

REEL:1877

PAGE: 104

December 17, 2001, 04:18 PM.

CONTROL #: 47916

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 71.00

ALAN H DAVIDSON
COUNTY CLERK

THIS IS NOT AN INVOICE.

DECLARATORY STATEMENT
(Farm/Forest)

REEL
1877

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THIS COVENANT, Made this 13 day of December, 2001, by and between City of Newberg ("owners") and Marion County ("County") in consideration of the County's issuance of building permit no. _____ or land use case no. AR/EP/GW 00-32, which is incorporated herein by this reference, for the placement of a dwelling on real property located in Marion County, Oregon and described as follows:

For real property located in Section 29, Township 3 south, range 2 west² of the Willamette Meridian, Marion County, Oregon; further described in Exhibit A, attached.

(If space insufficient, continue description on reverse side)

Owners do hereby promise and covenant as follows:

The real property herein described is situated in or near a farm or forest zoned area in Marion County, an area where the intent is to encourage farm and forest uses and to minimize conflicts with those uses. Specifically, resident property owners, lessees and visitors of this real property may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws. These practices ordinarily and necessarily produce noise, dust, smoke and other impacts.

The owners, their successors, heirs, assigns and lessees, do hereby accept these possible impacts from farm and forest practices as normal, necessary and part of the risk of establishing a dwelling structure or use in this area, and acknowledge the need to avoid activities that conflict with farm and forest practices on nearby property.

Owners will not pursue any claim for relief or cause of action alleging injury from farming or forest practices for which no action is specifically allowed under ORS 30.936 or 30.937.

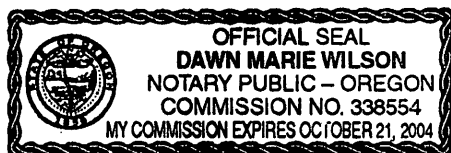
This covenant will run with the land and is intended to and hereby bind owners, their successors, heirs, assigns and lessees.

In Witness Whereof, the owners have executed this instrument this 13th day of December, 2001
Terrence D. Mahr
Owner Terrence D. Mahr,
City Manager, Pro tem

STATE OF OREGON)
Marion County) ss.

Yamhill
Before me: Dawn Marie Wilson
Notary Public for Oregon
My Commission expires: 10/21/04

(OFFICIAL SEAL)



Accepted:

Gary O. Freedman
Marion County Planning Director

AFTER RECORDING RETURN TO:

Marion County Planning Division - City of Newberg Engineering
555 Court St. NE, 2nd Floor, Courthouse Square Bldg., Salem
OR MAIL TO:
Marion County Planning Division P.O. Box 970
PO Box 14500 Salem OR 97309 Newberg, OR 97132

1575361

W.V.I.

KNOW ALL MEN BY THESE PRESENTS, That CECIL C. SMITH, TRUSTEE, AS TO AN UNDIVIDED 1/2 INTEREST AND MARY L. SMITH, AS TO AN UNDIVIDED 1/2 INTEREST

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto CITY OF NEWBERG

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Marion, State of Oregon, described as follows, to-wit:

SEE LEGAL ATTACHED ON EXHIBIT "A"

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1089

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This deed is intended to be, and shall be construed as, a Bargain and Sale Deed in accordance with ORS 93.860. The real property described herein is being conveyed "AS IS" and "WHERE IS", without warranty by grantor, either expressed or implied, as to title (other than as set forth in ORS 93.860), condition of the property, or any other matter whatsoever. Without limiting the generality of the foregoing, by acceptance of this deed, grantee acknowledges that the conveyance is made subject to all matters of record, including, without limitation, those matters set forth in Exhibit "B" attached hereto.

Parcel # 40137-000

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 420,000.00

⊙ However, the actual consideration consists of or includes other property or value given or promised which is (the whole/part of the consideration) (indicate which). ⊙ (The sentence between the symbols ⊙, if not applicable should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 28 day of July, 1993; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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.

Cecil C. Smith
CECIL C. SMITH, TRUSTEE

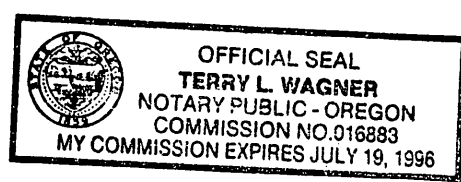
Mary L. Smith
MARY L. SMITH

STATE OF OREGON
County of Yamhill } ss.

