3000

ACCESS EASEMENT

DATED: <u>Dec.</u> 7, , 2004

## **AFTER RECORDING RETURN TO:**

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

BETWEEN:

Grantors:

Arnold M. Conzelmann, Jr. Revocable Living Trust and Betty N. Conzelmann Revocable Living Trust and Don C. Conzelmann

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

Washington County, Oregon 12/22/2004 03:38:47 PM

\$30.00 \$6.00 \$11.00 - Total = \$47.00

Cnt=1 Stn=6 J GREGORY

on, Director of Assessment and Taxation

and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument 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

KNOW ALL MEN BY THESE PRESENTS, that Arnold M. Conzelmann, Jr. Trustee of the Arnold M. Conzelmann, Jr. Revocable Living Trust and Betty N. Conzelmann Trustee of the Betty N. Conzelmann Revocable Living Trust, and Don C. Conzelmann hereinafter referred to as "Grantors", for the consideration hereinafter stated, does forever grant unto the CITY OF SHERWOOD, a municipal corporation, hereinafter referred to as "Grantee", a permanent access easement over, 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.

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

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

- 1. The permanent access easement shall include the right, privilege, and authority, to the said City of Sherwood, for access to Tract "A" of the Plat of Conzelmann Farm Estates, and to cut and remove from said easement any trees and other obstructions which may endanger the safety or interfere with the use of said access, appurtenances attached to or connected therewith. No building shall be constructed over the easement.
- 2. Grantee will indemnify and hold harmless the Grantors, his/her, their 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 the construction, operation, or maintenance of said access.



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- 3. Grantors may, at his/her/their option and expense, relocate said easement and associated public appurtenances and titles, provided such relocation is accepted by the City as complying with applicable codes and standards, land use laws and regulations.
- 4. Grantors reserve the right to use the easement to construct driveways, fill and remove brush, provided that Grantor shall not construct or maintain any building or structure which would interfere with the rights herein granted.

THIS INSTUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUCMENT 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 day of

GRANTOR: Consolin Lander Trustee, Arnold M. Conzelmann Jr.
GRANTOR: STILL S. Consulmen Trust 28

STATE OF OREGON )
)ss
County of Washington )

, 2004.

Dee

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year written.

OFFICIAL SEAL
JOHN A. RANKIN
NOTARY PUBLIC-OREGON
COMMISSION NO. 368750
MY COMMISSION EXPIRES JUNE 2, 2007

NOTARY PUBLIC FOR OREGON My Commission Expires: 6-2-7



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IN WITNESS WHEREOF, the undersigned gr $\mathcal{D} \in \mathbb{C}$ , 2004.	rantor has executed this easement this day of
	GRANTOR: On C. Congelmann  Don C. Conzelmann
STATE OF OREGON )	
County of Union )	
On this	subscribed to the within instrument and
IN WITNESS WHEREOF, I have here year written.	eunto set my hand and official seal on the day and
OFFICIAL SEAL JUDY A DOUD NOTARY PUBLIC-OREGON COMMISSION NO. 370422 MY COMMISSION EXPIRES AUG. 17, 2007	NOTARY PUBLIC FOR OREGON My Commission Expires: Que, 17,2007



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**GRANTEE:** 

Accepted on behalf of The City of Sherwood.

This 2 O day DECEMBER of, 2004.

Ross Schultz/City Manager

ROBERT ADIXON

COMMUNITY DEVELOPMENT DIRECTOR





PLANNING | ENGINEERING | SURVEYING

## EXHIBIT 'A'

Conzelmann Farm Estates Tract 'A' Access Easement Project No. 1600-02(B) November 23, 2004

## **EASEMENT DESCRIPTION**

A 12.00 foot wide strip of land, situated in the Northeast One-Quarter of Section 30, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Sherwood, Washington County, Oregon, being a portion of that certain tract of land described as Tract 'B' in Deed Document No. 2003-69615, Washington County Deed Records, and lying 6.00 feet on either side of the following described centerline:

Commencing at the most westerly southwest corner of Tract 'B' of said Deed Document No. 2003-69615;

Thence, along the west line of said Tract 'B', North 00°14'43" West, 7.52 feet to the True Point of Beginning of the aforementioned easement centerline;

Thence, along a line parallel with and 6.00 feet northeasterly of the southwest line of said Tract 'B', South 53°10'19" East, 734.77 feet to an angle point;

Thence, along a line parallel with and 6.00 feet northerly of the south line of said Tract 'B', South 86°06'55" East, 140.48 feet to the east line of said Tract 'B' and the Terminus of this easement centerline, being North 00°15'43" West, 6.02 feet from the most easterly southeast corner of said Tract 'B'.

The sidelines of said strip easement to be shortened or extended so as to meet at angle points and terminate at the boundaries of said Tract 'B'.

Containing 10,503 square feet, more or less.

Bearings based on Survey No. 29,600, Washington County Survey Records.

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