

**SANITARY SEWER EASEMENT**

DATED: April 30, 2013

**AFTER RECORDING RETURN TO:**

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



01842945201300516870140147  
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



BETWEEN:

**Grantor:**

Sherwood Road LLC  
6900 Fox Avenue South  
Seattle, WA 98108

**Grantee:**

City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

THIS GRANT OF A PERMANENT SANITARY SEWER EASEMENT, TEMPORARY CONSTRUCTION EASEMENT and a RIGHT OF ENTRY is made by and between Sherwood Road LLC, its successors ("Grantor") and the City of Sherwood, an Oregon municipal corporation, its successors and assigns ("Grantee" or "City") for the consideration hereinafter stated. The Permanent Sanitary Sewer Easement and Temporary Construction 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 of the Permanent Sanitary Sewer Easement is set forth in "EXHIBIT A" attached and incorporated by reference;
2. A map of the above legal description of the Permanent Sanitary Sewer Easement is set forth in "EXHIBIT B", attached and incorporated by reference;
3. A legal description of the Temporary Construction Easement is set forth in "EXHIBIT C", attached and incorporated by reference;
4. A map of the above legal description of the Temporary Construction Easement is set forth in "EXHIBIT D", attached and incorporated by reference;
5. A legal description of the Temporary Construction Easement is set forth in "EXHIBIT E", attached and incorporated by reference;
6. A map of the above legal description of the Temporary Construction Easement is set forth in "EXHIBIT F", attached and incorporated by reference.
7. A legal description of the Temporary Construction Easement is set forth in "EXHIBIT G", attached and incorporated by reference;
8. A map of the above legal description of the Temporary Construction Easement is set forth in "EXHIBIT H", attached and incorporated by reference.
9. Right of Entry over the entirety of the property outside the Easement Area's boundaries and as described in Washington County Recorded Document No. 2000086504 ("Grantor's Property").

The true and actual consideration paid for this transfer is **the value of a lateral sewer connection** **Grantee will provide Grantor** and other good and valuable consideration, the receipt of which is acknowledged by Grantors. 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.

TO HAVE AND TO HOLD the above described permanent easement unto City in accordance with the conditions and covenants as follows:

1. The Temporary Construction Easement includes the right to construct the sanitary sewer system necessary to serve the public. Said easement will automatically expire two (2) years after City acceptance of the improvements.
2. The Permanent Sanitary Sewer Easement includes the right, privilege, and authority granted to the City, its agents and assigns to excavate for, and to construct, build, install, lay, patrol, operate, maintain, and repair a public sanitary sewer system, with all appurtenances incident thereto or necessary therewith, over, under, through, along and across the Easement Area, along with other municipal utility systems (e.g. optical fiber cable for Sherwood Broadband) that are compatible with the Permanent Sanitary Sewer Easement, and to cut and remove from it any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines and any appurtenances attached to or connected therewith. Unless there is an emergency necessitating the immediate removal of an obstruction, the parties will mutually agree on those obstructions the City removes from the Easement Area.
3. 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 Easement Area and Grantor's Property, 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 rights granted herein.
4. Grantors may, at his/her/their option and expense, relocate the easement and associated public appurtenances, provided the City determines the relocation will comply with applicable codes and standards, land use laws and regulations.
5. Except for minor obstructions that can be easily relocated without machinery if access to the sewer is requested, Grantors will not obstruct or permit anyone else to obstruct the Easement Area. Grantor will not construct or permit anyone else to construct any building or structure of any kind in the Easement Area. Grantors will not perform or permit anyone else to perform any fill or excavation activities within the Easement Area without the City's prior written consent. Grantors will not endanger or permit anyone else to endanger the lateral support of any facilities constructed within the Easement Area.
6. Grantors hereby covenant that Grantors own Grantor's Property and the land contained in the Easement Area, which are free from all encumbrances, except for easements, conditions and restrictions of record, and that Grantors will warrant and defend the easement rights herein granted from all claims whatsoever.
7. Grantor's grant Grantee a Right of Entry permitting Grantee to enter across and over Grantor's Property in order for Grantee, its agents and assigns to access the Easement Area as necessary for the maintenance of public sanitary sewer facilities within the Easement Area. The Grantee shall contact Grantor to schedule said maintenance. In the absence of an emergency, Grantor will grant access to Grantee within ten (10) days of said contact. Except in the case of an emergency, Grantor will determine the manner and location of access, provided that Grantor shall authorize access that is both financially and logistically reasonable. If Grantor does not authorize such access within ten (10) days of Grantee's contact, Grantee may access Grantor's Property in any reasonable manner. In the event of an emergency (e.g. a break in the sewer line), Grantee may enter Grantor's Property immediately after providing notice to Grantor of the emergency necessitating immediate access to the Easement Area. Grantee shall work with Grantor to minimize disturbance to business operations on the Grantor's Property. To the extent Grantee damages Grantor's property in accessing the Easement Area, Grantee will be responsible to reasonably repair Grantor's property.

