

VACATION AGREEMENT

BETWEEN
CITY OF NEWBERG
AND
GEORGE FOX UNIVERSITY

This Agreement is entered into 1 day of NOVEMBER 1999, by and between City of Newberg hereinafter known as "City" and George Fox University hereinafter known as "GFU."

RECITALS:

1. GFU owns property within Block 1 of Deskins 4th Addition, hereafter known as "property".
2. GFU has requested that the City vacate certain public streets abutting the property, namely Sherman Street between N. Meridian and N. River, N. Center between Sherman and Sheridan, and N. River between Sherman and Sheridan. Said streets are described in Exhibit A, and said request is contained Planning Division file VAC-12-99.
3. GFU desires that the streets be vacated in order to accommodate construction of new buildings and parking areas on the property that will be an integral part of the university campus.
4. There are currently 59 on-street parking spaces on the streets requested to be vacated, and 19 parking spaces within private parking areas on the property, for a total of 78 spaces. A concept sketch, attached as Attachment 1, shows that at least 90 new on-site parking spaces would be created in addition to the 19 currently in place.
5. Students, staff, and faculty who attend GFU have need for parking in and around GFU campus. The City has concerns that vacation of the public streets would impact the public parking in the neighborhoods adjacent to GFU.
6. GFU's current parking policy, which is attached as Attachment 2, is designed and enforced to keep GFU students from parking in front of neighboring properties.
7. GFU enters into this Agreement in order to address the concerns that the City may have in vacating the public streets in elimination of public parking on those streets.
8. GFU acknowledges that the City is not obligated to vacate the streets and wishes for the City to take into consideration GFU's willingness to address the parking problem in determining whether or not to vacate the streets.

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

- A. This agreement shall be valid only if the Newberg City Council adopts ORD 99-2520, attached as Attachment 3, vacating the streets named above. Approval of this ordinance is at the sole discretion of City.
- B. Prior to construction on the property, GFU will maintain, including providing access to, the same number of parking spaces (78) that exist on and abutting the property as of the date of this agreement.
- C. As part of a design review application for construction on the property, GFU shall submit to the City for approval a reasonable plan, including time schedules, to maintain parking and access during the construction period.
- D. After construction on the property, GFU shall provide 59 parking spaces to City standards on the property or other location approved by the City. Said parking spaces shall be in addition to parking spaces otherwise required by City codes in effect at the date of this agreement. In no case shall less than 90 parking spaces be provided.
- E. If construction has not begun within the property and/or the vacated streets reconstructed within two years of the agreement, GFU shall reconstruct the transition from the public street to the vacated street so that the transition to private access is apparent. Plans for this transition shall be approved by the City.

IN WITNESS WHEREOF, the parties have executed this Vacation Agreement which is effective as of the day and year first written above.

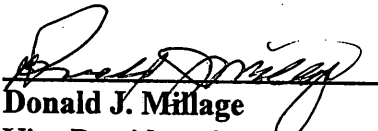
CITY OF NEWBERG



Mike Soderquist
Community Dev. Director

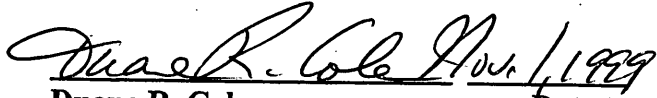
11-1-99
Date

GEORGE FOX UNIVERSITY



Donald J. Millage
Vice President for Financial Services

11/1/99
Date



Duane R. Cole
City Manager

Date

APPROVED AS TO FORM/CONTENT:

Terrence D. Mahr 11/1/99
Terrence D. Mahr (Date)
City Attorney

APPROVED AS TO FORM/CONTENT:

VP Finance 11/1/99
VP Finance (Date)

