

CITY OF NEWBERG  
CITY RECORDER INDEX NO. 1763

RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

Account No.: 48424 R3219AA-03600

Property Address: 503 E Hancock  
Newberg OR 97132

ODOT  
File 6468-040  
10B-11-4

**DEED**

CITY OF NEWBERG, a municipal corporation of the State of Oregon, Grantor, for the true and actual consideration of \$7,425.00 does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, fee title to the following described property:

**PARCEL 1 - Fee**

A parcel of land lying in Lots 5 and 6, Block 14, CENTRAL ADDITION, Yamhill County, Oregon; the said parcel being that portion of said lots included in a strip of land 10.050 meters in width, lying on the Northerly side of the "H" center line of the relocated Pacific Highway West which center line is described as follows:

Beginning at Engineer's center line Station "H" 25+560.826, said Station being 22.498 meters South and 910.863 meters East of the Northwest corner of the JOSEPH B. RODGERS D.L.C. NO. 55, Yamhill County, Oregon; thence North 87° 57' 20" West 34.476 meters; thence on a 130 meter radius curve right (the long chord of which bears North 66° 05' 29.5" West 96.825 meters) 99.216 meters; thence North 44° 13' 39" West 13.594 meters; thence on a 130 meter radius curve left (the long chord of which bears North 66° 05' 40.5" West 96.838 meters) 99.230 meters; thence North 87° 57' 42" West 686.404 meters; thence North 87° 31' 55" West 140.897 meters to Engineer's center line Station "H" 26+634.643.

Bearings are based on County Survey No. CS # 10493, dated October, 1995, Yamhill County, Oregon.

The parcel of land to which this description applies contains 28 square meters, more or less.

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefor, upon, over, under, and across the following described property:

Recorded in Official Yamhill County Records  
CHARLES STERN, COUNTY CLERK



61.00

200009122 3:20:02 PM 07/03/2000

DMR DMR 2 - 2 ANITA  
5.00 15.00 10.00 20.00 11.00

1763  
**ORIGINAL**

ODOT  
File 6468-040  
10B-11-4**PARCEL 2 - Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities**

A parcel of land lying in Lots 5 and 6, Block 14, CENTRAL ADDITION, Yamhill County, Oregon; the said parcel being that portion of said lots included in a strip of land variable in width, lying on the Northerly side of the "H" center line of the relocated Pacific Highway West which center line is described in Parcel 1.

The widths in meters of the strip of land above referred to are as follows:

| Station    | to | Station    | Width on Northerly Side of "H" Center Line |
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| "H" 26+100 |    | "H" 26+150 | 12 in a straight line to 13                |
| "H" 26+150 |    | "H" 26+180 | 13                                         |

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 88 square meters, more or less.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described Parcel 2, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

IT IS ALSO UNDERSTOOD that this easement shall be subject to the same conditions, terms and restrictions contained in the easements, licenses and/or permits granted to the owner of any facilities being relocated.

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of Grantee.

IT IS FURTHER UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities, stated herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

ODOT  
File 646B-040  
10B-11-4

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

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It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 15<sup>th</sup> day of June, 2000.

APPROVED AS TO FORM:

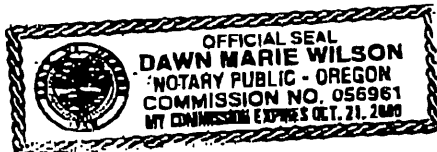
By Terry Mahr  
Terry Mahr  
City Attorney

CITY OF NEWBERG

By Duane R. Cole  
Duane R. Cole, City Manager  
Authority: Resolution No. 2000-2234

STATE OF OREGON, County of Yamhill

Dated June 15, 2000. Personally appeared Duane R. Cole, whom being sworn, stated he is the City Manager of the City of Newberg, Oregon, a municipal corporation, and that this instrument was voluntarily signed in behalf of said municipal corporation by authority of its Resolution No. 200-2234, passed by the Council of said City on this 17th day of April, 2000.



Dawn Marie Wilson  
Notary Public for Oregon  
My Commission expires 10/21/00

Accepted on behalf of the Oregon Department of Transportation

Ingrid Salvendy  
Ingrid Salvendy, Region 2 Right of Way Supervisor

4-19-00  
Page 3 - Deed  
ael/

STATE'S OBLIGATIONS AGREEMENT

File No.: 6468040  
Name: Newberg City Library  
Date: May 25, 2000

~~State agrees to cover any exposed soil created by the project with grass seed mulch.~~

State agrees to use caution around the evergreen tree at the eastern edge of library property.

*Duane R. Cole*  
City Manager

Any construction lying outside of the traveled portion and shoulders but within the right of way of the highway which is made for the use and benefit of the remaining property, either under the terms of this agreement or the construction plans, shall be completed in conformance with normal engineering construction practices and hereafter shall be maintained or reconstructed by the property owner in accordance with ORS 374.305, et seq. and OAR 734-50-005 to 50-065, OAR 734-55-005 to 55-060 and other applicable statutes and regulations.

If any of the construction under the terms of this agreement is outside of the highway right of way, Grantors hereby grant State, its employees or contractors, permission to enter upon their remaining property for the purpose of performing any of said construction work.

It is understood and agreed that State's performance of this agreement shall be a portion of the consideration for the concurrent real property transaction evidenced by deed between Grantors and State. This agreement shall not be effective or binding until Grantors receive notice from the State accepting the conveyance of the real property interests.

*Duane R. Cole*  
\_\_\_\_\_  
Duane R. Cole, Newberg City Manager

*June 15, 2000*  
\_\_\_\_\_  
Date

FILE: 6468040  
NAME: Newberg Public Library  
SECTION: Everest St-Main St (Newberg)  
HIGHWAY: Pacific Highway West  
COUNTY: Yamhill  
FAP#:

**CONVEYANCE OF SIGN**

**SIGN PURCHASE AGREEMENT**

**Oregon Department of Transportation - Right of Way Section**

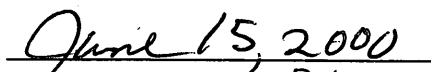
Newberg Public Library hereinafter referred to as Grantor, is the owner of a sign located on real property owned by Newberg Public Library and described in the attached Exhibit "A".

