



01762377201200895350040045
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



RETURN TO: Clean Water Services
Mail Stop 10
2550 SW Hillsboro Highway
Hillsboro, OR 97123

Project: 4137 – Gerda Lane Partition
Tax Lot No.: 2S129A000301
Square Feet: 7,963

**EASEMENT FOR WATER QUALITY PRESERVATION AND
STORM AND SURFACE WATER DRAINAGE**

GRANTOR'S NAME: City of Sherwood

ADDRESS: 22560 SW Pine Street, Sherwood, OR 97140

GRANTOR, owner of the property described herein, has the authority and does hereby grant, convey and warrant unto Clean Water Services, GRANTEE, a non-exclusive perpetual easement in gross to use the real property described in Exhibit A attached hereto and by this reference incorporated herein (Easement Area) for water quality preservation and storm and surface water drainage. This easement includes the right to construct and perpetually maintain storm and surface water drainage and water quality facilities (including vegetation) through, under, and along the Easement Area. This easement includes the right to access the above described easement over and across the land of the GRANTOR for the purpose of maintenance of the easement and facilities therein. This easement shall run with the land and shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, successors and assigns. GRANTEE shall not have any responsibility for pre-existing environmental contamination or for environmental contamination caused by GRANTOR or any third party of the Easement Area.

Any temporary easement granted hereby is automatically extinguished upon acceptance of the completed public facilities in the adjacent permanent easement.

The consideration for this grant is **[\$0.00] [nonmonetary]**.

Additional terms and conditions set forth below are hereby agreed to and binding upon the parties to this easement:

1. No structure shall be erected on the Easement Area without the written consent of the GRANTEE.
2. One purpose of this easement shall be to preserve water quality by maintaining native vegetation and habitat conditions within the Easement Area. GRANTOR agrees that any vegetation planted by GRANTEE within the Easement Area shall not be removed, destroyed, mowed, altered or sprayed with biocides. GRANTOR may make additional plantings of Oregon native species within the Easement Area and may prune planted vegetation with approval of GRANTEE.
3. GRANTOR agrees that there shall be no filling, excavating or dredging; 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 grade or topography of the Easement Area in any manner unless authorized by GRANTEE.
4. GRANTOR agrees that there shall be no damming, dredging or other activities that may be detrimental to water quality within the Easement Area. The scope of this easement includes GRANTEE'S right to remove any barrier to natural creek flow within the Easement Area that may cause flooding of structures subject to the terms of necessary federal, state and local permits. GRANTOR agrees that any activities within the Easement Area which are, in the opinion of the GRANTEE, inconsistent with preserving the natural condition of the Easement Area are prohibited and may be subject to enforcement action.

5. GRANTEE shall take action to enforce the terms of this easement. Enforcement shall include abatement of any prohibited condition or activity within the Easement Area by all means provided under Clean Water Services' Ordinances and Resolution and Orders, and federal and state laws.
6. GRANTEE and its contractors shall confine construction operations to within the Easement Area or make special arrangements with GRANTOR if additional area or access is required.
7. During the time that work is in progress, GRANTEE and GRANTEE'S contractor shall make every effort to maintain the site in a neat and orderly condition. All refuse, excess fill material, etc., shall be removed as soon as practicable. Should the site not be maintained in satisfactory condition, GRANTEE may cause the work to stop until the cleanup portion of the work has been done to the satisfaction of GRANTOR and GRANTEE.

CORPORATE, LLC, PARTNERSHIP, TRUST
OR OTHER LEGAL ENTITY SIGN BELOW

City of Sherwood

By: *Joseph Gall*
(Joseph Gall)

Title: City Manager

Date: 10/2/2012

NOTARIZE DOCUMENT BELOW

STATE OF OREGON)
)
County of Washington)

This instrument was acknowledged before me on October 2nd 2012 (date) by Joseph Gall as City Manager of the City of Sherwood.



Kristina Ouellette
Notary Public

ACCEPTED

APPROVED AS TO FORM

By: *Sammy Johnson*
General Manager or Designee
Clean Water Services

Nisa Neushy
District Counsel

ENGINEERING PLANNING
FORESTRY

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



LANDSCAPE ARCHITECTURE
SURVEYING

AKS Group of Companies:
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www.aks-eng.com

EXHIBIT A
Legal Description

SHEET 1 OF 2

A tract of land located in the Northeast One-Quarter of Section 29, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon and being more particularly described as follows:

Beginning at the One Quarter Corner common to Sections 28 and 29, thence North 19°07'57" East 15.34 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "W&H PACIFIC" on the centerline of SW Tualatin Sherwood Road; thence North 01°15'36" East 49.01 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "W&H PACIFIC" on the northerly right-of-way line of Tualatin Sherwood Road (49.00 feet from centerline); thence along said northerly right-of-way line along a non-tangential curve to the left with a Radius of 4049.00 feet, Delta of 01°05'26", Length of 77.07 feet, and a Chord of North 89°17'48" West 77.07 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "W&H PACIFIC"; thence North 89°50'31" West 590.48 feet to the southeast corner of Document Number 94109382; thence along the east line of said Deed North 01°04'41" East 239.54 feet to the **True Point of Beginning**; thence North 88°55'19" West 6.55 feet to a point; thence North 00°35'13" West 77.86 feet to a point; thence North 24°27'27" West 85.04 feet to a point; thence North 52°57'36" West 71.90 feet to a point; thence North 32°38'47" West 18.98 feet to a point; thence North 19°38'47" West 16.68 feet to a point; thence North 07°38'47" West 7.23 feet to a point; thence North 82°21'13" East 12.02 feet to a point; thence South 89°48'11" East 87.01 feet to a point; thence South 01°40'16" East 3.15 feet to a point; thence South 00°02'27" East 60.02 feet to a point; thence South 08°17'04" East 79.78 feet to a point; thence South 24°38'47" East 18.48 feet to a point on the east line of said Deed; thence along said east line South 01°04'41" West 79.96 feet to the **True Point of Beginning**.