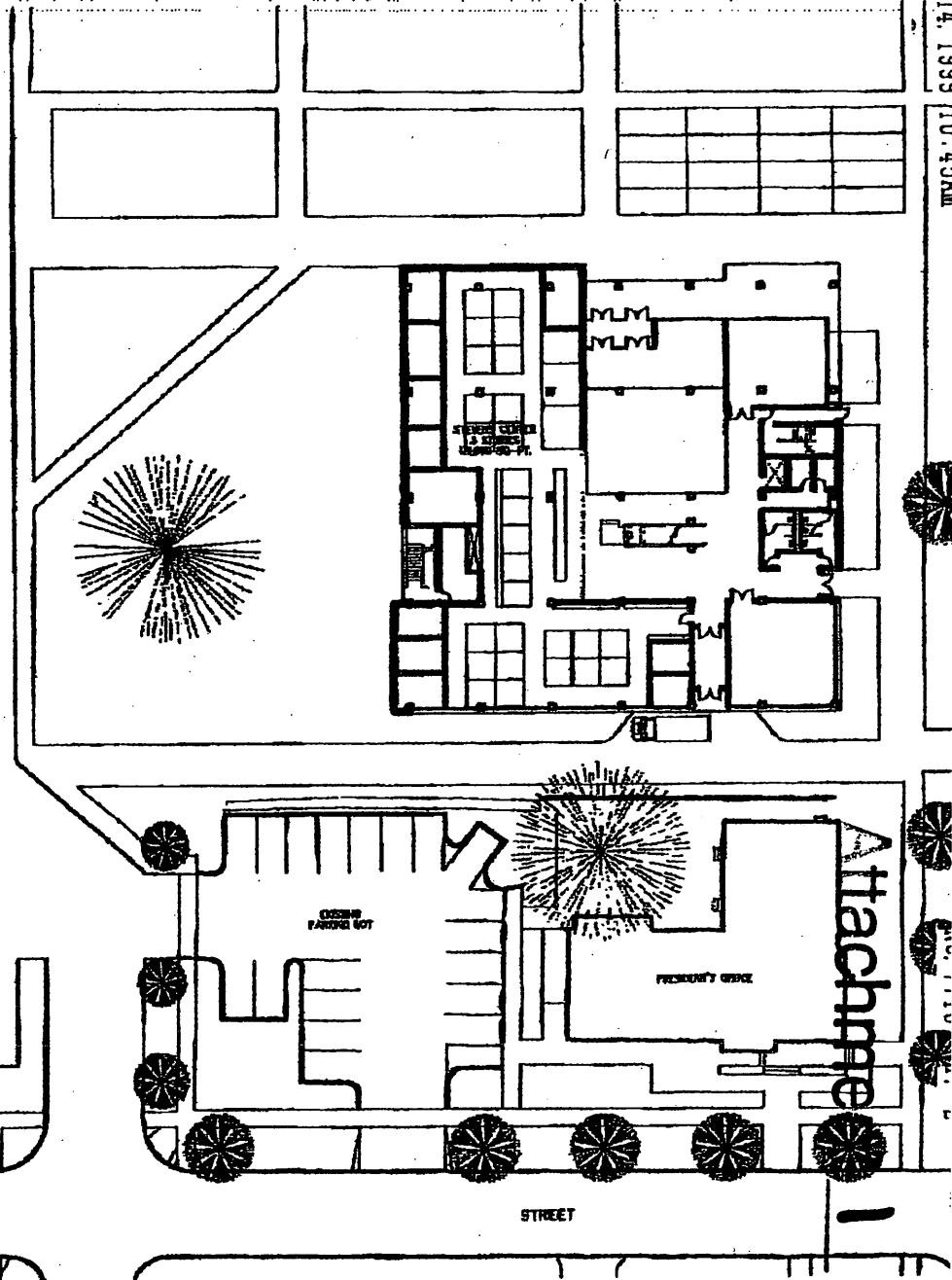
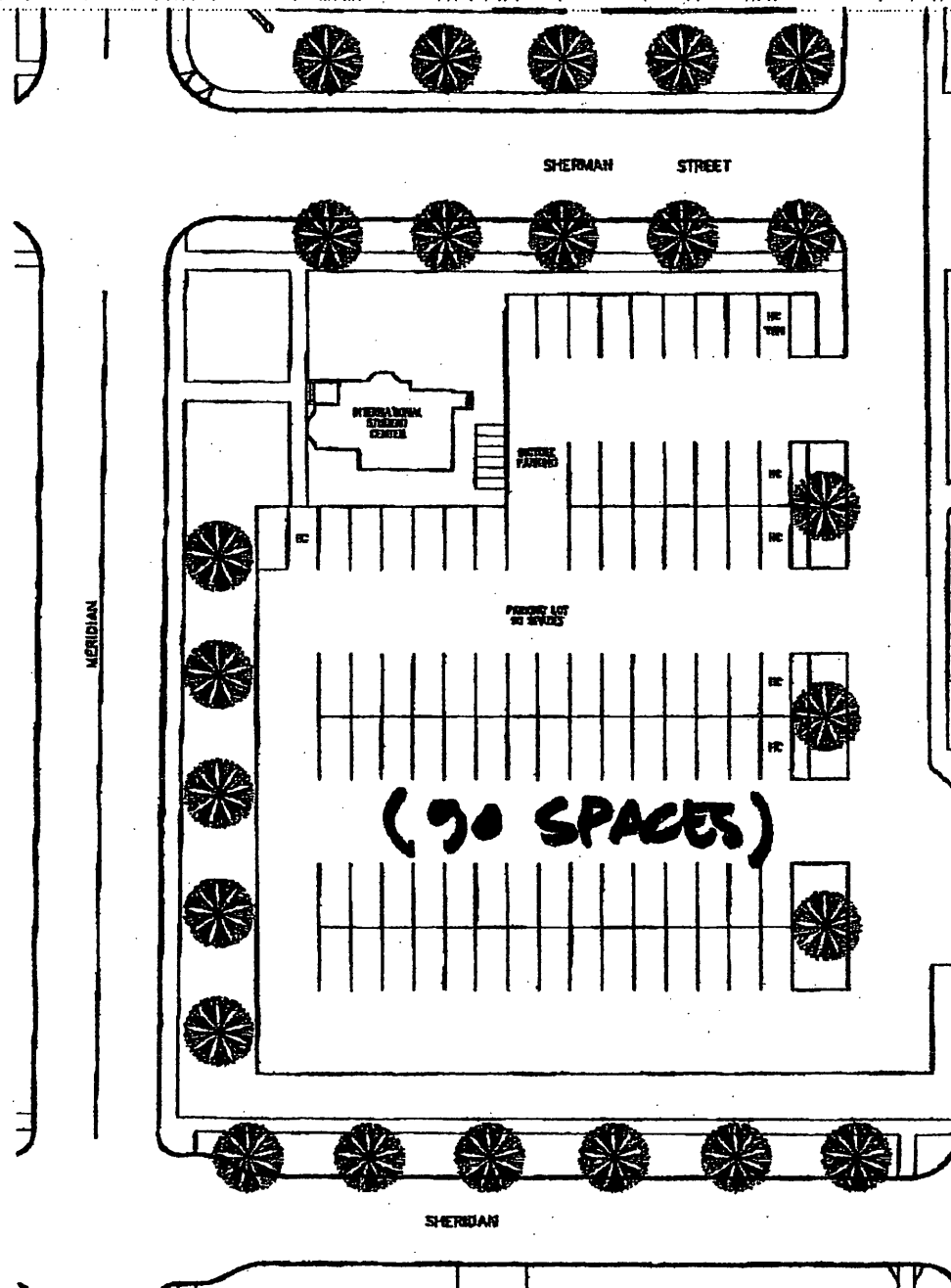
Attachment 1: Construction Concept Sketch

