

Returned at Counter

**AFTER RECORDING RETURN TO:**

City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601

**2025-001355**

Klamath County, Oregon



00338985202500013550050058

02/26/2025 09:18:08 AM

Fee: \$102.00

**Declaration of Covenants for  
the Operation & Maintenance  
of Stormwater Facilities for  
Klamath Hospice, Inc.  
2751 Washburn Way**

Declaration of covenants affecting the real property described as tax lot number R-3909-003CC-00201-000 (Parcel 1 of Land Partition 08-24), within the City of Klamath Falls, Klamath County, Oregon (hereinafter referred to as the "property"), for the express purpose of causing the owner of said property to have knowledge of, and be subject to performing the operation and maintenance (O&M) of the stormwater facility located on the property that serves the entirety of the property.

NOW THEREFORE, the undersigned Klamath Hospice, Inc. (hereinafter referred to as "owner"), owner of said property, do hereby declare that they, their heirs, successors and assigns, will manage, operate, and maintain said stormwater facility as prescribed below:

- 1) The property owner or their designees agree to submit a recorded copy of this Covenant, inclusive of the O&M Plan., to the City of Klamath Falls, hereinafter referred to as "City," prior to City acceptance of the project.
- 2) This Covenant shall remain in full force and effect unless canceled or modified with the written consent of the City and the property owner or their designees.
- 3) The property owner or their designees shall keep a copy of this Covenant and the as-constructed plans of the facility available on the premises. These shall be made available to City staff upon request.
- 4) All areas within the stormwater facility and easements associated with the stormwater facility shall be maintained in accordance with the O&M plan.
- 5) Modifications of physical features within the stormwater facility shall not be made by property owner or their designees without receiving prior written authorization from the City.
- 6) The property owner or their designees shall maintain, repair or replace part or all of the facility as necessary to ensure it is functioning as originally designed or as modified per written agreement with the City.
- 7) The property owner or their designees should inspect the facility in accordance with the approved maintenance requirements submitted as in the O&M plan to ensure it is functioning properly, but at a minimum, inspections must be performed annually.

8) If the system is not functioning properly or any of the conditions requiring corrective actions as shown within the maintenance requirements and on the as-built construction plans, corrective actions will be taken within 15 calendar days unless other arrangements are made with the City.

9) The property owner or their designees shall keep records of system inspections and maintenance. Records shall note inspection dates, any conditions requiring maintenance actions, and maintenance conducted. Records shall be made available to City staff upon request.

10) City staff shall have the right to enter upon the property for the purpose of inspecting, and reasonably monitoring performance of the flow control facilities using the maintenance access routes specified in the O&M plan.

11) City staff shall make a reasonable effort to notify the property owner or their designees prior to any inspections deemed necessary. Unless otherwise agreed upon between City staff and the responsible party, inspections shall be scheduled Monday through Friday during normal business hours.

12) Upon inspection of the facility, City staff will notify the property owner or their designees in writing of any noted conditions, or practices that are not in compliance with the approved O&M Plan and will specify a time frame for corrective actions to be taken.

13) Failure to correct a defective condition within the time frame specified by the City Inspector or continued non-compliance with practices and procedures specified in this O&M Plan may result in a nuisance and be subject to enforcement provisions per the City of Klamath Falls Code, Chapter 5. Stormwater facilities as well as the adjacent right-of-way, easements, and/or private property upon which they reside are subject to all nuisance provisions of the City of Klamath Falls Code, including control of noxious weeds, vegetation and removal of litter and debris, except as they relate to the approved vegetation within the water quality functioning portion of the stormwater treatment facility.

14) The property owner or their designees shall not apply or dump any pesticides, herbicides, petroleum-based products or other hazardous or foreign substances within the stormwater facility.

15) Dead vegetation and cutting, including grass cuttings, shall be removed from the stormwater facility and disposed of in accordance with local and State requirements.

16) If a complaint is received or an inspection reveals that a stormwater facility is infested with mosquitoes or other vectors, the property owner or their designee shall contact Vector Control to eliminate the infestation. Owner may also employ one of the following to help mitigate mosquito infestations:

- a) Installation of predacious bird or bat nesting boxes.
- b) Alterations of pond water levels approximately every four days in order to disrupt mosquito larval development cycles.

If corrective action has not taken place within 15 days, the City will take corrective action and charge the costs to the subject property owner.

