

AFTER RECORDING RETURN TO:

City Recorder
City of Oregon City
P.O. Box 3040
Oregon City, Oregon 97045-0304

Map No.: 3 1E 12D, 3 2E 07C
Tax Lot(s): 1701 (3 1E 12D), 1002 & 1003 (3 2E 07C)
Planning No.: TP 15-07

Grantor: Rian Park Development, Inc.

**RESTRICTIVE COVENANT NON-REMONSTRANCE AGREEMENT
(PURSUANT TO CITY OF OREGON CITY ORDINANCE NO. 00-1014)**

The undersigned legal owner of the property described below (the "Property") hereby waives any and all right to remonstrate against the formation of a Local Improvement District (LID) by the City of Oregon City (City) for the purpose of making sanitary sewer, storm sewer, water or street improvements that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. This non-remonstrance agreement is executed in consideration of not being required by the City to make the above-mentioned improvements at this time as a condition of land use approval of the subdivision "Ed's Orchard".

Oregon City Planning File No. TP 15-07

For the purpose of this Covenant:

"Sanitary Sewer Improvements" includes pipelines or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting wastes to an ultimate point for treatment or disposal.

"Storm Sewer Improvements" includes pipelines, swales, detention or retention devices or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting storm water flow to an ultimate point for treatment or disposal.

"Water Improvements" includes pipelines, conduits, meters, hydrants and all other structures, devices, appurtenances and facilities used in collecting, treating or conveying drinking water from a source of supply to water consumers and other water users.

"Street Improvements" includes streets, sidewalks, curbs, gutters, street lighting and all other structures, devices, appurtenances, facilities and improvements used to serve cars, bicycles, pedestrians and other modes of transportation and conveyance.

"Right to remonstrate against the formation of an LID" refers solely to a property owner's right under the City Charter and Code to be counted as part of an extraordinary majority of property owners that can, in certain circumstances, suspend proceedings on the formation of an

LID. The waiver of this right herein does not limit or otherwise restrict the ability of a property owner bound by this covenant to appear at any of the required public hearings and testify regarding the formation of the LID, whether the boundaries include all benefited property, the equity of the assessment formula, the scope and nature of the project or of the final assessment, or any other issue regarding the LID.

This covenant shall run with the land and be binding upon the undersigned and upon all subsequent owners of property.

The property subject to this covenant is described as follows:

-- SEE ATTACHED EXHIBITS "A" (Legal Description) and "B" (Survey, Plat, etc) --

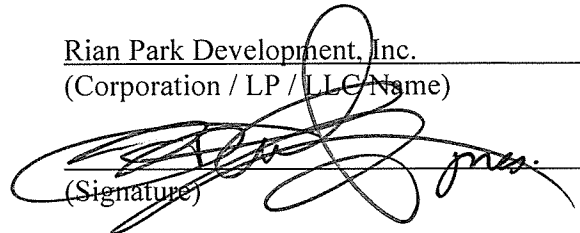
In construing this covenant and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 2 day of August, 2016; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

NOTICE: No stamp or corporate seal is allowed over any typed information.

Corporation / Limited Partnership / LLC

Rian Park Development, Inc.
(Corporation / LP / LLC Name)

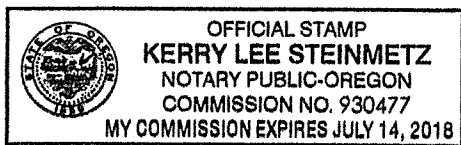

(Signature)

Bruce Ament, President
(Signer's Name, Title)

NOTICE TO NOTARIES: No notary stamp or corporate seal is allowed over any typed information.

Corporate / LP / LLC Acknowledgment

STATE OF OREGON)
) ss.
County of CLATSOP)



On this 2 day of AUGUST, 2016,
before me, KERRY STEINMETZ, the
undersigned Notary Public, personally appeared
Bruce Ament who being duly sworn, did say that
he is the president of Rian Park Development,
Inc., a corporation, and the foregoing instrument
was signed on behalf of said corporation, and
acknowledged said instrument to be its voluntary
act and deed.


