



00660319200401120870050052

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, Director of Assessment and Taxation, Ex-Officio County Clerk



EASEMENT

DATED: \_\_\_\_\_, 2004

AFTER RECORDING RETURN TO:

City of Sherwood  
Engineering Division  
400 S.E. Willamette Street  
Sherwood, OR 97140

BETWEEN :

Grantor:

John Waddill  
19915 S.W. Cipole Road  
Sherwood, OR 97140

Grantee:

City of Sherwood  
20 N.W. Washington Street  
Sherwood, OR 97140

KNOW ALL MEN BY THESE PRESENTS, that John Waddill 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 easement for storm sewer 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", attached hereto, and incorporated by reference herein.
2. A map of the above legal description is set forth in EXHIBIT "B", attached hereto, and incorporated by reference herein.

IN ADDITION THERETO, the Grantor does hereby give unto the City, a temporary easement of ten (10.00) feet in width along and abutting the southerly and easterly sides and for the full length of the aforementioned and described permanent easement. This temporary easement shall cease to exist thirty (30) calendar days from the date of final acceptance of completed storm sewer improvements construction by the City of Sherwood.

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

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

1. The permanent and temporary easement for storm sewer shall include the right, privilege, and authority to the said City of Sherwood, to excavate for, and to construct,



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build, install, lay, patrol, operate, maintain, and repair said storm sewer, 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 storm sewer, appurtenances attached or connected therewith. No building shall be constructed over the easement right-of-way.

2. Grantee will indemnify and hold harmless the Grantor, 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 construction, operation, or maintenance of said storm sewer.
3. The City of Sherwood, upon the initial installation, and upon each and every occasion that said storm sewer be repaired, replaced, renewed, added to, or removed, shall restore the premises of the Grantor, 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 fences and fence gates, 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. Grantor may, at its option and expense, relocate said storm sewer improvements and easement, provided such relocation is accepted by the City 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, fences and fence gates, 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 FEE 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.



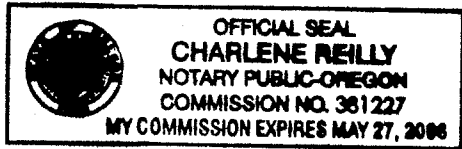
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IN WITNESS WHEREOF, the undersigned grantor has executed this easement this 23rd day of September, 2004.

John Waddill  
John Waddill  
STATE OF OREGON )  
County of COOS ) SS.

This instrument was acknowledged before me this 23 of Sept., 2004 by John Waddill.

Charlene Reilly  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: May 27, 2008



GRANTEE:

Accepted on behalf of the City of Sherwood  
this 28<sup>th</sup> day of September, 2004.

E. F. Thomas  
Eugene F. Thomas, City Engineer

Ross E. Schultz  
Ross Schultz, City Manager



EXHIBIT "A"

DESCRIPTION of STORM SEWER EASEMENT  
in Tax Lot 900 (2S 1 28A)  
Thelma L. Waddill and John Waddill

