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After recording return to: Robert Buchanan	

2011-008290 Klamath County, Oregon

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RESTRICTIVE EASEMENT & COVENANT Adjacent Property Well System (Same Property Owners - ONLY)

Pursuant to Klamath County Land Development Code, Article 75.010(A) and in consideration for approval Klamath County, Oregon of Land Use Compatibility Statement No. LUCS_the issuance of a Lucs II - 0312 for replacement Quelling on property described as Tax Lot No(s). 1000, 900, & 1200 Section 18, Township 37 South, Range 9 East, W.M.; Tax Account No(s). R-3709-01800-01000-000, R-3709-01800-01200-000.

The legal description of the real properties, hereby and further referenced as Subject Parcels that are burdened by this Restrictive Covenant:

See Attached Legal Deed Exhibit 'A' & Legal Deed Exhibit 'B'

The common description of the real property, hereby and further referenced as Site Plan Map, and described as:

See Attached Site Plan Exhibit 42 6

The undersigned, being the record owner(s) of all of the real property described above and further identified by "Exhibits A &-B" 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.

I (We), Robert & Kathleen Buchanan, the undersigned real property owner(s), for ourselves and for our heirs, executors, administrators and assigns, do hereby agree and stipulate to the following conditions:

- (1) Subject Parcels identified in Exhibits A are hereby restricted from independent or individual sale and are joined together for such period as both properties are served by a domestic well or a central water supply system recognized by Klamath County.
- (2) Subject Parcels shall not be put to any use which would be detrimental to state or federal clean water law, the well system, or contrary to any law or administrative rule.
- (3) 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 Director, as hereafter provided.

I (We), further agree that failure to comply with any provisions of this covenant shall constitute a violation of this covenant. To facilitate the enforcement of this covenant, any violation of this covenant shall constitute a nuisance and may be enjoined, abated or removed by the Klamath County Planning Director, official Code Enforcement Officer per Klamath County Land Development Code Article 14.030(B); and, as current property owners I (We) provide irrevocable permission to enter and inspect all components related to and hereby recognized by Article 14.080.

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, Article 15.020(B).

contained herein by judicial or administrative proceeding. This covenant is made pursuant to the provisions of the Klamath County Land Development Code, Article 15.020(B).
Dated this 14 day of July
Robert Buchanan Owner of Record
Kathlen K Buchanan Owher of Record
STATE OF OREGON)
Personally appeared the above names Robert Buchanan a Kathleen K. Buchanan acknowledged the foregoing instrument to be his/her voluntary act and deed before me this July 14,201 Idages
By Lisa M. Kessler.
Rin M. Kanlar

OFFICIAL SEAL
LISA M. KESSLER
NOTARY PUBLIC-OREGON
COMMISSION NO. 455418
MY COMMISSION EXPIRES MARCH 13, 2015

My Commission Expires: Mar. 13, 2015

Notary Public for State of Oregon

EXHIBIT "A" LEGAL DESCRIPTION

PARCEL 1:

That portion of SE 1/4 NW 1/4 and SW 1/4 NE 1/4 of Section 18, Township 37 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point on the Easterly right of way line of the Dalles-California Highway as now constructed which lies 341 feet West and 1,071 feet South of the Northeast corner of the SE 1/4 NW 1/4 of Section 18, Township 37 South, Range 9 East, Willamette Meridian, and running thence: East to the East line of the SW 1/4 NE 1/4 of said Section 18; thence South along the 40 line to a point on the East-West quarter line; thence West along the East-West quarter line to its intersection with the Easterly right of way line of the Dalles-California Highway; thence Northerly following the Easterly right of way line of the Dalles-California Highway to the point of beginning.

Save and excepting the following described parcels:

Portion of the above described property included in First Addition to Algoma.

Property described in Deed Volume 60; page 423, Records of Klamath County, Oregon.

Property described in Deed Volume 125, page 453, Records of Klamath County, Oregon.

Portion of the SW 1/4 NE 1/4 of Section 18, Township 37 South, Range 9 East, Willamette Meridian conveyed to Marie Hagelstein Suiter by Deed Volume 316, Page 673, Records of Klamath County, Oregon.

Portion of Lot 3, Section 18, Township 37 South, Range 9 East, Willamette Meridian, conveyed to Hal C. Cline and Myneclah Cline by Deed #99778, M65, page 1043, Microfilm Records of Klamath County, Oregon.

PARCEL 2:

A tract of land situated in the SW 1/4 NE 1/4 of Section 18, Township 37 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Easterly right of way line of the old Dalles-California Highway, said point being North a distance of 1,525.2 feet and East a distance of 1,000.1 feet from the iron axle marking the Southeast corner of Lot 3, Section 18, Township 37 South, Range 9 East, Willamette Meridian, and said point being the point of beginning for that tract of land described in Deed Volume 203, page 483, Klamath County Deed Records; thence South 87°43' East along the North boundary of that tract of land described in Deed Volume (this bearing being East by record of said Deed Volume) a distance of 334.4 feet to an iron pin on the true point of beginning of this description; thence South 87°43' East along said North boundary a distance of 289.1 feet to an iron pin; thence South 35°02'30" East a distance of 122.0 feet to an iron pin; thence South 64°53'30" West a distance of 184.8 feet to an iron pin; thence North 45°16'30" West a distance of 269.6 feet, more or less, to the true point of beginning.

PARCEL 3:

A tract of land situated in the NW 1/4 SE 1/4 of Section 18, Township 37 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

Beginning at a point 240 feet a point 240 feet East of the point marking the center quarter corner of Section 18, Township 37 South, Range 9 East, Willamette Meridian, Klamath County, Oregon; thence Easterly along the North line of the SE 1/4 of said Section 18 a distance of 120 feet; thence Southerly at right angles to the North line of the SE 1/4 of said Section 18 a distance of 150 feet; thence Westerly parallel to the North line of the SE 1/4 of said Section 18 a distance of 150 feet; thence Northerly at right angles to the North line of the SE 1/4 of said Section 18 a distance of 150 feet, more or less, to the point of beginning.

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Exhibit \mathbb{B} Existing Gravel driveway 1-627 ,011 Proposed Smod g&M 184.8 +4<u>51</u>5H Existing house 122

Map Tax Lot R3709-01800-01000-000 13643 Algoma Rd, Klamath Falls

linch equals 40'

Robert Buchanan 7/13/11

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