2022-007589

Klamath County, Oregon



06/17/2022 03:44:20 PM

Fee: \$97.00

## After recording return to: City Recorder 500 Klamath Avenue Klamath Falls, OR 97601

## **RESTRICTIVE COVENANT**

<u>Grantee</u>	<u>Grantor</u>
Oregon DEQ - Eastern Region/Columbia Gorge Office	City of Klamath Falls
400 E. Scenic Drive - Suite 307	500 Klamath Avenue
	Klamath Falls, OR 97601
The Dalles, OR 97058	Attention: Jonathan Teichert-City Manager
Attention: Ronald Doughten	
Manager/Materials Mgmt. and Hazardous	
Waste	

Grantor is the owner of certain real property legally described and depicted in the attached Exhibits A and A1, which is incorporated herein as (the "Property").

The Property is used as a storage site for contaminated soils excavated during the OR 140 and Brett Way Improvements Project (the "Project"). The Project is near former fire training areas on the adjacent Crater Lake - Klamath Reginal Airport. Soil within the Project roadway footprint was tested and identified as having low concentrations of perfluoroalkyl substances (PFAS).

DEQ Solid Waste Disposal Site Permit #1667 authorizes the Grantor to sequester up to 2,000 cubic yards of excavated soil from the Project on the Property. The soil will be sealed in a 60-mil HDPE liner forming a capsule, covered by 2 feet of agricultural soil, and seeded and mulched to stabilize the soil.

The PFAS contaminated soil will be encapsulated in a manner to:

- prevent direct contact by human and environmental receptors;
- prevent leaching of PFAs into underlying soil and groundwater; and
- store the PFAS contaminated soil in a location that is easily accessible should forthcoming regulations require additional actions.

For the entire duration that PFAS encapsulated soils are stored on the Property, no development of any kind is allowed within the Property. In addition, no earth disturbing activities are allowed that have any potential to compromise the HDPE liner encapsulating the contaminated soils or disturb the soil cover. This restriction shall remain in effect until released by the Grantee.

The Grantor shall, at least 30 days prior to removing the contaminated soils from the Property, notify Grantee's Solid Waste Program in The Dalles Office. Grantee's Solid Waste Staff reserve the right to inspect the removal of contaminated soil and/or inspect the Property after soil removal is complete. Once soil removal is complete, Grantor shall submit to Grantee's Solid Waste Program in The Dalles Office a written communication describing the soil removal activity, party or parties who removed the soil, when the soil was removed, where the soil was relocated or disposed, photos showing the Property after soil removal and any other pertinent information. Once Grantee reviews the written communication, inspects the site as needed, and deems the removal of contaminated soil from the Property as complete, Grantee shall issue a written communication to Grantor that the restrictive covenant may be lifted.

On behalf of Grantor:

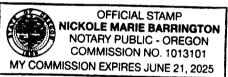
Jonathan Teichert

Title: City Manager of Klamath Falls

STATE OF OREGON ) ss. County of Klamath )

On this \_\_\_\_\_day of May, 2022, personally appeared the above-named (Jonathan Teichert), who being sworn, stated that he is the City Manager of the City of Klamath Falls, and that the foregoing instrument was voluntarily signed on behalf of the City of Klamath Falls.

Before me:



Notary Public for Oregon

Accepted by the Grantee

Ronald Doughten

Title: Manager/Materials Mgmt. & Hazardous Waste

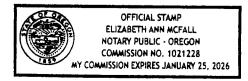
STATE OF OREGON )

)ss.

County of Was )

On this 15 day of 2022, personally appeared the above-named (Ronald Doughten), who being first duly sworn, did say that he is the Manager of Materials Management & Hazardous Waste for Grantee, and that this instrument was signed on behalf of Grantee; and acknowledged said instrument to be the Grantee's voluntary act and deed.

Before me:



Notary Public for Oregor

## RESTRICTIVE COVENANT BOUNDARY DESCRIPTION FOR A CONTAMINATED SOIL STOCKPILE AREA LOCATED ON CITY OF KLAMATH FALLS PROPERTY

A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4, SOUTHWEST 1/4, OF SECTION 14, TOWNSHIP 39 SOUTH, RANGE 9 EAST, OF THE WILLAMETTE MERIDAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the east right of way line of Summers Lane and the south right of way line of the USBR 1-C Drain; thence south along said east right of way line to the north right of way line of Brett Way; thence east to northeasterly, along said north right of way line to the southwest right of way line of the BNSF Railroad; thence northwesterly along said southwest right of way line to said south right of way line of the USBR 1-C Drain; thence west along said south right of way line, 44 feet more or less to said east right of way line and point of beginning, containing 1.3 acres more or less.

PROFESSIONAL LAND SURVEYOR

JANNARY 15, 1987 THOMAS DEL SANTO 2250

**EXHIBIT A** 

## **EXHIBIT A1**

RESTRICTIVE COVENANT BOUNDARY FOR A CONTAMINATED SOIL STOCKPILE AREA ON CITY OF KLAMATH FALLS PROPERTY, NTS (Not to Scale)

