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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



When Recorded Return To:
Cofield Law Office
9755 SW Barnes Road, Suite 450
Portland, Oregon 97225
NO CHANGE IN TAX STATEMENTS

TEMPORARY ACCESS AND UTILITY EASEMENT & AGREEMENT

Grantors: Jim and Patricia Dougherty

Grantees: Jim and Patricia Dougherty and City of Sherwood

Grantors' Property: The "Property", as used herein, means the land described in Exhibit A-1 and as shown in Exhibit A-2. Exhibit A-1 and A-2 are attached hereto and incorporated herein by this reference.

Dominant Property: The "Partition Property", as used herein, means the parcel described in Exhibit B-1 and as shown in Exhibit B-2. Exhibit B-1 and B-2 are attached hereto and incorporated herein by this reference.

Servient Property: The "Out Parcel" is that Parcel described in the attached Exhibit C-1 and shown in Exhibit C-2. Exhibit C-1 and C-2 are attached hereto and incorporated herein. The Out Parcel is not part of the Partition Property but is burdened by this temporary access easement. The Out Parcel is appurtenant to the Dominant Property.

Access and Utility Easement: A 25-foot wide strip of land as described in the attached Exhibit A and shown on Exhibit B.

Dedication Requirement One: means when the City places the extension of Arrow Street on its CIP, which provides that the existing terminus of Arrow Street west of the Property will be extended across the Property and the Out Parcel to Gerda Lane.

Dedication Requirement Two: means when any of the Property parcels receive City development review approval and Tract A is required to be dedicated as public right-of-way.

RECITALS

- A. Grantors and Grantees received partition approval from the City of Sherwood, for the Gerda Lane Partition (MLP 11-01).
- B. Pursuant to Condition D.11.b., Grantors need a temporary easement across the Out Parcel in order to provide access to the Gerda Lane Partition parcels, prior to the imposition of Dedication Requirement 1 or 2.
- C. The City of Sherwood needs a public access and utility easement across the Out Parcel for public access and for the purpose of constructing, installing,

inspecting, maintaining and repairing the water and sanitary utility facilities on the Partition Property.

- D. This Temporary Easement Agreement is intended to satisfy certain City conditions of approval so that the final plat can be recorded.
- E. This Temporary Easement Agreement is made in anticipation of Grantors selling the Partition parcels and Out Parcel.

NOW THEREFORE, for other consideration as described in Paragraph B and C above, Grantors, Jim and Patricia Dougherty convey to Grantee, the City of Sherwood, its heirs, successors, and assigns, a temporary nonexclusive easement on the Out Parcel for public access for the purpose of constructing, installing, inspecting, maintaining and repairing the water and sanitary utility facilities. Grantors, Jim and Patricia Dougherty convey to Grantees Jim and Patricia Dougherty a temporary nonexclusive easement as described below. The Temporary Easement will connect Parcels 1, 2 and 3 of the Gerda Lane Partition to SW Gerda Lane until such time as Dedication Requirements 1 or 2 are implemented whereupon this Temporary Easement shall terminate by operation of law as no longer necessary to provide access and access for utilities for the Gerda Lane Partition parcels. The parties agree to file an extinguishment of the Temporary Easement.

AGREEMENT

The terms of this easement are as follows:

1. Temporary Easement: Grantee, its agents, independent contractors, invitees, assigns and successors may use the easement for purposes of a road for access, ingress, egress, and the placement, construction, operation, maintenance, repair, replacement and removal of under and over ground utility lines, and associated facilities. Utilities shall include, but not be limited to, telephone, electricity, water, gas, cable, sewer, storm sewers, septic drainfield and similar uses and purposes. Grantees Jim and Patricia Dougherty shall be responsible for all maintenance and repairs to the temporary access easement. Prior to any such maintenance or repairs to the temporary access easement, Grantee, the City of Sherwood, shall be advised of the planned maintenance and share in its cost according to the percentage of its use, pursuant to ORS 105.170 to 105.185.
2. If the Out Parcel is redeveloped without Dedication Requirement 2 being imposed and it becomes necessary to move the temporary easement, the grantees shall agree to relocate the temporary easement at the request of Grantors. Grantors shall pay the cost of the relocation and record an amended legal description for it.
3. This Easement shall burden, bind and run with title to the Out Parcel. The easement shall benefit and run with title to the Gerda Lane Partition as currently developed and as it may be developed and/or divided in the future. This easement shall benefit and bind the Parties hereto, their successors, assigns and heirs.

