

After recording, return to:

10M
GP
City Recorder
City of Oregon City
PO Box 3040
Oregon City, OR 97045-0304

Clackamas County Official Records
Sherry Hall, County Clerk

2016-013333



\$88.00

01928277201600133330060063

02/26/2016 09:32:28 AM

D-E Cnt=3 Stn=6 KARLYN
\$30.00 \$10.00 \$16.00 \$22.00 \$10.00

**CONSERVATION EASEMENT
DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE PLAT "MARLO FARMS"
OREGON CITY CASE FILE NO. TP 14-05**

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (this "Declaration") is made this 18
day of December, 2015 by Rian Park Development, Inc., an Oregon Corporation ("Declarant").

RECITALS

- A. WHEREAS, Declarant is the owner of certain property in Oregon City, Oregon ("City"), more particularly described as Exhibit A (the "Property");
- B. WHEREAS, Declarant has sought approval of a Natural Resource Overlay District review of the Property (the "Land Use Decision");
- C. WHEREAS, pursuant to the provisions of Section 17.49 -Natural Resource Overlay District of the Oregon City Municipal Code, City has in effect mitigation planting and maintenance requirements (the "Requirements");
- D. WHEREAS, as a condition of the approval for the Land Use Decision, Declarant is required to provide for assurance that the mitigation requirements of the Land Use decision shall be met and that requirement can be met in the form of this Covenant; and
- E. WHEREAS, Declarant desires to provide for such provisions by subjecting the Property to the covenants and restrictions as hereinafter set forth.

COVENANTS

NOW, THEREFORE, Declarant hereby declares and covenants that the Property, as specifically shown in the attached Exhibit A shall be held, sold, and conveyed subject to the following covenants, which are intended to and shall run with the land, continue in perpetuity, and shall be binding upon all parties having or acquiring any right, title, or interest in the Property (the "Owner"). At the time of recording ownership of Tract A shall simultaneously be conveyed to the City of Oregon City.

1. The Conservation Easement (Vegetated Corridor) as shown in Exhibit B is granted to the PUBLIC and shall be protected from further development without a revision to the Land Use Decision.
2. The Landscape Plan as approved by the Land Use Decision and as shown in Exhibit C shall be installed and maintained as required by the Oregon City Municipal Code and the Land Use Decision.
3. No structures may be placed, no grading may occur, nor may native vegetation removed (except for routine maintenance or replacement of plants), in the vegetated corridor, without advance written confirmation from the Oregon City Planning Division that no further permit or review is needed. Invasive plant species may be removed from the Conservation Easement (Vegetated Corridor) without approval by the City. The Owner shall be responsible for the removal of invasive species from the Conservation Easement (Vegetated Corridor) (Exhibit B).

4 Upon the removal, destruction, cutting, or death of any tree or shrub within the Conservation Easement (Vegetated Corridor), the Owner, as appropriate, shall plant replacement trees and/or vegetation from City's Recommended Native Plant List appropriate for the wetland or riparian area in accordance with Chapter 17.49 of the Oregon City Municipal Code. The Owner may seek an alternative planting schedule, if the planting schedule is prepared by a registered arborist and approved by the Community Development Director. In any event, all plantings in the Conservation Easement (Vegetated Corridor) shall be in compliance with all requirements of the Land Use Permit and the Oregon City Municipal Code. This provision shall not apply to any activities permitted or required under the Land Use Permit.

5 This Declaration shall not be interpreted as in any way conveying or granting to the public any right to enter or use the Property, except as described in Paragraph 7 below.

6 In the event of any conflict between this Declaration and the Land Use Permit, the Land Use Permit shall control.

7 In the event that Oregon City conveys Tract A to another entity, if said future Owner, as appropriate, fails to install or replace the vegetation as required by paragraph 4, City may provide a 30 day opportunity to cure by providing notice to the Owner by first class mail addressed to the Property's address. Should the Owner fail to cure, the City may undertake the planting required under Paragraph 4. If the City elects to proceed under this paragraph, it is entitled to seek and receive reimbursement for all of its costs in doing so, including all attorney fees, including on any appeal, and the Owner hereby consents and agrees to such reimbursement.

