

Grantor: Oak West Homes Ltd.
29665 NE Putnam Rd.
Newberg OR 97132
Grantee: City of Newberg
414 E. First Street
Newberg OR 97132

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK



199804543 11:25am 03/17/98

001 063877 10 04 100000
1 0 D35 1 5.00 10.00 0.00 0.00 0.00 0.00

AFTER RECORDING, RETURN TO:

City of Newberg - Planning Division
414 E. First Street
Newberg OR 97132
File No. P-51-97

*KARL WAGNER
29665 NE PUTNAM RD
NEWBERG OR 97132*

**WAIVER OF RIGHTS TO REMONSTRANCE
FOR STREET OR MUNICIPAL UTILITY 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 *Oak West Homes, Limited*, an Oregon corporation, owner(s) 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, Partition Plat # 98-13

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 Highway 219 (N. College St.), future streets or public utilities, 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, no remonstrance to said proposed street or municipal utility improvements shall be made and such remonstrance is hereby waived.

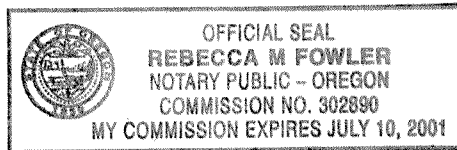
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

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

IN WITNESS WHEREOF, I/we have hereunto set our hands and seals this 17th day of March, 1998.

OWNERS - Oak West Homes, Limited

By: *Karl E. Wagner*
Karl E. Wagner, President



This instrument was acknowledged before me by Karl E. Wagner, to be known to be the President of Oak West Homes, Limited, by authority of the Board of Directors, on behalf of said corporation.

(SEAL)

Rebecca M. Fowler
Notary Public for Oregon
My Commission Expires: 7/10/01

CITY OF NEWBERG

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

ACCEPTED AS TO FORM:

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