



02005725201500030930050053

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



Tax Statements to be sent to:
Jim Dougherty and Patricia Dougherty
PO Box 623
Manzanita, OR 97130

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

**PRIVATE STORMWATER FACILITY
ACCESS & MAINTENANCE COVENANT**

THIS 15th DAY OF January, 2015

Jim A. Dougherty and Patricia Dougherty are the Owners and/or Developer ("Owner") of the real property subject to this Private Stormwater Facility Access and Maintenance Covenant ("Covenant"), commonly known as 20955 SW Gerda Lane, Sherwood, Washington County, Oregon, 97140, and more particularly described as:

See Exhibit "A" for legal description and Exhibit "B" for map of legal description.

In consideration of the City of Sherwood approving the installation of a private stormwater facility located on this site, Owner and his/her/its successors in interest to title, 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 in title to Owner. In the absence of privity of estate, Owner intends to create an equitable servitude. This Covenant is perpetual in nature, and may only be modified in writing, with consent by the current Owner 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.

Owner agrees to allow City to access the property on each and every occasion as necessary to verify compliance with the terms and conditions of this Covenant.

As a condition precedent to the effectiveness of this Covenant, Owner shall provide the City with manufacturer's recommendations for the maintenance of the storm treatment system.

Owner shall provide annual reports documenting its 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 Owner's sole responsibility. Without limitation, Owner is fully responsible for all costs associated with maintaining the system. The first report shall be due exactly one year from the Engineering Department's acceptance of the improvements.

Any default by the Owner in regard to the agreed upon maintenance practices and schedule gives the City of Sherwood all repair and replacement rights with the Owner 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 30 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.

Owner waives any objection it may legally possess to the City placing a lien on its property. Repair and replacement rights become effective thirty (30) days after the required annual maintenance report is due.

Owner accepts that the City of Sherwood may charge a nominal administrative fee for monitoring and record keeping when such fee is adopted by City Council.

Owner warrants that he/she/it has fee title to the property and has the full authority to execute this Covenant.

Attached hereto are Exhibit A – Legal Description; Exhibit B – Map of Legal Description; and Exhibit C – A site plan showing the storm water treatment facility location, the source of run-off entering the facility, and where storm water will be discharged after leaving the facility.

Signature of Owner

Date

[Handwritten signature]
1/13/15

STATE OF OREGON)
) ss.
County of Washington)

Subscribed and sworn to before me this 13th day of January, 2015.



[Handwritten signature]
Notary Public for Oregon

[Handwritten signature]
Robert Galati
City Engineer
City of Sherwood

1-15-15
Date

[Handwritten signature]
Joseph Gall, ICMA-CM
City Manager
City of Sherwood

1-15-15
Date



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job No. 3592

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM, OR

EXHIBIT A

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

Beginning at the 2 inch brass disk at the 1/4 corner common to Sections 28 and 29; thence North $19^{\circ}07'57''$ 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 South $88^{\circ}45'05''$ East 203.73 feet to a point; thence along the southerly projection of the west line of the tract per Document Number 2013-092111 North $01^{\circ}14'55''$ East 49.00 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the southwest corner of said tract per Document Number 2013-092111 and the True Point of Beginning; thence along the west line of said tract North $01^{\circ}14'55''$ East 130.58 feet to a 5/8 inch iron rod with a 2 inch aluminum cap inscribed "AKS ENGR." at the northwest corner thereof; thence along the north line of said tract South $88^{\circ}45'05''$ East 169.33 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence along the east line of said tract also being the west right-of-way line of SW Gerda Lane (30.43 feet from centerline) South $01^{\circ}14'55''$ West 102.58 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence along the southeast line of said tract South $46^{\circ}14'55''$ West 39.60 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence along the south line of said tract also being the north right-of-way line of SW Tualatin-Sherwood Road (49.00 feet from centerline) North $88^{\circ}45'05''$ West 141.33 feet to the True Point of Beginning.

The above described tract of land contains 21,719 square feet, more or less.

10/20/14



RENEWS: 6/30/16

EXHIBIT B

LOCATED IN THE NW 1/4 OF SEC. 28, T2S, R1W, W.M.,
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

LEGEND

- 5/8" IRON ROD WITH A YELLOW PLASTIC CAP
INSCRIBED "AKS ENGR."
 - ⊙ 5/8" IRON ROD WITH A 2" ALUMINUM CAP
INSCRIBED "AKS ENGR."
 - 5/8" IRON ROD WITH A YELLOW PLASTIC CAP
INSCRIBED "W&H PACIFIC"
 - △ MONUMENT AT NOTED
- DOC. NO. DOCUMENT NUMBER PER WASHINGTON COUNTY
DEED RECORDS



