

Received
Planning Division
08/04/2023

Exhibit E

Access Agreement with Neighboring Site

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made and entered into this 26 day of May, 2022, by and between [REACH entity], an Oregon _____ (“**Reach**”), and ELMONICA GROUP, LLC, an Oregon limited liability company (“**Elmonica**”) (collectively, the “**Parties**”).

Recitals

A. Reach and Elmonica own adjacent parcels of land in the vicinity of Baseline Road SW and 170th Avenue in the City of Beaverton, Oregon (“**City**”).

B. Reach and Elmonica intend to develop their respective properties for residential use and both are seeking land use and other entitlements and approvals from the City in furtherance of their development objectives.

C. The City has requested, and Reach and Elmonica have agreed, to share a single access driveway to Baseline Road SW for the mutual benefit of their respective projects and to minimize conflicts with anticipated traffic volumes on Baseline Road SW.

D. Although the final location of the access driveway has yet to be determined, the City has required Reach and Elmonica to confirm their agreement to establish the joint access before it will issue land use approvals for the Reach and Elmonica development projects.

E. Accordingly, the purpose of this MOU is to satisfy the City’s requirement and to provide both Reach and Elmonica assurance the final design of their respective projects may contemplate shared access to Baseline Road SW.

THEREFORE, Elmonica and Reach agree, as follows:

1. Shared Access Drive. Elmonica shall include in its development plans an access driveway to Baseline Road SW in the general vicinity depicted on the preliminary site plan, which is attached hereto as Exhibit “A” (“**Shared Access Drive**”).

2. Reciprocal Easement. Reach and Elmonica shall negotiate in good faith and thereafter, provided the parties can agree upon a form, execute and file for record an easement (“**Reciprocal Easement**”) in a mutually agreeable form (a) granting Reach, its residents, guests and invitees, the right to cross the Elmonica property and use the Shared Access Drive for ingress and egress to and from Baseline Road SW to the Reach property; and (b) granting Elmonica, its residents, guests and invitees, the right to cross the Reach property for ingress and egress to and from 170th Avenue.

3. Entire Understanding. This MOU embodies the entire understanding of Reach and Elmonica with respect to the Shared Access Drive and embodies the parties’ respective obligations

to perform the acts required of them, as set forth above, in good faith. This MOU may be modified only by written instrument duly executed by the parties bound thereby.

Dated as of the date first above written.

REACH:

By: _____
Director of Housing Development
Alma Flores

ELMONICA:

ELMONICA GROUP, LLC, an Oregon limited liability company

By: _____
Its: _____

DRAFT