BE IT REMEMBERED, That on this 28th day of July, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named CECIL C. SMITH AND MARY L. SMITH

known to me to be the identical individual s described in and who executed the within instrument and acknowledged to me that THEY executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Terry L. Wagner
Notary Public for Oregon.
My Commission expires 7-19-96

CECIL C. SMITH
1015 Cherry Street #5
Newberg, OR 97132
Grantor's Name and Address
CITY OF NEWBERG
414 E. First Street
Newberg, OR 97132
Grantee's Name and Address
After recording return to:
CITY OF NEWBERG
414 E. First Street
Newberg, OR 97132
Name, Address, Zip
Until a change is requested all tax statements shall be sent to the following address.
CITY OF NEWBERG
414 E. First Street
Salem, OR 97132
Name, Address, Zip

STATE OF OREGON,
County of _____ } ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

Name Title

By _____ Deputy

Space Reserved
For
Recorder's Use

EXHIBIT "A"

Beginning at an iron bar which is 19.31 chains East and 1.81 chains North from the quarter corner on the West line of Section 29, Township 3 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; and running thence South along the center line of the County Road, 36.00 chains to an angle in said road; thence South $12^{\circ} 20'$ East 6.00 chains to an angle in said road; thence South $44^{\circ} 20'$ East continuing along said centerline 657.95 feet, from which point an iron pipe bears North $45^{\circ} 51'$ East 30.00 feet; thence North $45^{\circ} 51'$ East 2194.00 feet to an iron pipe set on the West bank of the Willamette River; thence in a Northwesterly direction up the said Willamette River following the meanders of the same, to a point in the center of the Newberg bridge, said point is described as being 10.62 chains North and 28.57 chains East from the quarter corner between Sections 29 and 30, in said Township and Range; thence South $41^{\circ} 10'$ West 13.00 chains to the point of beginning.

SAVE AND EXCEPT that portion of the above described land lying with the land conveyed to Marion County for roadway purposes; and also save and except that portion conveyed to the City of Newberg by deed recorded in Volume 391, Page 592, Marion County Deed Records.

ALSO SAVE AND EXCEPT

A tract of land situated in Section 29, Township 3 South, Range 2 West, Willamette Meridian, Marion County, Oregon, the boundary of which is described as follows: Beginning at a point on the East right-of-way line of Oregon State Highway No. 140 that is the Northwest corner of that tract conveyed to the City of Newberg by deed recorded at Book 391, Page 592, Marion County Deed Records said being North 3597.025 and West 22.247 feet from a 1/2 inch pipe at the most Easterly Northeast corner of the J.F. Markley Donation Land Claim; thence along the arc of a 1248.207 foot radius curve to the right (chord bears North $15^{\circ} 35' 11''$ East 31.143 feet) a distance of 31.144 feet; thence East 249.888 feet; thence North 127.723 feet; thence East 200.00 feet; thence South 200.00 feet; thence West 214.445 feet; thence South 183.791 feet; thence West 165.518 feet to a point on the East line of said City of Newberg Tract; thence North along said East line 226.067 feet to the Northeast corner of said City of Newberg Tract; thence West, along the North line of said tract, 78.284 feet to the point of beginning.

Together with that portion of the vacated County Road No. 13, that would inure to the benefit of the above described property by operation of law.

STATE OF OREGON

County of Marion

I hereby certify that the within was received and duly recorded by me in Marion County records:

REEL
1086

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354

JUL 30 1 28 PM '93

ALAN L. VEDEN
MARION COUNTY CLERK

Fee \$ 45-

Hand Returned ☒

8-5-93 WUT

BY 140

EXHIBIT "B"

SUBJECT TO:

The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become of become disqualified for the special assessment under the statute, an additional tax may be levied for ten years, or a lesser number of years in which the land was subject to the special land use assessment; Rights of the public in and to that portion of the herein described premises lying within the boundaries of roads and roadways; Rights of the public and governmental bodies in and to any portion of the herein described property lying below the mean high water mark of the Willamette River and in and to said water; Easement, Recorded in Book 495, Page 564; Easement Agreement, recorded in Book 605, Page 694; Easement, recorded in Reel 230, Page 1860; Easement, recorded in Reel 242, Page 188; Easement, Recorded in Reel 242, Page 497; Easement, recorded in Reel 246, Page 691; Reservation of utilities in vacated street area recorded in Reel 260, Page 447; Conditions and restrictions recorded in Reel 260, Page 447; Easement for ingress and egress and underground installations, as set forth in order filed August 25, 1970, in Suit No. 69600; 1993-94 Taxes, a lien not yet payable;

