

WAIVER OF RIGHTS TO REMONSTRANCE
FOR PUBLIC IMPROVEMENTS

KNOW ALL MEN BY THESE PRESENTS, that the City of Newberg, a municipal corporation of the State of Oregon, hereinafter known as "City," and George K. Austin and Joan D. Austin, husband and wife, the owner(s) of the real property herein described, hereinafter referred to as "Owner(s)," make the following agreement. The real property located in the City of Newberg, Yamhill County, Oregon is more fully described as follows:

See Attached Exhibit A

The City and Owners agree that the above-described real property is held and shall be transferred, sold, and conveyed upon the condition that in the event Mountainview Drive, public utilities included therein, or any part thereof abutting the site, are constructed or improved in accordance with certain practices of the City upon petition of the property owners or upon resolution by the Council other than by land use approval, no remonstrance to the formation of a local improvement district for the purpose of providing said proposes street or municipal utility improvements shall be made and such remonstrance is hereby waived. The Owners retain the right of remonstrance as to the formula for special assessments among benefitted properties proposed as part of said improvement districts.

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 be binding upon the undersigned, who are the legal owners of the real property described above, and shall be binding upon their heirs, assigns, and legal representatives.

IN WITNESS WHEREOF, I/we have executed said document on this 5th day of July, 1995.

OWNER(S)

By: George K. Austin
George K. Austin

By: Joan D. Austin
Joan D. Austin

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK

 25.00

199510612 3:44pm 08/10/95

001 017910 11 02 000200
1 0 D35 3 15.00 10.00 0.00 0.00 0.00 0.00

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WEST TITLE COMPANY

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

This instrument was acknowledged before me on July 5st, 1995, by George K. Austin +, as owners of real property.
JOAN D. AUSTIN



Glenda L. Wade
Notary Public for Oregon
My Commission Expires: 6-28-96

CITY OF NEWBERG

ACCEPTED AS TO FORM:

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

By: Terrence D. Mahr
Terrence D. Mahr
City Attorney

Grantor: George K. & Joan D. Austin
Austin Industries
PO Box 1060
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-17-95

EXHIBIT A
LEGAL DESCRIPTION

July 6, 1995

1580-07

DESCRIPTION OF NORTHERLY TRACT
ALONG MOUNTAIN VIEW DRIVE, NEWBERG, OREGON

A tract of land located in the Solomon Heater D.L.C. No. 48 and a part of the northeast 1/4 of Section 17, Township 3 South, Range 2 West, of the Willamette Meridian, in Yamhill County, Oregon, and being more particularly described as follows:

Beginning at the southeast corner of the William Wallace D.L.C. No. 47, said corner also being the northeast corner of that tract of land conveyed to George K. Austin, Jr. and Joan Donna Austin, husband and wife, and being described in Deed Vol. 90 at Page 700; thence South 40.00 feet and West 40.00 feet to a point which is 40.00 feet southerly of the centerline of County Road No. 58 (commonly called Mountain View Drive) and 40.00 feet westerly of the centerline of County Road No. 59 (commonly called Aspen Avenue) and being the TRUE POINT OF BEGINNING; thence westerly along a line that is 40.00 feet southerly and parallel with the centerline of said County Road No. 58 a distance of 688.29 feet; thence South 215.00 feet; thence easterly along a line that is 255.00 feet southerly of and parallel with the said centerline of County Road No. 58 a distance of 688.29 feet more or less to the intersection of a line that is 40.00 feet westerly of the centerline of said County Road No. 59; thence northerly along a line that is 40.00 feet westerly of and parallel with the centerline of said County Road No. 59 a distance of 215.00 feet more or less to the TRUE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

G. Robert Taylor

OREGON
JULY 17, 1970
G. ROBERT TAYLOR
#937

EXPIRES 6-30-96