

The CITY OF BEND, an Oregon municipal corporation, hereinafter called "CITY" and BROKEN TOP LIMITED PARTNERSHIP, hereinafter called "USER" agree as follows:

1. USER has received, read and understands CITY'S sewer policy which is attached to and made a part of this Sewer Service agreement. Terms used in this agreement have the meanings assigned to them by CITY'S sewer policy unless specifically provided otherwise.

2. USER shall perform the following work and install the described sewer facilities at USER'S sole cost and expense pursuant to CITY'S sewer policy.

See Exhibit "B"

3. The sewer service sought by USER will benefit the following described property in Deschutes County, Oregon:

See Exhibit "A"

4. CITY agrees to permit user to hook up the sewer facilities described above to CITY'S sewer system and to furnish USER City sewer services on the following terms and conditions:

4.1 Service shall be supplied only through sewer facilities constructed and installed to CITY'S standards and specifications. CITY'S Standards and Specifications may be obtained from the Engineering Department. All sewer facilities except service connection lines shall be the property of CITY and shall be installed within public ways or CITY easements. USER shall not hook up to CITY'S sewer facilities until CITY accepts sewer facilities installed by user in writing.

4.2 USER shall promptly pay all applicable charges in connection with CITY sewer service as they become due. Charges shall be prescribed by an appropriate schedule, and charges may be changed from time to time.

4.3 No other use of CITY sewer service or CITY sewer facilities except as provided in this agreement shall be permitted without express consent of CITY.

4.4 USER shall comply with all applicable governmental laws, rules and regulations, including but not limited to CITY ordinances, resolutions and the provisions of CITY sewer and water policies as they now exist and as they may be changed from time to time.

4.5 If the USER'S property is outside the city, USER hereby consents to the annexation of USER'S property when annexation shall be deemed appropriate by the CITY. A separate Consent to Annexation Agreement is attached to this agreement.

4.6 Overhead shall be charged on all labor and materials. USER shall reimburse CITY for actual cost of inspection services, plus overhead performed by CITY, prior to acceptance of the work by CITY.

278 - 0224
4.7 When required by CITY, USER agrees to deliver to CITY "As Built" reproducible drawings of the completed work, signed by an Oregon Professional Engineer prior to acceptance of the work by CITY.

4.8 Upon completion of the project, a statement of all expenses must be submitted to CITY for record keeping purposes.

4.9 No service connection will be permitted until all applicable fees are paid and additional service agreements are completed. General Benefit Fees will be collected with building permits.

Total amount due and payable upon signing this agreement is shown on Schedule "A".

5. This sewer service may be terminated by CITY for any failure to comply with the terms and conditions of this agreement, the CITY'S sewer policy or any other agreements with the CITY affecting this property.

6. Applicant agrees to call 388-5540 and schedule a pre-construction meeting with City construction inspectors. 24 hour notice is required. No construction shall occur prior to this meeting.

Applicant billing address 225 NW Franklin Ave Suite B

Bend, OR 97701

DATED this _____ day of _____, 19_____.

Broken Top Limited Partnership
By: Broken Top, Inc.

BY: William T. Cisneros

STATE OF OREGON)
)ss
County of Deschutes)

Personally appeared the above named William T. Cisneros
and acknowledged the foregoing instrument to be a voluntary act before
me this 21st day of September 19 92.

[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1/5/94

CITY

[Signature]
Development Services

SCHEDULE "A"

278 - 0225

Engineering Fees		Code	Fees
Description			
Water plan review submittal fee		EW	\$ 250.00
Water line fee 5189 ft X \$1.00/ft.		EW	\$ 5,189.00
Fire service/hydrant fee 11 X \$150.00 per service/hydrant		EW	\$ 1,650.00
Sewer plan review submittal fee		ES	\$ 250.00
Sewerline fee 5,032ft X \$1.00/ft		ES	\$ 5,032.00
Manhole fee, # of manholes 25 X \$50.00/manhole		ES	\$ 1,250.00
Street review submittal fee		ET	\$ -0-
Street fee _____ L F X \$.50/L F		ET	\$ -0-

Final Plat Fees

Submittal	\$250.00
_____ lots X \$25.00	\$ _____
_____ lot total.....	
Partition Fees	
Submittal	
_____ lots X \$10.00	\$ _____
_____ lot	