STATE OF OREGON

County of Marion

I hereby certify that
the within was received
and duly recorded by
me in Marion County
records:

REEL PAGE
1086 354

JUL 30 1 23 PM '93

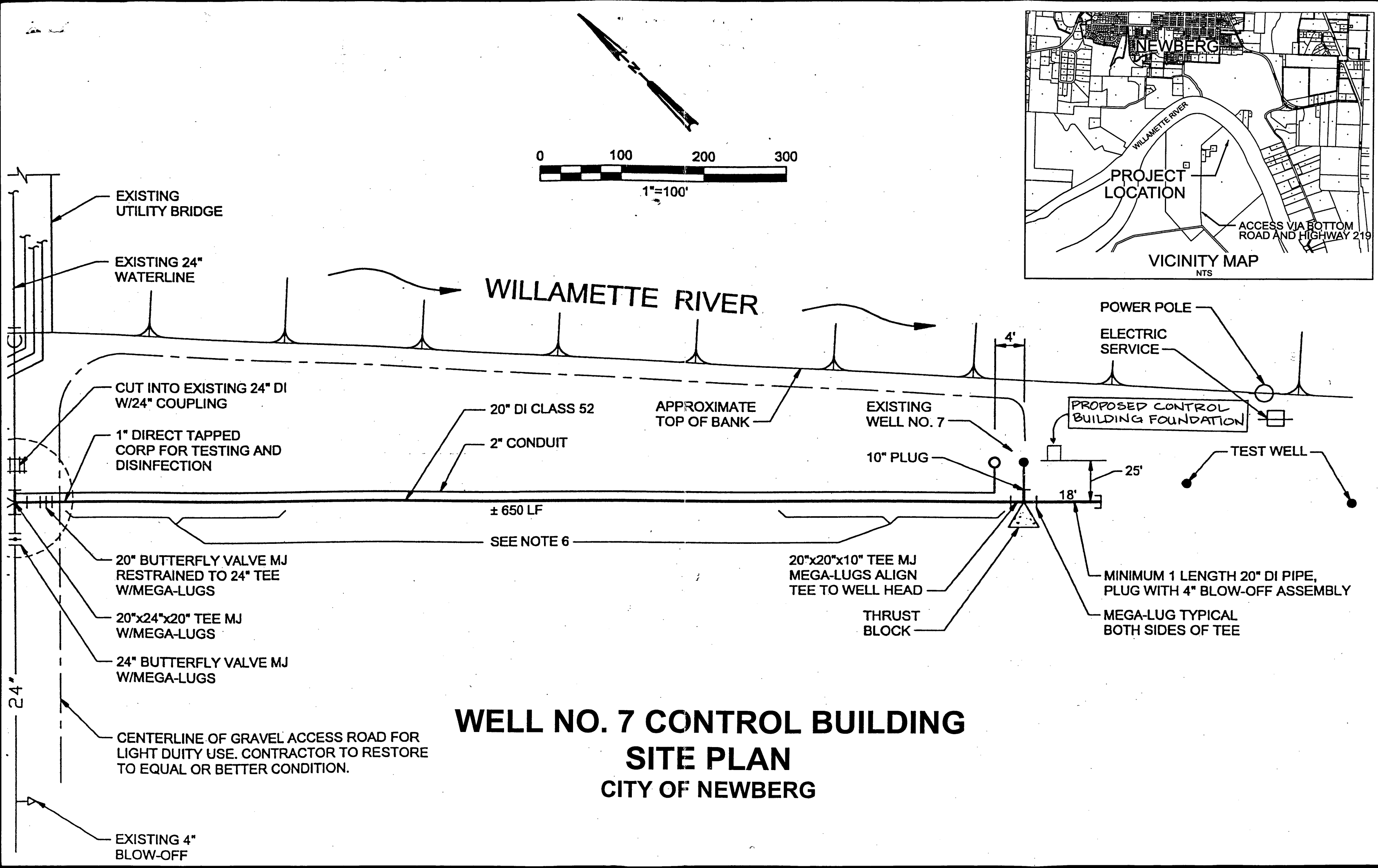
Fee \$ 45-

Hand Returned ☒

8-5-93 WUT

ALAN J. JOHNSON
MARION COUNTY CLERK

BY HO



REEL:1877

PAGE: 105

December 17, 2001, 04:18 PM.

