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



After recording, please return to:
City of Sherwood
Engineering Department
22560 SW Pine St
Sherwood, OR 97140

**PRIVATE STORMWATER FACILITY
ACCESS & MAINTENANCE COVENANT**

THIS 21 DAY OF March, 2013

Portland Fixture Limited Partnership ("Lessee") and Ryan Hawkins ("Sublessee") control the real property ("Property") subject to this Private Stormwater Facility Access and Maintenance Covenant ("Covenant"), commonly known as a portion of 16482 SW Langer Drive, Sherwood, Washington County, Oregon, 97140, and more particularly described as:

Dutch Bros Coffee kiosk within a 11,471 square foot leased area in the southwest corner of Sherwood Plaza, 16390 SW Langer Drive, Sherwood, Washington County, Oregon, 97140. A legal description and map of the property and leased area are attached as Exhibit A-1 and Exhibit A-2.

In consideration of the City of Sherwood approving the installation of a private stormwater facility located on this site, Lessee and Sublessee and his/her/its successors hereby accept and bind themselves to the terms and conditions contained in this Covenant and the City of Sherwood Construction Standards, as those standards exist on the effective date of this Covenant and as they may be updated in the future.

This Covenant runs with the real property described herein, and shall bind and obligate any future successors to Lessee and Sublessee. In the absence of privity of estate, Lessee intends to create an equitable servitude. This Covenant is perpetual in nature, and may only be modified in writing, with consent by the current Lessee, Sublessee and approval by the City of Sherwood. It is within the City's sole discretion to approve any proposed amendment or modification to this Covenant.

Lessee and Sublessee will provide City unencumbered access to the property on each and every occasion as City reasonably determines it necessary to verify compliance with the terms and conditions of this Covenant.

As a condition precedent to the effectiveness of this Covenant, Lessee and Sublessee have provided the City with manufacturer's recommendations for the maintenance of the storm filter system attached and incorporated herein as Exhibit C.

Lessee and Sublessee shall provide annual reports documenting compliance with the engineer's or manufacturers recommended maintenance requirements for the private stormwater facility and any applicable City of Sherwood Construction Standards. Maintenance of the system and compliance with the engineer's or manufacturer's recommendations regarding maintenance and the City's Construction Standards is the Lessee and Sublessee sole responsibility. Without limitation, Lessee and Sublessee are fully responsible for all costs associated with maintaining the private system. The first report shall be due exactly 365 calendar days from the Engineering Department's acceptance of the improvements.

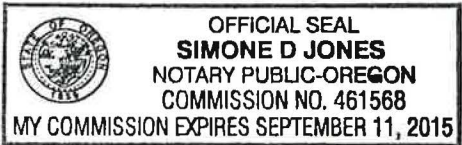
Any default by the Lessee and Sublessee in regards to the maintenance practices and schedule set forth in Exhibit C gives the City of Sherwood all repair and replacement rights with the Lessee and Sublessee agreeing to reimburse the City for all costs including but not limited to materials, labor, equipment and administrative fees as determined at the time of services. If full reimbursement is not made within thirty (30) calendar days of the City's demand, City may place and record a lien against the real property described above for the costs City incurred in maintaining the system, including all design costs and other related costs incurred by the City. Lessee and Sublessee waive any objection it may legally possess to the City placing a lien on its property. Repair and replacement rights become effective thirty (30) calendar days after the required annual maintenance report is due.

Lessee and Sublessee acknowledge that the City of Sherwood may charge a nominal administrative fee for monitoring and record keeping if such fee is adopted by City Council.

Lessee and Sublessee warrant that he/she/it controls the real property and have the full authority to execute this Covenant.

Attached hereto are Exhibit A-1 (Legal Description), Exhibit A-2 (Map of Described Area), Exhibit B (Site Plan), and Exhibit C (Manufacturer's recommendation for the maintenance of the facility). All Exhibits to this Covenant are incorporated herein as if they were fully set out within this document.

