

2023-007674

Klamath County, Oregon

Returned at Counter

After recording return to:

David Kendrick

5401 W. Country Ave.

Visalia, CA 93277



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09/01/2023 01:55:57 PM

Fee: \$92.00

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 36 South, Range 6 East W.M., Section 3,

Tax Lots 310899 and 310915.

Assessor Parcel Numbers (APN) 3606-003CA-02900 and 3606-003CA-03000.

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), David D. Kendrick and Lynne K. Kendrick, 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.

Revised 8/2021

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 1 day of September, 2023.

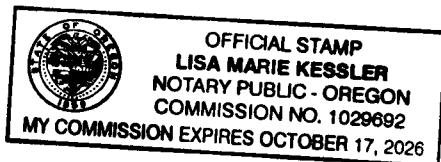
David Delford Kendrick
Owner of Record

Lynne Kathleen Kendrick
Owner of Record

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above names David D. Kendrick & Lynne K. Kendrick and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 1 day of September, 2023.

By _____.



Lisa M. Kessler
Notary Public for State of Oregon
My Commission Expires: 10/17/2026

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Revised 8/2021

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Klamath, State of Oregon, described as follows:

Tract A - (2800)

A parcel of land situated in the NE1/4 of the SW1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Starting from the NW corner NE 1/4 of the SW 1/4, Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon; thence South 89 degrees 50' East, a distance of 218.11 feet to an iron pin, the point of beginning; thence South, a distance of 124.37 feet to an iron pin; thence East, a distance of 85 feet to an iron pin; thence North, a distance of 124.12 feet to an iron pin, thence North 89 degrees 50' West, a distance of 85 feet more or less to the point of beginning.

Tract B - (2900)

A parcel of land situated in the NE1/4 of the SW1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Starting from the NW corner of the NE1/4 of the SW1/4, Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon; thence South 89 degrees 50' East, a distance of 133.11 feet to an iron pin, the point of beginning; thence South a distance of 124.61 feet to an iron pin; thence East, a distance of 85 feet to an iron pin; thence North, a distance of 124.37 feet to an iron pin; thence North 89 degrees 50' West, a distance of 85 feet, more or less to the point of beginning.

Tract C - (3000)

A parcel of land situated in the NE1/4 of the SW1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Starting from the NW corner of the NE1/4 of the SW1/4, Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon; thence South 89 degrees 50' East, a distance of 60.05 feet to an iron pin, the point of beginning; thence South 2 degrees 36' 12" West a distance of 124.96 feet to an iron pin; thence East a distance of 78.74 feet to an iron pin; thence North, a distance of 124.61 feet to an iron pin; thence North 89 degrees 50' West a distance of 73.06 feet, more or less, to the point of beginning.

NOTE: This Legal Description was created prior to January 01, 2008.