



00660324200401120880050053

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: _____, 2004

AFTER RECORDING RETURN TO:

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

BETWEEN :

Grantor:

Gordon C. Root, et al
1400 S.W. Schaeffer Road
West Linn, OR 97068

Grantee:

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

KNOW ALL MEN BY THESE PRESENTS, that GORDON C. ROOT, JACK B. ROOT and WILMA L. ROOT 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.

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 easement for storm sewer 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 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.



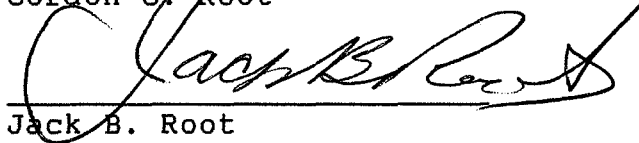
- 2. Grantee will indemnify and hold harmless the Grantor, heirs, successors and/or assigns from claims for injury to person or property as a result of the negligence of the Grantee, its agents or employees in construction, operation, or maintenance of said storm sewer.
- 3. The City of Sherwood, upon 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 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, 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.

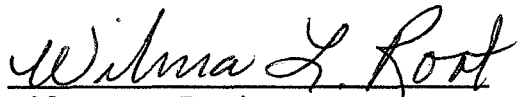
IN WITNESS WHEREOF, the undersigned grantor has executed this easement this 23rd day of September, 2004.



Gordon C. Root



Jack B. Root



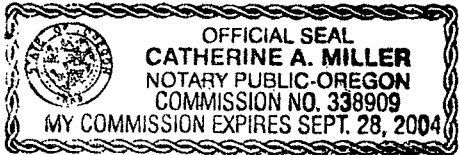
Wilma L. Root



EASEMENT - Page Three

STATE OF OREGON)
County of Clackamas) SS.

This instrument was acknowledged before me this 23rd of September, 2004 by Gordon C. Root.



Catherine A. Miller
NOTARY PUBLIC FOR OREGON
My Commission Expires: September 28, 2004

STATE OF OREGON)
County of Clackamas) SS.

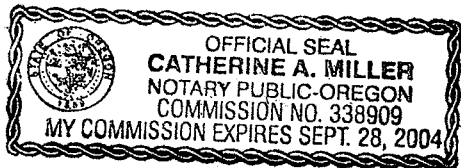
This instrument was acknowledged before me this 23rd of September, 2004 by Jack B. Root.



Catherine A. Miller
NOTARY PUBLIC FOR OREGON
My Commission Expires: September 28, 2004

STATE OF OREGON)
County of Clackamas) SS.

This instrument was acknowledged before me this 23rd of September, 2004 by Wilma L. Root.



Catherine A. Miller
NOTARY PUBLIC FOR OREGON
My Commission Expires: September 28, 2004

GRANTEE:

Accepted on behalf of The City of Sherwood

This 28th 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 101 (2S 1 28B)
Gordon C. Root, et al