The Oregon Transportation Commission, hereinafter referred to as Grantee, is acquiring the real property described in the attached Exhibit "A".

Grantor, for and in consideration of the sum of \$11,350.00 does hereby sell and transfer unto the Grantee the sign being described as follows: Monument-style, double-faced, reader-board sign.

Dated 5/25/2000

  
Duane R. Cole, Newberg City Manager

  
Date

## EXHIBIT A

FILE 6468040

Everest St. – Main St. (Newberg) Sec.  
Pacific Highway West  
Yamhill County  
Drg. No. 10B-11-4  
Throughway  
RDS 11/16/99

City of Newberg  
Parcels 1 and 2

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(Continued on Page 2)

**PARCEL 2 - Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities.**

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| "H" 26+150 |    | "H" 26+180 | 13                                               |

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 88 square meters, more or less.

**NOTE:** Access Controlled by Permit.  
Outside Area: 936 square meters, more or less, right.  
This parcel lies within Section 19, Township 3 South, Range 2 West, W.  
M., Yamhill County, Oregon.

This property description is written using the metric system.

1+000.000 Station = 1000 meters = 3,280.84 feet

1 meter = 3.2808 feet

100 meters = 328.08 feet

1 square meter = 10.7639 square feet

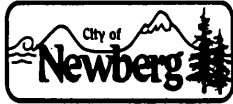
1 hectare = 2.47105 acres

Parcel 1 - 28 square meters = 302 square feet, more or less.

Parcel 2 - 88 square meters = 947 square feet, more or less.

Outside Area: 936 square meters = 10,075 square feet,  
more or less.





## RESOLUTION No. 2000-2234

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### A RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE THE SALE OF PROPERTY AT THE LIBRARY FOR THE STATE HIGHWAY IMPROVEMENTS

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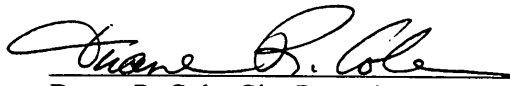
#### RECITALS:

1. The State of Oregon Department of Transportation has notified the City that they intend to purchase property on the South side of the Library which is contiguous to Hancock Street.
2. This property will be needed to provide sufficient travel lane width, sidewalk and a utility easement for the street project.
3. The Library sign will need to be removed, redesigned replaced, and constructed in a new location.
4. The State of Oregon has appraised the property and plans to purchase 947.22 square feet which includes part of the City's sprinkler system, two lights facing the old front entrance and the reader board sign.

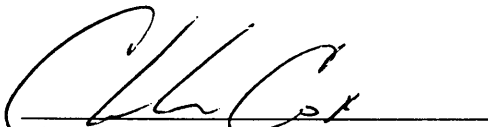
#### THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

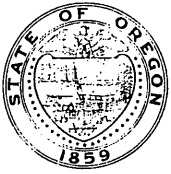
1. The City Manager is hereby authorized to complete the sale of this property and receive compensation from the State based on the agreed upon value of approximately \$18,500.
2. The City Council appreciates ODOT's request that the City donate the property to the State, but the funding needed to remove, redesign, and replace the sign as well as repair and replace the sprinkling system, and, the need to receive fair value for the impact of this project on the Library requires that the City request the appraised value.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17<sup>th</sup> day of April, 2000.

  
Duane R. Cole, City Recorder

ATTEST by the Mayor this 20 day of April, 2000.

  
Charles Cox, Mayor



# Oregon

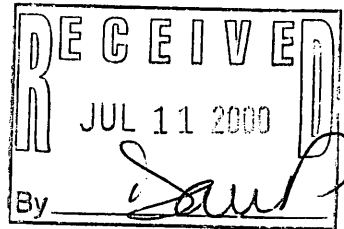
John A. Kitzhaber, M.D., Governor

Department of Transportation  
Transportation Building  
355 Capitol St. NE  
Salem Oregon 97301

July 7, 2000

FILE CODE:

DAWN M WILSON  
CITY OF NEWBERG  
P O BOX 970  
NEWBERG OR 97132



Re: File 6468 040  
Section: Everest St.-Main St.  
Highway: Pacific West  
County: Yamhill

*Thank you for providing the Oregon Department of Transportation with the appropriate documents for concluding our transaction.*

*Your Deed and any Agreements have been approved for this project.*

*Enclosed herewith please find State Warrant in the amount of \$19,250.00. This is the total consideration for the acquisition.*

*The State is now entitled to possession of the property.*

*On behalf of Nancy Lorensen and the Oregon Department of Transportation we would like to thank you for your cooperation and ask that you complete and return the enclosed survey. It will let us know how we are doing and help us to do a better job in the future.*

Sincerely,

Hollie E. Groves  
Closing/Title Specialist  
(503) 986-3642 Room #420

cc: Nancy Lorensen



| BATCH DATE   | BATCH TYPE                                        | NUMBER     | FISCAL YEAR  | WSNE 503-986-3652 | CHECK NO = 00847633 | INVOICE NO. OR DESCRIPTION | NET AMOUNT |
|--------------|---------------------------------------------------|------------|--------------|-------------------|---------------------|----------------------------|------------|
| 07/03/00     | G                                                 | 9PG        | 01           |                   |                     |                            |            |
| INVOICE DATE | INVOICE NO. OR DESCRIPTION                        | NET AMOUNT | INVOICE DATE | INVOICE DATE      | INVOICE DATE        | INVOICE DATE               | NET AMOUNT |
| 07/03/00     | 6468040<br>LOTS5&6, BLK14, CTRL ADDITION, YAMHILL | 19,250.00  |              |                   |                     |                            |            |

