



46 173944-30

After Recording, Return To:

Hayden Homes, LLC
2464 SW Glacier Pl. Ste. 110
Redmond, OR 97756

PRIVATE STORMWATER DRAINAGE EASEMENT

Recitals

A. HAYDEN HOMES, LLC, an Oregon Limited Liability Company, ("Declarant"), is the owner of Lots 17 through 23, inclusive, and Lots 27 through 33, inclusive, of Village at Cold Springs, Deschutes County, Oregon (each a "Lot," collectively, the "Lots").

B. Declarant desires to establish a Private Stormwater Drainage Easement (the "Easement") over and across a portion of each of the Lots (the "Easement Area") for the purpose of constructing and locating certain drainage improvements therein to facilitate the discharge of surface stormwater. The Easement Area is described on the attached Exhibit A and depicted on the attached Exhibit B. Declarant also desires to restrict the construction of structures within the Easement Area in furtherance of the purpose of the Easement.

Agreement

NOW THEREFORE, Declarant hereby declares as follows:

1. Easement; Maintenance. Declarant declares the Easement across the Easement Area for the purpose of constructing, installing and permanently locating certain drainage improvements within the Easement Area and the discharge of surface stormwater across and in the Easement Area. The drainage improvements shall be initially constructed by Declarant. Each successive Lot owner shall be solely responsible for the performance and costs of all maintenance of that portion of the Easement Area located within its Lot. Maintenance of the Easement Area shall include maintaining, repairing and replacing all surface drainage improvements, the planting, upkeep and irrigation of ground cover and vegetation, performance of erosion control measures, and all other work associated with maintaining the Easement Area.

2. Restrictions. No structures other than fencing shall be installed, constructed, or otherwise allowed to be located on or under the Easement Area.. Once the construction and installation of the drainage improvements is completed by the Declarant, no change or alteration to the grade of the Easement Area shall be permitted.

3. Indemnity. When performing maintenance in the Easement Area, each Lot owner, its agents, employees and contractors shall save and hold harmless the other Lot owners, their successors and assigns, from any liability for damages whatsoever arising in connection with such Lot owner's activities in the Easement Area.

4. Perpetual Easement. The Easement granted herein shall run with the land and shall be binding upon all successive owners of the Lots, their respective heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the Declarant has executed this Easement as of the 15 day of March, 2007.

DECLARANT:

HAYDEN HOMES, LLC
an Oregon Limited Liability Company

By: Brett Wilson
Name: Brett Wilson
Title: Dir. of Finance

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me on this 15 day of March, 2007 by Brett Wilson, the Director of Finance of Hayden Homes, LLC, an Oregon Limited Liability Company, on behalf of the Company.



Karen I Halstead
Notary Public for Oregon
My Commission Expires: July 4, 2010

Exhibit A - Legal Description of the Easement Area
Exhibit B Depiction of the Easement Area



333 sw upper terrace drive • bend, oregon 97702-1377
(541) 385-9960 • fax (541) 312-8704
www.otak.com

EXHIBIT "A"

Legal Description For a **DRAINAGE EASEMENT for HAYDEN HOMES**

March 13, 2007

A non-exclusive easement for storm drainage purposes, under over and across that portion of Lots 17 through 23 and Lots 27 through 33 Village at Cold Springs recorded as CS17141 particularly described as follows:

A 10 foot wide strip of land, five feet each side of the following described line:

Beginning at the westerly corner common to Lots 17 and 27 as shown on the Village at Cold Springs subdivision plat, recorded December 12, 2006, and on file in the office of the Deschutes County Surveyors office as CS 17141;

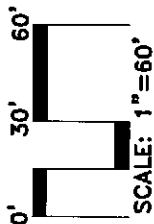
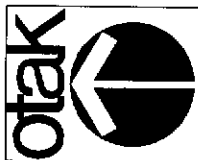
Thence South 89°48'35" East, 425.83 feet, along the line common to Lots 17 through 23 and Lots 27 through 33, to the west Right-of Way line of Hindeman Street, and terminus of easement.

The sidelines of this easement are to be extended or shortened to the adjacent rights-of-ways.

