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CITY OF NEWBERG  
CITY RECORDER INDEX NO. 0366

VOL 184 PAGE 518

GRANT OF EASEMENT

THIS INDENTURE, made and entered into this 27<sup>th</sup> day of May, 1957, by and between PETER P. CHAMPAGNE and LORENE B. CHAMPAGNE, husband and wife, hereinafter referred to as the Parties of the First Part, and the CITY OF NEWBERG, a municipal corporation of Yamhill County, State of Oregon, hereinafter referred to as the Party of the Second Part,

W I T N E S S E T H:

That for and in consideration of the sum of FIFTEEN HUNDRED and  
No/100 - - - - - DOLLARS (\$ 1500.00 ), cash in hand paid to the Parties of the First Part, the receipt of which is hereby acknowledged, the Parties of the First Part have this day bargained and sold and by these presents do bargain, sell, convey, transfer and deliver unto the Party of the Second Part, its successors and assigns, a permanent easement and right-of-way, including the perpetual right to enter upon and to cross over the real estate hereinafter described, at any time that it may see fit, for the purpose of establishing, using, constructing, grading, repairing and maintaining a road way for the use of the Party of the Second Part, its employees and agents, successors and assigns along and upon the right-of-way hereinafter particularly described.

The land affected by the grant of this easement and right-of-way is located in the City of Newberg, County of Yamhill, State of Oregon, and is more particularly described as follows:

Being a part of the Joseph B. Rogers Donation Land Claim Notification No. 1473, Claim No. 55 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as being a

certain tract of land conveyed by Vivian L. Perlick to Peter P. Champagne and wife by deed recorded April 6, 1950, in Book 156, Page 653, Deed Records of Yamhill County, Oregon.

The easement and right-of-way hereby granted covers a strip of land 20 feet in width and more particularly described as follows, to-wit:

A right-of-way extending 10 feet on each side of the following-described centerline, to-wit:

Beginning on the South line of said Champagne tract at a point 441.2 feet East of the Easterly boundary of Wynooski Street in the City of Newberg, said County and State; thence North  $72^{\circ} 9'$  West 56.8 feet; thence along a curve to the right, said curve having a radius of 95.5 feet, a distance of 65.2 feet; thence North  $31^{\circ} 44'$  West 29.7 feet; thence North  $18^{\circ} 7'$  West 53.1 feet; thence along a curve to the left, said curve having a radius of 45 feet, a distance of 55.3 feet; thence North  $88^{\circ} 19'$  West 105.7 feet; thence running along a curve to the left, said curve having a radius of 60 feet, a distance of 57.3 feet; thence South  $29^{\circ} 26'$  West 12.33 feet; thence running along a curve to the right, said curve having a radius of 18 feet, a distance of 18 feet; excepting that portion of the area covered by said last-mentioned curve lying within the boundaries of a tract of land described in a deed from Dorothy L. Smith, Administratrix, to William S. Bean, dated June 2, 1919, and recorded August 13, 1919, in Book 78, Page 109, Deed Records of Yamhill County, State of Oregon.

ALSO the following described right-of-way, to-wit:

Beginning at a point where the North line of said tract of land conveyed from Dorothy L. Smith, Administratrix, to William S. Bean intersects the East boundary of Wynooski Street in the City of Newberg, Oregon; thence North  $86^{\circ} 22'$  East along the North boundary of said BEAN TRACT 139.6 feet, more or less, to connect with the right-of-way hereinabove described; thence North along the West end of said last-mentioned right-of-way 6 feet; thence South  $86^{\circ} 22'$  West parallel with said North boundary of said Bean Tract 139.6 feet, more or less, to said East boundary of said Wynooski Street and thence Southeasterly along said East boundary of said Wynooski Street to the point of beginning.

To Have and To Hold said easement and right-of-way unto the Party of the Second Part and unto its successors and assigns forever.

The Parties of the First Part have and do hereby covenant with the Party of the Second Part that they are lawfully seized

and possessed of the real property above-described; and that they have a good and lawful right to convey it, or any part of it; and that it is free from all encumbrances, and that they will forever warrant and defend title thereto against the lawful claims of all persons whomsoever.