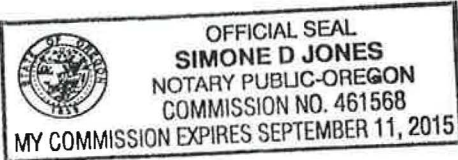
Jeff M. Dill 3/21/13
 Signature of Lessee Date
V.P. PEMCO INC., GENERAL PARTNER
 Title FOR PORTLAND FIXTURE LIMITED PARTNERSHIP



STATE OF OREGON)
) ss.
 County of Washington)

Subscribed and sworn to before me this 21st day of March, 2013
[Signature]
 Notary Public for Oregon

[Signature] 3/21/13
 Signature of Sublessee Date
PRESIDENT R. HAWKINS, INC
 Title



STATE OF OREGON)
) ss.
 County of Washington)

Subscribed and sworn to before me this 21st day of March, 2013
[Signature]
 Notary Public for Oregon

Bob Galati 3-25-13
 Robert Galati Date
 City Engineer
 City of Sherwood

Joseph Gall 3-25-13
 Joseph Gall, ICMA-CM Date
 City Manager
 City of Sherwood

EXHIBIT A-1
LEGAL DESCRIPTION OF LEASE AREA

A tract of land situated in the Southwest one-quarter of Section 29, Township 2 South, Range 1 West of the Willamette Meridian, City of Sherwood, Washington County, Oregon, being a portion of that certain tract of land conveyed to Six Corners, LLC, described in Deed Document Number 2007-043813, Washington County Deed records, being more particularly described as follows:

COMMENCING at the southwest corner of said Six Corners, LLC tract, said southwest corner also being the northwest corner of Parcel 1 of Partition Plat No. 1996-009, being on the easterly right of way line of SW Langer Lane; thence North 02°11'42" East along said right of way line a distance of 33.56 feet to the **TRUE POINT OF BEGINNING** of the herein described tract; thence continuing along said right of way line, North 02°11'42" East a distance of 1.89 feet to an angle point thereon; thence North 00°21'28" West along said right of way line a distance of 162.03 feet; thence leaving said right of way line, North 89°22'36" East a distance of 136.08 feet; thence South 00°16'08" East a distance of 36.00 feet; thence South 89°22'36" West a distance of 62.56 feet; thence South 46°57'41" West a distance of 14.09 feet to a point of curve; thence along said curve to the left having a radius of 44.00 feet through a central angle of 46°58'16" (chord bears South 23°28'34" West 35.07 feet) an arc distance of 36.07 feet; thence South 00°00'34" East a distance of 86.93 feet; thence South 89°59'26" West a distance of 48.50 feet to the **TRUE POINT OF BEGINNING**.



EXHIBIT A-2

MAP OF LEASE AREA
A PORTION OF DOCUMENT NO. 2007-043813
SITUATED IN THE SW 1/4 SECTION 29, T.2S., R.1W., W.M.
CITY OF SHERWOOD
WASHINGTON COUNTY, OREGON

PREPARED BY:
ANDY PARIS AND ASSOCIATES, INC.
16057 BOONES FERRY ROAD
LAKE OSWEGO, OREGON 97035
PH: 503-636-3341

SW LANGER DR.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Harold P. Salo
OREGON
JANUARY 15, 1987
HAROLD P. SALO
2264

EXPIRES: JUNE 30, 2014

SW PACIFIC HWY.

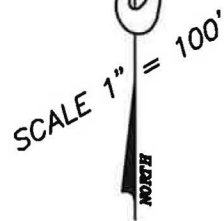
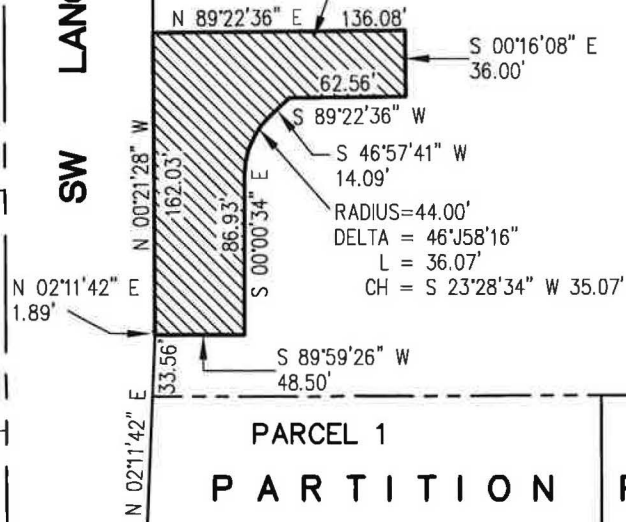
DR.

