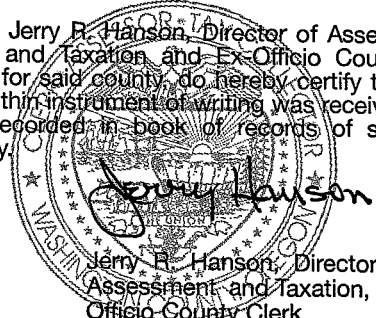


I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.



**EASEMENT**

DATED: February 20, 2001

**AFTER RECORDING RETURN TO:**

City of Sherwood  
Engineering Department  
20 NW Washington St.  
Sherwood, OR. 97140

Doc : 2001018219  
Rect: 273705 42.00  
03/06/2001 10:31:31am

**BETWEEN:**

**Grantors:**  
Pacific NW Properties LLC #2  
9665 SW Allen Blvd., Suite 115  
Beaverton, OR 97005

**Grantee:**  
City of Sherwood  
20 NW Washington St.  
Sherwood, OR. 97140

PNWP LLC#2

KNOW ALL MEN BY THESE PRESENTS, that ~~Pacific NW Properties LLC #2~~, hereinafter referred to as "Grantor", for the consideration hereinafter stated, does forever grant unto the CITY OF SHERWOOD, a municipal corporation, hereinafter referred to as "Grantee", a permanent stormwater easement over, under, through, across and along the full width and length of the premises described as follows, to wit:

1. Legal description is set forth in EXHIBIT "A", Page 1 attached hereto, and incorporated by reference herein.
2. A map of the above legal description is set forth in EXHIBIT "A", Page 2 and incorporated by reference herein.

Together with a temporary working easement as follows: For installation of a stormwater line in proposed permanent easement.

The temporary working easement shall be effective only for and during the time of the initial construction and laying of the pipeline described.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$.00.

TO HAVE AND TO HOLD the above described permanent stormwater easement unto said Grantee in accordance with the conditions and covenants as follows:

1. The stormwater easement shall include the right, privilege, and authority, to the said City of Sherwood, to excavate for, and to construct, build, install, lay, patrol, operate, maintain, and repair an underground water mainline, with all appurtenances incident thereto or necessary therewith, and across the said premises, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said

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FIDELITY NATIONAL TITLE CO. 17914-C

- pipelines, appurtenances attached to or connected therewith. No building shall be constructed over the pipeline easement right-of-way.
2. Grantee will indemnify and hold harmless the Grantors, his/her, their heirs, successors and/or assigns from claims for injury to person or property as a result of the negligence of the Grantee, its agents or employees in the construction, operation, or maintenance of said pipeline.
  3. The City of Sherwood, upon the initial installation, and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, shall restore the premises of the Grantors, and any improvements disturbed by the City, to as good condition as they were prior to any such installation work, including, but not limited to, the restoration of any topsoil, lawn and nursery stock of like kind and quality subject to reasonable substitution as may be necessitated by obstruction of interference with the use granted herein.
  4. Grantors may, at his/her/their option and expense, relocated said right-of-way, easement and associated public appurtenances and titles, provided such relocation is accepted by the City as complying with applicable codes and standards, land use laws and regulations.
  5. Grantors reserves the right to use the easement to construct driveways, paving, landscaping, and fill, provided that Grantor shall not construct or maintain any building or structure which would interfere with the rights herein granted.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FREE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LOSS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the undersigned grantor has executed this easement this 20<sup>th</sup> day of February, 2001.

GRANTORS: *Tom Stern*

STATE OF OREGON )  
 )ss  
 County of Washington )

On this 20<sup>th</sup> day of February, 2001, before me, a notary public in and for said County and State, personally appeared Tom R. Stern, known to me to be their person whose names subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.



*Kristin L. Slocum*  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: 10-1-2004

GRANTEE:

ACCEPTED on behalf of the City of Sherwood, Oregon

this 26th day of FEBRUARY, 2001.

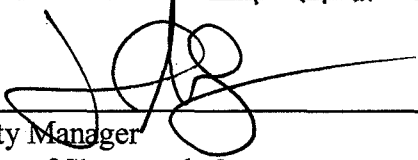
  
\_\_\_\_\_  
City Manager  
City of Sherwood, Oregon

EXHIBIT "A"

Public Storm Drainage Easement  
Lot 3, Plat of "Edy Road Industrial Park"  
Sherwood, Oregon  
February 8, 2001  
Sheet 1 of 2

**Legal Description:**

A parcel of land being a portion of Lot 3, Plat of "Edy Road Industrial Park", Washington County Plat Records and located within the northeast quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, in the City of Sherwood, Washington County, Oregon; with the said parcel of land more particularly described as follows:

The westerly 25.00 feet of said Lot 3 and the northerly 17.50 feet of the westerly 542.00 feet of said Lot 3.

Together with: **Beginning** at a point in the southerly line of said Lot 3, said point bears North 89°41'39" West, 18.43 feet from the most southerly southeast corner of said Lot 3; thence leaving said southerly line North 00°26'01" East, 63.26 feet; thence North 89°41'39" West, 42.00 feet; thence North 00°26'01" East, 241.00 feet; thence South 89°41'39" East, 72.00 feet; thence South 00°26'01" West, 277.71 feet to the beginning of a non tangent curve on the easterly line of said Lot 3; thence along said easterly line along the arc of a 52.00 foot radius curve concave southeasterly, through a central angle of 32°22'16" (the long chord of which bears South 23°57'24" West, 28.99) an arc distance of 29.38 feet to said most southerly southeast corner of said Lot 3; thence along said southerly line North 89°41'39" West, 18.43 feet to the **Point of Beginning**.

