

AFTER RECORDING RETURN TO:

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

Map No.: 32E18
Tax Lots : 1206
Planning No.: TP14-03

Grantor: Rian Park Development, Inc.

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

The undersigned legal owners of the property described below (the "Property") hereby waive 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 Ellis Estates

Oregon City Planning File No. TP14-03

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 21st day of AUGUST, 2015; 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.

Individuals, general partnerships

Corporation/limited partnership

(Signature No. 1)

RIAN PARK Dev., Inc.
(Corporation/Partnership Name)

(Signer's No. 1 - Printed Name)

[Signature]
(Signature No. 1)

(Signature No. 2)

Bruce A. Ament, President
(Signer's No. 1 - Name, Title)

(Signer's No. 2 - Printed Name)

(Signature No. 2)

(Signature No. 3)

(Signer's No. 2 - Name, Title)

(Signer's No. 3 - Printed Name)

(Signature No. 3)

(if executed by a corporation affix corporate seal below)

(Signer's No. 3 - Name, Title)

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

Personal Acknowledgment

STATE OF OREGON)
)
County of _____) ss.

On this _____ day of _____, 20____,
before me, _____, the
undersigned Notary Public, personally appeared
_____,
_____,
_____ and
acknowledged the foregoing instrument to be
his/her voluntary act and deed.

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____
Stamp seal below

(Grantor's Name and Address)

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

Corporate Acknowledgment

STATE OF OREGON)
)
County of Clackamas) ss.

On this 21 day of August, 2015,
before me, MELISSA MCSPERITT, the
undersigned Notary Public, personally appeared
Bruce A. Ament and
_____ who
being duly sworn, each for himself/herself and not
one for the other did say that the former is the
_____ president

and that the latter is the _____ secretary of
Rian Park Dev., Inc.

_____ a
corporation, and that the seal affixed to the
foregoing instrument was signed and sealed in
behalf of said corporation by authority of its
board of directors; and each of them
acknowledged said instrument to be its voluntary
act and deed.

Melissa McSperritt

NOTARY PUBLIC FOR OREGON

My Commission Expires: 2/24/19
Stamp seal below





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

AKS Job #3867

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

EXHIBIT A

A tract of land being a part of the John S. Howland Donation Land Claim 45 located in Section 7, Township 3 South, Range 2 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon as shown on the Record of Survey prepared by AKS Engineering and Forestry filed as SN 2014-128, Clackamas County Surveyor's Office records, a cop of which is attached as Exhibit "B" and being described as follows:

Beginning on the Southwesterly Right-of-Way Line of Leland Road (County Road 518) at the most Easterly corner of the tract of land conveyed to Richard and Joy Ellis by deed recorded June 17, 1996 recorded as Document No. 96-043808, said point being on the northwesterly line of the tract described in a contract to Ronald L. Johnston and Loretta F. Johnston recorded November 10, 1976 as Recorder's Fee No. 76-40150, and being marked by a 5/8-inch iron rod; Thence along the Northwesterly line of said Johnston Tract the following five courses: 1) South 44°21'10" West 280.20 feet to a 5/8-inch iron rod, 2) South 42°28'37" West 90.05 feet to a 5/8-inch iron rod, 3) North 47°39'12" West 59.86 feet to a 5/8-inch iron rod, 4) South 43°45'26" West 302.07 feet to a 5/8-inch iron rod, and 5) South 43°45'26" West 353.38 feet to a 5/8-inch iron rod marking the most southerly corner of said Ellis Tract; Thence along the south line of said Ellis Tract North 46°33'16" West 246.05 feet to a 5/8-inch iron rod marking the most Westerly corner of said Ellis Tract; Thence North 41°48'39" East 133.96 feet to a 5/8-inch iron rod marking the most Southerly corner of the tract of land conveyed to Roland E. and Veronica F. Shoenborn by deed recorded October 6, 1971 as Recorder's Fee No. 71-28456; Thence along the southeasterly line of said Schoenborn Tract North 43°34'42" East 676.10 feet to a 5/8-inch iron rod by a yellow plastic cap inscribed "AKS-ENGR"; Thence South 46°18'26" East 6.43 feet to the Southerly point of the Boundary Line Agreement recorded May 27, 2014 as Recorder's Fee No. 2014-025084, said point being marked by a 5/8-inch iron rod; Thence along said Boundary Agreement Line the following four courses: 1) South 46°18'26" East 71.35 feet to a 5/8-inch iron rod, 2) North 62°18'26" East 47.80 feet to a 5/8-inch iron rod, 3) North 77°03'06" East 36.01 feet to a 5/8-inch iron rod, and 4) North 44°01'17" East 142.61 feet to the southwesterly Right-of-Way Line of South Leland Road (County Road No. 518), said point being marked by a yellow plastic cap inscribed "AKS-ENGR"; Thence along said southwesterly Right-of-Way line South 46°21'05" East 206.47 feet to the **Point of Beginning of the Herein-described Tract.**