As a part of this grant, the Parties of the First Part have and do hereby release any and all claims for damages, from whatsoever cause, incidental to the exercise of the rights herein granted, excepting however any claims of the Parties of the First Part, their heirs, executors, administrators and assigns, arising out of any negligent acts or omission of the Party of the Second Part, its officers and employees, successors and assigns, in the use or maintenance of said right-of-way.

The Party of the Second Part specifically agrees that the right-of-way hereby granted shall be at all times open to the use of the Parties of the First Part, their heirs, executors, administrators and assigns, jointly with the Party of the Second Part, its agents, employees, successors and assigns and the Party of the Second Part further agrees to install and maintain a good and passable crushed rock road surface on the said right-of-way and to so treat and maintain the same as to control and diminish the creation of dust in the use of said right-of-way.

Party of the Second Part further agrees to provide for and complete the removal and replacement of any fences or pipe line affected by said right-of-way, in as good order and condition as the same now are and in such manner that the use of said right-of-way will not injure or impair said fences or pipe line or either of them.

Peter Champagne

Loren B. Champagne  
Parties of the First Part

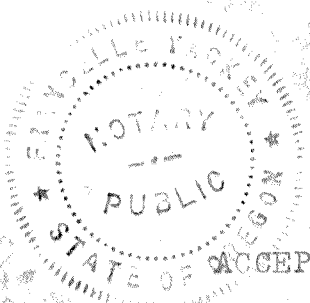
STATE OF OREGON )  
 )  
County of Yamhill ) ss.

Be it remembered, that on this 27<sup>th</sup> day of May, 1957, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named PETER P. CHAMPAGNE and LORENE B. CHAMPAGNE, husband and wife, known to me to be the indential individuals 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.

Francell Yackey  
Notary Public for Oregon

My Commission expires: Nov. 30/1959



ACCEPTED by the City of Newberg, a municipal corporation of the State of Oregon, this 27 day of May, 1957, By Order of the Council.

Thomas Deaty  
Recorder

51098

STATE OF OREGON,

County of Yamhill,

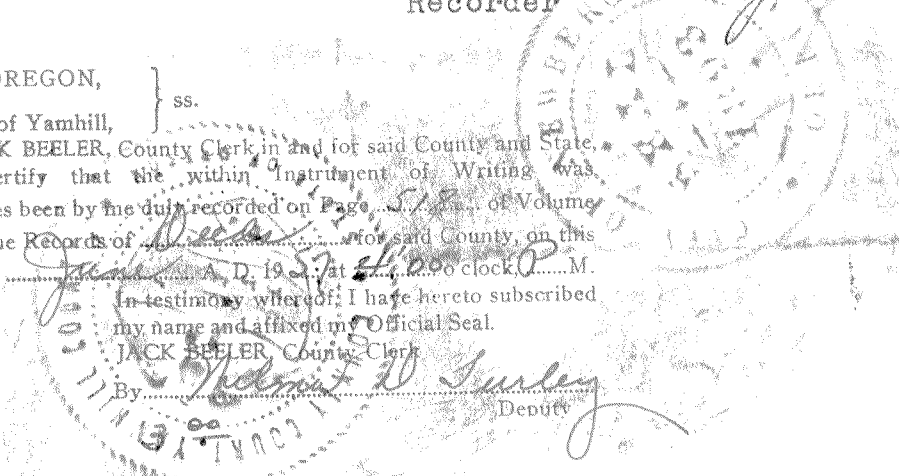
ss.

I, JACK BEELER, County Clerk in and for said County and State, do hereby certify that the within Instrument of Writing was received and has been by me duly recorded on Page 578 of Volume 184 of the Records of Newberg for said County, on this 27 day of May, A. D. 1957 at 2:00 clock P.M.

In testimony whereof, I have hereto subscribed my name and affixed my Official Seal.

JACK BEELER, County Clerk

By Walter D. Surley Deputy



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5-1098

Handwritten notes in cursive script, including the words "Handwritten", "at cost", and "one".