



\$62.00

01487093201100213520040044

04/07/2011 11:01:27 AM

D-OD Cnt=1 Stn=4 KANNA
\$20.00 \$16.00 \$16.00 \$10.00

PRESERVATION COVENANT

IN CONSIDERATION of the conveyance from **MULINO HOUSE, LLC**, an Oregon limited liability company to the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION** (herein "Covenanter") of certain improved real property, hereinafter referred to as the **FORCE-DANIELS HOUSE**, located in the community of Mulino, County of Clackamas, State of Oregon, which is described in the attached **Exhibit "A"** dated **2/08/2011**, and located at:

26579 S. Hwy 213, Mulino, Oregon

The Covenanter hereby covenants on behalf of himself/herself, his/her heirs, successors, and assigns as follows:

- I. That Covenanter shall not request that Clackamas County remove the Force-Daniels house from the Clackamas County Historic Resources Inventory or from designation as a Clackamas County Historic Landmark as allowed by ORS 197.772 and OAR 660-23-200.
- II. Covenanter shall preserve and maintain the architectural integrity of the Force-Daniels House, including its wood exterior, wraparound porch, imbricated shingles, roofline and other elements that contribute to the building's eligibility as a Clackamas County Historic Landmark.
- III. Covenanter shall preserve and maintain the Force-Daniels House in accordance with the recommended approaches in the Clackamas County Historic Resource Code Section 707.01-707.07, in order to preserve and enhance the qualities that make the property eligible as a Clackamas County Historic Landmark.

AFTER RECORDING RETURN TO:

OREGON DEPARTMENT OF TRANSPORTATION
PROPERTY MANAGEMENT / ACCESS RESEARCH
4040 FAIRVIEW INDUSTRIAL DRIVE SE MS#2
SALEM OR 97302-1142

- IV. No construction, alteration, remodeling, major disturbance of the ground surface, or any other action shall be undertaken or permitted to be undertaken on the Force-Daniels property that would affect its potential eligibility for listing on the National Register of Historic Places without the express prior written permission of a fully authorized representative of the Clackamas County Historic Review Board, or under the guidance of the State Historic Preservation Office.
- V. This covenant is binding on Covenanter, his/her heirs, successors, and assigns for the life of the Force-Daniels House structure and shall terminate in the event the structure is destroyed by accident or act of God.
- VI. Restrictions, stipulations, and covenants contained herein shall be inserted by Covenanter verbatim or by express reference in any deed or other legal instrument by which he/she divests himself/herself of either the fee simple title or any other less estate in the Force-Daniels House or any part of the property described herein.
- VII. The failure of Clackamas County to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any other right or remedy or the use of such right or remedy at any other time.

The covenant shall be a binding servitude upon the property described herein for the benefit of the County of Clackamas and shall be deemed to run with the land until termination as described above. Execution of this covenant shall constitute conclusive evidence that the Covenanter, its successors and assigns, agree to be bound by the foregoing conditions and restrictions to perform the obligations herein set forth.

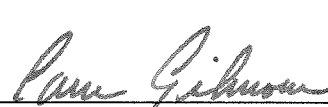
COVENANTER:

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

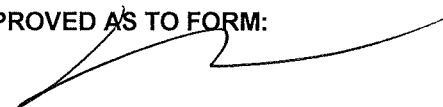
By: 
Deolinda G. Jones, State Right of Way Manager

BENEFICIARY:

CLACKAMAS COUNTY, a political subdivision
of the State of Oregon

By: 
Cam Gilmour, Director of Department of
Transportation and Development

APPROVED AS TO FORM:

By: 
D. Daniel Chandler, Senior Assistant County Counsel

STATE OF OREGON, County of Marion

Dated March 31, 2011. Personally appeared Deolinda G. Jones, stated that she is the State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:



Dale R. Shafer
Notary Public for Oregon
My Commission expires 11/01/2011

STATE OF OREGON, County of Clackamas

Dated March 21, 2011. Personally appeared Cam Gilmour, who, being sworn, stated that he is the Director of Department of Transportation and Development for Clackamas County, a political subdivision of the State of Oregon, and that this instrument was voluntarily signed on behalf of the County by authority delegated to him. Before me:



Lori E Phillips
Notary Public for Oregon
My Commission expires 4-7-13

Preservation Covenant

A parcel of land lying in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 4 South, Range 2 East, W.M., Clackamas County, Oregon and being that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded September 9, 2009 as Recorder's Fee No. 2009-062489, Film Records of Clackamas County.

EXCEPT therefrom that portion of said property lying Westerly of the following described line:

Beginning at a point opposite and 88.00 feet Easterly of Engineer's Station "L2" 457+53.75 on the center line of the relocated Cascade Highway South: thence Southerly in a straight line to a point opposite and 50.00 feet Easterly of Engineer's Station "L2" 459+72.31 on said center line, which center line is described as follows:

Beginning at Engineer's center line Station "L2" 432+00.00, said Station being North 29° 17' 58" West 2324.27 feet of a 4 inch brass disk at the East Quarter corner of Section 17, Township 4 South, Range 2 East, W.M., Clackamas County, Oregon; thence South 38°51'51" East 174.16 feet; thence on a spiral curve right (the long chord of which bears South 34° 21' 59" East 448.89 feet) 450.00 feet; thence on a 954.93 foot radius curve right (the long chord of which bears South 19° 21' 09" East 200.02 feet) 200.39 feet; thence on a spiral curve right (the long chord of which bears South 4° 20' 19" East 448.89 feet) 450.00 feet; thence South 0° 09' 33" West 100.11 feet; thence on a 954.93 foot radius curve right (the long chord of which bears South 4°18' 04" West 137.94 feet) 138.06 feet; thence South 8°26' 35" West 889.00 feet; thence on a 486.86 foot radius curve left (the long chord of which bears South 13° 27' 06" East 363.10 feet) 372.09 feet; thence on a 254.08 foot radius curve right (the long chord of which bears South 17° 16' 47" East 157.59 feet) 160.24 feet; thence South 0° 47' 13" West 1665.95 feet to Engineer's center line Station "L2" 478+00.00.

Bearings are based on the Oregon Coordinate System of 1983(98), north zone.

This parcel of land contains 0.81 acres, more or less.