

Irrevocable Petition for Public Improvements *M-175637-44*

Date: January 4, 1994

PETITIONER(S): WANDA LEE DURHAM

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 53rd 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.

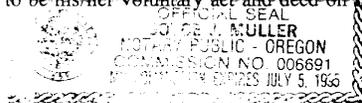
PETITIONER(S)

Wanda Lee Durham

STATE OF OREGON)
) ss.
County of Benton)

Before me appeared the above named WANDA LEE DURHAM and acknowledged the foregoing instrument to be his/her voluntary act and deed on this 4th day of JANUARY, 1994.

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



Joyce J. Muller
Notary Public for Oregon
My Commission Expires: 07/05/95

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

[Signature]
City Attorney (Deputy)

LEGAL DESCRIPTION

Beginning at a 3/4 inch pipe at the intersection of the county road and the South line of the A. G. Hovey Donation Land Claim No. 43, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon, which pipe is 41.536 chains North 89°36' East from the Southwest corner of said claim; and running thence South 89°36' West along said South line 9.556 chains; thence South 0°17' East parallel to the East line of the tract of land described in deed recorded in Book 108 at page 241, Benton County Deed Records 9.983 chains; thence North 89°36' East parallel to said South line 9.522 chains to the center of said road; thence North 0°05 1/2' West 9.983 chains to the point of beginning.

SAVE AND EXCEPT: Beginning at a point in the center of the county road and on the line common to the tract of land described in DV 95/616 and DV 112/39 which point is 43.356 chains South 89°36' West along the claim line, and 3.967 chains South 0°05'30'' East along said line common to said tract, from the Southeast corner of the A. G. Hovey Donation Land Claim No. 43, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon; thence South 89°36' West parallel to said claim line, 5.50 chains; thence North 0°05' West parallel to said road, 1.818 chains; thence North 89°36' East parallel to said claim line, 5.50 chains to the center of said road; thence South 0°05'30'' East 1.818 chains to the point of beginning.

ALSO SAVE AND EXCEPT: Beginning at a point in the center of the county road and on the line common to the tract of land described in deeds recorded in Book 95 at page 616, and Book 112 at page 39, Deed Records of Benton County, Oregon, which point is 43.356 chains South 89°36' West along the claim line and 5.785 chains South 0°05 1/2' East along the center of said road from the Southeast corner of the A. G. Hovey Donation Land Claim No. 43, Township 12 South, Range 5 West, Willamette Meridian in Benton County, Oregon; and running thence South 89°36' West parallel to said claim line, 5.50 chains; thence North 0°05 1/2' West parallel to said road, 1.818 chains; thence North 89°36' East parallel to said claim line, 5.50 chains to the center of said road; thence South 0°05 1/2' East 1.818 chains to the point of beginning.

ALSO SAVE AND EXCEPT: Beginning at a point in the center of the county road and on the line common to the tracts of land described in deeds recorded in Book 95 at page 615 and Book 112 at page 39, Deed Records of Benton County, Oregon, which point is 43.356 chains South 89°36' West along the claim line and 7.883 chains South 0°05 1/2' East along said line common to said tracts, from the Southeast corner of the A. G. Hovey Donation Land Claim No. 43, Township 12 South, Range 5 West, Willamette Meridian in Benton County, Oregon; and running thence South 89°36' West parallel to said claim line 9.529 chains to the East line of the tract of land described in deed recorded in Book 111 at page 431, said Deed Records; thence North 0°17' West along the East line of said latter tract, 2.098 chains; thence North 89°36' East parallel to said claim line, 9.536 chains to the center of said road; thence South 0°05 1/2' East 2.098 chains to the point of beginning.

ALSO SAVE AND EXCEPT: A tract of land in Sections 8 and 9, Township 12 South, Range 5 West, described as follows:

Beginning at a point in the center of the county road and on the line common to the tracts of land described in deeds recorded in Book 95 at page 616 and Book 111 at page 39, Deed Records of Benton County, Oregon, which point is 43.356 chains South 89°36' West along the claim line and 9.983 chains South 0°05 1/2' East along said line common to said tracts from the Southeast corner of the A. G. Hovey Donation Land Claim No. 43, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon; and

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TICOR TITLE INSURANCE

running thence South 89°36' West parallel to said claim line 9.522 chains to the East line of the tract of land described in deed recorded in Book 111 at page 431, Deed Records of Benton County, Oregon; thence North 0°17' West along the East line of said latter tract 2.099 chains; thence North 89°36' East parallel to said claim line 9.529 chains to the center of said road; thence South 0°05 1/2' East 2.100 chains to the point of beginning.

ALSO SAVE AND EXCEPT that property conveyed to Benton County by deed recorded October 19, 1984 as Microfilm No. 62076-84, Microfilm Records of Benton County, Oregon.

STATE OF OREGON } ss. **165651**
County of Benton }

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

October 19 1994

AND **No 175637** 1994
ASSIGNED

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

DANIEL G. BURK
Director of Records & Elections

By _____ Deputy