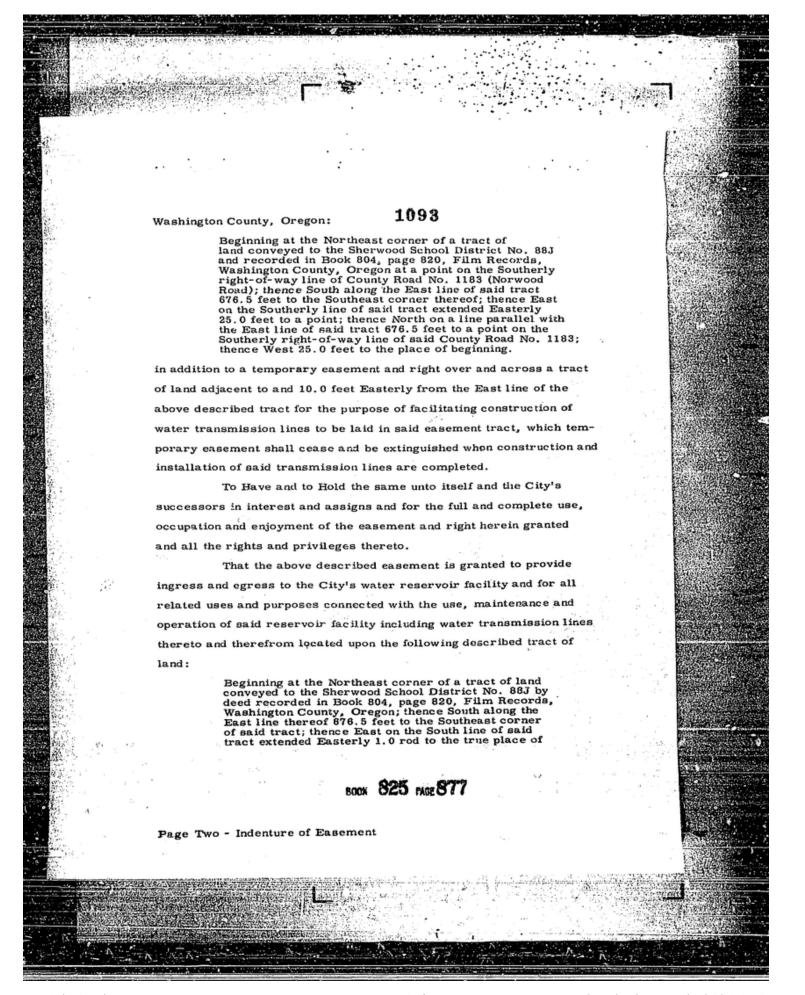
1093 INDENTURE OF EASEMENT THIS INDENTURE OF EASEMENT, Made and entered into this __/6_ day of June, 1971, by and between the CITY OF TUALATIN a municipal corporation in Washington County, Oregon, hereinafter referred to as "City" and MERLE PENNINGTON and DORTHEA PENNINGTON, husband and wife, hereinafter referred to as "Pennington." WITNESSETH: WHEREAS, The City is constructing a water reservoir facility on real property hereinafter described, which property is located approximately 676.5 feet South of County Road No. 1183 (Norwood Road) upon property it purchased from Pennington, and WHEREAS, The City requires a perpetual easement and right for the installation and maintenance of public utilities and for ingress and egress to said water storage facility in, over and across a 25.0 foot tract owned by Pennington and hereinafter described, and WHEREAS, Upon the terms and conditions set forth below, Pennington is willing to grant and convoy to City a perpetual easement and right for the purposes above stated. NOW, THEREFORE, For and in consideration of the mutual promises, undertakings and covenants of the parties, it is agreed: (1) That Pennington shall, and does hereby grant, sell and convey to City, its successors in interest and assigns, the perpetual right and easement to construct, maintain and repair public utility lines and improvements and for ingress and egress in, over and upon the following described tract of land located and bounded in BOCK 825 MEE 876 Page One - Indenture of Easement

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beginning of the herein described tract; thence South on a line parallel with the East line of said School District tract 200.0 feet; thence East on a line parallel with the South line of said School tract extended Easterly 300.0 feet to a point; thence North 200.0 feet to a point; thence West 300.0 feet to the true place of beginning of the herein described tract.

- (2) That City shall improve and thereafter maintain, at no cost to Pennington, said easement tract by constructing a gravel base roadway thereon from County Road No. 1183 (Norwood Road) south to the reservoir site.
- (3) That upon completion of said water reservoir and tacilities and transmission lines thereto, and upon the written request of Pennington, the City shall make water available to the following described property which is presently owned by Pennington:

A tract of land conveyed to Dorthea Pennington by deed recorded in Book 478, page 159, Film Records, Washington County, Oregon, excepting therefrom tracts of land described in Book 534, page 357 and Book 575, page 110 and Book 767, page 495 and property described in the Decree of the Circuit Court in Trial Court File No. 30-487.

for uses and purposes consistent with the then applicable zoning, building and land use laws and classifications imposed upon said Pennington tract. That unless said Pennington tract is within the corporate limits of the City at the time water is requested by Pennington, water service to said tract shall be under and subject to the rates, rules, regulations and conditions by which water is sold and provided by the City to other out-of-city water users.

(4) That the promises and undertakings of the parties are intended as coverants which shall benefit the respective tracts of real property and shall run with the title to the land upon the terms and conditions set forth above.

MOR 855 PAGE 878

Page Three - Indenture of Easement