4. The Parties acknowledge the affiliation of ownership of the Grantors Jim and Patricia Dougherty and Grantees Jim and Patricia Dougherty and agree that the Doctrine of Merger shall not apply to this Easement Agreement.

A. General Terms Applicable to this Agreement

1. **Limitation.** Notwithstanding any other provisions of this Agreement, nothing in this Agreement is intended to burden any property other than the Out Parcel.
2. **Enforcement.** This Agreement may be enforced by the Parties in an action at law, or a suit in equity seeking injunctive and other equitable relief, together with any other remedies available at law. Failure of any Party to enforce this Agreement or any covenant or restriction contained in this document will in no event be deemed a waiver of the right to do so at a later time.
3. **Arbitration.** In the event a dispute arises out of or relating to this Agreement, the dispute must be submitted to binding arbitration. The arbitrator must be selected by mutual agreement or pursuant to ORS 36.645 by the Parties. The arbitrator's fees will be shared equally by the Parties to such arbitration during the course of the arbitration, but will be recoverable as costs to the prevailing party. Unless otherwise agreed upon by the Parties to such arbitration, pleading, procedure, discovery and evidentiary issues in the arbitration will be governed by the Oregon Rules of Civil Procedure, the Uniform Trial Court Rules and the Oregon Rules of Evidence. The arbitrator will control the scheduling of all events and will resolve all disputes, including disputes regarding pretrial procedure and discovery.
4. **Severability.** Invalidation of any one of these covenants, conditions or restrictions or Agreement by judgment or court order shall in no way affect any other provisions of this document, which shall remain in full force and effect.
5. **Recitals.** The above recitals correctly set forth the facts and agreements of the Parties, are contractual in nature, and are incorporated herein by this reference.
6. **Oregon Law Governs:** The law of the State of Oregon governs this document. Any disputes shall be resolved in Washington County, Oregon.
7. **Notices:** All Notices required under this Temporary Easement Agreement shall be supplied to the following persons at the following addresses or updated address as may be supplied in writing between the Parties:



Grantors/Grantees:

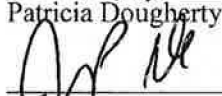
Jim A. and Patricia Dougherty
P.O. Box 623
Manzanita, Oregon 97130-0623

Grantee:

City of Sherwood
22560 SW Pine Street
Sherwood, Oregon 97140

IN WITNESS WHEREOF, the undersigned Grantors and Grantees, have heretofore set their hand this 12th day of JUNE, 2013

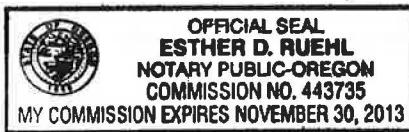

Jim A. Dougherty

Patricia Dougherty




City of Sherwood

STATE OF OREGON)
)
County of Washington)

Subscribed and sworn to before me this 12th day of JUNE
2013, _____, by Jim and Patricia Dougherty, Grantors/Grantees





Notary Public for Oregon
My Commission Expires November 30, 2013

STATE OF OREGON)
)
County of _____)

Subscribed and sworn to before me this 26th day of June
2013, Joseph, by , Grantee, City of Sherwood.



Kristina Ouellette
Notary Public for Oregon
My Commission Expires May 15, 2015

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



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EXHIBIT A
Legal Description
Access Easement

A 20.00 foot wide strip of land (10.00 feet on both sides of the centerline) being a portion of Parcel 1 of Document Number 91059128, located in the Northwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, the centerline of which is more particularly described as follows:

Beginning at the 3/4 inch iron rod at the 1/4 corner common to Sections 28 and 29, Township 2 South, Range 1 West, Willamette Meridian; thence North 19°07'57" East 15.34 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "W&H Pacific" on the centerline of SW Tualatin Sherwood Road; thence along said centerline North 88°45'05" East 403.56 feet to a point at the centerline intersection of SW Tualatin Sherwood Road and SW Gerda Lane; thence along the centerline of Gerda Lane North 01°14'55" East 260.00 feet to a point on the north right-of-way line of SW Gerda Lane; thence along said north right-of-way line North 88°45'05" West 29.48 feet to a point; thence along the east line of Parcel 3 of Document Number 2012-001771 and Parcel 1 of Document Number 91059128 North 01°10'33" East 309.59 feet to the True Point of Beginning; thence North 88°49'27" West 28.10' to a point; thence along a curve to the left with a Radius of 40.00 feet, Delta of 86°19'48", Length of 60.27 feet, and a Chord of South 48°00'39" West 54.73 feet to the Point of Terminus on the south line of said Parcel 1 which bears North 88°49'17" West 68.02 feet from the southeast corner of said Parcel 1.