02/02/15

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 16, 1987
THEODORE G. LAMBERT
2294

RENEWS: 12/31/16

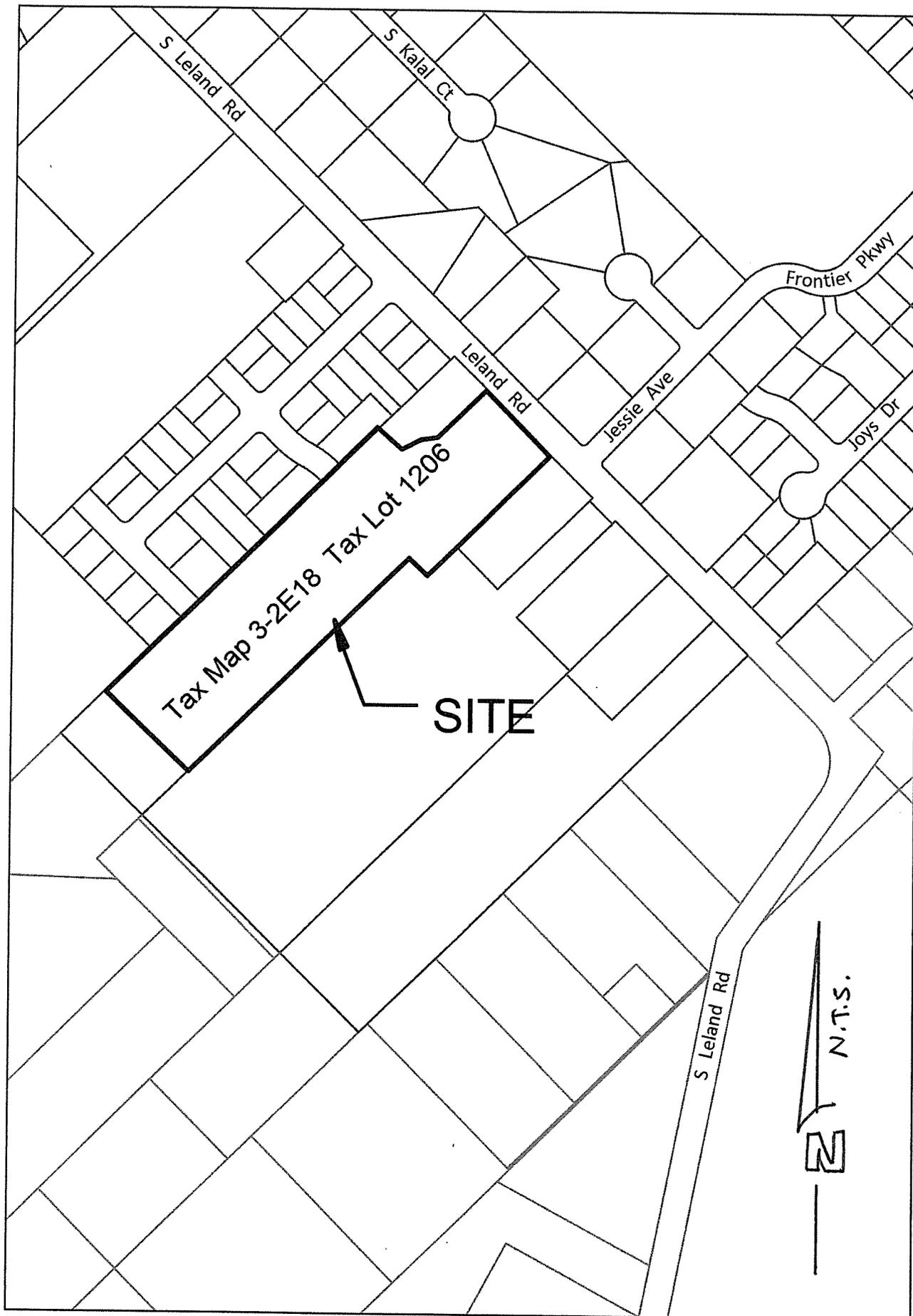


EXHIBIT "B"