

After recording return to:

Rita Hepper

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Fee: \$67.00

**RESTRICTIVE COVENANT
Fire Hazard Area Siting Standards**

In consideration of approval by Klamath County, Oregon of a land use permit, the undersigned, Eward & Cyndy Maletis being the owners of record of all of the real property described as follows; R-3307-V0000-01900-00 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.

1. All new development shall comply with the following:
 - A. Provide a dependable supply of water adequate for normal daily consumption and peak emergency needs from a source authorized in accordance with Oregon Administrative Rule (OAR) and that any surface water used is not from a Class II stream.
 - B. Provide for and make available a permanent source of water with a capacity of 4000 gallons or more. If a stream, pond, or lake exists within 500 feet of the homesite a road access shall be provided to within 15 feet of the water's edge. Access to water shall be not less than 15 feet wide and shall be an improved and maintained surface with an improved vehicle turning area of sufficient size to accommodate local fire protection equipment.
 - C. Where residences are supplied with individual water systems without a permanent source of water for fire suppression (e.g., fire hydrants), the following standards shall apply:
 - a. At least one 1 inch hydrant standpipe shall be provided at least 50 feet from a building and no greater distance than 10 feet from the driveway with adequate protection from freezing weather.
 - b. Electrical service to a well pump shall not pass through, under, or onto any non-well protecting structure.
2. Road access shall meet the following minimum standards:
 - A. Maximum grade shall not exceed 10 percent.
 - B. Road surface must be a minimum of 20 feet wide with an all weather surface capable of supporting a fire apparatus at 60,000 lbs minimum or as prescribed by the Fire Marshall.

- C. The entire legal access way shall be maintained, at all times, as a fuel break free of brush and other flammable material.
 - D. The length of cul-de-sacs shall not exceed 700 feet and have a right-of-way with a 50 foot radius with an improved vehicle turning area not less than 80 feet in diameter.
 - E. Installation of bridges or culverts shall have a minimum load limit of 40,000 lbs (20 ton) and not be narrower than the improved travel surface serving each end.
3. All structures shall be constructed to the following standards:
- A. Roofing materials shall carry a minimum of Class B rating. In areas of extreme fire hazard rating, Class A rated roof shall be required.
 - B. The siting of a manufactured home shall require fully skirting from the floor-line to the ground-line with vents or openings screened with corrosion-resistant mesh not greater than ¼ inch size.
 - C. All chimneys shall have spark arrest installed with nonflammable, corrosive-resistant material having opening in the mesh no larger than ¼ inch.
4. Property fuel breaks, landscaping and maintenance may be planned in accordance with the following minimum standards:
- A. A Primary Fuel Break shall be created and maintained no less than 30 feet in width extending from the wall line of any structure. Vegetation shall be less than 3 inches high, at all times. All trees within the primary break shall be thinned to 15 feet between tree crowns, and dead limbs near or over-hanging any structure shall be removed at all times.
 - B. A Secondary Fuel Break shall be created and maintained no less than 70 feet wide on the down-slope side of a residence and 35 feet on all other sides. Extend the fuel break to 100 feet on the downhill side where steep slopes or dense vegetation are present. Live trees and shrubbery shall be pruned to reduce the possibility of fire reaching roofs of structures or the crowns of trees. Low-growing plants and grasses shall be maintained to prevent the buildup of flammable fuels.
 - C. Fences shall be constructed of nonflammable materials and maintained to eliminate the buildup of flammable refuse.
5. Home identification signs shall be posted at the nearest county, state or federal road serving the residence; and, constructed of nonflammable materials with letters at least 3 inches high, ½ inch line width; and, with a reflective color that contrasts sharply with the background of both the sign itself and the surrounding vegetation.

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 Department, as hereafter provided.

Dated this 10th day of AUGUST, 20 16

Record Owner

Record Owner

County of Klamath)
Multanah 8-10-16
my

Personally appeared the above named persons and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 10th day of August, 2016.

By Edward Maletis

**My Commission Expires:**

6-1-2017

Rev (11/15)

EXHIBIT A

Legal Description

Parcel 1:

The following described real property situate in Klamath County, Oregon:

Township 32 South, Range 7 1/2 East of the Willamette Meridian

Section 32: The South 550 feet of the SE1/4; The South 550 feet of the SE1/4 of the SW1/4.

Section 33: The South 550 feet of the SW1/4; The South 550 feet of the SW1/4 of the SE1/4 and All the SE1/4 of the SE1/4.

Section 34: All that portion of the SW1/4 and the SW1/4 of the SE1/4 lying Westerly of the following described line: Beginning at a point on the South line of the SW1/4 of the SE1/4 of said Section 34, said point being 2578.0 feet North and 2239.1 feet West of the quarter corner common to Sections 2 and 3, Township 33 South, Range 7 1/2 East of the Willamette Meridian; thence along said line North 32°41' West, 189.5 feet; thence North 44°24' West, 413.0 feet more or less to a point on the West line of said SW1/4 of the SE1/4; said point also being 2232.7 feet South and 2693.3 feet East of the quarter corner common to Sections 33 and 34, Township 32 South, Range 7 1/2 East of the Willamette Meridian; thence North 40°16' West, 261.5 feet; thence North 44°21' West, 124.6 feet; thence North 57°07' West, 99.7 feet; thence North 47°58' West, 76.5 feet; thence North 40°56' West 191.3 feet; thence North 36°35' West, 186.8 feet; thence North 33°07' West, 98.3 feet; thence North 26°13' West, 82.2 feet more or less to a point on the North boundary of the SE1/4 of the SW1/4, said point being 1388.2 feet South and 1970.0 feet East of the quarter corner common to Sections 33 and 34, said Township and Range; thence North 10°40' West, 102.1 feet; thence North 20°39' West, 227.6 feet; thence North 39°26' West 397.4 feet; thence North 47°59' West, 334.7 feet, more or less, to a point on the West boundary of the NE 1/4 of the SW 1/4, said point being 543.9 feet South and 1369.7 feet East of said quarter corner between Sections 33 and 34; thence North 37°07' West, 188.6 feet; thence North 33°09' West, 130.5 feet; thence North 26°13' West 324.7 feet more or less to a point on the North boundary of the NW1/4 of the SW1/4, said point also being 7.1 feet North and 1041.0 feet East of the quarter corner common to Sections 33 and 34, Township 32 South, Range 7 1/2 East of the Willamette Meridian.

