

AFTER RECORDING RETURN TO:

City of St. Helens
265 Strand Street
St. Helens, OR 97051

This space is reserved for recorder's use.

**DECLARATION OF
COVENANT TO BIND PROPERTY**

Whereas, the City of St. Helens, an Oregon municipal corporation (“Declarant”) is the owner of the real property legally described as:

Lots 16, 17, 18 and 19, Block 62, CITY OF ST. HELENS, Columbia County, Oregon.

Deed Reference No.: 2011-547

consisting of 4 city lots (collectively, the “Property”); and

Whereas, Declarant desires to develop Property with a multidwelling development; and

Whereas; a condition of approval of Conditional Use Permit CUP.4.17 requires that the Property be burdened as if it were a single lot or unit of land for minimum lot size requirements (allowed dwelling unit density) and to allow the principle building and other improvements to cross lot lines.

Now, therefore, in consideration of such approval:

DECLARANT hereby declares that the Property hereto shall be held, used, developed, conveyed and sold subject to the following covenants, conditions and restrictions:

1. The Property consists of several lots each of which is part of a general building plan or general scheme of development with the use of each lot benefiting and burdening the other lots. Accordingly, the Property shall be considered a single unit of land and any conveyance of the Property or any portion thereof shall be subject to this restriction. The Property may be sold, transferred or conveyed only in its entirety.

2. This Declaration of Covenants (“Covenant”) shall constitute a restrictive covenant burdening the Property and benefiting the City of St. Helens (as a governing agency) and shall

run with the land described herein and shall be binding on the Declarants, and the successors and assigns of Declarants.

3. This Covenant shall not operate to modify the lot lines or otherwise consolidate the lots, each of which shall remain discrete.

4. The City of St. Helens (as a governing agency) may bring an action to enforce compliance with the terms of the covenants, conditions and restrictions created by this instrument. It may be modified, removed or terminated only if an authorized representative of the City of St. Helens approves and executes a written modification or release, which approval and execution shall be in the sole discretion of the City of St. Helens. If the City of St. Helens is still the owner of Property at the time of proposed modification or release, this may be modified, removed or terminated only after a public hearing with consideration by and a recommendation from the City of St. Helens Planning Commission on the matter.

5. Declarants shall record this Covenant in the Columbia County property records.

The undersigned hereby represent that they have read, understand and consent to imposition of the covenants, conditions and restrictions set forth herein on the Property.

By: _____ (printed name) _____ (signature)

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing Instrument as acknowledged before me this _____ day of _____, 20____, by Rick Scholl as Mayor of the City of St. Helens, an Oregon municipal corporation.

NOTARY PUBLIC FOR OREGON

My Commission Expires:_____