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2018-006915

Klamath County, Oregon



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06/08/2018 10:12:24 AM

Fee: \$92.00

RETURN TO:

Brandsness, Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

Grantor:

Charles C. Ehlers and
Maurene Ehlers
1401 Pacific Terrace
Klamath Falls, OR 97601

RESTRICTIVE COVENANT

DATE: June 6th 2018

PARTY: Charles C. Ehlers and
Maurene Ehlers
1401 Pacific Terrace
Klamath Falls, OR 97601

("Ehlers")

RECITALS:

A. Charles C. Ehlers and Maurene Ehlers, husband and wife, are the owners of the properties known as Parcel A and Parcel B described below. Parcel A and Parcel B are contiguous properties.

B. Access to Parcel B is through Parcel A. Domestic water for both parcels is supplied by a well located on Parcel B.

C. Ehlers desire to build a residence on Parcel A and have Parcel B supply the domestic water for Parcel A.

D. Klamath County asserts it has the right to require Ehlers to hold Parcel A and Parcel B together such that each has water and legal access. Klamath County will refuse to issue permits to Ehlers to construct a residence on Parcel A unless Ehlers execute an agreement whereby the access and the domestic water will be available to each parcel, which is the purpose of this Agreement.

STIPULATION AS TO RESTRICTION

The rights and restrictions are as follows:

1. The above recitals are incorporated into this Agreement by reference.
2. Ehlers agrees to provide a mutual access agreement and an agreement for mutual use of the water between Parcel A described as:

That certain property situated in the S ½ of the SW ¼ of Lot 6, Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows.

Beginning at the iron pin marking the Southeast corner of the North one half of Lot 6 as referred to in Volume M69, Page 9509

Deed Records of Klamath County, Oregon; thence South 00° 10' 37" West, 666.37 feet; thence North 89° 40' 52" West, 1617.43 feet along the south boundary of said Lot 6 to a 5/8 inch rod at the high water line of Upper Klamath Lake; thence North 24° 06' 06" West, along the high water line of Upper Klamath Lake a distance of 368.55 feet to a 5/8 inch iron rod; thence South 89° 36' 37" East, 959.54 feet to a 5/8 inch iron rod; thence North 17° 24' 31" West, 350.98 feet to a 5/8 inch iron rod; thence South 89° 32' 23" East, 914.77 feet to the point of beginning;

SAVING AND EXCEPTING therefrom the parcel of land described in the deed recorded in Volume M97 at page 10753 of the deed records of Klamath County, Oregon more particularly described as follows:

Commencing at the center quarter corner as per CS No. 471; thence South 00° 10' 37" West 653.16 feet; thence North 89° 32' 23" West, 914.77 feet; thence South 17° 24' 31" East, 350.98 feet; thence North 89° 36' 37" West, 677.96 feet to a point which is the true point of beginning; thence South 24° 06' 06" East, 199.66 feet; thence North 89° 36' 20" West, 281.55 feet to a point on the westerly boundary of Lot 6; thence North along said westerly boundary North 24° 06' 06" West, 127.04 feet; thence North 72° 05' 20" East, 210.37 feet; thence South 89° 36' 37" East, 51.72 feet to the true point of beginning;

ALSO SAVING AND EXCEPTING therefrom (Tax Lot 2301) the parcel of land described in the deed recorded in Volume M97 at page 10752 of the deed records of Klamath County, Oregon more particularly described as follows:

Beginning at the Center Corner as per CS No. 471; thence South 00° 10' 37" West, 653.16 feet; thence North 89° 32' 23" West, 914.77 feet; thence South 17° 24' 31" East, 350.98 feet; thence North 89° 36' 37" West, 729.68 feet to a point which is the true point of beginning; thence South 72° 05' 20" West, 210.37 feet; thence North 24° 06' 06" West, 72.62 feet, more or less, to a 3/4 inch iron rod (as per R. O. S. No. 2201); thence South 89° 36' 37" East, 229.86 feet to the true point of beginning.

and Parcel B described as:

A parcel of land situated in the South one-half of Lot 6, Section 12, Township 38 South, Range 8, East of the Willamette Meridian, Klamath County, Oregon, mores particularly described as follows:

Beginning at the iron pipe marking the Southeast corner of the North one-half of Lot 6 as referred to in Volume M69, Page 9509 Deed Records of Klamath County, Oregon; thence North 89° 32' 23" West, 914.77 feet along the South boundary of the North one-half of said Lot 6 (this same boundary line recited in above Volume M69, Page 9509, and on Map of Survey No. 471, as bearing North 89° 54' 1/2" West) to 5/8 inch iron rod marking the true point of beginning of this description; thence South 17° 24' 31" East, 350.98 feet to a 5/8 inch iron rod; thence North 89° 36' 20" West, 959.54 feet to a 5/8 inch iron rod at the high water line of Upper Klamath Lake; thence North 10° 10' 20" West, 341.01 feet along said high water line to a 5/8 inch iron rod on the

aforesaid South boundary of the North one-half of Lot 6; thence South 89° 32' 23" East, 914.77 feet along the South boundary of the North one-half of Lot 6 to the true point of beginning, containing 7.20 acres more or less.

ALSO INCLUDING:

That certain property situated in the S ½ of Lot 6, Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Center Corner as per CS No. 471; thence South 00° 10' 37" West 653.16 feet; thence North 89° 32' 23" West, 914.77 feet; thence South 17° 24' 31" East, 350.98 feet; thence North 89° 36' 37" West, 729.68 feet to a point which is the true point of beginning of this description; thence South 72° 05' 20" West, 210.37 feet; thence North 24° 06' 06" West, 72.62 feet, more or less, to a ¾ inch iron rod (as per R.O.S. 2201); thence South 89° 36' 37" East, 229.86 feet to the true point of beginning.

3. The rights to access and rights to the water may be modified such that each Parcel retains reasonable access and reasonable use of the domestic water.

4. The restrictions granted herein may be removed only upon mutual agreement of the owners of Parcel A and Parcel B provided the owners of Parcel A and Parcel B do not share any common ownership.

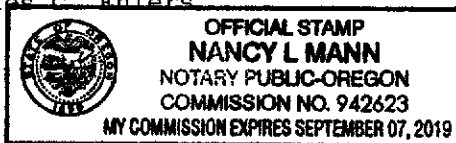
WITNESS the hands of the parties hereto as of the day and year first above written.



Charles C. Ehlers


Maureen Ehlers

STATE OF OREGON, County of Klamath) ss.

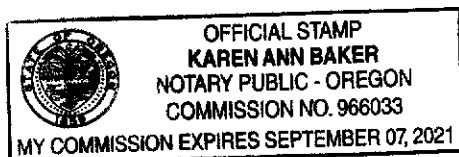
This instrument was acknowledged before me on June 6, 2018 by Charles C. Ehlers.

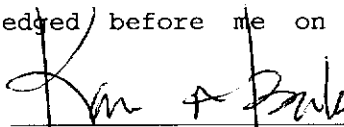



Notary Public for Oregon
My Commission expires: 9-7-19

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on June 8, 2018 by Maureen Ehlers.




Notary Public for Oregon
My Commission expires: 9-7-2021

3. RESTRICTIVE COVENANT