

The Newberg City Council met on June 17th, 2019.

The Council took the following actions:

- Proclaimed June 20th, 2019 as Leah Griffith Appreciation Day in honor of her retirement as Newberg's Library Director.
- Approved several resolutions:
 - 2019-3556, New Downtown banners
 - 2019-3570, Acceptance of Certified Local Government grant
 - 2019-3568, Troodle Partition on Bell Road
 - 2019- 3569, TriTech Software Systems contract award
 - 2019-3571, Pedestrian easement release
 - 2019-3574, Utility Assistance policy update
 - 2019-3578, City Manager Recruitment rfp
- Approved Order 2019-0039, updating the Public Safety Fee with a new CPI.
- Gave direction to City Manager Recruitment council subcommittee.
- Appointed Kriss Wright to the Planning Commission.

In other business,

Heard an update on the Urban Growth Boundary process.

Heard Councilor updates on committees and community outreach.

Heard City Manager's report.



**City Council Work Session
June 17, 2019 - 6:00 PM
Public safety building 401 east third street**

- 1. CALL MEETING TO ORDER**
- 2. ROLL CALL**
- 3. REVIEW OF THE COUNCIL AGENDA AND MEETING**
- 4. COUNCIL BUSINESS ITEMS**
- 5. PRESENTATIONS**
 - 5.A Redundant Water Supply
[Redundant Water Supply 1 RCA.doc](#)
[Newberg - Redundant Supply - City Council Work Session 6-17-2019.pdf](#)
- 6. ADJOURNMENT**

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
-------------------	-----------------------	------------------------	-------------	-----------------------

SUBJECT: Redundant Water Supply

Contact Person (Preparer) for this
Item: Kaaren Hofmann, PE, City Engineer
Dept.: Public Works
File No.:

RECOMMENDATION:

Establish a Council subcommittee to work with staff to develop City goals for redundant water supply.

EXECUTIVE SUMMARY:

The City's current water supply is drawn from groundwater production wells located in the City's well field on the south side of the Willamette River in Marion County. The well field is accessible from Riverside Road, off Champoeg Road and Highway 219 (refer to Figure 1). From the wellfield the raw water is conveyed to the water treatment plant north of the Willamette River within two transmission lines. There is over 56 miles of potable water piping, and one booster pump station in the water distribution system. For distribution and storage there are three reservoirs. The average daily water demand is about 2.4 million gallons per day (mgd) and the maximum day demand is approximately 4.5 mgd in summertime.

The Water Master Plan notes that the City's system is vulnerable to flooding, ground movement, seismic activity or other natural disasters. It was recommended that the City assess redundant supply options on the north side of the Willamette River.

Per the Master Plan, the redundant source, piping and treatment system should supply a capacity of one day of wintertime average daily demand. The current wintertime average daily demand is approximately 2 mgd. The Master Plan evaluated the expansion of a ground water source in Appendix C of the plan. Other options may include a surface water source, and interties to other nearby potable water supply systems.

As the project scope was being developed, the question arose if the need for 'emergency supply' is enough or should the City be evaluating a long term full redundant supply. The slideshow will have more information on options and criteria for making this important decision.

FIGURE 1
WATER SYSTEM SCHEMATIC MAP
City of Newberg

City Council – Work Session

June 17, 2019



murraysmith



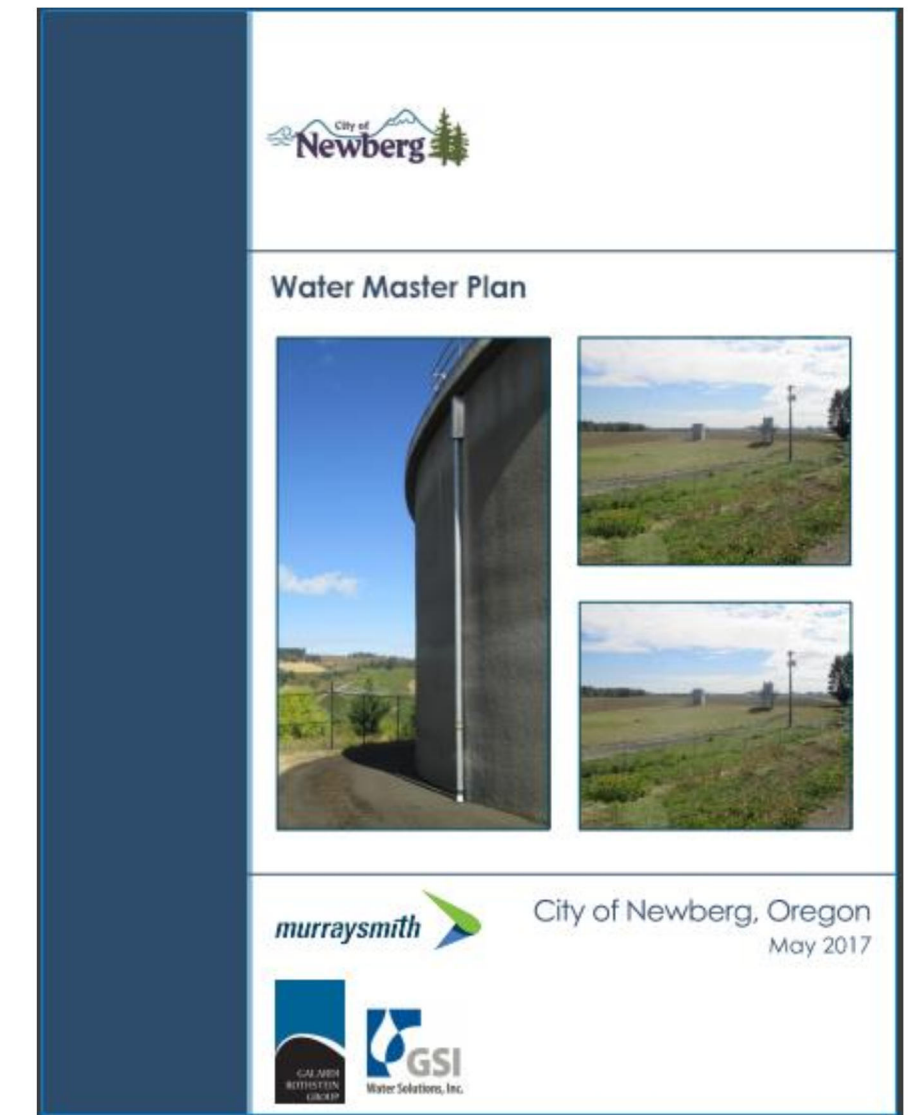
Agenda



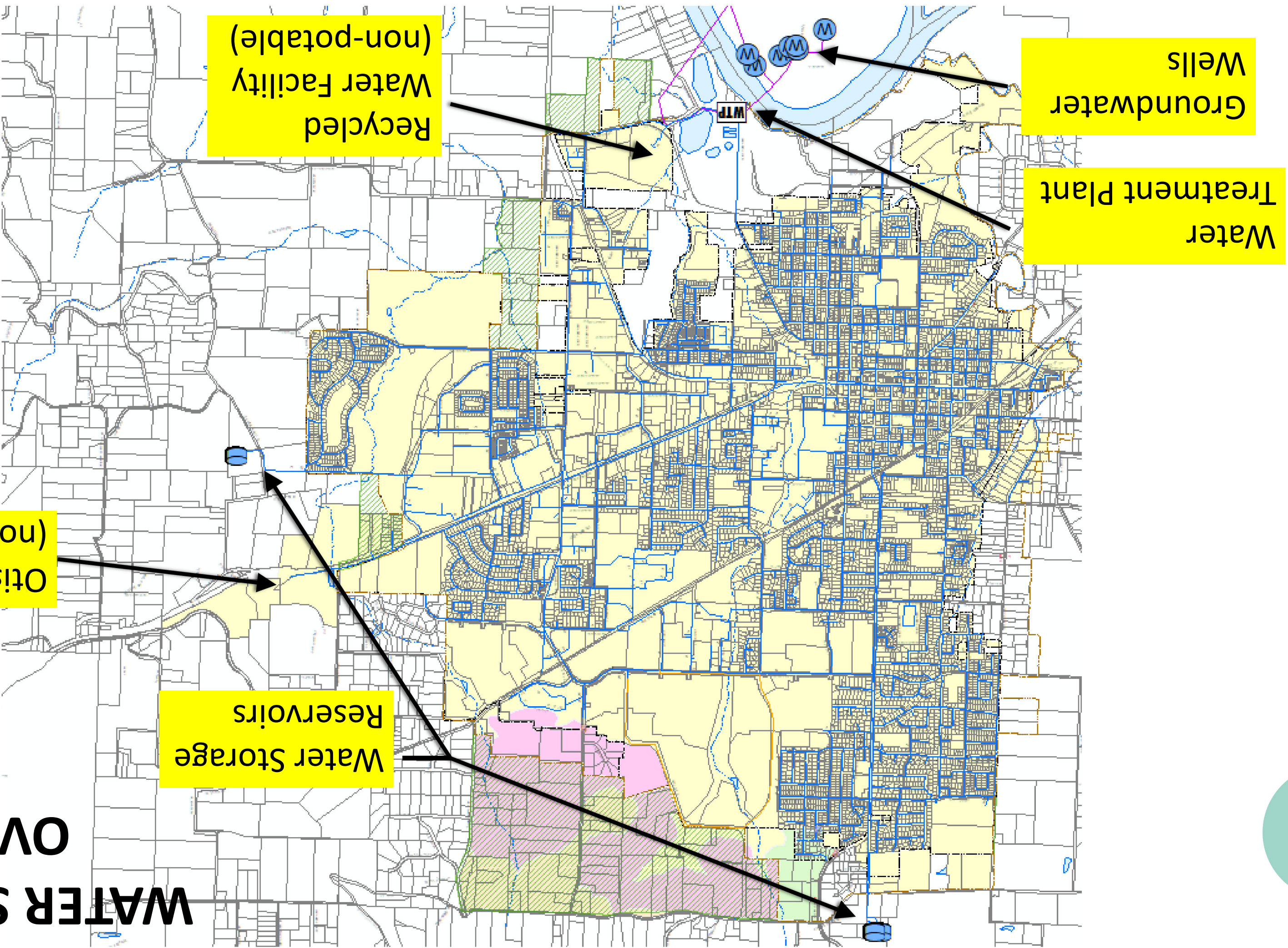
- 01 Background and Project Context
- 02 Community Values
- 03 Water Supply Alternatives
- 04 Next Steps
- 05 Q&A

Water Master Plan (2017)

- “Redundant” Supply Recommendations
 - Meet winter “average day demand” – 2 mgd
 - Develop groundwater north of Willamette River
 - Study other opportunity alternatives
- Data Gaps
 - Understanding of other local and regional opportunities
 - Confirmation of City’s long-term goals
- Next Steps
 - Redundant Water Supply Project



Background and Project Context



WATER SYSTEM OVERVIEW



Why is water supply redundancy an important issue?

- City's existing water supply faces a range of risks
- Current City council will need to decide if and how to participate in on-going regional supply opportunities



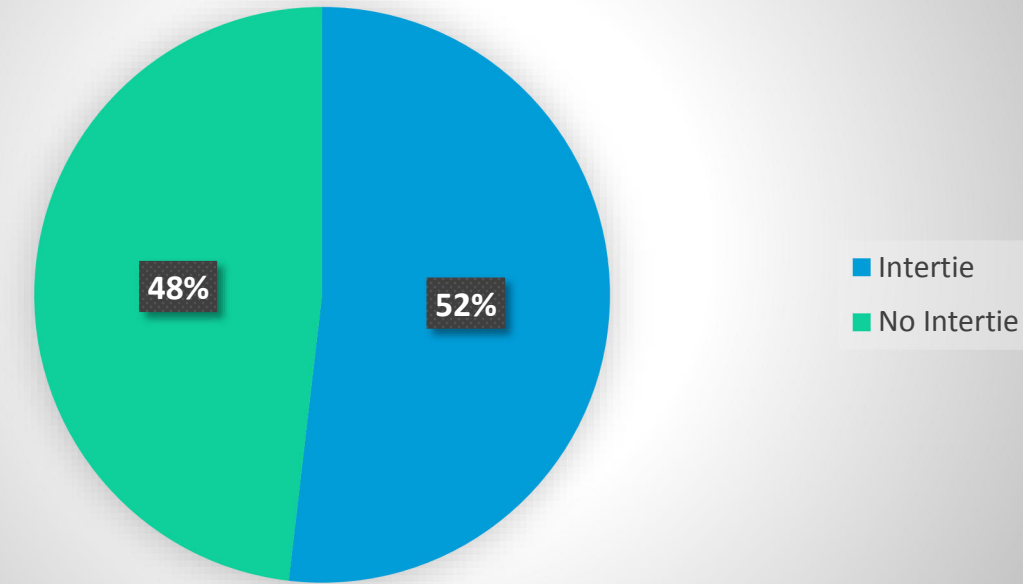
Context for Redundant Water Supply

- Why is supply redundancy important for Newberg?
 - Single source of supply
 - No interties
- How does Newberg compare to other communities?
 - 15,000 – 40,000 people
 - 26 water systems in Oregon of similar size
 - Emergency intertie or 2nd supply

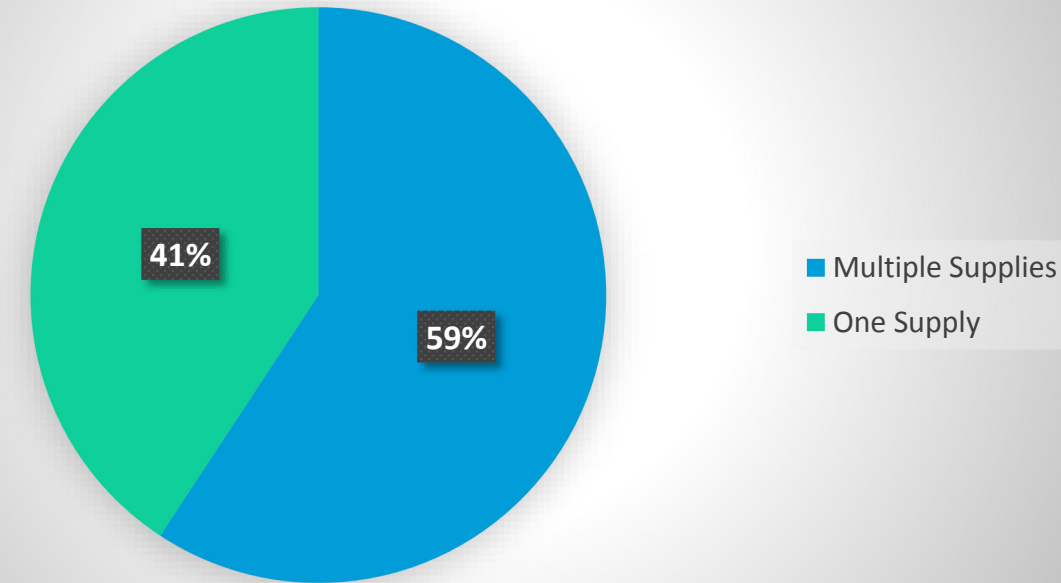
Background and Project Context

Water Provider	Emergency Interties	Second Source
Lake Oswego	X	
Keizer	X	X
Grants Pass		
McMinnville W&L		X
Redmond		X
Tualatin	X	X
West Linn	X	
Woodburn		X
Forest Grove	X	X
Wilsonville	X	X
Roseburg		
Klamath Falls		X
Ashland	X	X
Milwaukie	X	X
Sherwood	X	X
Central Point	X	X
Canby		
Hermiston		
Pendleton		X
Oak Lodge WSD	X	
Troutdale	X	X
Lebanon		
Coos Bay-North Bend		
Dallas		
The Dalles		X
Clackamas River Water	X	
Rockwood Water PUD	X	X
Total (%)	52%	59%

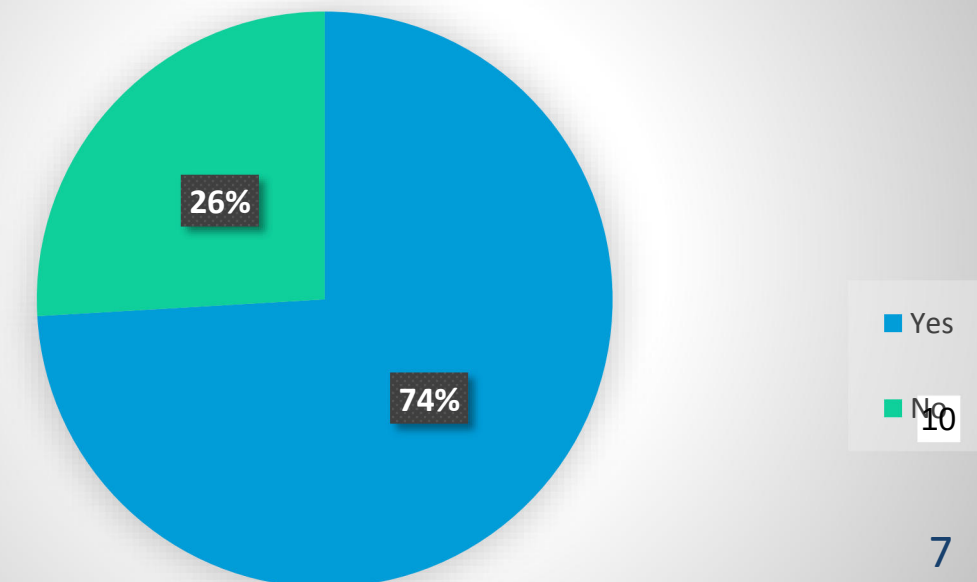
Emergency Intertie



Supply Redundancy

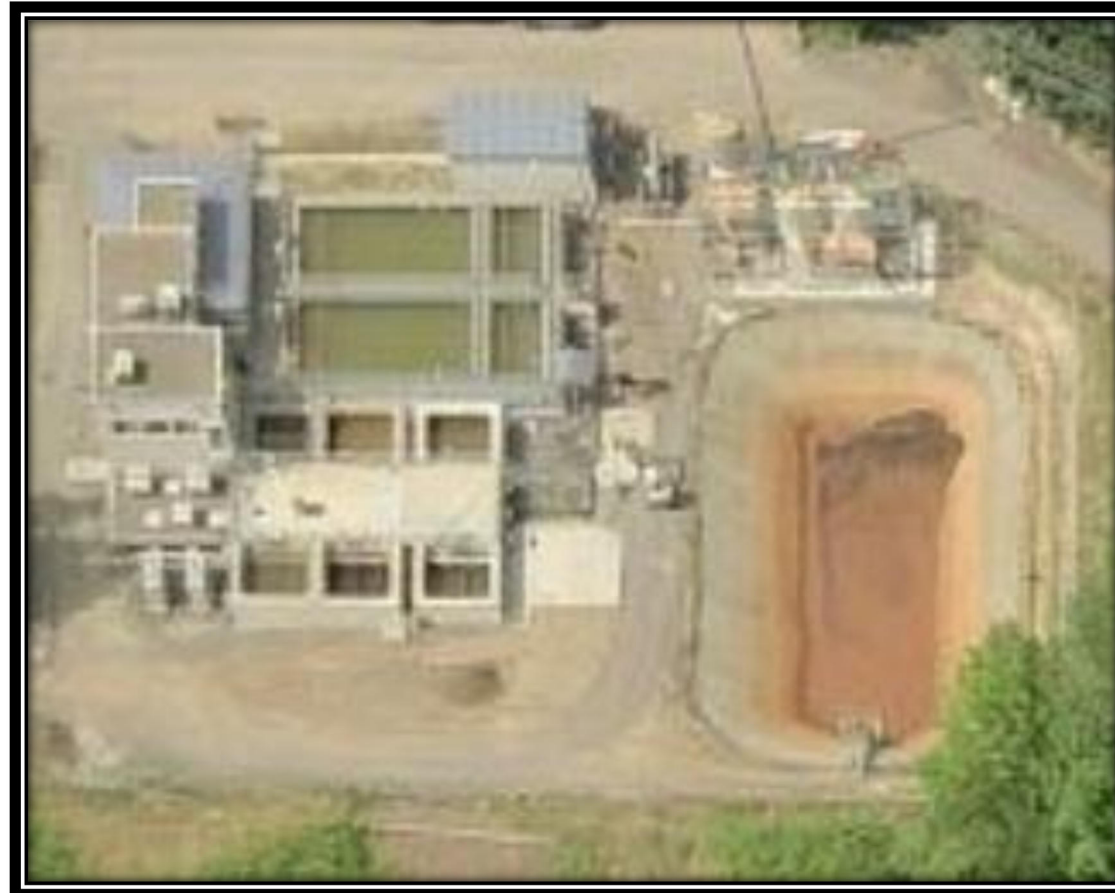


Redundancy OR Emergency Intertie



Newberg's Risks and Vulnerabilities

- Existing Supply System
 - Wellfield
 - Transmission
 - WTP Site





Importance of Planning Today

- Existing Supply System Risks are Being Quantified
 - WTP and Bridge Transmission Main Condition Study
 - Seismic Resilience Study
- Near-term Regional Water Supply Partnership Opportunities



Understanding what's important to the community

- What does redundancy mean?
- What will it cost? And are the benefits worth it?
- How do these values translate to technical evaluation criteria?

Monetary Criteria

1. Capital Cost
2. Life-cycle Cost
3. Ability to Fund with SDCs
4. Opportunity for Cost Sharing

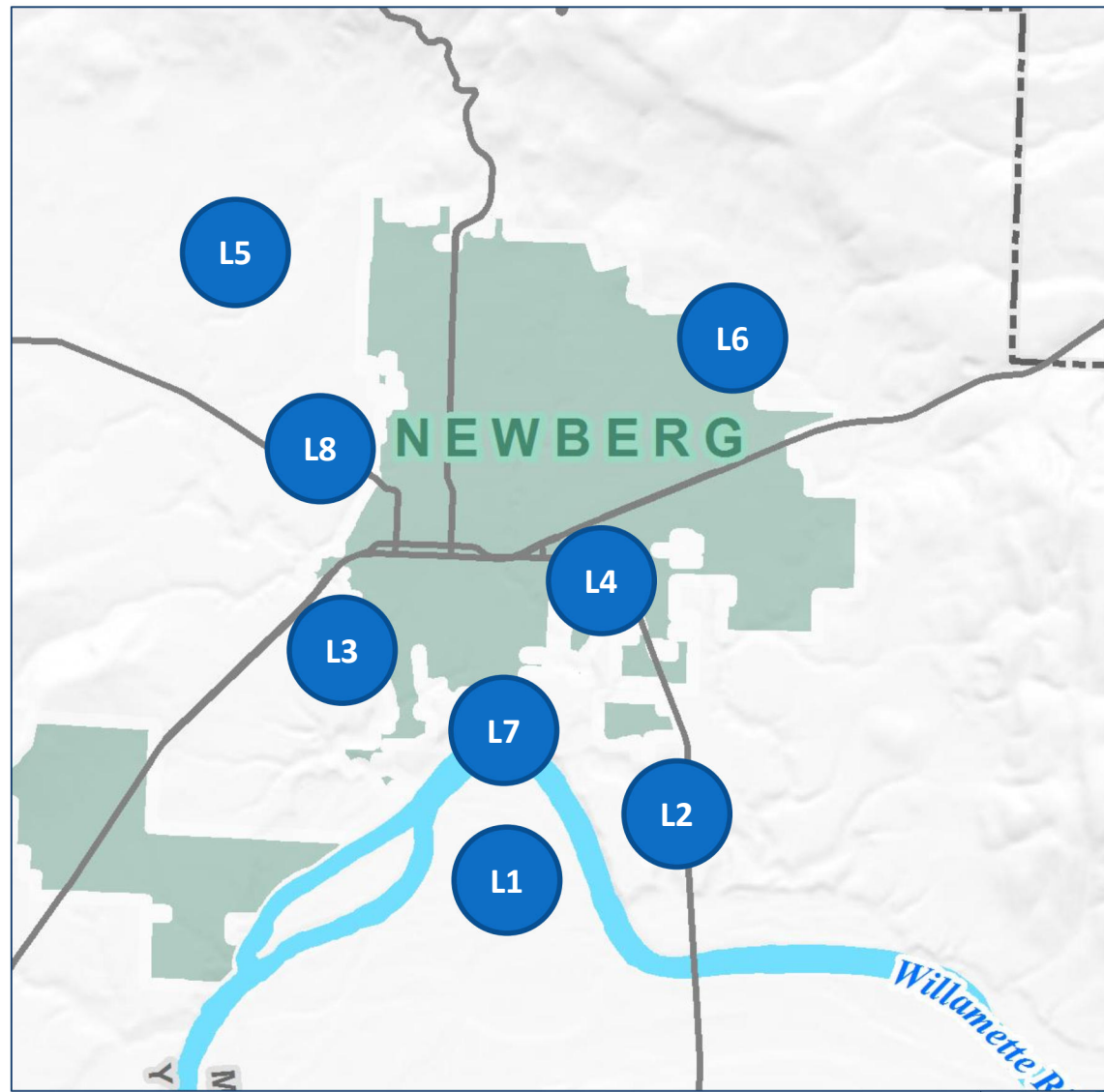


Non-Monetary Criteria

1. Reliability
2. Ownership
3. Operational Complexity
4. Implementation Risk
5. Source Water Quality
6. Phasing Potential
7. Control of Timeline
8. Ability to meet long-term year-round demands

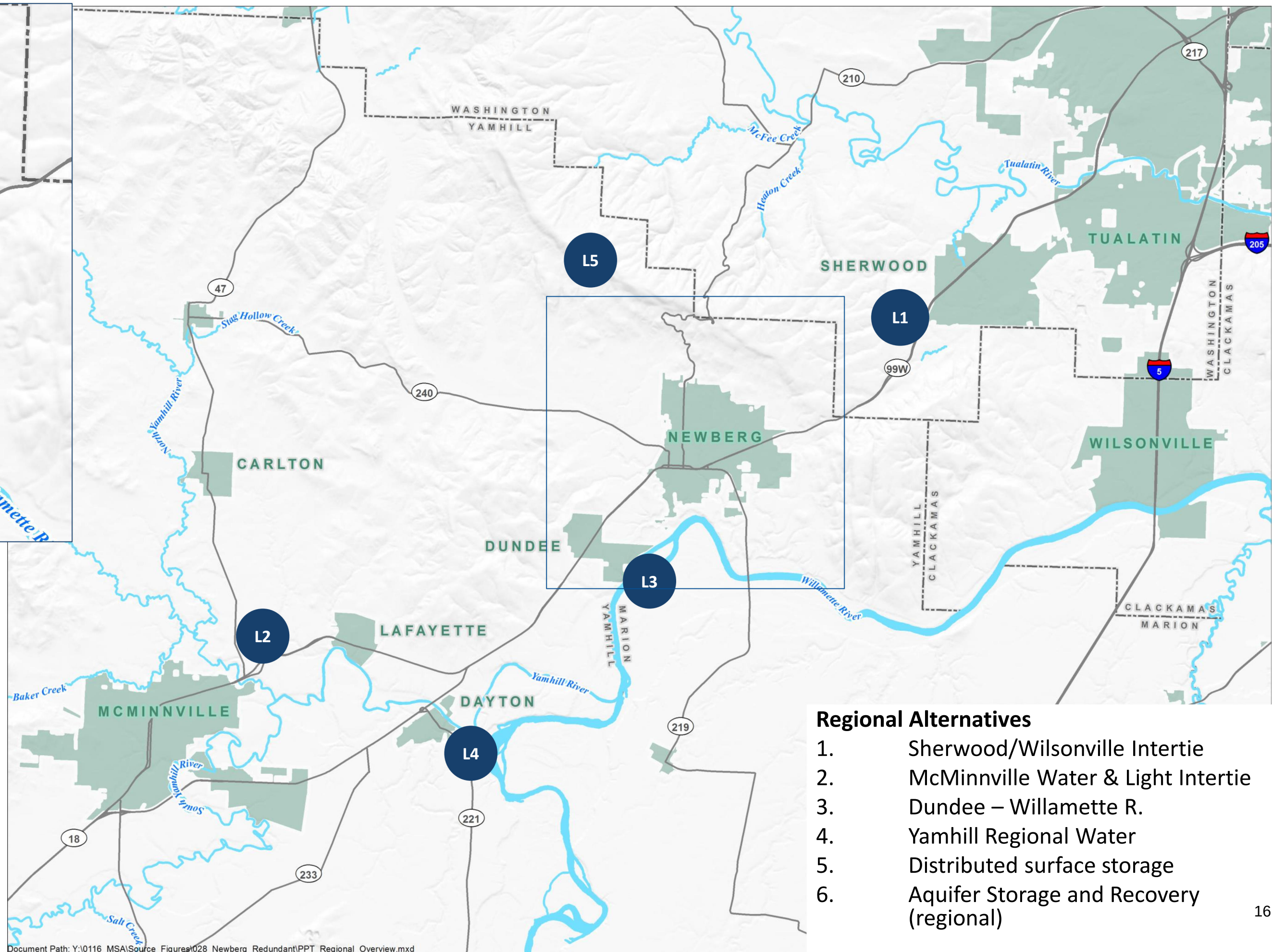
Categories of Alternatives

1. Local (Newberg) vs. Regional (involves external party)
2. Redundancy vs. Emergency only
3. Existing/Planned vs. New/Conceptual
4. Source type (e.g. surface water, groundwater)



Local Alternatives

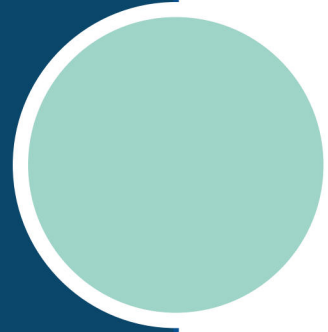
1. Groundwater South
2. Groundwater North
3. Willamette River
4. Reuse
5. Dispersed Surface Water
6. Dispersed Groundwater
7. Westrock
8. Aquifer Storage and Recovery (local)



Regional Alternatives

1. Sherwood/Wilsonville Intertie
2. McMinnville Water & Light Intertie
3. Dundee – Willamette R.
4. Yamhill Regional Water
5. Distributed surface storage
6. Aquifer Storage and Recovery (regional)

Document Path: Y:\0116_MSA\Source_Figures\028_Newberg_Redundant\PPT_Regional_Overview.mxd



- Formation of a Water Sub-committee (Council Action)
- Workshop with Staff and Council Sub-committee
 - Draft Goals
 - Define Stakeholder Involvement Strategy
- City Council Work Session #2
- Phase 2 Scope of Work
 - Community Input (Phase 1B)
 - Redundant Supply Options Evaluation





Q&A



**City Council Business Session
June 17, 2019 - 7:00 PM
Public safety building 401 east third street**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. RECOGNITION OF LIBRARY DIRECTOR LEAH GRIFFITH**
- 5. CITY MANAGER'S REPORT**
- 6. COUNCIL APPOINTMENTS**
 - 6.A RCA Planning Commission Appointment
[RCA - Planning Commission Appointment 2019-0617 - Kriss Wright.pdf](#)
- 7. PUBLIC COMMENTS**
- 8. CONSENT CALENDAR**
 - 8.A Resolution 2019-3556, A Resolution approving new designs and replacement of the existing downtown banners with new winter and spring banners
[RCA 2019-3556.doc](#)
[Narrative for Banners - GFU - City - review copy \(002\).pdf](#)
 - 8.B Resolution 2019-3570, A Resolution accepting a 2019 Certified Local Government (CLG) grant from the State Historic Preservation Office.
[RCA Res 2019-3570.pdf](#)
- 9. PUBLIC HEARINGS**
 - 9.A Resolution 2019-3568, Resolution recommending that Yamhill County approve a proposed partition on NE Bell Road, Yamhill County tax lot no. 3209-01000.
[RCA Troodle Partition.pdf](#)
 - 9.B Resolution 2019-3569, A Resolution authorizing an exemption to the solicitation method and authorizing a sole source procurement to TriTech Software Systems, a Central Square Technologies, LLC Company, for a Public Safety CAD/Mobile/RMS Software upgrade.

[2019-0610 RCA Resolution 2019-3569 v3 \(002\).doc](#)

- 9.C Order 2019-0039 - An Order Amending Order No. 2014-0035, which Established a Public Safety Fee (PSF) in the Amount of Two (\$2.00) Dollars per Residential Meter Equivalency (RME) per Month for the Purpose of Funding Two Communications Officer Positions, by Replacing the Discontinued Consumer Price Index with a New Index
[2019-06-17 RCA & Order 0039 for COPSF CPI Update.pdf](#)

10. NEW BUSINESS

- 10.A UGB Program Next Steps
[061719 CC UGB Next Steps.pdf](#)
- 10.B Resolution 2019-3571, A resolution authorizing the City Manager to release a pedestrian easement on Lot 1 of Oak Meadows II (Parcel 2 of PAR-17-002)
[RCA Reso 3571.doc](#)
[Exhibit 1 with Exhibits.pdf](#)
[Attachment 1.pdf](#)
[Attachment 2.pdf](#)
[Attachment 3.pdf](#)
[Attachment 4.pdf](#)
[Attachment 5 - Application.pdf](#)
- 10.C Resolution 2019-3574, Municipal Services (Utility) Assistance Policy Update
[RCA Motion for Res 3574.pdf](#)
- 10.D City Manager Recruitment subcommittee
[RCA Motion CM Recruitment Subcommittee direction.doc](#)
[Attachment B - Doodle Poll Results.pdf](#)
- 10.E Resolution 2019-3577, Procedures for Hiring of a City Manager Pro Tem
[RCA Res 3577 2019 CM Pro Tem procedures](#)
- 10.F Resolution 2019-3578 City Manager recruitment firm RFP
[RCA Res 3578 2019 CM Recruitment rfp + processes.doc](#)

11. COUNCIL BUSINESS

- 11.A Council Committee Reports
- 11.B City Manager Search subcommittee update

12. ADJOURNMENT

ADA STATEMENT

Contact the City Recorder's Office for physical or language accommodations at least 2 business days before the meeting. Call (503) 537-1283 or email cityrecorder@newbergoregon.gov. For TTY services please dial 711.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____ Ordinance ____ Resolution ____ Motion XX Information ____
No. No. No.

SUBJECT: Appoint Kriss Wright to the City of Newberg Planning Commission.

Contact Person (Preparer) for this
Motion: Mayor Rick Rogers
Dept.: Mayor

RECOMMENDATION:

To consent to the appointment by the Mayor, of Kriss Wright to the Newberg Planning Commission for a term effective immediately to December 31, 2019.

EXECUTIVE SUMMARY:

The Newberg Planning Commission comprises of eight citizens with one position open, previously held by Mr. Zach Pelz. The Commission hears requests for annexations, comprehensive plan changes, zone changes, conditional use permits, appeals, and other land use applications.

Kriss is a five-year resident of Newberg and is employed as a research scientist. Kriss is a Portland State University Alumni where she studied geology, biodiversity, GIS mapping, and other sciences. She has a family background in development, as her father helped build and develop areas of Newberg. Kriss looks forward to contributing ideas to the commission that ensures a livable, thriving city.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

The Newberg Planning Commission serves a very important role in the betterment of our community and downtown making our City government viable and a great place to grow.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____ No.	Ordinance ____ No.	Resolution <u>XX</u> No. 2019-3556	Motion ____	Information ____
-------------------	-----------------------	---------------------------------------	-------------	------------------

SUBJECT: A Resolution approving new designs and replacement of the existing downtown banners with new winter and spring banners

Contact Person (Preparer) for this
Motion: Keith Leonard, Associate Planner
Dept.: Community Development
File No.: MISC119-0016

RECOMMENDATION:

Adopt Resolution No. 2019-3556 approving the replacement of the existing spring and winter seasonal downtown banners with new banner designs.

EXECUTIVE SUMMARY:

On January 5, 2005, the Newberg City Council adopted Resolution No. 2005-2553, which created the downtown street banner program by approving the initial spring and fall banner designs and adopted an official Newberg slogan of “Newberg – Home of George Fox University”. Subsequent Resolutions (2005-2579, 2005-2607) approved summer and winter banner designs.

In 2010, the Newberg City Council adopted Resolution No. 2010-2903, approving a new design for the fall banners, which were designed and paid for by George Fox University (GFU).

On May 16, 2016, the Newberg City Council adopted Resolution No. 2016-3288, which approved a banner design celebrating GFUs 125th anniversary. The 125th anniversary banners were hung in August of 2016 and remained for one year. After one year the seasonal banners were hung.

The winter and spring banners are almost 15 years old and colors have faded. The current fall banners are approximately 9 years old and will continue to be used. GFU is requesting approval for new spring and winter banner designs (Exhibit A). The proposed banners will be the same size as the current banners. GFU is willing to cover all printing and delivery expenses.

The two referral review agencies that are pertinent for review of the downtown banners are PGE and ODOT. Both of the aforementioned review agencies have reviewed and approved the banner proposal.

FISCAL IMPACT:

The Newberg Public Works Department currently handles all banner changes, and would be in charge of hanging the new banner as well. GFU would pay for the design and fabrication of the new banners. Therefore, there is not a fiscal impact to the city.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

Approval of the Resolution supports City Council Goal 11: “Implement Newberg Economic Development Strategy”

The 2016 Newberg Economic Development Strategy (NEDS) Commercial Sector section is applicable. The NEDS has one strategy and two action items that are related to implementing the Newberg Downtown Improvement Plan (NDIP) that apply:

Strategy 2.1 Revitalization of Downtown Newberg

Action 6 – Implement the recommendations from the Newberg Downtown Improvement Plan

Action 9 – On-going implementation of recommendations from the Newberg Downtown Improvement Plan

Page 33 and 34 of the Newberg Downtown Improvement Plan (NDIP) discusses the importance of signage. On page 33 it talks about signage “signaling a sense of arrival to a special area”. The seasonal banners provide a signal that you are in a special place or Downtown Newberg.



