

ANNEXATION AGREEMENT WAIVER OF RIGHTS TO REMONSTRANCE

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the acceptance and approval by the City of Newberg, a Municipal Corporation of the State of Oregon, of the annexation of the property described in the attached Exhibit A, Newberg School District 29JT, the legal owners of the real property described do hereby consent and agree as follows:

1. That the said real property is held upon the condition that in the event Chehalem Drive, Main Street, Foothills Drive or Crater Lane, or public sewer line or public water line including pump stations and gravity sewer, 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.
2. Owners of the said real property hereby agree to connect to the City public sewer system and pay all construction, connection and system development charges in accordance with City standards at such times as the City sewer system is constructed to within 100 feet of the subject property.

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, I have hereunto set my hand and seal this 15th day of November, 1993.

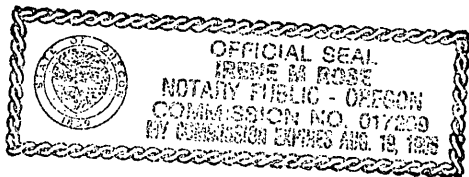
NEWBERG SCHOOL DISTRICT 29JT

By: [Signature]

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

This instrument was acknowledged before me this 15th day of November, 1993, by [Signature], as Superintendent, on behalf of Newberg School District 29JT.

Before me:



[Signature]
Notary Public for Oregon

My Commission expires October 16, 1995
August 19, 1996

CITY OF NEWBERG

ACCEPTED AS TO FORM:

By: [Signature]
Duane R. Cole - City Manager

By: [Signature]
Terrence D. Mahr - City Attorney

Grantor: Newberg School District 29JT
714 E. Sixth
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: ANX-2-93

NORTHWEST TITLE COMPANY - C

EXHIBIT A
ANX-2-93 LEGAL DESCRIPTION

A tract of land in Section 7, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon, being part of the James Morris Donation Land Claim and part of that tract of land described in Judgment, Antonia Crater vs. Ovy D. Pratt, et ux., et al., in Circuit Court, Yamhill County, Oregon, Case No. 82-1390, which Judgment was rendered October 31, 1983, said part being described as follows:

Commencing at a point in the West line of said Morris Donation Land Claim that is South 4.79 feet from a one inch iron pipe set in County Survey No. P-4769 for the True Quarter corner of the Donation Land Claim; thence South $89^{\circ}11'$ East 16.50 feet to an iron rod at the West end of a fence and the TRUE point of beginning of the tract herein described; thence North 613.91 feet parallel with and 16.5 feet East from the West line of said Claim to an iron rod; thence South $89^{\circ}57'50''$ East 1308.62 feet to an iron rod in the West line of Anne's Addition; thence South $00^{\circ}01'50''$ West 627.22 feet to an iron rod at the Southwest corner of said Anne's Addition and the Southeast corner of that certain tract of land described in Quit Claim Deed to Pratt, recorded in Film Volume 181, Page 1242, Yamhill County Deed and Mortgage Records; thence North $89^{\circ}34'20''$ West 662.29 feet along the South line of said Quit Claim Deed tract and the South line of said Judgment description to an iron rod that is South 5.00 feet from a 3/4 inch iron pipe at the Northwest corner of Tract 16 of County Survey No. 147C as set in County Survey No. P-4769; thence North $89^{\circ}11'$ West 646.17 feet along a fence now there (July 1982) and along the South line of said Judgment description to the point of beginning.

EXCEPTING THEREFROM the following described tract of land, being that tract of land described in Quitclaim Deed to Pratt, recorded in Film Volume 181, Page 1242, Yamhill County Deed and Mortgage Records:

Beginning at an iron pipe that is South 2666.55 feet and East 662.52 feet from the Northwest corner of the James Morris Donation Land Claim, said iron pipe being at the Northwest corner of Lot 16 of County Survey No. 147C as re-established by Norris Jones in County Survey No. P-4769; thence South $89^{\circ}33'$ East 662.29 feet parallel with a chain link fence now there (January 1983) to an iron rod at the West line of Anne's Addition; thence South $00^{\circ}01'50''$ West 4.73 feet to an iron rod at the Southwest corner of Anne's Addition; thence North $89^{\circ}34'20''$ West 662.29 feet to the West line of said Lot 16; thence North 5.00 feet to the point of beginning.

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10.00

STATE OF OREGON) ss.
COUNTY OF YAMHILL)
YAMHILL COUNTY CLERK
I hereby certify that this instrument
was received and duly recorded
by me in Yamhill County records.
Instrument #
CHARLES STERN,
COUNTY CLERK