

**DEED RESTRICTION
AND AGREEMENT**

This agreement is made between the City of Newberg, ("City") and Portland General Electric Company ("Owner"), owner of property in Yamhill County, Oregon, more fully described in Exhibit "A" attached hereto and incorporated herein, does hereby agree, consent, and declare as follows:

WHEREAS, An existing fence encroaches into the public right-of-way; and

WHEREAS, It is the City's intention to allow said encroachment within the dedicated Hayes and Hancock Streets rights-of-way until such time that Hayes and Hancock Streets are improved or the parcel redevelops.

IT IS HEREBY AGREED AND UNDERSTOOD THAT:

- Section 1. The City will allow the existing fence and landscaping upon the dedicated right-of-way for Hayes and Hancock Streets provided that the current use of the structure continues and until Hayes and Hancock Streets are improved.
- Section 2. The City will permit routine maintenance and repair of existing facilities by "Owner" within the Hayes and Hancock Street rights-of-way.
- Section 3. "Owners" agree to remove the fence and landscaping in the existing right-of-way at the City's request for street improvement purposes.
- Section 4. Redevelopment of the subject parcel shall void the agreement. Further, the encroaching structure shall be removed by the "Owners" at owner's 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.

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 29 day of July, 1993.

PGE
By: *Dave Carboneau*
Dave Carboneau
Vice President
Portland General Electric Company

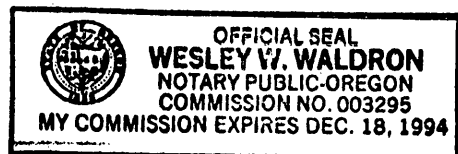
CITY OF NEWBERG
By: *Duane R. Cole*
Duane R. Cole
City Manager

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

On the _____ day of _____ 1993, personally appeared the above named individual(s) and acknowledged the foregoing instrument to be his(their) voluntary act and deed.

Before me:

Wesley W. Waldron
Notary Public for Oregon
My Commission expires: 12-18-94



Grantor: Portland General Electric
by David Carboneau, Vice President
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: DR-40-92

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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
CHARLES STERN,
COUNTY CLERK

Order No. 57614
PGE/Dental Components, Inc.

EXHIBIT "A"

PARCEL I:

Being a part of the North half of the Richard Everest Donation Land Claim #52, Notification # 1474, in Section 16 and 21, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at an iron pipe at the Southeast corner of the North half of said Claim; thence South 89 deg. 48 min. West along the division line of said Claim, 7.967 chains; thence North 0 deg. 06 min. East 931.29 feet to a point; thence North 76 deg. 38-1/2 min. East 538 feet to a point on the East line of said Donation Land Claim; thence South along the East line of the Donation Land Claim 1054.03 feet to the place of beginning.

EXCEPTING therefrom the following: Being a part of the North half of the Richard Everest Donation Land Claim #52, Notification #1474, in Section 16 and 21, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at an iron pipe at the Southeast corner of the North half of said Claim; thence South 89 deg. 48 min. West along the division line of said Claim, 7.967 chains; thence North 0 deg. 06 min. East 82.84 feet; thence North 89 deg. 48 min. East parallel with said division line, 7.967 chains to a point in the East line of said Claim in County Road; thence South along said East line of said Claim, 82.84 feet to the place of beginning.

PARCEL II:

Being a part of the North half of the Donation Land Claim of Richard Everest and wife, Notification #1474, Claim #52, in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being more particularly described as follows to-wit:

Beginning at a point on the division line of said Claim 9.560 chains South 89 deg. 48 min. West from the Southeast corner of the North half of said Claim; running thence North 00 deg. 06 min. East 931.29 feet; thence North 89 deg. 48 min. East 1.593 chains; thence South 00 deg. 06 min. West 931.29 feet to the division line of said Claim; thence South 89 deg. 48 min. West 1.593 chains to the place of beginning.