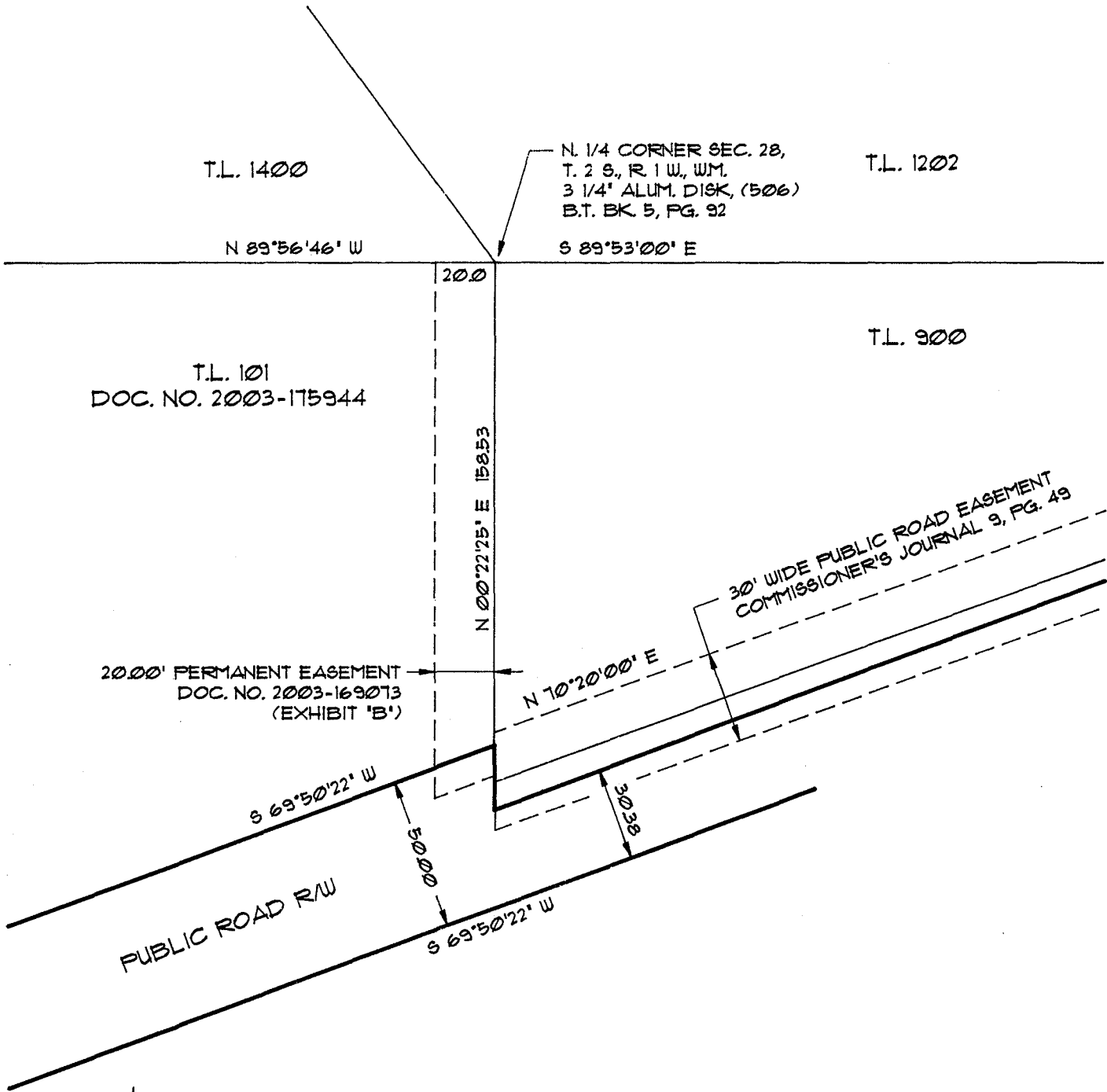
September 15, 2004
File: TL101ES.LEG

A 20.00-foot wide strip of land within and adjacent the easterly line of that tract of land conveyed to Gordon C. Root, et al by deed recorded November 6, 2002 as Document No. 2002-132402 in records of Washington County, and reserved as EASEMENT-EAST for Storm Drainage Improvements by Gordon C. Root, et al in Document No. 2003-169073, recorded October 2, 2003 in records of Washington County, said strip of land being more particularly described as follows, to-wit:

Beginning at the northeast corner of that tract conveyed by Gordon C. Root to Gordon C. Root, et al, recorded November 6, 2002 as Document No. 2002-132402 in records of Washington County, and said tract being later conveyed by Gordon C. Root, et al to JDF Properties, LLC, an Oregon Limited Liability Company, by deed recorded October 15, 2003 as Document No. 2003-175944 in records of Washington County; thence North 89°56'46" West along the northerly line of said Document No. 2002-132402, a distance of 20.00 feet; thence South 00°22'25" West, parallel the easterly line of said Document, a distance of 175.93 feet to the southerly line of said Document; thence North 69°04'56" East along said southerly line, a distance of 21.47 feet to the southeast corner of said Document; thence North 00°22'25" East along the easterly line of said Document, a distance of 168.25 feet to the Point of Beginning.



2004-112088



SCALE : 1" = 50'

EXHIBIT "B"

EASEMENT FOR STORM SEWER

TAX LOT 101, IN THE N.W. 1/4 OF SECTION 28, T.2S., R.1W., W.M.
WASHINGTON COUNTY, OREGON