

Washington County, Oregon **2012-096765**
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 \$15.00 \$11.00 \$5.00 \$15.00 **\$46.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio

After recording, return to:
 City of Sherwood
 22560 SW Pine St
 Sherwood, OR 97140

Misty Mountain Enterprises
 Jim and Patricia Dougherty
 PO Box 623
 Manzanita, OR 97130

NON-REMONSTRANCE AGREEMENT

This Non-Remonstrance Agreement (Agreement) is made this 23rd day of October, 2012, by and between the City of Sherwood ("City"), an Oregon municipal corporation, and Misty Mountain Enterprises – Jim and Patricia Dougherty, "Owner", Owners of the following described real property ("Property"), to wit:

SEE EXHIBIT "A" ATTACHED

20765 SW Gerda Lane, Sherwood, OR 97140

WITNESSETH

WHEREAS, Owner received approval from the City to partition the Property as described in that City land use decision No. MLP 11-01;

WHEREAS, the MLP11-01 divided the Property into three parcels known as Lots A, Lot B and Lot C.

WHEREAS, MLP 11-01 identified an area of land identified as Tract 1 across portions of Lots A, B and C for the purpose of dedicating and constructing certain public street and utility improvements;

WHEREAS, MLP 11-01 required Owner to execute and record this Non Remonstrance Agreement in order to insure that Owner and Owner's successors-in-interest will not object to the creation of a local improvement district to include the Property or any part thereof for the purpose of constructing, installing and maintaining certain public street and utility improvements and to refrain from installing or constructing and structures that would hinder the ability to construct a public road or private access drive on Tract 1;

WHEREAS, this Agreement is intended to run with the land and bind Owner and any successors-in-interest; now, therefore,

In consideration of City approval of MLP 11-01, the undersigned Owners do hereby promise and agree for themselves and their heirs, successors and assigns as follows:

1. The Owner of Lots A, B and C for agree not to remonstrate against the formation of a Local Improvement District for the construction of a collector street on Tract 1 following a determination by the City Engineer that the street construction is warranted due to: 1) transportation use related to on-site development reaches a point where impacts to existing public roads occur that were not anticipated at the time of development review and approval; or 2) the construction of the extension of the street across the adjacent stream corridor has begun.

LAWYERS TITLE INS. CORP. 92 12 35039

RECORDED BY LAWYERS TITLE INS CORP AS AN ACCOMMODATION ONLY NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

2. Until Tract 1 is dedicated to the City as public right-of-way, the Owner will not install or construct any permanent structures that would hinder the ability to construct a public road or private access across Tract 1 to City road standards.

3. The undersigned further promises, agrees, declares and dedicates that the agreement set forth above and that promises contained herein do constitute a covenant and restriction henceforth running with the land described above and shall henceforth be binding upon the undersigned, their heirs, successors or assigns and directs that this agreement shall be filed for record in the deed records of the appropriate county as affecting the title to the property described in the legal description.

IN WITNESS WHEREOF, the Owner(s) have executed the above as of the date first above written.

Jim A. Dougherty
Jim Dougherty (Please Print) [Signature]
Jim Dougherty (Please sign)

October 23, 2012
Date

Patricia Dougherty
Patricia Dougherty (Please Print)

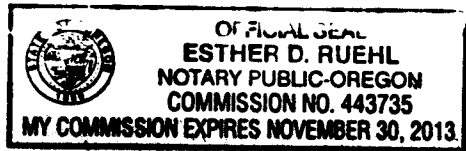
[Signature]
Patricia Dougherty (Please sign)

October 23, 2012
Date

STATE OF OREGON, COUNTY OF WASHINGTON, ss.

The foregoing instrument was acknowledged before me on October 23, 2012, by Jim A. Dougherty and Patricia Dougherty

Esther D. Ruehl
NOTARY PUBLIC - OREGON



Approved and Accepted by:
[Signature]
Joseph Gal, ICMA-CM
City Manager, City of Sherwood, Oregon
10/25/12
Date

**ENGINEERING PLANNING
FORESTRY**

13910 S.W. Galbreath Dr., Suite 100
Sherwood, Oregon 97140
Phone: (503) 925-8799
Fax: (503) 925-8969



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EXHIBIT A
Legal Description

A tract of land located in the northwest 1/4 of Section 28 and northeast 1/4 of Section 29, Township 2 South, Range 1 West, Willamette meridian, city of Sherwood, Washington County, Oregon being more particularly described as follows:

Beginning at a 3/4 inch iron rod at the 1/4 corner common to Sections 28 and 29, thence North 19°07'57" East 15.34 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "W&H Pacific"; thence North 1°15'36" East 49.01 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "W&H Pacific", also being the True Point of Beginning; thence along the right-of-way of Southwest Tualatin-Sherwood road (49.00 feet from centerline) along a non-tangent curve to the left with a radius of 4049.00 feet, a delta of 1°05'26", a length of 77.07 feet, and a chord of North 89°17'48" West 77.07 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "W&H Pacific"; thence North 89°50'31" West 590.48 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "AKS ENGR"; thence along the west line of Parcel 3 of document number 2012-001771, North 01°04'41" East 679.05 feet to a 5/8 inch iron rod with an illegible yellow plastic cap; thence along the north line of said Parcel 3, South 88°49'27" East 868.08 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "Chase Jones & Associates"; thence along the west line of Parcel 1 of document number 91059128, South 1°10'33" West 185.24 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "AKS ENGR"; thence along the south line of said Parcel 1, South 88°49'17" East 174.79 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "AKS ENGR"; thence along the east line of Parcel 3 of document number 91059128, South 1°10'33" West 272.15 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "AKS ENGR"; thence along the northerly right-of-way line of Southwest Gerda Lane, North 88°45'05" West 0.95 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "AKS ENGR"; thence continuing along said right-of-way (30.43 feet from centerline) South 1°14'55" West 198.00 feet to a 3/4 inch iron pipe with yellow plastic cap inscribed "County Surveyor"; thence South 45°54'17" West 18.28 feet to a 5/8 inch iron rod; thence along the right-of-way of Southwest Tualatin-Sherwood road (49.00 feet from centerline) North 88°45'05" West 360.21 feet to the True Point of Beginning.

The above described tract of land is 15.31 acres, more or less.

