

AFTER RECORDING RETURN TO:
City of Newberg - Community Development
PO Box 970 - 414 E. First Street
Newberg, OR 97132

File No. DR-136-00

**WAIVER OF RIGHTS TO REMONSTRANCE
FOR STREET OR MUNICIPAL UTILITY OR FOR STREET LIGHTING 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 Dale R. Goldsmith and Corrine C. Goldsmith, husband and wife, 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:

Beginning at the intersection of the West line of the South half of the Richard Everest and wife Donation Land Claim Notification No. 1475, Claim No. 52 in Township 3 South, Range 2 West of the Willamette Meridian, and the South line of the Hillsboro-Silverton Highway as relocated; thence Easterly along said Highway, 662.4 feet to the true point of beginning; thence South 278 feet to the North line of County Road; thence South 89 deg. 54 min. East along the North line of said County Road 135.55 feet to the West line of that parcel conveyed to Southgate Development Co. as Parcel II by deed recorded August 1, 1974, in Film Volume 101, Page 583; thence North 275 feet along the East line of said Parcel II of the Southgate tract, to the South line of Hillsboro-Silverton Highway, as said highway has been relocated and thence Westerly along the South line of said Highway 135.55 feet to the place of beginning.

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 State Highway 219, future streets, public utilities, or street lighting, 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 or street lighting 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 10th day of MAY, 2001.

OWNERS:

Dale R. Goldsmith
Dale R. Goldsmith

Corrine C. Goldsmith
Corrine C. Goldsmith

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

This instrument was acknowledged before me by on the 10th day of MAY, 2001 by DALE R. GOLDSMITH / Corrine C. Goldsmith

Jeri Griffith
Notary Public for Oregon
My Commission Expires: 10/26/02



CITY OF NEWBERG
Duane R. Cole
Duane R. Cole, City Recorder

ACCEPTED AS TO FORM
Terrence D. Mahr
Terrence D. Mahr, City Attorney

OFFICIAL YAMHILL COUNTY RECORDS
CHARLES STERN, COUNTY CLERK

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200108668 3:17:55 PM 6/01/2001

DMR-WRDMR Cnt=1 Stn=3 SUSAN
\$5.00 \$10.00 \$11.00

\$26.00