

2021-015480

Klamath County, Oregon

After recording return to:

Linkville Solar, LLC

3519 NE 15th Ave., #106

Portland, OR 97212

Attention: GreenKey Development, LLC



00289064202100154800030038

10/13/2021 03:39:45 PM

Fee: \$92.00

RESTRICTIVE COVENANT**(Right to Farm)**

The undersigned, Mountain and Lake View Properties LLC, being the record owner of all of the real property described as follows: Map Tax Lot No. R-3909-00600-00200; Assessor Parcel Number 534988 and further identified by "Exhibit A" attached hereto, do hereby make the following restrictive covenant for the above-described real property, specifying that the covenant 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 (CUP 9-20) to construct a solar facility on property designated by the Klamath County Assessor's Office as Tax Lot 200 in Township 39 South, Range 9 East, Section 06, the following restrictive covenant 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 Planning 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 19th day of August, 2021.

Darrel Dickson

Record Owner Sign

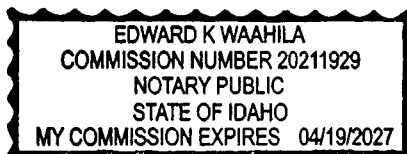
Record Owner Sign

Print Name: Darrel Dickson

Print Name: _____

STATE OF Idaho)
) ss.
 County of Madison)

Personally appeared the above names Darrel Dickson and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 19 day of August, 2021.

Edward K. Waahila

Notary Public for State of Oregon

My Commission Expires: 4/19/2027

EXHIBIT A

PROPERTY LEGAL DESCRIPTION

PARCEL NO. 1

A parcel of land situated in the NE1/4 and SE1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, the NE1/4 of Section 1; Township 39 South, Range 8 East of the Willamette Meridian, and the NW1/4 NW1/4 of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, all in Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the North-South centerline of Section 36 from which the Northwest corner of the SW1/4 NE1/4 of said section bears North 00°11'27" East 427.59 feet; thence South 89°58'12" East 619.61 feet; thence South 27°18'39" East 3530.91 feet; thence South 62°41'21" West 250.36 feet; thence South 27°18'39" East 1811.20 feet to a point on the South line of the NW1/4 NE1/4 of Section 6; thence along said South line South 89°28'21" West 199.91 feet to the Southwest corner thereof; thence along the South line of the NE1/4 NE 1/4 of Section 1 North 89°29'44" West 1330.62 feet to the Southwest corner of said NE1/4 NE1/4 thence along the West line of the SE1/4 NE1/4 of Section 1 South 00°06'44" East 458.90 feet to the Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 56°12'28" West 194.88 feet; thence leaving said right of way line North 11°59'09" East 364.18 feet to the South line of the NW1/4 NE1/4 of Section 1; thence along said South line South 89°56'08" West 516.20 feet to the said Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 50°28'23" West 199.25 feet; thence North 59°17'52" West 439.78 feet; thence leaving said Northerly right of way line North 36°42'45" West 329.35 feet to the North-South center section line of Section 1; thence along said center section line North 00°04'15" East 722.87 feet to the 1/4 corner common to Section 1 and Section 36; thence along the center section line of the Section 36 North 00°11'27" East 3508.58 feet to the point of beginning.

Excepting Tract 1416-The Woodlands, Phase 1 and Tract 1437-The Woodlands, Phase 2, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Also Excepting Tract 1461, The Woodlands, Phas 3 and Tract 1508, The Gardens Phase 1.

Also Excepting therefrom all that portion lying within Land Partition 13-18 situated in the SW1/4 NE1/4, SE1/4 NE1/4 and the SE1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, and recorded October 17 2018 as Instrument No. 2018-012687, Klamath County Records.

PARCEL 2:

Parcel 1, Land Partition 13-18 situated in the SW1/4 NE1/4, SE1/4 NE1/4 and the SE1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, and recorded October 17 2018 as Instrument No. 2018-012687, Klamath County Records.

PARCEL 3:

That portion of the Southeast quarter of the Northeast quarter lying Northeasterly of Highway 140 of Section 1, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon. Leas and except that portion deeded to Southview Master Association, by Warranty Deed recorded August 6, 2004 in Volume M04 page 51781, records of Klamath County, Oregon, described as follows: All private ways, together with such common use improvements as may be located within said private ways as provided for and set forth on that certain subdivision plat commonly referred to as Tract 1416 - The Woodlands Phase 1 located within the City of Klamath Falls, Klamath County, Oregon including but not limited to streets and roads; sanitary sewer conveyance systems; stormwater conveyance systems; stormwater drainage ways; street lighting systems; common area sidewalks and common areas.

PARCEL 4:

The Northeast quarter of the Northeast quarter of Section 1, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon. Excepting therefrom all that portion lying Westerly of the Easterly line of the following described parcel: A parcel of land situated in the Southeast quarter Southeast quarter Section 36, Township 38 South, Range 8 East, The Northeast quarter Northeast quarter Section 1, Township 39 South, Range 8 East and the Northwest quarter Northwest quarter Section 6, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southeast corner of the Northeast quarter Northeast quarter of said Section 1; thence on the South line of said Northeast quarter Northeast quarter North 89°29'44" West 616.73 feet; thence leaving said South line North 27°18'39" West 237.83 feet; thence North 62°41'21" East 118.54 feet; thence North 27°18'39" West 1195.51 feet; thence North 62°41'21" East 605.39 feet; thence South 27°18'39" East 1811.20 feet to the South line of the Northwest quarter Northwest quarter of said Section 6; thence South 89°28'21" West 199.91 feet on said South line, to the point of beginning with bearings based on C.S. 6513.2

Excepting therefrom all that portion Section 6, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon.

PARCEL 5:

The Southwest quarter of the Northwest quarter of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 6:

The North half of the North half of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM all that portion described as follows: A parcel of land situated in the Southeast quarter Southeast quarter Section 36, Township 38 South, Range 8 East, The Northeast quarter Northeast quarter Section 1, Township 39 South, Range 8 East and the Northwest quarter Northwest quarter Section 6, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southeast corner of the Northeast quarter Northeast quarter of said Section 1; thence on the South line of said Northeast quarter Northeast quarter North 89°29'44" West 616.73 feet; thence leaving said South line North 27°18'39" West 237.83 feet; thence North 62°41'21" East 118.54 feet; thence North 27°18'39" West 1195.51 feet; thence North 62°41'21" East 605.39 feet; thence South 27°18'39" East 1811.20 feet to the South line of the Northwest quarter Northwest quarter of said Section 6; thence South 89°28'21" West 199.91 feet on said South line, to the point of beginning with bearings based on C.S. 6513.2

Excepting therefrom all those portions lying in Section 1, Township 39 South Range 8 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 7:

The Southwest quarter of the Northwest quarter and the West half of the Southwest quarter of Section 31, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.