

2019-002582

Klamath County, Oregon

Returned at Counter

After recording return to:

Darla Nonella

00237234201900025820030034

03/21/2019 11:44:55 AM

Fee: \$92.00

**RESTRICTIVE COVENANT  
Conditional Use Permit**

The undersigned, being the record owners of all of the real property described as follows:

SEE LEGAL DESCRIPTION ATTACHED

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.

In consideration of approval by Klamath County, Oregon of a land use permit to construct a single family dwelling on property designated by the Klamath County Assessor's Office as Tax Lot 1801 in Township 39 South, Range 10 East, Section 12, the following restrictive covenant(s) hereafter bind the subject property.

"Declarant and Declarant's heirs, legal representatives, assigns, and lessees hereby recognize(s) the rights of adjacent and nearby landowners to conduct farm and forest operations consistent with accepted farming practices and Forest Practices Act, ORS 30.090 and Rules for uses authorized by this Code."

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 Community Development Department, as hereafter provided.

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 18 day of March, 2019.

Record Owner

Record Owner

STATE OF Oregon )  
County of Klamath ) ss.Personally appeared the above names Thomas Roy Nonella Darla Doris Nonella and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 18th day of March, 2019.

Notary Public for State of Oregon

My Commission Expires: June 2nd 2020

Please return a copy of the recorded instrument to the Klamath County Planning Department.

## EXHIBIT 'A'

### PARCEL 1

All in Township 39 South, Range 10 East of the Willamette Meridian, S1/2 S1/2 of Section 2, excepting the North 60 feet West of U.S. Highway 140 and that portion lying East of O.C. and E. Railroad; All of Section 11 except that portion lying Northeast of Highway 140 and East of the O.C. and E. Railroad; That portion of the SW1/4 NW1/4 lying Southerly of the Klamath Irrigation District "E" Canal, SE1/4 SW1/4; Lot 1, and N1/2 SW1/4 of Section 12, less portion of said SW1/4 of said Section 12 described as follows: Beginning at a point 30 feet South of the Northeast corner of the SW1/4 of said Section 12; running thence West along the Southern edge of the County Road 810 feet; thence South 24°00' East 263 feet; thence South 38°00' East 310 feet; thence South 49°00' East 335 feet; thence South 75°00' East 273 feet; thence due North 778 feet to the point of beginning.

Lot 1, except the East 500 feet thereof, and all of Lots 2, 3, 4 and 5 of Section 13; NW1/4 of Section 14;

Excepting from the foregoing the following; Beginning at a point 1120 feet North and 230 feet East of the Southwest corner of Section 12; running thence East 320 feet to the Westerly line of Highway 140; thence Northerly along the West line of Highway 140; 115 feet; thence West 395 feet; thence South 110 feet to the point of beginning.

### PARCEL 2

All that portion of the NW1/4 NW1/4, Section 12, Township 39 South, Range 10 East of the Willamette Meridian, lying South of a line 200 feet due North of the centerline of Oregon Highway 66 and running parallel to said Highway to a point on the South boundary of said NW1/4 NW1/4, which is 200 feet due North of said centerline, less all present existing rights of way.

Excepting therefrom Parcels 1 and 2 above all that portion described as follows:

Parcel 1, 2, and 3, of Unsurveyed Land Partition 19-17 being a replat of Parcel 3 of Major Land Partition 79-20 and property situated in the East 1/2 of Section 1 and the West 1/2 of Section 12 of Township 39 South, Range 10 East, Willamette Meridian, Klamath County, Oregon and recorded June 4, 2018 as Instrument No. 2018-006735, Klamath County Records.

### PARCEL 3

Parcel 1 of Unsurveyed Land Partition 19-17 being a replat of Parcel 3 of Major Land Partition 79-20 and property situated in the East 1/2 of Section 1 and the West 1/2 of Section 12 of Township 39 South, Range 10 East, Willamette Meridian, Klamath County, Oregon and recorded June 4, 2018 as Instrument No. 2018-006735, Klamath County Records.

Said parcel is further described as follows:

A parcel of land being Parcel 1 of Unsurveyed Land Partition 19-17, as recorded in the Klamath County Clerk's Office, situated in the East 1/2 of Section 11 and West 1/2 of Section 12, all in Township 39 South, Range 10 East, of the Willamette Meridian, being more particularly described as follows: Beginning at the Quarter corner common to Sections 12 and 13, thence along the South line of Section 12, South 87°42'26" West, 1341.22 feet more or less, to the General Land Office (GLO) Meander line of the Lost River high water line; thence leaving said Section line, along said Meander line, the following four (4) courses, North 25°00'00" West 132 feet more or less; thence North 43°15'00" West, 528 feet more or less; thence North 80°00'00" West, 330 feet more or less; thence South 42°30'00" West, 330 feet more or less, to the Easterly Right of Way line of Highway 140; thence along said Easterly Right of Way line, Southerly, 355 feet more or less, to the South line of Section 12; thence leaving said Highway Right of Way line, along said South line, South 87°42'26" West, 60.30 feet, to the Westerly Right of Way line of Highway 140; thence leaving said South line, along said Westerly Right of Way line, Northerly, 1438 feet

more or less; thence leaving said Highway Right of Way line, North 89°29'25" West, 663 feet more or less, to a point on the East line of said Section 11 that bears South 00°18'41" West, 1298.33 feet from the 1/4 corner common to Section 11 and 12; thence continuing North 89°29'25" West, 142 feet more or less; thence South 57°55'50" West, 71 feet more or less, to the Easterly Right of Way line of the United States Bureau of Reclamation (USBR) "E" canal described in D.V. 38, Page 308 on file at the Klamath County Clerk's office; thence along said Easterly Right of Way line, Southerly, 396 feet more or less, to the East line of Section line 11; thence leaving said Easterly Right of Way line, along said East line, South 00°18'41" West, 343 feet more or less; thence leaving said Section line, North 89°41'19" West, 474 feet more or less, to the Easterly Right of Way line of the Oregon California and Eastern (O.C.&E.); thence along said Easterly Right of Way line, Northerly, 4785 feet more or less, to the Southwesterly Right of Way of Highway 140 described in D.V. 106, Page 136 on file at the Klamath County Clerk's office; thence along said Southwesterly Right of Way line, Southeasterly, 1050 feet more or less, to the West line of the NW 1/4 Section 12; thence leaving said Right of Way line, along said West line, North 00°18'41" East, 237 feet more or less; thence leaving said West line, along a line offset 200 feet from and parallel with the centerline of Highway 140, South 54°55'18" East, 644.06 feet, to the South line of NW1/4 NW1/4 of Section 12; thence along said South line, South 89°00'43" West, 87.98 feet, to the Southerly Right of Way line of said USBR "E" canal; thence along said Southerly Right of Way line, Southeasterly, 945 feet more or less, to the West line of SE1/4 NW1/4 of Section 12; thence leaving said Southerly Right of Way line, along said West line, South 00°13'45" West, 936 feet more or less, to the intersection of North Poe Valley Road and the West line of SE1/4 NW1/4 of Section 12, extended Southerly; thence leaving said West line, along the centerline of said road, South 89°39'32" East, 1299.46 feet, to the Center of Section line of Section 12; thence leaving said centerline road, along said Center of Section line, South 00°08'47" West, 2559.27 feet, to the Point of Beginning.

Saving and Excepting the USBR "E" Canal Right of Way and the Highway 140 East Right of Way lying within the above described property.