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I, Richard Hobernicht, 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.

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



Type of recorded document (i.e., easement, right-of-way, etc.):

Declaration of Covenants and
Restrictions for the Sherwood
School District new Elementary and
Middle School project -
Wetland Mitigation

DATED: April 7, 2008

AFTER RECORDING RETURN TO:

City of Sherwood
City Recorder's Office
22560 SW Pine Street
Sherwood, OR 97140

DECLARATION OF COVENANTS AND RESTRICTIONS
FOR THE
Sherwood School District new Elementary and Middle School
project wetland mitigation

THIS DECLARATION made this 7th day of April, 2008,
by City of Sherwood ("Declarant").

RECITALS

1. WHEREAS, Declarant is the owner of the real property described in Exhibit "A" attached hereto and by this reference incorporated herein as the "Property", and desires to {create restore or enhance} thereon wetlands to be maintained in accordance with the Permit Number approved by the Oregon Department of State Lands ("Department");
2. WHEREAS, Declarant desires to provide for the preservation and enhancement of the wetland values of the Property and for the maintenance and management of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of the Property.

NOW, THEREFORE, the Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration.

ARTICLE 1
DEFINITIONS

1.1 "Declaration" shall mean the covenants, restrictions, and all other provisions set forth in the Declaration of Covenants and Restrictions.

1.2 "Declarant" shall mean and refer to City of Sherwood, its successors or assigns.

1.3 “Removal fill permit” shall mean the final document approved by the Department that formally establishes the wetland mitigation and stipulates the terms and conditions of its construction, operation and long-term management.

1.4 “Property” shall mean and refer to all real property subject to this Declaration, as more particularly set forth in Exhibit “A”.(an exhibit of conservation area must be attached}

ARTICLE 2

PROPERTY SUBJECT TO THIS DECLARATION

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Washington County, Oregon and is more particularly described in Exhibit “A”.

ARTICLE 3

GENERAL PLAN OF DEVELOPMENT

Declarant currently manages the site for the purpose of wetland mitigation. Current management is in accordance with Permit Number 38523.

ARTICLE 4

USE RESTRICTIONS AND MANAGEMENT RESPONSIBILITIES

The Property shall be used and managed for wetland mitigation purposes in accordance with Permit Number 38523. Declarant and all users of the Property are subject to any and all easements, covenants and restrictions of record affecting the Property.

1. There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation in the Property, nor any disturbance or change in the natural habitat of the Property.
2. There shall be no agricultural, commercial, or industrial activity undertaken or allowed in the Property; nor shall any right of passage across or upon the Property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.
3. No domestic animals shall be allowed on the Property.
4. There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Property in any manner.
5. There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures on the Property.

ARTICLE 5

RESOLUTION OF DOCUMENT CONFLICTS

In the event of any conflict between this Declaration and Permit Number 38523, the permit shall control.

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument this 7th day of April, 2008.

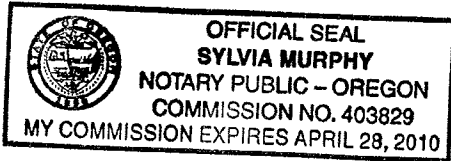
City of Sherwood
Washington County, Oregon