IF YOU HAVE QUESTIONS ABOUT THIS CHECK, CALL (503) 986-3652

TOTAL PAYMENT

\$ 19,250.00

DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE A TRUE WATERMARK OF LINKED DIAMOND SHAPES WHEN HELD TO THE LIGHT



# Oregon Department of Transportation

FINANCIAL SERVICES  
355 CAPITOL ST NE ROOM 434  
SALEM OREGON 97301-3872  
503-986-3900



ODOT

TO THE  
STATE TREASURER  
SALEM OREGON

96-10  
1232

| CHECK NUMBER | DATE     | DATE     | BATCH | TYPE | PAY   | DOLLAR    | AMOUNT      |
|--------------|----------|----------|-------|------|-------|-----------|-------------|
| 00847633     | 07/06/00 | 07/03/00 | G     | 9PG  | ***** | 19,250.00 | \$19,250.00 |

ACCOUNT 73105

VOID AFTER 2 YEARS FROM DATE OF ISSUE FORM ODVCK1-4 (6/99)

PAY TO THE  
ORDER OF

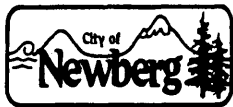
NEWBERG, CITY OF  
PO BOX 970  
NEWBERG OR 97132

*Mike Marsh*

AUTHORIZED SIGNATURE

THE FACE OF THIS CHECK HAS A COLORED BACKGROUND. EXPLANATION OF ADDITIONAL SECURITY FEATURES INDICATED ON REVERSE SIDE

⑈00847633⑈ ⑆123200101⑆ 73105⑈



## RESOLUTION No. 2000-2234

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### A RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE THE SALE OF PROPERTY AT THE LIBRARY FOR THE STATE HIGHWAY IMPROVEMENTS

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#### RECITALS:

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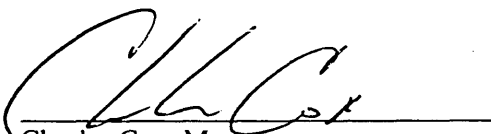
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Duane R. Cole, City Recorder

ATTEST by the Mayor this 20 day of April, 2000.

  
Charles Cox, Mayor



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Transportation

Region 2 Right of Way  
455 Airport Road SE, Bldg A  
Salem OR 97301-5397  
Phone: (503) 986-2601  
FAX: (503) 986-2622

File: 6468040

Name: Newberg Public Library

Date: June 27, 2000

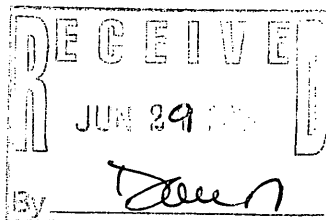
FILE CODE:

### **Revised** ACQUISITION SUMMARY STATEMENT

\*Land and \*\*Improvements

Damages

Other sign



\$7,900.00

\$0.00

\$11,350.00

**TOTAL JUST COMPENSATION**

**\$19,250.00**

#### \* PROPERTY RIGHTS TO BE ACQUIRED:

|   |                    |                                   |
|---|--------------------|-----------------------------------|
| 1 | Fee                | 301.39 Sq. Ft. (28.00 Sq. Meters) |
| 2 | Permanent Easement | 947.22 Sq. Ft. (88.00 Sq. Meters) |

#### \*\* IMPROVEMENTS IN ACQUISITION AREA:

Concrete blocks around sign, lamps, landscaping and sprinkler system

#### NOTICE TO VACATE:

Written notice to vacate will not be required. Possession will be upon payment.

THE FOLLOWING SEPARATELY HELD OWNERSHIP INTERESTS ARE NOT INCLUDED IN THE TOTAL JUST COMPENSATION SHOWN ABOVE:

None

#### APPRAISAL INFORMATION:

Appraisal//Valuation by: Ryan R. Brown

Date of Valuation: 1-24-00

Value: \$7,150 without sign

Date Written: 1-24-00



RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

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4-19-00

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Terry Mahr  
City Attorney

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Dawn Marie Wilson  
Notary Public for Oregon

My Commission expires 10/21/00

Accepted on behalf of the Oregon Department of Transportation

Ingrid Saltvold  
Ingrid Saltvold, Region 2 Right of Way Supervisor



FILE: 6468040  
NAME: Newberg Public Library  
SECTION: Everest St-Main St (Newberg)  
HIGHWAY: Pacific Highway West  
COUNTY: Yamhill  
FAP#:

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**SIGN PURCHASE AGREEMENT**

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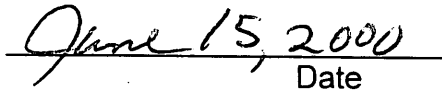
Newberg Public Library hereinafter referred to as Grantor, is the owner of a sign located on real property owned by Newberg Public Library and described in the attached Exhibit "A".

The Oregon Transportation Commission, hereinafter referred to as Grantee, is acquiring the real property described in the attached Exhibit "A".

Grantor, for and in consideration of the sum of \$11,350.00 does hereby sell and transfer unto the Grantee the sign being described as follows: Monument-style, double-faced, reader-board sign.

