

8/18/77

78 29125

Highway Division  
File 49697

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That FERDINAND MARCEL HITE, also known as F. Marcel Hite, and ~~MARY M. HITE, husband and wife~~, "Grantors", do hereby grant and convey unto the CITY OF SHERWOOD, a municipal corporation of the State of Oregon, "Grantee", a permanent easement to construct, maintain, repair and have free access to all slopes of cuts or fills, occasioned by or resulting from the construction, operation or maintenance of the adjoining street and appurtenances, and to construct, operate and maintain a drainage facility, upon, over, through and across the following described property, to wit:

A parcel of land lying in the SW<sup>1</sup>/<sub>4</sub> of Section 29, Township 2 South, Range 1 West, W.M., Washington County, Oregon and being a portion of that property described in that deed to F. Marcel Hite and Mary M. Hite, recorded in Book 170, Page 31; in that deed to Ferdinand Marcel Hite and Mary M. Hite, recorded in Book 389, Page 684 and in that deed to Ferdinand Marcel Hite, recorded in Book 443, Page 679 of Deed Records of Washington County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northeasterly side of the center line of N. Sherwood Boulevard as said boulevard has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 25+00, said station being 411.23 feet North and 533.85 feet East of the Southwest corner of said Section 29; thence North 44° 23' 45" West 574.42 feet; thence on a 477.47 foot radius curve right (the long chord of which bears North 22° 18' 18.5" West) 368.18 feet to Engineer's center line Station 34+42.60.

The widths in feet of the strip of land above referred to are as follows:

Station	to Station	Width on Northeasterly Side of Center Line
26+00	28+00	45
28+00	29+00	45 in a straight line to 30
29+00	29+50	30
29+50	30+00	30 in a straight line to 35
30+00	33+00	35

The parcel of land to which this description applies contains 0.09 acre, more or less, outside of the existing right of way.

IT IS EXPRESSLY UNDERSTOOD that the easements herein granted do not convey any right, title or interest in the land above described except those expressly stated herein, nor prevent Grantors from the full use and dominion thereover; provided, however, that such use shall not be permitted to damage or destroy lateral support to said street, or to interfere in any way with the construction, operation or maintenance of Grantee's drainage facilities.

IT IS FURTHER EXPRESSLY UNDERSTOOD that nothing herein contained shall be construed to impose any duty, obligation or liability upon Grantee by reason of the construction or operation of said drainage facilities and that Grantee shall never

6<sup>re</sup> cf.

be required to remove the fill material which may be placed by it upon the above described property, nor shall Grantee be subject to any damages to Grantor, their heirs and assigns, by reason of change of grade of the street abutting on said property.

And Grantor <sup>does</sup> hereby covenant to and with Grantee, its successors and assigns, that they are the owners in fee simple of said property which is free from all encumbrances and will warrant and defend the easements herein described from all lawful claims whatsoever.

No monetary consideration is being received by Grantor for this easement.

Dated this 27 day of March, 1978.

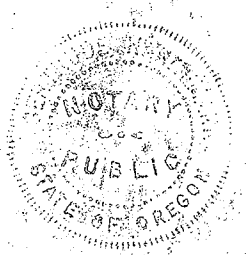
F Marcel Hite

STATE OF OREGON, County of Washington

March 27, 1978. Personally appeared the above named Ferdinand Marcel Hite, also known as F. Marcel Hite ~~and Mary M. Hite~~, who acknowledged the foregoing instrument to be <sup>his</sup> ~~their~~ voluntary act. Before me:

Gertrude Hanneman  
Notary Public for Oregon

My Commission expires 4-12-78



Approved by the Planning Commission of the City of Sherwood, Oregon, this 21 day of March, 1978.

Brian A. Yeh  
Planning Commission Chairman

dk/cjb

600  
return to:  
City of Sherwood

2

STATE OF OREGON } deed  
County of Washington } SS

I, Roger Thomssen, Director of Records and Elections and Ex-Officio Recorder of Conveyances 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

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Deputy

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