Township 33 South, Range 7 1/2 East of the Willamette Meridian.

Section 3: Government Lots 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17 and 18, EXCEPTING THEREFROM all that portion of Government Lots 2, 7, 8 and 11, lying Easterly of the following described line: Beginning at a point on the South boundary of said Government Lot 8, said point begin 43.9 feet South and 1004.3 feet West of the quarter corner common to Sections 2 and 3, said Township and Range; thence North 20°48' West 120.0 feet; thence North

25°30' West 191.4 feet; thence North 5°04' West, 129.0 feet; thence North 1°19' East 134.7 feet; thence North 9°38' West, 163.2 feet; thence North 18°16' West, 223.0 feet; thence North 28°06' West 256.7 feet; thence North 36°37' West, 233.0 feet; thence North 38°08' West, 207.5 feet; thence North 44°36' West, 200.8 feet; thence North 26°20' West, 186.0 feet; thence North 49°19' West, 173.6 feet; thence North 23°06' West, 173.8 feet; thence North 14°49' West, 360.6 feet; thence North 27°37' West, 217.7 feet, more or less to a point on the North boundary of said Government Lot 2, Section 3, Township 33 South, Range 7 1/2 East of the Willamette Meridian.

AND FURTHER EXCEPTING THEREFROM all that portion of Government Lots 17 and 18 of said Section 3, more particularly described as follows: Beginning at the Southeast corner of Government Lot 19, being the corner common to Government Lots 17, 19, 24 and 25; thence North along the East line of Government Lot 19 and its Northerly extension thereof to the center thread of the Wood River; thence Easterly and Southerly upstream along said center thread to the East line of Government Lot 18; thence South along said East line to the Southeast corner of Government Lot 18; thence West along the South line of Government Lot 18 and the most Southerly line of Government Lot 17 to the point of beginning.

Section 4: Government Lots 1 through 19, both inclusive and Government Lots 22 and 23.

Section 5: Government Lot 3; SE1/4 of the NW1/4; all that portion of the SW1/4 lying Northerly of the State Highway; the SE1/4.

Section 9: Government Lot 7,

EXCEPTING THEREFROM any portion of said Government Lot 7 described in Deed recorded May 5, 1932 in Deed Volume 97 at page 412, Klamath County Deed Records, more particularly described as follows: Beginning at the Southeast corner of Government Lot 7; thence North along the East line thereof, 574 feet; thence West 524 feet to the County Road; thence Southeasterly along the Easterly line of said County Road to the Southerly line of Government Lot 7; thence East along said Southerly line to the point of beginning,

ALSO EXCEPTING THEREFROM any portion of the above described tract lying Westerly of the Easterly right of way of the State Highway.

All that portion of Government Lot 12 described as follows: Beginning at the Southeast corner of said Lot 12; thence North 0°20' East, along the Easterly line thereof, 594.88 feet to the centerline of the Wood River Ditch; thence South 35°44' West along said centerline, 648.78 feet to the Easterly right of way of the Crater Lake Highway; thence South 18°26' East, along said right of way, 85.80 feet to the Southerly line of Lot 12; thence along said Southerly line North 89°42' East, 348.48 feet to the point of beginning.

Government Lot 13;

EXCEPTING THEREFROM any portion of said Lot 13 described as follows: Beginning at the Northwest corner of said Government Lot 13; thence South 0°20' West along the West line thereof, 729.30 feet to the centerline of the Wood River Ditch; thence North 37°37' East, along said centerline, 914.76 feet to the North line of Government Lot 13; thence South 89°46' West along said North line 559.68 feet to the point of beginning.

Section 10: Government Lots 20 and 21 and all that portion of the Government Lot 22 lying Westerly of the Westerly right of way of the State Highway.

Section 15: Government Lots 2, 9, 10, 14, 15, 16, 17 and 18; The E1/2 W1/2 SW1/4 SE1/4; The E1/2 SW1/4 SE1/4

EXCEPTING THEREFROM any portion of the above described lots lying Easterly of the Westerly right of way of the State Highway.

Section 16: Government Lot 5.

Section 22: The E1/2 W1/2 W1/2 NE1/4; The E1/2 W1/2 NE1/4;

EXCEPTING THEREFROM that parcel of land described in Warranty Deed recorded June 13, 1960 in Deed Volume 322 at Page 55, Klamath County Deed Records; being the East 510 feet of that portion of the E1/2 of the W1/2 of the NE1/4 of said Section lying Southerly of the State Highway.

AND FURTHER EXCEPTING that portion lying Southerly of the Highway as described in Deed to William A. Bartlett, et us, recorded in Volume M80 page 24360, Records of Klamath County, Oregon.

EXCEPTING THEREFROM any portion of all the above described parcels of land lying within the right of way of State Highway #62 State Highway #232 and County Road #624 (Dixon Road).

EXCEPTING THEREFROM that portion deeded to Department of Transportation, Highway Division, recorded July 18, 1991, in Volume M91 Page 14078, Deed records of Klamath County, Oregon.