

After recording, return to:

City Recorder
City of Oregon City
PO Box 3040
Oregon City, OR 97045-0304

Clackamas County Assessor Parcel Number:
Site Address:

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (this "Declaration") is made this ____ day of _____, 20____ by _____, a(n) _____ ("Declarant").

RECITALS

A. WHEREAS, Declarant is the owner(s) of certain real property in Oregon City, Oregon ("City"), more particularly described in the attached Exhibit "A" (the "Property");

B. WHEREAS, pursuant to the provisions of Chapter 12.32 of the Oregon City Municipal Code ("OCMC"), the City has adopted heritage tree regulations to recognize, foster appreciation, and provide for the voluntary protection of Heritage Trees and Stands.

C. WHEREAS, the City has in effect certain heritage tree protection requirements;

D. WHEREAS, Declarant sought and obtained approval for a Heritage Tree or Stand designation for that certain (species) that at the time of designation is ___ feet tall, has a ___ inch diameter at breast height, and has an ___ foot canopy spread located on that portion of the Property shown in the attached Exhibit "B" (the "Heritage Tree or Stand");

E. WHEREAS, the Heritage Tree or Stand is protected by the City of Oregon City and is subject to special protection under the OCMC;

F. WHEREAS, as a condition of issuance of the approval of the designation of the Heritage Tree, Declarant is required to provide assurance, in the form of this Declaration, that the protection of the Heritage Tree or Stand will meet OCMC requirements; and

F. WHEREAS, Declarant desires to provide for such provisions by subjecting the Property to the covenants and restrictions hereinafter set forth.

COVENANTS

NOW, THEREFORE, Declarant hereby declares and covenants that the Property, as specifically described in Exhibit "A," shall be held, sold, and conveyed subject to the following covenants and restrictions, which are intended to and shall run with the land, continue in perpetuity, and shall be binding upon all parties having or acquiring any right, title, or interest in the Property and shall inure to the benefit of each owner, subsequent owners, and the City.

1. The Heritage Tree or Stand may not be removed, topped, or otherwise altered unless the Declarant or Declarant's successor(s), as appropriate, obtains a permit from the City in accordance with OCMC Sections 12.32, 17.41, and 12.08, as applicable, as such sections may be amended from time to time.

2. The Declarant or Declarant's successor(s), as appropriate, shall continue to be responsible for the maintenance of the Heritage Tree or Stand. The Heritage Tree or Stand designation does not obligate the City to maintain the Heritage Tree or Stand, or provide technical support for its maintenance.

3. The removal of or damage to a heritage tree or stand in violation of the OCMC shall constitute a civil infraction, subject to the code enforcement procedures of OCMC Chapter 1.16 and/or Chapter 1.20, except that The penalty for unlawful removal of a heritage tree may be reset by the Oregon City Commission from time to time by ordinance or resolution and, if the penalty is so reset, the penalty shall be the one then in effect. Native heritage trees that are removed shall be replaced with native tree species.

4. This Declaration shall not be interpreted as in any way conveying or granting to the public any right to enter or use the Property.

5. This Declaration shall be recorded with the Recording Division of the Clackamas County Clerk's office, and run with and bind the Property as set forth above.

6. The City may enforce these covenants and restrictions through the code enforcement provisions described in OCMC Chapter 1.16 and/or Chapter 1.20 or by judicial relief, including without limitation injunctive relief and such other relief a court determines proper for any violation of these covenants or restrictions. To the extent the City undertakes enforcement action and it is determined that Declarant or Declarant's successor violated Oregon City Municipal Code or the terms of this Covenant, the City shall be entitled to its attorney's fees incurred in such action, including any fees on appeal or in administrative proceedings.

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument as of the date and year above written.

DECLARANT:

_____,
a(n) _____

By: _____

Print Name: _____

Title: _____

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of
_____, 20____, by _____, as
_____ of _____, a(n)
_____.

Notary Public for Oregon
My commission expires: _____

EXHIBIT A
Legal Description

EXHIBIT B

Parcel Map with location of the Designated Heritage Tree