Dated 5/25/2000

  
Duane R. Cole, Newberg City Manager

  
Date

## EXHIBIT A

FILE 6468040

Everest St. – Main St. (Newberg) Sec.  
Pacific Highway West  
Yamhill County  
Drg. No. 10B-11-4  
Throughway  
RDS 11/16/99

City of Newberg  
Parcels 1 and 2

### PARCEL 1 - Fee

A parcel of land lying in Lots 5 and 6, Block 14, CENTRAL ADDITION, Yamhill County, Oregon; the said parcel being that portion of said lots included in a strip of land 10.050 meters in width, lying on the Northerly side of the "H" center line of the relocated Pacific Highway West which center line is described as follows:

Beginning at Engineer's center line Station "H" 25+560.826, said Station being 22.498 meters South and 910.863 meters East of the Northwest corner of the JOSEPH B. RODGERS D.L.C. NO. 55, Yamhill County, Oregon; thence North 87° 57' 20" West 34.476 meters; thence on a 130 meter radius curve right (the long chord of which bears North 66° 05' 29.5" West 96.825 meters) 99.216 meters; thence North 44° 13' 39" West 13.594 meters; thence on a 130 meter radius curve left (the long chord of which bears North 66° 05' 40.5" West 96.838 meters) 99.230 meters; thence North 87° 57' 42" West 686.404 meters; thence North 87° 31' 55" West 140.897 meters to Engineer's center line Station "H" 26+634.643.

Bearings are based on County Survey No. CS # 10493, dated October, 1995, Yamhill County, Oregon.

The parcel of land to which this description applies contains 28 square meters, more or less.

(Continued on Page 2)

**PARCEL 2 - Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities.**

A parcel of land lying in Lots 5 and 6, Block 14, CENTRAL ADDITION, Yamhill County, Oregon; the said parcel being that portion of said lots included in a strip of land variable in width, lying on the Northerly side of the "H" center line of the relocated Pacific Highway West which center line is described in Parcel 1.

The widths in meters of the strip of land above referred to are as follows:

| Station    | to | Station    | Width on Northerly<br>Side of "H" Center<br>Line |
|------------|----|------------|--------------------------------------------------|
| "H" 26+100 |    | "H" 26+150 | 12 in a straight line<br>to 13                   |
| "H" 26+150 |    | "H" 26+180 | 13                                               |

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 88 square meters, more or less.

**NOTE:** Access Controlled by Permit.  
Outside Area: 936 square meters, more or less, right.  
This parcel lies within Section 19, Township 3 South, Range 2 West, W.  
M., Yamhill County, Oregon.

This property description is written using the metric system.

1+000.000 Station = 1000 meters = 3,280.84 feet

1 meter = 3.2808 feet

100 meters = 328.08 feet

1 square meter = 10.7639 square feet

1 hectare = 2.47105 acres

Parcel 1 - 28 square meters = 302 square feet, more or less.

Parcel 2 - 88 square meters = 947 square feet, more or less.

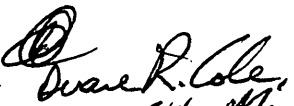
Outside Area: 936 square meters = 10,075 square feet,  
more or less.

STATE'S OBLIGATIONS AGREEMENT

File No.: 6468040  
Name: Newberg City Library  
Date: May 25, 2000

~~State agrees to cover any exposed soil created by the project with grass seed mulch.~~

State agrees to use caution around the evergreen tree at the eastern edge of library property.

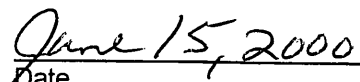
  
Duane R. Cole,  
City Manager

Any construction lying outside of the traveled portion and shoulders but within the right of way of the highway which is made for the use and benefit of the remaining property, either under the terms of this agreement or the construction plans, shall be completed in conformance with normal engineering construction practices and hereafter shall be maintained or reconstructed by the property owner in accordance with ORS 374.305, et seq. and OAR 734-50-005 to 50-065, OAR 734-55-005 to 55-060 and other applicable statutes and regulations.

If any of the construction under the terms of this agreement is outside of the highway right of way, Grantors hereby grant State, its employees or contractors, permission to enter upon their remaining property for the purpose of performing any of said construction work.

It is understood and agreed that State's performance of this agreement shall be a portion of the consideration for the concurrent real property transaction evidenced by deed between Grantors and State. This agreement shall not be effective or binding until Grantors receive notice from the State accepting the conveyance of the real property interests.

  
Duane R. Cole, Newberg City Manager

  
Date

STATE'S OBLIGATIONS AGREEMENT

File No.: 6468040

Name: Newberg City Library

Date: May 25, 2000

City Manager approved over the phone. Signed change is in the mail to us.  
~~State agrees to cover any exposed soil created by the project with grass seed mulch.~~

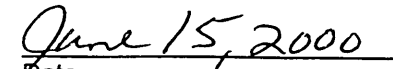
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Duane R. Cole, Newberg City Manager

  
Date



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Transportation

Region 2 Right of Way  
455 Airport Road SE, Bldg A  
Salem OR 97301-5397  
Phone: (503) 986-2601  
FAX: (503) 986-2622

File: 6468040

Name: Newberg Public Library

Date: June 27, 2000

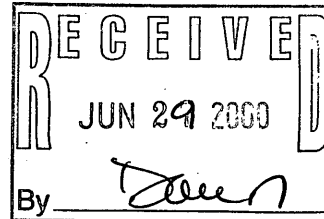
FILE CODE:

### **Revised** ACQUISITION SUMMARY STATEMENT

\*Land and \*\*Improvements

Damages

Other sign



\$7,900.00

\$0.00

\$11,350.00

**TOTAL JUST COMPENSATION**

**\$19,250.00**

#### \* PROPERTY RIGHTS TO BE ACQUIRED:

|   |                    |                                   |
|---|--------------------|-----------------------------------|
| 1 | Fee                | 301.39 Sq. Ft. (28.00 Sq. Meters) |
| 2 | Permanent Easement | 947.22 Sq. Ft. (88.00 Sq. Meters) |

#### \*\* IMPROVEMENTS IN ACQUISITION AREA:

Concrete blocks around sign, lamps, landscaping and sprinkler system

#### NOTICE TO VACATE:

Written notice to vacate will not be required. Possession will be upon payment.

