

Tax Statements to be sent to:  
**Legacy Homes, Inc.**  
**18025 SW Brookman Rd.**  
**Sherwood, OR 97140**

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

Washington County, Oregon  
11/02/2018 10:56:22 AM  
D-E Cnt=1 Stn=6 M FERNANDES  
\$45.00 \$5.00 \$11.00 \$60.00 - Total = \$121.00



02435414201800752690090092

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



**PRIVATE STORMWATER FACILITY  
ACCESS & MAINTENANCE COVENANT**

THIS 10<sup>th</sup> DAY OF October, 2018

Legacy Homes, Inc. is the Owner and/or Developer ("Owner") of the real property subject to this Private Stormwater Facility Access and Maintenance Covenant ("Covenant"), commonly known as, Parcel 1, Tax lot 2S131AA15600, 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 then-current Owner and approval by the City of Sherwood. It is within the City's sole discretion whether to approve any proposed amendment or modification to this Covenant.

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

Owner agrees to the Operations and Maintenance Plan as specified on Exhibit D, attached hereto, to ensure proper function of the Flow-Through Planter. [More specifically referenced as the Clean Water Services, Low Impact Development Approaches Handbook, pages 97-99.]

Maintenance of the system and compliance 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.

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 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. Owner waives any objection it may legally possess to the City placing a lien on its property.

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; Exhibit D – Flow-Through Planter Operation and Maintenance Plan.

*Brad Miller*

Brad Miller, Secretary/Owner  
Legacy Homes, Inc.

10-10-2018

Date

STATE OF OREGON     )  
                                  ) ss.  
County of Washington )

On this 10 day of October, 2018, before me, a notary public in and for said County and State, personally appeared Brad Miller 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.

