

96-38106

425 - 2936

RL-ZONE PARTITION RESTRICTIVE COVENANTS

These restrictive covenants entered into this 14 day of Oct., 1996 by GARRETT M. RICE and DEBRA RICE (Covenantor).

RECITALS

Covenantor sought approval for the partition of certain RL-zoned property into two parcels, including a 4.60-acre parcel described as Parcel 1 of Partition Plat No. 1996-49 (hereafter referred to as the "parent parcel");

Section 19.24.055(B)(6) requires recordation of a restrictive covenant prohibiting further division of each resulting parcel of such a partition until the property can be served by DEQ-permitted community or municipal water systems and urban standard roads;

The property is not now served by a DEQ-permitted community or municipal sewer system or urban standard roads;

Section 19.24.055(B)(c)(1) of the Deschutes County Code requires partitioners of RL-zoned property to propose a redevelopment plan as a condition of partition approval and that such redevelopment plan be incorporated into a restrictive covenant;

Covenantor has proposed a partition and an accompanying proposed redevelopment plan for the parent parcel that is acceptable to the County; and

NOW THEREFORE, in consideration for and as a condition of the County's tentative approval to partition the property as set forth in MP-96-17, the Covenantor agrees as follows with regard to the parent parcel described in Exhibit A and by this reference incorporated herein:

1. Prohibition on further division. Covenantor agrees to take no action to divide the parent parcel any further until such time as Board of County Commissioners or its designee determines that:

- (a) The parent parcel can be served by a DEQ-permitted community or municipal sewer system, and
- (b) The parent parcel is served by roads that have been developed to standards for an urban local road, as set forth below:

Right of way width: 60 feet

Pavement width: 36 feet

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Tenascope Inc.
405 SW 18th
Redmond, OR 97756.

Pavement type:	2 inches of AC
Base Depth:	6 inches
Maximum Grade:	10% (except that an increase in grade of 2 percent may be allowed in unusually steep areas)
Curb Type:	12-inches, standard

2. Covenants run with land. These Restrictive Covenants shall be recorded in conjunction with recordation of the final plat of MP-96-17 in the real property records of Deschutes County, Oregon, shall run with the land and shall be binding upon Covenantor's heirs, successors and assigns and on any other person or entity acquiring any interest in the parent parcel.

3. Extinguishment of covenant. These Restrictive Covenants shall be extinguished if the Board of County Commissioners or any successor governing body determines that any of the following circumstances has occurred: (1) The parent parcel is replatted to reconfigure the land division approved by MP-96-17; (2) the approval for MP-96-17 is revoked; (3) the redevelopment plan requirement of DCC 19.24.055(B)(c)(1) (or any similar successor provision) has been repealed; or (4) Covenantor has proposed an alternative redevelopment plan for the property that is acceptable to the County to replace the plan set forth herein.

4. Restrictive covenants are cumulative. These restrictive covenants are in addition to and not in lieu of other consents, waivers or agreements required by Section 19.24.055 of the Deschutes County Code and shall be read to be consistent with other provisions requiring additional agreements, consents or waivers by Covenantors.

5. Enforcement. If County determines that Covenantor is in violation of these restrictive covenants or that a violation is threatened, County may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of these Restrictive Covenants, to enjoin the violation or to recover any damages to which it may be entitled for violation of the terms of this restrictive covenant. These covenants shall be enforceable in a court of equity

