

EASEMENT

79041975

KNOW ALL MEN BY THESE PRESENTS, that Brune Investment Company, an Oregon corporation (Grantor), does hereby dedicate and convey to the City of Sherwood a perpetual, non-exclusive right-of-way and easement for street and utility purposes on, over, across, under and within the following described parcel of real property situated in Washington County, Oregon:

A tract of land situated in the northeast quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at a stone marked with an 'X' (found) at the southwest corner of the northeast quarter of the southwest quarter of said Section 28; thence along the south line of the northeast quarter of the southwest quarter of Section 28, North 89°10'11" East, 155.07 feet to the TRUE POINT OF BEGINNING of the herein described tract, the TRUE POINT OF BEGINNING being 15 feet northwesterly of the northwesterly right of way line of County Road No. 492 (Old Dayton Road), said northwesterly right of way line being 30.00 feet northwesterly of the centerline of said County Road; thence from TRUE POINT OF BEGINNING North 38°21'07" East parallel with and 15 feet northwesterly of said northwesterly right of way line, 327.31 feet; thence South 51°36'29" East, 15.00 feet to a 5/8-inch iron rod (set) on said northwesterly right of way line; thence along said northwesterly right of way line, South 38°21'07" West, 315.08 feet to the south line of the northeast quarter of the southwest quarter of said Section 28, from which point a 1/2-inch iron rod (found) bears North 43°13'03" East, 0.11 feet; thence along said south line South 89°10'11" West, 19.35 feet to the TRUE POINT OF BEGINNING.

This conveyance is made and accepted on the express condition that, if Grantor's remainder lands at any further time within ten years of the date hereof are assessed for street improvements within the easement area, Grantor, its successors and assigns, shall be entitled to credit by way of set off for the then value, determined by the City, of the rights hereby conveyed in spreading the assessment against the remainder lands of Grantor; provided that the then value of the rights hereby conveyed shall be included in that portion of the cost of the improvement project at that time assessed against the properties benefited by the improvement.

1-2



Recorded Document

1979-041975

Easement - Utilities - SW Qrt

Section 28 T2S, R1W Brune

Investment Co. to City

Reference pages

Not a part of record. For reference use only.

28C: 201  
SR-79-03

LID AGREEMENT

7907573

12  
E-185-1-1-2

The undersigned parties, who are either the legal title holder or contract purchaser of the real property located in the city of Sherwood, county of Washington, state of Oregon (and described on Exhibit A hereto), hereby agree that they will, upon written request of either party hereto or of the city of Sherwood:

1. Consent to the formation of a local improvement assessment district by the city of Sherwood for the purposes of water and sewer lines and drainage and roadway improvements in the public right-of-way abutting the property described on Exhibit A. Queenie A. Melvin will not make such request until the property being purchased by her on contract *developed ALB.*

2. Waive all present and future opposition or remonstrances against said improvements and the assessments therefor whether now or in the future undertaken pursuant to ORS Chapter 223.

The consent and waiver shall run with title to the properties described on Exhibit A and shall bind and inure to the benefit of the parties and their successors and assigns for 15 years from the date the consent and waiver is executed.

This agreement to execute a consent and waiver is specifically conditioned upon the city of Sherwood taking no more than the southerly 30 feet of Tax Lots 200 and 400 for the perpetual right-of-way and easement for street and utility purposes and no more than the southerly 21 feet of said tax lots for a paved street.

Queenie A. Melvin

By *Alice L. Gensman*  
Alice L. Gensman,  
her attorney-in-fact

*Howard E. Brune*  
Howard E. Brune

1-4

U

L

J

U

EXHIBIT A

A tract of land situated in the northwest quarter of the southwest quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at a stone marked with an 'X' (found) at the southeast corner of the northwest quarter of the southwest quarter of said Section 28; thence along the south line of the northwest quarter of the southwest quarter of said Section 28, South  $89^{\circ}53'02''$  West, 400.00 feet to the southwest corner of that tract of land described in deed to Howard E. Brune, recorded August 16, 1978, Fee No. 78-36528, Washington County Deed Records, and the TRUE POINT OF BEGINNING of the herein described tract; thence continuing along said south line, South  $89^{\circ}53'02''$  West, 100.00 feet to a 5/8-inch iron rod (set); thence parallel with the east line of the northwest quarter of the southwest quarter of said Section 28, North  $0^{\circ}02'19''$  West, 718.00 feet to a 5/8-inch iron rod (set); thence parallel with the south line of the northwest quarter of the southwest quarter of said Section 28, North  $89^{\circ}53'02''$  East, 500.00 feet to a 5/8-inch iron rod (set) on the east line of the northwest quarter of the southwest quarter of said Section 28; thence along said east line, South  $0^{\circ}02'19''$  East, 175.00 feet from which point a 5/8-inch iron rod (found) falls South  $72^{\circ}23'31''$  West, 0.29 feet; thence along the north line of the said Howard E. Brune tract, South  $89^{\circ}53'02''$  West, 400.00 feet to the northwest corner of said Howard E. Brune tract; thence along the west line of said Brune tract, South  $0^{\circ}02'19''$  East, 543.00 feet to the TRUE POINT OF BEGINNING.

