

2020-002339

Klamath County, Oregon



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02/26/2020 02:14:44 PM

Fee: \$87.00

James D English
Returned at Counter

RESTRICTIVE COVENANT
Accessory Structure Building Permit

The undersigned, being the record owners of all of the real property described as follows, and further identified by "Exhibit A" attached hereto, do hereby make the following restrictive covenant for the property, specifying that the covenant shall run with the land and shall be binding on all persons claiming such land, and that these restrictions shall be for the benefit of and limitation on all future owners of said real property.

The following restrictive covenants hereafter bind the subject property:

"The accessory structure located on Property No. 1 as described on attached **Exhibit A** is permitted in conjunction with the primary use located on Property No. 2 as described on attached **Exhibit A**. Said structure may be used for purposes customarily accessory and subordinate to the primary use of the above referenced parcel."

"Both Property No. 1 and Property No. 2, as described in attached Exhibit A, shall not be transferred, conveyed, leased, mortgaged or otherwise liened separately from each other but only to identical transferees, mortgagees or lien claimants until such time as either a lawful primary use is constructed on the property where the named accessory use is located, OR the accessory use is removed."

The 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 contained herein by judicial or administrative proceeding. This covenant is made pursuant to the provisions of the Klamath County Land Development Code.

Dated this 26th day of February, 2020.

James D English Trustee
Record Owner

Jeanette E Hayes Trustee
Record Owner

Record Owner

Record Owner

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above names James D English & Jeanette E Hayes Trustees of James D English & Jeanette E Hayes Trust and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 26th day of February, 2020.
By Lisa M. Kessler.



Lisa M Kessler
Notary Public for State of Oregon
My Commission Expires: December 19, 2022

Note: A copy of the recorded covenant must be returned to Planning Department before permits can be issued.

EXHIBIT A

(Property No. 1 legal description)

PARCEL 3:

A parcel of land comprised of a portion of Tract 11 of Gienger's Home Tracts and a portion of the vacated alley between Tract 10 and Tract 11 of Gienger's Home Tracts, Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin which marks the Southeasterly corner of said Tract 11 and the Western right of way line of Wiard Street; thence South 89°51'14" West along the Southerly line of said Tract 11 a distance of 308.10 feet to a 5/8" iron pin; thence North 0°11'40" East a distance of 100.13 feet to a 5/8" iron pin in the centerline of the alley between said Tract 10 and Tract 11, said alley having been vacated by court order on May 12, 1944 and recorded in Deed Volume 166, page 593 of the Deed Records of Klamath County, Oregon; thence North 89°14'47" East along the centerline of said vacated alley a distance of 140.09 feet to a 5/8" iron pin; thence South 0°11'40" West a distance of 70.19 feet to a 5/8" iron pin thence North 89°51'14" East 168.00 feet to a 5/8" iron pin on the Western right of way line of Wiard Street; thence South 0°10'18" West along the Western right of way line of Wiard Street a distance of 30.00 feet to the point of beginning, being Parcel 1 as shown in Minor Partition Map 83-83. Said bearings and distance based on said Minor Partition 83-83.

R-3909-0022A-10601

(Property No. 2 legal description)

PARCEL 1:

A parcel of land comprised of a portion of Tract 11 of Gienger's Home Tracts and a portion of the vacated alley between Tract 10 and Tract 11 of Gienger's Home Tracts, Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8" iron pin which marks the Southeasterly corner of said Tract 11 and the Western right of way line of Wiard Street; thence North 0°10'18" East along the Westerly right of way line of Wiard Street a distance of 30.00 feet to a 5/8" iron pin and the true point of beginning, thence South 89°51'14" West and parallel to the Southerly line of said Tract 11 a distance of 168.00 feet to a 5/8" iron pin; thence North 0°11'40" East a distance of 70.19 feet to a 5/8" iron pin in the centerline of the alley between said Tract 10 and Tract 11, said alley having been vacated by court order on May 12, 1944 and recorded in Deed Volume 166, page 593 of the Deed Records of Klamath County, Oregon; thence North 89°49'47" East along the centerline of said vacated alley a distance of 167.97 feet to a 5/8" iron pin in the Western right of way line of Wiard Street; thence South 0°10'18" West along the Western right of wayline of Wiard Street a distance of 70.26 feet to a 5/8" iron pin and true point of beginning, being Parcel 2 as shown on the Minor Partition 83-83. Said bearings and distances based on said Minor Partition 83-83.

R-3909-0022A-10600