

AFTER RECORDING RETURN TO:

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

Map No.: 32E07BD
Tax Lot(s): 06500
Planning No.: ZC 15-02 & TP 15-03

Grantor: ICON Construction & 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 PAVILION PARK 3 subdivision.

Oregon City Planning File No. ZC 15-02 & TP 15-03

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 5th day of January, 2017; 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 (GP)


Corporation / Limited Partnership / LLC

(Business Name, if any)

ICON Construction & Development, LLC

(Corporation / LP / LLC Name)

(Signature No. 1)



(Signature No. 1)

(Signer's No. 1 - Printed Name)

Mark Handris, Member

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

(Signature No. 2)

(Signature No. 2)

(Signer's No. 2 - Printed Name)

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

(Signature No. 3)

(if executed by a corporation affix corporate seal below)

(Signer's No. 3 - Printed Name)

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

Personal / GP 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

ICON Construction & Development, LLC

1980 Willamette Falls Drive #200

West Linn, OR 97068

(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 / LP / LLC Acknowledgment

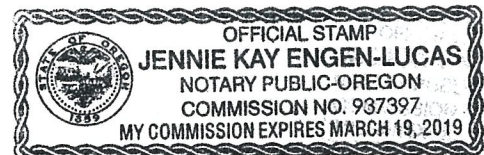
STATE OF OREGON)

County of Clackamas) ss.

On this 5th day of January, 2017, before me,
Jennie K Engen-Lucas, the
undersigned Notary Public, personally appeared
Mark Handris who being duly sworn, for himself
did say that the former is the Member of ICON
Construction & Development, LLC, a limited
liability company, the foregoing instrument was
signed in behalf of said limited liability company;
and has acknowledged said instrument to be his
voluntary act and deed.

NOTARY PUBLIC FOR OREGON

My Commission Expires: March 19, 2019
Stamp seal below





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 IN THE S.S. WHITE DLC NO. 41 IN THE N.E. 1/4, N.W. 1/4, S.E. 1/4, AND THE S.W. 1/4 OF SECTION 7, T.3S., R.2E., W.M., CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, SAID POINT BEING A 5/8" IRON ROD WITH A RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 96-064521, DEED RECORDS OF CLACKAMAS COUNTY, BEARING S47°21'47"E, 2.26 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 24, "RIAN PARK" (PLAT NO. 4054), ALSO BEING AT THE MOST NORTHERLY EAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 2003-106538, DEED RECORDS OF CLACKAMAS COUNTY; THENCE, ALONG THE NORTHWEST LINE OF SAID TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 96-064521, AND CONTINUING ALONG THE NORTHWEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 98-101393, DEED RECORDS OF CLACKAMAS COUNTY, S42°38'14"W, 178.00 FEET TO THE MOST WESTERLY CORNER THEREOF; THENCE, ALONG THE SOUTHWEST LINE OF SAID TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 98-101393, S47°21'46"E, 228.00 FEET TO THE NORTHWEST RIGHT OF WAY LINE OF LELAND ROAD (COUNTY ROAD NO. 518), BEING 30.00 FEET NORTHWEST OF THE CENTERLINE THEREOF WHEN MEASURED AT RIGHT

ANGLES; THENCE, ALONG SAID NORTHWEST RIGHT OF WAY LINE, S42°38'14"W, 50.16 FEET TO THE MOST EASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 87-003341, DEED RECORDS OF CLACKAMAS COUNTY; THENCE, ALONG THE NORTHEAST LINE OF SAID TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 87-003341, N47°22'03"W, 228.00 FEET TO THE MOST NORTHERLY CORNER THEREOF; THENCE, ALONG THE NORTHWEST LINE OF SAID TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 87-003341, S42°38'14"W, 177.19 FEET TO THE MOST WESTERLY CORNER THEREOF; THENCE, ALONG THE NORTHEAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 2008-063341, DEED RECORDS OF CLACKAMAS COUNTY, N47°24'15"W, 122.02 FEET TO THE NORTHERLY MOST CORNER THEREOF; THENCE, ALONG THE NORTHWEST LINE OF SAID TRACT OF LAND DESCRIBED IN DEED RECORDED IN DOCUMENT NO. 2008-063341, S42°37'00"W, 225.11 FEET TO THE NORTHEAST RIGHT OF WAY LINE OF MCCORD ROAD (COUNTY ROAD NO. 374-1/2), BEING 30.00 FEET NORTHEAST OF THE CENTERLINE THEREOF WHEN MEASURED AT RIGHT ANGLES; THENCE, ALONG SAID NORTHEAST RIGHT OF WAY LINE OF MCCORD ROAD, N47°26'04"W, 252.32 FEET TO THE MOST SOUTHERLY CORNER OF "PAVILION PARK" (PLAT NO. 4294); THENCE, ALONG THE SOUTHEAST LINE OF SAID "PAVILION PARK", BEING COINCIDENT WITH THE NORTHWEST LINE OF SAID DOCUMENT NO. 2003-106538, N41°25'40"E, 631.00 FEET TO THE MOST NORTHERLY CORNER OF SAID DOCUMENT NO. 2003-106538, SAID CORNER BEING ON THE WESTERLY EXTENSION OF THE SOUTHWEST LINE OF "RIAN PARK" (PLAT NO. 4054); THENCE, ALONG SAID WESTERLY EXTENSION, AND CONTINUING ON ALONG THE SOUTHWEST LINE OF SAID "RIAN PARK", BEING COINCIDENT WITH THE MOST NORTHERLY NORTHEAST LINE OF SAID DOCUMENT NO. 2003-106538, S47°21'47"E, 387.57 FEET TO THE INITIAL POINT.