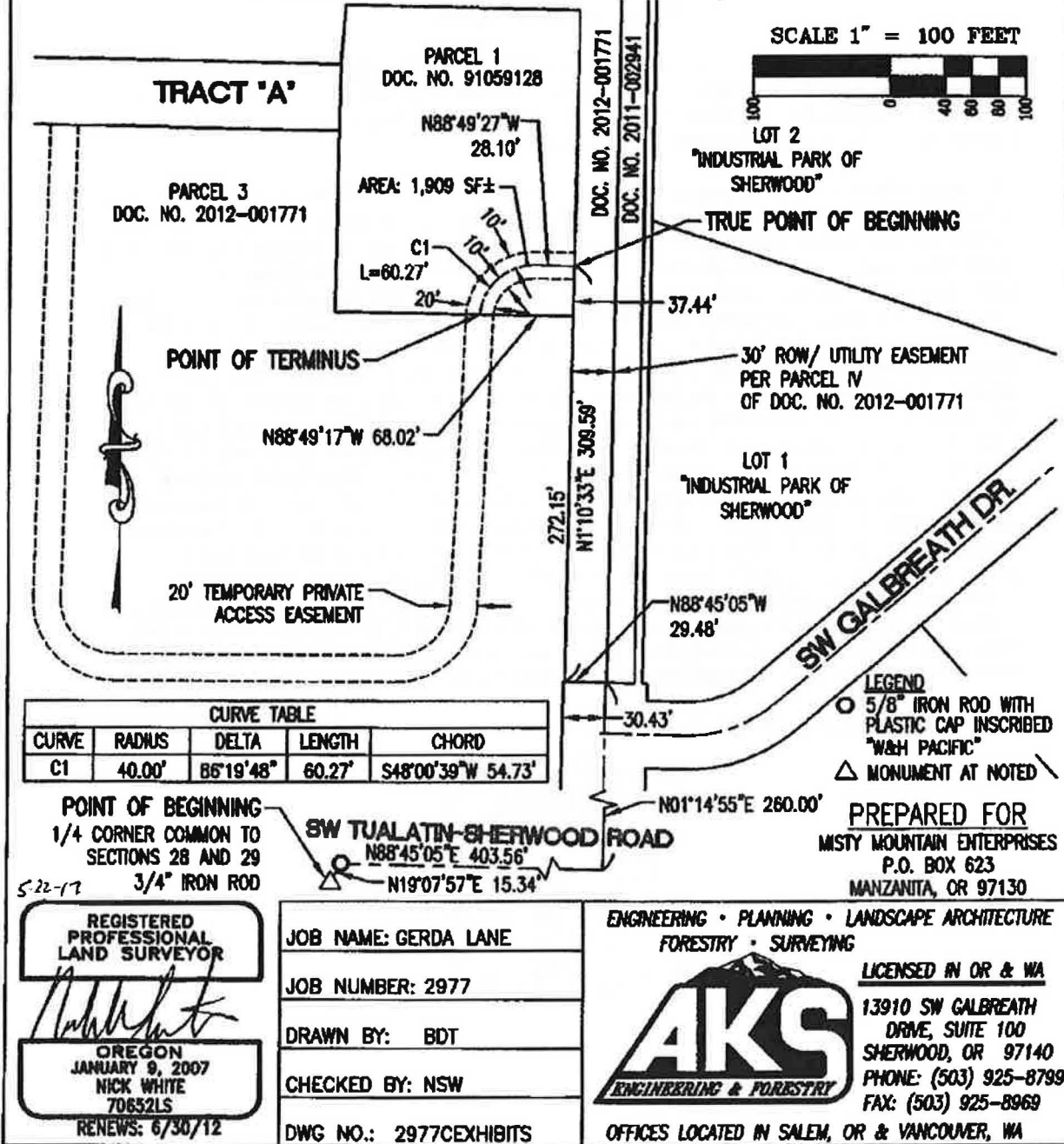
The sidelines of said strip of land shall be shortened and extended to begin on the east line of Parcel 1 of Document Number 91059128 and to end on the south line of said parcel. The above described strip of land contains 1,909 square feet, more or less.