RESOLUTION No. 2019-3556

**A RESOLUTION APPROVING TWO NEW DESIGNS FOR WINTER AND
SPRING AND ONE REPLACEMENT OF THE CURRENT FALL BANNER**

RECITALS:

1. The Newberg City Council approved the downtown street banner program in 2005 through adoption of Resolutions No. 2005-2553, 2005-2579, and 2005-2607. The program is a collaboration between the City of Newberg and George Fox University, and the city adopted the slogan of “Newberg – Home of George Fox University” in order to support the banner program and to allow George Fox University’s name and/or logo to be included on the banners. The Resolutions approved four designs, one for each season, with the banners to be changed out quarterly.
2. In 2010, the City Council approved Resolution No. 2010-2903 approving a new design for the fall banners, which were designed and paid for by George Fox University.
3. In 2016, City Council approved Resolution No. 2016-3288 approving a banner design celebrating George Fox University’s 125th anniversary, which was hung for one year. These banners were paid for by George Fox University.
4. George Fox University is now requesting City Council approval to replace the spring and winter seasonal banners. The spring and winter banners will have updated designs. George Fox University will pay for the design and fabrication of the new banners.
5. Both ODOT and PGE reviewed and approved the replacement of the spring and winter banners.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The new spring and winter banners are approved to replace the current spring and winter banners in the downtown area, with the designs as shown in Exhibit “A”.
2. Exhibit “A” is hereby attached and by this reference approved.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 18, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of June, 2019.

Sue Ryan, City Recorder

ATTEST by the Mayor this 20th day of June, 2019.

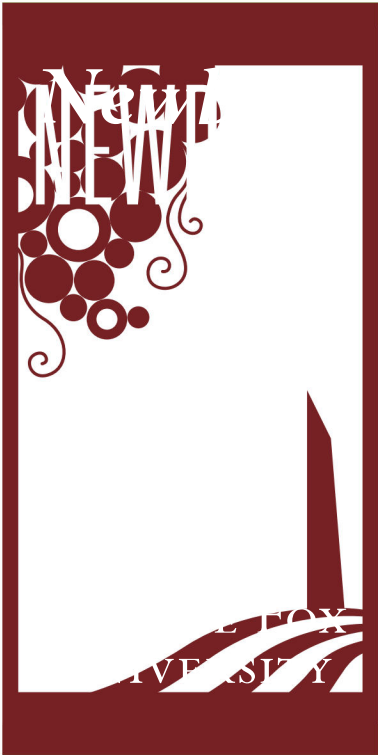
Rick Rogers, Mayor

Narrative

On January 5, 2005, the Newberg City Council adopted Resolution No. 2005-2553, which created the downtown street banner program by approving the initial spring and fall banner designs and adopted an official Newberg slogan of “Newberg – Home of George Fox University”. Subsequent Resolutions (2005-2579, 2005-2607) approved summer and winter banner designs. In 2010, the

Newberg City Council adopted Resolution No. 2010-2903, approving a new design for the fall banners, which were designed and paid for by George Fox University. In May, 2016, the City Council approved a banner design celebrating the University’s 125th anniversary. This design was displayed for one year. The original banners have been displayed since, except for times when replaced by banners for special events, such as Special Olympics, Race for the Cure or holiday decorations.

George Fox University appreciates the partnership we've had with the City of Newberg on the downtown banners. The winter and spring banners are almost 15 years old and colors have faded. George Fox is requesting approval for two new seasonal designs (see attachment), which are the same size as existing banners. The university is willing to cover all printing and delivery expenses.



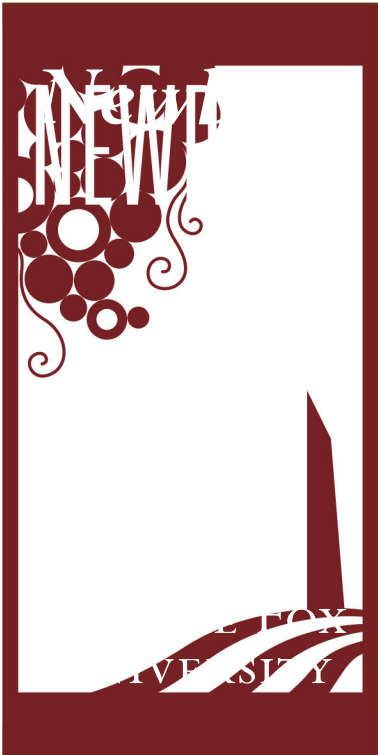
Current fall banner



Current winter banner



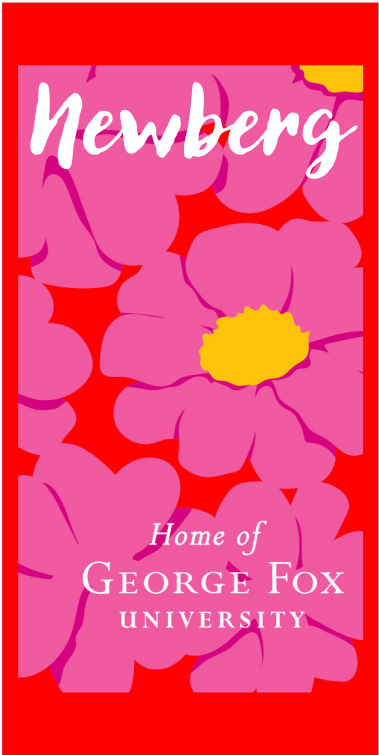
Current spring banner



Current fall banner
(remains the same)



New winter banner
mockup



New spring banner
mockup

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____ No.	Ordinance ____ No.	Resolution <u>XX</u> No. 2019-3570	Motion ____	Information ____
-------------------	-----------------------	---------------------------------------	-------------	------------------

SUBJECT: A resolution accepting a 2019 Certified Local Government (CLG) grant from the State Historic Preservation Office (SHPO) for funds to complete an inventory of historic features including sidewalks stamps, mail posts, curb stamps, horseshoe rings, and historic rail tracks

**Contact Person (Preparer) for this Motion: Keshia Owens, Assistant Planner
Dept.: Community Development
File No.: GRNT19-0001**

RECOMMENDATION:

Adopt Resolution 2019-3570

EXECUTIVE SUMMARY:

The City of Newberg was designated a “Certified Local Government” (CLG) by the State Historic Preservation Office (SHPO) in 2014, which made the City eligible to apply for CLG grant funds. The City of Newberg has applied for a 2019 CLG grant through the State Historic Preservation Office to survey historic features in and around the downtown area. The CLG grant application deadline was February 22, 2019, which staff has met, and requires a 100% local match (in money or staff time).

The Historic Preservation Commission asked staff to start a project that documents historic sidewalk features and determined an inventory of historic features in and around downtown Newberg would be best. The survey will include historic features throughout downtown Newberg like sidewalk and curb stamps, mail posts, horseshoe rings, and historic rail tracks. City staff has contacted a number of consultants to determine the best organization for performing the historic inventory work. The chosen consultant will research the history of the items, document the location and GIS coordinates, prepare public presentations, progress reports, and follow-up with SHPO and the National Park Service throughout the nomination process.

The award is for a \$6,000.00 CLG grant, which will be matched by \$6,000.00 of General Fund money to hire a consultant and conduct inventory work.

FISCAL IMPACT:

The Planning Division fund has \$6,000 in professional services for FY 19/20 as a match for the grant.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM MARCH 2016):

Not applicable.



RESOLUTION No. 2019-3570

A RESOLUTION ACCEPTING A 2019 CERTIFIED LOCAL GOVERNMENT (CLG) GRANT FROM THE STATE HISTORIC PRESERVATION OFFICE (SHPO) FOR FUNDS TO CONDUCT AN INVENTORY OF HISTORIC FEATURES INCLUDING SIDEWALKS STAMPS, MAIL POSTS, CURB STAMPS, HORSESHOE RINGS, AND HISTORIC RAIL TRACKS.

RECITALS:

1. The City of Newberg was designated a CLG by SHPO in 2014, and thus is eligible to apply for CLG grants. The deadline for the CLG grant application was February 22, 2019.
2. The Historic Preservation Commission decided the best use of the CLG funds would be to create an inventory of historical features in and around downtown Newberg. The Planning Division fund has \$6,000 in professional services for fiscal year 19/20, which will be used as a 100% local match for the grant.
3. After City Manager authorization, staff will enter into an agreement with SHPO for a \$6,000.00 CLG grant to be used to hire a historic preservation consultant. The consultant will create an inventory of historic features, write progress reports, and give related presentations to the public.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City of Newberg supports the preservation of historic features such as sidewalk stamps, curb stamps, horseshoe rings, mail posts, and historic rail tracks in Newberg.
2. The City of Newberg therefore accepts the 2019 CLG grant for \$6,000.00 from SHPO to be used for the creation of an inventory of historic features throughout downtown Newberg.
3. The City Manager is authorized to negotiate and execute necessary contracts associated with the award from the grant application.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 18, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon this 17th day of June, 2019.

Sue Ryan, City Recorder

ATTEST by the Mayor this 19th day of June, 2019.

Rick Rogers, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____	Ordinance ____	Resolution <u>XX</u>	Motion ____	Information ____
No.	No.	No. 2019-3568		

SUBJECT: A Resolution recommending that Yamhill County approve a proposed partition on NE Bell Road, Yamhill County tax lot no. 3209-01000.

**Contact Person (Preparer) for this Motion: Cheryl Caines, Senior Planner
Dept.: Community Development
File No.: GEN19-0010**

HEARING TYPE: QUASI-JUDICIAL

RECOMMENDATION: Adopt Resolution No. 2019-3568, recommending that Yamhill County approve the proposed partition on NE Bell Road (Yamhill County tax lot no. 3209-01000).

EXECUTIVE SUMMARY: On May 7, 2019 the City of Newberg received a copy of a partition application to divide a property (Yamhill County tax lot no. 3209-01000) on NE Bell Road into three parcels. The property is located outside the city limits, but inside the Newberg Urban Reserve Area. This site is adjacent to tax lot 1001 on which Newberg City Council recommended approval of a three lot partition in February 2019 (Bell Road Partition, GEN19-0001). That partition is shown on the tentative partition plat. The current zoning is Yamhill County VLDR-2.5. There is no city comprehensive plan designation for the site since it is not within the Newberg urban growth boundary.

Yamhill County has jurisdiction over the site, and will make the final decision on the partition application. The Newberg Urban Area Growth Management Agreement states that the City Council shall make a recommendation to the County on land use applications, including partitions, within the urban growth boundary. The City has 60 days from the receipt of the application to make a recommendation.

The site is located on NE Bell Road, Yamhill County tax lot no. 3209-01000. It is approximately 7.58 acres and used for farming. The proposal is to divide the property into three parcels ranging from 2.28 to 2.65 acres in size.

The City's intent in the Urban Area Growth Management Agreement is to recommend that the County only allow development in the Urban Reserve Area that is limited in scope and consistent with the future urban development of the property. The site is in the Urban Reserve Area, so at some point in the future it is anticipated that the property may be annexed into the city. The proposed partition would not preclude the future urbanization and development of the rest of the property. The applicant's future development plan shows an example of how the site, along with the adjacent site (Yamhill County tax lot no. 3209-01001), which was previously approved for partitioning, could be developed if someday annexed into the city. An exact lot layout is not proposed but a street network showing how access could be provided to smaller blocks is shown along with potential locations of one single-family home on each of the partitioned parcels. No new homes are proposed with this application. The applicant is not bound by this future development plan; however, it shows one way the site could be developed to city development standards in the future.

The proposal was reviewed by Public Works – Engineering Services staff. Comments on the proposal are found in Attachment 3. City services will not be provided to serve the partition since the site is outside the city. The applicant has indicated that any future homes on the three parcels will be served by private wells and septic.

Staff recommends that the City Council approve Resolution 2019-3568, which recommends that Yamhill County approve the requested partition.

FISCAL IMPACT: There is no fiscal impact to the City from the partition.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM SEPTEMBER 2017):
Not applicable.

ATTACHMENTS:

Resolution No. 2019-3568 with

Exhibit A: Partition & future development plan

Exhibit B: Location Map with Comprehensive Plan

Exhibit C: Findings

1. Yamhill County Partition Application
2. Applicant's Materials Submitted May 13, 2019
3. Comments from City of Newberg – Engineering Services



RESOLUTION No. 2019-3568

**A RESOLUTION RECOMMENDING THAT YAMHILL COUNTY APPROVE
A PROPOSED PARTITION ON NE BELL ROAD, YAMHILL COUNTY TAX
LOT NO. 3209-01000.**

RECITALS:

1. On May 7, 2019 the City of Newberg received a copy of a partition application to divide a property on NE Bell Road into three parcels. The property is located outside the city limits, but inside the Newberg Urban Reserve Area. The current zoning is Yamhill County VLDR-2.5. There is currently no city comprehensive plan designation on the property.
2. Yamhill County will make the final decision on the partition application. Under the terms of the Newberg Urban Area Growth Management Agreement, the City Council shall hold a quasi-judicial hearing and make a recommendation to the County within 60 days of receiving a copy of the application.
3. The site is located on NE Bell Road (no site address), Yamhill County tax lot no. 3209-01000. It is approximately 7.58 acres and is vacant. The proposal is to divide the property into three parcels ranging in size from 2.28 to 2.65 acres. The future development plan shows potential home locations on the three parcels and how the site could potentially be developed to city development standards if it was annexed into the city.
4. Notice of the hearing was posted in the *Newberg Graphic* and in four public places on June 5, 2019.
5. The Newberg City Council held a hearing on June 17, 2019 to consider the partition proposal. The City Council finds that the proposal is limited in scope, and consistent with the future urban development of the property.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council finds that the proposed partition, as shown in Exhibit A, meets the criteria for development within the Newberg Urban Reserve Area and adopts the findings, which are attached hereto as Exhibit C. Exhibits A, B and C are hereby adopted and by this reference incorporated.
2. The City Council recommends that Yamhill County approve the proposed partition on NE Bell Road, Yamhill County tax lot 3209-01000.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 18, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of June, 2019.

Sue Ryan, City Recorder

ATTEST by the Mayor this 20th day of June, 2019.

Rick Rogers, Mayor

EXHIBIT A: PARTITION & FUTURE DEVELOPMENT PLANS

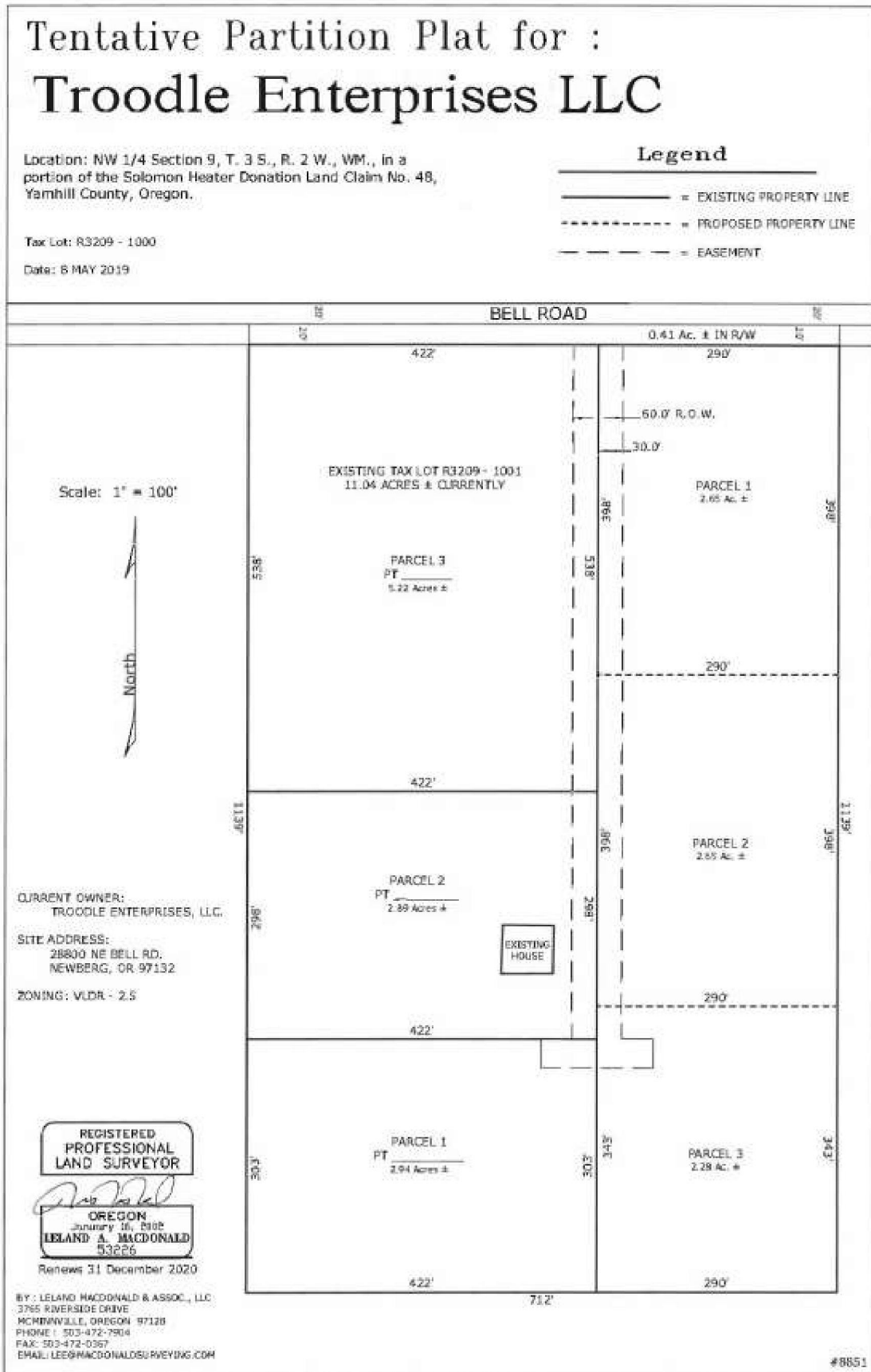


EXHIBIT B: COMPREHENSIVE PLAN MAP –NE Bell Road
The city limits boundary is in red, urban growth boundary line is in yellow, and the urban reserve boundary line is in green.
The property does not have a Newberg comprehensive plan designation.

EXHIBIT C: FINDINGS

The applicable Newberg Urban Area Growth Management Agreement criteria are:

The City recommends that that the County only allow development in the Urban Reserve Area “*that is limited in scope and that is consistent with the future urban development of the property.*”

1. Future Development Plan: The City Council shall recommend approval, recommend approval with conditions, or recommend against the future development plan in accordance with the following criteria:

(a) The current development shall not cause more than 10 percent of the property to be used for site improvements including buildings, parking areas, improved recreation areas, and storage areas, unless the City agrees the development intensity will not prohibit future urban development.

(b) The future development plan shall allow for the efficient future urban development of the remainder of the property. It shall allow for construction of future urban streets and utilities, and shall allow for required setbacks to current and future property lines.

(c) The plan is consistent with adopted plans and policies for the area, such as street or utility plans and policies in this agreement.

B. Submittal Requirements

1. A future development plan shall be required for any development in the Urban Reserve Area requiring a Yamhill County Type B or Type C review, excluding any development that involves a change in use to existing buildings only. The future development plan shall be used solely to evaluate the current proposal's compatibility with potential future urban development. It does not bind or commit the applicants, property owners, review bodies, or governing bodies to approve or carry out the proposed future development.

2. The future development plan shall show how the property could be fully developed when incorporated into the city. The plan shall be drawn to scale and shall include the following:

(a) The location of potential future streets within and surrounding the site.

(b) The location of potential future sewer, water and storm drainage facilities within and surrounding the site.

(c) The location and approximate dimensions of potential future lot lines.

(d) Setback lines for proposed structures from current and proposed property lines.

Findings: The site is located on NE Bell Road (Yamhill County tax lot No. 3209-01000). It is approximately 7.58 acres and is used for farming. The property is outside of the Newberg city limits and urban growth boundary but within the Urban Reserve Area. The site has County VLDR-2.5 zoning but no City Comprehensive Plan designation. The applicant is applying to Yamhill County for approval to partition the property into three parcels ranging from 2.28 to 2.65 acres in size. A new public right-of-way extending south from NE Bell Road (approximately 8.28% of the site) is proposed to serve the partition.

The applicant states new homes are not part of this proposal, but the future development plan shows potential locations of a single-family home on each of the three parcels. These homes would be served by well and septic services. This plan also depicts a new network of 60 foot wide streets that extend through the site to provide access to future lots and adjacent properties, including the three lot partition to the west on tax lot 3209-01001. This partition was recommended for approval by Newberg City Council at a February

19, 2019 public hearing. The blocks created by the streets are large enough to accommodate future development meeting city standards.

The City's intent under the Urban Area Growth Management Agreement is to recommend that the County only allow development in the Urban Reserve Area that is limited in scope and consistent with the future urban development of the property. The proposed partition will not prohibit future urban development. The proposal is limited in scope, and consistent with the future urbanization of the property.

Attachment 1:
Yamhill County Partition Application

Yamhill County Department of Planning & Development

APPLICATION FOR PARTITION

525 NE Fourth Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

Docket

Date

Rec'd by

Receipt #

Fee

P-09-19
 4/29/2019
 [Signature]
 112917
 \$1,992.00

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
Troodle Enterprises, LLC c/o Alex Brown			Troodle Enterprises, LLC c/o Alex Brown		
Last name	First	MI	Last name	First	MI
20152 SW Roy Rogers Rad			20152 SW Roy Rogers Road		
Mailing address (Street or PO Box)			Mailing address (Street or PO Box)		
Sherwood, OR 97140			Sherwood, OR 97140		
City	State	Zip	City	State	Zip
503-998-8908			503-998-8908		
Telephone:			Telephone:		
E-mail address: alex@toddmccabe.com			E-mail address: alex@toddmccabe.com		
PROPERTY INFORMATION					
Tax Lot(s) R320901000			Zone: VLDR 2.5		
Size of original parcel: 7.58 acres			Plan designation:		
PROPOSED PARTITION					
Parcel #1	2.65	acres	Dimensions:	Width:	290
			(Average)	Depth:	398
Parcel #2	2.65	acres	Dimensions	Width:	290
			(Average)	Depth:	398
Parcel #3	2.28	acres	Dimensions	Width:	290
			(Average)	Depth:	343

PROPERTY INFORMATION:

- Is there a septic system on the property? ☐ Yes ☒ No
If yes, which parcel(s) is the septic system on? _____
- How will water be provided? ☒ Well: _____ existing ☒ proposed
☐ On-site spring or creek ☐ Water Association (name) _____
- What road or easement will be used as access? Bell Road
- Is the property in a Fire District? yes Name of Fire District: TVFR
- Is the property within two miles of any city limits? yes If yes, name of city: Newberg

PARTITION APPLICATION
Page 2 of 4

To your knowledge, do any of the following exist on the property?

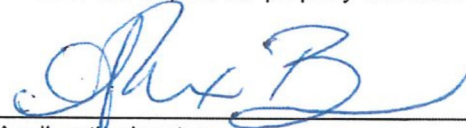
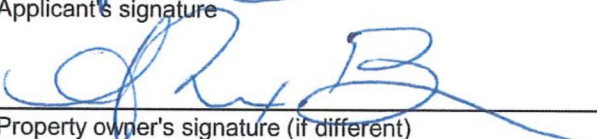
- ☐ Floodplain ☐ Areas of erosion ☐ Steep slopes ☐ Fish or wildlife habitat
☐ Soil limitations for building or septic

6. What is the proposed use of the new parcels (e.g. residence, farm, business)?

Single Family Residential

I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of my knowledge. I understand that issuance of an approval based on this application will not excuse me from complying with other effective ordinances and laws regulating the use of the land and buildings.

I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

<u></u>	<u>4/26/19</u>
Applicant's signature	Date
<u></u>	<u>4/26/19</u>
Property owner's signature (if different)	Date

State of Oregon)
 County of Yamhill)

Signed or attested before me on this 26 day of April, 2019
 by Alexandra Brown, Member of Troodle Enterprises, LLC




 Notary Public for Oregon
 My Commission expires 12-17-21

FIRST AMERICAN TITLE 3127500A



After recording return to:
 Troodle Enterprises LLC
 PO Box 3189
 Newberg, OR 97132

Until a change is requested all tax
 statements shall be sent to the
 following address:
 Troodle Enterprises LLC
 PO Box 3189
 Newberg, OR 97132

File No.: 1032-3127500A (LB)
 Date: April 22, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records	201905113
DMR-DDMR	
Stn=2 MILLSA	04/26/2019 03:23:00 PM
5Pgs \$25.00 \$11.00 \$5.00 \$60.00	\$101.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

STATUTORY SPECIAL WARRANTY DEED

Somar Ranches, LLC, an Oregon limited liability company, Grantor, conveys and specially warrants to **Troodle Enterprises LLC, an Oregon limited liability company**, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. Additional exceptions listed on Exhibit B attached hereto

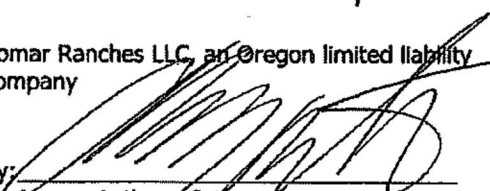
See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$850,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 18 day of April, 2019.

Somar Ranches LLC, an Oregon limited liability company

By: 

Name: Anthony Soter
Title: Member

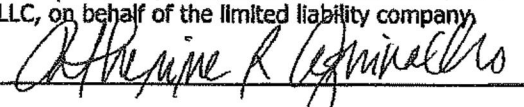
By: 

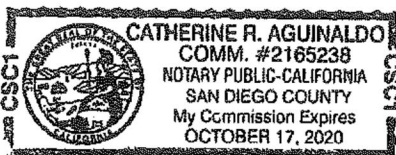
Name: Michelle Soter
Title: Member

STATE OF California

County of SAN DIEGO) ss.

This instrument was acknowledged before me on this 18th day of APRIL, 2019 by Michelle Soter as Member of Somar Ranches LLC, on behalf of the limited liability company.


Notary Public for California
My commission expires: 10/17/20

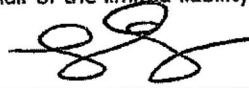
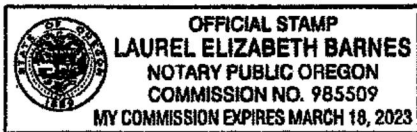


APN: 25680

Statutory Special Warranty Deed
- continuedFile No.: 1032-3127500A (LB)
Date: 04/22/2019

STATE OF Oregon)
)ss.
County of Yamhill)

This instrument was acknowledged before me on this 26 day of April, 2019
by Anthony Soter as Member of Somar Ranches LLC, on behalf of the limited liability company.

Notary Public for Oregon
My commission expires: 3-18-2023

APN: 25680

Statutory Special Warranty Deed
- continuedFile No.: 1032-3127500A (LB)
Date: 04/22/2019**EXHIBIT A****LEGAL DESCRIPTION:** Real property in the County of Yamhill, State of Oregon, described as follows:

A tract of land located in Section 9, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon; in a portion of the Solomon Heater Donation Land Claim No. 48 and in portions of Parcels 1 and 2 of Partition Plat 1996-04, said tract being more particularly described as follows:

Commencing at a point on the north line of said Heater Claim that is West 782.04 feet from the northeast corner thereof (Basis of Bearings Partition Plat 1996-04); thence South 00°01'06" West 25 feet to an iron rod on the south margin of Bell Road marking the northeast corner of Parcel 2 of Partition Plat 1996-04, and the POINT OF BEGINNING; thence South 00°01'06" West 1138.74 feet along the east lines of said Parcels 1 and 2 to an iron rod marking the southeast corner of said Parcel 2; thence North 89°58'02" West 290.00 feet to an iron rod on the south line of said Parcel 2; thence North 00°01'06" East 1138.58 feet to an iron rod on the north line of said Parcel 2, being a point on the south margin of said Bell Road; thence East 290.00 feet to the POINT OF BEGINNING.

TOGETHER WITH and subject to a 30 foot wide ingress, egress and utilities easement as shown on Partition Plat 1996-04, Survey Records of Yamhill County, Oregon.

Exhibit B

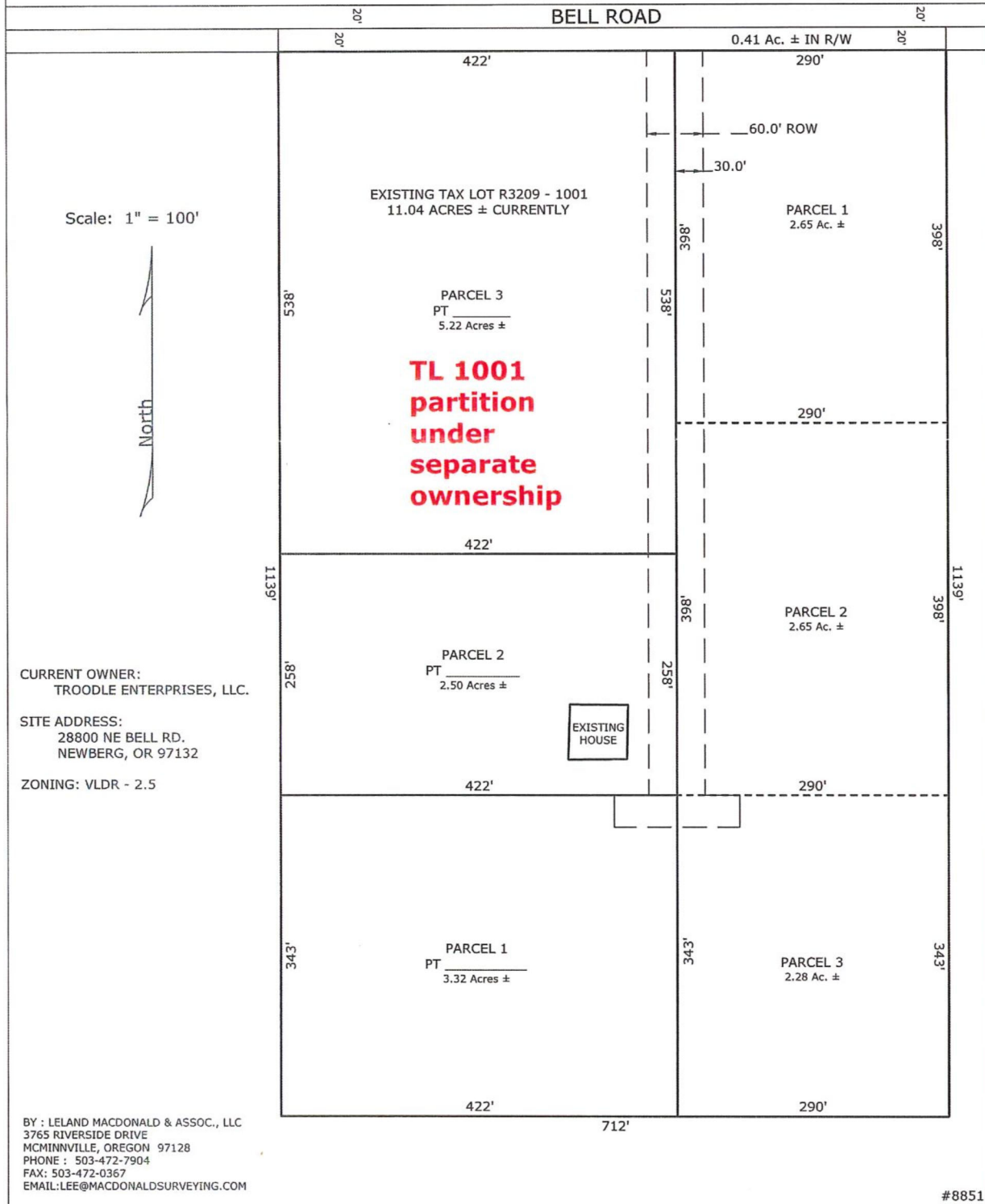
- 1.) Water rights, claims to water or title to water, whether or not such rights are a matter of public record.**
- 2.) The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.**
- 3.) The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.**
- 4.) Thirty foot road and utility easement as shown on Partition Plat 1996-4.**
- 5.) Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act, 1930 (7 U.S.C. §§499a, et seq.) or the Packers and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.**

29

Date: 29 APRIL 2019

Legend

_____ = EXISTING PROPERTY LINE
 - - - - - = PROPOSED PROPERTY LINE
 _____ = EASEMENT



Attachment 2:
Applicant's Materials Submitted May 13, 2019

EXHIBIT A

Applicant's Compliance with Applicable Criteria

**CRITERIA AND SUBMITTALS FOR CITY RECOMMENDATION
REGARDING DEVELOPMENT IN THE URA**

A. Criteria: Generally, the following criteria will be used by the City of Newberg in developing City recommendations regarding land use development in the Urban Reserve Area. It is the City's intent to recommend that the County only allow development in the Urban Reserve Area that is limited in scope and that is consistent with the future urban development of the property.

RESPONSE: As depicted by Exhibit B (Proposed Partition Plat), the proposed Partition Application submitted to Yamhill County will create 3 parcels ranging between 2.28-acres and 2.65-acres in size, and is therefore limited in scope and is consistent with the future urban development of the subject property.

1. Future Development Plan: The City Council shall recommend approval, recommend approval with conditions, or recommend against the future development plan in accordance with the following criteria:

(a) The current development shall not cause more than 10 percent of the property to be used for site improvements including buildings, parking areas, improved recreation areas, and storage areas, unless the City agrees the development intensity will not prohibit future urban development.

RESPONSE: As depicted by Exhibit B (Proposed Partition Plat), the subject property is approximately 330,310 SF (7.58-acres) in the size. The proposed Partition will be served by a new public right-of-way which encompasses 27,358 SF (8.28 %) of area on the subject property. No other structures, or public improvements are proposed by this Partition Application. This criterion is satisfied.

(b) The future development plan shall allow for the efficient future urban development of the remainder of the property. It shall allow for construction of future urban streets and utilities, and shall allow for required setbacks to current and future property lines.

RESPONSE: As depicted by the enclosed Future Development Concept Plan provided as Exhibit C, the proposed development allows for the efficient future urban development of the remainder of the subject property, as well as parcels adjacent to the subject property. The proposed development has considered possible future development patterns in the surrounding area to ensure the proposed development will allow for the future construction of urban streets and utilities to serve future development. No new structures are proposed by this Partition Application. Nevertheless, proposed parcels are of an adequate size to allow future structures to satisfy all applicable setback requirements.

(c) The plan is consistent with adopted plans and policies for the area, such as street or utility plans and policies in this agreement.

RESPONSE: Tax Lot R3209/01001 is adjacent to the subject property to the west. On February 21, 2019 the City of Newberg City Council passed Resolution No. 2019-2528 approving a Future Development Concept Plan, which depicts the future development of Tax Lot R3209/01001, as well as the subject property. This Application requests the City of Newberg City Council approve the same Future Development Concept Plan to permit the Partition of the subject property.

2. The City may recommend that the application be approved with conditions, which may include, but are not limited to: an agreement to annex, a deferred improvement agreement for future public facilities; construction of necessary street improvements, storm drains, or other public facilities; dedication of right-of-way, easements for utilities; special setbacks from planned right-of-ways.

RESPONSE: This Application acknowledges that said Land Use Request may be approved with Conditions of Approval.

B. Submittal Requirements

1. A future development plan shall be required for any development in the Urban Reserve Area requiring a Yamhill County Type B or Type C review, excluding any development that involves a change in use to existing buildings only. The future development plan shall be used solely to evaluate the current proposal's compatibility with potential future urban development. It does not bind or commit the applicants, property owners, review bodies, or governing bodies to approve or carry out the proposed future development.

RESPONSE: A Future Development Concept Plan is provided as Exhibit C.

2. The future development plan shall show how the property could be fully developed when incorporated into the city. The plan shall be drawn to scale and shall include the following:

(a) The location of potential future streets within and surrounding the site.

RESPONSE: The enclosed Future Development Plan provided as Exhibit C, depicts the location of potential future streets on the subject property, which are designed to be extended to and through adjacent properties in the future.

(b) The location of potential future sewer, water, and storm drainage facilities within and surrounding the site.

RESPONSE: The subject property is currently served by well and septic services. Future single-family detached dwelling development associated with the proposed Partition will be served by well and septic services.

(c) The location and approximate dimensions of potential future lot lines.

RESPONSE: The future development of the subject property may provide for the extension of sewer, water and storm drainage facilities at the time of the extension of future roads to and

through the subject property. The enclosed Future Development Concept Plan provided as Exhibit C, depicts the location and approximate dimensions of potential future lot lines.

(d) Setback lines for proposed structures from current and proposed property lines.

RESPONSE: There are no new structures proposed by this Land Use Application. Nevertheless, proposed parcels are of an adequate size to allow for future structures to satisfy all applicable setback requirements.