*[SIGNATURES ON FOLLOWING PAGE]*

IN WITNESS WHEREOF, the undersigned grantor has executed this easement this 31 day of May, 2013.

GRANTOR:

[Signature] member  
(Signature – Robert B. Code)  
For Sherwood Rd. D.D. LLC

STATE OF WASHINGTON )  
 )ss  
County of King )

On this 31 day of May, 2013, before me, a notary public in and for said County and State, personally appeared Robert Code 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.

[Signature]  
NOTARY PUBLIC FOR WASHINGTON  
My Commission Expires: 12/15/2015

GRANTEE:

Accepted on behalf of The City of Sherwood.

This 24th day of June, 2013

[Signature]  
Joseph Gall, ICMA-CM  
City Manager



Approved as to Form

[Signature]  
City Attorney

**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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Job No. 3076

**EXHIBIT A**

**Legal Description of Permanent Sanitary Sewer Easement**

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon and being more particularly described as follows:

Beginning at the southeasterly corner of Lot 14 of the Plat "Industrial Park of Sherwood", also being the northerly right-of-way of SW Tualatin-Sherwood Road (49.00 feet from centerline) and northwesterly right-of-way line of Portland and Western Railroad (30.00 feet from centerline); thence South  $88^{\circ}45'07''$  East 44.57 feet to the centerline of Portland and Western Railroad; thence along said centerline line South  $48^{\circ}56'47''$  West 72.80 feet to the centerline of SW Tualatin-Sherwood Road; thence along said centerline South  $88^{\circ}45'07''$  East 268.80 feet to a point of curvature; thence along a curve to the left with a Radius of 4000.00 feet, a Delta of  $00^{\circ}46'28''$ , a Length of 54.07 feet, and a Chord of South  $89^{\circ}08'21''$  East 54.07 feet to a point; thence South  $00^{\circ}28'25''$  West 37.60 feet to the southerly right-of-way line of SW Tualatin-Sherwood Road (variable width from centerline), also being the northeasterly corner of Document Number 2003-036657 and the True Point of Beginning; thence along said southerly right-of-way line North  $88^{\circ}59'13''$  West 36.51 feet to a point; thence continuing along said southerly right-of-way line South  $00^{\circ}59'30''$  West 11.58 feet to a point of non-tangency on the southerly right-of-way line of SW Tualatin-Sherwood Road (49.00 feet from centerline); thence continuing along said southerly right-of-way line along a non-tangent curve to the right with a Radius of 4049.00 feet, a Delta of  $00^{\circ}15'23''$ , a Length of 18.12 feet, and a Chord of North  $88^{\circ}52'48''$  West 18.12 feet to a point of tangency; thence continuing along said right-of-way line North  $88^{\circ}45'07''$  West 263.22 feet to a point; thence leaving said right-of-way line South  $48^{\circ}56'47''$  West 1011.47 feet to a point; thence South  $40^{\circ}04'13''$  West 199.22 feet to a point on the northerly line of Document Number 92066602; thence along said northerly line North  $59^{\circ}41'48''$  East 4.33 feet to a point; thence continuing along said northerly line South  $61^{\circ}19'07''$  East 18.92 feet to a point; thence North  $40^{\circ}04'13''$  East 189.85 feet to a point; thence North  $48^{\circ}56'47''$  East 1002.18 feet to a point; thence South  $88^{\circ}45'07''$  East 298.61 feet to a point; thence South  $31^{\circ}22'28''$  East 20.71 feet to a point on the westerly line of Document Number 99017281; thence along said westerly line North  $01^{\circ}34'40''$  East 49.21 feet to the True Point of Beginning.

The above described tract of land contains 30,792 square feet, more or less.