EXHIBIT B

MAP OF ACCESS EASEMENT

A PORTION OF PARCEL 1 OF DOCUMENT NUMBER 91059128,
 LOCATED IN THE NW 1/4 OF SEC. 28, T2S, R1W, W.M., CITY OF
 SHERWOOD, WASHINGTON COUNTY, OREGON



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EXHIBIT A1

Property Legal Description

A tract of land being Parcel 1 of Document Number 91059128 and Parcel 3 of Document Number 2012-001771, located in the Northwest One-Quarter of Section 28 and the Northeast One-Quarter of Section 29, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, being more particularly described as follows:

Beginning at the 1/4 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"; thence North 1°15'36" East 49.01 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "W&H Pacific", also being the True Point of Beginning; thence along the right-of-way of SW Tualatin Sherwood Road (49.00 feet from centerline) along a non-tangent curve to the left with a Radius of 4049.00 feet, a Delta of 1°05'26", a 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 a point; thence along the west line of Parcel 3 of Document Number 2012-001771 North 01°04'41" East 679.05 feet to a 5/8 inch iron rod with an illegible yellow plastic cap; thence along the north line of said Parcel 3 South 88°49'27" East 868.08 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "Chase Jones & Associates"; thence along the west line of Parcel 1 of Document Number 91059128 North 5°05'55" East 43.86 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "Chase Jones and Associates"; thence along the north line of said Parcel 1 South 88°49'27" East 171.79 feet to a point; thence along the east line of Parcel 1 of Document Number 91059128 and the east line of Parcel 3 of Document Number 2012-001771 South 1°10'33" West 501.15 feet to a point; thence along the northerly right-of-way line of SW Gerda Lane North 88°45'05" West 0.95 feet to a point; thence continuing along said right-of-way (30.43 feet from centerline) South 1°14'55" West 198.00 feet to a 3/4 inch iron pipe with yellow plastic cap inscribed "COUNTY SURVEYOR"; thence South 45°54'17" West 18.28 feet to a 5/8 inch iron rod; thence along the right-of-way of SW Tualatin Sherwood Road (49.00 feet from centerline) North 88°45'05" West 360.21 feet to the True Point of Beginning.

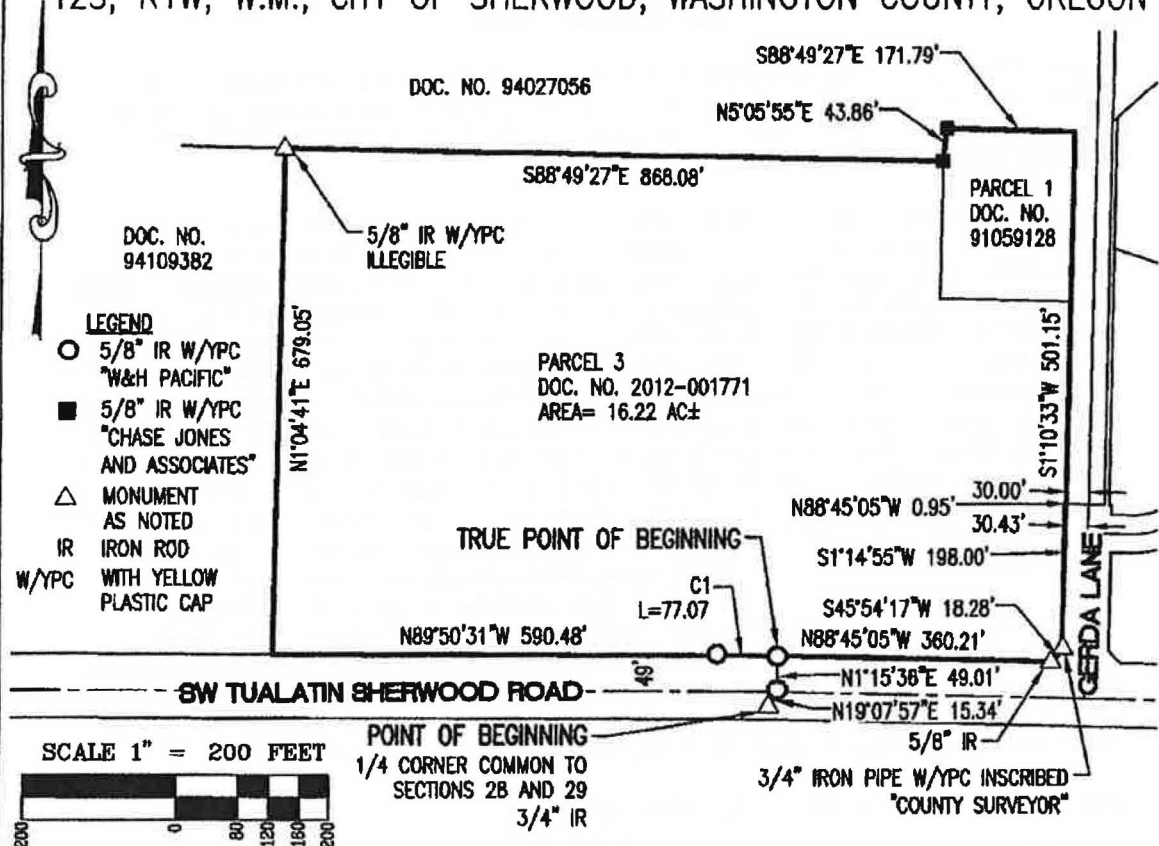
The above described tract of land is 16.22 acres, more or less.