EXHIBIT B

Proposed Partition Plat (R3209/01000)

Tentative Partition Plat for : Troodle Enterprises LLC

Location: NW 1/4 Section 9, T. 3 S., R. 2 W., WM., in a portion of the Solomon Heater Donation Land Claim No. 48, Yamhill County, Oregon.

Tax Lot: R3209 - 1000

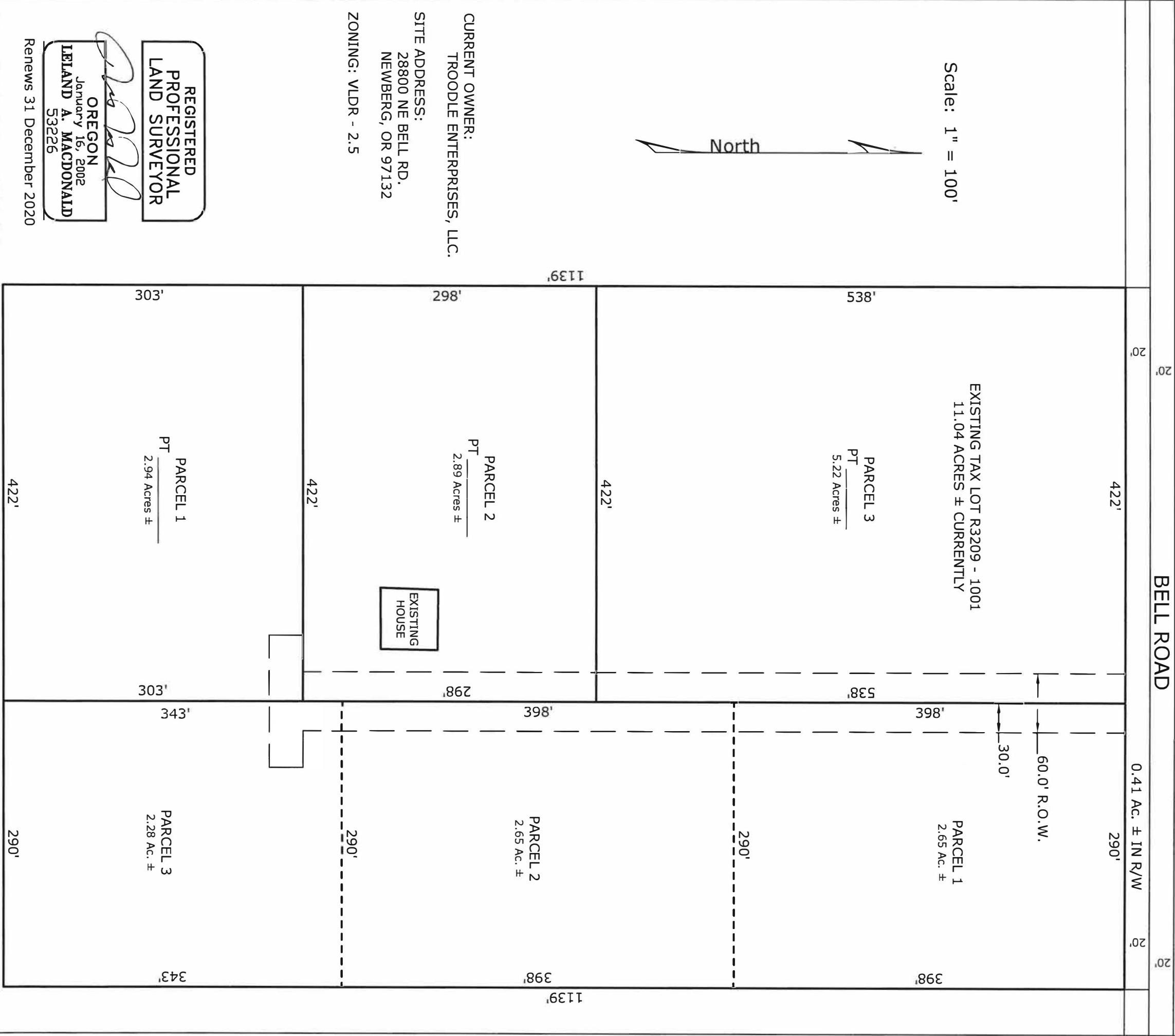
Date: 8 MAY 2019

Legend

= EXISTING PROPERTY LINE

= PROPOSED PROPERTY LINE

= EASEMENT



CURRENT OWNER:
TROODLE ENTERPRISES, LLC.

SITE ADDRESS:
28800 NE BELL RD.
NEWBERG, OR 97132

ZONING: VLDR - 2.5

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2020

BY : LELAND MACDONALD & ASSOC., LLC
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE : 503-472-7904
FAX: 503-472-0367
EMAIL:LEE@MACDONALDSURVEYING.COM

EXHIBIT C

Future Development Concept Plan

Future Development Concept Plan
Troodle Enterprises

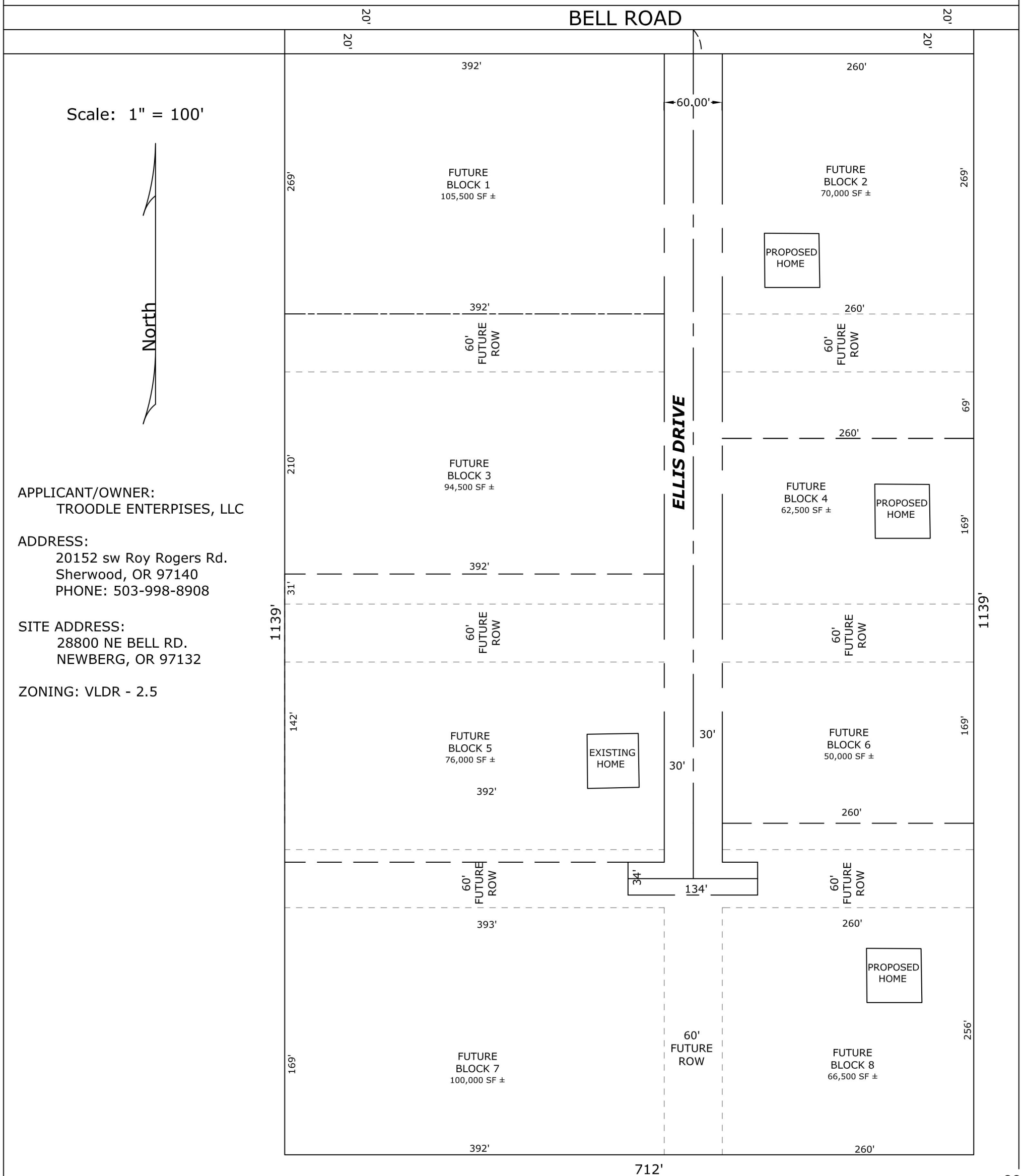
Location: NW 1/4 Section 9, T. 3 S., R. 2 W., WM., in a portion of the Solomon Heater Donation Land Claim No. 48, Yamhill County, Oregon.

Tax Lot: R3209 - 1000

Date: 13 MAY 2019

Legend

- _____ = EXISTING PROPERTY LINE
 _____ — _____ = PROPOSED RIGHT OF WAY LINE
 _____ — _____ — _____ = PROPOSED PROPERTY LINE
 — — — — — = FUTURE ROW LINE



Attachment 3:
Comments from City of Newberg – Engineering Services



P.O. Box 970 • 414 E. First Street • Newberg, Oregon 97132 • 503.537.1273 • Fax 503.537.1277

TO: CHERYL CAINES, CITY OF NEWBERG COMMUNITY DEVELOPMENT
DEPARTMENT

FROM: BRETT MUSICK, PE

SUBJECT: GEN19-0010 (P-09-2019 County), 28800 NE Bell Road Partition, Tax Lot R3209
01000

DATE: MAY 29, 2019

The applicant shall be aware that the proposed partition within the City of Newberg Urban Reserve Area, and outside of the Urban Growth Boundary, will not be served by City public utility services, including wastewater and water, until those utilities are available to serve the area and the site has been annexed into the City of Newberg.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____ Ordinance ____ Resolution XX Motion XX Information ____
No. No. No. 2019-3569

SUBJECT: A resolution approving an exemption to the solicitation method and authorizing a sole-source procurement to TriTech Software Systems, a Central Square Technologies, LLC, company, for a public safety CAD/Mobile/RMS software upgrade.

Contact Person (Preparer) for this
Motion: Dave Brooks, IT Manager
Dept.: Information Services
File No.:

HEARING TYPE: ADMINISTRATIVE

RECOMMENDATION: Adopt Resolution No. 2019-3569 approving an exemption for the solicitation method and authorizing a sole-source procurement to TriTech Software Systems, a Central Square Technologies, LLC, company, for a CAD/Mobile/RMS software upgrade.

EXECUTIVE SUMMARY:

The Newberg-Dundee Police Department is preparing to upgrade/migrate their legacy (classic) VisionAIR CAD/Mobile/RMS to the most current software platform, as the existing software is at/near end of support. The new parent company, TriTech Software Systems, Inc., has provided a quote of \$403,083, after a \$77,100 TriTech upgrade credit and credit for existing VisionAIR RMS licenses to update/migrate Newberg to the most current platform of the CAD/Mobile/RMS software suite.

Existing VisionAIR CAD/Mobile/RMS is a public safety suite of software designed to work together efficiently. This suite of software is used, among other things, for dispatching, communicating with officers via MDC (mobile data computer), running queries on people and vehicles, writing reports, and reporting Federal UCR (Uniform Crime Reporting). Upgrading to the TriTech Inform CAD/Mobile/RMS will put Newberg-Dundee Police on the most current system software available today.

BACKGROUND: On May 10, 2000, the City of Newberg entered into an agreement with Vision Software, Inc. for CAD (Computer Aided Dispatch) and Mobile for public safety dispatch software. On May 17, 2002, the City of Newberg expanded their relationship with VisionAIR, Inc. to include RMS (records management) software, rounding out the public safety suite. The Newberg-Dundee Police Department has been using this software, with regular updates, since installation.

January 2012, VisionAIR was purchased by TriTech Software Systems, primarily for obtaining the VisionAIR police records management system. TriTech advised then that the VisionAIR CAD and Mobile would be phased out as TriTech moved to improve and enhance their TriTech CAD/911 phone/Mobile/RMS product lines.

Subsequently, in 2018, TriTech Software Systems, Superion, Zuercher Technologies, and Aptean merged to form CentralSquare Technologies.

We are nearing the end of life of the VisionAIR CAD and Mobile products, with only maintenance provided

and no enhancements. The classic VisionAIR RMS product cannot be updated until CAD and Mobile are upgraded.

Upgrading the entire CAD/Mobile/RMS product suite is part of the department's CJIS (Criminal justice Information System) plan for security enhancements as existing VisionAIR software operates on the Microsoft 7 operating system, which is steadily degrading and with increasing security vulnerabilities. Microsoft support for Microsoft 7 will cease January 14, 2020 and must be replaced with Windows 10 for CJIS compliance.

Newberg Municipal Code, Section 3.25.070, provides a process for the approval of special solicitation methods and exemptions, which includes steps for a public hearing and written findings. As the Contract Review Board, the City Council has the authority to exempt the solicitation process and authorize a sole source procurement.

Notice of the Public Hearing has been given through publication in the Newberg Graphic on June 12, 2019. The findings of fact are attached as Exhibit A.

Should the City Council determine there are sufficient findings to approve an exemption for the solicitation method and authorize a sole-source procurement to TriTech Software Systems, the interested parties will negotiate with TriTech to obtain contract terms that are advantageous to the City of Newberg.

Prior to implementation, the negotiated contract will come before City Council for approval and authorization to execute the purchase.

FISCAL IMPACT:

Preliminary quote for TriTech CAD/Mobile/RMS upgrade is \$403,083.00, after a \$77,100.00 TriTech update credit, and credit for existing RMS licenses as stated. The project will incur additional costs for CAD-to-CAD capability, work station hardware, monitors and SQL licensing, bringing the anticipated total cost of the project to approximately \$455,000.00.

Since the City has planned for the upgrade since 2012, funding to migrate to the current software platform is available in Fund 32-2310-610200 and Fund 32-2110-610108.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM SEPTEMBER 2017):

Maintaining a State of the Art 911 Dispatch Center is a priority for the City Council, and meets FY 2017-18 City Council Goal # 1: Maintain a state-of-the-art 911 Dispatch center and 800 MHz radio communication system.



RESOLUTION No. 2019-3569

A RESOLUTION AUTHORIZING AN EXEMPTION TO THE SOLICITATION METHOD AND AUTHORIZING A SOLE-SOURCE PROCUREMENT TO TRITECH SOFTWARE SYSTEMS, A CENTRAL SQUARE TECHNOLOGIES, LLC, COMPANY, FOR A PUBLIC SAFETY CAD/MOBILE/RMS SOFTWARE UPGRADE.

RECITALS:

1. The City has previously entered into agreements with VisionAIR Software, now TriTech Software Systems, a Central Square Technologies, LLC, company, for CAD and Mobile (2000), and RMS in (2002) public safety software.
2. The City has long desired to migrate/upgrade to the current TriTech version of the CAD/Mobile/RMS software suites, as the legacy products are nearing end of life, maintained only with no software enhancements, and create compatibility issues between software and hardware components.
3. TriTech is no longer producing enhancements to the legacy VisionAIR CAD/Mobile and classic RMS products, resulting in compatibility issues between software versions, hardware, printers, and, currently, UCR (Uniform Crime Reporting) reporting to the FBI.
4. Upgrading CAD/Mobile/RMS will help meet current Federal CJIS security requirements.
5. The City desires to improve compatibility between adjacent dispatch agencies by utilizing TriTech CAD, to encourage information sharing and increase efficiency.
6. Notice of the Public Hearing has been given through publication in the Newberg Graphic on June 12, 2019.
7. At the public hearing on June 17, 2019, the City offered an opportunity for any interested party to appear and present comment.
8. Newberg Municipal Code §3.25.070 provides the City Council, as the Contract Review Board, the authority to approve an exemption to the solicitation method and authorize a sole source procurement upon an Administrative Hearing and adopted findings of fact.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council as the Contract Review Board approves an exemption to the solicitation method, authorizing a sole source procurement to TriTech Software Systems, Inc., for a public safety CAD/Mobile/RMS software upgrade. This exemption is based upon findings of fact pursuant to NMC §3.25.070, attached as Exhibit “A” and by this reference incorporated.
2. To the extent reasonably practical, the City of Newberg shall negotiate with TriTech Software Systems, Inc. to obtain contract terms that are advantageous to the City of Newberg.
3. The negotiated contact will be brought back to the City Council for approval and authorization, prior to execution of the contract.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: _____, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this ____ day of _____, 2019.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of _____, 2019.

Rick Rogers, Mayor

EXHIBIT “A”

FINDINGS OF FACT for Exemption from competition and to allow sole source procurement to TriTech Software Systems, Inc., a Central Square Technologies, LLC, company, for an upgrade to existing public safety CAD/Mobile/RMS software.

Pursuant to Newberg Municipal Code 3.25.070 Process for approval of special solicitation methods and exemptions.

- A. Authority of City Council.** In its capacity as contract review board for the city, the city council, upon its own initiative, or upon request of the purchasing manager, may create special selection, evaluation and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in this section.
- B. Basis for Approval.** The approval of a special solicitation method or exemption from competition must be based upon a record before the city council that contains the following:
- 1. The nature of the contract or class of contracts for which the special solicitation or exemption is requested.**
 - Request for exemption to allow sole source procurement to TriTech Software Systems, Inc., a Central Square Technologies, LLC, company, for an upgrade to existing public safety CAD/Mobile/RMS software.
 - 2. The estimated contract price or cost of the project, if relevant.**
 - The preliminary cost estimate for the software upgrade is \$403,083.00, dated 4/5/2019. This quote includes a \$77,000 TriTech upgrade credit. Additionally, the City of Newberg will receive credit for stated number of existing VisionAIR RMS licenses, which will be converted to TriTech Inform RMS licenses.
 - 3. Findings to support the substantial cost savings, enhancement in quality or performance or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation.**

SUBSTANTIAL COST SAVINGS:

- This is an upgrade migration from existing legacy VisionAIR CAD and Mobile software (2000) and VisionAIR Inform RMS (2002) to the current TriTech software product line. CAD and Mobile software must be upgraded, before an upgrade of the classic VisionAIR RMS to ensure compatibility between all components. Cost savings for TriTech upgrade credit of \$77,000, plus credit for existing VisionAIR RMS licenses as follows:
 - o 18 Inform RMS User Licenses
 - o 1 Inform RMS Accident Module License
 - o 1 Inform RMS Evidence and Bar Coding Module License
 - o 1 Inform RMS GIS License
 - o 1 Inform RMS Reporting Server License
 - o 1 Inform RMS Test or Training System License
 - o 18 NCIC/State Software Inform RMS Concurrent User Licenses

- Utilizing TriTech CAD and RMS software will allow continued use of existing interface to COPLink at no cost. Different software would incur cost for interface creation.
- Sole sourcing with TriTech will allow for the reuse of existing servers and some software, while still meeting hardware and software requirements.

ENHANCEMENT IN QUALITY, PERFORMANCE AND PUBLIC BENEFIT:

- TriTech CAD is used by neighboring dispatch centers facilitating info sharing. Adjacent agencies with TriTech CAD: Washington County Consolidated Communications (WCCCA), Clackamas County Communications (CCOM), Lake Oswego Communications (LOCOM), Columbia County 9-1-1, and Yamhill County Communications (YCOM). With the planned inclusion of CAD-to-CAD, Newberg will be capable of sending/receiving CAD data and messages between WCCCA, CCOM, LOCOM, and Columbia County 9-1-1, with the potential of adding YCOM in the future. Contracting with another vendor will result in increased costs for interface development.
- Newberg will electronically send data to WCCCA at the same time a 9-1-1 call is manually transferred to WCCCA, improving information flow for dispatching of TVF&R by WCCCA on medical and fire calls. This same capability is available when transferring misrouted 911 calls to other TriTech users having CAD-to-CAD capability.
- CAD data will be shared between Mobile and RMS, eliminating redundant data entry between components, providing quicker more efficient recordkeeping, reducing errors and providing more efficient document development and retrieval.
- GIS and GPS location data and radio messaging provided through the Motorola 800 MHz radio upgrade will be available for Newberg Dispatch to access through the TriTech CAD should Newberg desire to implement AVL or messaging functions in the future.

4. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with their solicitation requirements that would otherwise be applicable under these regulations.

- It's in the public interest to upgrade the current vendor software to a level compatible with our peer dispatch agencies, which will allow Newberg dispatch to share near real time unit data exchange resulting in an increased response time for certain types of calls. Utilizing the current vendor for the upgrade will allow the City to use existing hardware components and licenses, providing some financial relief that would not be available through an outside vendor. This upgrade is only available from TriTech Software Solutions, a Central Square Technologies, LLC, company. (Attachment 1)

5. A description of the proposed alternative contracting methods to be employed.

- Sole-source procurement to TriTech Software Solutions, a Central square Technologies, LLC, company.

6. The estimated date by which it would be necessary to sign the contracts.

- The estimated date for contract signing is August 1, 2019, or sooner. TriTech’s schedule advised it will take 12 months from signing the contract to “go live.”

FINDINGS OF FACT – ATTACHMENT 1



May 20, 2019

Newberg-Dundee Police Department
Attn: Mary Newell
401 East Third Street
Newberg, OR 97132

Sent via email

Re: Single and Sole Source for TriTech Software Systems' Software Applications

Dear Ms. Newell:

This letter confirms that as the developer and copyright owner of TriTech Software Systems' ("TriTech") software applications and upgrades, TriTech is the single, and solesource for the purchase of software licenses, associated services, , and annual software support, for TriTech's proprietary suite of software applications including but not limited to Inform CAD, Inform Mobile, Inform RMS, Inform FBR, Inform Jail, associated interfaces and upgrades thereto

TriTech does not contract support for its software applications through third-party agreements, nor does it have any North American reseller agreements for its suite of software applications.

Should you have any further questions, please do not hesitate to contact your Account Manager, Steve Angell at 385.335.7938 or steve.angell@centralsquare.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roxanne Lerner'.

Roxanne Lerner
Director of Contracts

cc: Steve Angell, Account Manager

9477 Waples Street, Suite 100, San Diego, California 92121
(858) 799-7000 | Fax: (858) 799-7010 | www.tritech.com

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order XX Ordinance Resolution Motion Information
No. 2019-0039 No. No. No. No.

SUBJECT: Replacement of a Discontinued Consumer Price Index used in calculating the Communications Officer Public Safety Fee established in 2014 via Order 0035

Contact Person (Preparer) for this Motion: Matt Zook
Dept.: Finance
File No.:

HEARING TYPE: ☐ LEGISLATIVE ☒ QUASI-JUDICIAL ☐ NOT APPLICABLE

RECOMMENDATION:

Approve Order 2019-0039 to replace the consumer price index used to adjust the communications officer public safety fee annually from the Portland CPI-U to the CPI-U West Region Annual Average Index.

EXECUTIVE SUMMARY:

In 2014, City Council approved Order 2014-0035 (see Exhibit A) establishing a Communications Officer Public Safety Fee (COPSF) in the amount of two dollars (\$2.00) per residential meter equivalency (RME) per month for the purpose of funding two communications officer positions. Within this order, Section 2, paragraph B states that the amount of the fee shall be adjusted annually in a percentage amount equivalent to the Portland CPI-U for the prior calendar year as published by the U.S. Bureau of Labor Statistics.

In 2016, City Council approved Ordinance 2016-2800 (see Exhibit B) establishing a process for the Council to adjust an existing public safety fee. The process allows an adjustment to an enacted PSF by an amended order. The amended order shall only address a change in the fee amount. The amended order may index future increases to the PSF to an objective criteria, including but not limited to a CPI published by the U.S. Bureau of Labor Statistics. Further, any adjustment must be based upon the following criteria.

1. Identification of the financial circumstances that have changed since the original enactment of the PSF.
2. The amount of revenue needed to support the resources to provide the services identified in the PSF.
3. Any other criteria that should reasonably be considered that would be likely to assist in establishing an equitable adjustment to the PSF.
4. The report proposing the PSF adjustment will address the criteria to be considered.

In 2017, the Bureau of Labor Statistics (BLS) announced that they would be discontinuing the regular publication of the Portland-Salem OR-WA Consumer Price Index (CPI) due to a change in population thresholds in an updated population-weighting methodology. This index has been adopted by the City of Newberg as a standard index for most contracts, fees, or labor/wage adjustments. Various contract or fees have been updated individually as the need arises. 2017 was the last year this index was published (Exhibit E), which was used to increase the PSF effective July 1, 2018. The purpose of this new order is to update the CPI to a new index published by the BLS.

CPI SELECTION:

The attached memo (Exhibit D) was created in September 2018 address the problem of the discontinued Portland-Salem OR-WA CPI-U. It provides an analytical approach to the method of selecting a replacement index to be used by the City. The recommendation was to use the CPI-U West Region Annual Average index. This index has been used in other agreements since then, and the aim is to standardize on one index.

FISCAL IMPACT:

Since one index has been discontinued, there is no way to prospectively draw a comparison against the replacement index. The West Region CPI-U annual average for 2018 is 3.3% (Exhibit F). The adjusted PSF would go from \$2.13 to \$2.20 per residential meter equivalency (RME) per month. The FY 2019-20 Adopted Budget included this increase. The amount of additional revenue generated by the increase is approximately \$8,000 annually.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM SEPTEMBER 2017):

AN ORDER AMENDING ORDER NO. 2014-0035, WHICH ESTABLISHED A PUBLIC SAFETY FEE (PSF) IN THE AMOUNT OF TWO (\$2.00) DOLLARS PER RESIDENTIAL METER EQUIVALENCY (RME) PER MONTH FOR THE PURPOSE OF FUNDING TWO COMMUNICATIONS OFFICER POSITIONS, BY REPLACING THE DISCONTINUED CONSUMER PRICE INDEX WITH A NEW INDEX

RECITALS:

1. Order 2014-0035 (Exhibit A) established a Communications Officer Public Safety Fee (COPSF) in the amount of two dollars (\$2.00) per residential meter equivalency (RME) per month for the purpose of funding two communications officer positions. Section 2, paragraph B states that the amount of the fee shall be adjusted annually in a percentage amount equivalent to the Portland CPI-U for the prior calendar year as published by the U.S. Bureau of Labor Statistics.
2. Ordinance 2016-2800 (Exhibit B) established a process for the Council to adjust an existing public safety fee.
3. In 2017, the Bureau of Labor Statistics (BLS) announced that it would be discontinuing the regular publication of the Portland-Salem OR-WA Consumer Price Index (CPI). The final publication of the Portland-Salem Consumer Price Index series occurred on January 12, 2018 (Exhibit E).
4. Staff has reviewed multiple options using an analytical approach as the method of selecting a replacement index to be used by the City. The recommendation is to use the CPI-U West Region Annual Average index (Exhibit D).
5. In accordance with the process established by Ordinance 2016-2800, the City Council conducted on June 17, 2019, at the regularly-scheduled meeting, a public hearing to receive from the public advice, input, and comment concerning the proposed adjustment (Exhibit C for quasi-judicial hearing format).
6. The City Council has taken into consideration the facts and information presented to them, as well as the testimony presented during the June 17, 2019 public hearing.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. Recitals: The recitals are hereby adopted by the City Council and considered facts in the deliberation.
2. Administrative Report: The administration has presented to the City Council an administrative report recommending a replacement Consumer Price Index. The City Council adopts the administration report, which is attached as Exhibits D, E, F, and G.

3. Hearing Format: Exhibit C is the quasi-judicial hearing procedures to be used for this Order.
4. Findings of Fact: The City Council adopts the Findings of Fact as set forth in Exhibit G, which is hereby attached and by this reference incorporated. The Findings of Fact addresses the criteria for adjusting the COPSF. The City Council finds that the criteria for adjusting the COPSF has been met and satisfied.
5. Order No. 2014-0035, Section 2, subsection B, is amended to read as follows:

The amount of the fee shall be adjusted on July 1, 2015, and annually thereafter, and shall increase or decrease in a percentage amount equivalent to the CPI-U West Region Annual Average index for the prior calendar year, as published by the U.S. Bureau of Labor Statistics.
6. Except as specifically amended herein, all other provisions of Order No. 2014-0035 remain in effect.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: June 18th, 2019.

ADOPTED by the City Council of Newberg, Oregon, this 17th day of June, 2019.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of _____, 2019.

Rick Rogers, Mayor

ORDER NO. 2014-0035

**AN ORDER ESTABLISHING A PUBLIC SAFETY FEE (PSF) IN THE
AMOUNT OF TWO (\$2.00) DOLLARS PER RESIDENTIAL METER
EQUIVALENCY (RME) PER MONTH FOR THE PURPOSE OF FUNDING
TWO COMMUNICATIONS OFFICER POSITIONS**

RECITALS:

1. The city has had a long-standing need for additional communications officers. Both a Staffing Study conducted in 2010 and an ad hoc report from Oregon Emergency Management, prepared July 2014, indicates Newberg-Dundee 9-1-1 is significantly understaffed when compared to other PSAPs (Public Safety Answering Point) in Oregon of comparative size.
2. To provide an adequate level of 9-1-1 services, it is necessary to provide stabilized funding for an existing communications officer and to hire an additional communications officer.
3. Call volume, population, activities, and field personnel have increased over time while staffing of the dispatch center has remained stagnant.
4. No new personnel have been added to the dispatch center since 2005.
5. The City Council adopted Ordinance 2009-2714, which authorized the establishment of a public safety fee to fund police and fire services. The ordinance provided a process for adopting a public safety fee. The ordinance is hereby attached as Exhibit A and incorporated by reference.
6. Support Services Manager, Mary Newell, provided a Memorandum/Administrative Report of the historical background and necessity of increasing staffing in the 9-1-1 dispatch center which is hereby attached as Exhibit B and incorporated by reference.
7. The National Fire Protection Association requires two dispatchers on duty or in the operations room at all times (NFPA 1221, Operations, § Staffing 7.3.2*, 2013 Ed.).
8. The city of Newberg Budget Committee and City Council adopted FY 14/15 budget based in part on adoption of this PSF.
9. In accordance with the process established by ordinance, the City Council conducted on October 20, 2014, at the regular scheduled meeting, a public hearing to determine if the request for the PSF meets the criteria as provided for in the Newberg Code. The format for that hearing is marked as Exhibit C, which is attached and incorporated by reference. The criteria for establishing the PSF is listed in Exhibit A, Section 5 which has been codified in Section 36.37 of the Newberg Municipal Code, also contained in Exhibit A.
10. The council has taken into consideration the facts and information presented to them, as well as the testimony presented during the October 20th public hearing.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. Recitals: The recitals are hereby adopted by the city council and considered facts in the deliberation.
2. Public Safety Fee (PSF): A PSF increase is hereby established and authorized to be charged as follows:

a. Amount: Two (\$2.00) dollars per residential meter equivalency (RME) per month will be charged on all water meters within the city of Newberg according to the following based on the Sixth Edition of the American Water Works Association (AWWA) Manual of Water Supply Practices (M1 Manual), table VI.2-5, Meter Equivalencies:

<u>Meter Size</u>	<u>Meter Equivalent</u>
5/8" or 3/4"	1.0
1"	2.5
1 1/4"	3.5
1 1/2"	5.0
2"	8.0
3"	16.0
4"	25.0
6"	50.0
8"	80.0
10"	210.0
12"	265.0

b. The amount of the fee shall be adjusted on July 1, 2015, and annually thereafter, and shall increase or decrease in a percentage amount equivalent to the Portland CPI-U for the prior calendar year, as published by the U.S. Bureau of Labor Statistics.

c. Responsible Party: The person(s), firms, corporation, or entity (hereinafter referred to as "person") responsible for the water utility charge will be responsible for the PSF. If there is no water service to the developed property, the person with the right to occupy the developed property will be responsible for the PSF.

d. Implementation: The PSF will be implemented and charged through the November 2014 water utility bill. However, the city manager (CM) has the authority to delay implementation if the CM deems it necessary, but the PSF will be implemented as soon as possible if delayed after the November billing.

e. Expenditures: The revenue collected from the PSF will be used to stabilize the funding of the existing communications officer, and fund an additional communications officer, including all necessary expenses.

f. PSF Designation: The PSF will be referred to as Communications Officer Public Safety Fee (COPSF).

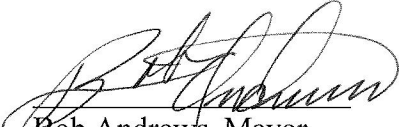
3. Administrative Report: The administration has presented to the city council an administrative report recommending an amount and the implementation of the PSF. The city council adopts the administration report, which is attached as Exhibit B and incorporated by reference.
4. Hearing Format: Exhibit C is the hearing format to be used for this Order.
5. Findings of Fact: The city council adopts the Findings of Fact as set forth in Exhibit D, which is hereby attached and by this reference incorporated. The Findings of Fact addresses the criteria for establishing the PSF. The council finds that the criteria for establishing the PSF has been met and satisfied.
6. Administration: Under the authority of the CM, city administration is hereby delegated the authority to administer the PSF, including charging, collecting, and implementing the PSF. The CM is hereby delegated all necessary authority for implementation and administration of the PSF. Furthermore, the CM is delegated the authority to do all necessary acts; enter into all necessary agreements; and execute any other necessary documents for the implementation and collection of the PSF. This authority is in addition to the authority given to the administration under Newberg Code provision § 36.36 entitled, "Administration and Collection." Furthermore, additional conditions for implementation and collection are presented in Exhibit E, which is hereby attached and by this reference incorporated. The authorized conditions are to be implemented by the administration.
7. Appeal: Any dispute, claim, or other disagreement concerning the implementation, charges, and collection of the PSF including but not limited to determination of the number of RME's; the amount of the PSF to be charged; the responsible party; and settlement of disputed claims will initially be made by the finance director. Appeal of this decision will be to the city manager. The city manager's decision will be final.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: October 21, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 20th day of October, 2014.


Sue Ryan, City Recorder

ATTEST by the Mayor this 23rd day of October 2014.


Bob Andrews, Mayor



ORDINANCE No. 2016-2800

AN ORDINANCE ESTABLISHING A PROCESS FOR THE COUNCIL TO ADJUST AN EXISTING PUBLIC SAFETY FEE AND DECLARING AN EMERGENCY

RECITALS:

1. On May 18, 2009, the Council adopted Ordinance No. 2009-2714, establishing a process for enacting a public safety fee to finance police and fire services. That ordinance has been codified as Chapter 3.30 of the Newberg Municipal Code.
2. Since 2009, the City has enacted and levied two public safety fees. Order No. 2009-0021, enacted July 6, 2009, funded three police officer positions. Order No. 2014-0035, enacted October 20, 2014, funded two communication officer positions.
3. The public safety fee ordinance as enacted contains no process or procedure for adjustment of a public safety fee, once a fee is enacted.
4. Over time, the estimated amount needed to fund a police officer or communication officer position may prove to be insufficient to support the funded positions. Increases in the cost of insurance, wage scales under new collective bargaining agreements, and salary increases attributed to longevity and advancement may leave a funding gap.
5. This ordinance does not increase any existing public safety fee or create any new fee. The purpose is to establish a mechanism and criteria for the Council to adjust fee amounts should a determination that an increase or decrease is warranted.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Section 3.30.040, Adjustment of Existing Public Safety Fee, is added to Chapter 3.30 to read as follows:

3.30.040 Adjustment of Existing Public Safety Fee.

A. Purpose of Adjustment. The council recognizes that unanticipated increases in the cost of living, health care, pension obligations, renegotiation of collective bargaining agreements, and other circumstances may require the council to adjust a previously enacted PSF to provide the revenue needed support the resources to provide the services for which the PSF was enacted.

B. Amended Order. The Council may adjust an enacted PSF by an amended order. The amended order shall only address a change in the fee amount. The amended order may index future increases to the PSF to an objective criteria, including but not limited to a

CPI published by the U.S. Bureau of Labor Statistics.

C. Criteria. Any adjustment must be based upon the following criteria:

1. Identification of the financial circumstances that have changed since the original enactment of the PSF.
2. The amount of revenue needed to support the resources to provide the services identified in the PSF.
3. Any other criteria that should reasonably be considered that would be likely to assist in establishing an equitable adjustment to the PSF.
4. The report proposing the PSF adjustment will address the criteria to be considered.

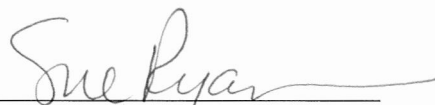
D. Public Hearing. Prior to adjusting any enacted PSF, the Council shall hold a public hearing at which the city council may receive from the public advice, input and comment concerning the proposed adjustment. The testimony at the public hearing should be addressed to the criteria.

Section 2. All other provisions of Chapter 3.30 shall remain unchanged.

Section 3. In order to allow time for the council to consider a potential adjustment of one or more PSF during the Fiscal Year 16-17 Budget process, an emergency is declared to exist. To carry out the intention of this ordinance, this ordinance shall take effect on April 19, 2016.

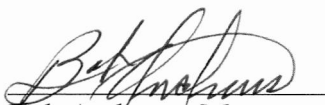
➤ **EFFECTIVE DATE** of this ordinance is: April 19, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of April, 2016, by the following votes: **AYE: 7 NAY: 0 ABSENT: 0 ABSTAIN: 0**



Sue Ryan, City Recorder

ATTEST by the Mayor this 21st day of April, 2016.