4/22/2013

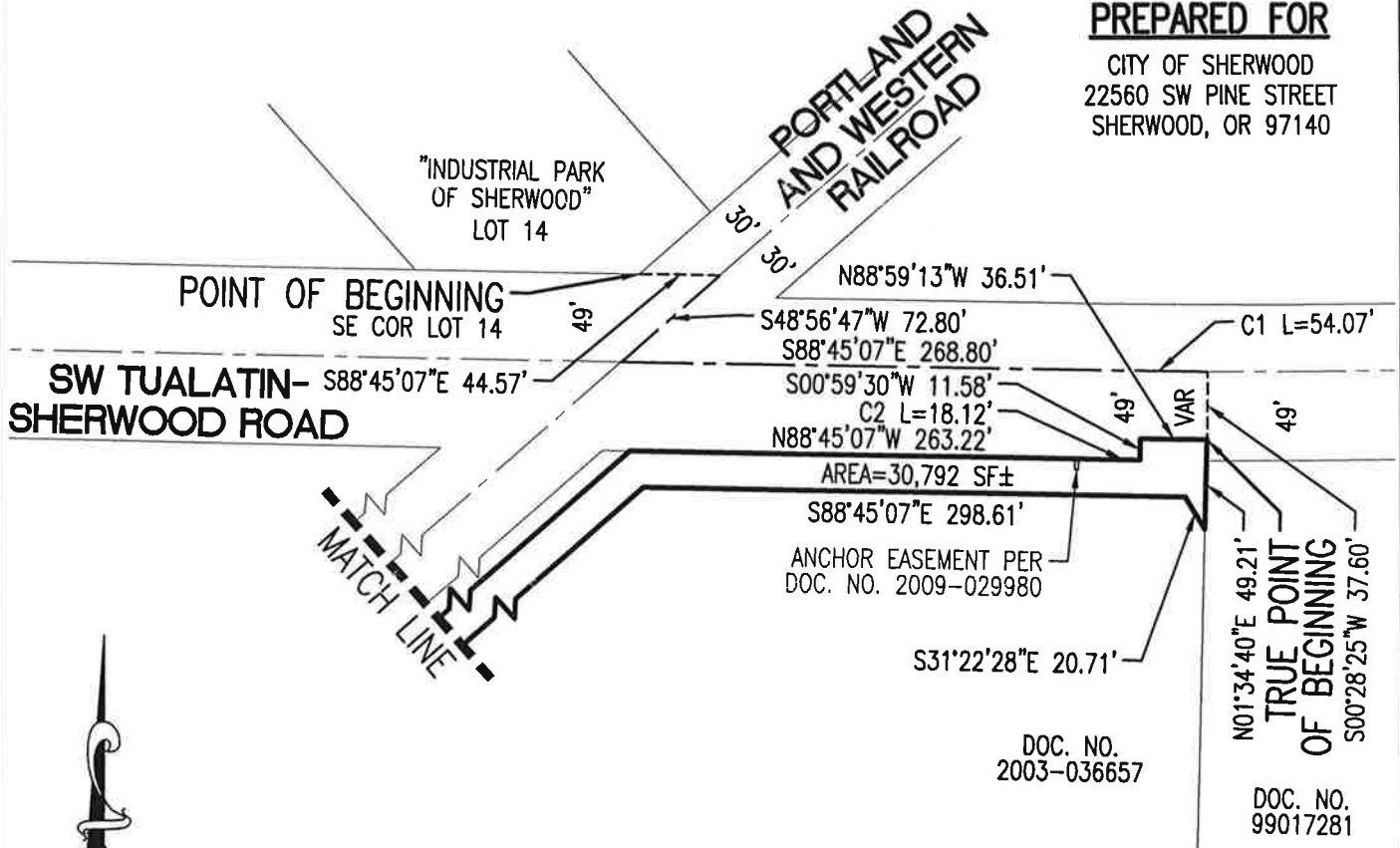


# EXHIBIT B

MAP OF PERMANENT SANITARY SEWER EASEMENT  
 A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28,  
 TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,  
 CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

**PREPARED FOR**

CITY OF SHERWOOD  
 22560 SW PINE STREET  
 SHERWOOD, OR 97140

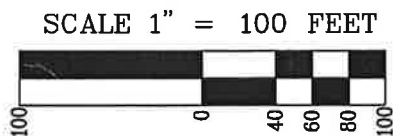


DOC. NO.  
 2003-036657

DOC. NO.  
 99017281

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	4000.00'	00°46'28"	54.07'	S89°08'21"E 54.07'
C2	4049.00'	00°15'23"	18.12'	N88°52'48"W 18.12'



