



00313845202300029100050054

04/19/2023 10:44:08 AM

Fee: \$102.00

After recording return to:

ANNE METZGER  
209 CARTHAGE AVE.  
EUGENE, OR. 97404

## RESTRICTIVE EASEMENT & COVENANT

### Adjacent Property Sanitary (Septic) System (Same Owners)

Pursuant to Oregon Administrative Rules, 340-071-130(11)(b) and 340-071-150(4)(a) and in consideration for approval by Klamath County, Oregon and the issuance of an On-Site Sanitary System placement permit on property described as:

Township 24 South, Range 7 East W.M., Section 7,  
 Tax Lots 801 and 900.  
 Assessor Parcel Numbers (APN) 476008 and 146504.

The legal description of the real properties, hereby and further referenced as Subject Parcels that are burdened by this Restrictive Covenant:

See Attached Exhibit 'A' & Exhibit 'B'

The common description of the real property, hereby and further referenced as Site Plan Map, and described as:

See Attached Exhibit 'C'

The undersigned, being the record owner(s) of all of the real property described above and further identified by "Exhibits A, B, & C" 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.

I (We), ANNE METZGER, the undersigned real property owner(s), for ourselves and for our heirs, executors, administrators and assigns, do hereby agree and stipulate to the following conditions:

- (1) Subject Parcels are restricted from independent or individual sale and are joined together for such period as the On-Site Sanitary System placement permit is in effect.
- (2) Subject Parcels shall not be put to any use which would be detrimental to the permitted system or contrary to any law (including an administrative rule) applicable to a permitted system.
- (3) This covenant shall not be modified or terminated except by the express written consent of the owners of the land at the time, the State of Oregon and/or by the State's Agent Klamath County Community Development Department, as hereafter provided.

**Note:** A copy of the recorded instrument must be returned to Community Development before permits can be issued.

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I (We), further agree that failure to comply with any provisions of this covenant shall constitute a violation of this covenant. To facilitate the enforcement of this covenant, any violation of this covenant shall constitute a nuisance and may be enjoined, abated or removed by State of Oregon and/or by the State's Agent Klamath County Community Development Department; and, provide irrevocable permission to enter and inspect, including by excavation, the on-site sewage disposal system and all components.

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 17 day of February, 2023.

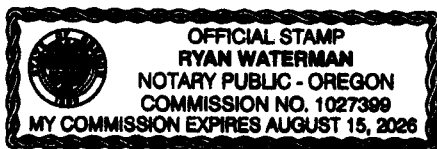
Anne C. Metzger  
Owner of Record

Anne C. Metzger  
Owner of Record

STATE OF OREGON            )  
  ) ss.  
County of Klamath        )  
                                  Lane

Personally appeared the above names Anne Metzger and  
acknowledged the foregoing instrument to be his/her voluntary act and deed before me  
this 17<sup>th</sup> day of Feb, 2023.

By Oregon Drivers License by Ryan Waterman



Ryan Waterman  
Notary Public for State of Oregon  
My Commission Expires: 08/15/2023

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## EXHIBIT A

### DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

PARCEL 1: *LOT 801*

A parcel of land situated in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, Township 24 South, Range 7 E.W.M., described as follows:

The North 82 feet (measured at right angles to the North line thereof) of the following described parcel: Beginning at a point on the West line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$  which is 630 feet North of the Southwest corner thereof; thence East, parallel with the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$  to the Westerly right of way line of Highway #58; thence N. 16°21'06" W. along said right of way line a distance of 268.7 feet, more or less, to the Southeast corner of parcel described in Deed to Clarence W. Reeve, recorded in Volume N84 page 19845, Deed Records of Klamath County, Oregon; thence West along the South line of last mentioned parcel to the West line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence South along said West line a distance of 255.5 feet, more or less, to the point of beginning.