*J Berg*

Notary Public for Oregon  
My Commission Expires: March 29, 2020

*Bob Galati*

Robert Galati  
City Engineer  
City of Sherwood

10.10.18

Date

*Joseph Gall*

Joseph Gall, ICMA-CM  
City Manager  
City of Sherwood

10/10/18

Date

*John Ay*

Approved as to form: City Attorney

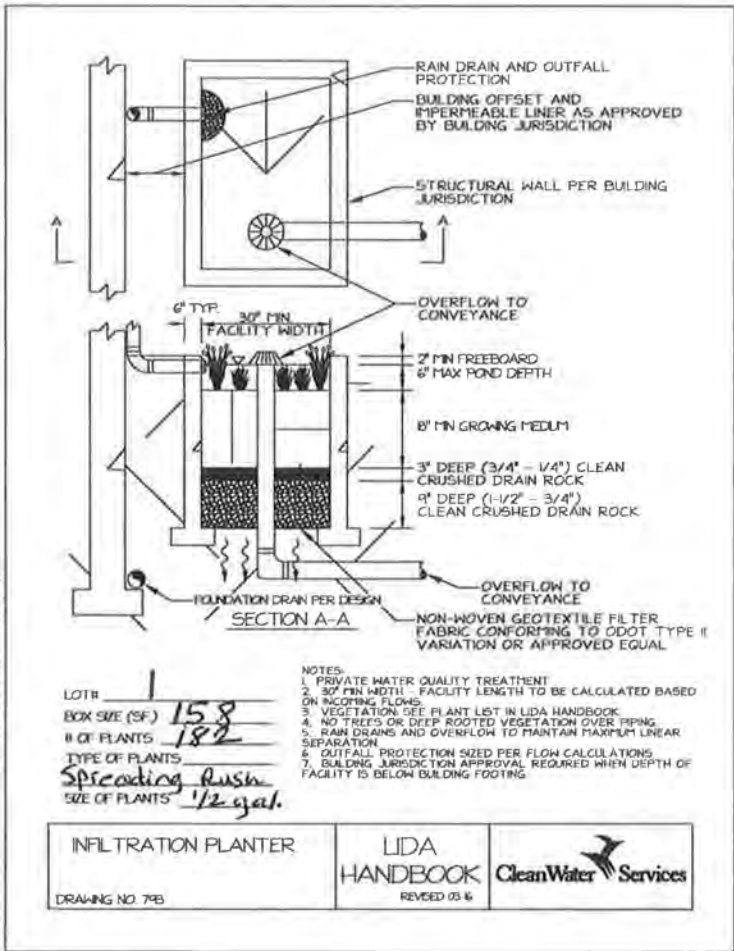
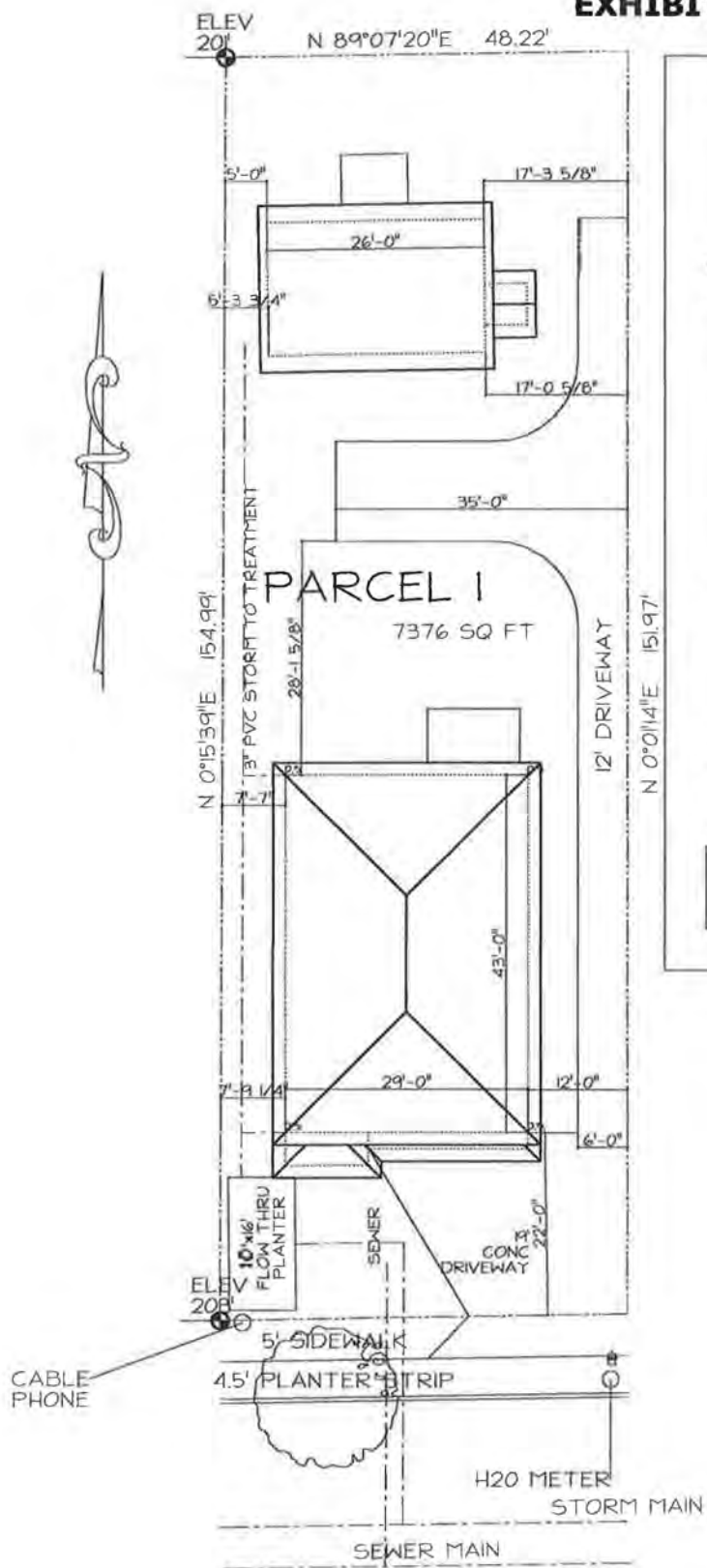


**EXHIBIT "A"**

Parcel 1 of Partition Plat 2018-031, in the City of Sherwood, County of Washington, State of Oregon.