4/22/2013

**REGISTERED PROFESSIONAL LAND SURVEYOR**

*Nick White*

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

AREA 48 DOWNSTREAM JOB NAME: SANITARY UPGRADE
JOB NUMBER: 3076
DRAWN BY: WCB
CHECKED BY: NSW
DWG NO.: 8073-TEASU

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 FAX: (503) 925-8969

OFFICES LOCATED IN REDMOND, OR & VANCOUVER, WA

# EXHIBIT B

MAP OF PERMANENT SANITARY SEWER EASEMENT  
 A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28,  
 TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,  
 CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

**PREPARED FOR**

CITY OF SHERWOOD  
 22560 SW PINE STREET  
 SHERWOOD, OR 97140

MATCH LINE

\*\*\*PER DOC. NO. 79-025572, A 10' SEWER EASEMENT EXISTS WITHIN THE 250' TRANSMISSION LINE EASEMENT, BEGINNING ON THE EASTERLY RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD AND RUNNING EASTERLY TO TAX LOT 202, FOR THE BENEFIT OF TAX LOT 202. NOT MAPABLE\*\*\*

Q OF 250' TRANSMISSION  
 LINE EASEMENT PER DEED  
 BOOK 391 PAGE 303

PORTLAND  
 AND WESTERN  
 RAILROAD

S48°56'47"W 1011.47'  
 AREA=30,792 SF±  
 N48°56'47"E 1002.18'

S40°04'13"W 199.22'  
 N40°04'13"E 189.85'

N59°41'48"E 4.33'  
 S61°19'07"E 18.92'

DOC. NO.  
 2003-036657

DOC. NO.  
 92066602

4/22/2013

SCALE 1" = 100 FEET



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Nick White*

OREGON  
 JANUARY 9, 2007  
 NICK WHITE  
 70652LS

RENEWS: 6/30/14

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Job No. 3076

**EXHIBIT C**

**Legal Description of Temporary Construction Easement**

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon and being more particularly described as follows:

Beginning at the southeasterly corner of Lot 14 of the Plat "Industrial Park of Sherwood", also being the northerly right-of-way of SW Tualatin-Sherwood Road (49.00 feet from centerline) and northwesterly right-of-way line of Portland and Western Railroad (30.00 feet from centerline); thence South 88°45'07" East 44.57 feet to the centerline of Portland and Western Railroad; thence along said centerline line South 48°56'47" West 72.80 feet to the centerline of SW Tualatin-Sherwood Road; thence along said centerline South 88°45'07" East 268.80 feet to a point of curvature; thence along a curve to the left with a Radius of 4000.00 feet, a Delta of 00°46'28", a Length of 54.07 feet, and a Chord of South 89°08'21" East 54.07 feet to a point; thence South 00°28'25" West 37.60 feet to the southerly right-of-way line of SW Tualatin-Sherwood Road (variable width from centerline), also being the northeasterly corner of Document Number 2003-036657; thence along said easterly line South 01°34'40" West 31.77 feet to the True Point of Beginning; thence North 88°45'07" West 117.53 feet to a point; thence South 13°36'57" West 65.14 feet to a point; thence South 43°38'36" East 86.14 feet to a point; thence South 88°25'20" East 69.97 feet to said easterly line; thence along said easterly line North 01°34'40" East 125.06 feet to the True Point of Beginning.

The above described tract of land contains 14,060 square feet, more or less.