LANGER

SW

DOCUMENT NO. 2007-043813

LEASE AREA
11,471 SQ. FT.



PARCEL 1
PARTITION PLAT NO. 1996-009

PROJECT: 12152
DRAWING: EXHIBIT A-2



Operation and Maintenance

CatchBasin StormFilter™

Important: These guidelines should be used as a part of your site stormwater plan.

Overview

The CatchBasin StormFilter™ (CBSF) consists of a multi-chamber steel, concrete, or plastic catch basin unit that can contain up to four StormFilter cartridges. The steel CBSF is offered both as a standard and as a deep unit.

The CBSF is installed flush with the finished grade and is applicable for both constrained lot and retrofit applications. It can also be fitted with an inlet pipe for roof leaders or similar applications.

The CBSF unit treats peak water quality design flows up to 0.13 cfs, coupled with an internal weir overflow capacity of 1.0 cfs for the standard unit, and 1.8 cfs for the deep steel and concrete units. Plastic units have an internal weir overflow capacity of 0.5 cfs.

Design Operation

The CBSF is installed as the primary receiver of runoff, similar to a standard, grated catch basin. The steel and concrete CBSF units have an H-20 rated, traffic-bearing lid that allows the filter to be installed in parking lots, and for all practical purposes, takes up no land area. Plastic units can be used in landscaped areas and for other non-traffic-bearing applications.

The CBSF consists of a sumped inlet chamber and a cartridge chamber(s). Runoff enters the sumped inlet chamber either by sheet flow from a paved surface or

from an inlet pipe discharging directly to the unit vault. The inlet chamber is equipped with an internal baffle, which traps debris and floating oil and grease, and an overflow weir. While in the inlet chamber, heavier solids are allowed to settle into the deep sump, while lighter solids and soluble pollutants are directed under the baffle and into the cartridge chamber through a port between the baffle and the overflow weir. Once in the cartridge chamber, polluted water ponds and percolates horizontally through the media in the filter cartridges. Treated water collects in the cartridge's center tube from where it is directed by an under-drain manifold to the outlet pipe on the downstream side of the overflow weir and discharged.

When flows into the CBSF exceed the water quality design value, excess water spills over the overflow weir, bypassing the cartridge bay, and discharges to the outlet pipe.

Applications

The CBSF is particularly useful where small flows are being treated or for sites that are flat and have little available hydraulic head to spare. The unit is ideal for applications in which standard catch basins are to be used. Both water quality and catchment issues can be resolved with the use of the CBSF.

Retro-Fit

The retrofit market has many possible applications for the CBSF. The CBSF can be installed by replacing an existing catch basin without having to "chase the grade," thus reducing the high cost of re-piping the storm system.

Maintenance Guidelines

Maintenance procedures for typical catch basins can be applied to the CatchBasin StormFilter (CBSF). The filter cartridges contained in the CBSF are easily removed and replaced during maintenance activities according to the following guidelines.

1. Establish a safe working area as per typical catch basin service activity.
2. Remove steel grate and diamond plate cover (weight \approx 100 lbs. each).
3. Turn cartridge(s) counter-clockwise to disconnect from pipe manifold.
4. Remove 4" center cap from cartridge and replace with lifting cap.
5. Remove cartridge(s) from catch basin by hand or with vactor truck boom.
6. Remove accumulated sediment via vactor truck (min. clearance 13" x 24").
7. Remove accumulated sediment from cartridge bay.
(min. clearance 9.25" x 11")
8. Rinse interior of both bays and vactor remaining water and sediment.
9. Install fresh cartridge(s) threading clockwise to pipe manifold.
10. Replace cover and grate.
11. Return original cartridges to CONTECH Stormwater Solutions for cleaning and media disposal.

