2017-002250 Klamath County, Oregon

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03/02/2017 03:36:56 PM

Fee: \$52.00

AFTER RECORDING, RETURN TO:

Chiloquin Solar LLC c/o Damien R. Hall, Esq. Ball Janik LLP 101 SW Main Street, Suite 1100 Portland, OR 97204

## FARM AND FOREST PRACTICES COVENANT

Peter M. Bourdet and Linda Long, their heirs, successors, and assigns ("Grantors"), are the owner of real property described on <u>Exhibit A</u> attached hereto ("Property"), and by this reference incorporated herein. Grantors hereby grants to the owners(s) of all property adjacent to the Property ("Grantees"), a perpetual non-exclusive farm and forest practices management covenant as follows.

The Grantors hereby acknowledge by the granting of this covenant that the Property is situated in a designated farm zone in Klamath County, Oregon, and may subjected to conditions resulting from farming or forest practices on adjacent lands. Such operations include management and harvesting of timber, disposal of slash, reforestation, application of chemicals, road construction and maintenance, by raising, harvesting, and selling crops, or by the feeding, breeding, management, and sale or produce of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof, and other accepted and customary farm and forest management activities conducted in accordance with Federal and State laws. Such farm or forest management activities ordinarily and necessarily produce noise, dust, smoke, and other conditions that may conflict with Grantor's use of Grantors' property for photovoltaic solar power generation purposes.

Except as allowed by ORS 30.930 through 30.947, Grantors hereby waive all common law rights to object to normal, non-negligent farm and forest management activities legally conducted on adjacent lands that may conflict with Grantors' use of the Property for photovoltaic solar power generation purposes, and Grantors hereby grant a covenant to the adjacent property owners for the resultant impact on the Property caused by the farm and forest management activities on adjacent lands.

This covenant shall be appurtenant to all property adjacent to the Property, and shall endure for the benefit of the Grantees, their heirs, successors, and assigns. The Grantees, their heirs, successors, and assigns, are hereby granted the right of third-party enforcement of this

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## covenant.

in witness whereof, Grantors have executed this covenant as of this _2 da of2017.
Peter M. Bourdet  Linda Long
STATE OF OREGON ) ss.  COUNTY OF Kamath  This instrument was acknowledged before me this 2nd day of  March , 2017, by Peter M. Bourdet.  Notary Public for Klamath Inche 5  My Commission Expires, Line 16, 2020
STATE OF OREGON )ss.  COUNTY OF <u>Klamph</u> )  This instrument was acknowledged before me this <u>2</u> nd day of  Mach , 2017, by Linda Long.  Notary Public for <u>Klamph Trubis</u> My Commission Expires <u>June 16</u> , 2020



## **EXHIBIT A**

## LEASE AREA DESCRIPTION

A Parcel of land being a portion of Parcel 3 of Major Land Partition 7-85, situated in the S 1/2 of the NE1/4, and the NE1/4 of the SE1/4 of Section 22, Township 34 South, Range 07 East of the Willamette Meridian, Klamath County, Oregon, Being more particularly described as follows:

Commencing at the East 1/4 corner of said Section 22; thence North 00°09'57" West, 1325.67 feet to the North line of the S1/2 of the NE1/4; thence, along said North line, North 89°58'33" West, 353.90 feet to the westerly Right-of-Way line of the Union Pacific Rail Road and the TRUE POINT OF BEGINNING; thence continuing along said westerly Right-of-Way line, along the arc of a 1507.69 foot radius curve to the left, through a central angle of 20°05'41" (the long chord of which bears South 10°06'06" West, 526.07 feet) an arc distance of 528.78 feet to a point of spiral; thence continuing along said westerly Right-of-Way line, along a spiral to the left, the long chord of which bears South 02°58'05" East, 187.29 feet; thence continuing along said westerly Right-of-Way line, North 84°25'48" East, 25.00 feet to a point of spiral; thence, continuing along said westerly Right-of-Way line, along a spiral to the left, the long chord of which bears South 07°45'07" East, 272.90 feet; thence, continuing along said westerly Right-of-Way line, South 08°56'42" East, 687.97 feet, to the North line of Tract 1314, Pine Ridge Ranches, a duly recorded subdivision on file at the Klamath County Clerk's Office; thence along said North line of said Tract 1314, North 89°52'22" West, 1955.97 feet; thence, leaving said North line, North 00°10'59" West, 1648.99 feet, to the North line of S1/2 of the NE1/4 line; thence along said North line, South 89°58'33" East, 1875.15 feet to the true point of beginning.

Basis of Bearings is Grid North of the Oregon Coordinate Reference System, Bend- Klamath Falls Zone.

Containing 70.10 Acres, more or less.