CONTAINING 224,198 SQUARE FEET.

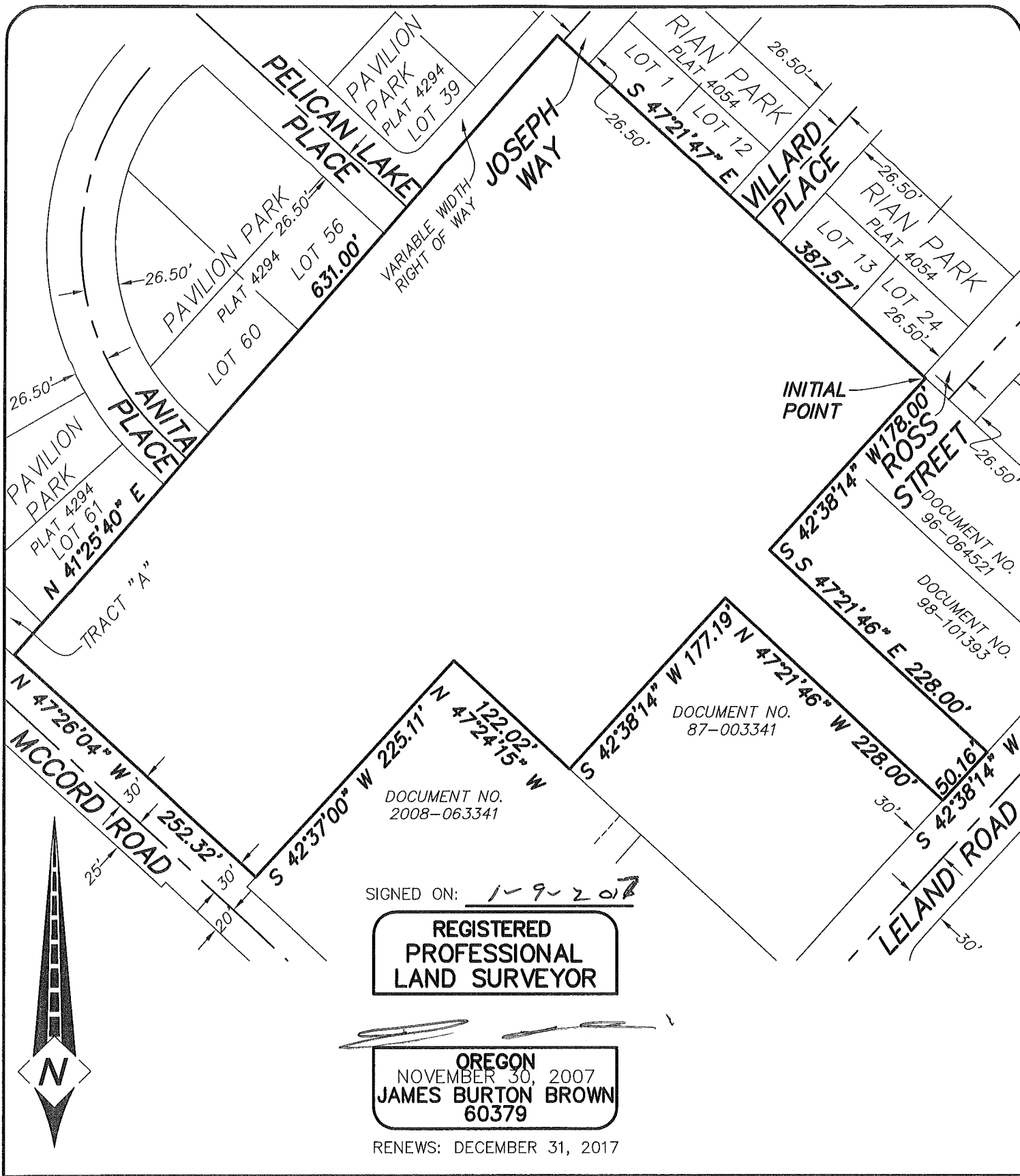
SIGNED ON: 1-9-2012

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**



**OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379**

VALID THROUGH DECEMBER 31, 2012



SIGNED ON: 1-9-2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379

RENEWES: DECEMBER 31, 2017

CLIENT: ICON CNST
ORIG. DATE: 1-9-16
DRAWN BY: RLC
SHEET No. 1 OF 1

EXHIBIT "B"
OUTBOUNDS

CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
SCALE: 1"=100'

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