

CHICAGO

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Washington County, Oregon 2004-069104
06/17/2004 04:25:24 PM
D-E Cnt=1 Stn=4 A DUYCK
\$25.00 \$6.00 \$11.00 - Total = \$42.00



00603024200400691040050054

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 Hanson

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



EASEMENT

DATED: June 16, 2004

AFTER RECORDING RETURN TO:

City of Sherwood
Engineering Division
400 SE Willamette St.
Sherwood, OR. 97140

BETWEEN:

Grantor:

Langer Family, LLC
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

Grantee:

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

KNOW ALL MEN BY THESE PRESENTS, that LANGER FAMILY, LLC, an Oregon limited liability company, hereinafter referred to as "Grantor", for the consideration hereinafter stated, does grant unto the CITY OF SHERWOOD, a municipal corporation, hereinafter referred to as "Grantee", a permanent public utility easement (the "Easement") 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.

This easement is granted for the purpose of constructing, installing, reconstructing, enlarging, repairing, operating and maintaining utility improvements and facilities.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$0.00.

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

1. The Easement shall include the right, privilege, and authority, to Grantee, to excavate for, and to construct, install, reconstruct, enlarge, repair, operate, and maintain utility improvements and facilities, with all appurtenances incident thereto or necessary therewith, across the Easement, and to cut and remove from said right-of-way any vegetation and other obstructions which may endanger the safety or interfere with the use of said utility



improvements, facilities and appurtenances attached to or connected therewith. No building shall be constructed over the easement right-of-way.

2. Grantee, its agents, assigns and contractors will indemnify and hold harmless the Grantor, its 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 Easement.
3. The Grantee, upon the initial installation, and upon each and every occasion that the same be repaired, replaced, renewed, enlarged, or removed, shall restore the Easement, and any improvements disturbed by the Grantee, to as good condition as they were prior to any such-work, including, but not limited to, the restoration of any asphalt, concrete, base, curbing, 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. Grantee, its agents, assigns and contractors shall perform such work in a timely manner.
4. Grantor may, at its option and expense, relocate the Easement and associated utility improvements, facilities and appurtenances and titles, provided such relocation is accepted by Grantee as complying with applicable codes and standards, land use laws and regulations.
5. Grantor 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. Any above ground utility equipment appurtenance shall be positioned in a location approved by Grantor.

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 11 day of 6, 2004.

GRANTOR:

LANGER FAMILY, LLC,
an Oregon limited liability company

By:

Clarence Linger

Managing Member



STATE OF OREGON)
)ss
County of Washington)

On this 11 day of June 2004, before me, a notary public in and for said County and State, personally appeared clarence Langer 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 Farrell
NOTARY PUBLIC FOR OREGON
My Commission Expires: May 19, 2006



GRANTEE:

Accepted on behalf of The City of Sherwood.

This 16th day June of, 2004.

Terry Keyes
Terry Keyes/City Engineer

Ross E. Schultz
Ross Schultz/City Manager



EXHIBIT "A"

JUNE 08, 2004
SHEET 1 OF 1
PUBLIC UTILITY EASEMENT

AN 8.00 FOOT WIDE STRIP OF LAND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO LANGER FAMILY LLC, AN OREGON LIMITED LIABILITY COMPANY, RECORDED MARCH 24, 2004 AS DOCUMENT NO. 2003-044212, WASHINGTON COUNTY DEED RECORDS, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID "LANGER" TRACT, SAID POINT ALSO BEING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SW TUALATIN-SHERWOOD ROAD (37.00 FEET FROM THE CENTERLINE THEREOF, MEASURED PERPENDICULAR THERETO), AND THE EAST RIGHT-OF-WAY LINE OF SW ADAMS AVENUE (VARIABLE WIDTH), AS DEDICATED IN THE PLAT OF "LANGER MARKETPLACE", RECORDED AS DOCUMENT NO. 2004005052, WASHINGTON COUNTY PLAT RECORDS; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE ALONG SAID EAST RIGHT-OF-WAY LINE SOUTH 01°47'42" WEST, 12.00 FEET TO AN ANGLE POINT IN SAID EAST RIGHT-OF-WAY LINE; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE SOUTH 45°43'36" WEST, 11.11 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, 20.00 FEET DISTANT AND PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE OF SOUTHWEST TUALATIN-SHERWOOD ROAD SOUTH 88°12'18" EAST, 211.18 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 4057.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 01°58'36" (THE CHORD OF WHICH BEARS SOUTH 89°11'36" EAST, 139.96 FEET) AN ARC DISTANCE OF 139.97 FEET TO A POINT OF NON-TANGENCY, SAID POINT BEING ON THE WESTERLY LINE OF A BONNEVILLE POWER ADMINISTRATION EASEMENT RECORDED MARCH 24, 1959 IN DEED BOOK 415, PAGE 622, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG SAID WESTERLY LINE SOUTH 52°18'35" EAST, 13.01 FEET TO A POINT OF CUSP; THENCE LEAVING SAID WESTERLY LINE, 28.00 FEET DISTANT AND PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE, ALONG THE ARC OF A 4065.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 02°07'17" (THE CHORD OF WHICH BEARS NORTH 89°15'56" WEST, 150.51 FEET) AN ARC DISTANCE OF 150.52 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°12'18" WEST, 218.89 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF SOUTHWEST ADAMS AVENUE (VARIABLE WIDTH); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 45°43'36" EAST, 11.11 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINS 2,882 SQUARE FEET OR 0.066 ACRES, MORE OR LESS.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