THE FOLLOWING SEPARATELY HELD OWNERSHIP INTERESTS ARE NOT INCLUDED IN THE TOTAL JUST COMPENSATION SHOWN ABOVE:

None

#### APPRAISAL INFORMATION:

Appraisal/Valuation by: Ryan R. Brown

Date of Valuation: 1-24-00

Value: \$7,150 without sign

Date Written: 1-24-00



RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

Account No.: 48424 R3219AA-03600

Property Address: 503 E Hancock  
Newberg OR 97132

ODOT  
File 6468-040  
10B-11-4

**DEED**

**CITY OF NEWBERG, a municipal corporation of the State of Oregon**, Grantor, for the true and actual consideration of **\$7,425.00** does convey unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the following described property:

**PARCEL 1 - Fee**

A parcel of land lying in Lots 5 and 6, Block 14, CENTRAL ADDITION, Yamhill County, Oregon; the said parcel being that portion of said lots included in a strip of land 10.050 meters in width, lying on the Northerly side of the "H" center line of the relocated Pacific Highway West which center line is described as follows:

Beginning at Engineer's center line Station "H" 25+560.826, said Station being 22.498 meters South and 910.863 meters East of the Northwest corner of the JOSEPH B. RODGERS D.L.C. NO. 55, Yamhill County, Oregon; thence North 87° 57' 20" West 34.476 meters; thence on a 130 meter radius curve right (the long chord of which bears North 66° 05' 29.5" West 96.825 meters) 99.216 meters; thence North 44° 13' 39" West 13.594 meters; thence on a 130 meter radius curve left (the long chord of which bears North 66° 05' 40.5" West 96.838 meters) 99.230 meters; thence North 87° 57' 42" West 686.404 meters; thence North 87° 31' 55" West 140.897 meters to Engineer's center line Station "H" 26+634.643.

Bearings are based on County Survey No. CS # 10493, dated October, 1995, Yamhill County, Oregon.

The parcel of land to which this description applies contains 28 square meters, more or less.

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefor, upon, over, under, and across the following described property:

4-19-00



**PARCEL 2 - Permanent Easement for Slopes, Water, Gas, Electric and  
Communication Service Lines, Fixtures and Facilities**

A parcel of land lying in Lots 5 and 6, Block 14, CENTRAL ADDITION, Yamhill County, Oregon; the said parcel being that portion of said lots included in a strip of land variable in width, lying on the Northerly side of the "H" center line of the relocated Pacific Highway West which center line is described in Parcel 1.

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| Station    | to | Station    | Width on Northerly Side of "H" Center Line |
|------------|----|------------|--------------------------------------------|
| "H" 26+100 |    | "H" 26+150 | 12 in a straight line to 13                |
| "H" 26+150 |    | "H" 26+180 | 13                                         |

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 88 square meters, more or less.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described Parcel 2, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

IT IS ALSO UNDERSTOOD that this easement shall be subject to the same conditions, terms and restrictions contained in the easements, licenses and/or permits granted to the owner of any facilities being relocated.

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of Grantee.

IT IS FURTHER UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities.  
stated herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

**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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 15<sup>th</sup> day of June, 2000.

APPROVED AS TO FORM:

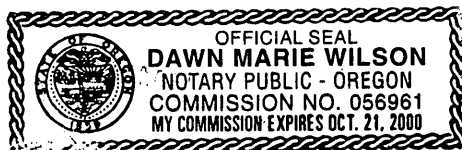
By Terry Mahr  
Terry Mahr  
City Attorney

CITY OF NEWBERG

By Duane R. Cole  
Duane R. Cole, City Manager  
Authority: Resolution No. 2000-2234

STATE OF OREGON, County of Yamhill

Dated June 15, 2000. Personally appeared Duane R. Cole, whom being sworn, stated he is the City Manager of the City of Newberg, Oregon, a municipal corporation, and that this instrument was voluntarily signed in behalf of said municipal corporation by authority of its Resolution No. 200-2234, passed by the Council of said City on this 17th day of April, 2000.



Dawn Marie Wilson  
Notary Public for Oregon

My Commission expires 10/21/00

Accepted on behalf of the Oregon Department of Transportation

Ingrid Saltvold  
Ingrid Saltvold, Region 2 Right of Way Supervisor

# interoffice

## MEMORANDUM

---

**to:** Terry Mahr, City Attorney

**cc:** Mike Soderquist, Community Development Director

**from:** John J. Raineri

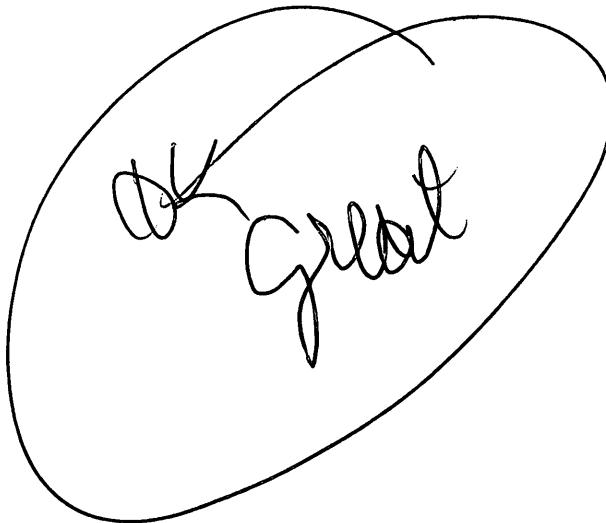
**re:** ROW dedication - Library

**date:** June 12, 2000

---

If the 33 feet of property is what has been decided to be dedicated or rather what the State feels that they need. Then the descriptions that were sent to me appear to be in order.

Please advise if you have any other questions regarding this issue.

A large, hand-drawn oval containing the handwritten text "OK Great" in a cursive script.

