

After recording return to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



00158271201400092000050056

09/04/2014 09:52:15 AM

Fee: \$62.00

**RESTRICTIVE EASEMENT & COVENANT**  
**Adjacent Property Sanitary (Septic) System (Same Owners)**

Pursuant to Oregon Administrative Rules, 340-071-130(11)(b) and 340-071-150(4)(a) and in consideration for approval Klamath County, Oregon of Land Use Compatibility Worksheet No. LUCS 14-0388 and the issuance of an On-Site Sanitary System placement permit on property described as Tax Lot No(s) 3700/2200 Section 9DA/16CB Township 36 South, Range 06 East, W.M.; Tax Account No(s). \_\_\_\_\_ The legal description of the real properties, hereby and further referenced as Subject Parcels that are burdened by this Restrictive Covenant:

**See Attached Exhibit 'A' & Exhibit 'B'**

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

**See Attached Exhibit 'C'**

The undersigned, being the record owner(s) of all of the real property described above and further identified by "Exhibits A, B, & C" 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), Fred and Mary Acklin, 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 are restricted from independent or individual sale and are joined together for such period as the On-Site Sanitary System placement permit is in effect.
- (2) Subject Parcels shall not be put to any use which would be detrimental to the permitted system or contrary to any law (including an administrative rule) applicable to a permitted system.
- (3) This covenant shall not be modified or terminated except by the express written consent of the owners of the land at the time, the State of Oregon and/or by the State's Agent Klamath County Community Development Department, 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 State of Oregon and/or by the State's Agent Klamath County Community Development Department; and, provide irrevocable permission to enter and inspect, including by excavation, the on-site sewage disposal system and all components.

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 4 day of September, 2014.

FREDERICK PAUL ACKLIN  
Owner of Record

Frederick Paul Acklin

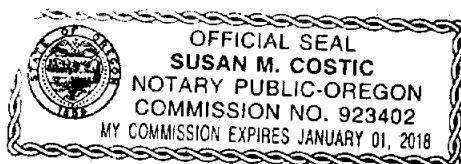
MARY LOUISE ACKLIN  
Owner of Record

Mary Lou Acklin

STATE OF OREGON           )  
  ) ss.  
County of Klamath        )

Personally appeared the above names FREDERICK PAUL ACKLIN and MARY LOUISE ACKLIN and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 4 day of September, 2014.

By Susan Costic



Susan Costic  
Notary Public for State of Oregon

My Commission Expires: January 1, 2018

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

EXHIBIT A

The house is on Lot 03700

Frontier Tracts, Block Sec 9, Lot Por SE 1/4,  
Por Block C Klamath County, Oregon  
Approx .57 acres

3606-009A-03700-000

Key # 312361

EXHIBIT B

Septic system is on Lot 02200

Frontier Tracts - Tract B+C, Lot Por,  
Acres 0.80

T44 lot R-3606-010CB-02200-000

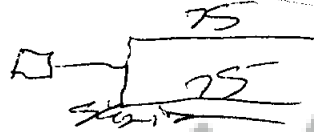
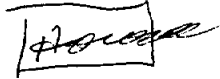
prop id # R315091

# Exhibit C

R-3606-009DA-03600-000

R-3606-010CB-01400-000

Varney Creek



R-3606-009DA-03800-000

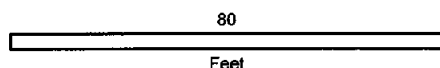
R-3606-009DA-03700-000

R-3606-010CB-02200-000

Rocky Point

Well

**Klamath County**



1 inch = 36 feet



Date Printed: \_\_\_\_\_

This map is for planning purposes only. This map has been prepared for internal use by Klamath County only. Accuracy and completeness is not guaranteed to any other agency, public or private.