The parcel of land to which this description applies contains 37,523 square feet, more or less.

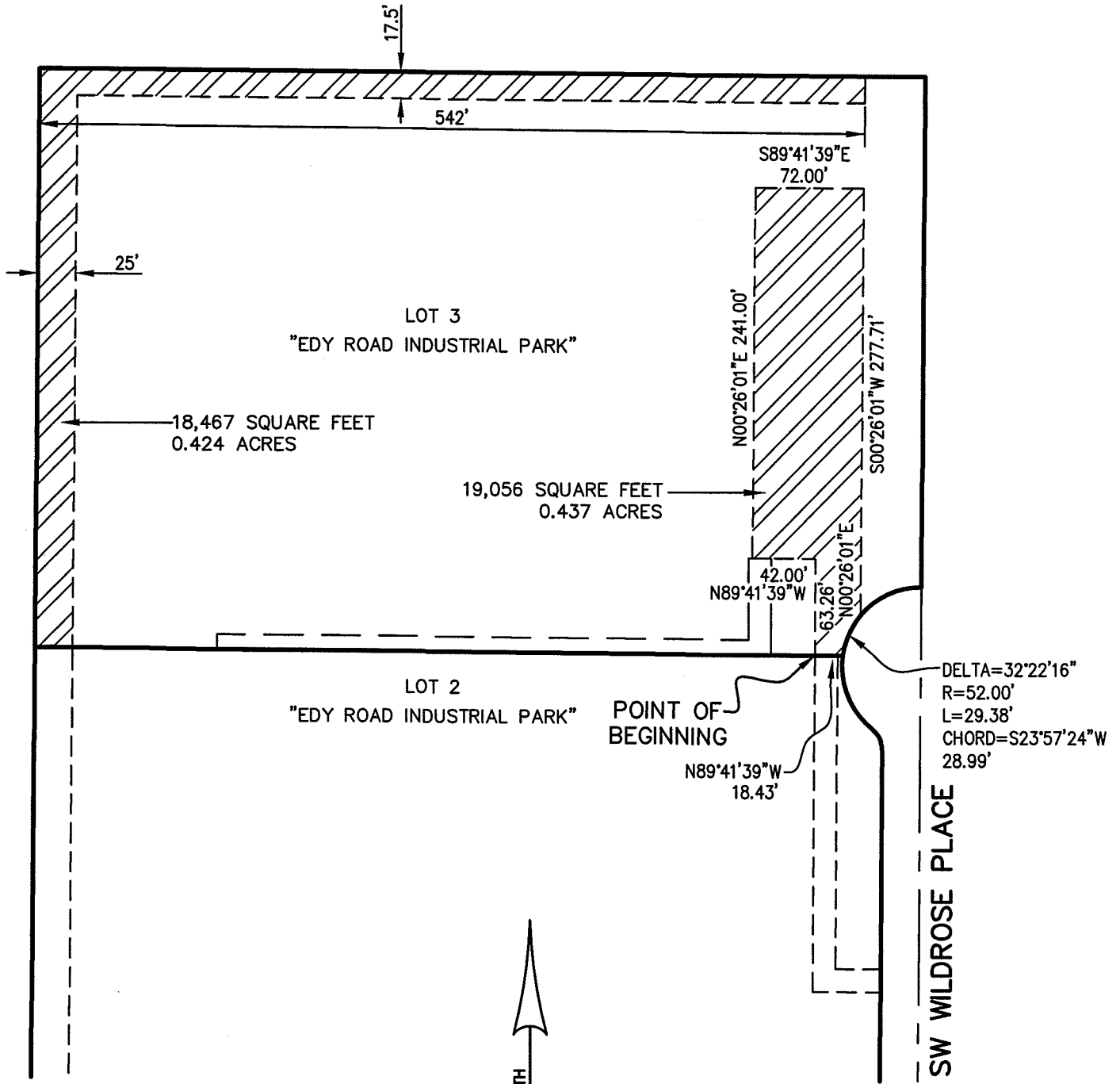
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Troy T. Tetsuka*  
OREGON  
JUNE 30, 1997  
TROY T. TETSUKA  
2841

RENEWAL: 6/30/02

# EXHIBIT MAP

FOR A PUBLIC STORM DRAINAGE EASEMENT  
 A PORTION OF LOT 3, PLAT OF "EDY ROAD INDUSTRIAL PARK"  
 LOCATED IN THE NE 1/4 OF SECTION 28,  
 IN T 2 S, R 1 W, WILLAMETTE MERIDIAN  
 CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON  
 FEBRUARY 8, 2001



SCALE 1"=100'

**LEGEND:**

 PROPOSED PUBLIC STORM DRAINAGE EASEMENT

JOB NO. MDG020 SHEET 2 OF 2



10450 SW NIMBUS AVE., PORTLAND, OREGON 97223

(503) 603-9933

FAX: (503) 603-9944

PLANNERS ■ ENGINEERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS

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