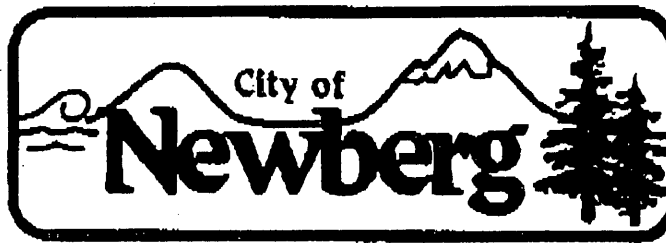
from the desk of...

**John J. Raineri**  
Engineering Technician II  
Community Development  
P.O. Box 970  
719 E. First Street  
Newberg, OR 97132

Phone: 503-537-1237  
Fax: 503-537-1272  
email: [rainerij@ci.newberg.or.us](mailto:rainerij@ci.newberg.or.us)

City Attorney  
(503) 537-1206

City Manager  
(503) 538-9421



115 South Howard Street  
PO Box 970  
Newberg, Oregon 97132

## FAX COVER SHEET

TRANSMITTING TO:

John Baineri  
~~Larry Anderson~~  
CEO

FAX NUMBER:

537-1272

FROM:

Terrence D. Mahr, City Attorney  
FAX No.: (503) 537-1277

DATE:

~~06/07/00~~ 06/12/00

TIME:

9:30am  
~~10:15am~~

NUMBER OF PAGES:

10

(Including Cover Sheet)

*Please call 503-537-1206 if you do NOT receive ALL pages.*

Message:

Please check the legal  
description + make sure  
everything is where it's  
suppose to be.

Thanks!!

### DISCLAIMER

THIS COMMUNICATION MAY CONTAIN CONFIDENTIAL INFORMATION WHICH IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY NAMED ABOVE. THE RECIPIENT IS PROHIBITED FROM READING, DISSEMINATING, COPYING OR DISTRIBUTING THE INFORMATION UNLESS THE RECIPIENT IS THE INTENDED RECIPIENT, OR THE AGENT OR EMPLOYEE OF THE INTENDED RECIPIENT. WHO IS RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT. PLEASE NOTIFY THE SENDER OF THIS DOCUMENT IMMEDIATELY. IF THIS WAS TRANSMITTED IN ERROR IMMEDIATELY RETURN ALL ORIGINALS WHICH WERE TRANSMITTED ERRONEOUSLY. THANK YOU.

F:\LEGAL\WPS\FILLES\Forms & Sample Agts\Fax-cvr.wpd

**CITY ATTORNEY'S OFFICE:** e-mail: [nlegal@ci.newberg.or.us](mailto:nlegal@ci.newberg.or.us) Fax: 537-1277

Building: 537-1240 • Community Development: 537-1240 • Finance: 537-1201 • Fire: 537-1230

Library: 538-7323 • Municipal Court: 537-1203 • Police: 538-8321 • Public Works: 537-1233 • Utilities: 537-1205

Municipal Court Fax: 537-1277 • Community Development Fax: 537-1272 • Library Fax: 538-9720

**"Working Together For A Better Community - Serious About Service"**

RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

Account No.: 48424 R3219AA-03600

Property Address: 503 E Hancock  
Newberg OR 97132

ODOT  
File 6468-040  
10B-11-4

DEED

CITY OF NEWBERG, a municipal corporation of the State of Oregon, Grantor, for the true and actual consideration of \$7,425.00 does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, fee title to the following described property:

PARCEL 1 - Fee

A parcel of land lying in Lots 5 and 6, Block 14, CENTRAL ADDITION, Yamhill County, Oregon; the said parcel being that portion of said lots included in a strip of land 10.050 meters in width, lying on the Northerly side of the "H" center line of the relocated Pacific Highway West which center line is described as follows:

2988.36' Beginning at Engineer's center line Station "H" 25+560.826, said Station being 22.498 meters South and 910.863 meters East of the Northwest corner of the JOSEPH B. RODGERS D.L.C. NO. 55, Yamhill County, Oregon; thence North 87° 57' 20" West 34.476 meters; thence on a 130 meter radius curve right (the long chord of which bears North 66° 05' 29.5" West 96.825 meters) 99.216 meters; thence North 44° 13' 39" West 13.594 meters; thence on a 130 meter radius curve left (the long chord of which bears North 66° 05' 40.5" West 96.838 meters) 99.230 meters; thence North 87° 57' 42" West 686.404 meters; thence North 87° 31' 55" West 140.897 meters to Engineer's center line Station "H" 26+634.643. 32.97' 73.81' 426.50'

Bearings are based on County Survey No. CS # 10493, dated October, 1995, Yamhill County, Oregon.

The parcel of land to which this description applies contains 28 square meters, more or less.

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefor, upon, over, under, and across the following described property:

4-19-00

ODOT  
File 6468-040  
10B-11-4

**PARCEL 2 - Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities**

A parcel of land lying in Lots 5 and 6, Block 14, CENTRAL ADDITION, Yamhill County, Oregon; the said parcel being that portion of said lots included in a strip of land variable in width, lying on the Northerly side of the "H" center line of the relocated Pacific Highway West which center line is described in Parcel 1.

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| "H" 26+150 |    | "H" 26+180 | 13                                         |

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 88 square meters, more or less.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described Parcel 2, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

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ODOT  
File 6468-040  
10B-11-4

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It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

APPROVED AS TO FORM:

By \_\_\_\_\_

Terry Mahr  
City Attorney

**CITY OF NEWBERG**

By \_\_\_\_\_

Duane R. Cole, City Manager  
Authority: Resolution No. 2000-2234

STATE OF OREGON, County of Yamhill

Dated \_\_\_\_\_, 2000. Personally appeared Duane R. Cole, whom being sworn, stated he is the City Manager of the City of Newberg, Oregon, a municipal corporation, and that this instrument was voluntarily signed in behalf of said municipal corporation by authority of its Resolution No. 200-2234, passed by the Council of said City on this 17th day of April, 2000.