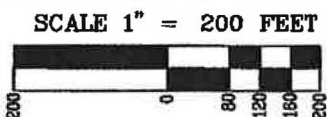
EXHIBIT A2

MAP OF PROPERTY BOUNDARY

A TRACT OF LAND BEING PARCEL 1 OF DOCUMENT NUMBER 91059128 AND PARCEL 3 OF DOCUMENT NUMBER 2012-001771 LOCATED IN THE NW 1/4 OF SECTION 28 AND 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"
 - 5/8" IR W/YPC "CHASE JONES AND ASSOCIATES"
 - △ MONUMENT AS NOTED
 - IR IRON ROD
 - W/YPC WITH YELLOW PLASTIC CAP



POINT OF BEGINNING
1/4 CORNER COMMON TO SECTIONS 28 AND 29
3/4" IR

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

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

REGISTERED PROFESSIONAL LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS
RENEWS: 6/30/12

JOB NAME: GERDA LANE

JOB NUMBER: 2977

DRAWN BY: BDT

CHECKED BY: NSW

DWG NO.: 2977CEXHA2

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EXHIBIT B1
Property Legal Description

A tract of land being Parcel 3 of Document Number 2012-001771, located in the Northwest One-Quarter of Section 28 and Northeast One-Quarter of Section 29, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, being more particularly described as follows:

Beginning at a 3/4 inch iron rod at the 1/4 corner common to Sections 28 and 29, thence North 19°07'57" East 15.34 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "W&H Pacific"; thence North 1°15'36" East 49.01 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "W&H Pacific", also being the True Point of Beginning; thence along the right-of-way of SW Tualatin Sherwood Road (49.00 feet from centerline) along a non-tangent curve to the left with a Radius of 4049.00 feet, a Delta of 1°05'26", a 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 yellow plastic cap inscribed "W&H Pacific"; thence North 89°50'31" West 590.48 feet to a point; thence along the west line of Parcel 3 of Document Number 2012-001771 North 1°04'41" East 679.05 feet to a 5/8 inch iron rod with an illegible yellow plastic cap; thence along the north line of said Parcel 3 South 88°49'27" East 868.08 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "Chase Jones & Associates"; thence along the west line of Parcel 1 of Document Number 91059128 South 1°10'33" West 185.24 feet to a point; thence along the south line of said Parcel 1 South 88°49'17" East 174.79 feet to a point; thence along the east line of Parcel 3 of Document Number 2012-001771 South 1°10'33" West 272.15 feet to a point; thence along the northerly right-of-way line of SW Gerda Lane North 88°45'05" West 0.95 feet to a point; thence continuing along said right-of-way (30.43 feet from centerline) South 1°14'55" West 198.00 feet to a 3/4 inch iron pipe with yellow plastic cap inscribed "COUNTY SURVEYOR"; thence South 45°54'17" West 18.28 feet to a 5/8 inch iron rod; thence along the right-of-way of SW Tualatin Sherwood Road (49.00 feet from centerline) North 88°45'05" West 360.21 feet to the True Point of Beginning.