Attachment 2: GFU Parking Policy

Attachment 3: ORD 99-2520

SCALE: 1"=50'-0"

NEW PLAN



OFF-CAMPUS PARKING RESTRICTIONS

For many years, George Fox University has received numerous complaints from both nearby residents and the city of Newberg about students parking off campus near the University. In order to be responsible members of the Newberg community—and with a desire to promote a positive witness—it now is policy that George Fox students must not park off campus in the following areas from 8 a.m. to 5 p.m. Monday through Friday:

- North of Hancock from Carlton to and including College
- East of College from Hancock to and including Fulton (with the exception for commuter students of the east side of Meridian Street from Hancock to Vermillion streets)
- Those sections of Center and Cherry streets that are north of Fulton
- Fulton from Meridian to Villa (with the exception for commuter students of Fulton Street from Villa Road to the entrance to Friendsview Manor)
- West of Carlton Way from Hancock to Fulton (with the exception for commuter students of the east side of Meridian Street from Hancock to Vermillion streets)

The above list is inclusive, meaning that there is no parking on the streets named or on those sections of streets between the listed boundaries. The map in this brochure shows the street sections that are unavailable for student parking except for students with purple permits.

All other student vehicles found in these areas will be ticketed. The authority to ticket off campus comes from the University's ability to establish policies governing student conduct. This is not a city ordinance or city administrative issue. Failure to comply with this policy is the same as failure to obey any University rule or policy. Students receiving tickets in this off-campus area will be treated as any other violator in the policy stated above and following.

REGISTRATION

All students, staff and faculty must register their vehicles with the Security Services Office. Staff and faculty need only register their cars once. There is no fee to register. Registering a vehicle does not grant permission to park on campus property or on nearby city streets.

Student parking fees on campus property are \$30 per semester or \$50 for a full year. Penalties may be imposed on any vehicle not displaying a proper permit that is parked in the area of the George Fox University campus or nearby city streets. A \$50 fine may be assessed for failing to register a vehicle and/or not displaying a proper permit.

The permit shall be placed on the back of the rearview mirror on the driver's side so that it is visible to the outside. Anyone temporarily parking a vehicle on campus should obtain a temporary permit from the Student Life Office or Security Services Office. (Most departments also have a supply of permits for the convenience of guests.) A special permit is available for those who are temporarily disabled as a result of injury or surgery.

All motor-driven conveyances will be governed as vehicles. All vehicles parked on campus or used to commute to campus must be insured and display a valid license plate and a current George Fox University parking permit. Temporary permits are available at the Security Services, Admissions, Student Life and Registrar's offices. Due to a shortage of campus parking, permits cannot be issued for ATVs, trailers, or boats; they must remain off campus. A change of vehicle or license plate number requires re-registration.

PARKING ZONES

SILVER PERMITS — for faculty and staff only:

Wood-Mai/Hoover lot (until 6 p.m.)
Circle drive north of Wheeler Center
President's/University Relations Office
University Advancement Office lot
Minthorn lot
Any specifically marked space.

BLUE PERMITS —

Pennington/Weesner Village/Edwards/Willcuts/Carey/Beebe

GREEN PERMITS —

Hobson-Macy-Sutton/Lewis/Kershner House

ORANGE PERMITS —

Ross/Bauman and Wheeler (for commuters and overflow from other lots)

YELLOW PERMITS — Wheeler (for University Residence Hall residents only)