17) The property owner shall bear all responsibility and cost to remove and replace any portion or affected portion of the stormwater facility located within any Public Utility Easement (P.U.E.) located on the subject property, if applicable, at such time when the benefitting agency deems it necessary for access, maintenance and/or other activities as permitted by the P.U.E.

The above covenants shall run with the land, be enforceable by the City of Klamath Falls, and shall be binding upon the property owner, their heirs, successors, and assigns.

IN WITNESS WHEREOF, the property owner(s), signed this 16 day of January, 2025.

Klamath Hospice, Inc.

Rachel Throne  
Rachel Throne, Executive Director

STATE OF OREGON            }  
  } ss.  
County of KLAMATH        }

On January 16, 2025, personally appeared Rachel Throne, who, being first duly sworn, did acknowledge that she is the Executive Officer of Klamath Hospice, Inc., that the foregoing instrument was signed on behalf of said Klamath Basin Behavioral Health, that he is authorized to execute this instrument and that this instrument is of voluntary act and deed of that entity.



WITNESS my hand and official seal.

Elizabeth A Mann  
SIGNATURE OF NOTARY PUBLIC  
Notary Public for Oregon  
My Commission Expires: July 7, 2028

**THE FOREGOING IS HEREBY ACCEPTED BY THE CITY OF KLAMATH FALLS**

By: \_\_\_\_\_

Mark Willrett, Public Works Director

STATE OF OREGON                    }

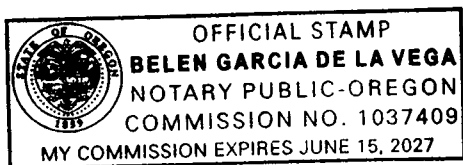
}

} ss.

County of KLAMATH                }

}

On ~~January~~ <sup>February</sup> 20~~th~~ 2025, personally appeared Mark Willrett, who, being first duly sworn, did acknowledge that he is the Public Works Director, that the foregoing instrument was signed on behalf of said The City of Klamath Falls, that he is authorized to execute this instrument and that this instrument is of voluntary act and deed of that entity.



WITNESS my hand and official seal.

Belen Garcia de la Vega  
SIGNATURE OF NOTARY PUBLIC  
Notary Public for Oregon  
My Commission Expires: June 15, 2027

(Operations & Maintenance Plan (Exhibit to DOC for O&M) Attached)



## **9.0 Erosion Control**

---

An erosion and sediment control plan has been prepared and included in the construction documents. The information contained within the plan set is considered a minimum and shall be modified by the Contractor, Inspector, or Engineer of Record as required to contain all sediment on site. Special attention shall be taken at all existing storm drain catch basins to eliminate any sediment transfer into the existing storm drain system. An all-weather rock surface shall be provided at all construction site entrances/exits. All construction will be maintained within the development limits of this project. It will be the responsibility of the Contractor to ensure compliance with the referenced plans and permit requirements. See sheet C1.00 of the civil construction documents for erosion control notes, plans, and details.

## **10.0 Maintenance And Operations**

---

This document has been prepared to guide the owner (KHI), or active operation and maintenance (O&M) supervisor, in the cleaning, repairing, and general O&M of the stormwater conveyance network and structures. The below requirements shall be considered a minimum. It shall be the responsibility of the owner or supervisor to adjust specific O&M measures in the field as required to maintain a fully functional storm conveyance system. It is the owner's responsibility to ensure the O&M program, described below, is performed twice annually, in April and October. The following items shall be incorporated into the program:

- **Paved Parking and Maneuvering Areas** – Prior to cleaning the pipe network, all paved parking and maneuvering areas shall be swept or washed clean.
- **Catch Basins and Area Inlets** – Inspect and clean each inlet grate and sump. Clean and repair as needed.
- **Stormwater Pipe Network** – Inspect conveyance pipes for sediment buildup. If sediment is present, high pressure wash each pipe into adjacent downstream catch basin/control structure, taking care not to allow material to wash downstream. All sediment shall be extracted from structures/pipes and disposed of at an approved location.
- **Stormwater Detention Pond** – Inspect the condition of the detention pond and landscape surfaces to ensure complete vegetation ground cover is present. Remove any foreign debris that may be present and repair any damaged vegetation.
- **Discharge Control Structure** – Remove discharge structure grate to wash and vacuum sump. Do not allow sediment material to wash downstream from this point. All sediment to be extracted from structures and disposed of at an approved location.