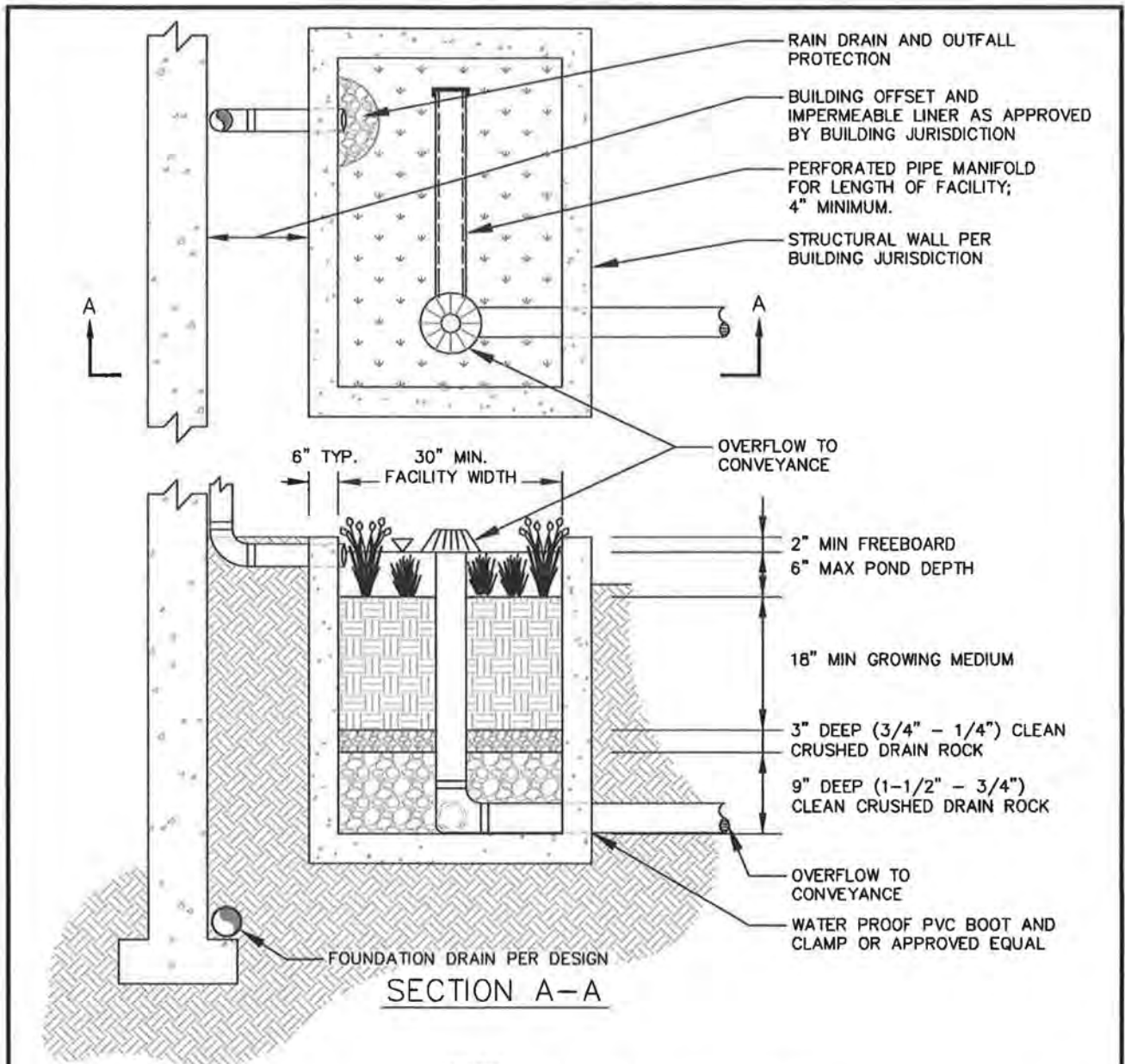
# EXHIBIT "C"



## SW MEINECKE RD SITE PLAN

SCALE: 1" = 10'-0"

EXHIBIT "C"



SECTION A-A






- NOTES:
1. PRIVATE WATER QUALITY TREATMENT
  2. 30" MIN WIDTH - FACILITY LENGTH TO BE CALCULATED BASED ON INCOMING FLOWS.
  3. VEGETATION: SEE PLANT LIST IN LIDA HANDBOOK.
  4. NO TREES OR DEEP ROOTED VEGETATION OVER PIPING.
  5. RAIN DRAINS AND OVERFLOW TO MAINTAIN MAXIMUM LINEAR SEPARATION.
  6. OUTFALL PROTECTION SIZED PER FLOW CALCULATIONS.
  7. BUILDING JURISDICTION APPROVAL REQUIRED WHEN DEPTH OF FACILITY IS BELOW BUILDING FOOTING.

LOT# 1  
 BOX SIZE (SF.) 158  
 # OF PLANTS 182  
 TYPE OF PLANTS \_\_\_\_\_  
Spreading Rush  
 SIZE OF PLANTS 1/2 gal.

