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



**WAIVER OF NONREMONSTRANCE**

DATED: April 27, 2004

**AFTER RECORDING RETURN TO:**

City of Sherwood  
Engineering Division  
400 SE Willamette Street  
Sherwood, OR 97140

BETWEEN:

Grantor(s):  
Sherwood West, LLC  
c/o Larry Speight, Managing Member  
PO Box 938  
Sherwood, OR 97140

Grantee:  
City of Sherwood  
Engineering Division  
400 SE Willamette Street  
Sherwood, OR 97140

This Agreement made this 27<sup>th</sup> day of April, 2004, by and between the City of Sherwood, an Oregon Municipal Corporation, "City", and Sherwood West, LLC, "Owner", in fee simple title of the real property adjacent to the Pacific Highway (State Highway 99W) described in the attached Exhibit "A", and identified as the legal description of "P5", and depicted on the attached survey for Sherwood West, LLC dated June 23, 2003, "Exhibit B", prepared by Matt Dunckel & Associates.

WHEREAS, said property is subject to a certain "Joint Ingress and Egress Easement" which was recorded on August 11, 1995 as Document No. 95056259 of the Washington County real property records, and

WHEREAS, paragraph 7 of that Easement provides, "No Public Way. Unless the parties otherwise mutually agree in writing, the parties shall not petition, permit or do anything which may cause or lead to the conversion of the Easements into a public right of way.", and

WHEREAS, Sherwood West, LLC, has applied to City for approval with respect to additional development of the subject property, and

WHEREAS, approval has been conditioned upon Owner's execution of this Waiver of Nonremonstrance Agreement in order to insure that Owner will not deny the City's right to close the driveway that accesses the Sherwood Business Park at such time as the Owner is relieved of the restriction imposed by the above-described easement; now, therefore,



In consideration of approval by City of the application referenced above, the undersigned Owner does hereby promise and agree as follows:

1. To waive the right to remonstrate against the closure of the driveway access to Sherwood Business Park if and when relieved of the restriction imposed by the above-described easement *and* the City Engineer finds the access to be unsafe.
2. The undersigned further promises, agrees, declares and dedicates that the agreement set forth above and the promises contained herein do constitute a covenant and restriction henceforth running with the land described above and shall henceforth be binding upon the undersigned, their heirs, successors or assigns and directs that this agreement shall be filed for record in the deed records of the appropriate county as affecting the title to the property described above.

IN WITNES WHEREOF, the Owner has executed the above as of the date first above written.

SHERWOOD WEST, LLC

By: *Larry Speight* Trustee Dated: April 27, 2004  
 Trustee of the Larry Speight Revocable  
 Title: Living Trust, as Managing Member

STATE OF OREGON            )  
   ) ss.  
 County of Washington    )

The foregoing instrument was acknowledged before me on the 27<sup>th</sup> day of April, 2004, by Larry Speight, Trustee of the Larry Speight Revocable Living Trust, as managing member of Sherwood West, LLC, an Oregon Limited Liability Company.

*Gayle Allen*  
 Notary Public for Oregon

ACCEPTED on behalf of the City of Sherwood, Oregon this 27<sup>th</sup> day of April, 2004.

*Terry Keyes*  
 Terry Keyes, City Engineer

*Ross Schultz*  
 Ross Schultz, City Manager

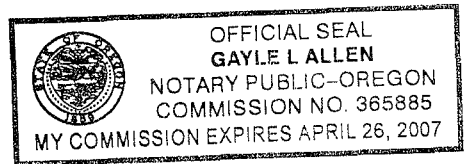




EXHIBIT "A"

Matt Dunckel & Assoc.  
3765 Riverside Drive  
McMinnville, Oregon. 97128  
Phone: 472-7904  
Fax : 472-0367

Date: June 4, 2003

SPEIGHT/STEINBORN - Legal Description of P5 (4,057 Sq. Ft.)

A tract of land in Section 29, Township 2 South, Range 1 West, Washington County, Oregon, being more particularly described as follows:

Beginning on the westerly margin of Baseline Pacific Highway (Highway 99W) at the southeast corner of that tract of land described in deed from SIX CORNERS LAND INVESTMENTS, OREGON, LLC to LARRY G. SPEIGHT, Trustee of the Larry G. Speight Trust, MARGARAT I. SPEIGHT, Trustee of the Margaret I. Speight Trust, and ERHARDT STEINBORN and recorded March 27, 1998 in Document No. 98029844, Washington County Deed Records; thence South 89°31'37" West 42.01 feet along the south line of said tract to the westerly line of an existing access and utilities easement as described in Document No. 2002-100367; thence North 47°54'06" West 27.16 feet along said westerly line to the beginning of a curve concave to the northeast having a radius of 80.00 feet; thence northerly 39.31 feet along said curve (chord= North 33°49'34" West 38.91) to the northerly line of an existing access and utilities easement as described in Document No. 95-56259; thence North 56°41'47" East 6.78 feet along the north line of said easement; thence North 71°17'50" East 42.12 feet along said north line; thence South 47°54'16" East 73.59 feet along the easterly line of said easement to the westerly margin of Baseline Pacific Highway (Highway 99W); thence South 42°05'29" West 24.38 feet to the point of beginning.



