beginning of this description; thence N. $00^{\circ}04'50''$ E. 254.17 feet to the Klamath County Road Department property; thence S. $89^{\circ}56'30''$ E. along the Road Department property 60 feet; thence S. $00^{\circ}04'50''$ W. 254.72 feet to the North right of way line of Crosby Avenue; thence N. $89^{\circ}25'10''$ W. along the North right of way line 60 feet to the point of beginning,