

AFTER RECORDING RETURN TO:

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

Map No.: 31E01AD

Tax Lot(s): 3100 and 3202

Planning No.: SP14-09 / CU14-14 (CN14-28)

Grantor: Daniel Muresan and Petronella Donovan

**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 **Petra Memory Care Facility (950 South End Road)**

Oregon City Planning File No. SP14-09

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" (Map) --

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 (owner No. 1 and owner No. 2) has executed this instrument this ____ day of ____ May ___, 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 No.1

Corporation/limited partnership No. 2

Empire Northwest Investments, LLC
(Corporation/Partnership Name)

Donovan Investments, LLC
(Corporation/Partnership Name)

(Signature)

(Signature)

Daniel Muresan, owner
(Signer's Name, Title)

Petronella Donovan, majority member / owner
(Signer's Name, Title)

(if executed by a corporation affix corporate seal below)

(if executed by a corporation affix corporate seal)

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

Corporate Acknowledgment No. 1

STATE OF OREGON)

) ss.

County of _____)

Personally appeared Daniel Muresan
who being duly sworn, is the owner
of Empire Northwest Investments, LLC, 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.

Before me this ____ day of May, 2016:

NOTARY PUBLIC FOR OREGON

(Notary's signature)

My Commission Expires: _____

(Stamp seal below)

(Grantor's Name and Address – No. 1)

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 No. 2

STATE OF OREGON)

) ss.

County of _____)

Personally appeared Petronella Donovan
who being duly sworn, is the majority member /
owner of Donovan Investments, LLC, 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.

Before me this ____ day of May, 2016:

NOTARY PUBLIC FOR OREGON

(Notary's signature)

My Commission Expires: _____

(Stamp seal below)

(Grantor's Name and Address – No. 2)



CENTERLINE CONCEPTS
LAND SURVEYING, INC.

19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

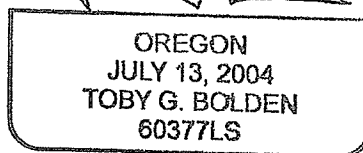
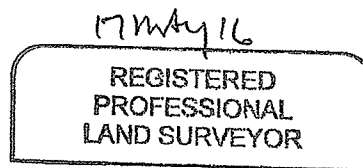
Exhibit "A"
Legal Description

A Tract of land being all of those tracts of land as described in Documents No. 2014-002380 and 2013-050193, Clackamas County Deed Records, located in the Northeast 1/4 of Section 1, Township 3 South, Range 1 East of the Willamette Meridian, City of Oregon City, County of Clackamas, State of Oregon, being more particularly described as follows:

BEGINNING at the most Easterly Northeast corner of "Arista Heights", also being the Southeast corner of that Tract of land described in Document No. 2013-050193, Clackamas County Deed Records; thence along the North right of way Amanda Court, being 25.00 North of centerline when measured at right angles, N90°00'00"W, 251.20 feet to a point of curvature; thence along a curve to the right, having a radius of 70.00 feet, through a central angle of 56°24'13", an arc length of 68.91 feet (chord of which bears N61°47'54"W, 66.16 feet), to a point of reverse curvature; thence along a curve to the left, having a radius of 135.00 feet, through a central angle of 08°04'42", an arc length of 19.03 feet (chord of which bears N37°38'08"W, 19.02 feet), to the East line of that Tract of land described in Document No. 2003-040190, Clackamas County Deed Records; thence along said East line N15°53'07"E, 95.03 feet to the South line of said Document No. 2003-040190; thence along said South line, and continuing along the South line of Document No. 2013-039944, Clackamas County Deed Records, N89°58'30"E, 295.00 feet to the West right of way line of South End Road, being 30.00 feet West of centerline when measured at right angles; thence Westerly of, parallel with, and 30.00 feet distant of said centerline, S00°02'46"E, 137.86 feet to the **POINT OF BEGINNING**.

Contains 42,055 Square Feet.

Subject to Easements of Record.



RENEWS: 31 Dec 17

DOCUMENT NO.
2003-040190

DOCUMENT NO.
2013-039944

N89°58'30"E

295.00'

(TAX MAP 3-1E-01DA, TAX LOT 03100)

DOCUMENT NO.
2014-002380

DOCUMENT NO.
2013-050193

(TAX MAP 3-1E-01DA, TAX LOT 03202)

N 90°00'00" W

251.20'

S 00°02'46" E 137.86'

30'

AMANDA COURT

LOT 2

LOT 1

POINT OF
BEGINNING

SE CORNER OF
DOCUMENT NO.
2013-050193 AND
THE MOST EASTERLY
NE CORNER OF
"ARISTA HEIGHTS"

SIGNED ON: 17 MAY 16

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWES: DECEMBER 17, 2017

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	68.91'	70.00'	56°24'13"	N 61°47'54" E	66.16'
C2	19.03'	135.00'	8°04'42"	N 37°38'08" W	19.02'

CLIENT: EMPIRE
ORIG. DATE: 5/17/2016
DRAWN BY: JL
SHEET No. 1 of 1

EXHIBIT "B"
TAX LOTS 3100 & 3202
CITY OF OREGON CITY, CLACKAMAS COUNTY
Scale: 1"=50'

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189