Media may be removed from the filter cartridges using the vactor truck before the cartridges are removed from the catch basin structure. Empty cartridges can be easily removed from the catch basin structure by hand. Empty cartridges should be reassembled and returned to CONTECH Stormwater Solutions, as appropriate.

Materials required include a lifting cap, vactor truck, and fresh filter cartridges. Contact CONTECH Stormwater Solutions for specifications and availability of the lifting cap. The vactor truck must be equipped with a hose capable of reaching areas of restricted clearance. The owner may refresh spent cartridges. Refreshed cartridges are also available from CONTECH Stormwater Solutions on an exchange basis. Contact the maintenance department of CONTECH Stormwater Solutions at (503) 240-3393 for more information.

Maintenance is estimated at 26 minutes of site time. For units with more than one cartridge, add approximately 5 minutes for each additional cartridge. Add travel time as required.

Mosquito Abatement

In certain areas of the United States, mosquito abatement is desirable to reduce the incidence of vectors.

In BMPs with standing water, which could provide mosquito breeding habitat, certain abatement measures can be taken.

1. Periodic observation of the standing water to determine if the facility is harboring mosquito larvae.
2. Regular catch basin maintenance
3. Use of larvicides containing *Bacillus thuringiensis israelensis* (BTI). BTI is a bacterium toxic to mosquito and black fly larvae.

In some cases, the presence of petroleum hydrocarbons may interrupt the mosquito growth cycle.

Using Larvicides in the CatchBasin StormFilter

Larvicides should be used according to manufacturer's recommendations.

Two widely available products are Mosquito Dunks and Summit B.t.i. Briquets. For more information, visit http://www.summitchemical.com/mos_ctrl/default.htm.

The larvicide must be in contact with the permanent pool. The larvicide should also be fastened to the CatchBasin StormFilter by string or wire to prevent displacement by high flows. A magnet can be used with a steel catch basin.

For more information on mosquito abatement in stormwater BMPs, refer to the following:

<http://www.ucmrp.ucdavis.edu/publications/managingmosquitoesstormwater8125.pdf>

Important: Inspection should be performed by a person who is familiar with the StormFilter treatment unit.

StormFilter Maintenance Guidelines

Maintenance requirements and frequency are dependent on the pollutant load characteristics of each site, and may be required in the event of a chemical spill or due to excessive sediment loading.

Maintenance Procedures

Although there are other effective maintenance options, CONTECH recommends the following two step procedure:

1. Inspection: Determine the need for maintenance.
2. Maintenance: Cartridge replacement and sediment removal.

Inspection and Maintenance Activity Timing

At least one scheduled inspection activity should take place per year with maintenance following as warranted.

First, inspection should be done before the winter season. During which, the need for maintenance should be determined and, if disposal during maintenance will be required, samples of the accumulated sediments and media should be obtained.

Second, if warranted, maintenance should be performed during periods of dry weather.

In addition, you should check the condition of the StormFilter unit after major storms for potential damage caused by high flows and for high sediment accumulation. It may be necessary to adjust the inspection/maintenance activity schedule depending on the actual operating conditions encountered by the system.

Generally, inspection activities can be conducted at any time, and maintenance should occur when flows into the system are unlikely.

Maintenance Activity Frequency

Maintenance is performed on an as needed basis, based on inspection. Average maintenance lifecycle is 1-3 years. The primary factor controlling timing of maintenance of the StormFilter is sediment loading. Until appropriate timeline is determined, use the following:

Inspection:

- One time per year
- After major storms

Maintenance:

- As needed
- Per regulatory requirement
- In the event of a chemical spill

Inspection Procedures

It is desirable to inspect during a storm to observe the relative flow through the filter cartridges. If the submerged cartridges are severely plugged, then typically large amounts of sediments will be present and very little flow will be discharged from the drainage pipes. If this is the case, then maintenance is warranted and the cartridges need to be replaced.

