

UTILITY EASEMENT

Dated this 10 day of Oct, 1989.

In consideration of the sum of \$-0- and other valuable consideration, Smisee Lands, herein called Grantor, does hereby convey to the City of Newberg, a municipal corporation, hereinafter called Grantee, an perpetual and permanent easement, over, under and through the following described real property for the purposes of constructing, installing, using, repairing and maintaining underground utilities across and under the following described real property:

See attached Exhibit "A".

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

It is further understood that:

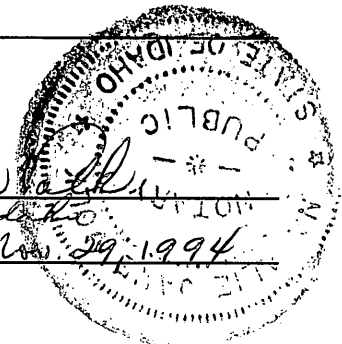
1. The Grantor(s) hereby release(s) the City of Newberg, its agents and employees, assigns and successors of any and all liability for damage to the remaining lands resulting from this conveyance and construction and maintenance of said easement.
2. The rights granted herein shall not be construed to 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 and utilities hereinabove authorized.
3. The Grantee hereby agrees to restore the easement to its original condition, as close as is practical to do so, upon completion of the construction.

Idaho
STATE OF OREGON)
Valley) ss.
County of Yamhill)

THIS CERTIFIES that on this 10th day of October, 1989,
before me, the above signed, personally appeared F. H. SIMONSON
and acknowledged the foregoing instrument to be his voluntary act and deed.

IN WITNESS WHEREOF, I have set my hand and official Seal.

Natalie Jane Walker
Notary Public for Oregon Idaho
My Commission expires: Nov. 29, 1994



NORTHWEST TITLE COMPANY

EXHIBIT A

The Easterly 30 feet of the following described parcels:

PARCEL 2

Part of the Richard Everest Donation Land Claim No. 52, in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at a point which bears S89°49'06"W 850.35 feet and N00°00'36"W 686.73 feet from the Southeast corner of the North half of said Claim; thence N00°00'36"W 188.00 feet to the South line of Hayes Street; thence along said line N81°34'47"E 139.65 feet; thence S00°02'06"E 208.42 feet; thence S89°59'24"W 138.24 feet to the point of beginning.

Containing 0.629 Acres

LEGAL DESCRIPTION OF PARCEL 3

Part of the Richard Everest Donation Land Claim No. 52, in Township 3 South, Range 2 West of the Wilamette Meridian in Yamhill County, Oregon, described as follows:

Beginning on the division line of said Claim S89°49'06"W 711.81 feet from the Southeast corner of the North half of said claim and running thence N00°02'06"W 30.00 feet to the TRUE POINT OF BEGINNING; thence S89°49'06"W 138.54 feet; thence N00°00'36"W 656.73 feet; thence N89°59'24"E 138.24 feet; thence S00°02'06"E 656.30 to the TRUE POINT OF BEGINNING.

Containing 2.086 acres

STATE OF OREGON)

) ss.

COUNTY OF YAMHILL)

10.00
10.00
09637

I hereby certify that this instrument
was received and duly recorded
by me in Yamhill County records.

Instrument #


CHARLES STERN,
COUNTY CLERK