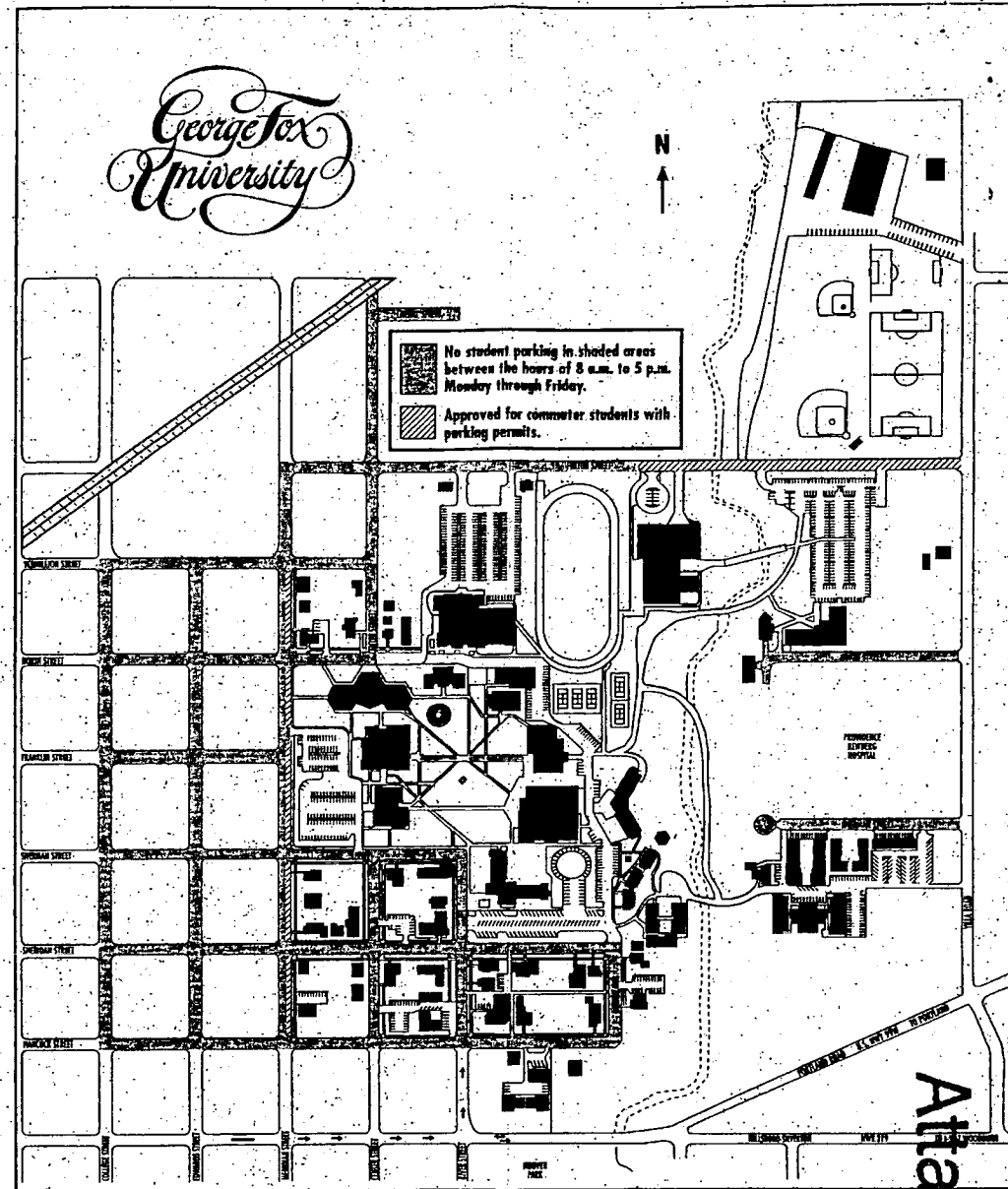
PURPLE PERMITS — Winters/Woolman/west houses/Newlin/city streets

MAGENTA PERMITS — Married student housing

RED PERMITS — No parking on campus or in the restricted (shaded) areas.

GENERAL PARKING PROCEDURES

1. George Fox University students are not considered visitors or staff. This includes University work-study students.
2. Each student is permitted only one motor vehicle on campus at any time. The one exception is for married students living in married-student housing. If both



spouses have a car and they are both registered in the student's name; then the couple must register both cars with the Security Services Office.

3. Vehicles are limited to streets and parking lots only. Canyon roads/trails are service roads for pedestrians and maintenance vehicles only.
4. Maximum speed on campus is 15 mph.
5. Vehicles may be parked only in assigned lots based on colored parking permits.
6. Parking area allocations are subject to change, and it is the motorist's responsibility to watch for signs and be aware of such changes.
7. Security escort services are available by contacting the George Fox University Security Services Office at 554-3842.

HANDICAPPED PARKING

Handicapped parking spaces are available in the Ross/Bauman lot, in front of Pennington, Edwards and Sutton residence halls, and in the Lewis Apartments, President's/University Relations Office, and Wood-Mar/Hoover parking lots.

ON-CAMPUS PARKING RESTRICTIONS

Yellow curbs in the state of Oregon mean no parking at any time. They are not loading zones. Fire lanes are painted red.

1. **NO STUDENT PARKING IN:**
Wood-Mar/Hoover lot after 6 a.m. and before 6 p.m.
Library/Bookstore/SUB post office areas
George Fox food services kitchen staff lot
President's/University Relations and University Advancement offices parking lots
2. **ABSOLUTELY NO PARKING IN:**
Hospital/doctors' lots
Marked fire and emergency lanes
Carlton Way curbside north of Sheridan Street
3. **The RESPONSIBILITY** for finding a legal parking space, as well as finding out where and when a parking permit is valid, remains with the motor vehicle operator. A parking permit does not guarantee a space to park. Lack of space does not justify violation of George Fox University parking policy.

ASSIGNMENTS

Parking areas are assigned to students at the beginning of each school year. Assignments are made on a first-come, first-served basis by completion of a Vehicle Registration Form. All assignment decisions made by the Parking Administrator are final.