Warning: In the case of a spill, the worker should abort inspection activities until the proper guidance is obtained. Notify the local hazard control agency and CONTECH immediately.

To conduct an inspection:

1. If applicable, set up safety equipment to protect and notify surrounding vehicle and pedestrian traffic.
2. Visually inspect the external condition of the unit and take notes concerning defects/problems.
3. Open the access portals to the vault and allow the system vent.
4. Without entering the vault, visually inspect the inside of the unit, and note accumulations of liquids and solids.
5. Be sure to record the level of sediment build-up on the floor of the vault, in the forebay, and on top of the cartridges. If flow is occurring, note the flow of water per drainage pipe. Record all observations. Digital pictures are valuable for historical documentation.
6. Close and fasten the access portals.
7. Remove safety equipment.
8. If appropriate, make notes about the local drainage area relative to ongoing construction, erosion problems, or high loading of other materials to the system.
9. Discuss conditions that suggest maintenance and make decision as to whether or not maintenance is needed.

Maintenance Decision Tree

The need for maintenance is typically based on results of the inspection. Use the following as a general guide. (Other factors, such as regulatory requirements, may need to be considered)

1. Sediment loading on the vault floor. If >4" of accumulated sediment, then go to maintenance.
2. Sediment loading on top of the cartridge. If >1/4" of accumulation, then go to maintenance.
3. Submerged cartridges. If >4" of static water in the cartridge bay for more than 24 hrs after end of rain event, then go to maintenance.
4. Plugged media. If pore space between media granules is absent, then go to maintenance.
5. Bypass condition. If inspection is conducted during an average rain fall event and StormFilter remains in bypass condition (water over the internal outlet baffle wall or submerged cartridges), then go to maintenance.
6. Hazardous material release. If hazardous material release (automotive fluids or other) is reported, then go to maintenance.
7. Pronounced scum line. If pronounced scum line (say $\geq 1/4$ " thick) is present above top cap, then go to maintenance.
8. Calendar Lifecycle. If system has not been maintained for 3 years, then go to maintenance.

Assumptions:

No rainfall for 24 hours or more.

No upstream detention (at least not draining into StormFilter).

Structure is online. Outlet pipe is clear of obstruction. Construction bypass is plugged.

Maintenance

Depending on the configuration of the particular system, workers will be required to enter the vault to perform the maintenance.

Important: If vault entry is required, OSHA rules for confined space entry must be followed.

Filter cartridge replacement should occur during dry weather. It may be necessary to plug the filter inlet pipe if base flow is occurring.

Replacement cartridges can be delivered to the site or customers facility. Contact CONTECH for more information.

Warning: In the case of a spill, the worker should abort maintenance activities until the proper guidance is obtained. Notify the local hazard control agency and CONTECH immediately.

To conduct cartridge replacement and sediment removal:

1. If applicable, set up safety equipment to protect workers and pedestrians from site hazards.
2. Visually inspect the external condition of the unit and take notes concerning defects/problems.
3. Open the doors (access portals) to the vault and allow the system to vent.
4. Without entering the vault, give the inside of the unit, including components, a general condition inspection.
5. Make notes about the external and internal condition of the vault. Give particular attention to recording the level of sediment build-up on the floor of the vault, in the forebay, and on top of the internal components.
6. Using appropriate equipment offload the replacement cartridges (up to 150 lbs. each) and set aside.
7. Remove used cartridges from the vault using one of the following methods:

Method 1:

- A. This activity will require that workers enter the vault to remove the cartridges from the under drain manifold and place them under the vault opening for lifting (removal). Unscrew (counterclockwise rotations) each filter cartridge from the underdrain connector. Roll the loose cartridge, on edge, to a convenient spot beneath the vault access.

Using appropriate hoisting equipment, attach a cable from the boom, crane, or tripod to the loose cartridge. Contact CONTECH for suggested attachment devices.