8 This Declaration shall run with and bind the Property as set forth above.

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument as of the date and year above written.

DECLARANT:

Rian Park Development, Inc.

an Oregon corporation

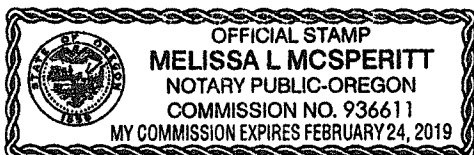
By: _____

Print Name: Bruce Ament

Title: President

STATE OF OREGON)
County of Clackamas) ss.

The foregoing instrument was acknowledged before me this 18 day of December, 2015, by Bruce Ament, as President of Rian Park Development, an Oregon corporation.



Notary Public for Oregon
My commission expires: 1/24/19



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #3963

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT A

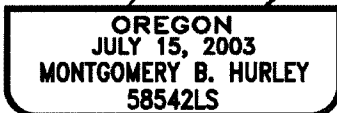
Legal Description

Tract A of the plat "Marlo Farms", lying in the Southeast 1/4 of Section 7, Township 3 South, Range 2 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon.

12/10/2015

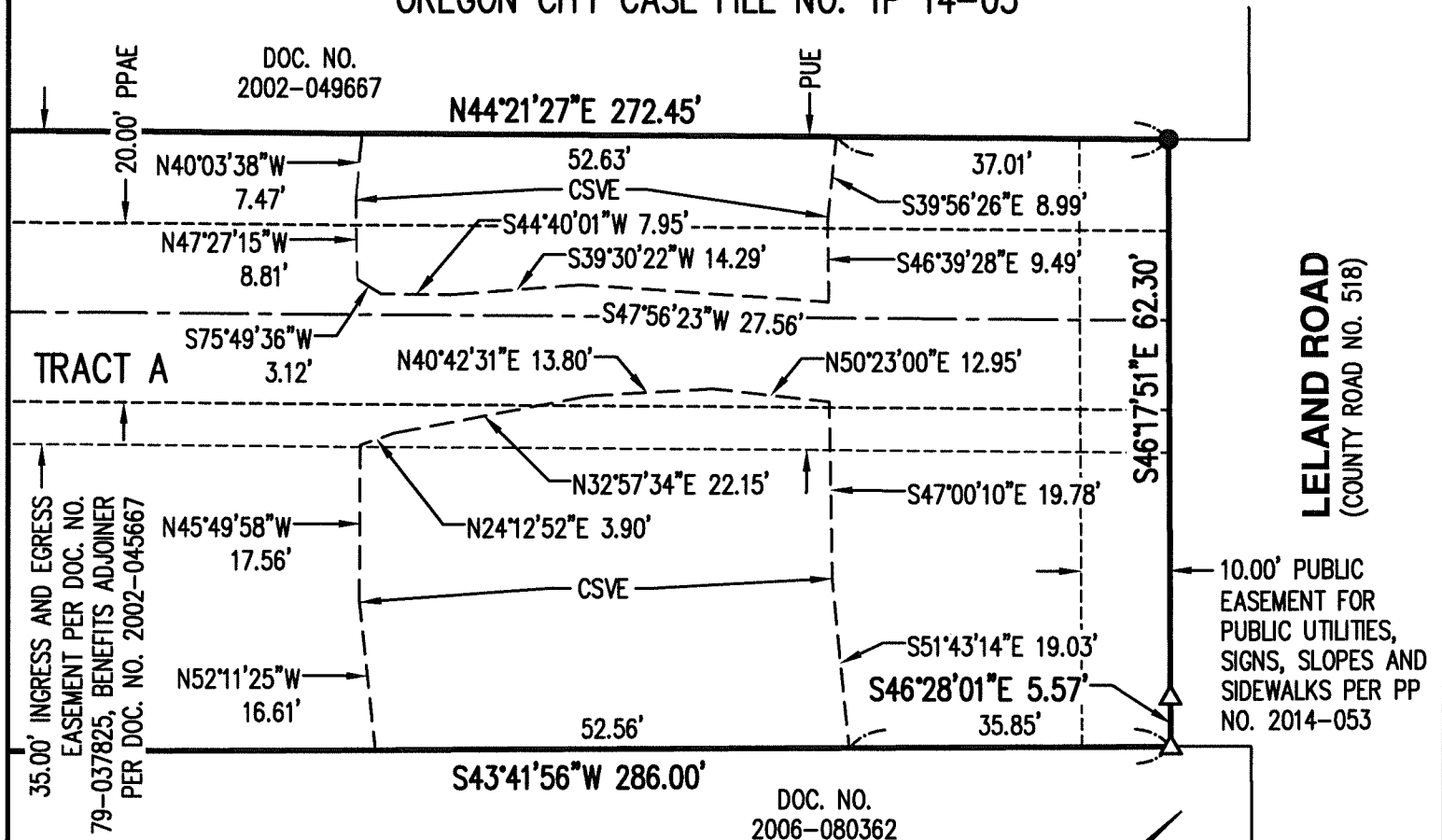


A handwritten signature in black ink, appearing to read 'M. B. Hurley'.



RENEW: 6/30/17

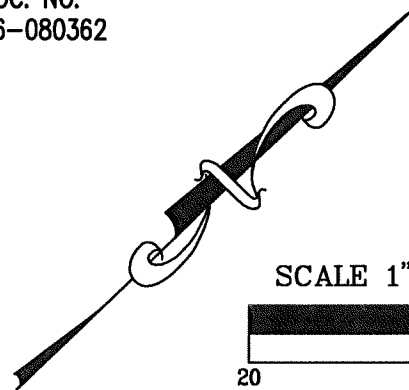
A PORTION OF TRACT A OF THE PLAT "MARLO FARMS", LYING IN THE
SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 2 EAST,
WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
OREGON CITY CASE FILE NO. TP 14-05



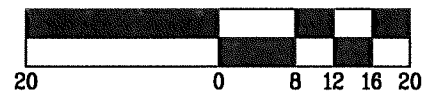
LEGEND

- SET 5/8" IRON ROD W/YPC INSCRIBED "AKS ENGR."; PER THE PLAT "MARLO FARMS"; HELD
- △ FOUND 5/8" IRON ROD W/YPC INSCRIBED "NORTHWEST SURVEYING, INC."; PER PP NO. 2014-053; HELD

- DOC. NO. DOCUMENT NUMBER PER CLACKAMAS COUNTY DEED RECORDS
- W/YPC WITH A YELLOW PLASTIC CAP
- PP NO. PARTITION PLAT NUMBER PER CLACKAMAS COUNTY SURVEY RECORDS
- PUE PUBLIC EASEMENT FOR SIGN, SLOPE, SIDEWALK AND PUBLIC UTILITIES,
- PPAE PUBLIC PEDESTRIAN ACCESS EASEMENT
- CSVE CONSERVATION EASEMENT TO THE PUBLIC



