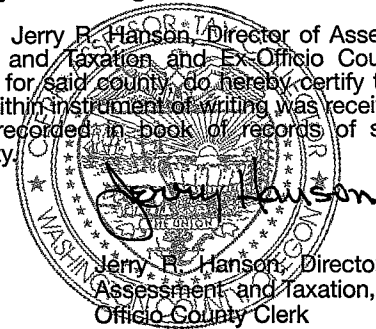


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c

EASEMENT

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.



DATED: 3/8, 2001

AFTER RECORDING RETURN TO:

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

Doc : 2001019279  
Rect: 273946 42.00  
03/08/2001 04:05:38pm

BETWEEN:

Grantors:

Gregory C. Theim  
14560 SW Tooze Rd.  
Sherwood, OR. 97140

Grantee:

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

KNOW ALL MEN BY THESE PRESENTS, that Gregory C. Theim, 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 public storm drainage, sanitary sewer and utility purpose 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 "B", Page 2 and incorporated by reference herein.

Together with a permanent working easement as follows: For installation of storm drainage, sanitary sewer and utility purpose in proposed permanent easement.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$00.00.

TO HAVE AND TO HOLD the above described permanent storm drainage, sanitary sewer and utility easement unto said Grantee in accordance with the conditions and covenants as follows:

1. The permanent storm drainage, sanitary sewer and utility purpose 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 storm drainage, 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 pipelines, appurtenances attached to or connected therewith. No building shall be constructed over the 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 waterline 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.

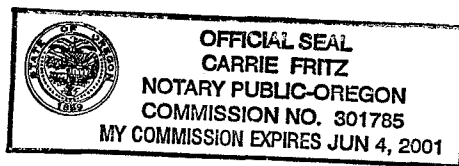
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FREE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO 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 8<sup>th</sup> day of March, 2001.

GRANTORS:

Gregory C. Thiem

STATE OF OREGON )  
 )ss  
 County of Washington )



On this 8<sup>th</sup> day of March, 2001, before me, a notary public in and for said County and State, personally appeared Gregory C. Thiem 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.

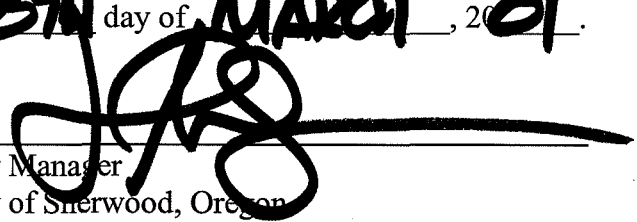
IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.

Carrie Fritz  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: 6/4/01

GRANTEE:

ACCEPTED on behalf of the City of Sherwood, Oregon

this 27<sup>th</sup> day of MARCH, 2001.

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

# Exhibit "A"

## EASEMENT DESCRIPTION

A tract of land located in the Northwest One-quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian in the City of Sherwood, Washington County, Oregon, said tract of land being in Lot 5, CITY VIEW ADDITION as recorded in Book 5, Page 20, Washington County Plat Records, and is more particularly described as follows:

Beginning at a point on the westerly line of said Lot 5 that bears South 12°30'00" East, 10.00 feet from the Northwest corner of said Lot 5, said point of beginning also being on the southerly line of that easement for sanitary sewer, storm sewer and utility purposes granted to the City of Sherwood and recorded in Book 1130, Page 310, Washington County Deed Records; thence North 76°41'00" East parallel with and 10 feet southerly of the northerly line of said Lot 5 and along the southerly line of the easement granted in said Book 1130, Page 310, a distance of 37.21 feet; thence South 61°06'11" West leaving said southerly line, a distance of 38.79 feet to a point on the westerly line of said Lot 5; thence North 12°30'00" West along the westerly line of said Lot 5, a distance of 10.42 feet to the point of beginning, describing an area of 194 square feet.