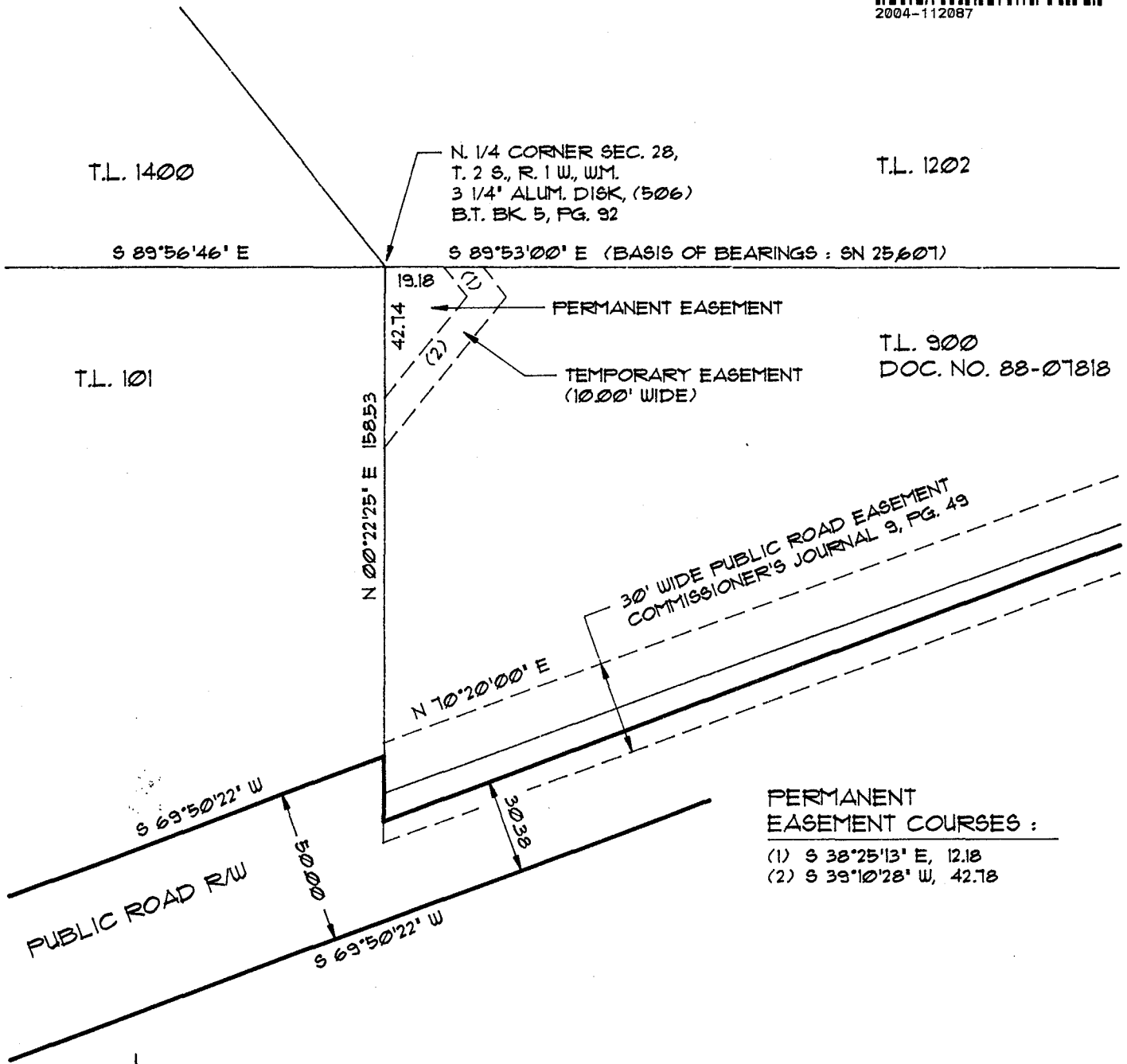
September 14, 2004  
File: TL900ES.LEG

A part in the northwesterly corner of that tract of land conveyed to Thelma L. Waddill and John Waddill by deed recorded February 26, 1988 as Document No. 88-07818 in Washington County Deed Records; said part is more particularly described as follows, to wit:

Beginning at the north one-quarter corner of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County and State of Oregon; thence South 89°53'00" East along the north line of said Section 28 (the basis of bearings and courses data is Survey No. 25,607, received and recorded September 19, 1994 in the office of Washington County Surveyor) a distance of 19.18 feet; thence leaving said north line, South 38°25'13" East a distance of 12.18 feet; thence South 39°10'28" West a distance of 42.78 feet to a point on the north-south center line of said Section 28; thence North 00°22'25" East a distance of 42.74 feet to the Point of Beginning.



2004-112087



SCALE : 1" = 50'

### EXHIBIT "B"

## EASEMENT FOR STORM SEWER

TAX LOT 900, IN THE NE. 1/4 OF SECTION 28, T.2S., R.1W., W.M.  
WASHINGTON COUNTY, OREGON