

16756 2784

COMMONWAY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS that the undersigned, WILLIAM J. COLEMAN and BETTY M. COLEMAN, Husband and Wife, and DAVID H. O. STRICKLAND, and LORENE S. STRICKLAND, Husband and Wife, are the owners of the following described property situated in Washington County, Oregon, to wit: copy of the legal description is attached and marked Exhibit "A" and incorporated herein by reference.

That it is the desire of the parties hereto to create a common roadway over and along the property described in Exhibit "A" herein, which commonway shall benefit all the individually owned properties, shall run with the land and shall grant to each abutting owner along said property or any portion thereof a right to the use in common of the said described roadway.

NOW, THEREFORE, said William J. Coleman and Betty M. Coleman, husband and wife, and David H. O. Strickland and Lorene S. Strickland, husband and wife, do hereby grant to each of the other parties hereto, their heirs, executors and assigns forever, and each of the parties hereto does agree with each of the other parties, that an easement for a common roadway in favor of all of the abutting owners of the above described property, or any part thereof, is hereby created over and upon said property.

That this easement is superior and paramount to the rights of any of the parties hereto and is a covenant running with the land. That this condition shall run with the land and be binding on all future owners of the above described property or any part thereof.

That the consideration for this easement on behalf of the owners of property abutting thereon is their promise to construct a roadway over and along the above described easement and to pay all costs of construction. Thereafter the owners of the above described property, or any part thereof, to which the easement attaches, shall bear equally the cost of maintenance of said roadway; provided, however, that in the event any of the parties shall by reason of excessive use in connection with the improvement or use of any real property abutting on said roadway, shall cause damage to said roadway, it shall be the

RECORDED MAY 7 1973  
WITH ADDITIONAL SIGNATURES  
TO SATISFY REQUIREMENTS  
T.S.H.

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obligation of such owner to repair the same. This condition shall run with the land and shall be binding upon all future owners of property abutting upon said roadway. See Attachment dated 5-15-72

IN WITNESS WHEREOF, the parties have hereto set their hands and seals this 26<sup>th</sup> day of June, 1972.

[Signature]  
 William J. Coleman

[Signature]  
 Betty M. Coleman

[Signature]  
 David H. O. Strickland

[Signature]  
 Lorene S. Strickland

[Signature]  
 James C. [Name]

[Signature]  
 Lela J. Bentley

[Signature]  
 [Name]

[Signature]  
 Stanley W. Hammer

[Signature]  
 Elizabeth [Name]

[Signature]  
 Richard G. Friesen

[Signature]  
 William N. Amburn

[Signature]  
 E. A. Amburn

[Signature]  
 E. A. [Name]

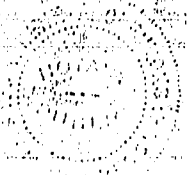
STATE OF OREGON }  
County of WASHINGTON } ss.

BE IT REMEMBERED, that on this 26<sup>th</sup> day of June, 1972, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named WILLIAM J. COLEMAN and BETTY M. COLEMAN, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they 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.

[Signature]  
Notary Public for Oregon

My Commission expires: 5-29-76



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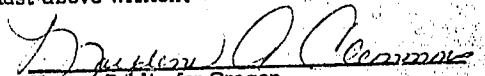
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STATE OF OREGON }  
County of Washington } ss.

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BE IT REMEMBERED, that on this 26<sup>th</sup> day of June, 1972,  
before me, the undersigned, a Notary Public in and for said County and State,  
personally appeared the within named DAVID H. O. STRICKLAND and LORENE S.  
STRICKLAND, known to me to be the identical individuals described in and who  
executed the within instrument and acknowledged to me that they 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.

  
Notary Public for Oregon

My Commission expires: 5-29-76

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STATE OF OREGON,

County of WASHINGTON } ss.

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FORM NO. 23 - ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 2nd day of MAY, 1973,  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named WILLIAM W. AMBURN  
ELVA A. AMBURN

known to me to be the identical individual described in and who executed the within instrument and  
acknowledged to me that THEY 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.

James A. Peterson  
Notary Public for Oregon  
My Commission expires September 29, 1974

STATE OF OREGON,

County of WASHINGTON } ss.

FORM NO. 23 - ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 27th day of April, 1973,  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named Elizabeth Faison Richard E. Faison

known to me to be the identical individual described in and who executed the within instrument and  
acknowledged to me that They 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.

Charles J. Dunn  
Notary Public for Oregon  
My Commission expires September 26, 1973

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STATE OF OREGON,

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FORM NO. 23 — ACKNOWLEDGMENT  
STEVENS-NEES LAW PUB. CO., PORTLAND, ORE.

County of Marion ss.

BE IT REMEMBERED, That on this 2 day of February, 1973,  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named J. Lundy M. Harrison

known to me to be the identical individual described in and who executed the within instrument and  
acknowledged to me that he 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.

*[Signature]*  
Notary Public for Oregon.

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My Commission expires July 28, 1976

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STATE OF OREGON,

County of Washington } ss.

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FORM NO. 22 - ACKNOWLEDGMENT  
STAVENS-NESE LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 13 day of November, 1972  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named Ed Cooper

known to me to be the identical individual..... described in and who executed the within instrument and  
acknowledged to me that..... he 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.

