

Irrevocable Petition for Public Improvements

P.2
M190542-94

Date: September 27, 1994

PETITIONER(S): Clarietta J. Day and William G. Nokes

Petitioner is the owner of the following described real property:

See attached Exhibit A

Petitioner hereby irrevocably petitions the City of Corvallis to initiate the following local improvements in accordance with the standard specifications of the City:

Street improvements along the full property frontage on SW Country Club Drive and SW 72nd Street to City standards, including paving, curb, gutter, drainage and sidewalks.

This petition is presented to the City so that Petitioner's property may be developed and receive municipal services from the City which will directly benefit Petitioner's property.

It is understood by Petitioner that:

1. The cost of the improvements shall be borne by the benefitted property in accordance with state law, the Charter of the City of Corvallis and its ordinances and policies.
2. The City in its sole discretion may initiate the construction of all or part of the local improvements requested or may join all or part of Petitioner's property with other property when creating a local improvement district.
3. Petitioner and Petitioner's heirs, assigns and successors in interest in the property shall be bound by this irrevocable petition which will run with the property and will be recorded by the Petitioner in the deed records of Benton County.
4. Petitioner declares that the public improvements herein sought will directly benefit the described property.
5. Petitioner shall not challenge the formation of a local improvement district and assessment of Petitioner's property by City and in any proceedings therein will acknowledge this petition if requested to do so by City.
6. If the City is required to file an action in any court of competent jurisdiction to enforce the language in this petition or to prohibit the violation of any of the covenants contained herein, the prevailing party shall be entitled to recover reasonable attorney fees and costs and disbursements of litigation at trial or on appeal.
7. In construing this petition singular words include the plural.

PETITIONER(S)

Clarietta J. Day *Clarietta J. Day*

William G. Nokes *William G. Nokes*

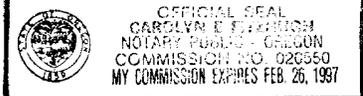
STATE OF OREGON)

) ss.

County of Benton)

Before me appeared the above named _____ and acknowledged the foregoing instrument to be his/her voluntary act and deed on this _____ day of _____, 19____.

Before me appeared the above named William G. Nokes and acknowledged the foregoing instrument to be his/her voluntary act and deed on this 27 day of September, 1994.



Carolyn E. Fitzhugh
Notary Public for Oregon

My Commission Expires: 2-26-97

STATE OF OREGON)

) ss.

County of Benton)

Before me appeared _____ and _____, who being sworn that they are the president and secretary, respectively, of the Corporation, and that the seal affixed hereto is its seal, and that this instrument was voluntarily signed and sealed in behalf of the Corporation by authority of its Board of Directors on this _____ day of _____, 19____.

Notary Public for Oregon

My Commission Expires: _____

Approved As To Form

Scott A. Furr
City Attorney

County of Benton } ss.

BE IT REMEMBERED, That on this 30th day of September, 1994, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Wendita J Day

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that She executed the same freely and voluntarily.

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



Theresa Markham
Notary Public for Oregon
My Commission expires 5-15-98

EXHIBIT "A"

A tract of land situated in the Northeast Quarter of Section 7, Township 12 South, Range 5 West of the Willamette Meridian, in the City of Corvallis, County of Benton, State of Oregon, more particularly described as follows:

Beginning at a point which is North 89°56' East along the claim line 8.045 chains and North 0°01' East 4.121 chains from the Northwest corner of the Silas Newcomb Donation Land Claim No. 50 in Township 12 South, Range 5 West of the Willamette Meridian in Benton County, Oregon, said point being the Northwest corner of the tract described in deed recorded in Book 121, page 801, Deed Records of Benton County; thence North 0°01' East 6.809 chains; thence North 89°56' East 5.930 chains; thence South 0°01' West 10.930 chains to the North line of said Silas Newcomb Donation Land Claim; thence South 89°56' West along said line, 3.506 chains to the Southeast corner of said tract described in deed recorded in Book 121, page 801, Deed Records of Benton County; thence North 0°01' East 4.121 chains to the Northeast corner of said tract; thence South 89°56' West 2.424 chains to the place of beginning.

EXCEPTING THEREFROM, a 30 foot right-of-way along the most Southerly South line thereof, a portion of which lies within the county road.

FURTHER EXCEPTING THEREFROM, the North 227.36 feet of even width thereof, measured from the North line South.

STATE OF OREGON } **180554**
County of Benton } ss.

I hereby certify that the within instrument was received for record.

'94 SEP 30 AM 10 29

AND ASSIGNED No 190542 1994

In the microfilm records of said county Witness My Hand and Seal of County Affixed

DANIEL G. BURK
Director Of Records & Elections

By [Signature] Deputy