1. **RESIDENT STUDENTS:** Parking is assigned on a first-come, first-served basis by lot at the beginning of each school year. Overflow vehicles will be issued an yellow permit to park in the Wheeler lot.
2. **COMMUTER STUDENTS:** Commuters with an orange permit may park in the Ross/Bauman and Wheeler lots, on the east side of Meridian Street from Hancock to Vermillion streets, and on Fulton Street from Villa Road to the entrance to Friendsview Manor.
3. **FACULTY/ADMINISTRATION/STAFF:** Limited parking is available near most employees' workplace. Additional parking is available in the Bauman/Ross lot, Wheeler lot, and curbside. Some areas have marked reserved parking spaces specifically designated for certain departments.

ENFORCEMENT

A vehicle in violation may be issued a ticket, towed, or impounded.

The following violations are subject to the listed fine or towing:

Failure to display CURRENT parking permit	\$15
Parked in unassigned lots	\$15
Unregistered cars	\$50
Placing previously issued citation on vehicle	\$35
Illegal parking:	
on any yellow curb	\$15
in a designated reserved/visitor area	\$15
in a handicapped area	\$100
outside a marked parking area	\$15
on sidewalk/lawn	\$15†
of ATV/boat/trailer	\$15
by blocking vehicles/roadway	\$25
Unauthorized vehicle repairs on campus	\$15†
Driving on sidewalk/lawn	\$15†
Operation of vehicle in unsafe manner	\$15†
Tampering with immobilization device	\$50†

Parking in violation of fire code*:

by fire hydrant subject to tow and/or	\$50
in or under building/porch	\$15
near any building exit	\$15
in fire/emergency lane subject to tow and/or	\$50

† Plus damages.

* Marked fire/emergency lanes are covered by city regulation.

FINES

1. The individual to whom the vehicle is registered is responsible for all tickets for the vehicle.
2. Fines are payable through campus mail to the Security Office within seven days from the date of issue. If unpaid within seven days, the fine automatically is doubled. Unpaid student fines are forwarded to the Student Accounts Office, where a processing fee of \$5 is added. Unpaid fines may result in the vehicle being towed or immobilized.
3. For repeated violations, campus parking privileges may be denied for the balance of the semester or year.
4. If a student receives six or more citations, the Student Life Office may be consulted concerning disciplinary sanctions.

VIOLATION APPEALS

If a person believes he or she has grounds for appeal of a fine, the appeal must be made within seven days through the administrative secretary in the Security Services Office. If the appeal is denied by the Director of Security Services, the fine must be paid within three business days of the return of the appeal. Failure to do so will result in the student fines being doubled and being sent to the Student Accounts Office, where a \$5 processing fee is added. Unpaid staff and faculty fines may result in the vehicle being towed.

If, at the time a ticket is issued, the vehicle has had three previous tickets that have not been paid, the vehicle may be towed or immobilized and campus parking privileges may be denied for the balance of the year.

VEHICLE REPAIRS & MAINTENANCE

Only minor repairs (e.g., fixing a flat tire, jump-starting a vehicle) are permitted on campus; no overhauls or major repairs are allowed. Please change oil at the Plant Services shop from 9 a.m. to 4 p.m. weekdays. You may leave old oil and filter at the shop (no charge).

LOAN POLICY: The University does not loan or provide tools from the shop. Hose bibs for washing cars are located at the Lewis Apartments and Pennington Residence Hall.



Campus Traffic and Parking Regulations

(Effective August 1, 1998)

Every student and university employee using a motor vehicle in the vicinity of campus must be familiar with this policy. If you loan your car, you still are responsible for any violations committed with your car. Warning tickets are not issued. All tickets are fines. The only way to resolve a ticket is to pay or appeal it. Additionally, appeals can be made only through the administrative secretary in the Security Services Office. Finally, once the appeal period of seven days has expired and your unpaid fine has been sent to the Student Accounts Office, the appeals process will be forfeited.

ORDINANCE NO. 99-2520

AN ORDINANCE VACATING SHERMAN STREET BETWEEN NORTH MERIDIAN STREET AND NORTH RIVER STREET; VACATING NORTH CENTER STREET BETWEEN SHERMAN STREET AND SHERIDAN STREET; AND VACATING NORTH RIVER STREET BETWEEN SHERMAN STREET AND SHERIDAN STREET, SAID RIGHTS-OF-WAY BEING ADJACENT TO YAMHILL COUNTY TAX LOTS 3217CC-100, -2300, -2900, -3000, -3100, -3300, -3400, -3500, -3600, 3219AA-200, 3220BB-3000 WITHIN THE CORPORATE CITY LIMITS OF NEWBERG, OREGON.