\_\_\_\_\_  
Notary Public for Oregon

My Commission expires \_\_\_\_\_

Accepted on behalf of the Oregon Department of Transportation

\_\_\_\_\_  
Ingrid Saltvold, Region 2 Right of Way Supervisor

4-19-00  
Page 3 - Deed  
ael/

FILE: 6468040  
NAME: Newberg Public Library  
SECTION: Everest St-Main St (Newberg)  
HIGHWAY: Pacific Highway West  
COUNTY: Yamhill  
FAP#:

### CONVEYANCE OF SIGN

#### SIGN PURCHASE AGREEMENT

#### Oregon Department of Transportation - Right of Way Section

Newberg Public Library hereinafter referred to as Grantor, is the owner of a sign located on real property owned by Newberg Public Library and described in the attached Exhibit "A".

The Oregon Transportation Commission, hereinafter referred to as Grantee, is acquiring the real property described in the attached Exhibit "A".

Grantor, for and in consideration of the sum of \$11,350.00 does hereby sell and transfer unto the Grantee the sign being described as follows: Monument-style, double-faced, reader-board sign.

Dated 6/25/2000

\_\_\_\_\_  
Duane R. Cole, Newberg City Manager

\_\_\_\_\_  
Date



**EXHIBIT A****FILE 6468040**

Everest St. – Main St. (Newberg) Sec.  
Pacific Highway West  
Yamhill County  
Drg. No. 10B-11-4  
Throughway  
RDS 11/16/99

City of Newberg  
Parcels 1 and 2

**PARCEL 1 - Fee**

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Bearings are based on County Survey No. CS # 10493, dated October, 1995, Yamhill County, Oregon.

The parcel of land to which this description applies contains 28 square meters, more or less.

(Continued on Page 2)

EXHIBIT A Continued - Page 2

File 6468040

**PARCEL 2 - Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities.**

A parcel of land lying in Lots 5 and 6, Block 14, CENTRAL ADDITION, Yamhill County, Oregon; the said parcel being that portion of said lots included in a strip of land variable in width, lying on the Northerly side of the "H" center line of the relocated Pacific Highway West which center line is described in Parcel 1.

The widths in meters of the strip of land above referred to are as follows:

| Station    | to | Station    | Width on Northerly<br>Side of "H" Center<br>Line |
|------------|----|------------|--------------------------------------------------|
| "H" 26+100 |    | "H" 26+150 | 12 in a straight line<br>to 13                   |
| "H" 26+150 |    | "H" 26+180 | 13                                               |

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 88 square meters, more or less.

File 6468040

**NOTE:**

Access Controlled by Permit.

Outside Area: 936 square meters, more or less, right.

This parcel lies within Section 19, Township 3 South, Range 2 West, W.  
M., Yamhill County, Oregon.

This property description is written using the metric system.

1+000.000 Station = 1000 meters = 3,280.84 feet

1 meter = 3.2808 feet

100 meters = 328.08 feet

1 square meter = 10.7639 square feet

1 hectare = 2.47105 acres

Parcel 1 - 28 square meters = 302 square feet, more or less.

Parcel 2 - 88 square meters = 947 square feet, more or less.

Outside Area: 936 square meters = 10,075 square feet,  
more or less.

## STATE'S OBLIGATIONS AGREEMENT

File No.: 6468040

Name: Newberg City Library

Date: May 25, 2000

State agrees to cover any exposed soil created by the project with grass seed mulch.

State agrees to use caution around the evergreen tree at the eastern edge of library property.

Any construction lying outside of the traveled portion and shoulders but within the right of way of the highway which is made for the use and benefit of the remaining property, either under the terms of this agreement or the construction plans, shall be completed in conformance with normal engineering construction practices and hereafter shall be maintained or reconstructed by the property owner in accordance with ORS 374.305, et seq. and OAR 734-50-005 to 50-065, OAR 734-55-005 to 55-060 and other applicable statutes and regulations.

If any of the construction under the terms of this agreement is outside of the highway right of way, Grantors hereby grant State, its employees or contractors, permission to enter upon their remaining property for the purpose of performing any of said construction work.

It is understood and agreed that State's performance of this agreement shall be a portion of the consideration for the concurrent real property transaction evidenced by deed between Grantors and State. This agreement shall not be effective or binding until Grantors receive notice from the State accepting the conveyance of the real property interests.

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Duane R. Cole, Newberg City Manager

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Date

**RESOLUTION NO. 2000-2234**

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**A RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE THE SALE OF PROPERTY AT THE LIBRARY FOR THE STATE HIGHWAY IMPROVEMENTS**

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**RECITALS:**

1. The State of Oregon Department of Transportation has notified the City that they intend to purchase property on the South side of the Library which is contiguous to Hancock Street.
2. This property will be needed to provide sufficient travel lane width, sidewalk and a utility easement for the street project.
3. The Library sign will need to be removed, redesigned replaced, and constructed in a new location.
4. The State of Oregon has appraised the property and plans to purchase 947.22 square feet which includes part of the City's sprinkler system, two lights facing the old front entrance and the reader board sign.

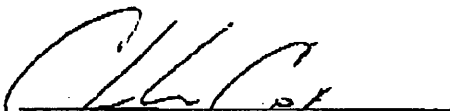
**THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

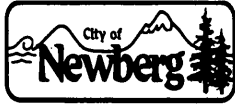
1. The City Manager is hereby authorized to complete the sale of this property and receive compensation from the State based on the agreed upon value of approximately \$18,500.
2. The City Council appreciates ODOT's request that the City donate the property to the State, but the funding needed to remove, redesign, and replace the sign as well as repair and replace the sprinkling system, and, the need to receive fair value for the impact of this project on the Library requires that the City request the appraised value.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 17<sup>th</sup> day of April, 2000.

  
Duane R. Cole, City Recorder

ATTEST by the Mayor this 20 day of April, 2000.