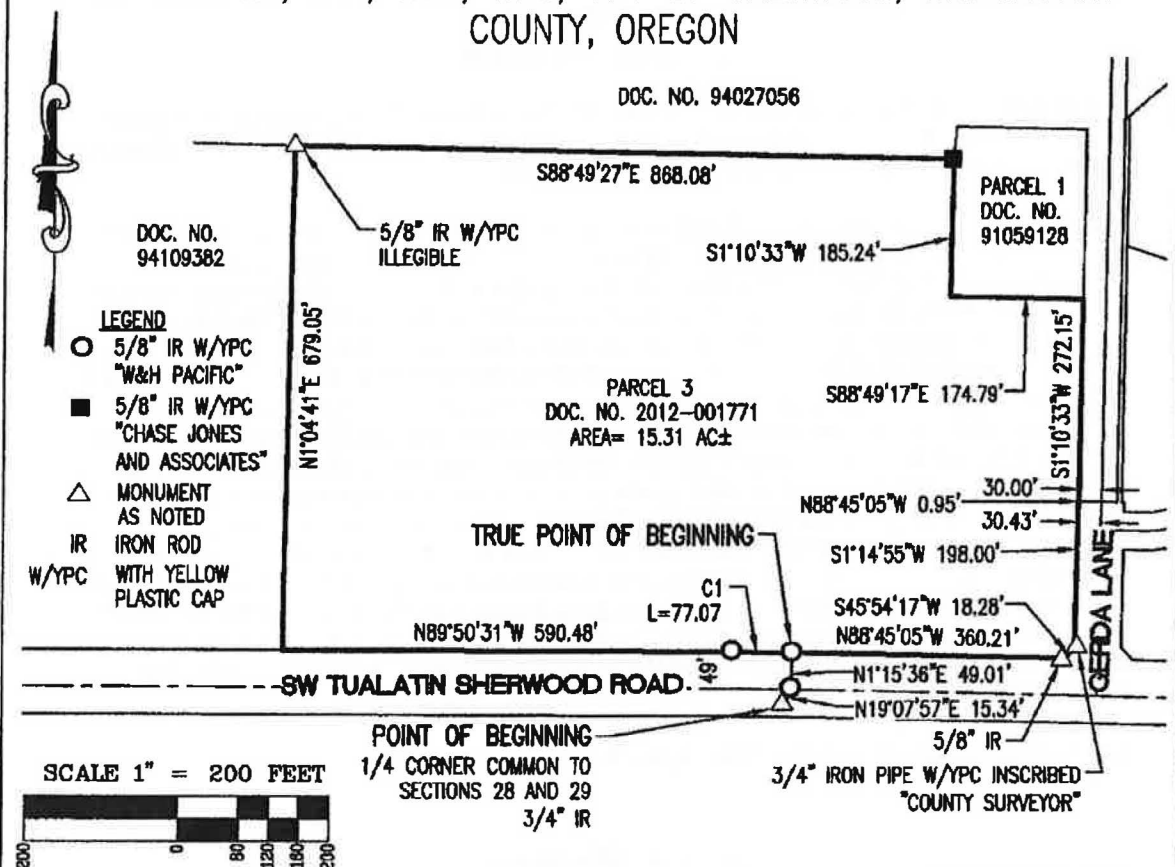
The above described tract of land is 15.31 acres, more or less.



EXHIBIT B2

MAP OF PROPERTY BOUNDARY

A TRACT OF LAND BEING PARCEL 3 OF DOCUMENT NUMBER 2012-001771, LOCATED IN THE NW 1/4 OF SEC. 28 AND NE 1/4 OF SEC. 29, T2S, R1W, W.M., CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON



CURVE TABLE

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

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MISTY MOUNTAIN ENTERPRISES
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EXHIBIT C1

Property Legal Description

A tract of land being Parcel 1 of Document Number 91059128, located in the Northwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, being more particularly described as follows:

Beginning at a 3/4 inch iron rod at a 3/4 inch iron rod at the 1/4 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"; thence North 1°15'36" East 49.01 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "W&H Pacific"; thence along the right-of-way of SW Tualatin-Sherwood Road (49.00 feet from centerline) along a non-tangent curve to the left with a Radius of 4049.00 feet, a Delta of 1°05'26", a 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 a point; thence along the west line of Parcel 3 of Document Number 2012-001771 North 01°04'41" East 679.05 feet to a 5/8 inch iron rod with an illegible yellow plastic cap; thence along the north line of said Parcel 3 South 88°49'27" East 868.08 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "Chase Jones & Associates", also being the True Point of Beginning; thence along the west line of Parcel 1 of Document Number 91059128 North 5°05'55" East 43.86 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "Chase Jones and Associates"; thence along the north line of said Parcel 1 South 88°49'27" East 171.79 feet to a point; thence along the east line of said Parcel 1 South 1°10'33" West 229.01 feet to a point; thence along the south line of said Parcel 1 North 88°49'17" West 174.79 feet to a point; thence along the west line of said Parcel 1 North 1°10'33" East 185.24' to the True Point of Beginning.

The above described tract of land is 39,961 square feet, more or less.

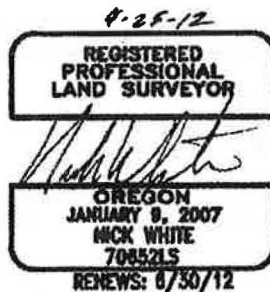
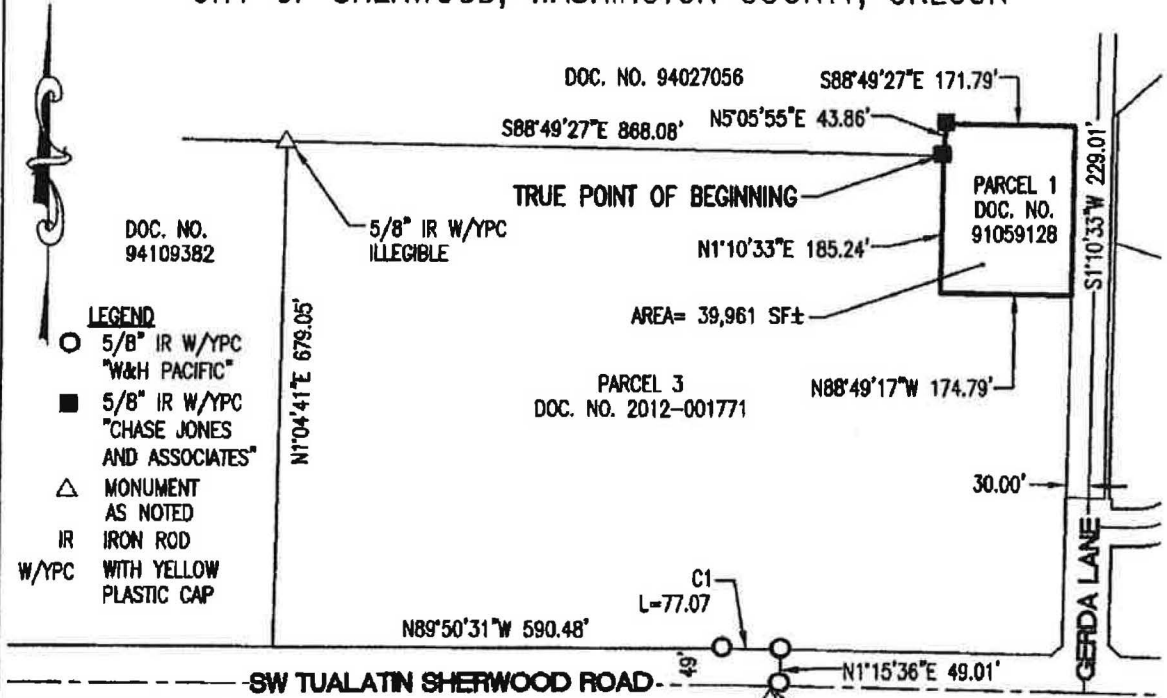


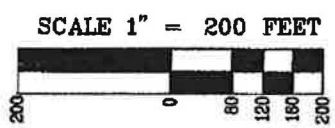
EXHIBIT C2

MAP OF PROPERTY BOUNDARY

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