Bob Andrews, Mayor

FINAL – APRIL 2014

QUASI-JUDICIAL NON-LAND USE PUBLIC HEARING PROCEDURE

1. CALL TO ORDER BY PRESIDING OFFICER

Open the public hearing, announce the purpose, and discuss testimony procedures, including order of testimony, time limits, and requirements to fill out form to testify.

2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, CONFLICTS OF INTEREST AND OBJECTIONS TO JURISDICTION

3. READ QUASI-JUDICIAL ANNOUNCEMENTS

4. STAFF PRESENTS REPORT

Council/Commission may ask brief questions for clarification.

5. PUBLIC TESTIMONY

A. Presiding officer announces time limits.

B. Citizen testimony

1. Presiding officer invites citizens to come forward to speak into the microphone.
2. Presiding officer informs citizens to state their names at beginning of testimony.
3. Order of citizens' testimony
 - a. Principal proponent/applicant
 - b. Other proponent(s)
 - c. Opponent(s)
 - d. Undecided(s)
 - e. Principal proponent rebuttal

Note: Council/Commission may ask questions of presenters directed through the presiding officer.

C. Public agency letters or comments

6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING

7. CLOSING LEGAL ANNOUNCEMENTS

8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

9. COUNCIL/COMMISSION DELIBERATES INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

10. ACTION

A. Order – Action usually requires passage of an order.

B. Vote – Voice vote is permitted.

C. Quorum - Majority of quorum is required for passage.

D. Combination – May be combined with other action with separate vote on each item.



Finance Department

Date: September 25, 2018

To: Joe Hannan
Newberg Department Heads

From: Matt Zook, Finance Director

Subject: Consumer Price Index (CPI-U Portland-Salem OR-WA) Discontinuation

Problem

In 2017, the Bureau of Labor Statistics (BLS) announced that they would be discontinuing the regular publication of the Portland-Salem OR-WA Consumer Price Index (CPI) due to a change in population thresholds in an updated population-weighting methodology. This index has been adopted by the City of Newberg as a standard index for most contracts, fees, or labor/wage adjustments.

Selection Criteria

Factors to consider in selecting which index to use include the following:

- Population coverage – (CPI-U verses CPI-W)
 - CPI-U covers All Urban Consumers and represent about 94% of the total U.S. population. It is based on the expenditures of all families living in urban areas.
 - CPI-W is a subset of the CPI-U represents about 28% of the total U.S. population. It is based on the expenditures of families living in urban areas who meet additional requirements related to employment, specifically more than one-half of the family's income is earned from clerical or hourly-wage occupations.
 - CPI-U is used more frequently because the population coverage is more comprehensive. CPI-W is used for escalation primarily in blue-collar cost-of living adjustments (COLAs).
- Area coverage – (U.S. City Average, regional, divisional, city-size classes, metropolitan areas, etc.). The area selected can vary in size. The City of Newberg has used a narrow area of coverage in the past by selecting the Portland-Salem OR-WA index. The smallest area coverage available currently is the Pacific division. This will be explained in greater detail in this memo.
- Volatility of index – The larger the sample size, the lesser the volatility of the index. The BLS recommends that users adopt the U.S. City Average CPI for use in escalator clauses. Further, the national or regional indexes are subject to less sampling errors.

Index Options

BLS publishes multiple indexes that should be considered as replacements to the old index. The following indexes are all CPI-U, all items, not seasonally adjusted, with a base year of 1982-87=100 unless otherwise noted.

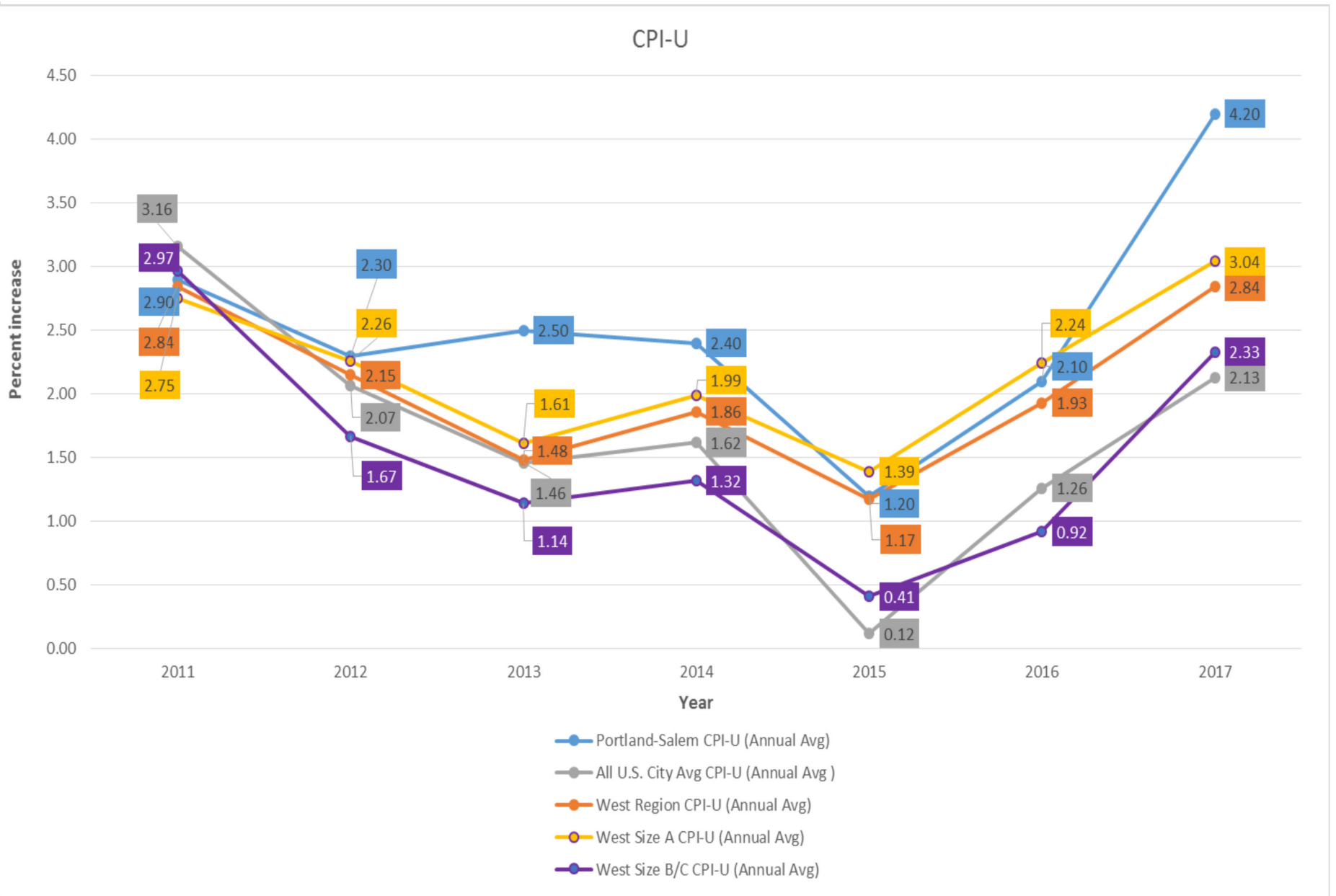
- U.S. City Average – The largest sample area and the index recommended by the BLS for escalation clauses.
- West Region – Comprised of two divisions (total of 13 states)
 - Mountain – Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming.
 - Pacific – Alaska, California, Hawaii, Oregon, and Washington.
- West-Size Class A – CPI based on West Region cities within all 13 states with populations over 2.5 million (prior to 2018, the threshold was 1.5 million).
- West-Size Class B/C – CPI based on West Region cities within all 13 states with populations of 2.5 million or less (prior to 2018, the threshold was 1.5 million).
- West-Pacific Division – Cities within the five state as defined above.

Data

Comparative data for the old Portland-Salem CPI-U and the first four indexes defined above are shown in the table below and on the line graph on the last page of this memo. The percentage change in the annual average is reflected in the top section of the table (2011-2017). The middle section of the table provides several metrics that pull out more meaningful information, particularly the range of averages and the average of the annual numbers. The bottom section of the table reflects critical information that can be used to determine which of the indexes would acceptable to use.

CPI-U Comparison

Year/Metric	Portland-Salem (Annual Avg)	All U.S. City Avg (Annual Avg)	West Region (Annual Avg)	West Size A (Annual Avg)	West Size B/C (Annual Avg)
2011	2.90	3.16	2.84	2.75	2.97
2012	2.30	2.07	2.15	2.26	1.67
2013	2.50	1.46	1.48	1.61	1.14
2014	2.40	1.62	1.86	1.99	1.32
2015	1.20	0.12	1.17	1.39	0.41
2016	2.10	1.26	1.93	2.24	0.92
2017	4.20	2.13	2.84	3.04	2.33
Low High Range Avg	1.20	0.12	1.17	1.39	0.41
	4.20	3.16	2.84	3.04	2.97
	3.00	3.04	1.67	1.65	2.56
	2.50	1.69	2.04	2.18	1.54
Range Ranking	2	1	4	5	3
Average Ranking	1	4	3	2	5



Upon arranging the data in a couple ranked lists (see below), it is interesting to see that the largest sample area index (All U.S. City Average) has the largest range of volatility (0.12 to 3.16), with the Portland-Salem index the second-highest index in volatility (1.20 to 4.20), and so on. Further, the average of the annual averages for each index is reflected in the “Average Ranking” list, with Portland-Salem providing the highest result. It appears from the analysis that the Portland-Salem index, while geographically representative of our area, proves to be one of the most volatile indexes with the highest average.

The West Region index seems to stand out as the most modest of the indexes on both lists, ranking fourth on the volatility list and third (middle) on the average ranking list (with a 2.04 average annual change). The West Size B/C also appears to be a reasonable option, ranking third on the volatility list and fifth on the average ranking list.

The West Size A (cities with populations over 2.5 million) has the least amount of volatility but ranks second on the average list at 2.18.

Range (Volatility) Ranking			Average Ranking		
1	All U.S. City Avg	3.04	1	Portland-Salem	2.50
2	Portland-Salem	3.00	2	West Size A	2.18
3	West Size B/C	2.56	3	West Region	2.04
4	West Region	1.67	4	All U.S. City Avg	1.69
5	West Size A	1.65	5	West Size B/C	1.54

Recommendation

City staff recommends using the CPI-U West Region Annual Average Index to replace the CPI-U Portland-Salem OR-WA Annual Average Index currently begin used as the standard index. This index provides a middle-of-the-road approach to both evaluation factor of volatility and actual numerical results. The City can continue to maintain the comparative information on the indexes selected above (with the exception of the Portland-Salem Index) and review on an annual basis. In addition, the CPI-U Pacific Index, as mentioned above, is new in 2018 and may serve as a better selection in the future, so staff will include this index as it begins to be published over time. It is important to remember that there is no right answer in this recommendation, and staff is open to multiple viewpoints with additional information.

Western Information Office

SHARE ON: [f](#) [t](#) [in](#)

[Go](#)

Western Home	Western Geography	Western Subjects	Western Archives	Contact Western
--------------	-------------------	------------------	------------------	-----------------

[Geographic Information](#) > [Western](#) > News Release

Consumer Price Index, Portland – Second Half 2017

Area prices were up 1.4 percent over the past six months, up 3.9 percent from a year ago

Prices in the Portland Area, as measured by the Consumer Price Index for All Urban Consumers (CPI-U), increased 1.4 percent in the second half of 2017, the U.S. Bureau of Labor Statistics reported today. (See [table A](#).) Assistant Commissioner for Regional Operations Richard Holden noted that this latest six-month increase was influenced by higher prices for shelter and medical care. (Data in this report are not seasonally adjusted. Accordingly, six-month-to-six-month changes may reflect seasonal influences.)

Over the last 12 months, the CPI-U rose 3.9 percent. (See [chart 1](#) and [table A](#).) Energy prices increased 7.1 percent, largely the result of an increase in the price of gasoline. The index for all items less food and energy advanced 4.1 percent over the year. (See [table 1](#).)

News Release Information

18-14-SAN
Friday, January 12, 2018

Contacts

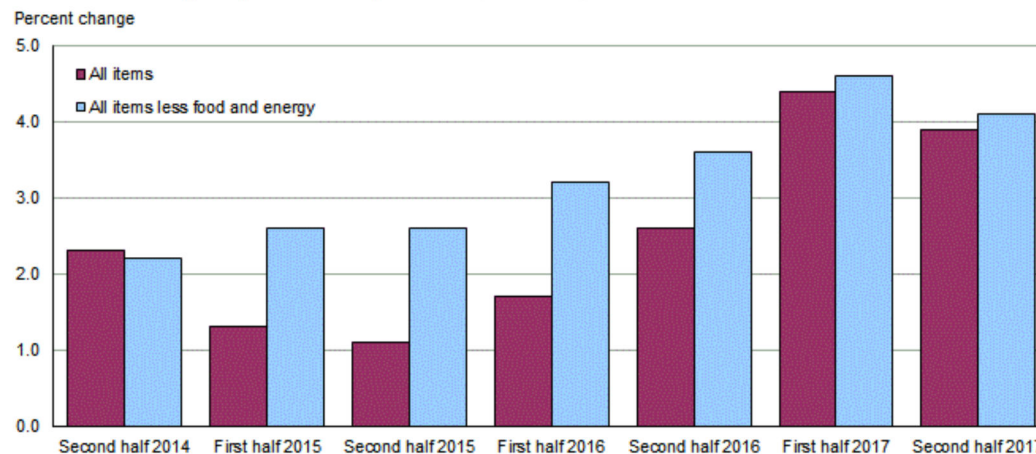
Technical information:
 (415) 625-2270
BLSinfoSF@bls.gov
www.bls.gov/regions/west

Media contact:
 (415) 625-2270

PDF

 [PDF version](#)

Chart 1. Over-the-year percent change in CPI-U, Portland, second half 2014–second half 2017



Source: U.S. Bureau of Labor Statistics.

Food

Food prices increased 0.8 percent in the second half of 2017. (See [table 1](#).) Prices for food away from home increased 1.0 percent, and prices for food at home increased 0.6 percent for the same period.

Over the year, food prices increased 1.8 percent. Prices for food away from home increased 4.0 percent since a year ago, and prices for food at home edged up 0.1 percent.

Energy

The energy index increased 2.7 percent since the first half of 2017. The increase was mainly due to higher prices for gasoline (4.6 percent). Prices for electricity increased 0.3 percent, and prices for natural gas service inched up 0.1 percent for the same period.

Energy prices advanced 7.1 percent over the year, largely due to higher prices for gasoline (12.6 percent). Prices paid for electricity advanced 0.9 percent, but prices for natural gas service moved down 1.3 percent during the past year.

All items less food and energy

The index for all items less food and energy rose 1.4 percent in the latest six-month period. Higher prices for medical care (2.6 percent) and shelter (2.5 percent) were partially offset by lower prices for recreation (-1.9 percent) and apparel (-1.1 percent).

Over the year, the index for all items less food and energy advanced 4.1 percent. Components contributing to the increase included shelter (7.0 percent), medical care (6.0 percent), and household furnishings and operations (1.6 percent). Partly offsetting the increases were price declines in apparel (-2.7 percent), education and communication (-1.3 percent), and recreation (-1.1 percent).

Table A. Portland CPI-U semi-annual and annual percent changes (not seasonally adjusted)

Month	2012		2013		2014		2015		2016		2017	
	Semi-annual	Annual	Semi-annual	Annual	Semi-annual	Annual	Semi-annual	Annual	Semi-annual	Annual	Semi-annual	Annual
First Half	1.2	2.5	1.3	2.2	1.0	2.6	0.1	1.3	0.7	1.7	2.5	4.4
Second Half	0.9	2.1	1.5	2.8	1.2	2.3	1.0	1.1	1.8	2.6	1.4	3.9

This release marks the final publication of the Portland-Salem Consumer Price Index series.

Consumer Price Index Geographic Revision for 2018

In January 2018, BLS will introduce a new geographic area sample for the Consumer Price Index (CPI). As part of the new sample, the index for this area will be discontinued. The first indexes using the new structure will be published in February 2018. Additional information on the geographic revision is available at: www.bls.gov/cpi/additional-resources/geographic-revision-2018.htm.

Technical Note

The Consumer Price Index (CPI) is a measure of the average change in prices over time in a fixed market basket of goods and services. The Bureau of Labor Statistics publishes CPIs for two population groups: (1) a CPI for All Urban Consumers (CPI-U) which covers approximately 89 percent of the total population and (2) a CPI for Urban Wage Earners and Clerical Workers (CPI-W) which covers 28 percent of the total population. The CPI-U includes, in addition to wage earners and clerical workers, groups such as professional, managerial, and technical workers, the self-employed, short-term workers, the unemployed, and retirees and others not in the labor force.

The CPI is based on prices of food, clothing, shelter, and fuels, transportation fares, charges for doctors' and dentists' services, drugs, and the other goods and services that people buy for day-to-day living. Each month, prices are collected in 87 urban areas across the country from about 6,000 housing units and approximately 24,000 retail establishments--department stores, supermarkets, hospitals, filling stations, and other types of stores and service establishments. All taxes directly associated with the purchase and use of items are included in the index.

The index measures price changes from a designated reference date (1982-84) that equals 100.0. An increase of 16.5 percent, for example, is shown as 116.5. This change can also be expressed in dollars as follows: the price of a base period "market basket" of goods and services in the CPI has risen from \$10 in 1982-84 to \$11.65. For further details see the CPI home page on the Internet at www.bls.gov/cpi and the BLS Handbook of Methods, Chapter 17, The Consumer Price Index, available on the Internet at www.bls.gov/opub/hom/homch17_a.htm.

In calculating the index, price changes for the various items in each location are averaged together with weights that represent their importance in the spending of the appropriate population group. Local data are then combined to obtain a U.S. city average. Because the sample size of a local area is smaller, the local area index is subject to substantially more sampling and other measurement error than the national index. In addition, local indexes are not adjusted for seasonal influences. As a result, local area indexes show greater volatility than the national index, although their long-term trends are quite similar. **NOTE: Area indexes do not measure differences in the level of prices between cities; they only measure the average change in prices for each area since the base period.**

The Portland-Salem, OR, WA metropolitan area covered in this release consists of Clackamas, Columbia, Marion, Multnomah, Polk, Washington, and Yamhill Counties in the State of Oregon and Clark County in the State of Washington.

Information in this release will be made available to sensory impaired individuals upon request. Voice phone: (202) 691-5200; Federal Relay Service: (800) 877-8339.

Table 1. Consumer Price Index for All Urban Consumers (CPI-U): Indexes for semiannual averages and percent changes for selected periods

Portland-Salem, OR-WA (1982-84=100 unless otherwise noted)

Item and Group	Semiannual average indexes	Percent change to 2nd half 2017 from-
----------------	----------------------------	---------------------------------------

Item and Group	2nd half 2016	1st half 2017	2nd half 2017	2nd half 2016	1st half 2017
Expenditure category	2nd half 2016	1st half 2017	2nd half 2017	2nd half 2016	1st half 2017
All items	251.710	258.055	261.621	3.9	1.4
All items (1967=100)	736.903	755.477	765.918	-	-
Food and beverages	232.822	235.531	236.525	1.6	0.4
Food	234.769	237.074	238.886	1.8	0.8
Food at home	215.919	214.855	216.046	0.1	0.6
Food away from home	265.226	272.942	275.753	4.0	1.0
Alcoholic beverages	213.679	220.467	213.220	-0.2	-3.3
Housing	262.228	271.955	278.079	6.0	2.3
Shelter	312.818	326.375	334.669	7.0	2.5
Rent of primary residence	314.295	327.628	332.248	5.7	1.4
Owners' equiv. rent of residences ⁽¹⁾	325.023	339.175	348.091	7.1	2.6
Owners' equiv. rent of primary residence ⁽¹⁾	325.023	339.175	348.091	7.1	2.6
Fuels and utilities	262.894	265.703	268.961	2.3	1.2
Household energy	204.951	205.832	206.452	0.7	0.3
Energy services	251.943	252.429	253.127	0.5	0.3
Electricity	299.251	301.129	302.087	0.9	0.3
Utility (piped) gas service	155.421	153.186	153.366	-1.3	0.1
Household furnishings and operations	105.048	106.024	106.726	1.6	0.7
Apparel	126.708	124.727	123.341	-2.7	-1.1
Transportation	219.120	228.257	231.246	5.5	1.3
Private transportation	223.478	230.249	235.863	5.5	2.4
Motor fuel	215.924	232.403	243.201	12.6	4.6
Gasoline (all types)	217.892	234.579	245.400	12.6	4.6
Gasoline, unleaded regular ⁽²⁾	214.414	230.677	241.302	12.5	4.6
Gasoline, unleaded midgrade ⁽²⁾⁽³⁾	188.367	203.476	212.958	13.1	4.7
Gasoline, unleaded premium ⁽²⁾	207.417	224.017	234.411	13.0	4.6
Medical care	531.392	548.762	563.254	6.0	2.6
Recreation ⁽⁴⁾	109.339	110.304	108.182	-1.1	-1.9
Education and communication ⁽⁴⁾	114.882	112.746	113.411	-1.3	0.6
Other goods and services	474.017	474.724	478.280	0.9	0.7
Commodity and service group					
All Items	251.710	258.055	261.621	3.9	1.4
Commodities	175.305	177.202	177.421	1.2	0.1
Commodities less food & beverages	147.438	148.940	148.774	0.9	-0.1
Nondurables less food & beverages	181.847	184.607	185.642	2.1	0.6
Durables	110.644	110.948	109.702	-0.9	-1.1
Services	328.749	339.628	346.616	5.4	2.1
Special aggregate indexes					
All items less medical care	239.088	244.967	248.096	3.8	1.3
All items less shelter	227.889	231.246	232.849	2.2	0.7
Commodities less food	149.794	151.517	151.049	0.8	-0.3
Nondurables	205.991	208.704	209.710	1.8	0.5
Nondurables less food	183.230	186.310	186.641	1.9	0.2
Services less rent of shelter ⁽¹⁾	353.409	360.250	365.316	3.4	1.4
Services less medical care services	313.836	324.034	330.361	5.3	2.0
Energy	210.410	219.359	225.244	7.1	2.7
All items less energy	258.442	264.668	268.100	3.7	1.3
All items less food and energy	264.916	271.976	275.758	4.1	1.4
Footnotes					
⁽¹⁾ Index is on a December 1982=100 base.					
⁽²⁾ Special index based on a substantially smaller sample.					
⁽³⁾ Indexes on a December 1993=100 base.					
⁽⁴⁾ Indexes on a December 1997=100 base.					
- Data not available.					

Last Modified Date: Friday, January 12, 2018

 UNITED STATES DEPARTMENT OF LABOR

[A to Z Index](#) | [FAQs](#) | [About BLS](#) | [Contact Us](#) | [Subscribe to E-mail Updates](#) [GO](#)

 BUREAU OF LABOR STATISTICS

[Follow Us](#)  | [What's New](#) | [Release Calendar](#) | [Blog](#)

Search BLS.gov 

[Home](#) ▾ | [Subjects](#) ▾ | [Data Tools](#) ▾ | [Publications](#) ▾ | [Economic Releases](#) ▾ | [Students](#) ▾ | [Beta](#) ▾

Databases, Tables & Calculators by Subject

SHARE ON:   

Change Output Options: From: 2009 ▾ To: 2019 ▾ [GO](#)

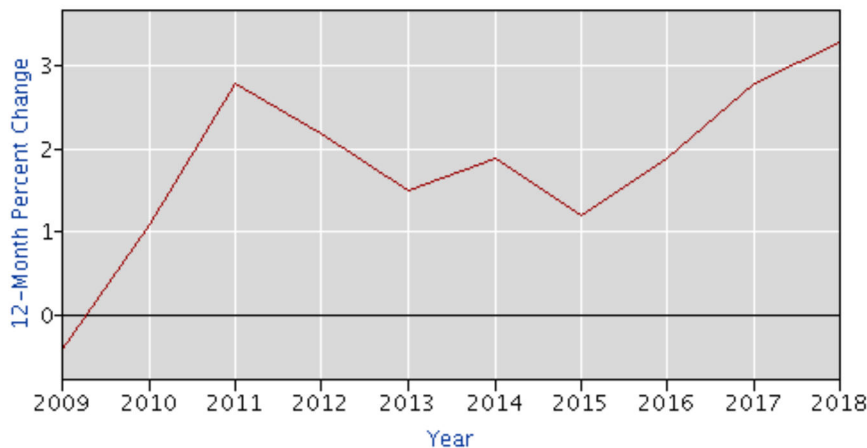
☒ include graphs ☒ include annual averages [More Formatting Options](#) 

Data extracted on: May 6, 2019 (1:30:37 PM)

CPI-All Urban Consumers (Current Series)

12-Month Percent Change

Series Id: CUUR0400SA0
Not Seasonally Adjusted
Series Title: All items in West urban, all urban consumers, not seasonally adjusted
Area: West
Item: All items
Base Period: 1982-84=100



Download:  [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2009	0.1	0.3	-0.5	-0.7	-1.1	-1.4	-2.0	-1.3	-0.8	-0.3	1.2	2.2	-0.4	-0.6	-0.2
2010	1.9	1.4	1.6	1.5	1.3	0.6	0.8	0.7	0.5	0.6	0.9	1.3	1.1	1.4	0.8
2011	1.4	1.9	2.6	3.0	3.2	3.1	2.9	3.0	3.5	3.4	3.2	2.7	2.8	2.6	3.1
2012	2.6	2.5	2.4	2.1	2.0	2.0	1.8	2.1	2.2	2.5	1.9	1.7	2.2	2.3	2.0
2013	1.7	2.0	1.5	1.3	1.3	1.5	1.9	1.5	1.3	0.9	1.3	1.8	1.5	1.5	1.4
2014	1.7	1.3	1.5	1.8	2.3	2.3	2.3	2.1	2.0	2.0	1.7	1.3	1.9	1.8	1.9
2015	0.7	0.9	1.1	1.0	1.2	1.1	1.3	1.3	1.0	1.1	1.5	1.8	1.2	1.0	1.3
2016	2.6	2.1	1.5	1.8	1.5	1.6	1.4	1.5	2.0	2.3	2.3	2.5	1.9	1.9	2.0
2017	2.5	3.0	3.1	2.9	2.6	2.5	2.5	2.7	2.9	2.9	3.1	3.1	2.8	2.8	2.9
2018	3.1	3.1	3.2	3.2	3.5	3.6	3.6	3.6	3.4	3.5	3.3	3.1	3.3	3.3	3.4
2019	2.7	2.4	2.4												

TOOLS

Areas at a Glance
Industries at a Glance
Economic Releases

CALCULATORS

Inflation
Injury And Illness

HELP

Help & Tutorials
FAQs
Glossary

INFO

What's New
Careers @ BLS
Find It! DOL

RESOURCES

Inspector General (OIG)
Budget and Performance
No Fear Act

Databases & Tables
Maps

About BLS
Contact Us

Join our Mailing Lists
Linking & Copyright Info

USA.gov
Benefits.gov



Recognizing
employers who
HIRE veterans

[Freedom of Information Act](#) | [Privacy & Security Statement](#) | [Disclaimers](#) | [Customer Survey](#) | [Important Web Site Notices](#)

U.S. Bureau of Labor Statistics | Postal Square Building, 2 Massachusetts Avenue, NE Washington, DC 20212-0001
www.bls.gov | Telephone: 1-202-691-5200 | TDD: 1-800-877-8339 | [Contact Us](#)

Exhibit G
To Order No. 2019-0039
Findings of Fact

The City Council adopts the following Findings of Fact after deliberations based upon the record submitted and the testimony presented in the public hearing. These facts address criteria established by Ordinance No. 2016-2800 and found in the Newberg Code, Section 3.30.040. They are as follows:

3.30.040(C) Criteria. Any adjustment must be based upon the following criteria:

1. Identification of the financial circumstances that have changed since the original enactment of the PSF.

Finding of Fact: In 2017, the Bureau of Labor Statistics (BLS) announced that they would be discontinuing the regular publication of the Portland-Salem OR-WA Consumer Price Index (CPI). The final publication of the Portland-Salem Consumer Price Index series occurred on January 12, 2018.

Conclusion: The need for a replacement index has been established.

2. The amount of revenue needed to support the resources to provide the services identified in the PSF.

Not applicable

3. Any other criteria that should reasonably be considered that would be likely to assist in establishing an equitable adjustment to the PSF.

Finding of Fact: Exhibit A represents an analytical approach to selecting a replacement index.

Conclusion: The CPI-U West Region Annual Average index is an equitable adjustment to the PSF.

4. The report proposing the PSF adjustment will address the criteria to be considered.

Finding of Fact: The report is attached as Exhibits D, E, and F.

Conclusion: The report submitted has addressed the applicable criteria.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
-------------------	-----------------------	------------------------	-------------	-----------------------

**SUBJECT: Urban Growth Boundary Program –
Next Steps**

Contact Person (Preparer) for this
Item: Cheryl Caines, Senior Planner
Dept.: Community Development
File No.: N/A

RECOMMENDATION:

Information only.

EXECUTIVE SUMMARY:

Division 38 Simplified Method (Newberg 2030 Project)

With Technical Assistance Grants from the Department of Land Conservation and Development (DLCD) the Community Development Department completed some work on the Newberg 2030 project, which was to determine the long-range land needs (14 year horizon) for the City utilizing the Simplified Urban Growth Boundary (UGB) Method (Division 38) rules. Newberg was the first jurisdiction to utilize the new rules, and issues with the method were discovered in both Phase I and II of the project. The Oregon Land Conservation and Development Commission adopted technical fixes to the Division 38 rules in January 2019 which addressed most of the issues related to the Buildable Lands Inventory (BLI). As the project team continued further into the Division 38 process it became evident there were more issues related to narrowing down the 10,000 acre preliminary study area to roughly 100 acres and determining if land is serviceable. These issues create uncertainty and risk for a successful outcome, and the level of analysis needed to address serviceability would be costly.

Based upon the draft BLI and land need calculations, the City of Newberg has an overall adequate land supply to meet its 14 year need, however deficiencies were identified for high density residential and industrial land. As a separate project, a Housing Needs Assessment (HNA) is currently being done in compliance with Statewide Goal 10-Housing, and the draft HNA shows a deficiency in all residential land categories (low, medium, and high) over a 20 year horizon. There is no concurrent analysis of employment lands for comparison.

Staff reviewed the BLI findings, land need calculations, and methodology issues with the Citizen Advisory (CAC) and Technical Advisory (TAC) Committees on May 13, 2019. As a means to address the identified high density shortfall, provide more land for lower cost housing, and efficiently use land within the city limits, the CAC made a recommendation to Council to consider the following: the City takes whatever measures it can to increase the amount of land available for high density housing including the up zoning of low density land.

After discussing the findings with DLCD staff, Newberg City Council, and the advisory committees, it was determined that the simplified method does not work for Newberg, and the project has been terminated.

Citywide Activities Affecting Land Supply/Need

Buildable land inventories and land need calculations are based on a point in time. Development and changes in zoning and Comprehensive Plan designations impact the land supply. New homes continue to be built on vacant lots in subdivisions and partitions. The draft Riverfront Master Plan proposes to change the zoning or designation of some commercial land to medium and high density residential and rezone a parcel from medium density to high density residential. The largest tract of commercial land within the city has received planning approval for a development with a mix of residential and commercial uses (Crestview Crossing). If all of these proposed changes in zoning/designation are approved and development happens, then the small surplus of commercial land noted in the Division 38 findings will be eliminated.

Next Steps

There is a finite amount of land within the current UGB. Modifying the zoning and designations may improve the supply in one category but lessen the supply in another. In addition, not all land is suitable for all uses. There are many factors impacting suitability. To plan for future growth the City will pursue an UGB expansion using the traditional method (Division 24). Part of that process is to complete a Housing Needs Assessment (HNA) and Economic Opportunities Analysis (EOA). The HNA is currently underway, and the draft shows a deficiency of residential land. This draft will be reviewed by the Project Advisory Committee on May 30, 2019, and the project will be complete by June 30, 2019 per the grant contract.

Funding for an EOA is included in the fiscal year 2019-2020 budget, and it is anticipated that the EOA would be completed by the end of June 2020. Along with the EOA, the HNA would be updated to reflect changes in land supply since March 29, 2019. Staff is tracking development on a monthly basis to simplify the work needed for an HNA update.

Once the EOA and HNA are completed, then Newberg would notify DLCD of intent to pursue an UGB amendment through the Division 24 process. Outside consultants including land use planners, engineers, legal counsel, and environmental specialists to identify stream corridors would be needed to perform the work. The process will take 2-3 years to complete and require extensive advisory committee meetings and work sessions with Planning Commission, City Council and Newberg Urban Area Management Commission (NUMAC). The estimated cost is \$250,000 - \$300,000. If approved and no appeal of the UGB amendment, then all master plans (water, wastewater, transportation, stormwater, etc.) would need to be updated to provide for services in the expansion areas. The City would additionally want to consider if any UGB expansion areas should be master planned. This would be an additional cost to the estimate noted above. Staff will seek opportunities for grant funds to help cover the overall project costs.

FISCAL IMPACT:

Estimated cost to perform the work needed for a Division 24 UGB amendment is \$250,000 - \$300,000. This amount includes the \$55,000 for an EOA but does not include follow up work to update infrastructure master plans or create new, special planning area master plans. As stated above, staff will seek opportunities to defray project costs.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM SEPTEMBER 2017):

Goal 7: Expand the city's urban growth boundary.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____ No.	Ordinance ____ No.	Resolution <u>XX</u> No. 2019-3571	Motion ____	Information ____
-------------------	-----------------------	---------------------------------------	-------------	------------------

SUBJECT: A resolution authorizing the City Manager to release a pedestrian easement on Lot 1 of Oak Meadows II (Parcel 2 of PAR-17-002)

Contact Person (Preparer) for this
Motion: Doug Rux
Dept.: Community Development
File No.: MISC219-0001

RECOMMENDATION:

Adopt Resolution No. 2019-3571.

EXECUTIVE SUMMARY:

The City of Newberg accepted a pedestrian easement from Werth Family LLC that was recorded as Instrument No. 200808192 on May 12, 2008 across Lot 1 of the Oak Meadows II subdivision (Attachment 1). The easement was a separately recorded document per Instrument No. 200808192. Staff research indicates the easement was obtained based on discussions with a Werth Family LLC representative and the City. The City requested the easement with the intent to establish a pedestrian connection between The Greens and Fred Meyer. Staff reviewed the 2005 Transportation System Plan and the 1999 Springbrook Oaks Specific Plan that were in effect at the time the easement was granted and was not able to identify any specific requirements for such a pedestrian easement, but the property owner agreed to grant the easement. The 1999 Springbrook Oaks Specific Plan states “Transportation, Bicycle and Pedestrian, Pedestrian and bicycle paths/sidewalks (on or off-street) shall be provide: ...4. As interconnections between developments within the Springbrook Oaks area; and...The pedestrian easement was not part of the Oak Meadows II subdivision plat and was recorded as a separate document as noted above. Because it was not part of the subdivision plat releasing the easement does not require a re-plating process.

On June 19, 2017 the City Council approved Resolution No. 2017-3386 terminating a portion of the pedestrian easement and accepted a new pedestrian easement in an alternative location. This was done as part of PAR-17-002 that partitioned Oak Meadows II Lot 1 into Parcel 1 and 2 for the Oregon Clinic project that located on Parcel 1. The relocated easement is now located entirely on Parcel 2. The released portion of the easement on Parcel 1 was recorded as Instrument No. 201709857 on June 21, 2017 (Attachment 2). The relocated easement area was recorded as Instrument No. 201709859 on June 21, 2017 with an Affidavit of Correction recorded as Instrument No. 201709900 on June 22, 2017 (Attachments 3 and 4) to correct instrument numbers on the plat for PAR17-002 (Yamhill County Partition Plat 2017-06).

Staff has been discussing with the Werth Family LLC since 2017 development of Parcel 2 of PAR-17-002 for a retirement community as an expansion of Friendsview’s Springbrook Meadows. The issue of the pedestrian easement has been a topic of discussion of its need, purpose and prior requirement. Staff researched the 2005 Transportation System Plan, 2016 Transportation System Plan and 1999 Springbrook Oaks Specific Plan. There are no requirements identified in either of these documents that as part of the transportation system a pedestrian path would run between N Providence Drive and N Brutscher Street. To make such a path viable it would need to cross over the Argyle property to the west of Parcel 2. There is currently no pedestrian easement over the Argyle property and no requirement that a pedestrian path be located on that property in the future in any of the past or current city master plans.

On December 17, 2018 the City Council adopted Resolution No. 2018-3518 a Resolution Authorizing The City Recorder To Execute A Quitclaim Deed In Favor Of The State Of Oregon, Department Of Transportation, Releasing A Pedestrian And Bicycle Path Easement Held By The City, Located Within The Newberg – Dundee Bypass Corridor. This easement area was located to the east of N Providence Drive and would have provided a pedestrian connection to Parcel 2. With the release of that easement to accommodate the Bypass the historical intent to have a pedestrian path connection between The Greens and Fred Meyer was eliminated.

The Werth Family LLC is now requesting that the pedestrian easement be released on Parcel 2. Information provided to staff is that the Friendsview project will not be developing the project with public streets but will be similar in design to the existing Springbrook Meadows development consisting of duplexes on one large lot with internal private drive aisles. Staff additionally evaluated the topography at the west side of Parcel 2 and the adjoining Argyle site. There is 10-15 feet of elevation change between the two properties making a path challenging to meet ADA requirements.