*Walter M. Hall*

Notary Public for Oregon.

My Commission expires: My Commission Expires May 21, 1974

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STATE OF OREGON,

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FORM NO. 23 - ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

County of Washington

BE IT REMEMBERED, That on this 25th day of September, 1972  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named Lela J. Bentley

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.

Jean J. Kamstra  
Notary Public for Oregon.

My Commission expires 3/4/76

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STATE OF OREGON,

County of Washington

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FORM NO. 23 — ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 15<sup>th</sup> day of August, 1922  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named James C. Warren

known to me to be the identical individual described in and who executed the within instrument and  
acknowledged to me that he 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.

[Signature]  
Notary Public for Oregon.

My Commission expires 6-16-24

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STATE OF OREGON

COUNTY OF Oregon ss.  
Clatsop

BE IT REMEMBERED that on this 4<sup>th</sup> day of May, 1973,

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named F. D. Cottrell, who is known to me to be the identical individual, described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

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

Philip F. Gurr, Notary public for Oregon My Commission Expires May 13, 1975

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EXHIBIT "A"

Beginning at the Southeast corner of the tract described in deed to Richard C. Frison et ux, recorded in Book 621, page 585, Washington County Film Records; thence North  $1^{\circ}01'30''$  East along the East line of said Frison tract and the Northerly extension thereof, to a point on the Southerly line of S. W. Tualatin-Sherwood Road, said point being being the Northeast corner of that tract described in deed to George Emerson Felkel et ux, recorded October 2, 1964, in Book 525, page 66, Washington County Records; thence South  $80^{\circ}30'$  East along the Southerly line of S. W. Tualatin-Sherwood Road to the Northwest corner of that tract described in contract to Arthur L. Caven et ux, recorded October 10, 1963, in Book 497, page 297, Washington County Records; thence South  $0^{\circ}52'$  West along the West line of said Caven tract to the Southwest corner thereof, said point being on the North line of that tract described in mortgage by William W. Amburn et ux, recorded March 24, 1966, in Book 593, page 300, Washington County Records; thence North  $89^{\circ}04'$  West along said North line, 21.19 feet, more or less, to the Northwest corner of said Amburn tract; thence South  $1^{\circ}01'30''$  West 330.0 feet to the Southwest corner of said Amburn tract; thence South  $89^{\circ}04'$  East along the South line of said Amburn tract, 7.72 feet to the Northwest corner of that tract described in deed to Evelyn L. Gebhardt, recorded April 4, 1966, in Book 595, page 129, Washington County Records; thence South  $0^{\circ}52'$  West 256.0 feet to the Southwest corner of said Gebhardt tract; thence continuing South  $0^{\circ}52'$  West 240 feet, more or less, to a point on the Northerly line of the right of way of the Oregon Electric Railroad; thence Southwesterly along said right of way line, 40 feet, more or less, to a point that is South  $1^{\circ}01'30''$  West from the true point of beginning; thence North  $1^{\circ}01'30''$  East to the true point of beginning.

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sunset mfg. co.

machine specialties

FEATURING  
AUTOMATIC.

CHUCKERS  
BAR MACHINES  
SCREW MACHINES  
BAND SAWING  
ENGINE LATHES - TURRET LATHES,  
DRILLING - MILLING - THREADING

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P. O. BOX 316 - 19475 S.W. 89th St., TUALATIN, OREGON 97062 (AREA CODE 503) 638-6873

8/15/72

We agree to the commonway agreement with the following attachment :

All parties agree to the following conditions:

- A. To construct a roadway approx. 660 ft. x 30 ft. on S.W. 89 th
- B. Roadway to consist of
  - 1. black top entrance 50' deep x 30' wide x 2 1/2" thick
  - 2. grade, fill, compact and apply a 2 lift oil mat approx. 600' x 30'
- C. At least five property owners or occupants agree to split the cost of construction
  - 1. construction must be contracted
    - a. not to exceed a total cost of \$ 3,000.00 or \$ 600.00 per party
    - b. payment to be made 10 days after notice of agreement being executed by all parties
- D. A ROAD MANAGEMENT COMMITTEE of two (2) parties be formed
  - 1. manage construction
  - 2. manage repairs
  - 3. manage finance of construction and repairs
- E. Annual usage charge for maintenance
  - 1. \$ 1.00 per employee (average number per year employed)
    - a. minimum charge \$ 25.00 , maximum charge \$ 75.00
    - b. payment due one year from date of construction and each year thereafter

SIGNED :

- 1. James C. Warren 8-15-72
- 2. J N H Corp
- 3. Robert W. Allen 8-15-72
- 4. Stanley M. Hammer
- 5. [Signature]
- 6. William H. Amberson
- 7. Oliver Amberson
- 8. E. A. Council

1400  
15.00

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STATE OF OREGON  
County of Washington

I, Roger Thomssen, Director of Records and Elections and Ex-Officio Recorder of Deeds for said county, do hereby certify that the within instrument of writing was received and recorded in book of records No. \_\_\_\_\_ of said County

Witness my hand and seal affixed.  
ROGER THOMSEN, Director of Records & Elections

5/10/73 Deputy

MAY 7 10 09 AM '73