Description

Street 20%	EF	\$ _____
Water 50%	EP	\$ _____
Sewer 30%	EO	\$ _____

General Benefit Fees

Description

Sewer general benefit fee with building permits with building permits

_____ lots X \$ _____	SW	\$ _____
_____ lot		
_____ DUE'S X \$ _____	SW	\$ _____
_____ DUE		

Water general benefit fee

55 _____ 1" services		
55 _____ lots X \$550.00 X 50% *	WA	\$ 15,125.00
_____ lot		
_____ service	WA	\$ _____
_____ meter deposit	RD WM	\$ _____
_____ Account set-up irrigation only	SU	\$ _____
_____ Back-flow device	PL	\$ _____
_____ Oregon Permit Tax	TX	\$ _____

Miscellaneous fees

Description

Recording fee	RF	\$ 35.00
TOTAL		\$ 28,781.00

* Balance to be collected with building permit yes [X] no []

Receipt # 8179

BROKEN TOP
PHASES 1A AND 1B

A PARCEL IN SECTION 1 OF TOWNSHIP 12 SOUTH AND RANGE 11 EAST OF THE WILLAMETTE MERIDIAN IN DESCHUTES COUNTY, OREGON FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3" BRASS CAP ON A 2" GALVANIZED IRON PIPE FOR THE 1/4 CORNER TO SECTIONS 1 AND 6 IN TOWNSHIP 18 SOUTH AND RANGES 11 AND 12 EAST OF THE WILLAMETTE MERIDIAN IN DESCHUTES COUNTY, OREGON, THENCE NORTH 59°33'39" WEST 2093.75 FEET TO A 5/8" IRON ROD AT THE MOST WESTERLY CORNER OF TRACT A OF BROKEN TOP; THENCE 22.72 FEET ALONG THE ARC OF A 350.00 FOOT RADIUS CURVE RIGHT (THE LONG CHORD OF WHICH BEARS SOUTH 72°38'22" WEST 22.71 FEET) TO A 5/8" IRON ROD, SAID POINT BEING THE INITIAL POINT FOR THIS SUBDIVISION; THENCE 124.66 FEET ALONG THE ARC OF A 250.00 FOOT RADIUS CURVE LEFT (THE LONG CHORD OF WHICH BEARS SOUTH 60°12'51" WEST 123.37 FEET) TO A 5/8" IRON ROD; THENCE 139.75 FEET ALONG THE ARC OF A 990.00 FOOT RADIUS CURVE LEFT (THE LONG CHORD OF WHICH BEARS SOUTH 41°53'07" WEST 139.63 FEET) TO A 5/8" IRON ROD; THENCE SOUTH 21°41'45" EAST 540.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 47°44'24" EAST 167.68 FEET TO A 5/8" IRON ROD; THENCE SOUTH 32°13'21" WEST 198.34 FEET TO A 5/8" IRON ROD; THENCE NORTH 53°50'24" WEST 180.19 FEET TO A 5/8" IRON ROD; THENCE 119.69 FEET ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE RIGHT (THE LONG CHORD OF WHICH BEARS NORTH 30°31'17" WEST 93.09 FEET) TO A 5/8" IRON ROD; THENCE NORTH 28°22'03" WEST 113.88 FEET TO A 5/8" IRON ROD; THENCE SOUTH 45°20'40" WEST 294.00 FEET TO A 5/8" IRON ROD; THENCE NORTH 44°39'20" WEST 174.50 FEET TO A 5/8" IRON ROD; THENCE 308.22 FEET ALONG THE ARC OF A 750.00 FOOT RADIUS CURVE RIGHT (THE LONG CHORD OF WHICH BEARS SOUTH 59°52'20" WEST 306.05 FEET) TO A 5/8" IRON ROD; THENCE SOUTH 07°23'19" EAST 296.69 FEET TO A 5/8" IRON ROD; THENCE SOUTH 30°23'33" EAST 65.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 66°54'31" EAST 65.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 81°50'14" EAST 760.76 FEET TO A 5/8" IRON ROD; THENCE SOUTH 06°08'04" WEST 147.24 FEET TO A 5/8" IRON ROD; THENCE SOUTH 58°21'23" WEST 444.77 FEET TO A 5/8" IRON ROD; THENCE NORTH 83°20'16" WEST 419.66 FEET TO A 5/8" IRON ROD; THENCE SOUTH 74°22'11" WEST 70.00 FEET TO A 5/8" IRON ROD; THENCE 193.87 FEET ALONG THE ARC OF A 1990.00 FOOT RADIUS CURVE LEFT (THE LONG CHORD OF WHICH BEARS NORTH 18°25'16" WEST 193.79 FEET) TO A 5/8" IRON ROD; THENCE SOUTH 66°09'13" WEST 171.92 FEET TO A 5/8" IRON ROD; THENCE NORTH 28°54'54" WEST 540.00 FEET TO A 5/8" IRON ROD; THENCE NORTH 71°57'07" WEST 130.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 84°02'13" WEST 60.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 66°35'36" WEST 50.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 33°47'57" WEST 100.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 03°04'49" EAST 60.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 75°04'46" WEST 185.13 FEET TO A 5/8" IRON ROD; THENCE SOUTH 86°55'11" WEST 80.00 FEET TO A 5/8" IRON ROD; THENCE NORTH 03°04'49" WEST 68.92 FEET TO A 5/8" IRON ROD; THENCE 329.84 FEET ALONG THE ARC OF A 380.00 FOOT RADIUS CURVE RIGHT (THE LONG CHORD OF WHICH BEARS NORTH 21°47'11" EAST 319.58 FEET) TO A 5/8" IRON ROD; THENCE 33.61 FEET ALONG THE ARC OF A 120.00 FOOT RADIUS CURVE LEFT (THE LONG CHORD OF WHICH BEARS NORTH 65°53'14" WEST 33.50 FEET) TO A 5/8" IRON ROD; THENCE NORTH 73°54'35" WEST 86.56 FEET TO A 5/8" IRON ROD; THENCE 62.58 FEET ALONG THE ARC OF A 260.00 FOOT RADIUS CURVE LEFT (THE LONG CHORD OF