RECITALS:

1. The City Council of Newberg has initiated a vacation proceeding as authorized by ORS 271.130;
2. Notice was published in the Newberg Graphic Newspaper once a week for two consecutive weeks prior to the final public hearing of the City Council;
3. The Newberg City Council conducted a public hearing on October 4, 1999 and November 1, 1999 to consider the vacation and any written objections or remonstrances;
4. All of the abutting property owners have signed consent to vacate forms;
5. George Fox University (GFU) and the City have signed an agreement relating to parking in and around the GFU campus.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWBERG AS FOLLOWS:

1. The following described public right-of-way within the City of Newberg, County of Yamhill, State of Oregon, is hereby vacated:

SHERMAN STREET BETWEEN THE EAST LINE OF NORTH MERIDIAN STREET AND THE EAST LINE OF NORTH RIVER STREET; NORTH CENTER STREET BETWEEN THE NORTH LINE OF SHERMAN STREET AND THE NORTH LINE OF SHERIDAN STREET; AND NORTH RIVER STREET BETWEEN THE NORTH LINE OF SHERMAN STREET AND THE NORTH LINE OF SHERIDAN STREET.

AND FURTHER, RETAINING AN ACCESS AND PUBLIC UTILITY EASEMENT OVER, UNDER AND THROUGH SAID STREETS BEING VACATED.

2. The Findings of Fact for approval, marked as Exhibit A and attached to this ordinance, are hereby adopted and by this reference incorporated.

3. Subject to the above provisions, the Recorder of the City of Newberg is hereby directed to file for recording with the County Clerk and Ex-Officio Recorder of Conveyances of the County of Yamhill, State of Oregon, a certified copy of this ordinance and a map of said public right-of-way (Exhibit B) so vacated, and the Recorder is further directed to file a copy of this ordinance and a map with the Surveyor and the Assessor of said Yamhill County, Oregon, respectively.
4. Title to the real property included within said rights-of-way hereby vacated shall attach to the property abutting said right-of-way, in accordance with the provisions of ORS 271.140.

ADOPTED by the Newberg City Council this 1st day of November, 1999, by the following votes:

AYE: 5

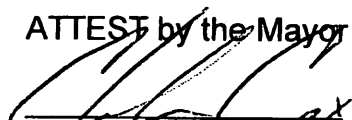
NAY: 1
(Currier)

ABSENT: 0

ABSTAIN: 0


Duane R. Cole, City Recorder

ATTEST by the Mayor this 5 of 11, 1999.


Charles Cox, Mayor

**EXHIBIT A
FINDINGS FOR APPROVAL
OF A RIGHT-OF-WAY VACATION**

ORS 271.130 lists the criteria for vacations. The section states that approval must include affirmative findings that:

Criteria 1. Notice has been given as provided by ORS 271.110.

Finding: Notice has been provided in accordance with ORS 271.110. Notice was published in the Newberg Graphic for two consecutive weeks beginning September 22, 1999. In addition, notice has been posted in five public places.

Criteria 2. The owners of a majority of the area affected do not object in writing.

Finding: George Fox University owns all the property abutting the streets proposed for vacation and George Fox University is not adversely affected by the proposed vacation. Written consent from the George Fox University has been received.

Criteria 3. Where owner consent has not been provided, the vacation will not significantly affect the value of the abutting properties, unless the city provides for paying damages.

Finding : The proposed vacation will not limit access to abutting properties at this time, or have a detrimental effect on their market value.

Conclusion: Based on the criteria and conclusionary findings, the proposed vacation satisfies City standards and approval criteria.

