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**Public Utility Easement**

DATED: February 21, 2012

**AFTER RECORDING RETURN TO:**

City of Sherwood  
Engineering Department  
22560 SW Pine Street  
Sherwood, OR 97140

**BETWEEN:**

**Grantor:**

Duck Country Apartments LLC  
c/o Chrisman Development and Management, Inc.  
P.O. Box 490  
Enterprise, OR 97828

**Grantee:**

City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

THIS GRANT OF A PUBLIC UTILITY EASEMENT is made by and between DUCK COUNTRY APARTMENTS LLC, an Oregon limited liability company, its successors and assigns ("Grantor") and the City of Sherwood, an Oregon municipal corporation, its successors and assigns ("Grantee" or "City") for the consideration hereinafter stated. The public utility easement exists over, under, through, across and along the full width and length of the premises described as follows, ("Easement Area") to wit:

1. A legal description is set forth in EXHIBIT "A," attached and incorporated by reference.
2. A map of the above legal description is set forth in EXHIBIT "B," attached and incorporated by reference.

The true consideration for this conveyance is \$00.00. However, the actual consideration consists of other value given, which value constitutes the whole consideration.

This document is intended to establish a permanent easement on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easement granted shall not prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within the easement granted herein.

Grantor hereby covenants to and with Grantee that Grantor is the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and that Grantor will warrant and defend the easement rights herein granted from all claims whatsoever.

Grantee (and other public or private entities or persons Grantee deems in its sole discretion as appropriate) shall have the right to use the property for utility purposes, including but not limited to water, wastewater, drainage, electric, fiber optic, telephone and cable and shall have the right to install, construct, operate, maintain, repair, replace and reconstruct said facilities as Grantee may deem necessary over, across, through, in and under the property described in Exhibits "A" and "B."

City upon the initial installation (as applicable) and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, will 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 or interference with the use granted herein.

Washington County, Oregon  
02/23/2012 02:03:19 PM  
D-E Cnt=1 Stn=22 I REED  
\$20.00 \$5.00 \$11.00 \$15.00 - Total = \$51.00

**2012-013162**



01677805201200131620040041

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



Chicago Title 476 248 COMM.

IN WITNESS WHEREOF, the undersigned Grantor has executed this easement this 19<sup>th</sup> day of January, 2012.

GRANTOR: DUCK COUNTRY APARTMENTS LLC

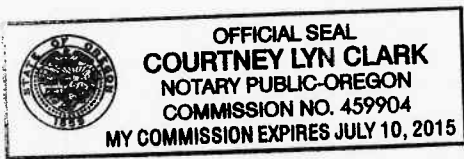
By: Western Oregon Affordable Housing II, Inc.,  
its managing member

By: [Signature]  
Douglas C. Chrisman, President

STATE OF OREGON )  
                  Wallowa ) ss  
COUNTY OF ~~MULTNOMAH~~ )

On this 19<sup>th</sup> day of January, 2012, before me, a notary public in and for said County and State, personally appeared Douglas C. Chrisman, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he 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.



Courtney L. Clark  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: July 10<sup>th</sup>, 2015

GRANTEE:

Accepted on behalf of The City of Sherwood.

This 30 day of JANUARY, 2012

[Signature]  
Robert Galati, P.E., City Engineer

1-30-12  
Date

[Signature]  
Tom Pessemier, City Manager Pro Tem

2-1-2012  
Date

**ENGINEERING PLANNING  
FORESTRY**

13910 S.W. Galbreath Dr., Suite 100  
Sherwood, Oregon 97140  
Phone: (503) 925-8799  
Fax: (503) 925-8969



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**EXHIBIT A**

**Public Utility Easement**

A tract of land for a Public Utility Easement located in the Southwest One-Quarter of Section 32, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, and being more particularly described as follows:

The easterly 8.00 feet of that tract of land described in Document Number 85028140, Washington County Deed Records.

with the following tract of land;

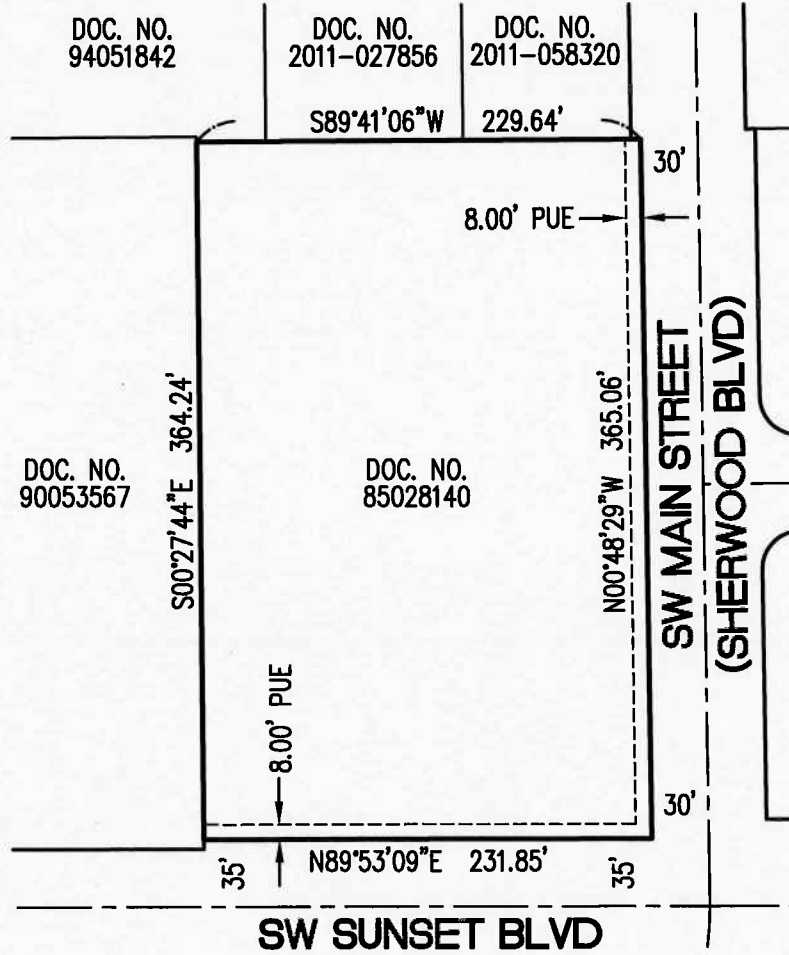
The southerly 8.00 feet of that tract of land described in Document Number 85028140, Washington County Deed Records.



# EXHIBIT B

## MAP OF PUBLIC UTILITY EASEMENT

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON



SCALE 1" = 100 FEET



### PREPARED FOR

CHRISMAN DEVELOPMENT AND MANAGEMENT  
301 WEST MAIN STREET  
ENTERPRISE, OR 97828

12-06-2011

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 11, 2005  
ROBERT D. RETTIG  
60124LS

RENEWS: 12/31/12

LINWOOD  
JOB NAME: APARTMENTS

JOB NUMBER: 2902

DRAWN BY: WCB

CHECKED BY: RDR

DWG NO.: 120611\_2902EXB

ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE  
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LICENSED IN OR & WA

13910 SW GALBREATH  
DRIVE, SUITE 100  
SHERWOOD, OR 97140  
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OFFICES LOCATED IN SALEM, OR & VANCOUVER, WA