The City Engineering Department and Planning Division support release of this easement.

The applicant's full application packet is included as Attachment 5.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM SEPTEMBER 2017):

Not applicable.

Attachments: 1. Instrument No. 200808192
2. Instrument No. 201709857
3. Instrument No. 201709859
4. Instrument No. 201709900
5. Application Packet

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO RELEASE A
PEDESTRIAN EASEMENT ON LOT 1 OF OAK MEADOWS II (PARCEL 2
OF PAR-17-002)**

RECITALS:

1. The City of Newberg accepted a pedestrian easement from Werth Family LLC that was recorded as Instrument No. 200808192 on May 12, 2008 across Lot 1 of the Oak Meadows II subdivision.
2. On June 19, 2017 the City Council approved Resolution No. 2017-3386 terminating a portion of the pedestrian easement and accepted a new pedestrian easement in an alternative location.
3. The released portion of the easement on Parcel 1 was recorded as Instrument No. 201709857 on June 21, 2017.
4. The relocated easement area was recorded as Instrument No. 201709859 on June 21, 2017 and Affidavit of Correction recorded as Instrument No. 201709900 on June 22, 2017 to correct instrument numbers on the plat for PAR-17-002 (Yamhill County Partition Plat 2017-06).
5. On December 17, 2018 the City Council adopted Resolution No. 2018-3518 a Resolution Authorizing The City Recorder To Execute A Quitclaim Deed In Favor Of The State Of Oregon, Department Of Transportation, Releasing A Pedestrian And Bicycle Path Easement Held By The City, Located Within The Newberg – Dundee Bypass Corridor. This easement area was located to the east of N Providence Drive and would have provided a pedestrian connection to Parcel 2. With the release of that easement to accommodate the Bypass the historical intent to have a pedestrian path connection between The Greens and Fred Meyer was eliminated.
6. A pedestrian path will not be feasible in the easement location under the current City Transportation System Plan or 1999 Springbrook Oaks Specific Plan, and therefore, the easement has no value to the City.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council adopts the recitals as set forth above.
2. The City Manager is authorized to sign the Release of Easement document included as Exhibit "1" and have the applicant record the Release of Easement document.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 18, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of June, 2019.

Sue Ryan, City Recorder

ATTEST by the Mayor this 20th day of June, 2019.

Rick Rogers, Mayor

AFTER RECORDING RETURN TO:

City of Newberg – Engineering Division
PO Box 970, 414 E. First Street
Newberg, OR 97132

RELEASE OF EASEMENT

The City of Newberg, a municipal corporation, in consideration of \$0.00 does hereby release all rights of access and interests in the following described Pedestrian Easement(s) to the property owner, Werth Family LLC, their heirs and assigns.

Easement as described by Instrument No. 201709859 on June 21, 2017 and Instrument No. 200808192 on May 12, 2008.

See Attached Exhibit "A" and Exhibit "B"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

IN WITNESS WHEREOF, the parties have executed this document on this _____ day of _____ 2019.

Joe Hannan, City Manager

STATE OF OREGON

County of Yamhill

This instrument was acknowledged before me this ____ day of _____ 2019, by Joe Hannan.

Notary Public for Oregon

My Commission expires: _____

CITY OF NEWBERG

ACCEPTED:

Sue Ryan, City Recorder

Dated: _____

APPROVED AS TO FORM AND CONTENT

Truman A. Stone, City Attorney

Dated: _____

THIS SPACE RESERVED FOR RECORDERS USE

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201709859

AFTER RECORDING RETURN TO:
 City of Newberg – Engineering Division
 PO Box 970, 414 E. First Street
 Newberg, OR 97132



00514025201700098590040043

\$56.00

06/21/2017 11:16:45 AM

 DMR-EDMR Cnt=1 Stn=3 SUTTONS
 \$20.00 \$5.00 \$11.00 \$20.00

PEDESTRIAN ACCESS EASEMENT

In consideration of the sum of \$0.00 and other valuable consideration, Werth Family LLC, herein called Grantor, does hereby convey to the **City of Newberg, a municipal corporation**, hereinafter called Grantee, a perpetual and permanent easement, for the purposes of pedestrian access and maintenance of a pedestrian path surface pavement facility across the following described real property:

A 15-foot wide strip of land being a portion of Parcel 2 of Partition Plat 2017-06 recorded in Yamhill County Records, said strip of land being described in Exhibit "A" and shown in Exhibit "B"

TO HAVE AND TO HOLD said easement to said Grantee, for the use and purpose herein above described.

It is further understood that:

1. The Grantor(s) hereby release(s) the City of Newberg, its agents and employees, assigns and successors of any and all liability for damage to the remaining lands resulting from this conveyance and further absolves the Grantee from any damage not controlled by their actions.
2. The rights granted herein shall not be construed to interfere with or restrict use of the premises by Grantor(s), their heirs or assigns, with respect to the construction and maintenance of property improvements along and adjacent to the premises herein described, so long as the same are so constructed as to not impair or interfere with the use and maintenance of access herein above authorized.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

RECEIVED

APR 29 2019

Initial: _____

PEDESTRIAN ACCESS EASEMENT (Continued)

IN WITNESS WHEREOF, the parties have executed this document on this 20th day of June, 2017.

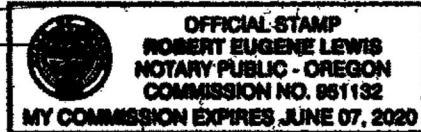
Dean C. Werth
Dean Werth

3879 Oak Meadow Loop
Address
NEWBERG OR 97132
City, State, Zip

STATE OF Oregon }
County of Washington } s.s.

This instrument was acknowledged before me this 20th day of June, 2017, by Dean Werth

[Signature]
Notary Public for Oregon
My Commission expires:



CITY OF NEWBERG
ACCEPTED:

Sue Ryan
Sue Ryan, City Recorder
Dated: 6/20/17

APPROVED AS TO FORM:

[Signature]
Truman Stone, City Attorney
Dated: 6/20/2017



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

AKS Job #5680

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

EXHIBIT A

Legal Description

A tract of land being a portion of Lot 1 of the plat "Oak Meadows II", located in the Southeast One-Quarter of Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Commencing at the northeast corner of Lot 2 of the plat "Oak Meadows II", said point being on the westerly right-of-way line of Providence Drive (30.00 feet from centerline); thence along said right-of-way line North 23°08'03" East 98.87 feet to the Point of Beginning; thence continuing along said right-of-way line North 23°08'03" East 15.00 feet; thence leaving said right-of-way line North 66°52'12" West 71.29 feet; thence North 89°13'27" West 250.00 feet; thence North 00°46'33" East 332.00 feet to the north line of Lot 1; thence along said north line North 89°13'27" West 15.00 feet; thence leaving said north line South 00°46'33" West 347.00 feet; thence South 89°13'27" East 262.04 feet; thence South 66°52'12" East 68.33 feet to the westerly right-of-way line of Providence Drive (30.00 feet from centerline) and the Point of Beginning.

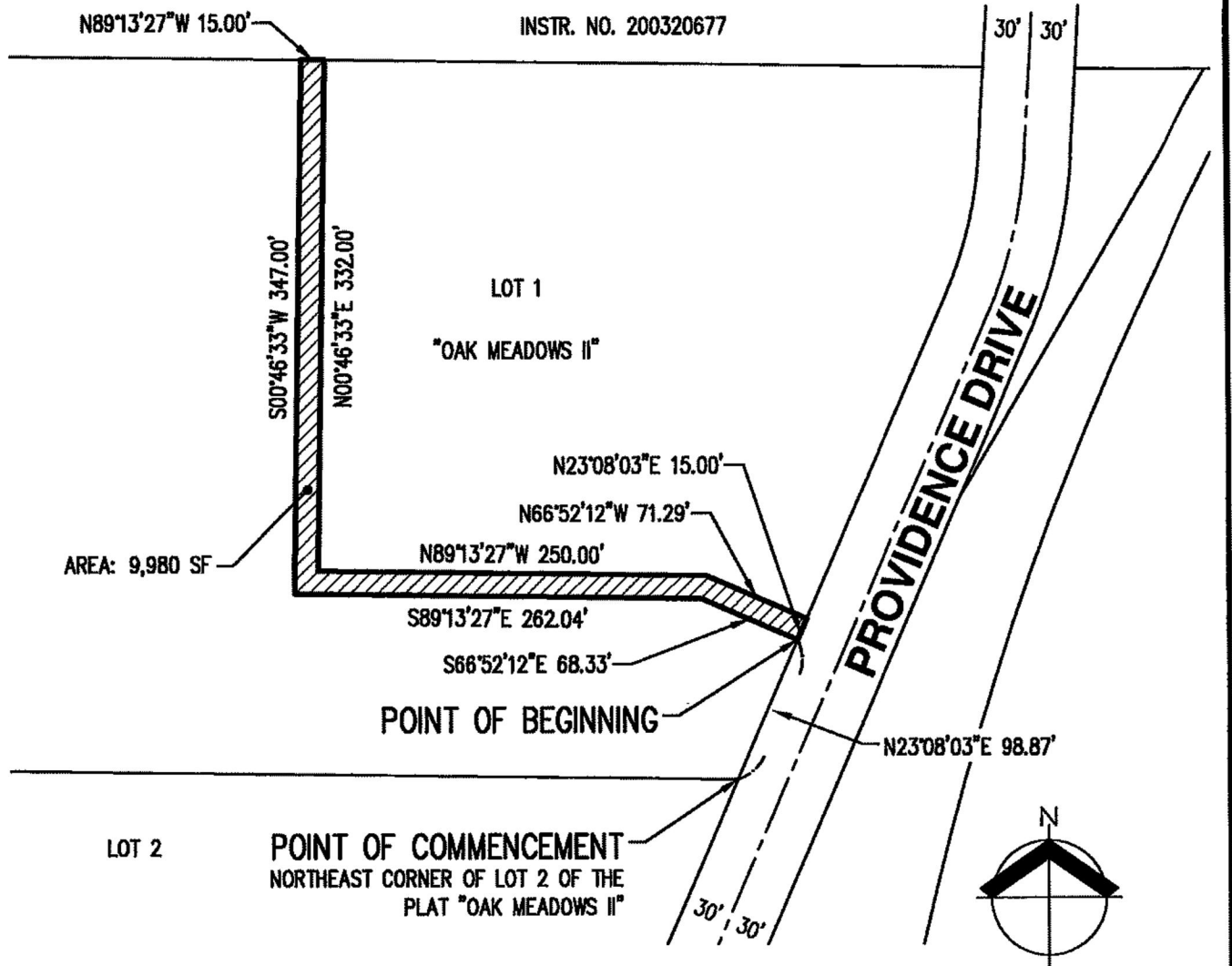
The above described tract of land contains 9,980 square feet, more or less.

04/11/2017



EXHIBIT B

A TRACT OF LAND BEING A PORTION OF LOT 1 OF THE PLAT "OAK MEADOWS II",
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON



04/11/2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWALS: 6/30/18

MAP OF EASEMENT

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
P: 503.563.6151 F: 503.563.6152 aks-eng.com

AKS

EXHIBIT
B

DRWN: MEB
CHKD: NSW
AKS JOB:
5680

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200808192

AFTER RECORDING RETURN TO:
City of Newberg – Engineering Department
PO Box 970 - 414 E. First Street
Newberg, OR 97132



\$36.00

00299996200800081920030037

05/12/2008 02:51:17 PM

DMR-DEDDMR Cnt=1 Stn=2 ANITA
\$15.00 \$10.00 \$11.00

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, Werth Family LLC, Grantor, does hereby dedicate, grant and convey to the City of Newberg, a Municipal Corporation of the State of Oregon, hereinafter called the Grantee, for dedication of a public pedestrian path right-of-way, the following described real property located in Yamhill County, State of Oregon, to-wit:

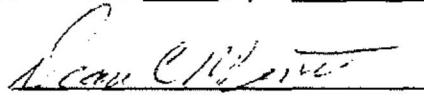
SEE ATTACHED EXHIBIT A (includes legal description and map)

TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises unto said Grantee, its successors and assigns forever.

The true consideration for this conveyance is \$0.00 and other valuable consideration.

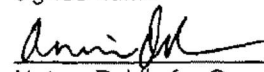
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 [BALLOT MEASURE 37 (2004)] THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 [BALLOT MEASURE 37 (2004)].

IN WITNESS WHEREOF, the parties have executed this document this 17 day of April 2008.


Grantor Signature

STATE OF Oregon)
City of Newberg) s.s.
County of Yamhill)

This instrument was acknowledged before me this 17 day of April 2008, by
Dean Werth
signee name


Notary Public for Oregon
My Commission Expires: 7/11/11



CITY OF NEWBERG
ACCEPTED:
Norma L. Alley
City Recorder
Date: April 22, 2008

APPROVED AS TO FORM


Terrence D. Mah, City Attorney
Date: 4/22/08 2008

EXHIBIT

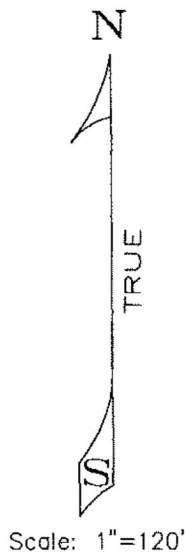
TEMPORARY PEDESTRIAN EASEMENT MAP FOR: WERTH FAMILY, L.L.C.

THE SE 1/4 OF SECTION 16, TOWNSHIP 3
SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
WITHIN THE SEBASTIAN BRUTSCHER DONATION
LAND CLAIM NO. 51, CITY OF NEWBERG,
YAMHILL COUNTY, OREGON.

DATE: 9 APRIL 2008

SCALE: 1"=120'

By : MAGNESS LAND SURVEYING
PO BOX 1239
WILLAMINA, OREGON, 97396
Phone : 503-876-5874
Cell : 971-237-3413
E-Mail : MAGNESS@WBCABLE.NET



15 FOOT WIDE
TEMPORARY
PEDESTRIAN
EASEMENT.

POINT OF BEGINNING

5/8" IRON ROD WITH YELLOW
PLASTIC CAP MARKED "OLSEN
ENG. PLS 2030", FLUSH, PER
PT-97-52. HELD AS NW CORNER
OF PARCEL 1 OF PT-2003-32

S89°13'27"E 967.04'
N89°13'27"W 966.46'

S03°00'00"W 15.00'

LOT 1
OAK MEADOWS II

N00°46'46"E 15.00'

#94

MAGNESS LAND SURVEYING
PO BOX 1239
WILLAMINA, OREGON, 97396
PHONE: 503-876-5874
CELL: 971-237-3413
EMAIL: MAGNESS@WBCABLE.NET

Date: 9 APRIL 2008

OAK MEADOWS No. 2 - Legal description of a 15.00 foot wide temporary pedestrian easement across Lot 1.

A 15 foot wide strip of easement in Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon, and being across a portion of Parcel 1 of Yamhill County Partition Plat 2003-32, the perimeter of which is more particularly described as follows:

BEGINNING at the Northwest corner of said Parcel 1; thence South 89°13'27" East 967.04 feet along the North line of said Parcel 1; thence South 03°00'00" West 15.00 feet; thence North 89°13'27" West 966.46 feet along a line that is parallel with, and 15.00 feet Southerly of the North line of said Parcel 1 (when measured at right angles), to a point on the west line of said Parcel 1; thence North 00°46'46" East 15.00 feet to the POINT OF BEGINNING

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200808192

AFTER RECORDING RETURN TO:
City of Newberg - Engineering Department
PO Box 970 - 414 E. First Street
Newberg, OR 97132

\$36.00

00299996200800081920030037

05/12/2008 02:51:17 PM

DMR-DEDDMR Cnt=1 Stn=2 ANITA
\$15.00 \$10.00 \$11.00

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, Werth Family LLC, Grantor, does hereby dedicate, grant and convey to the City of Newberg, a Municipal Corporation of the State of Oregon, hereinafter called the Grantee, for dedication of a public pedestrian path right-of-way, the following described real property located in Yamhill County, State of Oregon, to-wit:

SEE ATTACHED EXHIBIT A (includes legal description and map)

TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises unto said Grantee, its successors and assigns forever.

The true consideration for this conveyance is \$0.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 [BALLOT MEASURE 37 (2004)] THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 [BALLOT MEASURE 37 (2004)].

IN WITNESS WHEREOF, the parties have executed this document this 17 day of April 2008.
Grantor SignatureSTATE OF Oregon)
City of Newberg) s.s.
County of Yamhill)This instrument was acknowledged before me this 17 day of April 2008, by
Dean Werth
signee name
Notary Public for Oregon
My Commission Expires: 7/11/11CITY OF NEWBERG
ACCEPTED:

City Recorder
Date: April 22, 2008

APPROVED AS TO FORM

Terrence D. Mah, City Attorney
Date: 4/22/08 2008

EXHIBIT

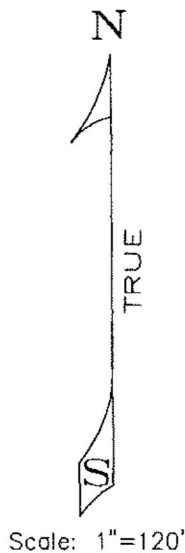
TEMPORARY PEDESTRIAN EASEMENT MAP FOR: WERTH FAMILY, L.L.C.

THE SE 1/4 OF SECTION 16, TOWNSHIP 3
SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
WITHIN THE SEBASTIAN BRUTSCHER DONATION
LAND CLAIM NO. 51, CITY OF NEWBERG,
YAMHILL COUNTY, OREGON.

DATE: 9 APRIL 2008

SCALE: 1"=120'

By : MAGNESS LAND SURVEYING
PO BOX 1239
WILLAMINA, OREGON, 97396
Phone : 503-876-5874
Cell : 971-237-3413
E-Mail : MAGNESS@WBCABLE.NET



15 FOOT WIDE
TEMPORARY
PEDESTRIAN
EASEMENT.

POINT OF BEGINNING

5/8" IRON ROD WITH YELLOW
PLASTIC CAP MARKED "OLSEN
ENG. PLS 2030", FLUSH, PER
PT-97-52. HELD AS NW CORNER
OF PARCEL 1 OF PT-2003-32

S89°13'27"E 967.04'
N89°13'27"W 966.46'

S03°00'00"W 15.00'

LOT 1
OAK MEADOWS II

N00°46'46"E 15.00'

#94

2/3

MAGNESS LAND SURVEYING
PO BOX 1239
WILLAMINA, OREGON, 97396
PHONE: 503-876-5874
CELL: 971-237-3413
EMAIL: MAGNESS@WBCABLE.NET

Date: 9 APRIL 2008

OAK MEADOWS No. 2 - Legal description of a 15.00 foot wide temporary pedestrian easement across Lot 1.

A 15 foot wide strip of easement in Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon, and being across a portion of Parcel 1 of Yamhill County Partition Plat 2003-32, the perimeter of which is more particularly described as follows:

BEGINNING at the Northwest corner of said Parcel 1; thence South 89°13'27" East 967.04 feet along the North line of said Parcel 1; thence South 03°00'00" West 15.00 feet; thence North 89°13'27" West 966.46 feet along a line that is parallel with, and 15.00 feet Southerly of the North line of said Parcel 1 (when measured at right angles), to a point on the west line of said Parcel 1; thence North 00°46'46" East 15.00 feet to the POINT OF BEGINNING

THIS SPACE RESERVED FOR RECORDERS USE

AFTER RECORDING RETURN TO:

City of Newberg – Engineering Division
 PO Box 970, 414 E. First Street
 Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS
 BRIAN VAN BERGEN, COUNTY CLERK

201709857**\$56.00**

00514023201700098570040049

06/21/2017 11:16:45 AM

DMR-EDMR Cnt=1 Stn=3 SUTTONS
 \$20.00 \$5.00 \$11.00 \$20.00

PARTIAL RELEASE OF EASEMENT

The City of Newberg, a municipal corporation, in consideration of \$0.00 does hereby release all rights of access and interests in the following described PEDESTRIAN EASEMENT to the property owner, Werth Family, LLC, their heirs and assigns.

A 425 foot portion of the pedestrian easement as described by Instrument No.200808192

Described in Exhibit "A" and shown in Exhibit "B"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

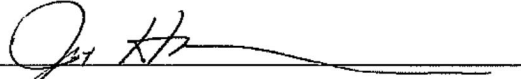
Signatures continued on next page

RECEIVED

APR 29 2019

Initial: _____

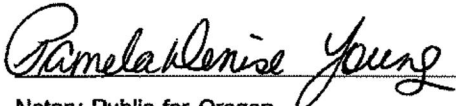
IN WITNESS WHEREOF, the parties have executed this document on this 26th day of June 2017.

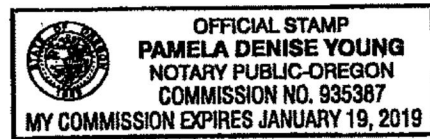

Joe Hannan, City Manager

STATE OF OREGON

County of Yamhill

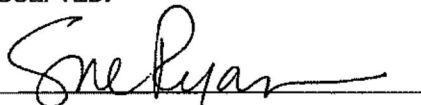
This instrument was acknowledged before me this 26th day of June 2017, by Joe Hannan.


Notary Public for Oregon
My Commission expires: 1/19/19



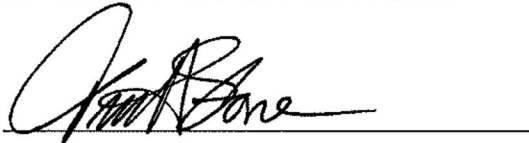
CITY OF NEWBERG

ACCEPTED:


Sue Ryan, City Recorder

Dated: 6/20/17

APPROVED AS TO FORM AND CONTENT


Truman Stone, City Attorney

Dated: 6/20/17



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

AKS Job #5680

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

EXHIBIT A

Legal Description

A tract of land being a portion of Lot 1 of the plat "Oak Meadows II", located in the Southeast One-Quarter of Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Beginning at the northeast corner of Lot 1 of the plat "Oak Meadows II", said point being on the westerly right-of-way line of Providence Drive (30.00 feet from centerline); thence along said right-of-way line South 03°00'00" West 15.01 feet; thence leaving said right-of-way line, and along a line parallel with and 15.00 feet south of, when measured at right angles to, the north line of said Lot 1, North 89°13'27" West 424.42 feet; thence North 00°46'33" East 15.00 feet to the north line of said Lot 1; thence along said north line South 89°13'27" East 425.00 feet to the Point of Beginning.

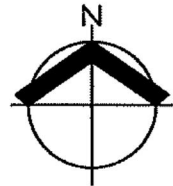
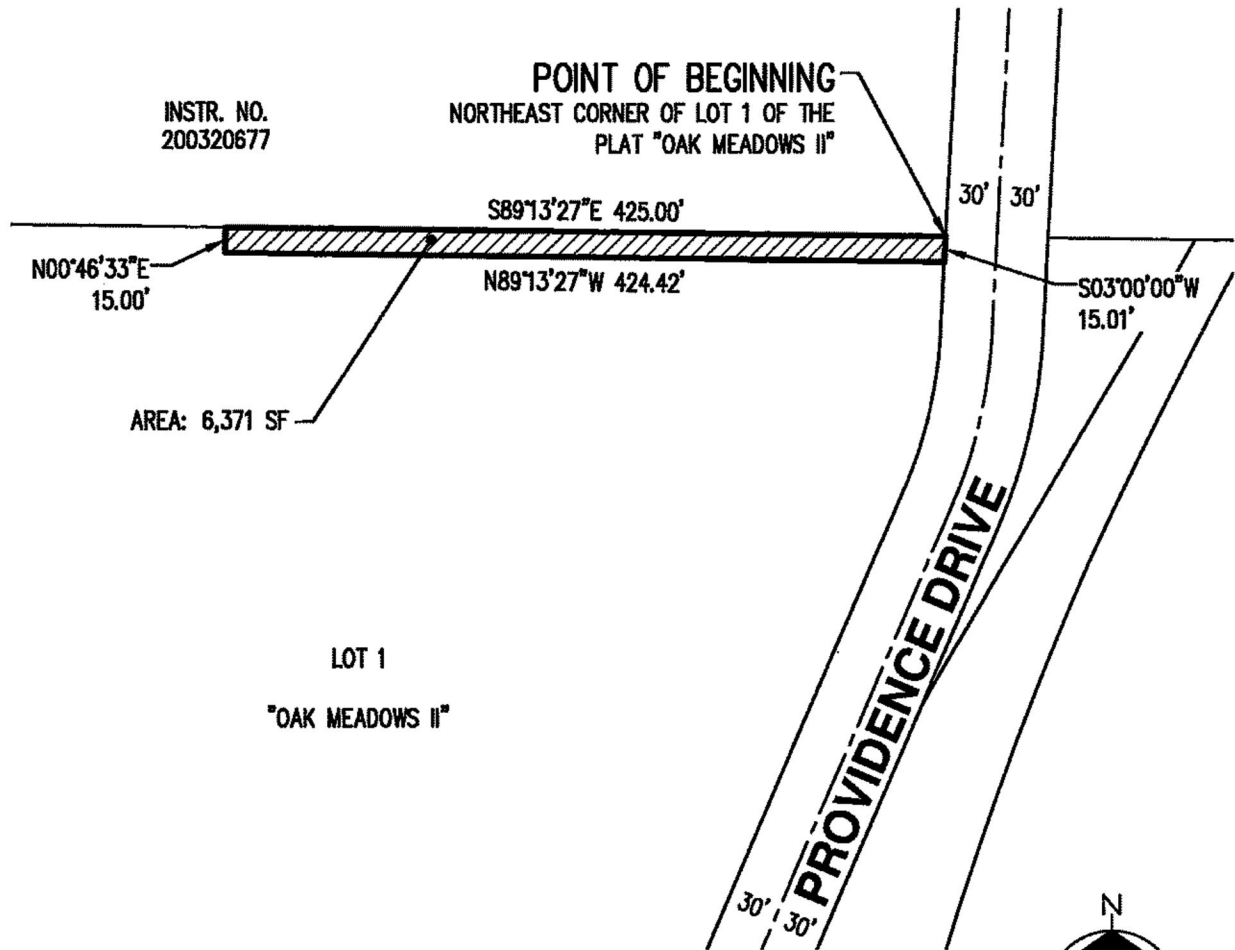
The above described tract of land contains 6,371 square feet, more or less.

04/11/2017

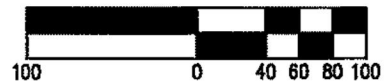


EXHIBIT B

A TRACT OF LAND BEING A PORTION OF LOT 1 OF THE PLAT "OAK MEADOWS II",
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
 CITY OF NEWBERG, YAMHILL COUNTY, OREGON



SCALE: 1"=100 FEET



04/11/2017

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Nick White

OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWES: 6/30/18

MAP OF EASEMENT

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT
B

DRWN: MEB
 CHKD: NSW
 AKS JOB:
 5680

THIS SPACE RESERVED FOR RECORDERS USE

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201709859

AFTER RECORDING RETURN TO:
 City of Newberg – Engineering Division
 PO Box 970, 414 E. First Street
 Newberg, OR 97132



00514025201700098590040043

\$56.00

06/21/2017 11:16:45 AM

 DMR-EDMR Cnt=1 Stn=3 SUTTONS
 \$20.00 \$5.00 \$11.00 \$20.00

PEDESTRIAN ACCESS EASEMENT

In consideration of the sum of \$0.00 and other valuable consideration, Werth Family LLC, herein called Grantor, does hereby convey to the **City of Newberg, a municipal corporation**, hereinafter called Grantee, a perpetual and permanent easement, for the purposes of pedestrian access and maintenance of a pedestrian path surface pavement facility across the following described real property:

A 15-foot wide strip of land being a portion of Parcel 2 of Partition Plat 2017-06 recorded in Yamhill County Records, said strip of land being described in Exhibit "A" and shown in Exhibit "B"

TO HAVE AND TO HOLD said easement to said Grantee, for the use and purpose herein above described.

It is further understood that:

1. The Grantor(s) hereby release(s) the City of Newberg, its agents and employees, assigns and successors of any and all liability for damage to the remaining lands resulting from this conveyance and further absolves the Grantee from any damage not controlled by their actions.
2. The rights granted herein shall not be construed to interfere with or restrict use of the premises by Grantor(s), their heirs or assigns, with respect to the construction and maintenance of property improvements along and adjacent to the premises herein described, so long as the same are so constructed as to not impair or interfere with the use and maintenance of access herein above authorized.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

RECEIVED

APR 29 2019

Initial: _____

PEDESTRIAN ACCESS EASEMENT (Continued)

IN WITNESS WHEREOF, the parties have executed this document on this 20th day of June, 2017.

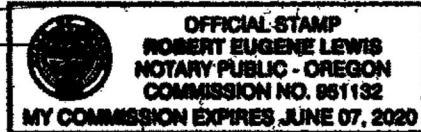
Dean C. Werth
Dean Werth

3879 Oak Meadow Loop
Address
NEWBERG OR 97132
City, State, Zip

STATE OF Oregon }
County of Washington } s.s.

This instrument was acknowledged before me this 20th day of June, 2017, by Dean Werth

[Signature]
Notary Public for Oregon
My Commission expires:



CITY OF NEWBERG
ACCEPTED:

Sue Ryan
Sue Ryan, City Recorder
Dated: 6/20/17

APPROVED AS TO FORM:

[Signature]
Truman Stone, City Attorney
Dated: 6/20/2017



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

AKS Job #5680

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

EXHIBIT A

Legal Description

A tract of land being a portion of Lot 1 of the plat "Oak Meadows II", located in the Southeast One-Quarter of Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Commencing at the northeast corner of Lot 2 of the plat "Oak Meadows II", said point being on the westerly right-of-way line of Providence Drive (30.00 feet from centerline); thence along said right-of-way line North 23°08'03" East 98.87 feet to the Point of Beginning; thence continuing along said right-of-way line North 23°08'03" East 15.00 feet; thence leaving said right-of-way line North 66°52'12" West 71.29 feet; thence North 89°13'27" West 250.00 feet; thence North 00°46'33" East 332.00 feet to the north line of Lot 1; thence along said north line North 89°13'27" West 15.00 feet; thence leaving said north line South 00°46'33" West 347.00 feet; thence South 89°13'27" East 262.04 feet; thence South 66°52'12" East 68.33 feet to the westerly right-of-way line of Providence Drive (30.00 feet from centerline) and the Point of Beginning.

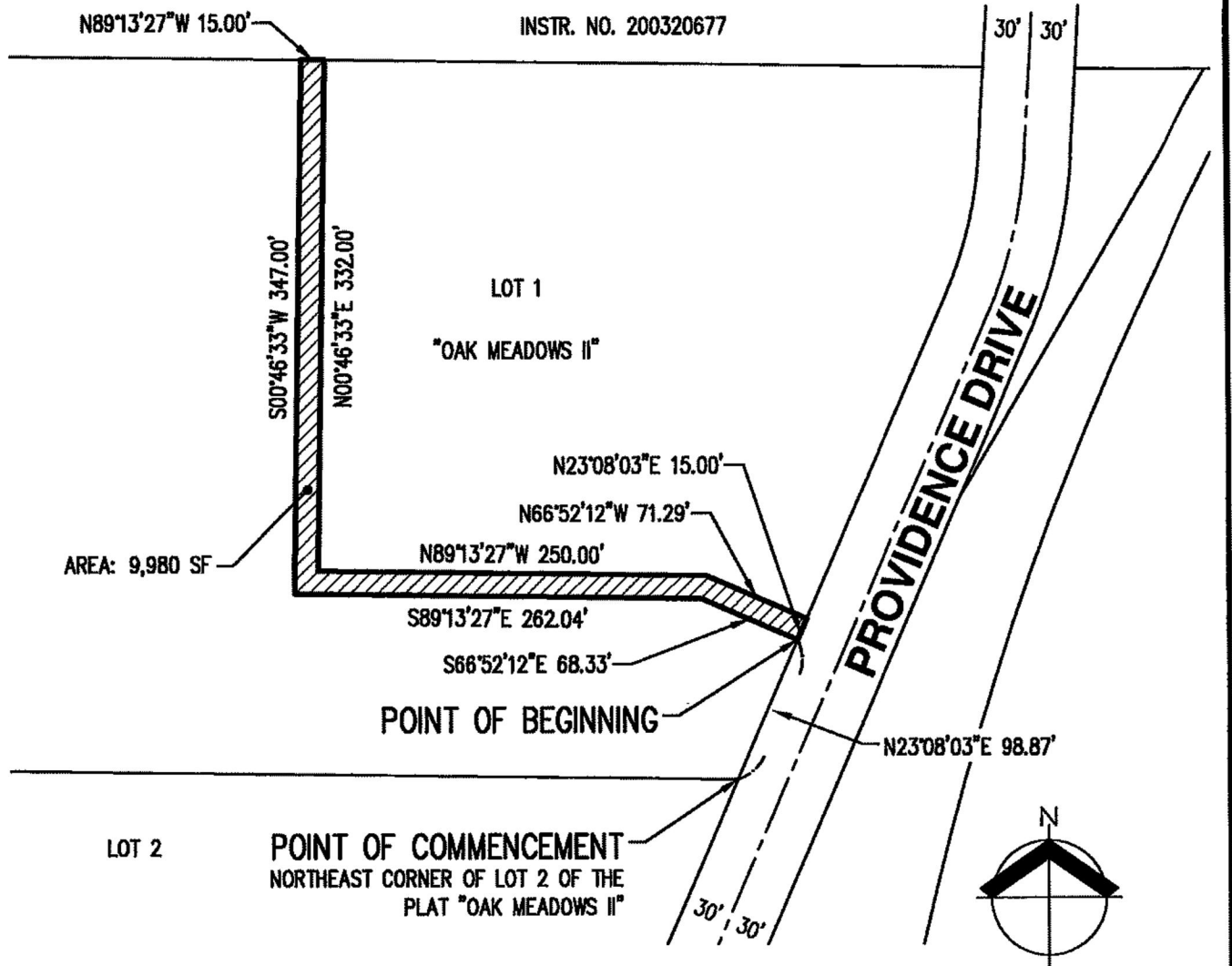
The above described tract of land contains 9,980 square feet, more or less.

04/11/2017



EXHIBIT B

A TRACT OF LAND BEING A PORTION OF LOT 1 OF THE PLAT "OAK MEADOWS II",
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
 CITY OF NEWBERG, YAMHILL COUNTY, OREGON



04/11/2017

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Nick White

OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWALS: 6/30/18

MAP OF EASEMENT

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 P: 503.563.6151 F: 503.563.6152 aks-eng.com

AKS

EXHIBIT
B

DRWN: MEB
 CHKD: NSW
 AKS JOB:
 5680

STATE OF OREGON

)

) SS

AFFIDAVIT OF CORRECTION

COUNTY OF YAMHILL

)

I, Nick White, P.L.S. No. 70652LS, being duly sworn, depose and say that I am the surveyor who surveyed the property as depicted and filed on Partition Plat 2017-06, Yamhill County Survey Records.

The following corrections to said survey are necessary and are as follows:

1. The following note to be filled in as follows:

20.00' PUBLIC WATER LINE PER INSTR. NO. 200213432; VACATED 20.00' PEDESTRIAN BICYCLE PATH EASEMENT PER INSTR. NO. 201709858

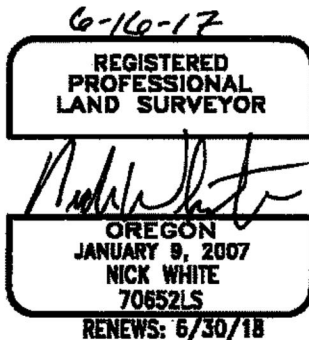
2. The following note to be filled in as follows:

15.00' PEDESTRIAN ACCESS EASEMENT PER INSTR. NO. 201709859

3. The note stating "15.00' PEDESTRIAN ACCESS EASEMENT PER INSTR. NO. 200808192 TO BE VACATED WITH THIS PARTITION PLAT" shall be replaced with "15.00' PEDESTRIAN ACCESS EASEMENT PER INSTR. NO. 200808192 TO BE VACATED PER INSTR. NO. 201709857".

The present fee owner of the property materially affected by this affidavit is as follows:

1. WERTH FAMILY, LLC



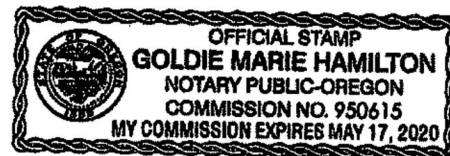
AKS Engineering & Forestry
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

NOTARY CERTIFICATE

Signed and sworn to before me on 6/16/17, by Nick White.

Notary Public for State of Oregon

My commission expires May 17, 2020.



OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201709900

AFTER RECORDING RETURN TO:
G MICHAEL GOUGLER
4729 MASTERS DRIVE
NEWBERG, OR 97132



00514079201700099000020026

\$71.00

06/22/2017 09:37:42 AM

PR-AFFPR Cnt=1 Stn=3 SUTTONS
\$10.00 \$25.00 \$5.00 \$11.00 \$20.00

STATE OF OREGON

)
) SS

AFFIDAVIT OF CORRECTION

COUNTY OF YAMHILL

)

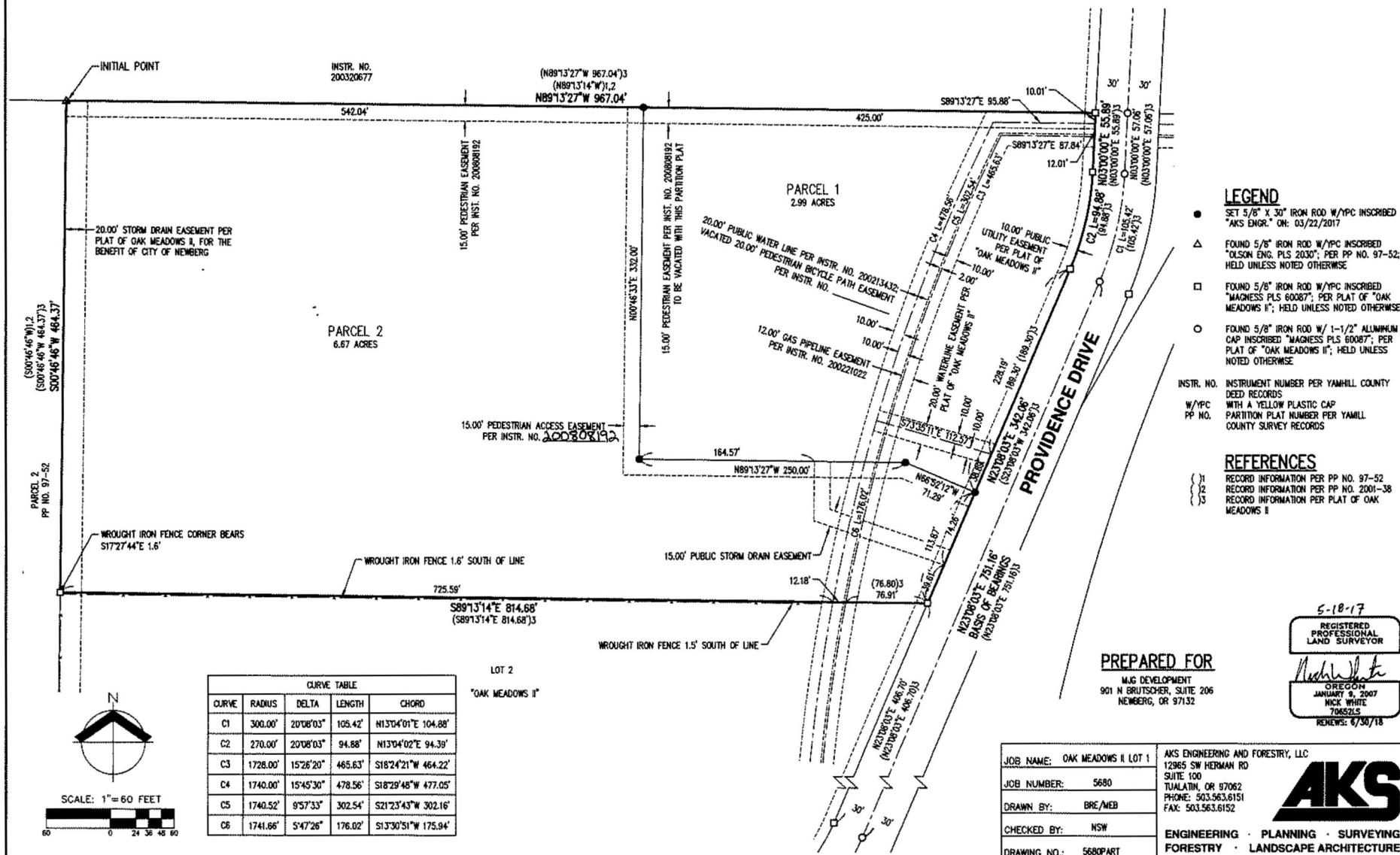
I William A. Gille, Yamhill County Surveyor, do hereby certify that said Affidavit of Correction for Partition Plat 2017-06 has been examined by me and that it complies with O.R.S. 209.

Approved 6/22/2017.

William A. Gille
 , Yamhill County Surveyor

Received 6/6/2017
County Surveyor

A REPLAT OF LOT 1 OF THE PLAT "OAK MEADOWS II",
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON
MARCH 22, 2017



PARTITION PLAT 2017-06

RECEIVED 6/6/2017
County Surveyor

SHEET 2 OF 2

A REPLAT OF LOT 1 OF THE PLAT "OAK MEADOWS II",
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON
MARCH 22, 2017

SURVEYORS CERTIFICATE

I, NICK WHITE, PLS 70652LS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THE ATTACHED PARTITION PLAT, AND BEING DESCRIBED AS FOLLOWS:

BEING A REPLAT OF LOT 1 OF THE PLAT "OAK MEADOWS II", LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NEWBERG, YAMHILL COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "OLSON ENG PLS 2030" AT THE NORTHWEST CORNER OF LOT 1 OF THE PLAT "OAK MEADOWS II" SAID POINT ALSO BEING THE NORTHEAST CORNER OF PARCEL 2 OF PARTITION PLAT NO. 97-52; THENCE ALONG THE WEST LINE OF SAID LOT 1 SOUTH 00°46'46" WEST 464.37 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "MAGNESS PLS 60087" AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE SOUTH LINE THEREOF SOUTH 89°13'14" EAST 814.68 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "MAGNESS PLS 60087" AT THE SOUTHEAST CORNER THEREOF AND BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF PROVIDENCE DRIVE (30 FEET FROM CENTERLINE); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 23°08'03" EAST 342.06 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "MAGNESS PLS 60087"; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 270.00 FEET, A DELTA OF 20°08'03", A LENGTH OF 94.88 FEET, AND A CHORD OF NORTH 13°04'02" EAST 94.39 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "MAGNESS PLS 60087"; THENCE NORTH 03°00'00" EAST 55.89 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "MAGNESS PLS 60087" AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE THEREOF, NORTH 89°13'27" WEST 967.04 FEET TO THE INITIAL POINT.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 9.68 ACRES, MORE OR LESS.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO REPLAT LOT 1 OF PLAT "OAK MEADOWS II" PER CITY OF NEWBERG PLANNING FILE NO SUB2-07-006 INTO PARCELS 1 AND 2 AS SHOWN HEREON. BASIS OF BEARINGS IS THE CENTERLINE OF PROVIDENCE DRIVE PER PLAT OF "OAK MEADOWS II".

ALL FOUND MONUMENTS, BEARINGS, DISTANCES, AND CURVE INFORMATION PER THE PLAT OF "OAK MEADOWS II" ARE HELD.

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK 201709029



\$81.00

PL-PARPR CN#1 SH#3 SUTTONS
\$45.00 \$5.00 \$11.00 \$20.00

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT WERTH FAMILY L.L.C., AN OREGON LIMITED LIABILITY COMPANY, IS THE OWNER OF THE LAND REPRESENTED ON THE ATTACHED MAP AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND HAS CAUSED SAID LANDS TO BE ADJUSTED AND PARTITIONED IN TO 2 PARCELS AS SHOWN ON THE ATTACHED MAP, IN ACCORDANCE WITH THE PROVISIONS OF THE RESPECTIVE O.R.S. AND THE STANDARDS OF THE CITY OF NEWBERG. WE THE UNDERSIGNED DO HEREBY DEDICATE FOR THE PUBLIC USE FOREVER ALL EASEMENTS FOR THE PURPOSES SHOWN AND NOTED ON THE ATTACHED MAP.

Dean North
DEAN NORTH, MEMBER
WERTH FAMILY, LLC

ACKNOWLEDGMENTS

STATE OF OREGON } S.S.
COUNTY OF YAMHILL }

THIS DECLARATION WAS ACKNOWLEDGED BEFORE ME ON March 25th, 2017 BY DEAN NORTH, MEMBER OF WERTH FAMILY, LLC, WHO, BEING DULY SWORN, DID SAY THAT HE IS THE IDENTICAL PERSON NAMED IN THE FOREGOING INSTRUMENT AND THAT HE EXECUTED SAID INSTRUMENT ON BEHALF OF SAID LIMITED LIABILITY COMPANY, FREELY AND VOLUNTARILY.

NOTARY PUBLIC - OREGON
Robert E Lewis
PRINT NAME
COMMISSION NO. 451132
MY COMMISSION EXPIRES: June 01 2020

PLAT NOTES

1. THE PARCELS IN THIS PARTITION PLAT ARE SUBJECT TO EXISTING EASEMENTS AND ENCUMBRANCES OF RECORD.

CITY OF NEWBERG APPROVALS

APPROVED THIS 25th DAY OF May, 2017
CITY OF NEWBERG COMMUNITY DEVELOPMENT DIRECTOR

BY: *Daughter R. Rose*

APPROVED THIS 25th DAY OF May, 2017
CITY OF NEWBERG RECORDER

BY: *Lawrence R. Brindle*

YAMHILL COUNTY APPROVALS

APPROVED THIS 30th DAY OF May, 2017
YAMHILL COUNTY SURVEYOR

BY: *William A. Little*

APPROVED THIS 5th DAY OF JUNE, 2017,
ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY
O.R.S. 92.095 HAVE BEEN PAID THROUGH JUNE 30th, 2017.

YAMHILL COUNTY TAX COLLECTOR
BY: *Donna C. Calkins*

PREPARED FOR

MAG DEVELOPMENT
901 N BRUTSCHER, SUITE 206
NEWBERG, OR 97132

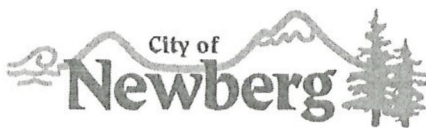
5-17-17

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White
OREGON
JANUARY 8, 2007

NICK WHITE
70652LS
RENEWS: 6/30/18

JOB NAME: OAK MEADOWS II LOT 1	AKS ENGINEERING AND FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 PHONE: 503.563.6151 FAX: 503.563.6152
JOB NUMBER: 5680	
DRAWN BY: BRE/WEB	
CHECKED BY: NSW	
DRAWING NO.: 5680CPART	ENGINEERING • PLANNING • SURVEYING FORESTRY • LANDSCAPE ARCHITECTURE



TYPE II APPLICATION (LAND USE) -- 2019

File #: MISC 219-0001

TYPES - PLEASE CHECK ONE:

- ☐ Design review
☐ Tentative Plan for Partition
☐ Tentative Plan for Subdivision

☐ Type II Major Modification☐ Variance☒ Other: (Explain) EASEMENT RELEASE

APPLICANT INFORMATION:

APPLICANT: WERTH FAMILY LLC
 ADDRESS: 901 N. BRUTSCHER PMB D352 NEWBERG
 EMAIL ADDRESS: GGOUB@YAHOO.COM
 PHONE: 503 537-9011 MOBILE: 503 810-5576 FAX: 503 537-9011
 OWNER (if different from above): _____ PHONE: _____
 ADDRESS: _____
 ENGINEER/SURVEYOR: AKS ENGINEERING PHONE: 503 563-6151
 ADDRESS: 12965 SW HERMAN RD. TUALATIN

GENERAL INFORMATION:

PROJECT NAME: PEDESTRIAN EASEMENT PROJECT LOCATION: SPRINGBROOK OAKS
 PROJECT VALUATION: _____ 379 N Providence Dr
 PROJECT DESCRIPTION/USE: EASEMENT RELEASE
 MAP/TAX LOT NO. (i.e. 3200AB-400): 879 PROVIDENCE DR ZONE: _____ SITE SIZE: _____ SQ. FT. ☐ ACRE ☐
 COMP PLAN DESIGNATION: _____ TOPOGRAPHY: _____
 CURRENT USE: OPEN
 SURROUNDING USES:
 NORTH: HOSPITAL SOUTH: FRIENDSVIEW
 EAST: PROVIDENCE DR. WEST: ARCYLE WINE

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: ☐ Fees ☐ Public Notice Information ☐ Current Title Report ☐ Written Criteria Response ☐ Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Design Reviewp. 12
 Partition Tentative Platp. 14
 Subdivision Tentative Platp. 17
 Variance Checklistp. 20

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Mike Gougher 5/14/19
 Applicant Signature Date

Mike Gougher
 Print Name

Dean E. Werth
 Owner Signature Date

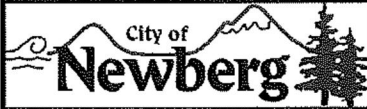
DEAN E. WERTH
 Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists

RECEIVED

MAY 15 2019

Initial Page 1



Cash Register Receipt

City of Newberg

Receipt Number
R4560

DESCRIPTION	ACCOUNT	QTY	PAID
ProjectTRAK			\$918.75
MISC219-0001 Address: 879 N PROVIDENCE DR APN: R3216 02001			\$918.75
TECHNOLOGY FEE			\$43.75
TECHNOLOGY FEE	01-0000-341006	0	\$43.75
TYPE II			\$875.00
ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	01-0000-341003	0	\$875.00
TOTAL FEES PAID BY RECEIPT: R4560			\$918.75

Date Paid: Wednesday, May 15, 2019

Paid By: MJG Development Inc

Cashier: MF

Pay Method: CHECK 4420



Development, Inc.

May 14, 2019

Mr. Doug Rux
Community Development Director
City of Newberg
Newberg, Oregon 97132

RE: Request for Vacation/Release of Springbrook Oaks Pedestrian Path Easement.

Dear Doug:

In the fall of 2002 the City requested that the Werth Family LLC ("WFLLC"), owners of Springbrook Oaks, create an easement for a pedestrian path along the entire northern edge of the Springbrook Oaks Specific Plan properties. This path was to be designed to allow pedestrians/bikes to travel from the Greens housing development to Brutscher Street and from there to Fred Meyer.

The WFLLC agreed and recorded easements that would allow a pathway from The Greens on the east to a west side parcel now owned by Argyle Winery.

Since the creation of the Pedestrian Path easement it has become apparent that construction of a path that accomplishes the original intent is impossible.

For the following reasons we are respectfully requesting that the easement be vacated:

- The WFLLC sold ODOT the lands that were selected as necessary to construct the second phase of the bypass. As part of that sale the City released the pedestrian easement located on that property.
- There is no path identified in the 2005 or 2016 TSP for a path from The Greens to Fred Meyer.
- There is no TSP plan that shows a pedestrian path over the Argyle site to the west of the WFLLC property.
- Should pedestrians from the hospital complex or from the WFLLC developments on the north side of Hayes Street need

to walk to Fred Meyer, there is a code compliant sidewalk that can be used.

Please find attached:

- A map of the properties affected by the bypass corridor.
- Exhibit A and B for the Full Release of Easement
- The Partial Release of Easement for a 425 foot portion of the easement (ODOT).
- A Partial Release of Easement to move the easement around the Oregon Clinic project.
- A 'new' access easement made necessary by the move of the easement.
- A Partial Release of Easement moving the easement from the north side of Oregon Clinic.
- A 'new' Pedestrian Access Easement to bring the path around the Oregon Clinic.
- The original 2008 Deed of Dedication.

Your assistance in presenting and explaining this request to City Council is appreciated.

Sincerely yours,

G. Michael Gougler
Chief Operating Officer
Werth Family LLC.

AFTER RECORDING RETURN TO:
 City of Newberg – Engineering Division
 PO Box 970, 414 E. First Street
 Newberg, OR 97132

RELEASE OF EASEMENT

The City of Newberg, a municipal corporation, in consideration of \$0.00 does hereby release all rights of access and interests in the following described [type of easement] Easement(s) to the property owner, _____, their heirs and assigns.

Easement as described by _____ on _____
Instrument No., Volume & Page, etc Date

See Attached Exhibit "A"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

IN WITNESS WHEREOF, the parties have executed this document on this ____ day of _____ 20__.

 Joe Hannan, City Manager

STATE OF OREGON

County of Yamhill

This instrument was acknowledged before me this __ day of _____ 20__, by Joe Hannan.

 Notary Public for Oregon
 My Commission expires: _____

CITY OF NEWBERG
 ACCEPTED:

 Sue Ryan, City Recorder

Dated: _____

APPROVED AS TO FORM AND CONTENT

 Truman Stone, City Attorney

Dated: _____



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 | www.aks-eng.com

AKS Job #5680

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

EXHIBIT A

Description

A tract of land being a portion of Partition Plat Number 2017-06, located in the Southeast One-Quarter of Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Commencing at the Southeast corner of Parcel 2 of the Partition Plat 2017-06, also being on the westerly right-of-way line of Providence Drive (30.00 feet from centerline); thence along said right-of-way line, North 23°08'03" East 98.87 feet to the Point of Beginning; thence continuing along said westerly right-of-way line, North 23°08'03" East 15.00 feet; thence along the southerly line of said Parcel 1, North 66°52'12" West 71.29 feet; thence continuing along said southerly line North 89°13'27" West 250.00 feet to the Southwest corner of said Parcel 1; thence, along the West line of said Parcel 1 North 00°46'33" East 332.00 feet to the Northeast corner of Parcel 2 of said Partition Plat; thence along the northerly line of Parcel 2 of said Partition Plat North 89°13'27" West 542.03 feet to the northwest corner of said Parcel 2; thence along the west line of said Parcel 2 South 00°46'33" West 15.00 feet to a line which is parallel with and 15.00 feet southerly of, when measured at right angles to, said north line; thence along said parallel line, South 89°13'27" East 527.03 feet to a line which is parallel with and 15 feet westerly of, when measured at right angles to, the east line of said Parcel 2; thence along said parallel line, South 00°46'33" West 332.00 feet to a line which is parallel with and 15 feet southerly of, when measured at right angles to, the southerly line of said Parcel 1; thence South 89°13'27" East 262.04 feet; thence continuing along said parallel line, South 66°52'12" East 68.33 feet to the Point of Beginning.

The above described tract of land contains 17,885 square feet, more or less.

5/8/2019

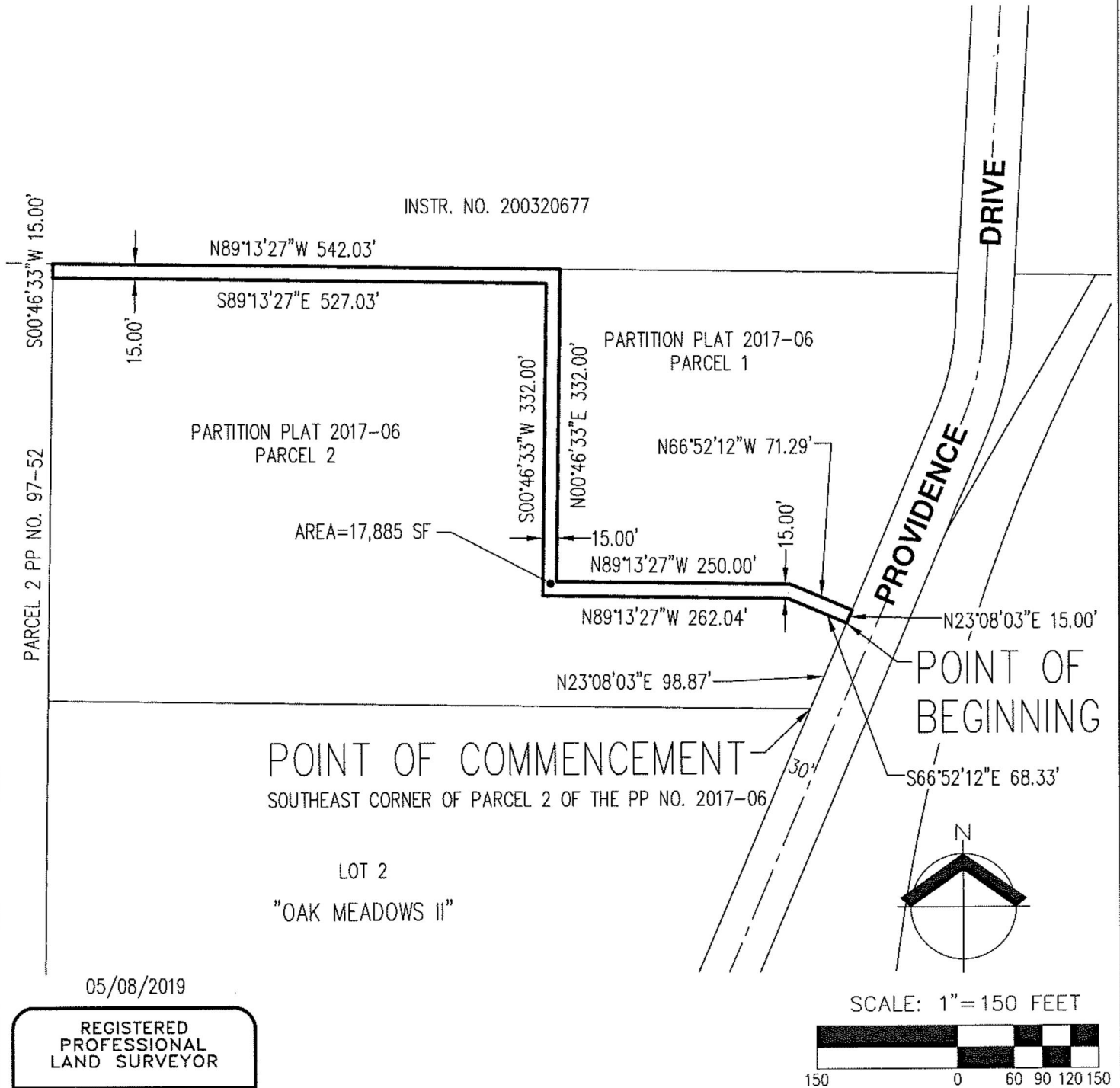
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/20

EXHIBIT B

A TRACT OF LAND BEING A PORTION OF PARTITION PLAT NO. 2017-06.
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON



05/08/2019

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWALS: 6/30/20

DESCRIPTION MAP

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
P: 503.563.6151 F: 503.563.6152 aks-eng.com

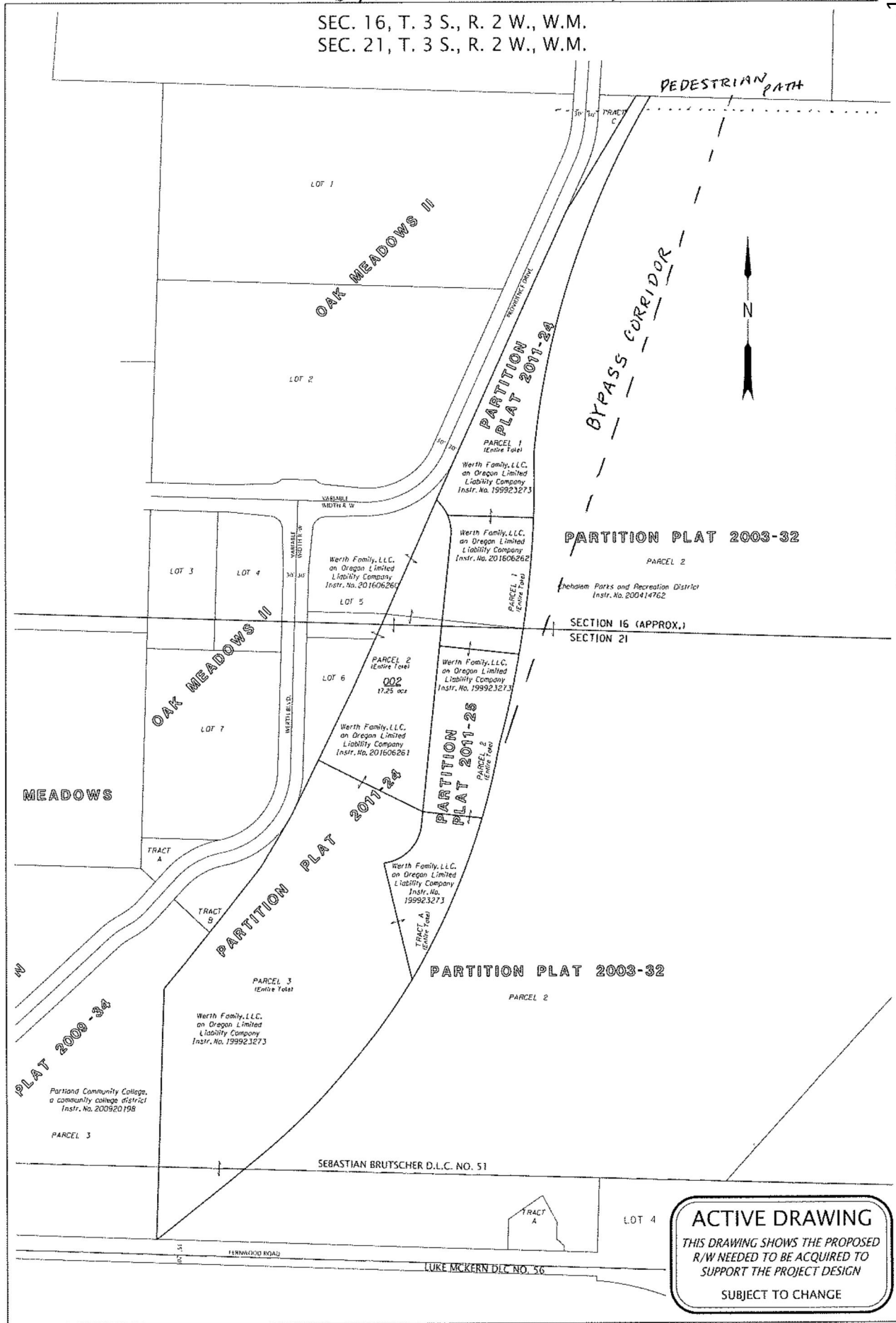
EXHIBIT
B

DRWN: CH
CHKD: NSW
AKS JOB: 5680

AKS

SPRINGBROOK OAKS BYPASS CORRIDOR

109



ACTIVE DRAWING
THIS DRAWING SHOWS THE PROPOSED
R/W NEEDED TO BE ACQUIRED TO
SUPPORT THE PROJECT DESIGN
SUBJECT TO CHANGE

 OREGON DEPARTMENT OF TRANSPORTATION RIGHT OF WAY ENGINEERING SKETCH MAP	SECTION	OR18: NEWBERG-DUNDEE BYPASS (PHASE 2)	SCALE	1" = 200'
	HIGHWAY	SALMON RIVER	DATE	OCTOBER, 2018
	COUNTY	YAMHILL	FILE	9220002
	PURPOSE	R/W ACQUISITION	SEE DRAWING 11B-9-4	

THIS SPACE RESERVED FOR RECORDERS USE

AFTER RECORDING RETURN TO:

City of Newberg – Engineering Division
 PO Box 970, 414 E. First Street
 Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS
 BRIAN VAN BERGEN, COUNTY CLERK

201709857**\$56.00**

00514023201700098570040049

06/21/2017 11:16:45 AM

DMR-EDMR Cnt=1 Stn=3 SUTTONS
 \$20.00 \$5.00 \$11.00 \$20.00

PARTIAL RELEASE OF EASEMENT

The City of Newberg, a municipal corporation, in consideration of \$0.00 does hereby release all rights of access and interests in the following described PEDESTRIAN EASEMENT to the property owner, Werth Family, LLC, their heirs and assigns.

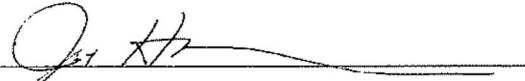
A 425 foot portion of the pedestrian easement as described by Instrument No.200808192

Described in Exhibit "A" and shown in Exhibit "B"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Signatures continued on next page

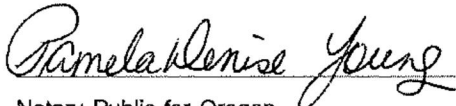
IN WITNESS WHEREOF, the parties have executed this document on this 20th day of June 2017.

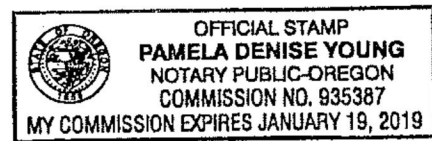

Joe Hannan, City Manager

STATE OF OREGON

County of Yamhill

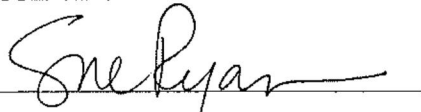
This instrument was acknowledged before me this 20th day of June 2017, by Joe Hannan.


Notary Public for Oregon
My Commission expires: 1/19/19



CITY OF NEWBERG

ACCEPTED:


Sue Ryan, City Recorder

Dated: 6/20/17

APPROVED AS TO FORM AND CONTENT


Truman Stone, City Attorney

Dated: 6/20/17



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

AKS Job #5680

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

EXHIBIT A

Legal Description

A tract of land being a portion of Lot 1 of the plat "Oak Meadows II", located in the Southeast One-Quarter of Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Beginning at the northeast corner of Lot 1 of the plat "Oak Meadows II", said point being on the westerly right-of-way line of Providence Drive (30.00 feet from centerline); thence along said right-of-way line South 03°00'00" West 15.01 feet; thence leaving said right-of-way line, and along a line parallel with and 15.00 feet south of, when measured at right angles to, the north line of said Lot 1, North 89°13'27" West 424.42 feet; thence North 00°46'33" East 15.00 feet to the north line of said Lot 1; thence along said north line South 89°13'27" East 425.00 feet to the Point of Beginning.

The above described tract of land contains 6,371 square feet, more or less.

04/11/2017

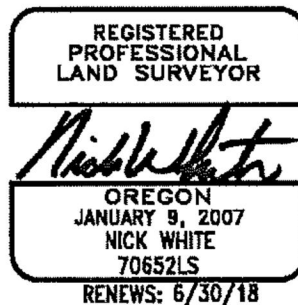
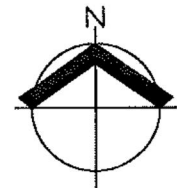
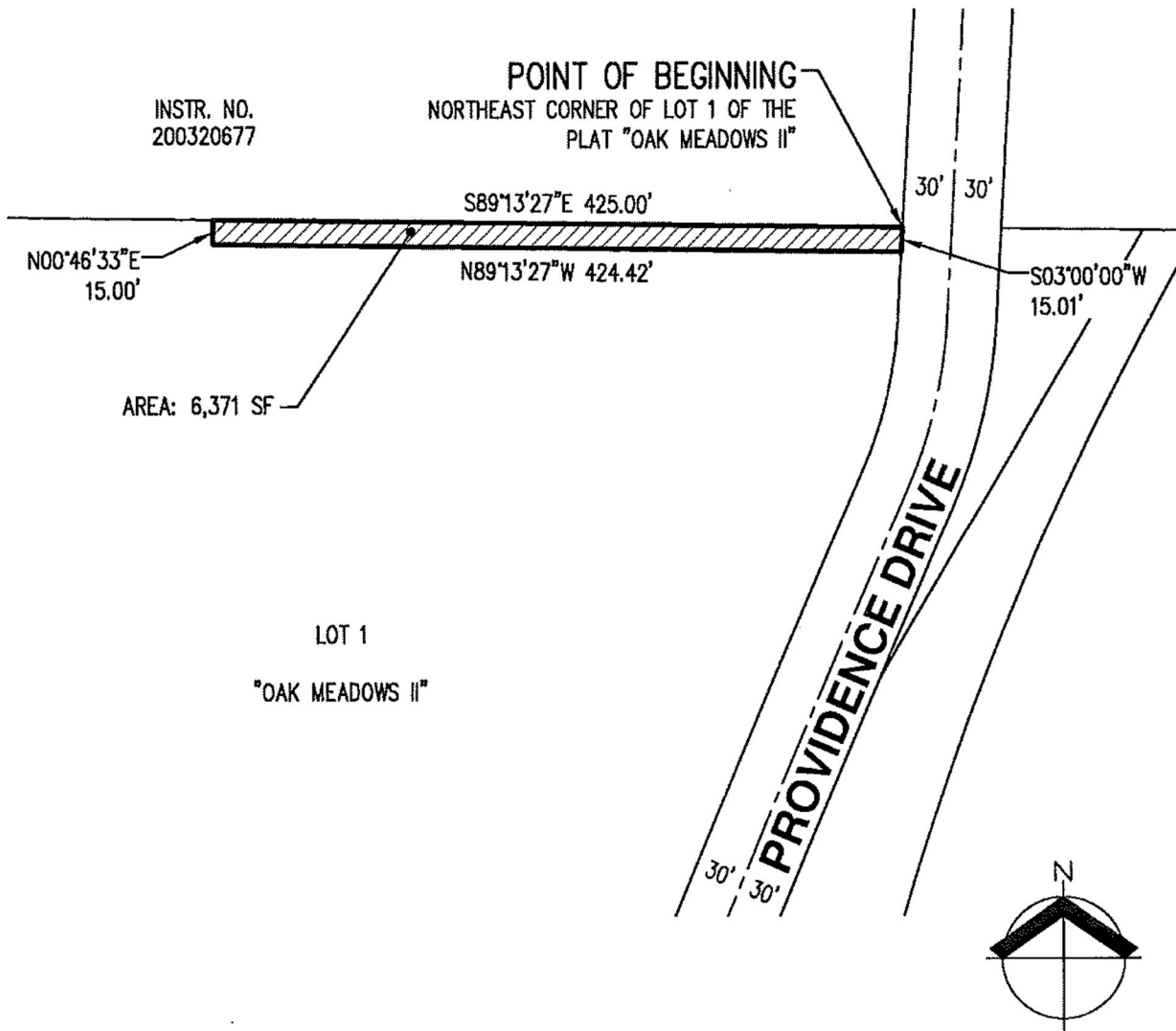


EXHIBIT B

A TRACT OF LAND BEING A PORTION OF LOT 1 OF THE PLAT "OAK MEADOWS II",
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
 CITY OF NEWBERG, YAMHILL COUNTY, OREGON



SCALE: 1"=100 FEET



04/11/2017

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Nick White

OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWALS: 6/30/18

MAP OF EASEMENT

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 P: 503.563.6151 F: 503.563.6152 aks-eng.com

AKS

EXHIBIT
B

DRWN: MEB
 CHKD: NSW
 AKS JOB:
 5680

THIS SPACE RESERVED FOR RECORDERS USE

AFTER RECORDING RETURN TO:

City of Newberg – Engineering Division
 PO Box 970, 414 E. First Street
 Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS
 BRIAN VAN BERGEN, COUNTY CLERK

201709858

00514024201700098580040046

\$56.00**06/21/2017 11:16:45 AM**

DMR-EDMR Cnt=1 Stn=3 SUTTONS
 \$20.00 \$5.00 \$11.00 \$20.00

PARTIAL RELEASE OF EASEMENT

The City of Newberg, a municipal corporation, in consideration of \$0.00 does hereby release all rights of access and interests in the following described PEDESTRIAN BICYCLE PATH EASEMENT to the property owner, Werth Family, LLC, their heirs and assigns. The public water line easement is not released.

Pedestrian bicycle path easement as described by Instrument No.200213432

Described in Exhibit "A" and shown in Exhibit "B"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Signatures continued on next page.

IN WITNESS WHEREOF, the parties have executed this document on this 20th day of June 2017.

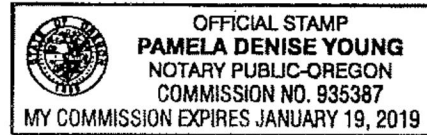
Joe Hannan
Joe Hannan, City Manager

STATE OF OREGON

County of Yamhill

This instrument was acknowledged before me this 20th day of June 2017, by Joe Hannan.

Pamela Denise Young
Notary Public for Oregon
My Commission expires: 1/19/19



CITY OF NEWBERG

ACCEPTED:

Sue Ryan
Sue Ryan, City Recorder

Dated: 6/20/17

APPROVED AS TO FORM AND CONTENT

Truman Stone
Truman Stone, City Attorney

Dated: 6/20/17



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

AKS Job #5680

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

EXHIBIT A

Legal Description

A tract of land being a portion of Lot 1 of the plat "Oak Meadows II", located in the Southeast One-Quarter of Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Beginning at the northeast corner of Lot 1 of the plat "Oak Meadows II", said point being on the westerly right-of-way line of Providence Drive (30.00 feet from centerline); thence along said west right-of-way line South 03°00'00" West 20.02 feet; thence leaving said west right-of-way line, along a line parallel with and 20.00 feet south of, when measured at right angles to, the north line of said Lot 1, North 89°13'27" West 89.18 feet; thence along a non-tangent curve to the left with a Radius of 1,730.00 feet, a Delta of 15°29'33", a Length of 467.78 feet and a Chord of South 18°25'16" West 466.36 feet to the south line of said Lot 1; thence along said south line North 89°13'14" West 20.30 feet; thence leaving said south line, along a non-tangent curve to the right with a Radius of 1,750.00 feet, a Delta of 16°01'17", a Length of 489.35 feet and a Chord of North 18°34'17" East 487.75 feet to the north line of said Lot 1; thence along said north line South 89°13'27" East 102.55 feet to the Point of Beginning.

The above described tract of land contains 11,489 square feet, more or less.