The above described tract of land contains 7,963 square feet, more or less.

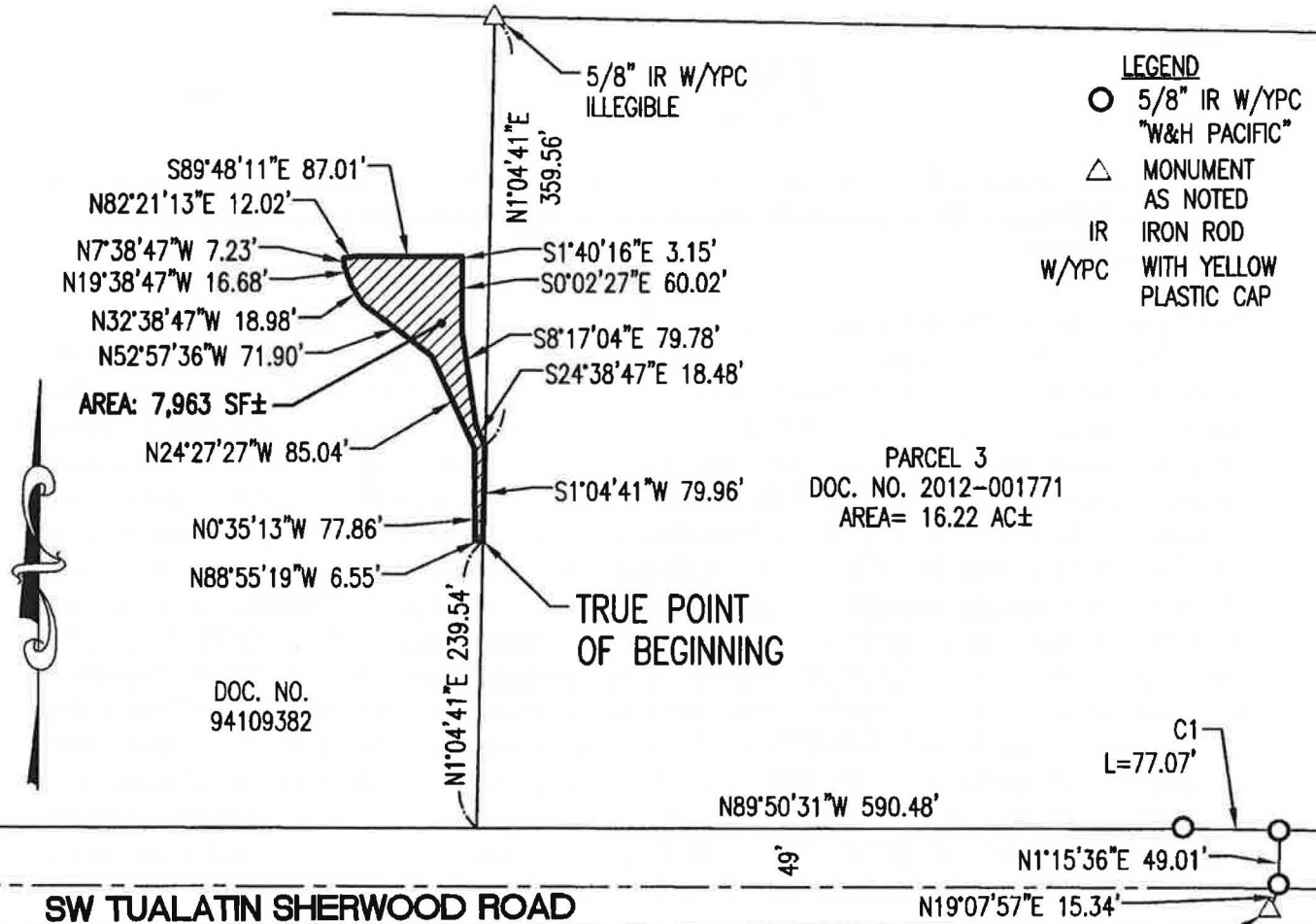


EXHIBIT A

SHEET 2 OF 2

MAP OF LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NE 1/4 OF SEC. 29, T2S, R1W, W.M., CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON



- LEGEND**
- 5/8" IR W/YPC "W&H PACIFIC"
 - △ MONUMENT AS NOTED
 - IR IRON ROD
 - W/YPC WITH YELLOW PLASTIC CAP

PARCEL 3
DOC. NO. 2012-001771
AREA= 16.22 AC±

DOC. NO.
94109382



SCALE 1" = 150 FEET

PREPARED FOR
MISTY MOUNTAIN ENTERPRISES
P.O. BOX 623
MANZANITA, OR 97130

POINT OF BEGINNING
1/4 CORNER COMMON TO
SECTIONS 28 AND 29, 3-1/4"
BRASS DISK IN MON BOX

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	4049.00'	01°05'26"	77.07'	N89°17'48"W 77.07'

8-14-12

REGISTERED PROFESSIONAL LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS
RENEWS: 6/30/14

JOB NAME: GERDA LANE
JOB NUMBER: 2977
DRAWN BY: MSK
CHECKED BY: NSW
DWG NO.: 2977CEXHA-WTLD

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LICENSED IN OR & WA

13910 SW GALBREATH DRIVE, SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969

OFFICES LOCATED IN SALEM, OR & VANCOUVER, WA