

AFTER RECORDING RETURN TO:

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

**Name:** Central Point Crossing

**Legal:** Located in the SE ¼ section 12, T.3S., R.1E., W.M., City of Oregon City, Clackamas County, OR (3-1E-12D)

**Tax Lots:** 1502 & 1506

**Planning No:** TP 13-03 (CN13-25)

**Grantor:** ICON CONSTRUCTION AND DEVELOPMENT, LLC

**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 **CENTRAL POINT CROSSING SUBDIVISION**

Oregon City Planning File No. TP 13-03

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" (Plat) and "B" (Legal Description and Plat Notes) --

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 7<sup>th</sup> day of JANUARY, 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.***

Corporation/limited partnership

ICON CONSTRUCTION & DEVELOPMENT, L.L.C.  
(Corporation/Partnership Name)

  
(Signature)

MARK HANDRIS, MANAGING MEMBER  
(Printed Name and Title)

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

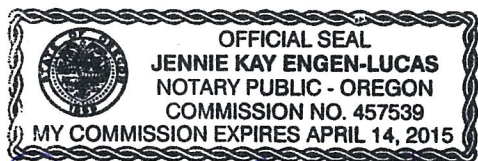
Personal Acknowledgment

STATE OF OREGON )  
 ) ss.  
County of clackamas )

On this 7<sup>th</sup> day of January, 2015,  
before me, Jennie Engen, the  
undersigned Notary Public, personally appeared  
Mark Handris,  
\_\_\_\_\_,  
\_\_\_\_\_ and  
acknowledged the foregoing instrument to be  
his/her voluntary act and deed.

NOTARY PUBLIC FOR OREGON

My Commission Expires: 4/14/2015  
Stamp seal below



Jennie K Engen-Lucas  
\_\_\_\_\_  
\_\_\_\_\_

(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 )  
 ) ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
before me, \_\_\_\_\_, the  
undersigned Notary Public, personally appeared  
\_\_\_\_\_ 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  
\_\_\_\_\_  
\_\_\_\_\_, 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.

NOTARY PUBLIC FOR OREGON

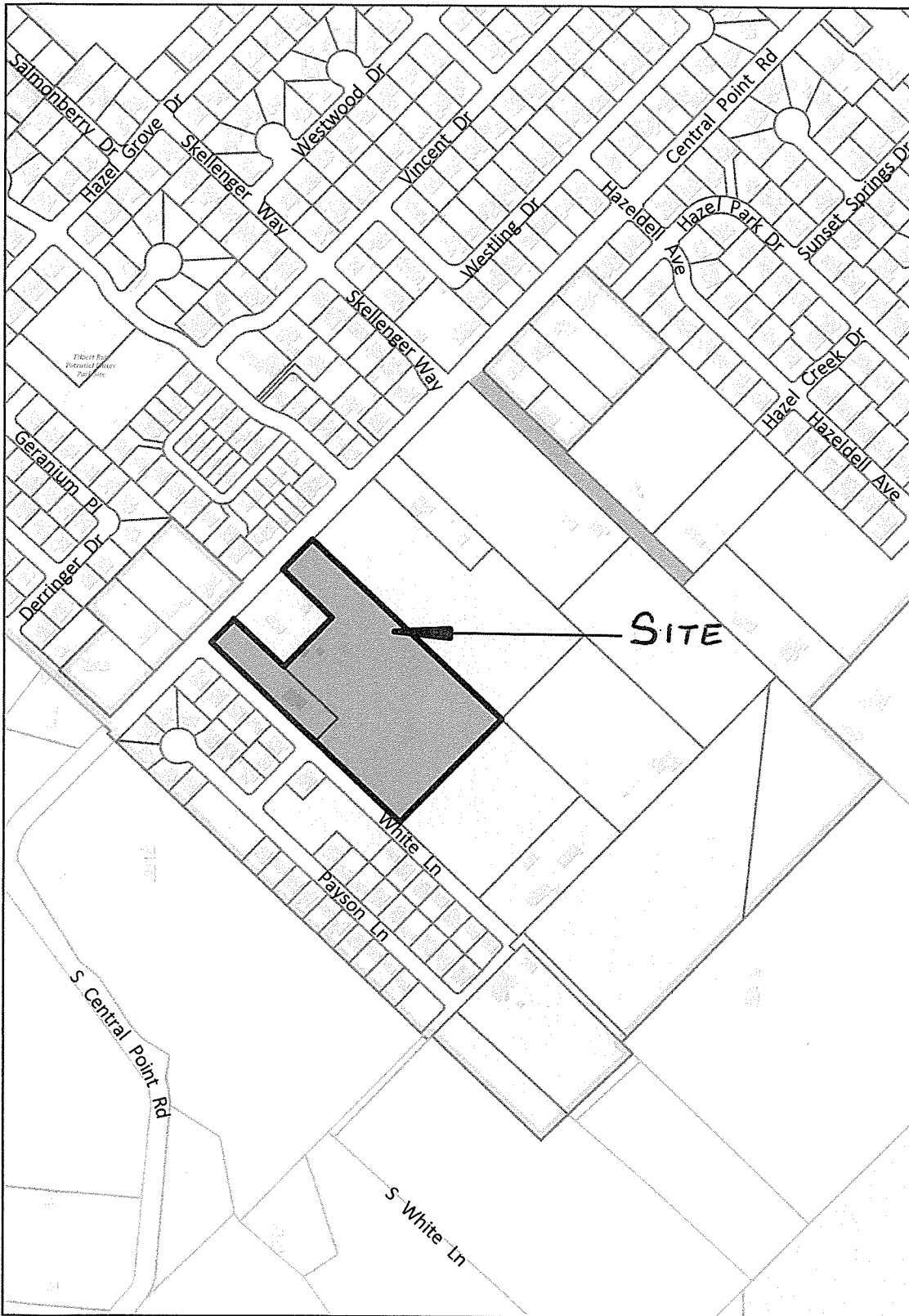
My Commission Expires: \_\_\_\_\_  
Stamp seal below

## **LEGAL DESCRIPTION**

The "Central Point Crossing" subdivision (Plat No. 2015-\_\_\_\_\_),  
Oregon City, Clackamas County, Oregon.

## **EXHIBIT "A"**

# Oregon City GIS Map



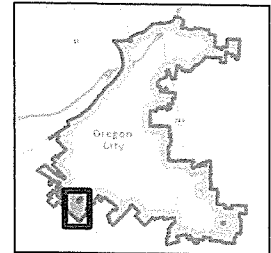
## Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- City Limits
- UGB
- Basemap

## Notes

Central Point Crossing  
TP13-03):  
Restrictive Covenant  
Non-Remonstrance Agreement

## Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 458 Feet  
1: 5,491

Map created 1/27/2015

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[www.orcity.org](http://www.orcity.org)

