

Washington County, Oregon 2002-082019  
07/22/2002 10:16:48 AM

D-AE Cnt#3 Str#22 RECORDS1  
\$20.00 \$10.00 \$6.00 \$11.00 - Total=\$47.00



00132254200200820190040044

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

*Jerry Hanson*

Jerry R. Hanson, Director of Assessment and Taxation,  
Ex-Officio County Clerk



**STORM DRAINAGE FACILITY  
MAINTENANCE AGREEMENT**

Dated: July 19, 2002

AFTER RECORDING RETURN TO:

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

**DECLARATION OF COVENANT AND RESTRICTION  
REGARDING MAINTENANCE OF PRIVATE STORM DRAINAGE FACILITIES**

BETWEEN:

City of Sherwood	The Church of Jesus Christ of Latter-day Saints
20 NW Washington St.	50 East North Temple Street
Sherwood, OR 97140	Salt Lake City, UT 84150

(Owner)

**THE TRUE AND ACTUAL CONSIDERATION IS: NONE**

This declaration is made on the date hereinafter set forth by the City of Sherwood and undersigned owners.

WHEREAS, the undersigned is the owner of that certain real property in the City of Sherwood, County of Washington, State of Oregon, hereafter referred to as the "Property", more particularly described as follows (legal description):

Parcel 1, Partition Plat 1998-116 in the NE ¼ Sec. 31, T.2S., R.1W., W.M. WA County, Oregon
Map 2S1 31A Tax Lot Parcel 1



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In consideration of issuance of development permits, the owner has or will install and maintain the following storm drainage facilities:

Approximately 1,600 feet of onsite storm pipe with (8) trapped concrete catch basins, (1) trench drain, (1) 7'x130' water quality swale, 300 feet of 60" diameter underground storage detention pipe, (1) outlet control manhole and (1) service connection pipe to the public storm drain line in Meinecke Road. The trapped catch basins and water quality swale is designed per C.W.S. standards to remove 65% of total phosphorous from impervious area runoff.

(Attach additional pages as needed)

The Owner hereby certifies and declares that it has established a maintenance plan for the continuation, care and maintenance in perpetuity of said storm water facilities for the benefit and protection of the public and the City of Sherwood as follows. Such maintenance plan may be revised only upon the written consent of the City of Sherwood.

A. Provide for the cleaning out and legal disposal of all accumulated sediment and debris from all onsite catch basin, trench drain, water quality and detention manhole sumps by use of a vactor truck once per year during the months of August or September. At these times, also visually inspect the storm detention system storage pipes and outlet control orifices for blockage. Remove debris preventing free passage of storm water.

B. During the wet season (October-June), periodically inspect once per week for evidence of catch basin grate, pipe or flow control orifice blockage (i.e. ponding of water at catch basins, manholes or swale). Clean off grates and clean out or flush storm drain pipes and orifices within two days of first observation of ponding to remove blockage(s).

C. At the water quality swale, remove noxious weeds (blackberry, teasel, scots broom, etc.) by hand and replace, as needed, the original swale bottom grass and side slope plantings for their re-establishment. Hand cut swale bottom grass to a height of 6 inches when grass height reaches 12 inches. Remove excess sediment accumulation to maintain the full 7 foot wide by 130 foot long swale flow channel dimensions.

(Attach additional pages as needed)

The burden and benefits of maintaining said facilities shall run with said described land, and shall inure to the benefit of, be imposed upon, and pass to the successors in interest to said described property, and shall be enforceable against the owner and owner's successors in interest by the City of Sherwood. If the owner or owner's successors in interest fail to keep and maintain said facilities in accordance with said Maintenance Plan, the City of Sherwood (without limiting any of its common law or statutory remedies), may enter upon the premises without notice to make required repairs and perform required maintenance to keep said facilities operable, may bring action to enforce said covenants, or may bring action to recover the costs of repair and maintenance incurred, and in any of said proceedings recover any reasonable attorney fees and court costs incurred. The City of Sherwood may also, pursuant to the provisions for establishing liens by the provision of its Code for cost of abatement of nuisances on private property, establish and have a City lien for sums incurred to repair and maintain said drainage facilities, including any reasonable attorney fees and court costs accrued.



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IN WITNESS WHEREOF, the undersigned owner has executed this document this 19<sup>TH</sup> day of JULY 2002

OWNER:

CHURCH OF LATTER DAY SAINTS

By: [Signature]

(TITLE) PROJECT MANAGER

STATE OF OREGON )  
                  *Clackamas* )SS  
County of Washington )

On this 19 day of July, 2002, before me, a notary public in and for said County and State, personally appeared, Adnan Dyer 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.



Sharon M. Muck  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 8/8/03

ACCEPTED on behalf of the City of Sherwood, Oregon

this 19<sup>TH</sup> day of JULY, 2002.

[Signature]  
\_\_\_\_\_  
Ross Schultz, City Manager  
City of Sherwood, Oregon



2002-82019

THE CHURCH OF  
**JESUS CHRIST**  
OF LATTER-DAY SAINTS

WASHINGTON SEATTLE  
PROJECT MANAGEMENT OFFICE

1100 6th Avenue SE  
P.O. Box 2328  
Issaquah, Washington 98027-0105  
Phone: 425-392-1260

July 19, 2002

**Sent via facsimile only**

Penny Williams  
City of Sherwood  
20 NW Washington Street  
Sherwood, OR 97140

Re: SHERWOOD  
Tualatin OR Stake  
Project #550-3175-77

Dear Ms. Williams:

Adrian Dyer, Project Manager of the WA Seattle Project Management Office, under the direction of the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah Corporation sole, has authority to sign the following document:

Storm Drainage Facility Maintenance Agreement  
Declaration of Covenant and Restriction Regarding Maintenance of Private Storm Drainage  
Facilities

This Agreement is in relation to the project located on Meinecke Road in Sherwood,  
Oregon.

Sincerely,

Albert F. Klann  
Regional Construction Manager