Important: Cartridges containing leaf media (CSF) do not require unscrewing from their connectors. Do not damage the manifold connectors. They should remain installed in the manifold and can be capped during the maintenance activity to prevent sediments from entering the under drain manifold.

- B. Remove the used cartridges (up to 250 lbs.) from the vault.

Important: Avoid damaging the cartridges during removal and installation.

- C. Set the used cartridge aside or load onto the hauling truck.
- D. Continue steps A through C until all cartridges have been removed.

Method 2:

- A. Enter the vault using appropriate confined space protocols.
- B. Unscrew the cartridge cap.
- C. Remove the cartridge hood screws (3) hood and float.
- D. At location under structure access, tip the cartridge on its side.

Important: Note that cartridges containing media other than the leaf media require unscrewing from their threaded connectors. Take care not to damage the manifold connectors. This connector should remain installed in the manifold and capped if necessary.

- E. Empty the cartridge onto the vault floor. Reassemble the empty cartridge.
- F. Set the empty, used cartridge aside or load onto the hauling truck.
- G. Continue steps a through E until all cartridges have been removed.
8. Remove accumulated sediment from the floor of the vault and from the forebay. Use vacuum truck for highest effectiveness.
9. Once the sediments are removed, assess the condition of the vault and the connectors. The connectors are short sections of 2-inch schedule 40 PVC, or threaded schedule 80 PVC that should protrude about 1" above the floor of the vault. Lightly wash down the vault interior.
 - a. Replace any damaged connectors.
10. Using the vacuum truck boom, crane, or tripod, lower and install the new cartridges. Take care not to damage connections.
11. Close and fasten the door.
12. Remove safety equipment.
13. Finally, dispose of the accumulated materials in accordance with applicable regulations. Make arrangements to return the used empty cartridges to CONTECH.

Material Disposal

The accumulated sediment must be handled and disposed of in accordance with regulatory protocols. It is possible for sediments to contain measurable concentrations of heavy metals and organic chemicals. Areas with the greatest potential for high pollutant loading include industrial areas and heavily traveled roads.

Sediments and water must be disposed of in accordance with applicable waste disposal regulations. Coordinate disposal of solids and liquids as part of your maintenance procedure. Contact the local public works department to inquire how they disposes of their street waste residuals.

Inspection Report

Date: _____ Personnel: _____

Location: _____ System Size: _____

System Type: Vault Cast-In-Place Linear Catch Basin Manhole Other

Sediment Thickness in Forebay: _____ Date: _____

Sediment Depth on Vault Floor: _____

Structural Damage: _____

Estimated Flow from Drainage Pipes (if available): _____

Cartridges Submerged: Yes No Depth of Standing Water: _____

StormFilter Maintenance Activities (check off if done and give description)

Trash and Debris Removal: _____

Minor Structural Repairs: _____

Drainage Area Report _____

Excessive Oil Loading: Yes No Source: _____

Sediment Accumulation on Pavement: Yes No Source: _____

Erosion of Landscaped Areas: Yes No Source: _____

Items Needing Further Work: _____

Owners should contact the local public works department and inquire about how the department disposes of their street waste residuals.

Other Comments:

StormFilter Maintenance Report

Date: _____ Personnel: _____

Location: _____ System Size: _____

System Type: Vault Cast-In-Place Linear Catch Basin Manhole Other

List Safety Procedures and Equipment Used: _____

System Observations

Months in Service: _____

Oil in Forebay: Yes No

Sediment Depth in Forebay: _____

Sediment Depth on Vault Floor: _____

Structural Damage: _____

Drainage Area Report

Excessive Oil Loading: Yes No Source: _____

Sediment Accumulation on Pavement: Yes No Source: _____

Erosion of Landscaped Areas: Yes No Source: _____

StormFilter Cartridge Replacement Maintenance Activities

Remove Trash and Debris: Yes No Details: _____

Replace Cartridges: Yes No Details: _____

Sediment Removed: Yes No Details: _____

Quantity of Sediment Removed (estimate?): _____

Minor Structural Repairs: Yes No Details: _____

Residuals (debris, sediment) Disposal Methods: _____

Notes:

