

NOTE FROM TABRINA

TO: *Reggy*

DATE: *2/20/97*

☐	<i>For your information</i>	☐	<i>Please note and return</i>
☐	<i>For your signature</i>	☐	<i>For your files</i>
☐	<i>Please take action</i>	☐	<i>Would like to see you</i>

REMARKS:

FOR YOUR FILES.

ROADWAY EASEMENT

In consideration of the sum of \$-0- and other valuable consideration, ANNA S. GAIL, herein called Grantor, does hereby convey to the City of Newberg, a municipal corporation, hereinafter called Grantee, a perpetual and permanent easement, for the purposes of constructing, installing, using, repairing, and maintaining a Roadway Easement including storm sewer, ditch and shoulder over, under, and across the following described real property:

A Part of that property described in Film Volume 183 at Page 1535, Yamhill County Deed Records in the William T. Wallace Donation Land Claim #47 in Section 8, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon being more particularly described as follows:

Beginning at the Northwest corner of that tract of land described in Film Volume 183 at Page 1535, Yamhill County Deed Records, said corner being on the East right of way line of Center Street; thence with said right of way of Center Street North 89 54'59" East 23.63 feet to a point; thence thru said tract describe in Film Volume 183 at page 1535 the following courses: South 12 35'48" West 42.13 feet, South 00 04'30" West 56.78 feet, North 89 34'04" West 14.50 feet to a point on the aforementioned East Right of Way line of Center Street; thence with said Right of Way line of Center Street North 00 04'30" East 97.75 feet to the point of beginning.

TO HAVE AND TO HOLD said easement to said Grantee, for the use and purpose hereinabove described.

It is further understood that:

1. The Grantor(s) hereby release(s) the City of Newberg, its agents and employees, assigns and successors of any and all liability for damage to the remaining lands resulting from this conveyance and construction and maintenance of said easement.
2. The rights granted herein shall not be construed to interfere with or restrict use of the premises by Grantor(s), their heirs or assigns, with respect to the construction and maintenance of property improvements along and adjacent to the premises herein described, so long as the same are so constructed as to not impair or interfere with the use and maintenance of access of the easement hereinabove authorized.
3. The Grantee hereby agrees to restore the easement to its original condition, as close as is practical to do so, upon completion of the construction.

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.

IN WITNESS WHEREOF, I have executed said document on this 6th day of February, 1997

RECORDING INFORMATION

(Space Reserved for Recorder's Stamp)

Name of transaction: Bargain and Sale Deed
 Parties: THOMAS A. GAIL, Grantor
 ANNA S. GAIL, Grantee

Recorded in Official Yamhill County Records
 CHARLES STERN, COUNTY CLERK

35.00

Consideration: Divorce Settlement

199515870 3:07pm 11/22/95

After recording return to: ANNA S. GAIL
 2220 S.W. Hoffman
 Portland OR 97201

001 18886479 10 04
 1 0 D08 1 5.00 10.00 20.00 0.00 0.00 0.00

Send tax statements to: ANNA S. GAIL
 2220 S.W. Hoffman
 Portland OR 97201

BARGAIN AND SALE DEED

THOMAS A. GAIL, Grantor, conveys to ANNA S. GAIL, Grantee, any interest he may have in the following described real property, situated in Yamhill County, Oregon, described as follows:

BEGINNING at a 5/8" iron rod that is 1188.00 feet North, 1956.44 feet East and 644.36 feet North 00° 04' 30" East from the Southwest corner of the William T. Wallace Donation Land Claim Number 47 in Section 8, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon; thence South 89° 59' 14" West 1074.66 feet to a 5/8" iron rod; thence North 00° 05' 11" East 324.29 feet to a 5/8" iron rod; thence North 89° 59' 14" East 1074.59 feet to a 5/8" iron rod; thence South 00° 04' 30" West 324.29 feet to the point of beginning.

TOGETHER WITH an easement 30 feet in width, the centerline of which is described as follows: Beginning at a point on the northerly right of way line of Henry Road that is 216.34 feet West from a 5/8" iron rod, said point of beginning also being 1208.00 feet North and 937.76 feet East from the Southwest corner of the William Wallace Donation Land Claim Number 47 in Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon; thence North 10° West 122.19 feet; thence North 00° 05' 11" East 509.14 feet to a point that is 15.00 feet North 89° 59' 14" East from a 5/8" iron rod.

The true and actual consideration for this transfer is compliance with a settlement reached in the proceeding pending in Yamhill County Circuit Court bearing case number DO95-0157.

This conveyance is made solely as an adjustment of common boundaries between two existing tax lots and does not create a third and separate tax lot that can be conveyed independently.

This instrument will not allow use of the property described in the 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. (ORS 93.040(1).)

The property described in this instrument may not be within a fire protection district protecting structures. The property is subject to land use laws and regulations, which, in farm or forest zones may not authorize construction or siting of a residence and which limit lawsuits against farming or forest practices as defined in ORS 30.930. In all zones, 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 existence of fire protection for structures. (ORS 93.040(2).)

Thomas A. Gail
 THOMAS A. GAIL, Grantor

STATE OF OREGON)

County of Yamhill *Marion*)

This instrument was acknowledged before me on November 22, 1995 by Thomas A. Gail.



Marlene A. Foster
 NOTARY PUBLIC FOR OREGON
 My Commission Expires: July 4, 1998

11-22-95

15870

2/2