OREGON
NOV. 16, 1998
MICHAEL D. FRANK
53854

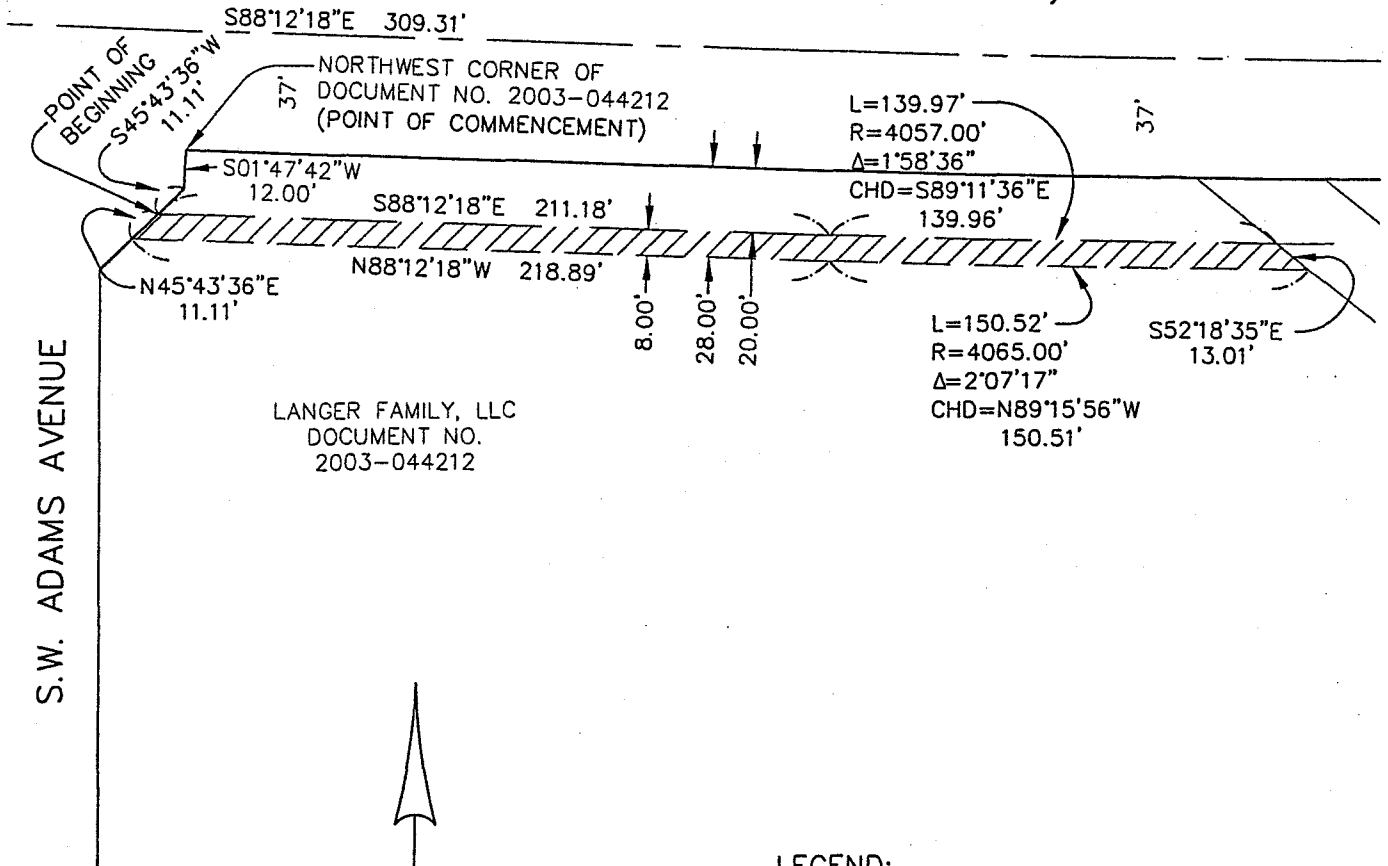
RENEWAL: 12/8/05



EXHIBIT MAP

FOR AN 8' WIDE PUBLIC UTILITY EASEMENT
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 29 TOWNSHIP 2
SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN CITY OF
SHERWOOD WASHINGTON COUNTY, OREGON
JUNE 8, 2004

S.W. TUALATIN-SHERWOOD ROAD (C.R. 2737)




S.W. ADAMS AVENUE

LANGER FAMILY, LLC
DOCUMENT NO.
2003-044212



SCALE 1"=60'

LEGEND:

-  8' WIDE PUBLIC UTILITY EASEMENT
- 2,882 SQUARE FEET
- 0.066 ACRES

W R G
DESIGN INC.
5415 SW Westgate Dr, Ste 100 Portland, OR 97221
Tel. 503.419.2500 Fax. 503.419.2600
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

EXHIBIT "B" PUBLIC UTILITY EASEMENT

PROJECT NO. TAR2947
DATE: 06/08/04
BY: MF
SCALE: 1"=60'
SHEET NO. 1 OF 1