123EASE.307

*Expires 12/31/01*

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Malcolm N. Clark*

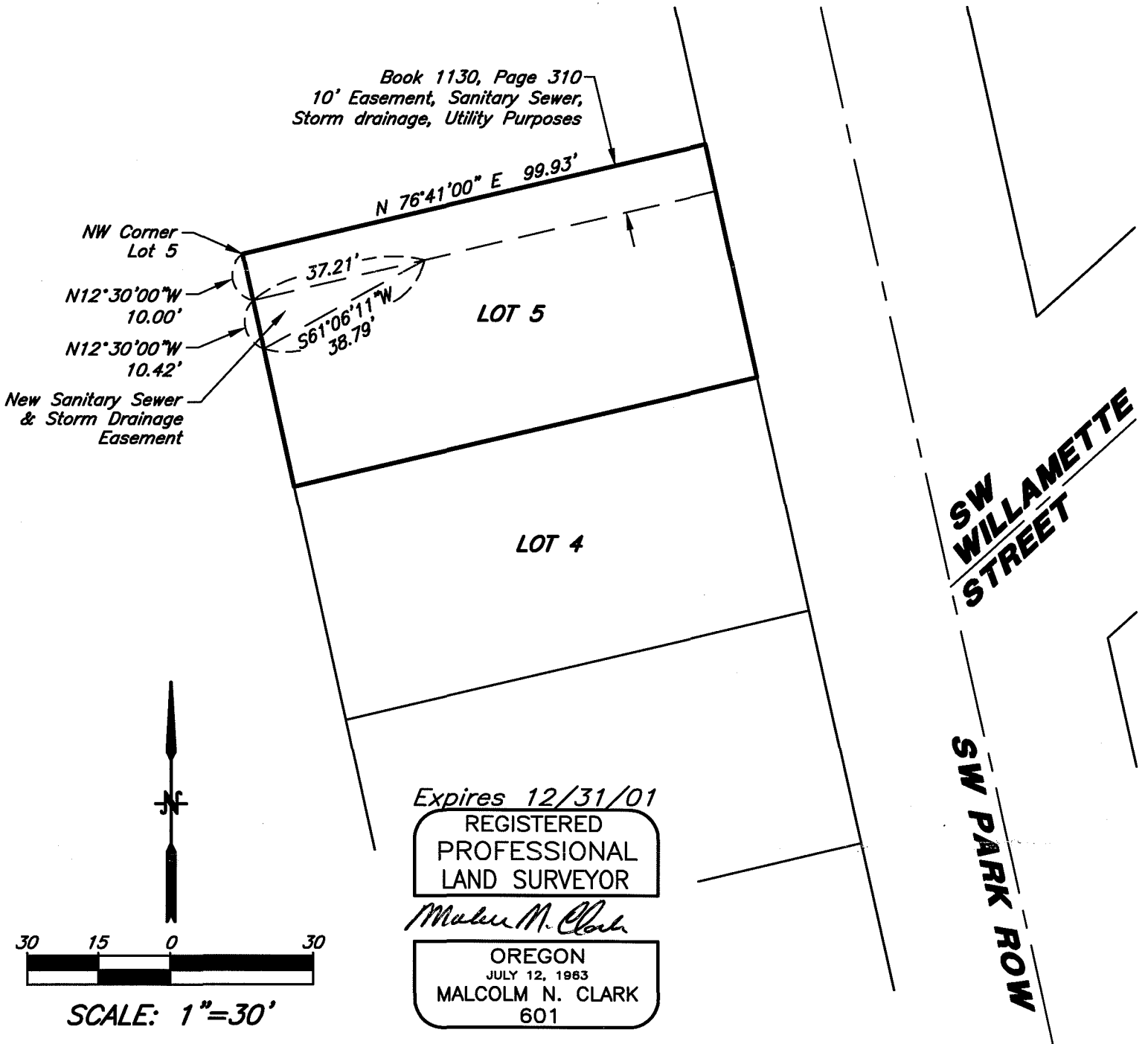
OREGON  
JULY 12, 1963  
MALCOLM N. CLARK  
601

# Exhibit "B"

## EXHIBIT TO ACCOMPANY DESCRIPTION

Located in NW 1/4 Sec. 32, Township 2 South, Range 1 West,  
Willamette Meridian, City of Sherwood, Washington County, Oregon

Also In Lot 5, CITY VIEW ADDITION, Book 5, Page 20

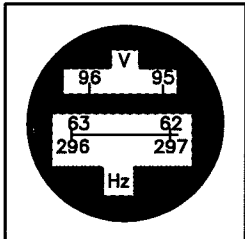


Expires 12/31/01

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Malcolm N. Clark*

OREGON  
JULY 12, 1983  
MALCOLM N. CLARK  
601



**DE HAAS**  
&  
**ssociates, Inc.**

Consulting Engineers & Surveyors

Suite 300 - AGC Center  
9450 S.W. Commerce Circle  
Wilsonville, Oregon 97070

PHONE: (503) 682-2450  
FAX: 682-4018

*Easement Exhibit*

DATE *March 7, 2001*

DRAWING *8123exh.dwg*

FILE No. *98.123.957*