04/11/2017

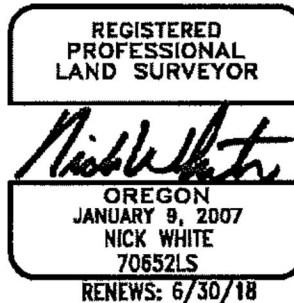
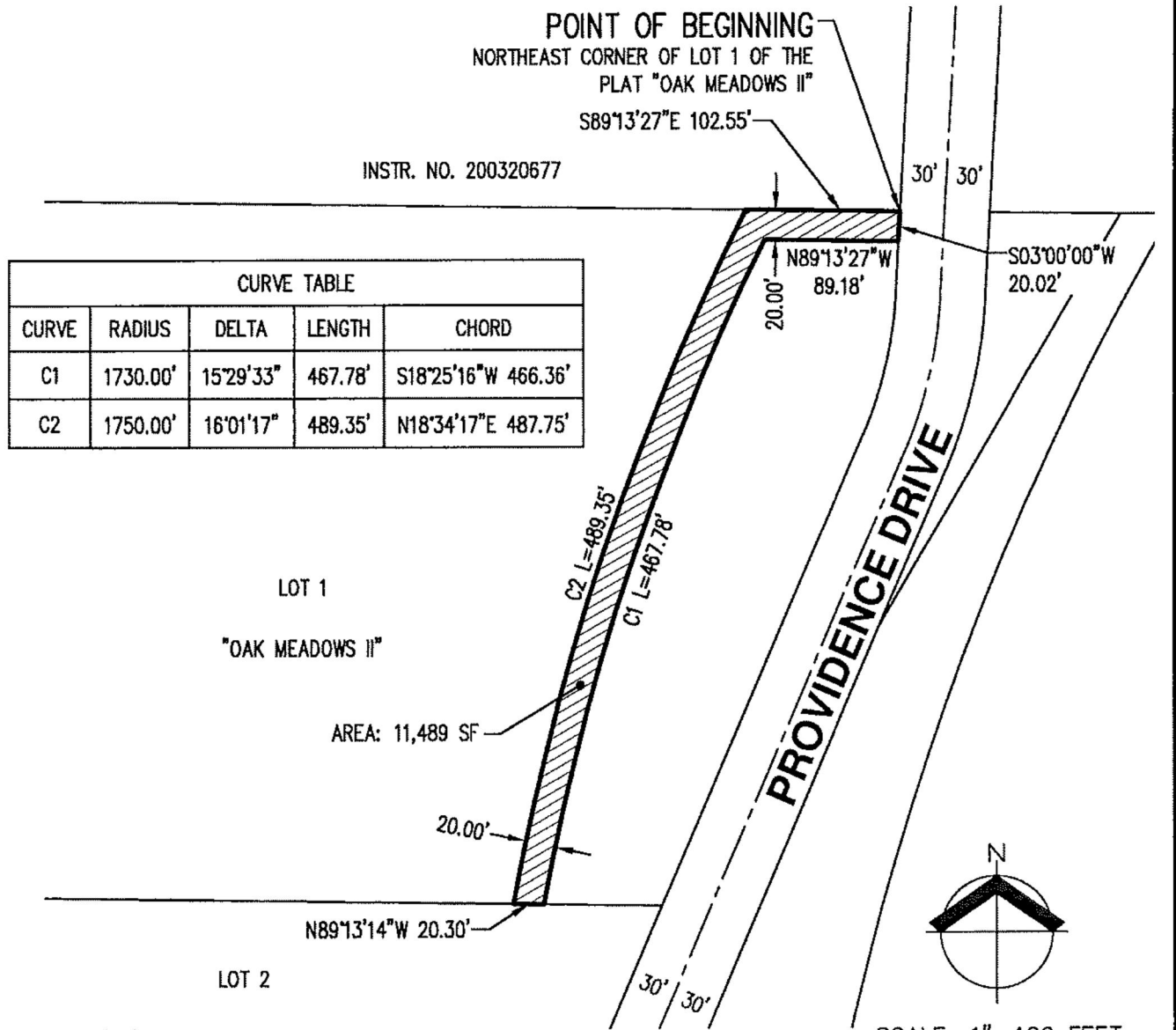


EXHIBIT B

A TRACT OF LAND BEING A PORTION OF LOT 1 OF THE PLAT "OAK MEADOWS II",
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
 CITY OF NEWBERG, YAMHILL COUNTY, OREGON



04/11/2017

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Nick White

OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWS: 6/30/18

MAP OF EASEMENT

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 P: 503.563.6151 F: 503.563.6152 aks-eng.com

AKS

EXHIBIT
B

DRWN: MEB
 CHKD: NSW
 AKS JOB:
 5680

THIS SPACE RESERVED FOR RECORDERS USE

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201709859

AFTER RECORDING RETURN TO:
 City of Newberg – Engineering Division
 PO Box 970, 414 E. First Street
 Newberg, OR 97132



\$56.00

00514025201700098590040043

06/21/2017 11:16:45 AM

DMR-EDMR Cnt=1 Stn=3 SUTTONS
\$20.00 \$5.00 \$11.00 \$20.00

PEDESTRIAN ACCESS EASEMENT

In consideration of the sum of \$0.00 and other valuable consideration, Werth Family LLC, herein called Grantor, does hereby convey to the **City of Newberg, a municipal corporation**, hereinafter called Grantee, a perpetual and permanent easement, for the purposes of pedestrian access and maintenance of a pedestrian path surface pavement facility across the following described real property:

A 15-foot wide strip of land being a portion of Parcel 2 of Partition Plat 2017-06 recorded in Yamhill County Records, said strip of land being described in Exhibit "A" and shown in Exhibit "B"

TO HAVE AND TO HOLD said easement to said Grantee, for the use and purpose herein above described.

It is further understood that:

1. The Grantor(s) hereby release(s) the City of Newberg, its agents and employees, assigns and successors of any and all liability for damage to the remaining lands resulting from this conveyance and further absolves the Grantee from any damage not controlled by their actions.
2. The rights granted herein shall not be construed to interfere with or restrict use of the premises by Grantor(s), their heirs or assigns, with respect to the construction and maintenance of property improvements along and adjacent to the premises herein described, so long as the same are so constructed as to not impair or interfere with the use and maintenance of access herein above authorized.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

PEDESTRIAN ACCESS EASEMENT (Continued)

IN WITNESS WHEREOF, the parties have executed this document on this 20th day of June, 2017.

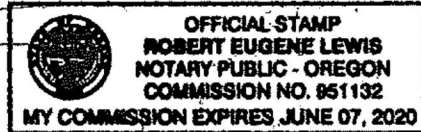
Dean C. Werth
Dean Werth

3879 Oak Meadow Loop
Address
Newberg OR 97132
City, State, Zip

STATE OF Oregon }
County of Washington } s.s.

This instrument was acknowledged before me this 20th day of June, 2017, by Dean Werth

Notary Public for Oregon
My Commission expires:



CITY OF NEWBERG
ACCEPTED:

Sue Ryan
Sue Ryan, City Recorder

Dated: 6/20/17

APPROVED AS TO FORM:

Truman Stone
Truman Stone, City Attorney

Dated: 6/20/2017



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

AKS Job #5680

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

EXHIBIT A

Legal Description

A tract of land being a portion of Lot 1 of the plat "Oak Meadows II", located in the Southeast One-Quarter of Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Commencing at the northeast corner of Lot 2 of the plat "Oak Meadows II", said point being on the westerly right-of-way line of Providence Drive (30.00 feet from centerline); thence along said right-of-way line North 23°08'03" East 98.87 feet to the Point of Beginning; thence continuing along said right-of-way line North 23°08'03" East 15.00 feet; thence leaving said right-of-way line North 66°52'12" West 71.29 feet; thence North 89°13'27" West 250.00 feet; thence North 00°46'33" East 332.00 feet to the north line of Lot 1; thence along said north line North 89°13'27" West 15.00 feet; thence leaving said north line South 00°46'33" West 347.00 feet; thence South 89°13'27" East 262.04 feet; thence South 66°52'12" East 68.33 feet to the westerly right-of-way line of Providence Drive (30.00 feet from centerline) and the Point of Beginning.

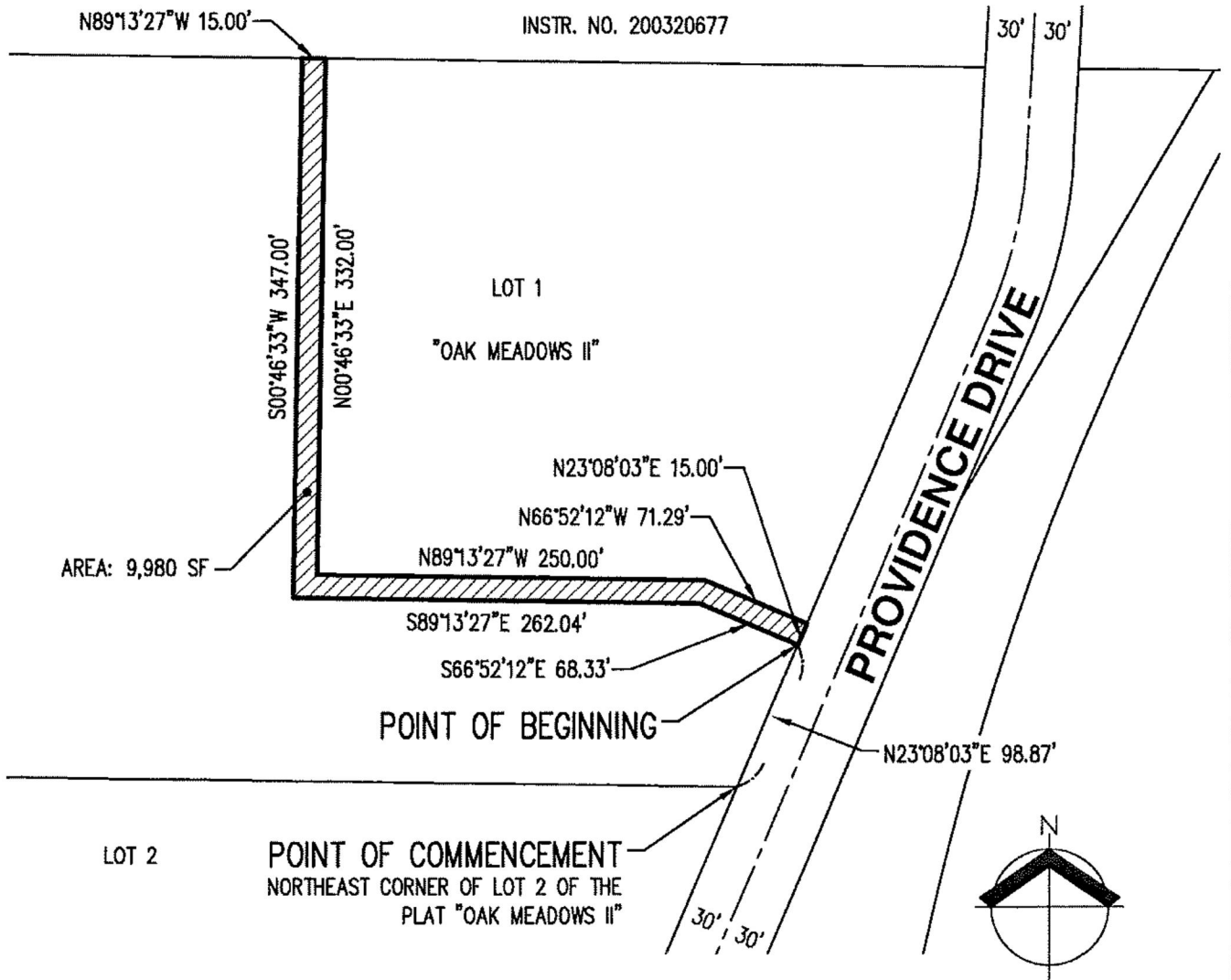
The above described tract of land contains 9,980 square feet, more or less.

04/11/2017



EXHIBIT B

A TRACT OF LAND BEING A PORTION OF LOT 1 OF THE PLAT "OAK MEADOWS II",
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
 CITY OF NEWBERG, YAMHILL COUNTY, OREGON



04/11/2017

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Nick White

OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWS: 6/30/18

MAP OF EASEMENT

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 P: 503.563.6151 F: 503.563.6152 aks-eng.com

AKS

EXHIBIT
B

DRWN: MEB
 CHKD: NSW
 AKS JOB:
 5680

STATE OF OREGON

) SS

AFFIDAVIT OF CORRECTION

COUNTY OF YAMHILL

)

I, Nick White, P.L.S. No. 70652LS, being duly sworn, depose and say that I am the surveyor who surveyed the property as depicted and filed on Partition Plat 2017-06, Yamhill County Survey Records.

The following corrections to said survey are necessary and are as follows:

1. The following note to be filled in as follows:

20.00' PUBLIC WATER LINE PER INSTR. NO. 200213432; VACATED 20.00' PEDESTRIAN BICYCLE PATH EASEMENT PER INSTR. NO. 201709858

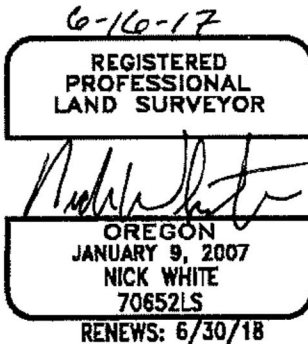
2. The following note to be filled in as follows:

15.00' PEDESTRIAN ACCESS EASEMENT PER INSTR. NO. 201709859

3. The note stating "15.00' PEDESTRIAN ACCESS EASEMENT PER INSTR. NO. 200808192 TO BE VACATED WITH THIS PARTITION PLAT" shall be replaced with "15.00' PEDESTRIAN ACCESS EASEMENT PER INSTR. NO. 200808192 TO BE VACATED PER INSTR. NO. 201709857".

The present fee owner of the property materially affected by this affidavit is as follows:

1. WERTH FAMILY, LLC



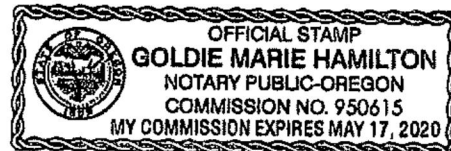
AKS Engineering & Forestry
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

NOTARY CERTIFICATE

Signed and sworn to before me on 6/16/17, by Nick White.

Notary Public for State of Oregon

My commission expires May 17, 2020.



OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201709900

AFTER RECORDING RETURN TO:
G MICHAEL GOUGLER
4729 MASTERS DRIVE
NEWBERG, OR 97132



00514079201700099000020026

\$71.00

06/22/2017 09:37:42 AM

PR-AFFPR Cnt=1 Stn=3 SUTTONS
\$10.00 \$25.00 \$5.00 \$11.00 \$20.00

STATE OF OREGON

)

) SS

AFFIDAVIT OF CORRECTION

COUNTY OF YAMHILL

)

I William A. Gille, Yamhill County Surveyor, do hereby certify that said Affidavit of Correction for Partition Plat 2017-06 has been examined by me and that it complies with O.R.S. 209.

Approved 6/22/2017.William A. Gille

, Yamhill County Surveyor

THIS SPACE RESERVED FOR RECORDERS USE

AFTER RECORDING RETURN TO:

City of Newberg – Engineering Division
 PO Box 970, 414 E. First Street
 Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS
 BRIAN VAN BERGEN, COUNTY CLERK

201709857

00514023201700098570040049

\$56.00**06/21/2017 11:16:45 AM**

DMR-EDMR Cnt=1 Stn=3 SUTTONS
 \$20.00 \$5.00 \$11.00 \$20.00

PARTIAL RELEASE OF EASEMENT

The City of Newberg, a municipal corporation, in consideration of \$0.00 does hereby release all rights of access and interests in the following described PEDESTRIAN EASEMENT to the property owner, Werth Family, LLC, their heirs and assigns.

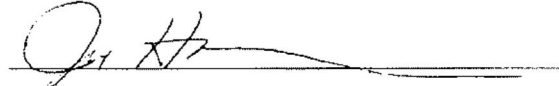
A 425 foot portion of the pedestrian easement as described by Instrument No.200808192

Described in Exhibit "A" and shown in Exhibit "B"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Signatures continued on next page

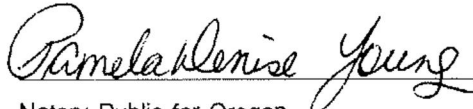
IN WITNESS WHEREOF, the parties have executed this document on this 26th day of June 2017.

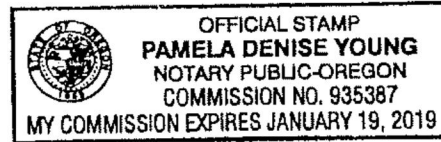

Joe Hannan, City Manager

STATE OF OREGON

County of Yamhill

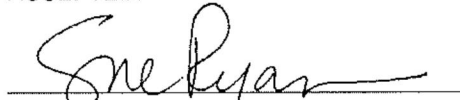
This instrument was acknowledged before me this 26th day of June 2017, by Joe Hannan.


Notary Public for Oregon
My Commission expires: 1/19/19



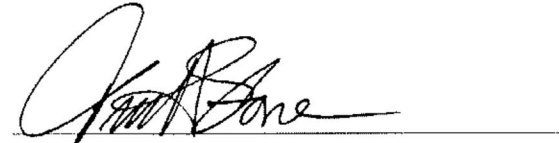
CITY OF NEWBERG

ACCEPTED:


Sue Ryan, City Recorder

Dated: 6/20/17

APPROVED AS TO FORM AND CONTENT


Truman Stone, City Attorney

Dated: 6/20/17



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

AKS Job #5680

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

EXHIBIT A

Legal Description

A tract of land being a portion of Lot 1 of the plat "Oak Meadows II", located in the Southeast One-Quarter of Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Beginning at the northeast corner of Lot 1 of the plat "Oak Meadows II", said point being on the westerly right-of-way line of Providence Drive (30.00 feet from centerline); thence along said right-of-way line South 03°00'00" West 15.01 feet; thence leaving said right-of-way line, and along a line parallel with and 15.00 feet south of, when measured at right angles to, the north line of said Lot 1, North 89°13'27" West 424.42 feet; thence North 00°46'33" East 15.00 feet to the north line of said Lot 1; thence along said north line South 89°13'27" East 425.00 feet to the Point of Beginning.

The above described tract of land contains 6,371 square feet, more or less.

04/11/2017

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

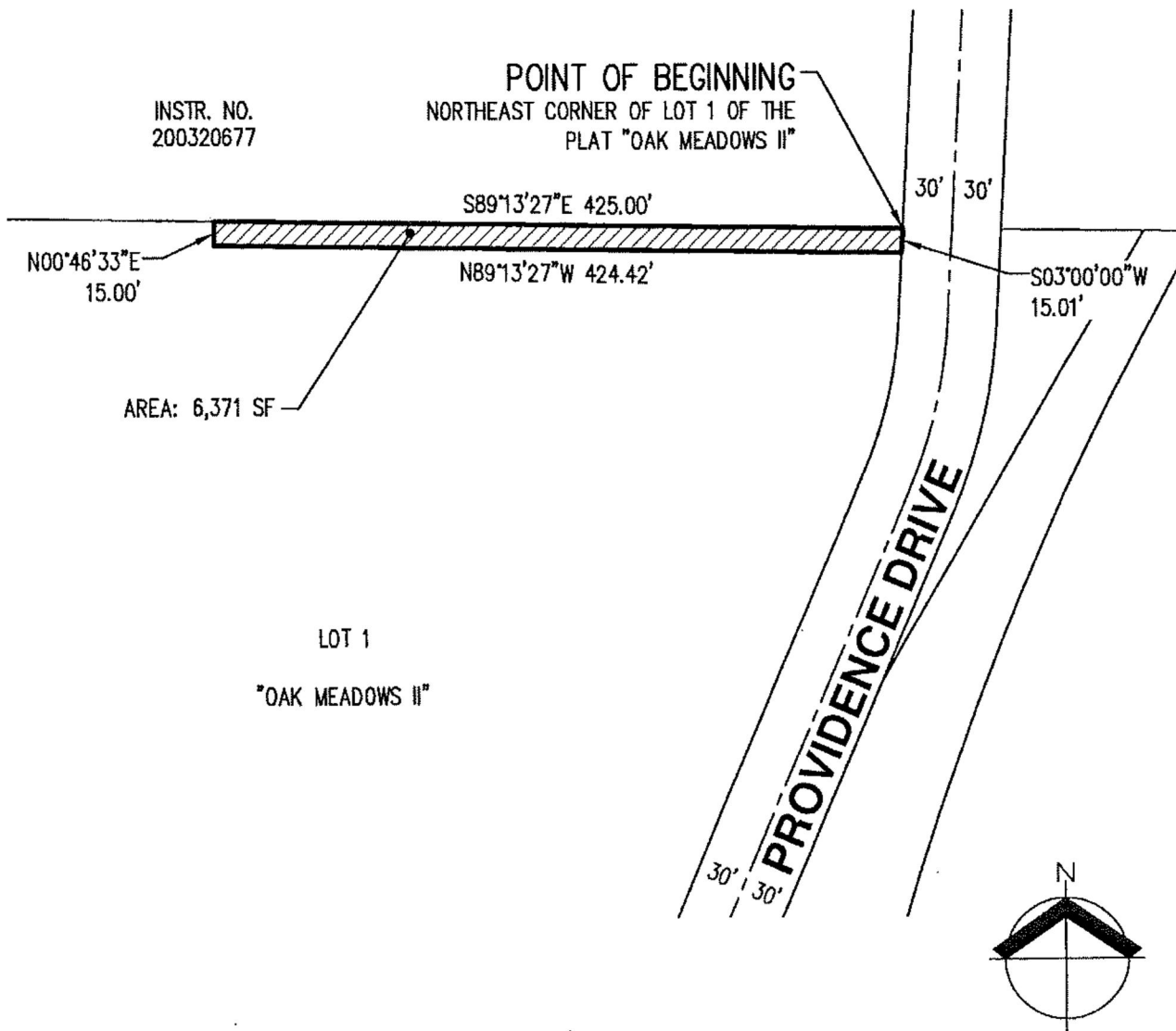
Nick White

OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWS: 6/30/18

EXHIBIT B

A TRACT OF LAND BEING A PORTION OF LOT 1 OF THE PLAT "OAK MEADOWS II",
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
 CITY OF NEWBERG, YAMHILL COUNTY, OREGON



04/11/2017

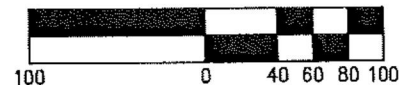
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/18

SCALE: 1"=100 FEET



MAP OF EASEMENT

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 P: 503.563.6151 F: 503.563.6152 aks-eng.com

AKS

EXHIBIT
B

DRWN: MEB
 CHKD: NSW
 AKS JOB:
 5680

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201709859



\$56.00

00514025201700098590040043

06/21/2017 11:16:45 AM

DMR-EDMR Cnt=1 Stn=3 SUTTONS
\$20.00 \$5.00 \$11.00 \$20.00

AFTER RECORDING RETURN TO:
City of Newberg – Engineering Division
PO Box 970, 414 E. First Street
Newberg, OR 97132

PEDESTRIAN ACCESS EASEMENT

In consideration of the sum of \$0.00 and other valuable consideration, Werth Family LLC, herein called Grantor, does hereby convey to the **City of Newberg, a municipal corporation**, hereinafter called Grantee, a perpetual and permanent easement, for the purposes of pedestrian access and maintenance of a pedestrian path surface pavement facility across the following described real property:

A 15-foot wide strip of land being a portion of Parcel 2 of Partition Plat 2017-06 recorded in Yamhill County Records, said strip of land being described in Exhibit "A" and shown in Exhibit "B"

TO HAVE AND TO HOLD said easement to said Grantee, for the use and purpose herein above described.

It is further understood that:

1. The Grantor(s) hereby release(s) the City of Newberg, its agents and employees, assigns and successors of any and all liability for damage to the remaining lands resulting from this conveyance and further absolves the Grantee from any damage not controlled by their actions.
2. The rights granted herein shall not be construed to interfere with or restrict use of the premises by Grantor(s), their heirs or assigns, with respect to the construction and maintenance of property improvements along and adjacent to the premises herein described, so long as the same are so constructed as to not impair or interfere with the use and maintenance of access herein above authorized.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

PEDESTRIAN ACCESS EASEMENT (Continued)

IN WITNESS WHEREOF, the parties have executed this document on this 28 day of 6, 2017.

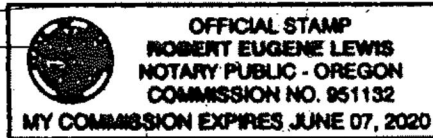
Dean E. Werth
Dean Werth

3879 Oak Meadow Loop
Address
Newberg OR 97132
City, State, Zip

STATE OF Oregon)
County of Washington) s.s.

This instrument was acknowledged before me this 20th day of June, 2017, by Dean Werth

Notary Public for Oregon
My Commission expires:



CITY OF NEWBERG
ACCEPTED:

Sue Ryan
Sue Ryan, City Recorder

Dated: 6/20/17

APPROVED AS TO FORM:

Truman Stone
Truman Stone, City Attorney

Dated: 6/20/2017



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

AKS Job #5680

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

EXHIBIT A

Legal Description

A tract of land being a portion of Lot 1 of the plat "Oak Meadows II", located in the Southeast One-Quarter of Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Commencing at the northeast corner of Lot 2 of the plat "Oak Meadows II", said point being on the westerly right-of-way line of Providence Drive (30.00 feet from centerline); thence along said right-of-way line North 23°08'03" East 98.87 feet to the Point of Beginning; thence continuing along said right-of-way line North 23°08'03" East 15.00 feet; thence leaving said right-of-way line North 66°52'12" West 71.29 feet; thence North 89°13'27" West 250.00 feet; thence North 00°46'33" East 332.00 feet to the north line of Lot 1; thence along said north line North 89°13'27" West 15.00 feet; thence leaving said north line South 00°46'33" West 347.00 feet; thence South 89°13'27" East 262.04 feet; thence South 66°52'12" East 68.33 feet to the westerly right-of-way line of Providence Drive (30.00 feet from centerline) and the Point of Beginning.

The above described tract of land contains 9,980 square feet, more or less.

04/11/2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR

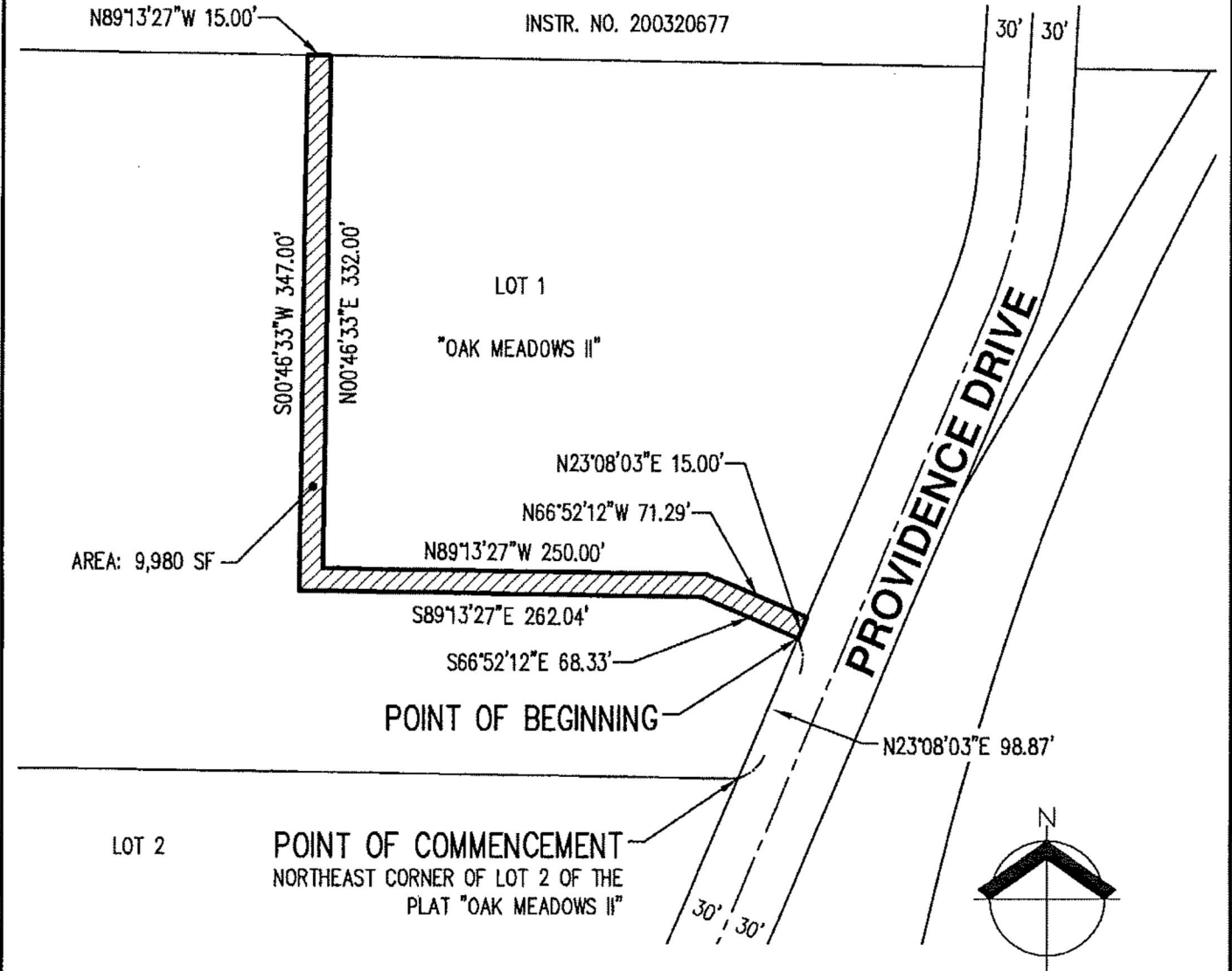
Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/18

EXHIBIT B

A TRACT OF LAND BEING A PORTION OF LOT 1 OF THE PLAT "OAK MEADOWS II",
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,
 TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
 CITY OF NEWBERG, YAMHILL COUNTY, OREGON



04/11/2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/18

MAP OF EASEMENT

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 P: 503.563.6151 F: 503.563.6152 aks-eng.com

AKS

EXHIBIT
B

DRWN: MEB
 CHKD: NSW
 AKS JOB:
 5680

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200808192

AFTER RECORDING RETURN TO:

City of Newberg – Engineering Department
PO Box 970 - 414 E. First Street
Newberg, OR 97132



00299996200800081920030037

\$36.00

DMR-DEDDMR Cnt=1 Stn=2 ANITA
\$15.00 \$10.00 \$11.00

05/12/2008 02:51:17 PM

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, Werth Family LLC, Grantor, does hereby dedicate, grant and convey to the City of Newberg, a Municipal Corporation of the State of Oregon, hereinafter called the Grantee, for dedication of a public pedestrian path right-of-way, the following described real property located in Yamhill County, State of Oregon, to-wit:

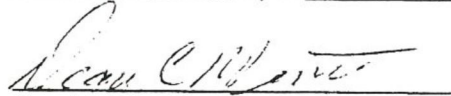
SEE ATTACHED EXHIBIT A (includes legal description and map)

TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises unto said Grantee, its successors and assigns forever.

The true consideration for this conveyance is \$0.00 and other valuable consideration.

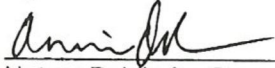
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 [BALLOT MEASURE 37 (2004)]. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 [BALLOT MEASURE 37 (2004)].

IN WITNESS WHEREOF, the parties have executed this document this 17 day of APRIL 2008.

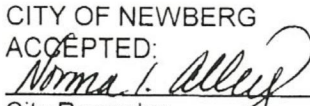

Grantor Signature

STATE OF Oregon)
City of Newberg) s.s.
County of Yamhill)

This instrument was acknowledged before me this 17 day of April 2008, by
Dean Werth
signee name


Notary Public for Oregon
My Commission Expires: 7/11/11



CITY OF NEWBERG
ACCEPTED:

City Recorder
Date: April 22, 2008

APPROVED AS TO FORM


Terrence D. Mahf, City Attorney
Date: 4/22/08 2008

EXHIBIT

99

99

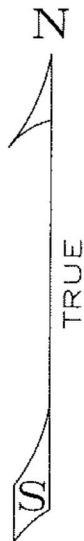
TEMPORARY PEDESTRIAN EASEMENT MAP FOR: WERTH FAMILY, L.L.C.

THE SE 1/4 OF SECTION 16, TOWNSHIP 3
SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
WITHIN THE SEBASTIAN BRUTSCHER DONATION
LAND CLAIM NO. 51, CITY OF NEWBERG,
YAMHILL COUNTY, OREGON.

DATE: 9 APRIL 2008

SCALE: 1"=120'

By : MAGNESS LAND SURVEYING
PO BOX 1239
WILLAMINA, OREGON, 97396
Phone : 503-876-5874
Cell : 971-237-3413
E-Mail : MAGNESS@WBCABLE.NET



Scale: 1"=120'

(POINT OF BEGINNING)

5/8" IRON ROD WITH YELLOW
PLASTIC CAP MARKED "OLSEN
ENG. PLS 2030", FLUSH, PER
PT-97-52. HELD AS NW CORNER
OF PARCEL 1 OF PT-2003-32

15 FOOT WIDE
TEMPORARY
PEDESTRIAN
EASEMENT.

S89°13'27"E 967.04'

N89°13'27"W 966.46'

S03°00'00"W 15.00'

30' 30'

NE PROVIDENCE DRIVE

LOT 1
OAK MEADOWS II

N00°46'46"E 15.00'

#94

MAGNESS LAND SURVEYING
PO BOX 1239
WILLAMINA, OREGON, 97396
PHONE: 503-876-5874
CELL: 971-237-3413
EMAIL: MAGNESS@WBCABLE.NET

Date: 9 APRIL 2008

OAK MEADOWS No. 2 – Legal description of a 15.00 foot wide temporary pedestrian easement across Lot 1.

A 15 foot wide strip of easement in Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon, and being across a portion of Parcel 1 of Yamhill County Partition Plat 2003-32, the perimeter of which is more particularly described as follows:

BEGINNING at the Northwest corner of said Parcel 1; thence South 89°13'27" East 967.04 feet along the North line of said Parcel 1; thence South 03°00'00" West 15.00 feet; thence North 89°13'27" West 966.46 feet along a line that is parallel with, and 15.00 feet Southerly of the North line of said Parcel 1 (when measured at right angles), to a point on the west line of said Parcel 1; thence North 00°46'46" East 15.00 feet to the POINT OF BEGINNING

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____ No.	Ordinance ____ No.	Resolution <u>X</u> No. 2019-3574	Motion ____	Information ____
---------------------------------	-------------------------------------	--	--------------------	-------------------------

SUBJECT: Adoption of Amended Municipal Services Assistance Policies.

Contact Person (Preparer) for this Motion: Caleb Lippard
Dept.: Finance

RECOMMENDATION:

Approve Resolution No. 2019-3574 adopting the amended Municipal Services Assistance Policies as written in Exhibit A.

EXECUTIVE SUMMARY:

The City of Newberg maintains a Municipal Services (Utility Bill) Assistance Program as defined in Resolution 2018-3502. On May 28, 2019, the Citizens' Rate Review Committee (CRRC) met to approve the utility assistance grant applications and determine the amount of award for each applicant for the 2019-20 fiscal year. There were ten nonprofit organizations that applied and were awarded \$500 each by the CRRC to assist utility customers for the 2019-20 fiscal year. The CRRC also met to review the overall policies of the assistance program.

An element of this program is financial assistance for low-income residents and active military/veteran residents. Currently, there is \$4,000 allotted for low-income residents and \$2,000 for active military/veteran residents. In the proposed Resolution 2019-3574, it is recommended by the CRRC that these allotments be reallocated so that each program has \$3,000. Historically, the low-income assistance program has used less than \$3,000 to assist customers. The CRRC determined these funds would be better utilized by shifting \$1,000 to the military assistance program.

In addition to the allotment reallocation, the CRRC has recommended some updates to the wording of the Active Military and Veterans Assistance policy. On page 6 of the attached Exhibit A, the following has been added:

- Added – “Accepting Applications Only – June 1st to June 30th”
- Added – “6. This program is intended for those in need of financial assistance, but is based upon the honor system so that proof of financial hardship is not requested nor required.”

FISCAL IMPACT:

None.



RESOLUTION No. 2019-3574

A RESOLUTION TO ADOPT THE MUNICIPAL SERVICES ASSISTANCE PROGRAM POLICIES AS AMENDED.

RECITALS:

1. The proposed program policy changes will supersede prior adopted Resolutions 2008-2767, 2010-2902, and 2018-3502.
2. The Citizens' Rate Review Committee reviewed the proposed policy at their May 28, 2019 meeting and approved it with the following modifications, as reflected and incorporated in Exhibit A:
 - The allotment for Monthly Financial Assistance change from \$4,000 to \$3,000.
 - The allotment for Military Financial Assistance change from \$2,000 to \$3,000.
 - The wording in the policy for Military Assistance on page 6 of attached Exhibit A is to include:
 - "Accepting Applications Only – June 1st to June 30th"
 - "6. This program is intended for those in need of financial assistance, but is based upon the honor system so that proof of financial hardship is not requested nor required."

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Municipal Services Assistance Program Policy, as described in attached Exhibit A, is hereby adopted and supersedes previously related Resolutions 2008-2767, 2010-2902, and 2018-3502.

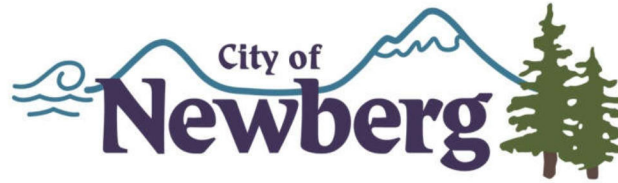
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 18, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of June, 2019.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of June, 2019.