September 18, 1992

Z:\WPFF2\CHD\CH\014AB.JCP

DAVID EVANS AND ASSOCIATES, INC.

ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS, SCIENTISTS
OFFICES IN OREGON, WASHINGTON AND CALIFORNIA

709 N.W. WALL STREET, SUITE 102

BEND, OREGON 97001-2712

(503) 389-7614 FAX (503) 389-7623

WHICH BEARS NORTH 89°48'18" WEST 62.42 FEET) TO A 5/8" IRON ROD; THENCE NORTH 87°42'00" WEST 284.43 FEET TO A 5/8" IRON ROD; THENCE NORTH 02°18'00" EAST 60.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 87°42'00" EAST 57.64 FEET TO A 5/8" IRON ROD; THENCE NORTH 02°18'00" EAST 178.29 FEET TO A 5/8" IRON ROD; THENCE SOUTH 88°30'02" EAST 374.90 FEET TO A 5/8" IRON ROD; THENCE SOUTH 84°16'08" EAST 891.39 FEET TO A 5/8" IRON ROD; THENCE NORTH 30°57'07" EAST 130.12 FEET TO A 5/8" IRON ROD; THENCE 71.00 FEET ALONG THE ARC OF A 120.00 FOOT RADIUS CURVE RIGHT (THE LONG CHORD OF WHICH BEARS SOUTH 28°03'15" EAST 69.97 FEET) TO A 5/8" IRON ROD; THENCE 61.08 FEET ALONG THE ARC OF A 180.00 FOOT RADIUS CURVE LEFT (THE LONG CHORD OF WHICH BEARS SOUTH 20°49'20" EAST 60.78 FEET) TO A 5/8" IRON ROD; THENCE 428.82 FEET ALONG THE ARC OF A 670.00 FOOT RADIUS CURVE LEFT (THE LONG CHORD OF WHICH BEARS NORTH 42°26'08" EAST 421.54 FEET) TO A 5/8" IRON ROD; THENCE NORTH 24°06'00" EAST 134.78 FEET TO A 5/8" IRON ROD; THENCE 407.66 FEET ALONG THE ARC OF A 1070.00 FOOT RADIUS CURVE RIGHT (THE LONG CHORD OF WHICH BEARS NORTH 35°00'53" EAST 405.20 FEET) TO A 5/8" IRON ROD; THENCE 184.55 FEET ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE RIGHT (THE LONG CHORD OF WHICH BEARS NORTH 60°12'51" EAST 162.85 FEET) TO A 5/8" IRON ROD; THENCE SOUTH 15°30'04" EAST 80.00 FEET TO THE POINT OF BEGINNING. PLAT CONTAINS 31.05 ACRES.

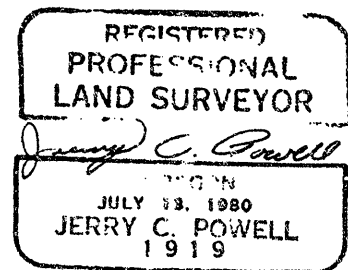
DEN

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY:

92 OCT -1 AM 9:20

MARY SUE PENHOLLOW
COUNTY CLERK



September 18, 1992
2WPF2\CHD\CHD14AB.JCP

BY: *M. Egan* DEPUTY CLERKS, LANDSCAPE ARCHITECTS, SCIENTISTS

NO. 92-32616 FEE 25-

DESCHUTES COUNTY OFFICIAL RECORDS

Page 5 of 5
92-64D