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After recording return to:

Robert Buchanan



07/14/2011 03:58:26 PM

Fee: \$57.00

**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 LUCS 11-0312 for replacement dwelling 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-3709-01800-00900-000, & 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 ~~C~~ B

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 Exhibit 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.

Note: A copy of the recorded instrument must be returned to Community Development before permits can be issued.

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 66, 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 Mynceelah 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:

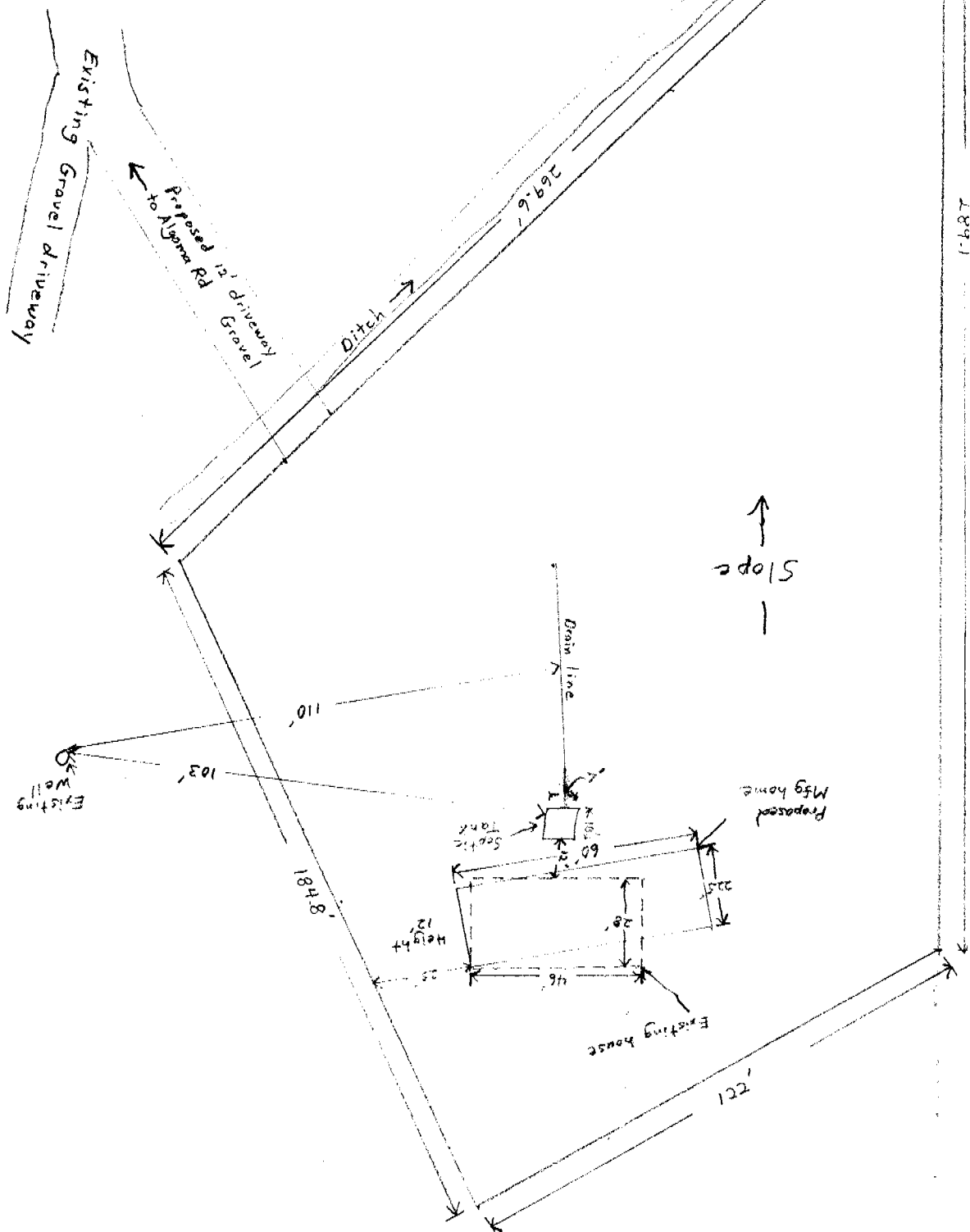
A tract of land situated in the NW 1/4 SE 1/4 of Section 18, Township 37 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

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 120 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.

Exhibit B

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



1 inch equals 40'

Robert Buchanan
7/13/11