Situated in the Southwest quarter of Section 5, Township 15 South, Range 10 East, W.M., City of Sisters, Deschutes County, State of Oregon.



RENEWAL DATE: DEC. 31, 07



VILLAGE AT COLD SPRINGS

DRAINAGE EASEMENT ON LOTS 17
THROUGH 23 AND 27 THROUGH 33

LOCATED IN THE SW 1/4 OF SECTION 5
, T.15S., R.10E., W.M., CITY OF SISTERS,
DESCHUTES COUNTY, OREGON

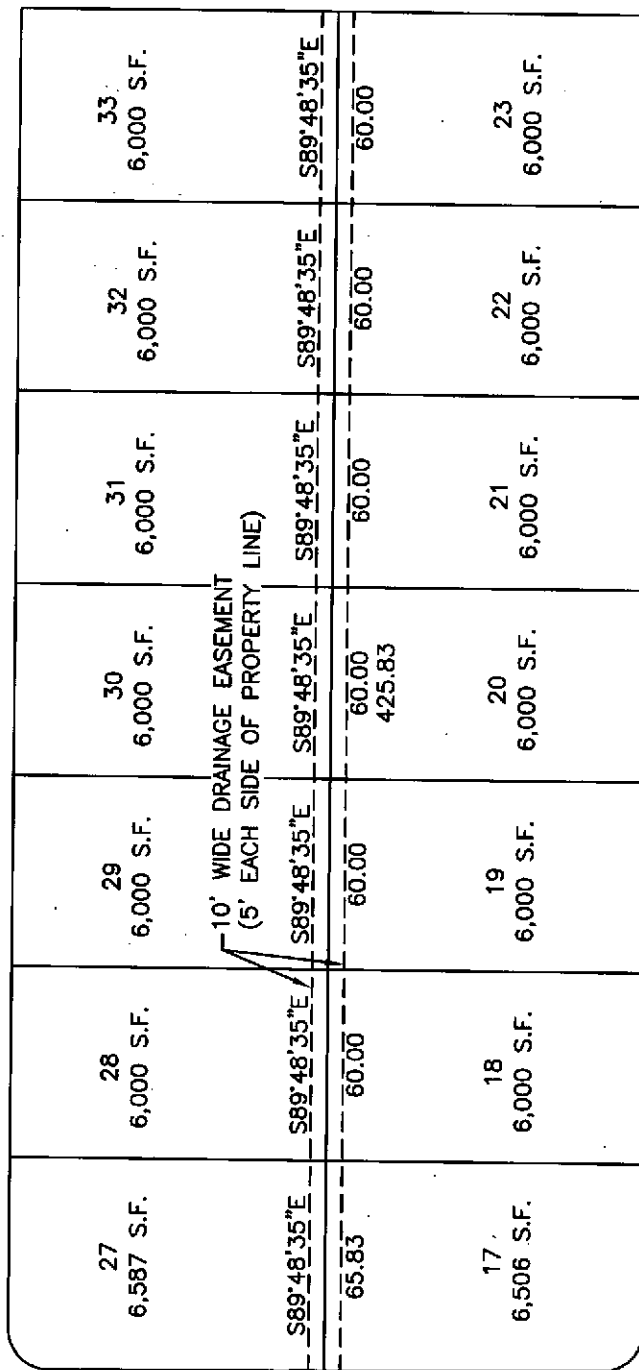
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dale N. Barrett

OREGON
July 16, 1962
DALE N. BARRETT
1979

RENEWAL DATE: DECEMBER 31, 2007

HILL AVENUE



FREEMONT STREET

HINDEMAN STREET

CARSON AVENUE

Field _____
Calculated _____
Drawn _____
Checked By _____

otak
333 SW Upper Terrace Drive
Bend, Oregon 97702
Phone: (541) 385-9980
FAX: (541) 312-8704

VILLAGE AT COLD SPRINGS
DRAINAGE EASEMENT
LOTS 17-23 & 27-33
CITY OF SISTERS
DESCHUTES COUNTY, OREGON

EXHIBIT "B"

Project No. 13254
13254DRAINESMTEXH
File No. 1 OF 1
Sheet No. _____

03/07