SCALE 1" = 20 FEET



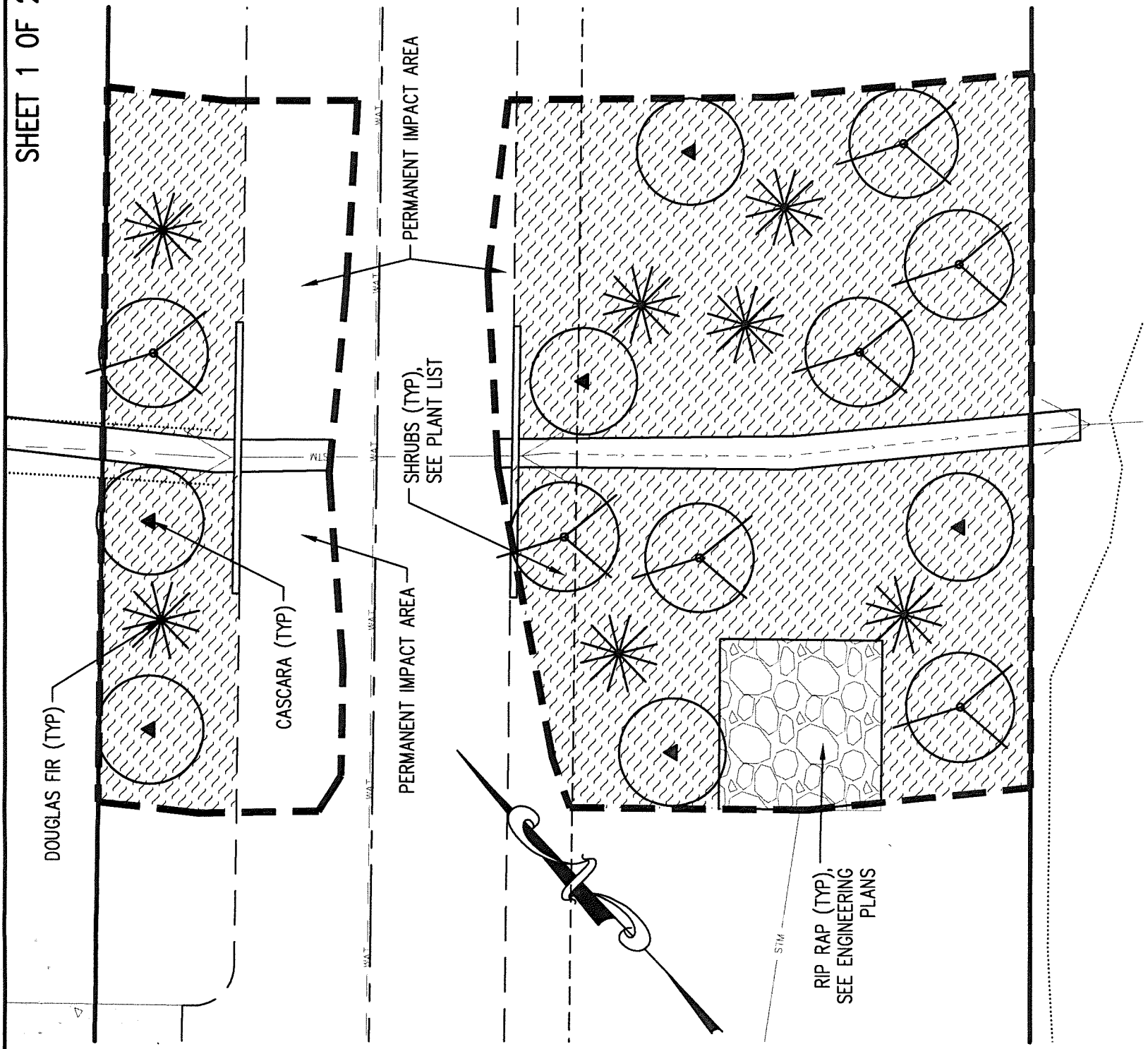
PREPARED FOR

RIAN PARK DEVELOPMENT, INC.
15239 S LAKERIDGE WAY
OREGON CITY, OR 97045

DATE: 11/03/2015

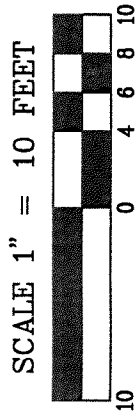
MAP OF LANDSCAPE PLANTINGS		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: JOH CHKD: MBH AKS JOB: 3963