4/22/2013



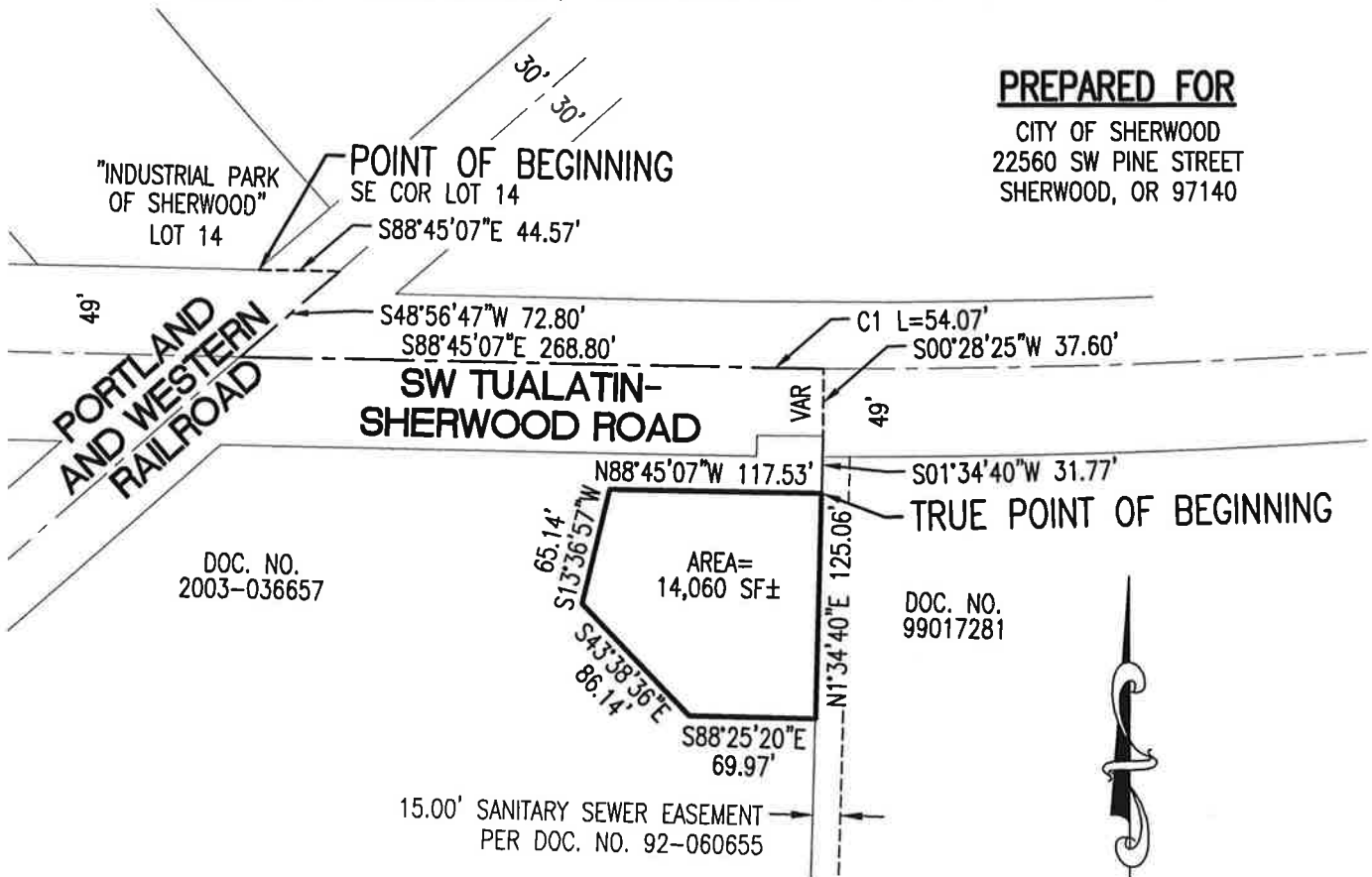
# EXHIBIT D

## MAP OF TEMPORARY CONSTRUCTION EASEMENT

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28,  
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,  
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

### PREPARED FOR

CITY OF SHERWOOD  
22560 SW PINE STREET  
SHERWOOD, OR 97140



DOC. NO.  
2003-036657

DOC. NO.  
99017281

### CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	4000.00'	00°46'28"	54.07'	S89°08'21"E 54.07'

4/22/2013

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*

OREGON  
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RENEWS: 6/30/14

AREA 48 DOWNSTREAM  
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Job No. 3076

**EXHIBIT E**

**Legal Description of Temporary Construction Easement**

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The above described tract of land contains 7,571 square feet, more or less.