<p>FLOW THROUGH PLANTER</p> <p>DRAWING NO. 794</p>	<p>LIDA HANDBOOK</p> <p>REVISED 03-16</p>	
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## Flow-Through Planter Operation and Maintenance Plan

**Annual inspections are required.** It is recommended that the facility is inspected on a monthly basis to ensure proper function. The plan below describes inspection and maintenance activities, and may be used as an inspection log. Contact the design engineer, Clean Water Services or City representative for more information.

Identified Problem	Condition to Check for	Maintenance Activity	Maintenance Timing	✓ Task Complete Comments
Sediment Accumulation in Treatment Area	Sediment depth exceeds 3 inches	Remove sediment from treatment area. Ensure planter is level from side to side and drains freely toward outlet; no standing water within 24 hours after any major storm (1-inch in 24 hours)	 SUMMER FALL Ideally in dry season	
Erosion	Erosion or channelization that impacts or effects the function of the facility or creates a safety concern	Repair eroded areas and stabilized using proper erosion control measures Establish appropriate vegetation as needed	 FALL WINTER SPRING Inspect after major storm (1-inch in 24 hours)	
Standing Water	Standing water in the planter between storms that does not drain freely. Water should drain after 24 hours of dry weather.	Remove sediment or trash blockages. Grade out areas of mounding and improve end to end grade so there is no standing water.	 WINTER SPRING	
Flow Not Distributed Evenly	Flow unevenly distributed through planter width due to uneven or clogged flow spreader	Level the spreader and clean so that flows spread evenly over entire planter width	 WINTER SPRING	
Obstructed Inlet/Outlet	Material such as vegetation, sediment, trash is blocking more than 10% of the inlet/outlet pipe	Remove blockages from facility	 WINTER SPRING Inspect after major storm (1-inch in 24 hours)	

## Flow-Through Planter Operation and Maintenance Plan (continued)



**Annual inspections are required.** It is recommended that the facility is inspected on a monthly basis to ensure proper function. The plan below describes inspection and maintenance activities, and may be used as an inspection log. Contact the design engineer, Clean Water Services or City representative for more information.

Identified Problem	Condition to Check for	Maintenance Activity	Maintenance Timing	✓ Task Complete Comments
Poor Vegetation Coverage	80% survival of approved vegetation and no bare areas large enough to affect function of facility.	Determine cause of poor growth and correct the condition; replant with plugs or containerized plants per approved plans and applicable standards at time of construction. Remove excessive weeds and all invasive plants.	 Ideal time to plant is spring and fall seasons	
Invasive Vegetation as outlined in Appendix A	Invasive vegetation found in facility. Examples include: Himalayan Blackberry; Reed Canary Grass; Teasel, English Ivy, Nightshade, Clematis, Cattail, Thistle	Remove excessive weeds and all invasive plants. Attempt to control even if complete eradication is not feasible. Refer to Clean Water Services Integrated Pest Management Plan for appropriate control methods, including proper use of chemical treatment.	 Ideal time to plant is spring and fall seasons	
Excessive Vegetation	Vegetation grows so tall it competes with or shades approved emergent wetland grass/shrubs; interferes with access or becomes a fire danger	Prune over-hanging limbs, if possible; remove brushy vegetation as needed. Prune emergent wetland grass/shrubs that have become overgrown.	 Ideal time to prune emergent wetland grass is spring	
Vector Control	Evidence of rodents or water flowing through facility via rodent holes. Harmful insects such as wasps or hornets present	Repair damage to facility. Remove harmful insects, call professional if needed. Refer to Clean Water Services Integrated Pest Management Plan for management options.	As Needed	



## Flow-Through Planter Operation and Maintenance Plan (continued)

**Annual inspections are required.** It is recommended that the facility is inspected on a monthly basis to ensure proper function. The plan below describes inspection and maintenance activities, and may be used as an inspection log. Contact the design engineer, Clean Water Services or City representative for more information.

Identified Problem	Condition to Check for	Maintenance Activity	Maintenance Timing	✓ Task Complete Comments
Trash and Debris	Visual evidence of trash, debris or dumping.	Remove and dispose of trash and debris from facility. Dispose of properly	 SPRING   SUMMER   FALL   WINTER	
Contamination and Pollution	Evidence of oil, gasoline, contaminants, or other pollutants. Look for sheens, odor or signs of contamination.	If contaminants or pollutants present, coordinate removal/cleanup with local jurisdiction.	 SPRING   SUMMER   FALL   WINTER	
Outlet Structure Damaged	Grate or overflow structure is missing or only partially in place and may have missing or broken grate members.	Repair or replace outlet structure.	As Needed	