Containing 3.26 acres, more or less.

EXHIBIT A

A tract of land situated in the northwest quarter of the southwest quarter of Section 28, Township 2 South, Range 1 West, Clatsop County, Oregon, also being that tract of land described in deed to Howard E. Brune, recorded August 17, 1914, File No. 75-1809, Clatsop County Deed Records, and being more particularly described as follows:

Beginning at a stone marked with an 'X' (found) at the southeast corner of the northwest quarter of the southwest quarter of said Section 28; thence along the south line of the northwest quarter of the southwest quarter of said Section 28, South 89° 53' 02" West, 400.00 feet; thence parallel with the easterly line of the northwest quarter of the southwest quarter of said Section 28, North 0° 02' 19" West, 543.00 feet; thence parallel with the south line of the northwest quarter of the southwest quarter of said Section 28, North 89° 53' 02" East, 400.00 feet to the east line of the northwest quarter of the southwest quarter of said Section 28 from which point a 5/8-inch iron rod (found) falls South 72° 23' 31" West, 0.29 feet; thence South 51° 36' 29" East, 472.41 feet to a 5/8-inch iron rod (set) on the northwesterly right of way line of County Road No. 492 (Old Dayton Road) from which point a 5/8-inch iron rod (found) falls South 51° 36' 29" East, 4.91 feet; thence South 51° 36' 29" East, 30.00 feet to the centerline of said County Road No. 492; thence along the centerline of said County Road No. 492, South 38° 21' 07" West, 290.60 feet to the south line of the northeast quarter of the southwest quarter of said Section 28; thence along said south line, South 89° 10' 11" West, 38.70 feet to the northwesterly right of way line of said County Road from which point a 1/2-inch iron rod (found) falls North 43° 13' 03" East, 0.11 feet; thence continuing along said south line, South 89° 10' 11" West, 174.42 feet to the Point of Beginning.

Containing 7.99 acres, more or less, INCLUDING County Road No. 492.

Containing 7.78 acres, more or less, EXCLUDING County Road No. 492.

3

L

EXHIBIT A

The Northwest quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, EXCEPTING:

Commencing at the Northwest corner of the Northwest quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, of the Willamette Meridian, running thence South 50 rods, to the Southern Pacific Company, right of way; thence in a northeasterly course along the Southern Pacific Company's right of way, 75 rods; thence West 56 rods to the point of beginning.

ALSO EXCEPTING right of way deed to railroads as described in Deed Book Q, at page 489, 27 at page 413, and 50 at page 214, Deed Records.

EXCEPTING ALSO THEREFROM that portion lying in said Northwest quarter of the Southwest quarter of Section 28, of the following described tract of land, said excepted portion being a portion of that tract of land conveyed to Howard E. Brune, by deed, recorded August 16, 1975, fee number 78-36528, Records of Washington County, Oregon.

Beginning at the Southeast corner of the Northwest quarter of the Southwest quarter of Section 28, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon; and running thence South 59° 21' West, 400 feet; thence North 0° 5' East, 543.0 feet to a point; thence North 89° 21' East 400 feet to a point; thence South 51° 36' East, 502.6 feet to a point in the center of County Road No. 422, as the same is now traveled; thence in the center of said County Road, South 30° 11' West, 290.0 feet to a point on the South line of the Northeast quarter of the Southwest quarter of Section 28; thence on said South line, South 25° 31' West 213.1 feet to the point of beginning.-----

STATE OF OREGON  
County of Washington

SS *msd*

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 of said county.

ROGER THOMSEN, Director of  
Records & Elections

*1200  
PM*

INDEXED

JUN 29 3 20 PM '75

*4*