NOTARY PUBLIC FOR OREGON

My Commission Expires: JULY 14, 2018
Stamp seal below

City of Oregon City
P.O. Box 3040
625 Center Street
Oregon City, OR 97045-0304
(Grantee's Name and Address)

Accepted on behalf of the City of Oregon City on the condition that the Restrictive Covenant Non-Remonstrance agreement granted is free and clear from any taxes, liens, and encumbrances.

Mayor

City Recorder



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #3623

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT A

Property Description

Tracts of land located in the Southeast One-Quarter of Section 12, Township 3 South, Range 1 East, and the Southwest One-Quarter of Section 7, Township 3 South, Range 2 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon and being more particularly described as follows:

Tract 1:

Beginning at a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most easterly corner of the plat "Filbert Orchard"; thence along the southwest line of the plat "Hazel Creek Farms" South 46°05'25" East 532.52 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most easterly corner of the tract per Document Number 2016-016215, Clackamas County Deed Records; thence along the southeast line of said tract South 44°04'18" West 450.13 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most southerly corner thereof; thence along the southwest line of said tract per Document Number 2016-016215 and Parcel I of Document Number 2016-016213 North 46°03'35" West 531.13 feet to a 5/8 inch iron rod at the most southerly corner of said plat "Filbert Orchard"; thence along the southeast line of said plat North 43°53'43" East 449.85 feet to the Point of Beginning.

The above described tract of land contains 5.50 acres, more or less.

Tract 2:

Beginning at a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most easterly corner of the plat "Filbert Orchard"; thence along the southwest line of the plat "Hazel Creek Farms" South 46°05'25" East 532.52 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most easterly corner of the tract per Document Number 2016-016215, Clackamas County Deed Records; thence along the southeast line of said tract South 44°04'18" West 500.13 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most southerly corner of the Public Road per Document Number 71-2654; thence along the southwest line of said Public Road North 46°03'35" West 210.51 feet to a 5/8 inch iron rod with a red plastic cap inscribed "CENTERLINE CONCEPTS INC." at the most easterly corner of Parcel II of Document Number 2016-016213 and the True Point of Beginning; thence along the southeast line of said Parcel II South 43°55'43" West 329.95 feet to a 5/8 inch iron rod with a red plastic cap inscribed "CENTERLINE CONCEPTS INC." at the most southerly corner thereof; thence along the southwest line of said Parcel II North 46°04'14" West 677.78 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "DAVIS & PIKE LS 846" on the southeast right-of-way line of Central Point Road (30.00 feet from centerline); thence along said southeast right-of-way line North 43°56'16" East 330.08 feet to the southwest line of said Public Road per Document Number 71-2654, from which point a 3/4 inch iron pipe bears North 46°03'35" West 0.47 feet; thence along said southwest line South 46°03'35" East 677.72 feet to the True Point of Beginning.

The above described tract of land contains 5.13 acres, more or less.

