

**AFTER RECORDING RETURN TO:**  
City of Newberg - Community Development  
PO Box 970 - 719 E. First Street  
Newberg, OR 97132

File No. CUP-12/DR-127-99

**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 Chehalem Park and Recreation District, 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:

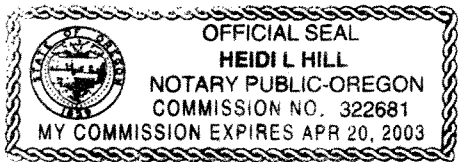
See attached Exhibit A - legal description

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 North Street, or any part thereof abutting the site, is 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, the parties have executed this document on this 22<sup>nd</sup> day of November, 1999



OWNERS: Chehalem Park and Recreation District

Donna M McCain  
By: DONNA M. McCain  
Title: Secretary CPRD

STATE OF OREGON                    )  
City of Newberg                    ):s.s.  
County of Yamhill                 )

This instrument was acknowledged before me by Donna M McCain, to be known to be the Board of Director Secretary of Chehalem Park and Recreation District on behalf of Chehalem Park and Recreation District.

Recorded in Official Yamhill County Records  
CHARLES STERN, COUNTY CLERK



31.00

00042934200014890002

200014890

10:12:28 AM 10/13/2000

DMR WRMDMR 1 - 2 ANITA  
10.00 10.00 11.00

ACCEPTED AS TO FORM

Terrence D. Mahr  
Terrence D. Mahr, City Attorney

CITY OF NEWBERG

Duane R. Cole  
Duane R. Cole, City Recorder

NORTHWEST TITLE COMPANY - C

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EXHIBIT A

LEGAL DESCRIPTION

All of the following described property lying within the City of Newberg, County of Yamhill and State of Oregon, being more particularly described as follows:

Beginning at a point on the North line of the South half of the John and Seby Hess Donation Land Claim #39, Notification #1419, in Township 3 South, Range 2 West of the Willamette Meridian, said point being 9.058 chains West of the Southeast corner of the North half of said Hess Donation Land Claim; thence North  $01^{\circ}33'$  East 371.39 feet; thence West 187.7 feet; thence North  $61^{\circ}16'$  West 57.8 feet to the Southeast boundary line of Morton Street; thence South  $28^{\circ}44'$  West along said Southeast boundary line of Morton Street 206.7 feet; thence South  $61^{\circ}16'$  East 100 feet; thence South  $28^{\circ}44'$  West parallel to said Southeast boundary line of Morton Street 141.94 feet; thence South 44.07 feet to said North line of the South half of said Hess Donation Land Claim; thence East along said North line of the South half of said Hess Donation Land Claim 305.7 feet to the place of beginning.

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