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06/17/2022 03:44:20 PM

Fee: \$97.00

Returned at Counter

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

RESTRICTIVE COVENANT

Grantee

Oregon DEQ - Eastern Region/Columbia
Gorge Office

400 E. Scenic Drive - Suite 307

The Dalles, OR 97058

Attention: Ronald Doughten
Manager/Materials Mgmt. and Hazardous
Waste

Grantor

City of Klamath Falls

500 Klamath Avenue

Klamath Falls, OR 97601

Attention: Jonathan Teichert-City Manager

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 Regional 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

**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 ¼, SOUTHWEST ¼, 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.

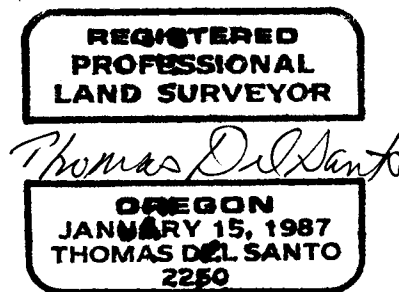


EXHIBIT A

EXHIBIT A1

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

