

AFTER RECORDING RETURN TO:

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

**Map No.:** 3-2E-09D

**Tax Lots :** 1400

**Planning No.:** CP14-03, DP14-04 (CN14-13)

**Grantor:** Oregon City School District 62

**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 Oregon City School District 62 Transportation Maintenance Facility

Oregon City Planning File No. CP14-03, DP14-04 (CN14-13)

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 30<sup>th</sup> day of September, 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.***

**OREGON CITY SCHOOL DISTRICT No. 62**



\_\_\_\_\_  
(Signature No. 1)

Larry Didway, Superintendent

\_\_\_\_\_  
(Signer's No. 1 - Printed Name, Title)

\_\_\_\_\_  
(Signature No. 2)

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

\_\_\_\_\_  
(Signature No. 3)

\_\_\_\_\_  
(Signer's No. 3 - Printed Name)

(if executed by a corporation affix corporate seal below)

**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 30 day of September, 2015,  
before me, Kay L. Bunce, the  
undersigned Notary Public, personally appeared  
Larry Didulay, Superintendent

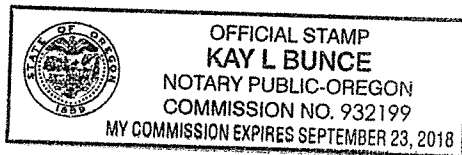
\_\_\_\_\_,  
\_\_\_\_\_ and  
acknowledged the foregoing instrument to be  
his/her voluntary act and deed.

Kay L. Bunce

NOTARY PUBLIC FOR OREGON

My Commission Expires: 9-23-2018

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

\_\_\_\_\_

Personal Acknowledgment

STATE OF OREGON )  
 ) ss.

County of \_\_\_\_\_ )

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

North Parcel Description  
Oregon City School District #62  
Clackamas County, Oregon  
September 17, 2015  
Project No. 2489-001 (A)

#### EXHIBIT "A"

A tract of land situated in the south one-half of Section 9, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being a portion of that property conveyed to Oregon City School District #62 by Deed Document Number 2012-080636, Clackamas County Deed Records, being more particularly described as follows;

Beginning on the south line of that property conveyed to Clackamas County Area Education District by Deed Document Number 83-2823, Clackamas County Deed Records, at a 5/8" iron rod marking the northeast corner of that property conveyed to Saunders by Deed Document Number 2005-127560, Clackamas County Deed Records;

thence, along said south line, South 89°39'28" East, 153.03 feet to a found Stone with an "X" on the south line of that property conveyed to Oregon City School District #62 by Deed Document Number 91-52218, Clackamas County Deed Records;

thence, along said south line of Oregon City School District #62 property, South 89°50'55" East, 374.70 feet to the west line of that property conveyed to Oregon City School District #62 by Book 488, Page 325, Clackamas County Deed Records;

thence, along said west line, South 00°27'09" East, 822.08 feet to the west right of way line of Loder Road, being 54.00 feet wide;

thence, along said right of way line, South 03°12'32" West, 83.69 feet to the north right of way line of Meyers Road, being 93.00 feet wide;

thence, along said north right of way line, North 85°01'25" West, 84.72 feet to a point of curvature;

thence, along a 357.00 foot radius curve to the right, through a central angle of 26°20'16" [chord bears North 71°50'46" West, 162.66 feet] a distance of 164.11 feet to a point of reverse curvature;

thence, along a 443.00 foot radius curve to the left, through a central angle of 03°01'00", [chord bears North 60°11'08" West, 23.32 feet] a distance of 23.32 feet to the south line of said Oregon City School District #62 property;

thence, along said south line, North 00°27'10" West, 8.66 feet to an angle point therein;

thence, continuing along said south line, North 89°38'25" West, 17.10 feet to a point of non-tangent curvature;

thence, continuing along a 443.00 foot radius curve to the left, radial bears North 25°48'47" East, through a central angle of 27°08'55", [chord bears North 77°45'40" West, 207.95 feet] a distance of 209.91 feet to a point of reverse curvature;

thence, along a 357.00 foot radius curve to the right, through a central angle of 07°00'05", [chord bears North 87°50'05" West, 43.60 feet] a distance of 43.62 feet to the west line of said Saunders property;

thence, along said west line, North 00°27'59" West, 783.43 feet to the Point of Beginning.

Containing 443,685 square feet.

Bearings are based on the centerline of Glen Oak Road between found monuments at the south one-quarter corner of Section 9 and the southeast corner of Section 9 per Survey Number 2008-277, Clackamas County Survey Records.





0 50' 100'

SCALE: 1"=100'

CLACKAMAS COUNTY AREA  
EDUCATION DISTRICT  
DOC. NO. 83-2823

OREGON CITY SCHOOL  
DISTRICT #62  
DOC. NO. 91-52218

153.03  
S89°39'28"E

S89°50'55"E 374.70'

POINT OF BEGINNING  
5/8" IRON ROD

OREGON CITY SCHOOL DISTRICT #62  
DOC. NO. 2012-080636  
443,685 SQ. FT.

SAUNDERS  
DOC. NO. 2005-127560

N00°27'59"W 783.43'

CURVE DATA TABLE					
CURVE#	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C15	164.11'	357.00'	26°20'16"	N71°50'46"W	162.66'
C16	23.32'	443.00'	3°01'00"	N60°11'08"W	23.32'
C17	209.91'	443.00'	27°08'55"	N77°45'40"W	207.95'
C18	43.62'	357.00'	7°00'05"	N87°50'05"W	43.60'

S00°27'09"E 822.08'

LODER ROAD

OREGON CITY SCHOOL DISTRICT #62  
BOOK 488, PAGE 325

C18  
L=43.62'

C17  
L=209.91'

10.00' PUBLIC UTILITY EASEMENT

N89°38'25"W 17.10'

N00°27'10"W 8.66'

C16 L=23.32'

C15 L=164.11'

N85°01'25"W 84.72'

MEYERS ROAD

S03°12'32"W  
83.69'

54.00'

40'

40'

## EXHIBIT B PAGE 1 OF 1

LOCATED IN THE S. 1/2 OF SECTION 9  
TOWNSHIP 3 S., RANGE 2 E., W.M.  
CLACKAMAS COUNTY, OREGON

DATE 17SEP15  
DRAWN BY SLH2  
CHECKED BY GRA  
REVISION 1  
JOB NO. 2489-001

**WESTLAKE**  
CONSULTANTS INC.

ENGINEERING • SURVEYING • PLANNING

PACIFIC CORPORATE CENTER  
16115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652  
TIGARD, OREGON 97224 FAX (503) 624-0157

Drawing Name: J:\2489-001\14\Survey\CAD\DWG\2489-001E.dwg Sep 17, 2015 - 3:17pm - showell