4/22/2013



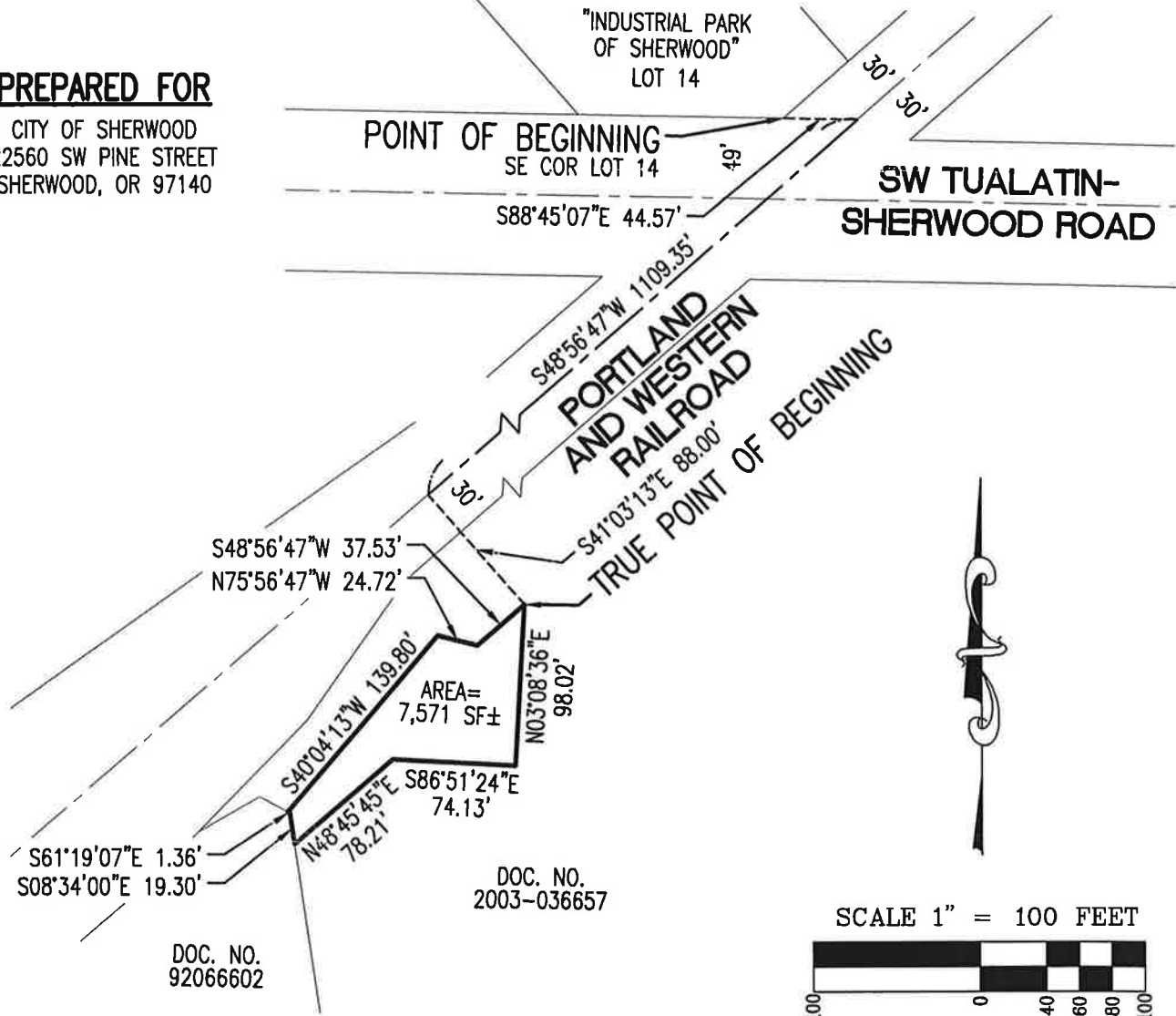
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### PREPARED FOR

CITY OF SHERWOOD  
22560 SW PINE STREET  
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4/22/2013

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PROFESSIONAL  
LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/14

AREA 48 DOWNSTREAM  
JOB NAME: SANITARY UPGRADE

JOB NUMBER: 3076

DRAWN BY: WCB

CHECKED BY: NSW

DWG NO.: 8073-TEASU

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**EXHIBIT G**

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The above described tract of land contains 1.75 acres, more or less.