PUBLIC NOTICE OF STREET/ALLEY RIGHT OF WAY VACATION

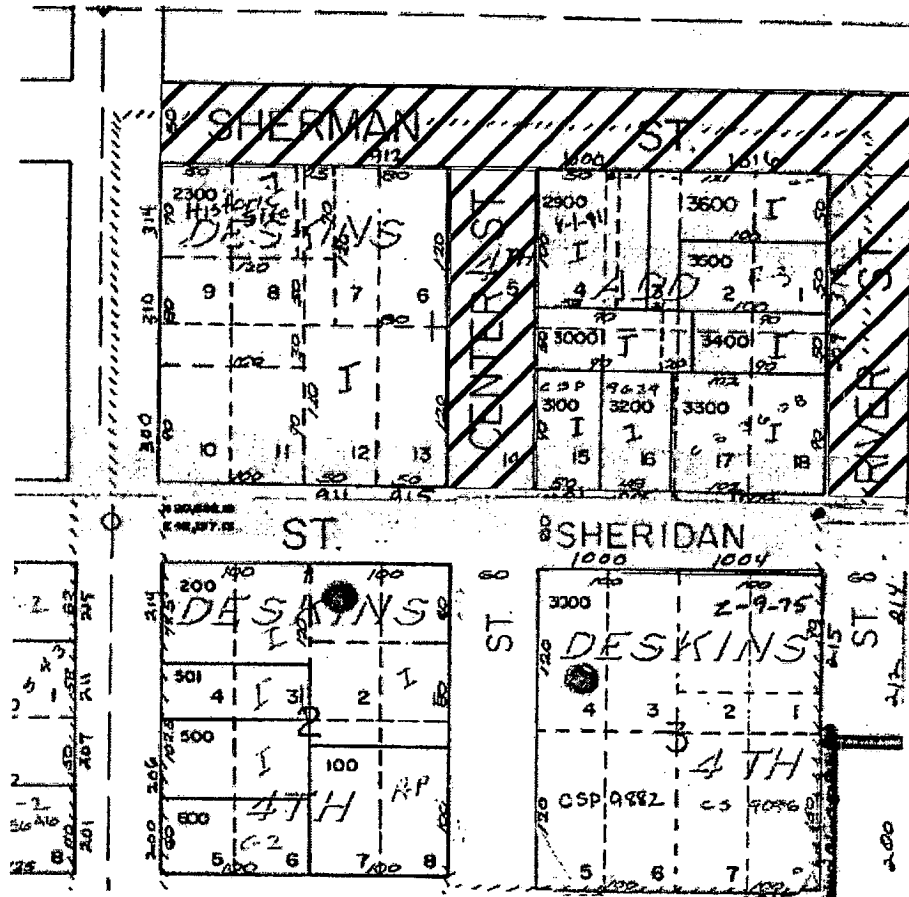
NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Council of the City of Newberg, on October 4, 1999 at 7:00 PM at the Newberg Public Safety Building, 401 E. Third, Newberg, Oregon, on the application to vacate the following right-of-way in the City of Newberg:

APPLICANT: George Fox University
REQUEST: Vacation of the following public streets in the vicinity of George Fox University campus: Sherman between N. Meridian and N. River; N. Center and N. River between Sherman and Sheridan
ZONING: I Institutional
LOCATION: Sherman between N. Meridian and N. River; N. Center and N. River between Sherman and Sheridan
ABUTTING TAX LOT: 3217CC-100, -2300, -2900, -3000, -3100, -3300, -3400, -3500, -3600, 3219AA-200, 3220BB-3000
FILE NO: VAC-12-99
CRITERIA: ORS NO. 271.130
APPLICATION DATE: August 17, 1999

Said proposed vacation was initiated by the Newberg City Council on September 7, 1999 as outlined in Oregon Revised Statutes 271.130.

Any person wishing to speak for or against the proposed street vacation may do so in person or by attorney at the public hearing. Also, written objections may be filed with the City Recorder, City Hall, Newberg, Oregon, up to one week prior to the scheduled public hearing. A map identifying the proposed vacation can be viewed at the Newberg Development Office, 719 E. First, Newberg OR 97132.

MAIL: September 22, 1999



Description:
right-of-way vacation

EXHIBIT B

File: VAC-12-99
Date: October 4,
1999

Adjacent to Tax Lots: 3217CC-
100, -2300, -2900, -3000, -3100, -
3300, -3400, -3500, -3600,
3219AA-200, 3220BB-3000
Location: Sherman between N.
Meridian and N. River; N. Center
and N. River between Sherman
and Sheridan