CONTROL #: 47916

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 71.00

ALAN H DAVIDSON
COUNTY CLERK

THIS IS NOT AN INVOICE.

DECLARATORY STATEMENT
(Floodplain)

REEL
1877

PAGE
105

THIS COVENANT, made by and between City of Newberg ("owner(s)") and Marion County in consideration of issuance of a building permit for construction of the improvements shown on the attached site plan on the following described real property:

For real property located in Section 29, Township 3 south, range 2 west of the Willamette Meridian, Marion County, Oregon; further described in Exhibit A, attached.

(If space insufficient, continue description on reverse side)

Owners do hereby acknowledge and covenant:

1. The property herein described has been identified as lying within a floodplain. The County recommends that measures be taken to mitigate flood damage and flood hazards and that flood insurance be maintained on all improvements.
2. Owners will not bring any claim against the County, its officials, employees or agents for damage to the subject property or improvements on the subject property caused by flood waters, debris carried by flood waters, slides or other flood related hazards. The County, its officials, employees and agents shall not be liable for property damage caused by flood waters, debris carried by flood waters, slides or other flood related hazards.

This covenant shall run with the land and is intended to and hereby shall bind my/our heirs, assigns, lessees, and successors.

In Witness Whereof, the said Party has executed this instrument this 10 day of December 2001

Owner

Owner Terrence D. Mahr,
City Manager, Pro tem

STATE OF OREGON)
Yamhill) ss.
Marion County)

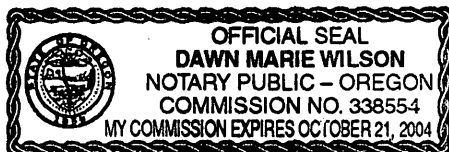
Acknowledged before me this 10th day of December, 2001

Before me: Dawn Marie Wilson
Notary Public for Oregon
My Commission expires: 10/21/04

Accepted:

[Signature]
Marion County Planning Director

(OFFICIAL SEAL)



AR/FP/GW 00-32
Permit #/Case #

AFTER RECORDING RETURN TO:

Marion County Planning Division City of Newberg Engineering
555 Court St. NE, 2nd Floor, Courthouse Square Bldg., Salem
OR MAIL TO: P.O. Box 970
Marion County Planning Division Newberg, OR 97132
PO Box 14500 Salem OR 97309

KNOW ALL MEN BY THESE PRESENTS, That CECIL C. SMITH, TRUSTEE, AS TO AN UNDIVIDED 1/2 INTEREST AND MARY L. SMITH, AS TO AN UNDIVIDED 1/2 INTEREST

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto CITY OF NEWBERG

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Marion, State of Oregon, described as follows, to-wit:

SEE LEGAL ATTACHED ON EXHIBIT "A"

This deed is intended to be, and shall be construed as, a Bargain and Sale Deed in accordance with ORS 93.860. The real property described herein is being conveyed "AS IS" and "WHERE IS", without warranty by grantor, either expressed or implied, as to title (other than as set forth in ORS 93.860), condition of the property, or any other matter whatsoever. Without limiting the generality of the foregoing, by acceptance of this deed, grantee acknowledges that the conveyance is made subject to all matters of record, including, without limitation, those matters set forth in Exhibit "B" attached hereto.

Parcel # 40137-000

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 420,000.00

⊙ However, the actual consideration consists of or includes other property or value given or promised which is (the whole/part of the) consideration (indicate which). ⊙ (The sentence between the symbols ⊙, if not applicable should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 28 day of July, 19 93; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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.

Cecil C. Smith
CECIL C. SMITH, TRUSTEE

Mary L. Smith
MARY L. SMITH

STATE OF OREGON
County of Yamhill } ss.

BE IT REMEMBERED, That on this 28th day of July, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named CECIL C. SMITH AND MARY L. SMITH

known to me to be the identical individual s described in and who executed the within instrument and acknowledged to me that THEY executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Terry L. Wagner
Notary Public for Oregon.
My Commission expires 7-19-96

CECIL C. SMITH
1015 Cherry Street #5
Newberg, OR 97132

Grantor's Name and Address

CITY OF NEWBERG
414 E. First Street
Newberg, OR 97132

Grantee's Name and Address

After recording return to:
CITY OF NEWBERG
414 E. First Street
Newberg, OR 97132

Name, Address, Zip

Until a change is requested all tax statements shall be sent to the following address.