# Exhibit "B"

## Record of Survey for: Sherwood West, LLC

Location: NW 1/4 Section 29, T. 2 S., R. 1 W., WM.,  
City of Sherwood, Washington County, OR  
Date: 25 June 2003

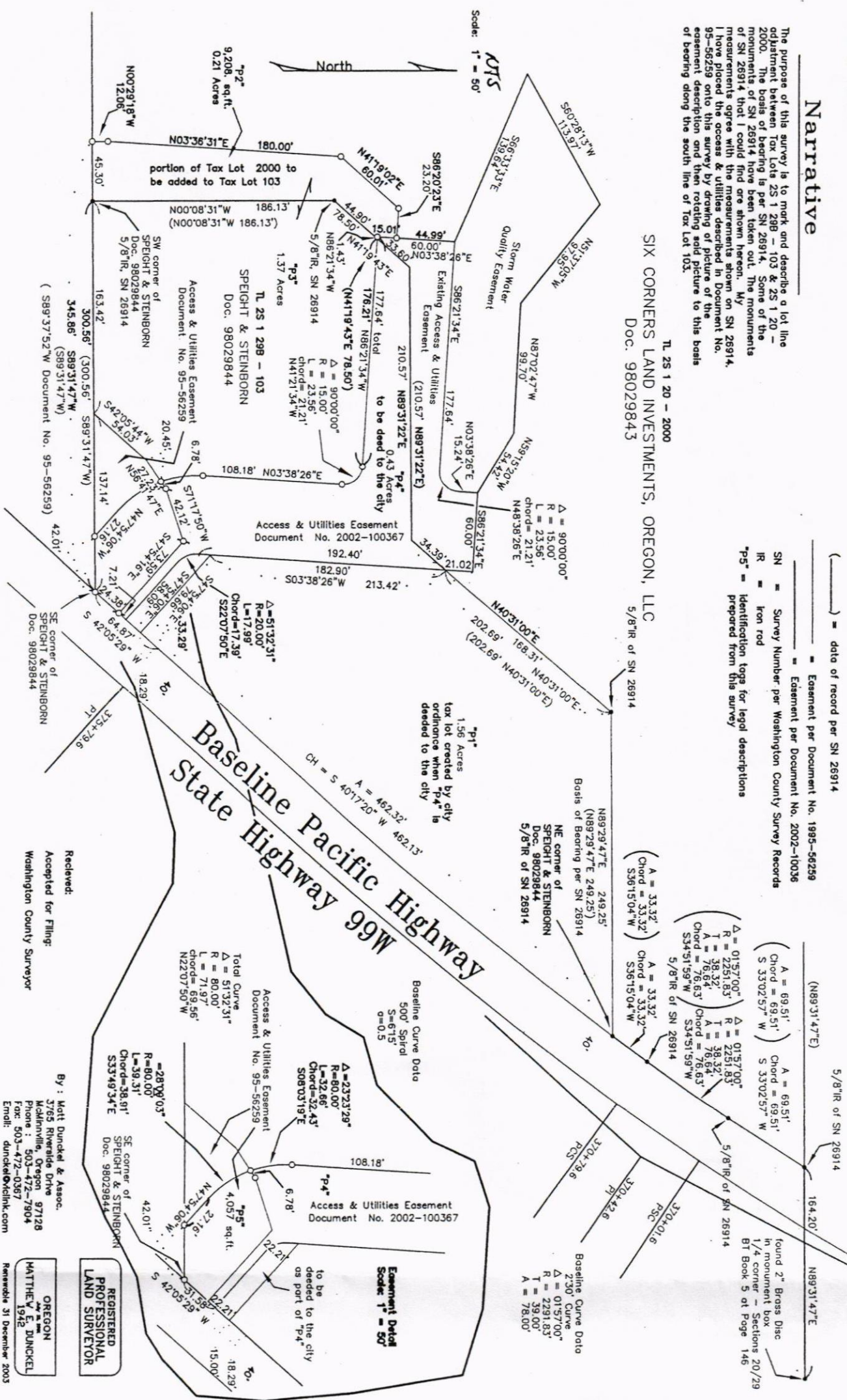
### Narrative

The purpose of this survey is to mark and describe a lot line adjustment between Tax Lots 2S 1 298 103 & 2S 1 20 - 2000. The basis of bearing is per SN 26914. Some of the monuments of SN 26914 have been taken out. The monuments of SN 26914 that I could find are shown herein. My measurements agree with the measurements shown on SN 26914. I have placed the access & utilities described in Document No. 95-56259 onto this survey by drawing of picture of the easement description and then rotating said picture to this basis of bearing along the south line of Tax Lot 103.

SIX CORNERS LAND INVESTMENTS, OREGON, LLC  
Doc. 98029843  
TL 2S 1 20 - 2000  
5/8"R of SN 26914

### Legend

- monument found, flush to 0.2' down, in good condition unless otherwise stated. Origin stated if known.
- o - set 5/8" iron rod with yellow plastic cap marked "Dunckel & Assoc."
- φ - set P.K. Nail with a brass identification washer in a lead plug (in pavement)
- brass washer is marked "Dunckel & Assoc."
- ( ) - data of record per SN 26914
- Easement per Document No. 1995-56259
- Easement per Document No. 2002-10036
- SN - Survey Number per Washington County Survey Records
- IR - Iron rod
- "P5" - Identification tags for legal descriptions prepared from this survey



Received:  
Accepted for Filing:  
Washington County Surveyor

By: Matt Dunckel & Assoc.  
3765 Riverside Drive  
McMinnville, Oregon 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
Email: dunckel@cihink.com

REGISTERED PROFESSIONAL LAND SURVEYOR  
MATTHEW E. DUNCKEL  
134E  
Renewed 31 December 2003  
4039