  
Charles Cox, Mayor



## RESOLUTION No. 2000-2234

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### A RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE THE SALE OF PROPERTY AT THE LIBRARY FOR THE STATE HIGHWAY IMPROVEMENTS

---

#### RECITALS:

1. The State of Oregon Department of Transportation has notified the City that they intend to purchase property on the South side of the Library which is contiguous to Hancock Street.
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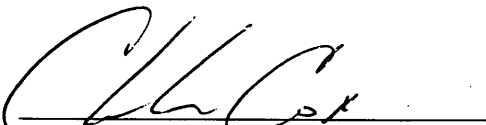
#### THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Manager is hereby authorized to complete the sale of this property and receive compensation from the State based on the agreed upon value of approximately \$18,500.
2. The City Council appreciates ODOT's request that the City donate the property to the State, but the funding needed to remove, redesign, and replace the sign as well as repair and replace the sprinkling system, and, the need to receive fair value for the impact of this project on the Library requires that the City request the appraised value.

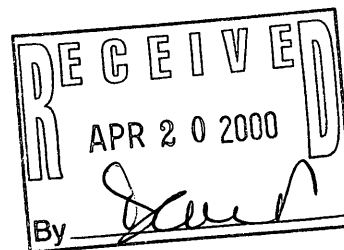
ADOPTED by the City Council of the City of Newberg, Oregon, this 17<sup>th</sup> day of April, 2000.

  
Duane R. Cole, City Recorder

ATTEST by the Mayor this 20 day of April, 2000.

  
Charles Cox, Mayor

# MEMORANDUM



**To:** Terrence Mahr, City Attorney

**From:** Duane Cole, City Manager

**Subject:** Library Property Sale

**Date:** April 20, 2000

I received the attached information from Nancy Lorensen the ODOT property appraiser regarding the sale of the Library property to ODOT for the Brutscher to Main project. I think you should look at this information before we sign it all up. She said that changes to the information can be made, but that substantive changes will need to be reviewed by the state's legal counsel.

Leah and I have discussed the sign and we believe that removal by ODOT is probably the best deal for them and for the city. The tree remains an issue and I will be reviewing this with Leah in the near future.

Please advise me regarding the attached deed and sale documents.

Thanks.

  
Duane

4-19-00

Luanne,

I have this deed on my computer so I can make any minor changes.

If you choose to sell the sign to us, we will have a sign company remove it. If you repurchase the sign, you will be the ones to move it.

Does your sprinkler system reach the tree?

I expect to be in Newberg on Friday, so we can talk about it Wednesday.

Nancy

(503) 986-2617



**DEED**

**CITY OF NEWBERG**, a municipal corporation of the State of Oregon, Grantor, for the true and actual consideration of \$18,500.00 does convey unto the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the following described property:

**PARCEL 1 - Fee**

A parcel of land lying in Lots 5 and 6, Block 14, **CENTRAL ADDITION**, Yamhill County, Oregon; the said parcel being that portion of said lots included in a strip of land 10.050 meters in width, lying on the Northerly side of the "H" center line of the relocated Pacific Highway West which center line is described as follows:

Beginning at Engineer's center line Station "H" 25+560.826, said Station being 22.498 meters South and 910.863 meters East of the Northwest corner of the **JOSEPH B. RODGERS D.L.C. NO. 55**, Yamhill County, Oregon; thence North 87° 57' 20" West 34.476 meters; thence on a 130 meter radius curve right (the long chord of which bears North 66° 05' 29.5" West 96.825 meters) 99.216 meters; thence North 44° 13' 39" West 13.594 meters; thence on a 130 meter radius curve left (the long chord of which bears North 66° 05' 40.5" West 96.838 meters) 99.230 meters; thence North 87° 57' 42" West 686.404 meters; thence North 87° 31' 55" West 140.897 meters to Engineer's center line Station "H" 26+634.643.

Bearings are based on County Survey No. CS # 10493, dated October, 1995, Yamhill County, Oregon.

The parcel of land to which this description applies contains 28 square meters, more or less.

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefor, upon, over, under, and across the following described property:

4-19-00

RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

Account No.: 48424 R3219AA-03600

Property Address: 503 E Hancock  
Newberg OR 97132

**PARCEL 2 - Permanent Easement for Slopes, Water, Gas, Electric and  
Communication Service Lines, Fixtures and Facilities**

A parcel of land lying in Lots 5 and 6, Block 14, CENTRAL ADDITION, Yamhill County, Oregon; the said parcel being that portion of said lots included in a strip of land variable in width, lying on the Northerly side of the "H" center line of the relocated Pacific Highway West which center line is described in Parcel 1.

The widths in meters of the strip of land above referred to are as follows:

| Station    | to | Station    | Width on Northerly Side of "H" Center Line |
|------------|----|------------|--------------------------------------------|
| "H" 26+100 |    | "H" 26+150 | 12 in a straight line to 13                |
| "H" 26+150 |    | "H" 26+180 | 13                                         |

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 88 square meters, more or less.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described Parcel 2, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

IT IS ALSO UNDERSTOOD that this easement shall be subject to the same conditions, terms and restrictions contained in the easements, licenses and/or permits granted to the owner of any facilities being relocated.

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of Grantee.

IT IS FURTHER UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities.  
stated herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

**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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

APPROVED AS TO FORM:

CITY OF NEWBERG

By \_\_\_\_\_

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
Auditor

STATE OF OREGON, County of Yamhill

Dated \_\_\_\_\_, 2000. Personally appeared \_\_\_\_\_ and \_\_\_\_\_, who, being sworn, stated that they are the Mayor and Auditor of the City of Newberg, Oregon, a municipal corporation, and that this instrument was voluntarily signed in behalf of said municipal corporation by authority of its Ordinance No. \_\_\_\_\_, passed by the Council of said City on this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Notary Public for Oregon

My Commission expires \_\_\_\_\_

Accepted on behalf of the Oregon Department of Transportation