

**DEED RESTRICTION
AND AGREEMENT**

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This agreement is made between the City of Newberg, Yamhill County, know all men by these presents, that Gerald P. and Sandra J. Norman ("Owners"), owners of property in Yamhill County, Oregon, more fully described as Lots 1 and 2 of Partition No. 93-2, do hereby agree, consent, and declare as follows:

WHEREAS, On February 20, 1992, "Owners" received preliminary approval from the Newberg Planning Commission to partition a parcel located at 3000 Crater Lane (tax lot 3207-3200); and

WHEREAS, A portion of the existing structure encroaches into the public right-of-way; and

WHEREAS, The Planning Commission approved a modification to the street right-of-way as part of the partition request with the condition that the existing structure is permitted to encroach into the right-of-way until such time that the right-of-way is improved; and

WHEREAS, It is the City's intention to allow said encroachment within the dedicated Crater Lane right-of-way until such time that Crater Lane is improved or the parcel redevelops.

IT IS HEREBY AGREED AND UNDERSTOOD THAT:

Section 1. The City will allow the existing porch structure, including landscaping and paved access drives to encroach upon the dedicated right-of-way for Crater Lane provided that the current use of the structure continues and until Crater Lane is improved.

Section 2. The City will permit routine maintenance and repair of existing facilities by "Owner" within the Crater Lane right-of-way.

Section 3. "Owners" shall agree to remove the portion of the building in the existing right-of-way at the City's request for street improvement purposes. Costs shall be borne by "Owners".

Section 4. Redevelopment of the subject parcel shall void the agreement. Further, the encroaching structure shall be removed by the "Owners" at "Owners" expense upon redevelopment.

Section 5. This Agreement, Consent and Declaration shall constitute a covenant and restriction running with the land and shall be binding upon the undersigned, who are the legal "Owners" of the property, and shall bind their heirs, assigns and legal representatives.

Return to: City of Newberg
414 E. First
Newberg OR 97132

WT-C
This document is being re-recorded to provide a complete legal description and was previously recorded in film volume 280 page 1485-1486.

THIS INSTRUMENT WILL 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.

DATED this 2nd day of OCT, 1992.

OWNER

CITY OF NEWBERG

By Gerald P. Norman
Gerald P. Norman

By Duane R. Cole
Duane R. Cole
City Manager

By Sandra J. Norman
Sandra J. Norman

State of Oregon)
City of Newberg) ss.
County of Yamhill)

STATE OF OREGON)
COUNTY OF YAMHILL) ss.

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

Instrument #
CHARLES STERN,
COUNTY CLERK

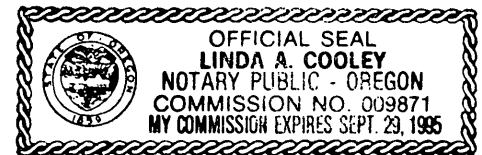
On the 2nd day of OCT 1992, personally appeared the above named individual(s) and acknowledged the foregoing instrument to be his(their) voluntary act and deed.

Before me:

Linda A. Cooley

Notary Public for Oregon

My Commission expires: 9/29/1995



Grantor: Gerald P. & Sandra J. Norman

3000 Crater Lane
Newberg OR 97132

Grantee: City of Newberg

414 E. First Street
Newberg OR 97132

Return to Grantee after recording
c/o Newberg City Attorney - File No: P-2-92

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STATE OF OREGON)
COUNTY OF YAMHILL) ss.

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

Instrument #

CHARLES STERN,
COUNTY CLERK

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**WAIVER OF RIGHTS TO REMONSTRANCE
 STREETS, FUTURE STREETS, OR PUBLIC UTILITIES
 INCLUDING STORM SEWER, SANITARY SEWER AND WATER LINES**

KNOW ALL MEN BY THESE PRESENTS, that the City of Newberg, a municipal corporation of the State of Oregon, hereinafter known as "City", and Gerald P. and Sandra J. Norman, the owner of the real property herein described, hereinafter referred to as "Owners", make the following agreement. The real property located in the City of Newberg, Yamhill County, Oregon is more fully described as follows:

Lots 1 and 2 of Partition No. 93-2

That the said real property is held upon the condition that in the event any streets, future streets, or public utilities, or any part thereof abutting upon said lots are constructed or improved in accordance with certain practices of the City upon petition of the property owners or upon resolution by the Council, no remonstrance to said proposed street or municipal utility improvements shall be made and such remonstrance is hereby waived.

The City and Owners agree that the Owners of said real property shall connect to said City public sewer system and pay all construction, connection, and system development charges in accordance with City standards and ordinances at such time as the City's sewer system is constructed to be within 100 feet of the subject property and the City so requests that the owners connect to said system.

THIS INSTRUMENT WILL 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.

This Agreement shall constitute a covenant and restriction running with the land and shall be binding upon the undersigned, who are the legal owners of the real property, and shall bind their heirs, assigns and legal representatives.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 2nd day of OCT, 1992.

By: Gerald P. Norman
 Gerald P. Norman - Owner

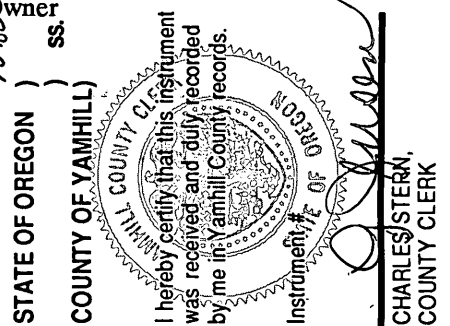
By: Sandra J. Norman
 Sandra J. Norman - Owner

CITY OF NEWBERG

By: Duane R. Cole
 Duane R. Cole - City Manager

STATE OF OREGON)
 City of Newberg) ss.
 COUNTY OF YAMHILL)

000310



On the 2nd day of Oct, 1992, personally appeared the above-named individual(s) and acknowledged the foregoing instrument to be her/their voluntary act and deed.

(SEAL)

Linda A. Cooley
 Notary Public for Oregon
 My Commission Expires: 9/29/1995



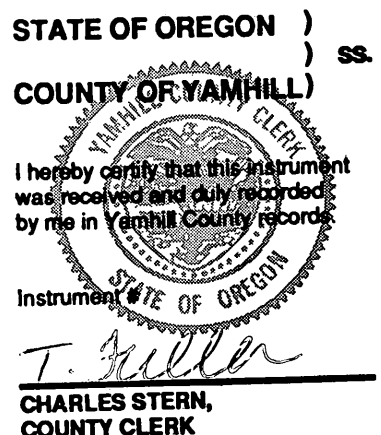
Grantor: Gerald P. & Sandra J. Norman
 3000 Crater Lane
 Newberg OR 97132

Grantee: City of Newberg
 414 E. First Street
 Newberg OR 97132

Return to Grantee after recording c/o Newberg City Attorney, File No: P-2-92

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