By: Ross E. Schultz

Title: City Manager

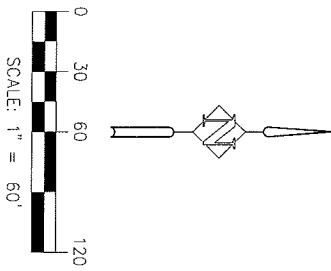
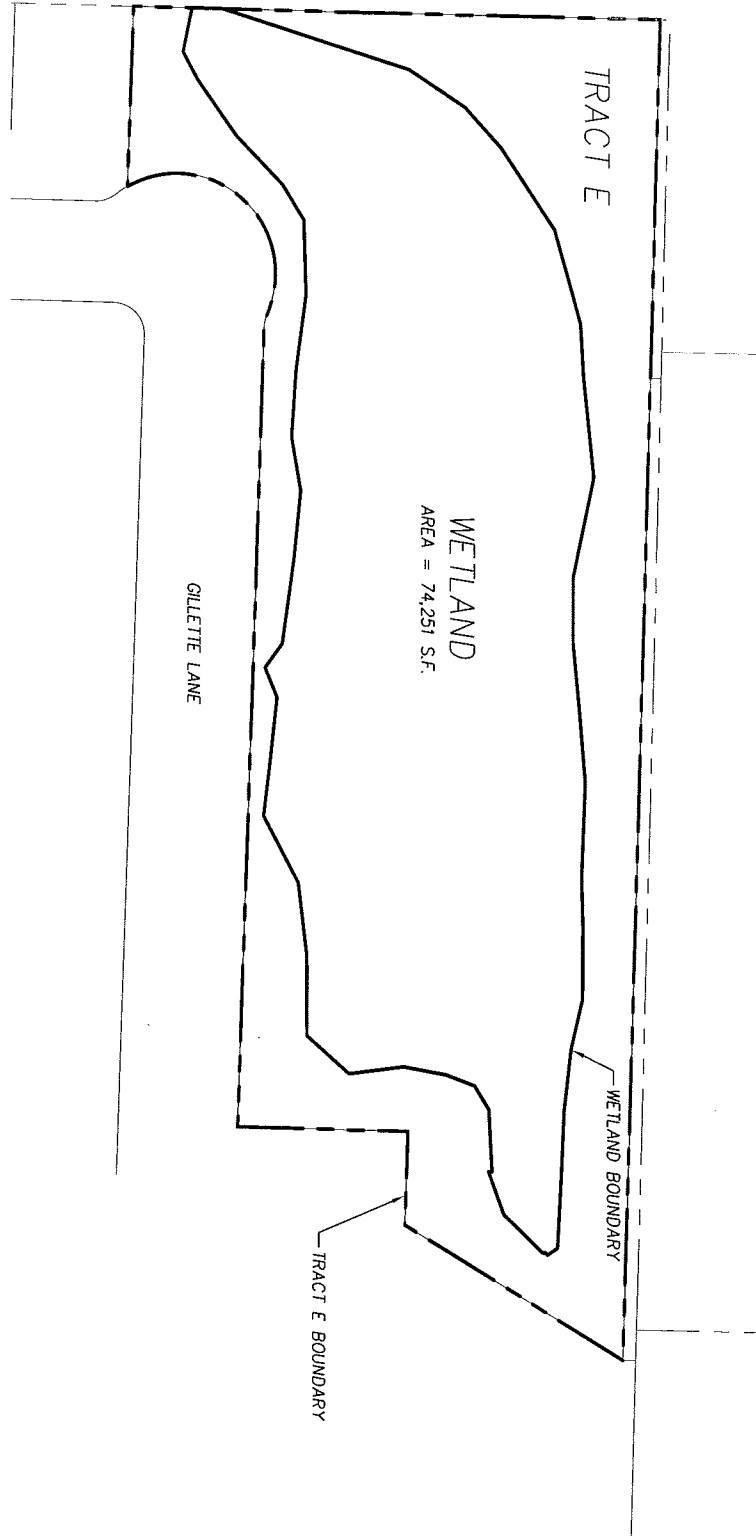
STATE OF OREGON)
)
County of Washington) ss:

This instrument was acknowledged before me on April 7, 2008 (date) by Ross E. Schultz (name of person) as City Manager (title) of Your firms name of Washington County, Oregon.



Sylvia Murphy
Signature of Notarial Officer

My Commission Expires: 4-28-2010



TRACT E OF WYNDHAM RIDGE NO. 2, IN THE CITY OF SHERWOOD, COUNTY OF WASHINGTON AND STATE OF OREGON.

JOB NO. SHEET	DATE	NO.	DESCRIPTION	DESIGNED ESAA
	DATE	NO.	DESCRIPTION	CHECKED RCS
REVISIONS				DATE APRIL 2007

**Harper
Houf Peterson
Righellis Inc.**
ENGINEERS, PLANNERS, ARCHITECTS
5340 NE McCann Road, Suite 100, Portland, OR 97230
TEL 503.221.1131 FAX 503.221.1171

TRACT E WETLAND
NEW ELEMENTARY AND MIDDLE SCHOOL
 SHERWOOD, OREGON