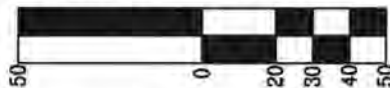
10/20/14

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS
RENEWS: 6/30/16

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

SCALE 1" = 50 FEET

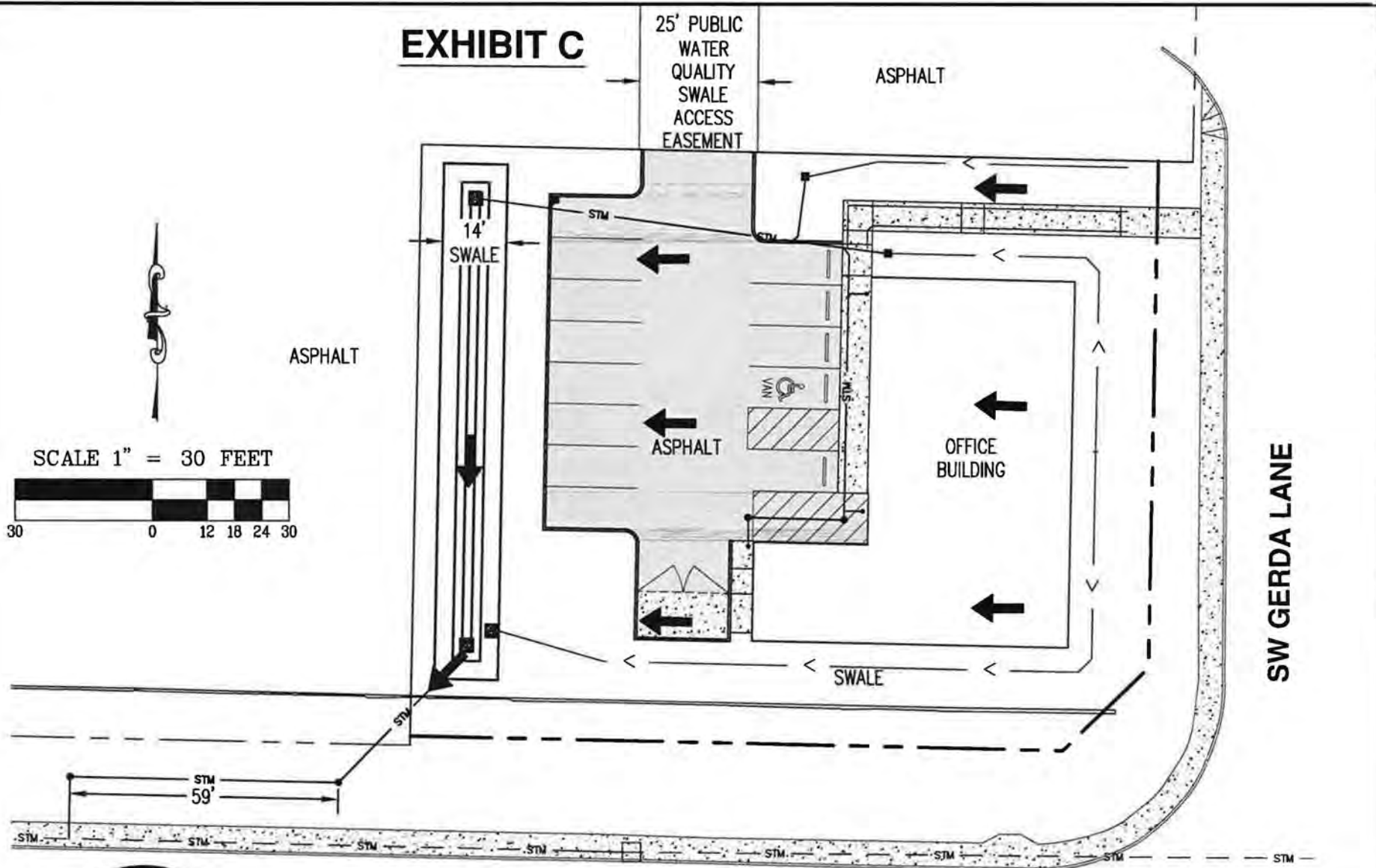


DATE: 10/20/14

GERDA LANE		3592 20141014 PARCEL	
DRAWN BY: JOH		CHECKED BY: NSW DWG: 3	
AKS ENGINEERING & FORESTRY, LLC		JOB: 3592	
12965 SW HERMAN RD		SUITE 100	
TUALATIN, OR 97062		www.aks-eng.com	
PHONE: 503.563.6151		FAX: 503.563.6152	

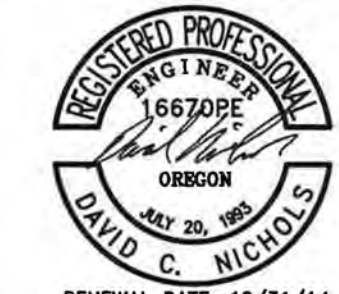


EXHIBIT C



SW TUALATIN-SHERWOOD ROAD

SW GERDA LANE



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

DATE: 12/02/14

GERDA LANE			
DRAWN BY: NAM	CHECKED BY: DCN		DWG: EXHIBIT C
AKS ENGINEERING & FORESTRY, LLC			JOB: 3592
12965 SW HERMAN RD	SUITE 100		
TUALATIN, OR 97062	www.aks-eng.com		
PHONE: 503.563.6151	FAX: 503.563.6152		

RENEWAL DATE: 12/31/14