4/22/2013



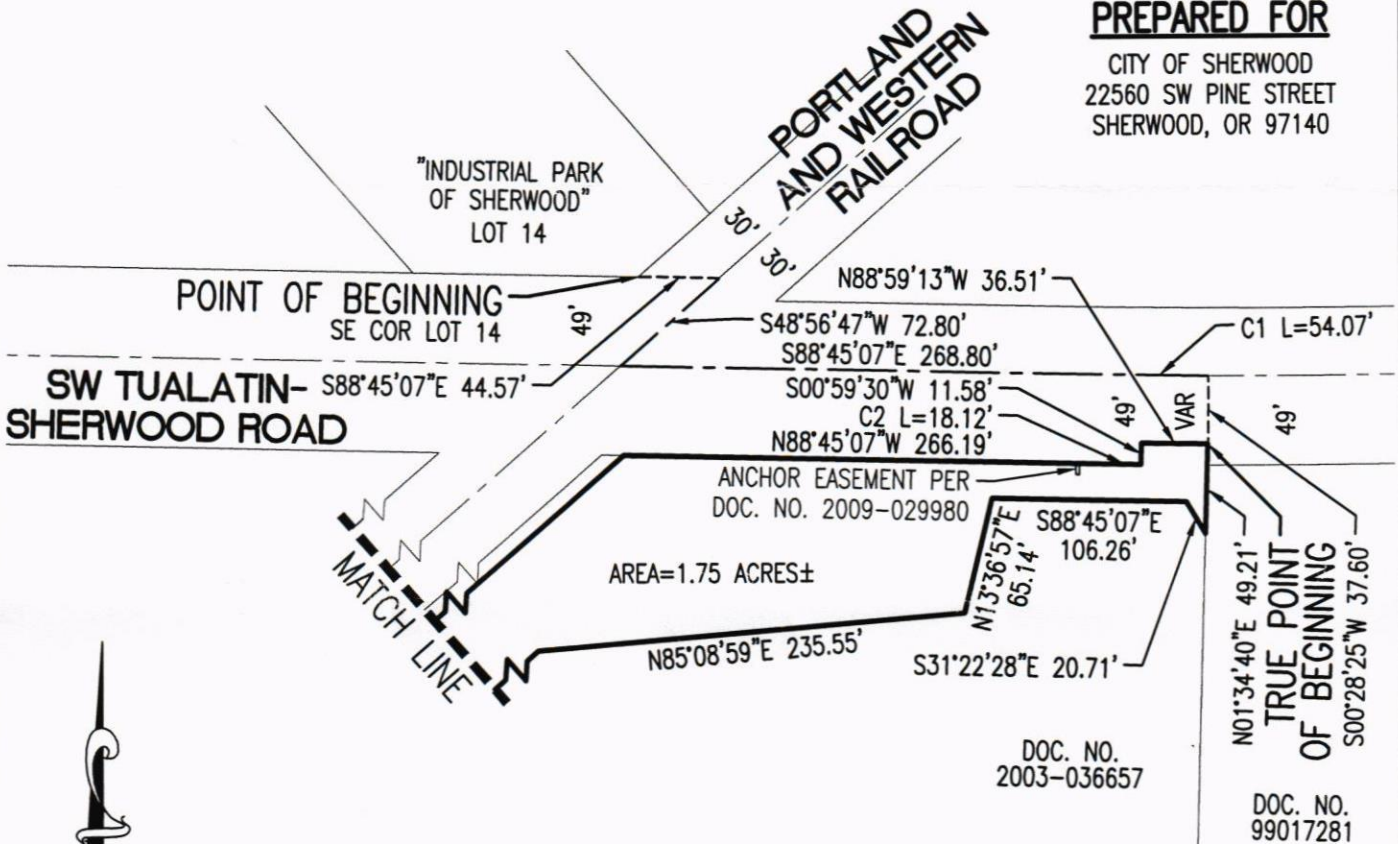
# EXHIBIT H

## MAP OF TEMPORARY CONSTRUCTION EASEMENT

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28,  
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CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

### PREPARED FOR

CITY OF SHERWOOD  
22560 SW PINE STREET  
SHERWOOD, OR 97140



### CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	4000.00'	00°46'28"	54.07'	S89°08'21"E 54.07'
C2	4049.00'	00°15'23"	18.12'	N88°52'48"W 18.12'

SCALE 1" = 100 FEET



4/22/2013

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*

OREGON  
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RENEWS: 6/30/14

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DWG NO.: 8073-TEASU

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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 REDMOND, OR & VANCOUVER, WA

# EXHIBIT H

MAP OF TEMPORARY CONSTRUCTION EASEMENT  
 A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28,  
 TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,  
 CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

