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INDENTURE OF EASEMENT

THIS INDENTURE OF EASEMENT, Made and entered into this 16 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 convey 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

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Washington County, Oregon:

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Beginning at the Northeast corner of a tract of land conveyed to the Sherwood School District No. 88J and recorded in Book 804, page 820, Film Records, Washington County, Oregon at a point on the Southerly right-of-way line of County Road No. 1183 (Norwood Road); thence South along the East line of said tract 676.5 feet to the Southeast corner thereof; thence East on the Southerly line of said tract extended Easterly 25.0 feet to a point; thence North on a line parallel with the East line of said tract 676.5 feet to a point on the Southerly right-of-way line of said County Road No. 1183; thence West 25.0 feet to the place of beginning.

in addition to a temporary easement and right over and across a tract of land adjacent to and 10.0 feet Easterly from the East line of the above described tract for the purpose of facilitating construction of water transmission lines to be laid in said easement tract, which temporary easement shall cease and be extinguished when construction and installation of said transmission lines are completed.

To Have and to Hold the same unto itself and the City's successors in interest and assigns and for the full and complete use, occupation and enjoyment of the easement and right herein granted and all the rights and privileges thereto.

That the above described easement is granted to provide ingress and egress to the City's water reservoir facility and for all related uses and purposes connected with the use, maintenance and operation of said reservoir facility including water transmission lines thereto and therefrom located upon the following described tract of land:

Beginning at the Northeast corner of a tract of land conveyed to the Sherwood School District No. 88J by deed recorded in Book 804, page 820, Film Records, Washington County, Oregon; thence South along the East line thereof 676.5 feet to the Southeast corner of said tract; thence East on the South line of said tract extended Easterly 1.0 rod to the true place of

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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 facilities 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 covenants 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.

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IN WITNESS WHEREOF the parties hereto have set their hands and seals the day and year first above written.

CITY OF TUALATIN, OREGON

By James M. Brock
Mayor

By Yvonne L. Addington
Recorder

Merle Pennington
Merle Pennington

Dorthea Pennington
Dorthea Pennington

STATE OF OREGON)
County of Washington) ss.

BE IT REMEMBERED That on this 16 day of June, 1971 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named James M. Brock who is known to me to be the Mayor of the City of Tualatin and Yvonne L. Addington who is known to me to be the Recorder of the City of Tualatin and acknowledged to me that they executed the foregoing instrument freely and voluntarily and under and by virtue of and pursuant to authority vested in them by the City of Tualatin and the resolutions and Charter thereof and for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal the day and year last above written.

Jean J. Kamstra
Notary Public for Oregon.
My Commission expires: 3/4/72

STATE OF OREGON)
County of Washington) ss.

June 16, 1971.

Personally appeared Merle Pennington and Dorthea Pennington and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:
Jean J. Kamstra
Notary Public for Oregon.
My Commission expires: 3/4/72



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Filed to record 7-12 1971 9:29 AM PM
BOOKS & RECORDS DEPARTMENT
By J. P. Smith Deputy

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with 7 Tualatin
Book 426
Tualatin 97062.

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