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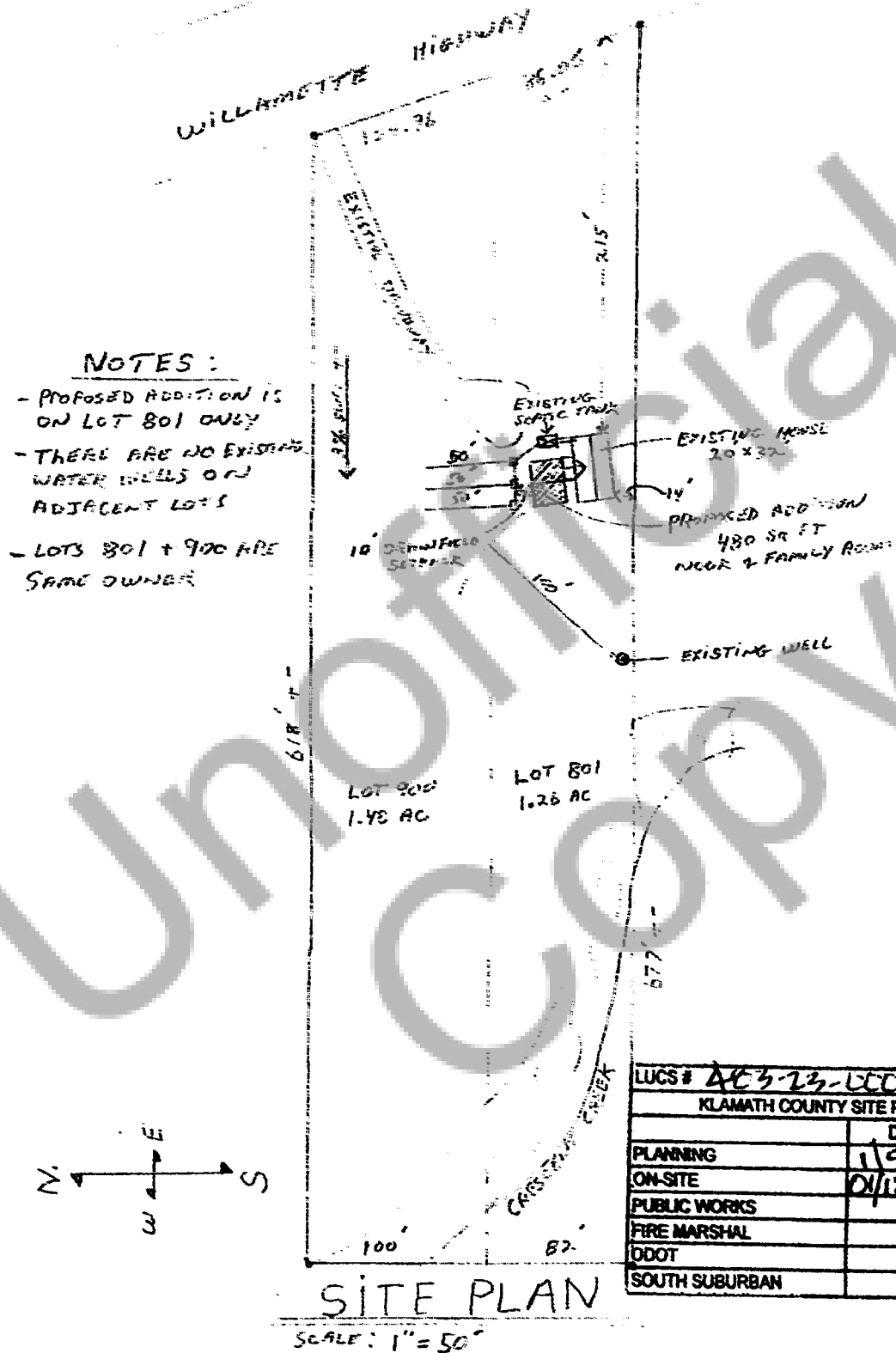
## EXHIBIT B

### DESCRIPTION OF PROPERTY

PARCEL 2: *Lot 900*

A parcel of land situated in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, Township 24 South, Range 7 E.W.M., Klamath County, Oregon, described as follows:

Beginning at a point on the West line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$  which is South a distance of 330 feet from the Northwest corner thereof, said point being the Southwest corner of parcel conveyed to Edward Lynes, et ux, by deed recorded in Volume M78 page 5852, Deed Records of Klamath County, Oregon; thence continuing South along the West line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$  a distance of 100 feet to a point; thence East, parallel with the North line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$  to the Westerly right of way line of Highway #58; thence N. 16°21'06" W. along said right of way line a distance of 104.96 feet, more or less, to the Southeast corner of said parcel described in Volume M78 page 5852; thence West along the South line of aforementioned parcel to the point of beginning.

**EXHIBIT C**

LUCS # <b>AE3-23-000010--TYP1</b>		
<b>KLAMATH COUNTY SITE PLAN APPROVAL</b>		
	<b>DATE</b>	<b>INITIAL</b>
<b>PLANNING</b>	1/5/23	IAF
<b>ON-SITE</b>	01/12/2023	SRH
<b>PUBLIC WORKS</b>		
<b>FIRE MARSHAL</b>		
<b>DDOT</b>		
<b>SOUTH SUBURBAN</b>		

MAP TAX LOT NO.	ZONE	ADDRESS
2407 007 CO-00801	R2	19254 HWY 58, CRESCENT LAKE

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