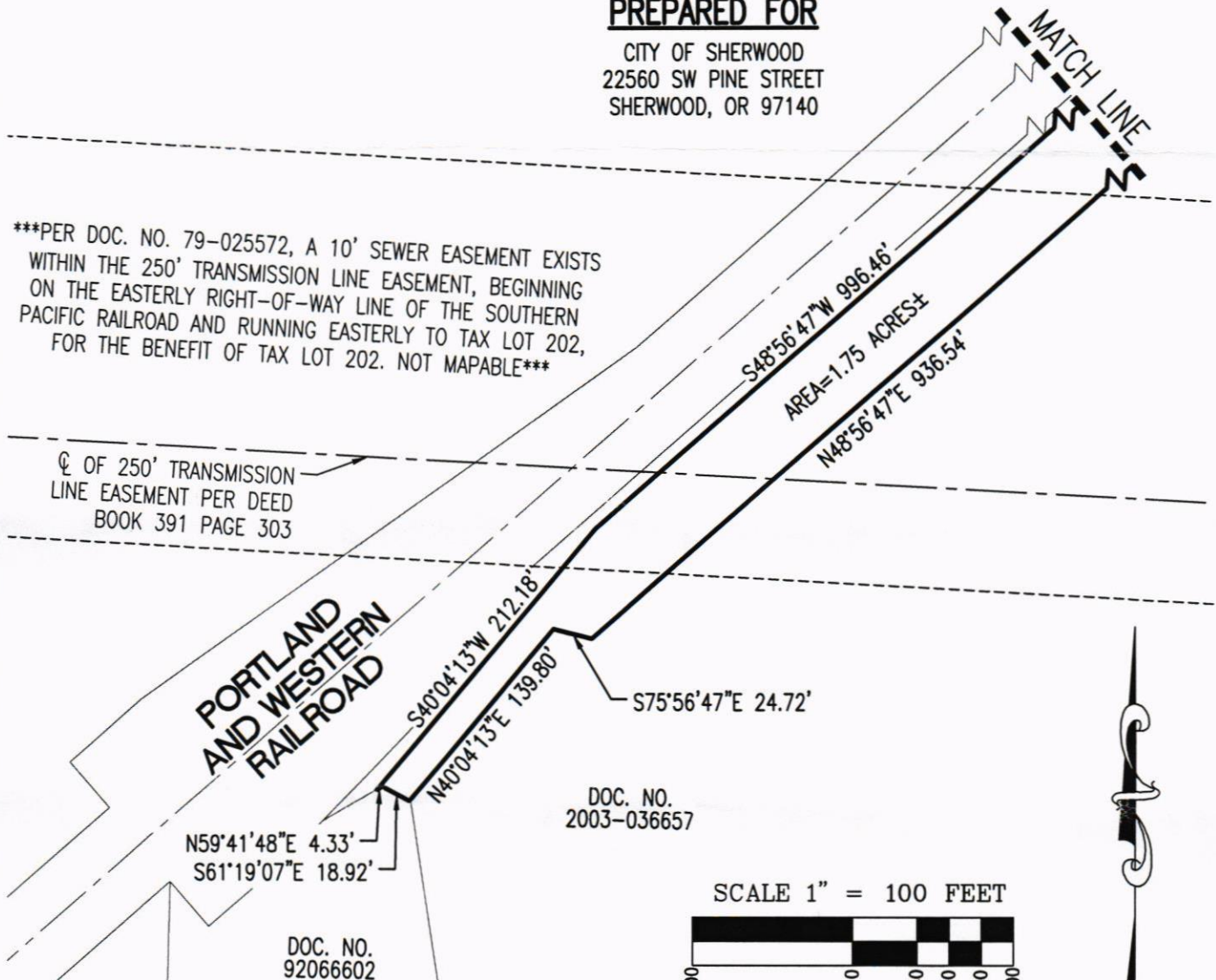
**PREPARED FOR**

CITY OF SHERWOOD  
 22560 SW PINE STREET  
 SHERWOOD, OR 97140

\*\*\*PER DOC. NO. 79-025572, A 10' SEWER EASEMENT EXISTS  
 WITHIN THE 250' TRANSMISSION LINE EASEMENT, BEGINNING  
 ON THE EASTERLY RIGHT-OF-WAY LINE OF THE SOUTHERN  
 PACIFIC RAILROAD AND RUNNING EASTERLY TO TAX LOT 202,  
 FOR THE BENEFIT OF TAX LOT 202. NOT MAPABLE\*\*\*

☉ OF 250' TRANSMISSION  
 LINE EASEMENT PER DEED  
 BOOK 391 PAGE 303

**PORTLAND  
 AND WESTERN  
 RAILROAD**



DOC. NO.  
 2003-036657

DOC. NO.  
 92066602

4/22/2013

SCALE 1" = 100 FEET



**REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR**

*Nick White*

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

AREA 48 DOWNSTREAM JOB NAME: SANITARY UPGRADE
JOB NUMBER: 3076
DRAWN BY: WCB
CHECKED BY: NSW
DWG NO.: 8073-TEASU

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**AKS**  
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