VEGETATED CORRIDOR PLANTING ENLARGEMENT

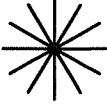


DATE: 11/03/2015

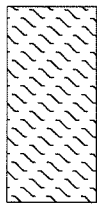


MAP OF LANDSCAPE PLANTINGS		EXHIBIT
		C
AKS AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com	DRWN:	JOH
	CHKD:	MBH
	AKS JOB:	3963

5

ENHANCEMENT MITIGATION AREA - (1,986 SF); TEMPORARY IMPACT AREA - (260 SF); PERMANENT IMPACT AREA - (560 SF)

SYMBOL	QTIES.	COMMON/BOTANICAL NAME	PLANT CATEGORY	MIN. ROOTING SIZE	SPACING/ SEEDING RATE
TREES: (20)					
	7	DOUGLAS FIR (PSEUDOTSUGA MENZIESII)	TREE	2 GAL. 24" HT. MIN.	8'-10' O.C.
	7	BIG LEAF MAPLE (ACER MACROPHYLLUM)	TREE	2 GAL. 24" HT. MIN.	8'-10' O.C.
	6	CASCARA (RHAMNUS PURSHIANA)	TREE	2 GAL. 24" HT. MIN.	8'-10' O.C.

SHRUBS: (129) ENHANCEMENT MITIGATION AREA (100); TEMPORARY IMPACT AREA (7); PERMANENT IMPACT AREA (22)


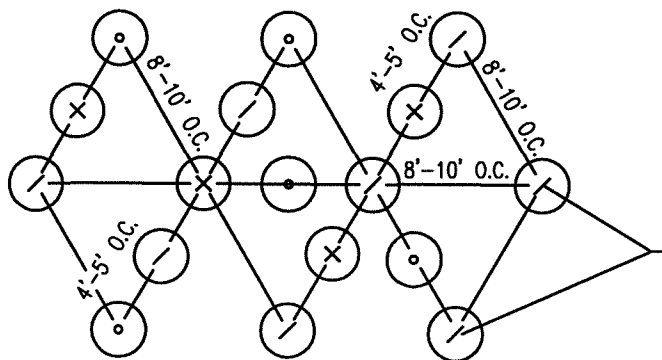
43	MAHONIA AQUIFOLIUM (TALL OREGON GRAPE)	SHRUB	1 GAL. 12" HT. MIN.	4'-5' O.C.
43	SNOWBERRY (SYMPHORICARPOS ALBUS)	SHRUB	1 GAL. 12" HT. MIN.	4'-5' O.C.
43	OCEANSPRAY (HOLODISCUS DISCOLOR)	SHRUB	1 GAL. 12" HT. MIN.	4'-5' O.C.

SEED MIX

AS NEEDED FOR BARE SOIL AREAS >25 SQ. FT. FOLLOWING INVASIVE SPECIES REMOVAL	10 LBS PLS/ACRE	BLUE WILDRYE (ELYMUS GLAUCUS)	GRASS	SEED	VARIABLE*
	10 LBS PLS/ACRE	NATIVE CALIFORNIA BROME (BROMUS CARINATUS)	GRASS	SEED	VARIABLE*
	5 LBS PLS/ACRE	NATIVE RED FESCUE (FESTUCA RUBRA, VAR. RUBRA)	GRASS	SEED	VARIABLE*
	8 LBS PLS/ACRE	LARGE-LEAFED LUPINE (LUPINUS POLYPHYLLUS)	GRASS	SEED	VARIABLE*

VARIABLE*: SEED AT RATE RECOMMENDED BY SUPPLIER FOR FULL AERIAL COVERAGE.

NOTE: SHRUBS SHALL BE PLANTED NOT CLOSER THAN 24" O.C. OF TREES AND 4'-5' FROM ADJOINING SHRUBS.



(1) SHRUBS OF LIKE SPECIES SHALL BE PLANTED 8'-10' O.C. BUT MAY OVERLAP OTHER SPECIES AT 4'-5' O.C.

SHRUB PLANTING DETAIL

NTS

EXHIBIT C