Rick Rogers, Mayor



MUNICIPAL SERVICES ASSISTANCE (UTILITY BILLING)

POLICIES AND PROCEDURES

CONTENTS

- 1. Introduction of Available Programs**
- 2. Municipal Services Grant (Voucher) Program**
 - a) Nonprofit Agencies**
 - b) Yamhill Community Action Partnership (YCAP)**
 - c) Qualification/Guidelines for Nonprofit and YCAP**
- 3. Monthly Municipal Services Assistance Credit Program**
 - a) Qualification Guidelines**
 - b) Processing of Application**
 - c) Approval of Application**
- 4. Military Application Program**
 - a) Qualification/Guidelines for Active and/or Veteran Military Program**
- 5. Voluntary Donation Program and Public Awareness**
- 6. Forms**
 - a) Nonprofit Grant Application**
 - b) YCAP and Nonprofit Vouchers**
 - c) Application for Financial Assistance Credit**
 - d) Military Assistance Application**
 - e) Donation Form**

1. Introduction:

On February 19, 2008, the City of Newberg adopted a Municipal Service (Utility Bill) Assistance Program that offers financial assistance to low-income families and to Active-Duty Military (Res 2008-2767). The Citizens Rate Review Committee (CRRC) recommended to Council to approve the assistance programs for Newberg water and wastewater customers. The programs included a Yamhill Community Action Partnership (YCAP) voucher, Nonprofit Grant voucher, Military Credit and a voluntary donation program for a total budget of \$7,400.

On June 21, 2010, City Council adopted Res 2010-2902, amending Res 2008-2767 to increase YCAP, Nonprofit and Military funding for a total budget of \$15,000. It was also adopted to allow the Finance Director to make direct monthly utility credits available to qualifying low income customers who are responsible for payment of their utility bill. This credit can be \$5 per capita with a max credit of \$10. This program allows for a total budget of \$10,000.

Since then the adopted budgeted amount has been \$20,000 and allocated as follows: YCAP \$9,000, Nonprofit Agencies \$4,000, Military \$2,000, and Low income financial assistance \$5,000.

On October 15, 2018, City Council adopted Res 2018-3502, superseding previous Res 2008-2767 and 2010-2902. The adoption of this resolution made it possible for military veterans to receive assistance in addition to active-duty military. Also, the utility credits for low-income and military assistance were increased to \$15/month for water-only customers and \$25/month for water/wastewater customers. A few other highlights of Res 2018-3502 was making the assistance program available year-round instead of August – June, changing the frequency of how often a customer can utilize the voucher program, and shifting \$1,000 from the low-income program allotment to the nonprofit grant voucher program.

The revised allocation is proposed as follows in Res 2019-3574:

Program:	Allotted Funds
Yamhill Community Action Partnership (YCAP)	\$9,000
Nonprofit (nonprofit organization and churches)	\$5,000
Monthly Financial Assistance	\$3,000
Military Financial Assistance	\$3,000
Total Allotted Funds	\$20,000

2. Municipal Services Grant (Voucher) Program:

Customers experiencing short-term need for payment assistance may contact the Municipal Services (MS) Department for a list of nonprofit agencies that have been awarded funds by the City of Newberg to issue vouchers for a dollar amount up to the discretion of the Finance Director or Designee. Funding is limited and assistance is available during the budget year from July 1st through June 30th.

a) Nonprofit Agencies:

- Finance Department mails a letter to nonprofit organizations for their consideration to become part of this program. Applications are to be submitted by a date that is set by the Finance Department. Finance may send a courtesy e-mail to the nonprofit organizations who currently are utilizing the program; e-mail is to notify them that the application is in the mail.
- Submitted applications are date-stamped and reviewed by the Citizens Rate Review Committee (CRRC). Based on the number of approved applications by the CRRC, the Finance Director finalizes the grant funding that is awarded to each applicant. These grant funds are incorporated in the adopted City budget and are subject to change. Approved amount is divided amongst applications on a first-come-first-serve basis.
- Nonprofit agencies who receive other funding to assist Newberg customers will be considered first in the approval process.

b) Yamhill Community Action Partnership (YCAP):

A set dollar amount is approved by City Council therefore does not require review by CRRC. The amount is incorporated in the annual adopted City budget and is subject to change. (Example: 2017/18 award amount to YCAP is \$9,000).

c) Qualification/Guidelines for Nonprofit and YCAP:

1. Customer (requesting assistance) must reside in residence and have a Newberg Municipal Services billing account who is billed for water and sewer.
2. If the customer's name is not on the Municipal Services Statement, the request for assistance must be signed by the owner of the property stating the credit will be passed along to the applicant.
3. Assistance applies to Newberg residential customers only.
4. Frequency of the voucher assistance is limited to one (1) voucher once every 3 billing cycles. Exception: those who receive the monthly financial assistance credit, they are limited to one (1) voucher once every six (6) billing cycles.
5. Vouchers are issued up to an amount determined at the discretion of the Finance Director or Designee. YCAP and Nonprofit agencies are to contact the Municipal Services Department to verify the applicable amount.
6. Original signed vouchers must be submitted in person to the City within 15 days from date of issuance. Voucher numbers are assigned by the agencies, duplicate numbers or copies of vouchers will not be accepted. Blue ink is to be used when completing the forms.
7. Vouchers will be modified/declined by the Finance Department if the amount of the voucher exceeds the amount given by the Finance Director or Designee or if guidelines are not followed.

3. *Monthly Municipal Services Assistance Credit*

This program begins July 1st and ends June 30th of each budget cycle. Monthly assistance credit for active accounts that are billed for water and sewer services will receive \$25.00 per month assistance. For active accounts that are billed for water services only will receive \$15.00 per month assistance. Funding is allotted on a first-come-first-serve basis.

Notification of this program is periodically advertised through the Municipal Services billing statements, flyers, local schools and word of mouth.

Finance Department will mail application to requesting customer. Applicants are to submit the completed application and provide supporting documentation for all boxes they check to show proof of hardship. Finance Department will set the timeframe as to when these applications are to be submitted to the City for consideration.

a) Qualification/Guidelines for Monthly Municipal Service Assistance Credit

1. Customer requesting monthly assistance must reside in residence and have a Municipal Services billing account who is billed for water or water/sewer.
2. If the customer's name is not on the Municipal Services Statement, the request for assistance must be signed by the owner of the property stating the credit will be passed along to the applicant.
3. Assistance applies to Newberg residential customers only.
4. Customer's account cannot be more than 30 days delinquent at any time of approved assistance. If the account is more than 30 days delinquent throughout the fiscal year, it may result in termination of assistance for the budget year.

b) Processing of Application

1. Finance staff will review and recommend approval/decline of applications based on supporting documentation submitted and account status.
2. Finance Director or Designee has approving authority.
3. Award letter is mailed to the customer informing them of the timeframe they will receive said credit. Finance Director or Designee has approving authority for retroactive credits.

Supporting Documentation:

- Supplemental Social Security Income – Documentation must state Supplemental Social Security, this does not include regular Social Security Income.
- Oregon Medical Card –Medical Identification card is to list the applicant's name.
- Food Stamps – Letter from DHS (Adult and Family Food Services) must list applicant's name and timeframe of approval. (Annual qualification/renewal)
- Medicaid – Identification card is to list the applicant's name.
- Free and Reduced School Lunch or Breakfast Program. – Letter from the Newberg School District must list applicant's name, children name(s) and timeframe of approval. (Annual qualification/renewal)

c) **Approval of Application**

- New Applicant: Customer is to meet with Finance Staff to receive the Water Conservation Kit to help conserve water. Awarded monthly credit begins the month the customer receives the water kit to the end of the terms that are stated on the supporting document or budget year (whichever comes first).
- Deleted Accounts/Moved/Name Change (exception – marital status) will automatically terminate the monthly assistance. Customer would need to reapply for new Newberg residence (location).

4. Active Military and Veterans Assistance: **Accepting Applications Only - June 1st to June 30th**

This program provides a monthly credit for Active Military and Veterans residential households on their Municipal Services Statement for up to 12 months.

a) Qualification/Guidelines for Monthly Military Assistance Credit

1. Active Duty and/or Veteran Military members are to complete the Military Credit application and provide proof of services. (Proof of services consist of active duty photo id, supporting documentation and/or discharge documentation).
2. If the military personnel's name is not on the Municipal Services Statement, the request for assistance must be signed by the owner of the property stating the credit will be passed along to the applicant.
3. Assistance applies to Newberg residential customers only.
4. Monthly assistance credit for active accounts that are billed for water and sewer services will receive \$25.00 per month assistance. For active accounts that are billed for water service only will receive \$15.00 per month assistance. Funding is allotted on a first-come-first-serve basis.
5. Finance staff will review and recommend approval/decline of application based on supporting documentation.
6. This program is intended for those in need of financial assistance, but is based upon the honor system so that proof of financial hardship is not requested nor required.

5. Voluntary Donation Program and Public Awareness:

Voluntary Donation Program:

In the Municipal Service billing statements, customers will be sent a description notice and voluntary donation form once each year. The donation form will give customers the option of making a one-time donation or a regular monthly donation in the amount of their choosing to be paid with their Municipal Service bill. 100% of donated funds will be used for the Municipal Service assistance program. The donation funds will be used to expand the Municipal Service assistance program over and above the rate-payer funds dedicated by the City of Newberg for the Municipal Service assistance program. If stipulated, the funds will be applied as requested by the donor.

Public Awareness:

The success of these programs will be significantly enhanced by raising public awareness that they exist. In addition to the notices sent in Municipal Service statements as part of the voluntary donation program, Newberg citizens can be made aware of these programs through the City of Newberg website (www.newbergoregon.gov), flyers distributed at Municipal Service customer counter, posters at local schools, Newberg Public Library, Newberg Dundee Police Department, City Hall and local businesses.

6. Forms:

- a) Nonprofit Grant Application**
- b) YCAP and Nonprofit Vouchers**
- c) Application for Financial Assistance Credit**
- d) Military Assistance Application**
- e) Donation Form**

6(a) Nonprofit Grant Application

Municipal Services Assistance Program
Grant Application

Non-profit organizations which provide Municipal Services assistance to Newberg customers may apply for a grant from the City of Newberg to fund this assistance. Applications for grant funds submitted will be reviewed by the Citizens' Rate Review Committee, this Committee may interview applicants prior to approving the application. This program is from July 1st to June 30th of each fiscal year.

ATTACH PROOF OF NON-PROFIT STATUS

Organization Name:		
Address:		
City, State Zip		
Contact Name:		
Phone:	Fax:	Email:

Does your agency receive other funding to provide assistance to Newberg Customers? ☐ Yes ☐ No

Non-Profit FEIN Number: _____

Description of Organization and how the City funds could be used:

FOR CITY OF NEWBERG OFFICE USE ONLY:

Application Received By: _____ Date: _____

Grant Awarded? ☐ Yes ☐ No / Reason: _____

Grant Amount Awarded: \$ _____

Signature of approval: _____ Date: _____

6(b) YCAP and Nonprofit Voucher



Valid from July 1, xxxx to June 30, xxxx

Instructions for Vouchers

- 1 Save this template and fill in your non-profit's name and address.
- 2 Complete your process for awarding your client's assistance with their water utility bill.
- 3 Fill out the voucher below in **BLUE INK**.
- 4 Have your client bring in the voucher with **ORIGINAL** signatures to the Municipal Service clerk located at City Hall within 15 days from issue date:

414 E 1st Street (City Hall Building)
 Newberg, OR 97132
 Phone: 503-537-1205

Vouchers are to be issued for a dollar amount determined by the City of Newberg. Please contact the Municipal Services Department to determine amount of voucher. Vouchers will be modified/declined by the City if guidelines are not followed as noted in the acceptance letter.

Non Profit Contact Information	
	Name
	Address
	Phone #

Voucher No.

Please track voucher number
Duplicate numbers will not be
accepted

CITY OF NEWBERG EMERGENCY ASSISTANCE VOUCHER

Issue Date: _____ Account No. _____

This authorizes (client's name) _____

at (client's address) _____

to receive (type of assistance) Water Assistance

in the amount of \$ _____ **This voucher must be used within 15 days of issuance**

Authorization: _____ Title: _____

Received By: _____ Date: _____

Client's Signature: _____

6(c) Application for Financial Assistance Credit

*Financial Assistance Credit Application*

Date: _____

Name: _____

Address: _____

UB Account No: _____ No. of people in household _____

Phone # you can be reached: _____

☐
☐

Own/Purchasing

Renting -Landlord's Name: _____

► Please attach current proof (documentation) for **all** boxes checked.*Proof of current documentation is required for all boxes checked.**Letters from Agencies providing proof of acceptance and timeframe.*☐

Supplemental Social Security Income

☐

Oregon Medical Card

☐

Food Stamps

☐

Medicaid

☐

Free & Reduced School Lunch or Breakfast Program

☐

Other Evidence of Financial Hardship

How did you hear about program: ☐ Local Paper ☐ Flyer ☐ Other _____**Instructions:**

- 1 Applies to any residential customer.
- 2 If person applying name is not on the account, application must also be signed by the owner of property.
- 3 Check the box(es) for the current documentation(s) you will be attaching when submitting application.
- 4 **Return to: Attn: Accounts Receivable / Finance Dept.**
414 E First Street; PO Box 970, Newberg, Oregon 97132
- 5 Applications received will be reviewed within 30 days.
- 6 Applicants agree to meet with Finance Staff to receive a water conservation kit as part of the approval process.

If you are approved and received the water conservation kit, you will be eligible to receive up to \$25.00 per month as a credit on your Municipal Service Billing Statement.

Applicants Signature _____

Date: _____

Owner of Property Signature _____

Date: _____

By signing this application, I here by agree to pass approved credit along to the person named and residing in residence listed above.

Approval Date: _____

Expires: _____

Signature of City Manager or Designee*Providing fraudulent information will be subject to termination of assistance.*

6(d) Military Assistance Application

**xxxx-xxxx Fiscal Year
Military Credit Application
For Municipal Services Assistance
Accepting Applications Only – June 1st to June 30th**

The City of Newberg provides a monthly Municipal Services (MS) credit to residential households in which a wage-earning member is on active military duty or a military veteran. Households which receive both water and sewer services from the City will be eligible for a \$25.00 monthly credit. Households which receive only water will be eligible for a \$15.00 monthly credit.

Military applicants must have an active MS billing account and may submit an application along with evidence of eligibility. Households with approved applications will receive the credit monthly through June 30. After June 30, applicant may re-apply to be considered for the next fiscal year.

Date: _____

MS Account Number: _____

Name on Account: _____

Name of Military Personnel: _____

Address: _____

☐ Own/Purchasing ☐ Renting – Landlord's Name: _____

Military Status:

☐ Active – Attach proof of photo ID or supporting documentation

☐ Veteran – Attach proof of discharge papers/certificate

In order to qualify for the Military Credit Program, you must attach proof of military status. Valid Military ID, active status documentation or discharged documentation.

**Return to: Attn: Accounts Receivable / Finance Dept.
414 E First Street; PO Box 970, Newberg, Oregon 97132**

Applicants Signature_____
Date_____
Owner of Property Signature_____
Date

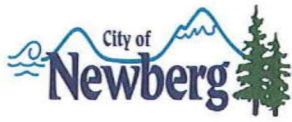
By signing this application, I hereby agree to pass approved credit along to the person named and residing in residence listed above.

FOR OFFICE USE ONLY: Confirmed Military Status: Active: ☐ Veteran: ☐ Monthly Amount \$ _____

Received by: _____ Date: _____ Expiration Date: _____

Approved by: _____ Date: _____

6(e) Donation Request Form



Municipal Services Donation Request Form

○ **Donor Information** (Please print or type)

Name _____

Address _____

City, State, Zip _____

Phone Number: _____ Email: _____

○ **Pledge Information**

I (we) pledge a total of \$ _____ to be paid: ☐ now ☐ monthly ☐ quarterly ☐ yearly

I (we) plan to make this contribution in the form of: ☐ cash ☐ check ☐ credit card
Credit card information to be called into the Municipal Services Dept. at 503-537-1240.

○ **Donor's Request** – I (we) would like the above donation to be applied as follows:

☐ Customer Name: _____

Customer Address: _____

☐ Donation to go into the City Financial Assistance Fund. This fund assists customers that fall under the low income and hardship status.

○ **Acknowledgement Information**

Please use the following name(s) in all acknowledgements: _____

☐ I (we) wish to have our donation remain anonymous.

Signature _____

Date _____

Please make checks to:

City of Newberg
 Attn: MS Dept.
 PO Box 970
 Newberg, OR 97132

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____ Ordinance ____ Resolution ____ Motion X Information ____
No. No.

SUBJECT: City Manager Recruitment Process

**Contact Person (Preparer) for this
Motion: Sue Ryan
Dept.: City Council**

RECOMMENDATION: Provide direction to the City Manager Recruitment Subcommittee.

Suggested motion:

“I move/second to direct the City Manager recruitment subcommittee to review available interim candidates, and set a date for the subcommittee to meet/interview the top candidates.”

EXECUTIVE SUMMARY:

The office of city manager will become vacant as a result of the retirement of City Manager Joe Hannan, which will be effective September 2019. The Newberg City Charter provides that a manager pro tem shall be appointed when the office of city manager becomes vacant. [Chapter 8 – Appointive Officers, Section 34(h) – City Manager.] The City has traditionally relied upon a Council subcommittee to make a recommendation to the full Council on selection. This has been done both externally and internally.

The City Council accepted a letter of retirement from City Manager Hannan on May 5, 2019. The Council met in a Study Session on May 14, 2019 with Sean O’Day from the Mid Willamette Valley Council of Governments to review City Manager recruitment processes.

The City Council appointed a City Manager Recruitment Subcommittee at its May 20, 2019 meeting to serve in an advisory capacity for one year. The committee consists of Councilor Elise Yarnell Hollamon, Councilor Patrick Johnson, and Councilor Elizabeth Curtis Gemeroy. Councilor Yarnell Hollamon volunteered on May 20th to serve as Chair of the subcommittee.

Their task is to make recommendations to the Council concerning the employment of a manager pro tem during the interim period. Additionally, the subcommittee will make recommendations concerning the recruitment and hiring of the permanent city manager. Regular reports will be made to the City Council. Meetings will adhere to the Oregon Public Meetings Law.

City Manager Hannan has assigned City Recorder Sue Ryan, and Assistant to the City Manager DawnKaren Bevill as the support staff to the committee.

This motion is written to provide the subcommittee guidance from the Council for the recruitment process for an interim city manager, establish a timeline, schedule of meetings, and prioritize tasks.

FISCAL IMPACT:

The Council will need to address the financial costs for this subcommittee’s work through the supplemental budget process for fiscal year 2019-2020.

Attachment A – Tentative timeline with tasks
Attachment B – Doodle Poll of suggested meeting dates

Attachment A – 2019 CM Council subcommittee tentative timeline with tasks

Goal 1 – Hire interim City Manager before end of August

Goal 2 – Hire full-time City Manager by end of December

CM Pro Tem Process

June 2019 – Review resumes for pro tem candidates

July 2019 – Interview candidates for pro tem position

August 2019 – Choose top candidate and make the CM Pro Tem an offer – contract for services.

Set start date

September 2019 – Transition meeting with Council and staff

CM Recruitment Process

June 2019 – Initiate RFP process using Lake Oswego or Canby as model for external search firm

July 2019 – Determine budget, outreach on attributes, determine if committee size should be expanded.

August 2019 – Finalize attributes and review CM position

September 2019 – Supplemental budget for recruitment process

October-November 2019 – Interviews

December 2019 – City Manager begins

Poll "City Manager Subcommittee"

<https://doodle.com/poll/yv67kveabsw3zpqc>

June 2019										
	Mon 10	Tue 11	Wed 12	Thu 13	Wed 19	Thu 20	Mon 24	Tue 25	Wed 26	Thu 27
	6:00 PM – 8:00 PM	6:00 PM – 8:00 PM	6:00 PM – 8:00 PM	6:00 PM – 8:00 PM	6:00 PM – 8:00 PM	6:00 PM – 8:00 PM	6:00 PM – 8:00 PM	6:00 PM – 8:00 PM	6:00 PM – 8:00 PM	6:00 PM – 8:00 PM
Patrick Johnson	OK	OK		OK	OK	OK	OK	OK	OK	OK
Elizabeth		OK	OK	OK	OK	OK	(OK)		OK	OK
Elise		OK	OK	OK	OK	OK	OK	OK	OK	OK
Count	1:0:2	3:0:0	2:0:1	3:0:0	3:0:0	3:0:0	2:1:0	2:0:1	3:0:0	3:0:0

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____ No.	Ordinance ____ No.	Resolution ____ No. 2019-3577	Motion ____	Information ____
-------------------	-----------------------	----------------------------------	-------------	------------------

SUBJECT: Adopt Procedure for the Recruitment and Selection of a City Manager Pro Tem

Contact Person (Preparer) for this
Motion: Sue Ryan
Dept.: City Recorder

RECOMMENDATION:

Adopt Resolution No. 2019-3577 adopting a procedure for the recruitment and selection of a City Manager Pro Tem.

EXECUTIVE SUMMARY:

The City Council requires an updated procedure for recruitment and selection of a City Manager Pro Tem. The purpose of the procedure is to establish standards that will guide the process in compliance with ORS 192.660(7) (d).

The procedures set out in this resolution has three stages: Candidate Screening, Interviews, and Offer of Employment. The stages are broadly written to allow the City Council discretion to vary procedures to meet Council's specific needs as circumstances warrant.

The City Council accepted a letter of retirement from City Manager Hannan on May 5, 2019. The City Council has directed the City Manager Recruitment Subcommittee with handling the screening and selection process of a City Manager Pro Tem.

FISCAL IMPACT: Unknown

STRATEGIC ASSESSMENT:

The Newberg City Charter provides that a manager pro tem shall be appointed when the office of city manager becomes vacant. The city manager is the chief executive officer of the City and implements all policies of the City at the direction of the City Council. In order for the City to comply with its charter and fulfill the policies established by the City Council, a city manager is a necessary public officer of the City.



RESOLUTION No. 2019-3577

A RESOLUTION ADOPTING PROCEDURES FOR THE RECRUITMENT AND SELECTION OF THE CITY MANAGER PRO TEM

RECITALS:

1. City Manager Joe Hannan will retire September 1, 2019.
2. The Newberg City Charter requires the City Council to appoint a manager pro tem when the office of city manager becomes vacant.
3. The Council appointed a Council subcommittee (City Manager Recruitment) for the selection process. The Recruitment subcommittee and Council will follow the adopted City Manager Recruitment and Selection Procedures.
4. During the regularly scheduled June 17, 2019 Council Meeting, the public was given an opportunity to comment on the procedures set out in this resolution.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

CITY MANAGER RECRUITMENT AND SELECTION PROCEDURES

1. **Candidate Screening:** The committee chair of the City Manager Recruitment Subcommittee will conduct initial screening of applications, including evaluation of qualifications, and screening interviews. The Recruitment Committee, with assistance from staff, will develop interview questions.
2. **Interviews:** The Recruitment Committee will conduct interviews with available candidates. The committee will recommend candidate (s) to the Council.
3. **Offer of Employment:** The City Council will meet in executive session to select the finalist and direct city staff to extend an offer of employment to the finalist (which is conditional on City Council approval at a public meeting.) The Council will vote in the open Council Meeting regarding approval of the finalist and the tentative contract. Upon final Council approval, the City will enter into an employment contract with the finalist.
4. **Other Considerations:** Nothing in this procedure, in any resolution, or other document shall obligate the City Council to offer the position of city manager to any candidate, select any candidate or person, or appoint any candidate or person to the position of city manager pro tem. Nothing in this procedure shall prevent the City Council from soliciting input, comments or other information from any group, groups, or the general public concerning the candidates.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 18th, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of June, 2019.

Sue Ryan, City Recorder

ATTEST by the Mayor this day of June 20th, 2019.

Rick Rogers, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 17, 2019

Order ____ No. ____	Ordinance ____ No. ____	Resolution <u>X</u> No. 2019-3578	Motion ____	Information ____
------------------------	----------------------------	--------------------------------------	-------------	------------------

**SUBJECT: Solicit firms through an RFP process
for City Manager recruitment**

Contact Person (Preparer) for this
Motion: Sue Ryan
Dept.: City Manager

RECOMMENDATION:

Adopt Resolution No. 2019-3578 adopting a procedure for the solicitation of firms through an RFP process for City Manager recruitment.

EXECUTIVE SUMMARY:

The office of city manager will become vacant September 1, 2019 as a result of the retirement of City Manager Joe Hannan. The City Council appointed a City Manager Recruitment Subcommittee at its May 20, 2019 meeting to serve in an advisory capacity for one year. Their task is to make recommendations to the Council concerning the employment of a manager pro tem during the interim period. Additionally, the subcommittee will make recommendations concerning the recruitment and hiring of the permanent city manager. The subcommittee desires to recruit the next City Manager through an external search firm using an abbreviated request for proposal process.

See Attachment A for examples. Staff will work with the subcommittee to finalize the rfp for publication no later than June 28.

FISCAL IMPACT:

The City Council will need to address the cost of recruitment through a supplemental budget process for the 2019-2020 fiscal year.

STRATEGIC ASSESSMENT: The city manager is the chief executive officer of the City and implements all policies of the City at the direction of the City Council. In order for the City to comply with its charter and fulfill the policies established by the City Council, a city manager is a necessary public officer of the City.



RESOLUTION No. 2019-3578

**A RESOLUTION INITIATING AN RFP PROCESS FOR CITY MANAGER
RECRUITMENT.**

RECITALS:

1. City Manager Joe Hannan submitted a letter of retirement May 6th, which will take effect September 1, 2019.
2. The City Council has delegated the City Manager Recruitment process to a council subcommittee.
3. The Subcommittee Chair recommends to the Council an abbreviated request for proposal for recruitment services.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The 2019 City Manager Recruitment subcommittee will issue a request for proposals for the City Manager recruitment by June 28, 2019.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 18, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of June, 2019.

Sue Ryan, City Recorder

ATTEST by the Mayor this 20th day of June, 2019.

Rick Rogers, Mayor

Lake Oswego example:

The City of Lake Oswego is requesting proposals for an upcoming City Manager recruitment. We are hoping your firm will consider submitting a proposal. Please make sure your proposal includes a summary of pricing for services, a proposed schedule for an anticipated start date of July 1, 2019, and a listing of all City Manager recruitments your firm has completed nationally in the last three years along with the name of the recruiter who did the search. Please send an electronic proposal to me at this email address, and to our City Manager, Scott Lazenby, at slazenby@lakeoswego.city, by 5:00 PST on Thursday, January 10, 2019. Both Scott and I are happy to answer any questions you may have about this recruitment. My contact information is below and Scott can be reached at 503-635-0214.

Here is the list of firms Lake Oswego contacted:

Prothman
Bob Murray and Associates
Waldron & Company
The Novack Consulting Group
Avery & Associates, Inc.
Colin Baenziger & Associates
Slavin Management Consultants
The Waters Consulting Group
Strategic Government Resources Ron Holifield
CPS Executive Recruitment
Ralph Anderson
Teri Black Group
Peckham & McKenney
Jensen Strategies

Canby example:

January 11, 2019

**The City of Canby is accepting quotes/proposals for
Consultant Services for Recruitment of a City Administrator**

Proposals Due: **No later than 2:00 pm on Thursday, January 31, 2019**

Attn:	Amanda Zeiber, Assistant City Administrator
Mail:	City of Canby * PO Box 930 * Canby, OR 97013
Physical:	222 NE 2 nd Ave., Canby OR 97013
Email:	zeibera@canbyoregon.gov

- Electronic submissions will be accepted.

- Proposers should submit one (1) original and seven (7) copies if responding in paper format.

Purpose: The City of Canby / Canby City Council is seeking the services of a consultant for the purposes of recruiting a City Administrator.

Background: The current City Administrator is retiring October 2019. The City wishes to recruit a new City Administrator to start in September or early October 2019.

Scope of Work: The project consists of onsite meetings, project review and schedule, position profile development, recruitment and advertising, screening of executive candidates, facilitated interview and evaluation processes, and facilitated discussions with the City Council for selection and negotiation assistance.

Inquiries or questions can be directed to Amanda Zeiber, Assistant City Administrator by email at zeibera@canbyoregon.gov or by phone at (503) 266-0635.

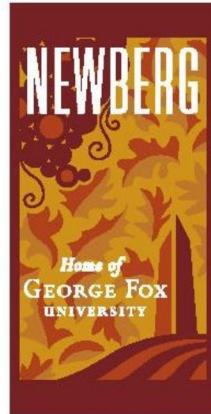
Downtown Banners

City Council June 17, 2019

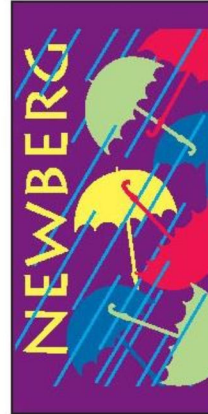
Background

- Partnership with George Fox University (GFU) started in 2005
- GFU has proposed replacing the spring and winter banners for the downtown.
- Existing fall banner will remain the same
- GFU will cover all costs for production of the banners
- City of Newberg staff will install and remove banners

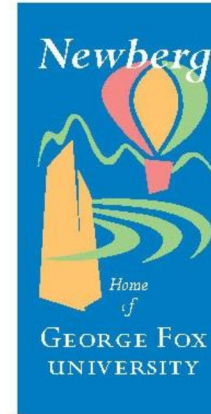
Proposed Designs



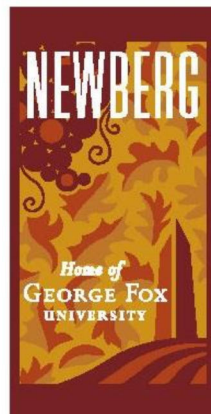
Current fall banner



Current winter banner



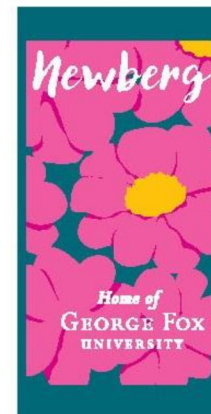
Current spring banner



Current fall banner
(remains the same)



New winter banner
mockup



New spring banner
mockup

Recommendation

- City Staff recommends adopting Resolution No. 2019-3556 approving the replacement of the existing spring and winter seasonal downtown banners with new banner designs.

2019 Newberg City Council

Meeting Roll Call & Voting Log

Date: 6/17/19 Start Time: 6 p.m. End Time: 8:50 p.m.

Roll Call

☐ Councilor Findley	☒ <u>David Cane, CMPT</u>	☐ Will Worthey, LD
☐ Councilor Bacon	☒ Truman Stone, CA	☐ <u>Rosa Olivares, CE</u>
☒ Mayor Rogers	☒ Sue Ryan, CR	☐ Jeff Kosmicki, PD
☒ Councilor Curtis Gemeroy	☒ Doug Rux, CDD	☒ Kaaren Hofmann, ENG
☒ Councilor Corey	☒ Brian Casey, PD	☐ Russ Thomas, PWS-M
☒ Councilor Yarnell Hollamon	☐ Jay Harris, PWS	☐ Dan Wilson, PWS-Ops
☒ Councilor Johnson	☐ Matt Zook, FD	☐ Craig Pack, PWS -Ops
	☐ Anna Lee, HR	ENG - Brett Musick ☒
	☒ Dave Brooks, IT	☐
	☐ DawnKaren Bevill, ACM	☐

Voting – see additional pages as needed

	PCM Appt <u>Kriss Wright</u>	Consent <u>Res 3556</u> <u>Res 3570</u>	Res 3568 <u>Troodle</u> <u>Partition</u>	Res 3569 <u>TriTech</u> <u>Software contract</u>
Findley	Absent	Absent	Absent	Absent
Bacon	Absent	Absent	Absent	Absent
Rogers	Yes	Yes	Yes	Yes
Curtis Gemeroy	Yes	Yes	Yes	Yes
Corey	Yes	Yes	Yes	Yes
Yarnell Hollamon	Yes	Yes	Yes	Yes
Johnson	Yes	Yes	Yes	Yes
	Move: <u>Curtis Gemeroy</u>	Move: <u>Johnson</u>	Move: <u>Corey</u>	Move: <u>Curtis Gemeroy</u>
	Second: <u>Corey</u>	Second: <u>Corey</u>	Second: <u>Curtis Gemeroy</u>	Second: <u>Corey</u>
	Yes <u>5</u> No <u>0</u> Abstain <u>0</u> Absent <u>2</u>	Yes <u>5</u> No <u>0</u> Abstain <u>0</u> Absent <u>2</u>	Yes <u>5</u> No <u>0</u> Abstain <u>0</u> Absent <u>2</u>	Yes <u>5</u> No <u>0</u> Abstain <u>0</u> Absent <u>2</u>

Executive Session ORS 192.660 _____ Topic: _____

Start: _____

Stop: _____

Staff: _____

Other: _____

2019 Newberg City Council Meeting Roll Call & Voting Log

	Order 0039 Public Safety Fee	Res 3571 Easement Release	Res 3574 Utility Assistance policy	Res 3578 CM recruitment rfp
Findley	Absent	Absent	Absent	Absent
Bacon	Absent	Absent	Absent	Absent
Rogers	Yes	Yes	Yes	Yes
Curtis Gemeroy	Yes	Yes	Yes	Yes
Corey	Yes	Yes	Yes	Yes
Yarnell Hollamon	Yes	Yes	Yes	Yes
Johnson	Yes	Yes	Yes	Yes
	Move: <u>Corey</u> Second: <u>Curtis Gemeroy</u>	Move: <u>Corey</u> Second: <u>Curtis Gemeroy</u>	Move: <u>Curtis Gemeroy</u> Second: <u>Corey</u>	Move: <u>Curtis Gemeroy</u> Second: <u>Yarnell Hollamon</u>
	Yes <u>5</u> No <u>0</u> Abstain <u>0</u> Absent <u>2</u>	Yes <u>5</u> No <u>0</u> Abstain <u>0</u> Absent <u>2</u>	Yes <u>5</u> No <u>0</u> Abstain <u>0</u> Absent <u>2</u>	Yes <u>5</u> No <u>0</u> Abstain <u> </u> Absent <u> </u>

2

Findley				
Bacon				
Rogers				
Curtis Gemeroy				
Corey				
Yarnell Hollamon				
Johnson				
	Move: <u> </u> Second: <u> </u>	Move: <u> </u> Second: <u> </u>	Move: <u> </u> Second: <u> </u>	Move: <u> </u> Second: <u> </u>
	Yes <u> </u> No <u> </u> Abstain <u> </u> Absent <u> </u>	Yes <u> </u> No <u> </u> Abstain <u> </u> Absent <u> </u>	Yes <u> </u> No <u> </u> Abstain <u> </u> Absent <u> </u>	Yes <u> </u> No <u> </u> Abstain <u> </u> Absent <u> </u>

Council Packet 2019-0617 cell phone email handout

From: Rick Rogers
Sent: Sunday, June 16, 2019 9:12 AM
To: Joe Hannan
Cc: Matt Zook; Brittney Jeffries; Dave Brooks; Sue Ryan
Subject: Re: Cell phones for Mayor and Council

Joe:

Let's review this again with the Council on Monday to be sure they want to carry around a second phone. For the 'peace of mind' for staff and the Council I feel it is worth the cost.

Rick

From: Joe Hannan
Sent: Friday, June 14, 2019 2:30:58 PM
To: Rick Rogers
Cc: Matt Zook; Brittney Jeffries; Dave Brooks; Sue Ryan
Subject: FW: Cell phones for Mayor and Council

Rick Please see revised annual costs. Joe

From: Brittney Jeffries
Sent: Friday, June 14, 2019 1:41 PM
To: Joe Hannan <Joe.Hannan@newbergoregon.gov>
Cc: Dave Brooks <dave.brooks@newbergoregon.gov>
Subject: RE: Cell phones for Mayor and Council

I think your number might be off

iPhone
Cost (per person)
Council (7)
First Month
Bill

Monthly Bill
(7 accounts)
Annual Cost
Phone (one time purchase)
\$ 189.99
\$ 1,329.93

Text messaging archive/month
\$ 5.00
\$ 35.00

\$ 35.00
\$ 420.00
Service plan/ month
\$ 39.99
\$ 279.93

\$ 279.93
\$ 3,359.16

Total
\$ 234.98
\$ 1,644.86

Council Packet 2019-0617 cell phone email handout

\$ 314.93
\$ 3,779.16

Brittney Jeffries
Engineering -IT Administrative Assistant
City of Newberg
414 E. First Street | PO Box 970 | Newberg OR 97132
brittney.jeffries@newbergoregon.gov
Direct: 503.537.1273

From: Joe Hannan
Sent: Friday, June 14, 2019 1:15 PM
To: Rick Rogers <Rick.Rogers@newbergoregon.gov>
Cc: Matt Zook <Matt.Zook@newbergoregon.gov>; Dave Brooks
<dave.brooks@newbergoregon.gov>;
Brittney Jeffries <brittney.jeffries@newbergoregon.gov>
Subject: Cell phones for Mayor and Council

Mayor Cost of I phone for Mayor and Councilors:

7 I phone purchase	1329.93	
(\$189.99 each)		
Monthly charge		279.93
Text archive fee		420
(\$5 per month per phone)		

Annual cost 2029.86

Joe Hannan
Newberg City Manager
414 E. First Street
Newberg, OR

503 550-2926 (cell)
503.537.1207