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



**SANITARY SEWER EASEMENT**

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

**AFTER RECORDING RETURN TO:**

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

**BETWEEN:**

**Grantors:**

Sherwood Crossing, LLC  
17400 SW Boones Ferry Road  
Durham, OR 97224

**Grantee:**

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

KNOW ALL MEN BY THESE PRESENTS, that Sherwood Crossing, LLC, 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 public sanitary sewer and utility purpose easement 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", 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.

Together with a permanent working easement as follows: For installation of sanitary sewer and utility purpose in proposed permanent easement.

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 sanitary sewer and utility easement unto said Grantee in accordance with the conditions and covenants as follows:

1. The permanent sanitary sewer and utility purpose easement 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 a sanitary sewer, with all appurtenances incident thereto or necessary therewith, and across the said premises, 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 pipelines, appurtenances attached to or connected therewith. No building shall be constructed over the easement right-of-way.
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 sanitary sewer.
3. The City of Sherwood, upon the initial installation, and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, shall restore the premises of the Grantors, 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. Grantors may, at his/her/their option and expense, relocate said storm sewer 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.

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 30 day of November, 2004.

GRANTORS:

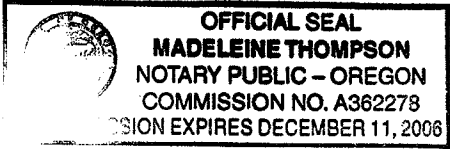
By [Signature]

Title MANAGER

STATE OF OREGON )
)ss
County of Washington )

On this 30th day of Nov., 2004, before me, a notary public in and for said County and State, personally appeared J. Patrick Lucas 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.



Madeline Thompson
NOTARY PUBLIC FOR OREGON
My Commission Expires: 12/11/06

GRANTEE:
Accepted on behalf of The City of Sherwood.

This 20 day of January of, 2004<sup>5</sup>

Eugene P. Thomas
City Engineer

[Signature] for Ross Schultz
Ross Schultz/City Manager



EXHIBIT "A", Page 1

LEGAL DESCRIPTION  
15.00-FOOT-WIDE  
PUBLIC SANITARY SEWER EASEMENT

Being a portion of Lot 2 of Sherwood Crossing, a duly recorded plat recorded in Book 131, Pages 19-21, Washington County Plat Records, situated in the northwest one-quarter of Section 29 in Township 2 South and Range 1 West of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, being more particularly described as follows:

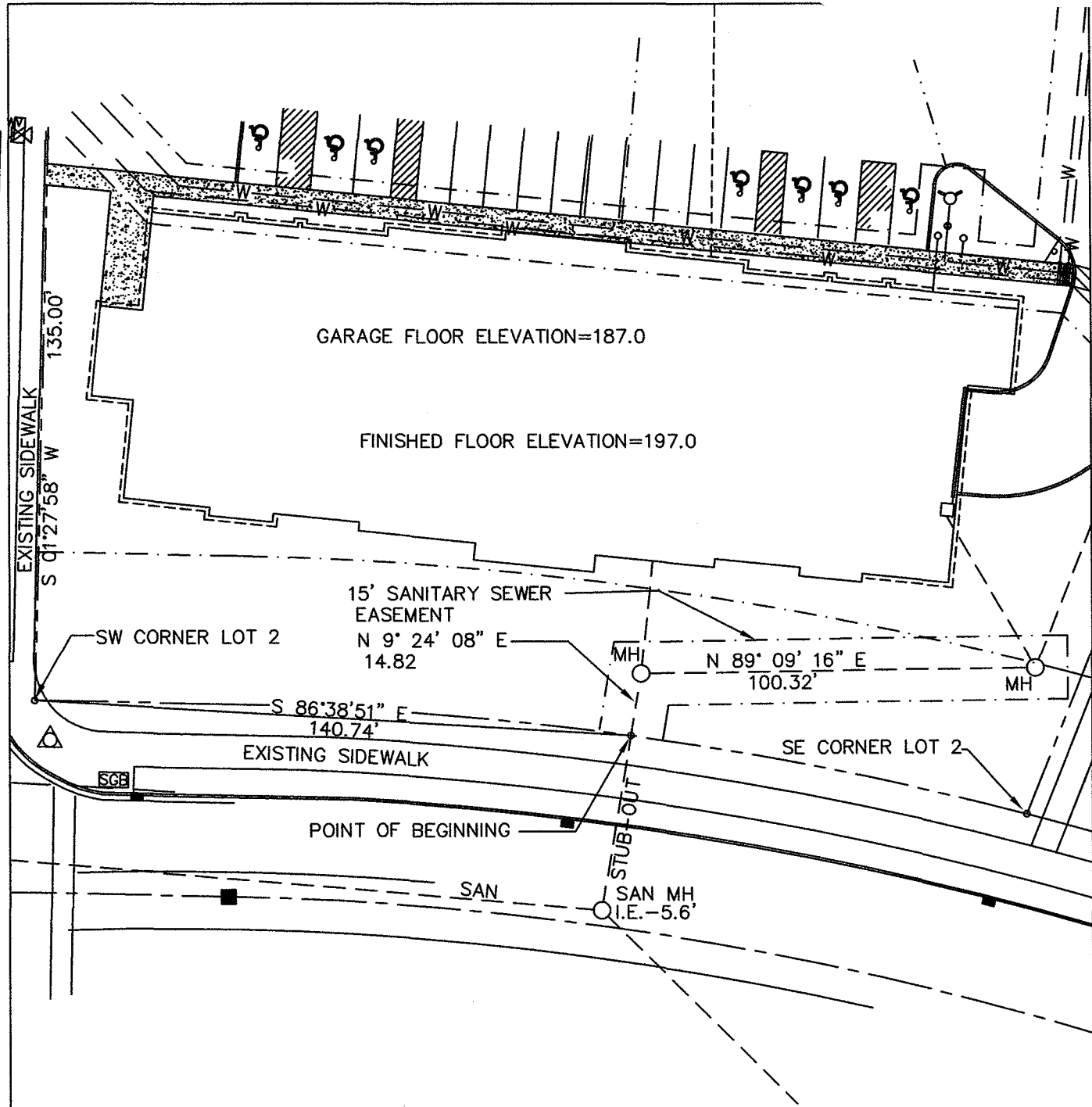
A 15.00-foot-wide strip of land, being 7.50 feet each side of the following described centerline.

Beginning at a point on the north right-of-way line of SW Roy Rogers Road (County Road No. 2912) and also on the south line of said Lot 2, said point falling South  $86^{\circ} 38' 51''$  East 140.74 feet from the southwest corner of said Lot 2; thence leaving said north right-of-way line North  $9^{\circ} 24' 08''$  East 14.56 feet; thence North  $89^{\circ} 09' 16''$  East 100.32 feet to the terminus of said centerline description.

The sidelines of the above-described easement are to begin and end on the same lines as the centerline.

Containing an area of 1,723 square feet, more or less.

Based on the Plat of Sherwood Crossing.



PROJECT	PUBLIC SANITARY SEWER EASEMENT		
TITLE	CITY OF SHERWOOD		
	WASHINGTON COUNTY, OREGON		
DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
C-1	SHCR0000-0001	NTS	0.0
DRAWN BY	DESIGN BY	APPROVED BY	DATE
			11-10-04

SHEET 1