CITY OF NEWBERG
414 E. First Street
Salem, OR 97132

Name, Address, Zip

STATE OF OREGON,
County of _____ } ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

Name

Title

By _____ Deputy

Space Reserved
For
Recorder's Use

EXHIBIT "A"

Beginning at an iron bar which is 19.31 chains East and 1.81 chains North from the quarter corner on the West line of Section 29, Township 3 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; and running thence South along the center line of the County Road, 36.00 chains to an angle in said road; thence South 12° 20' East 6.00 chains to an angle in said road; thence South 44° 20' East continuing along said centerline 657.95 feet, from which point an iron pipe bears North 45° 51' East 30.00 feet; thence North 45° 51' East 2194.00 feet to an iron pipe set on the West bank of the Willamette River; thence in a Northwesterly direction up the said Willamette River following the meanders of the same, to a point in the center of the Newberg bridge, said point is described as being 10.62 chains North and 28.57 chains East from the quarter corner between Sections 29 and 30, in said Township and Range; thence South 41° 10' West 13.00 chains to the point of beginning.

SAVE AND EXCEPT that portion of the above described land lying with the land conveyed to Marion County for roadway purposes; and also save and except that portion conveyed to the City of Newberg by deed recorded in Volume 391, Page 592, Marion County Deed Records.

ALSO SAVE AND EXCEPT

A tract of land situated in Section 29, Township 3 South, Range 2 West, Willamette Meridian, Marion County, Oregon, the boundary of which is described as follows: Beginning at a point on the East right-of-way line of Oregon State Highway No. 140 that is the Northwest corner of that tract conveyed to the City of Newberg by deed recorded at Book 391, Page 592, Marion County Deed Records said being North 3597.025 and West 22.247 feet from a 1/2 inch pipe at the most Easterly Northeast corner of the J.F. Markley Donation Land Claim; thence along the arc of a 1248.207 foot radius curve to the right (chord bears North 15° 35' 11" East 31.143 feet) a distance of 31.144 feet; thence East 249.888 feet; thence North 127.723 feet; thence East 200.00 feet; thence South 200.00 feet; thence West 214.445 feet; thence South 183.791 feet; thence West 165.518 feet to a point on the East line of said City of Newberg Tract; thence North along said East line 226.067 feet to the Northeast corner of said City of Newberg Tract; thence West, along the North line of said tract, 78.284 feet to the point of beginning.

Together with that portion of the vacated County Road No. 13, that would inure to the benefit of the above described property by operation of law.

STATE OF OREGON

County of Marion

I hereby certify that the within was received and duly recorded by me in Marion County records:

Fee \$ 45-
Hand Returned ☒
8-5-93 WUT

REEL
1086

PAGE
354

JUL 30 1 28 PM '93

ALAN J. JOHNSON
MARION COUNTY CLERK

BY 1-10

EXHIBIT "B"

SUBJECT TO:

The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become of become disqualified for the special assessment under the statute, an additional tax may be levied for ten years, or a lesser number of years in which the land was subject to the special land use assessment; Rights of the public in and to that portion of the herein described premises lying within the boundaries of roads and roadways; Rights of the public and governmental bodies in and to any portion of the herein described property lying below the mean high water mark of the Willamette River and in and to said water; Easement, Recorded in Book 495, Page 564; Easement Agreement, recorded in Book 605, Page 694; Easement, recorded in Reel 230, Page 1860; Easement, recorded in Reel 242, Page 188; Easement, Recorded in Reel 242, Page 497; Easement, recorded in Reel 246, Page 691; Reservation of utilities in vacated street area recorded in Reel 260, Page 447; Conditions and restrictions recorded in Reel 260, Page 447; Easement for ingress and egress and underground installations, as set forth in order filed August 25, 1970, in Suit No. 69600; 1993-94 Taxes, a lien not yet payable;

STATE OF OREGON

County of Marion

I hereby certify that the within was received and duly recorded by me in Marion County records:

REEL PAGE
1086 354

JUL 30 1 28 PM '93

Fee \$ 45-

Hand Returned ☒

8-593 WUT

ALAN MARION

BY 1-10