08/01/2016

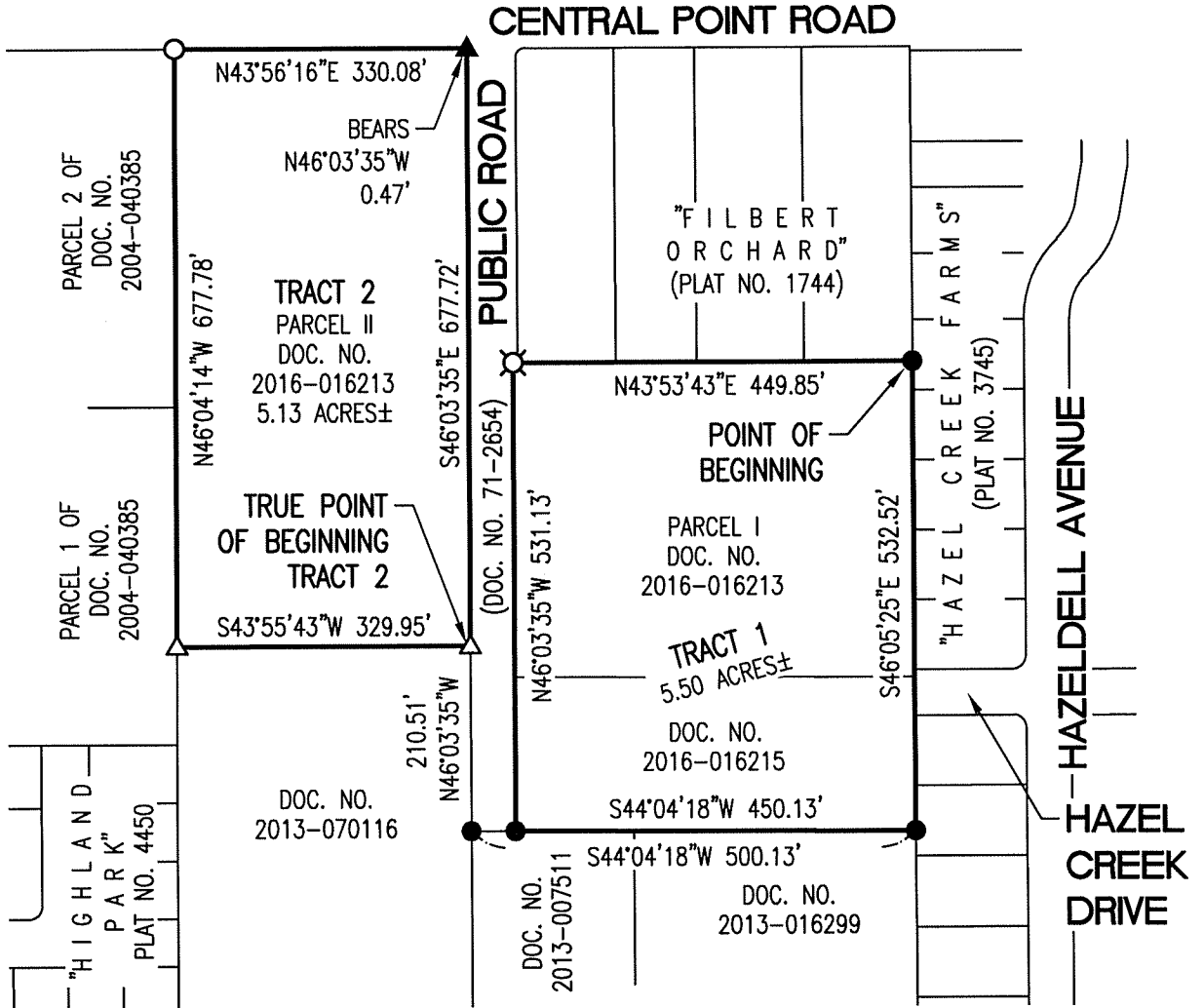
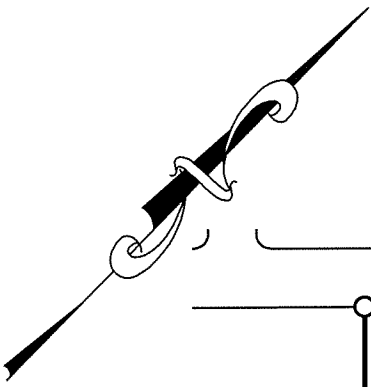
REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

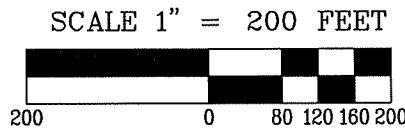
RENEWS: 12/31/16

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 1 EAST, AND THE
SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 3 SOUTH,
RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON
CITY, CLACKAMAS COUNTY, OREGON



LEGEND

- 5/8" IRON ROD W/YPC INSCRIBED "AKS ENGR."
 - 5/8" IRON ROD W/YPC INSCRIBED "DAVIS & PIKE LS 846"
 - △ 5/8" IRON ROD W/RPC INSCRIBED "CENTERLINE CONCEPTS INC."
 - ⊗ 5/8" IRON ROD
 - ▲ 3/4" IRON PIPE
- DOC. NO. DOCUMENT NUMBER PER CLACKAMAS COUNTY DEED RECORDS
W/RPC WITH A RED PLASTIC CAP
W/YPC WITH A YELLOW PLASTIC CAP



PREPARED FOR

RIAN PARK DEVELOPMENT, INC.
PO BOX 2559
OREGON CITY, OR 97045

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

RENEWS: 12/31/16

DATE: 08/01/16

PROPERTY MAP		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: JOH CHKD: RDR AKS JOB: 3623

