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200101307

9:11:06 AM 1/31/2001

DMR-EDMR Cnt=1 Stn=2 ANITA
\$30.00 \$10.00 \$11.00

\$51.00

AFTER RECORDING RETURN TO:

City of Newberg - Community Development
PO Box 970 - 414 E. First Street
Newberg, OR 97132

PUBLIC UTILITY EASEMENT

In consideration of the sum of \$ 0 and other valuable consideration, Werth Family LLC, herein called Grantors, do hereby convey to the City of Newberg, a municipal corporation, hereinafter called Grantee, three (3) perpetual and permanent easements, for the purposes of constructing, installing, using, repairing, and maintaining a sanitary sewer main lines across the following described real properties:

SEE ATTACHED EXHIBIT A and EXHIBIT B
SEE ATTACHED EXHIBIT C and EXHIBIT D
SEE ATTACHED EXHIBIT E and EXHIBIT F

10' wide strip of land across Parcel 1
10' wide strip of land across Parcel 3
.28 acre section of Parcel 3

TO HAVE AND TO HOLD said easements to said Grantee, for the uses and purposes herein above 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 further absolves the Grantee from any damage not controlled by their actions.
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 utilities herein above authorized.
3. The Grantee hereby agrees to restore the easements to their 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, the parties have executed this document on this 22 day of January 2001.

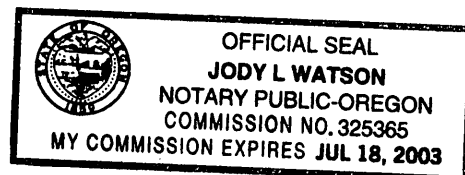
WERTH FAMILY LLC

Elmer M. Werth
Elmer M. Werth
Operating Manager, Werth Family LLC

STATE OF OREGON)
) s.s.

County of Yamhill)

This instrument was acknowledged before me this 22 day of January, 2001 by Elmer M. Werth.



Jody L. Watson
Notary Public for Oregon
My Commission Expires: July 18, 2003

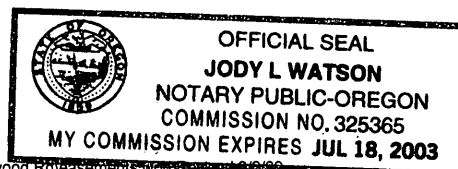
WERTH FAMILY LLC

Jo Anne Yates
Jo Anne Yates
Operating Manager, Werth Family LLC

STATE OF OREGON)
) s.s.

County of Yamhill)

This instrument was acknowledged before me this 22 day of January, 2001 by Jo Anne Yates.



Jody L. Watson
Notary Public for Oregon
My Commission Expires: July 18, 2003

NORTHWEST TITLE COMPANY

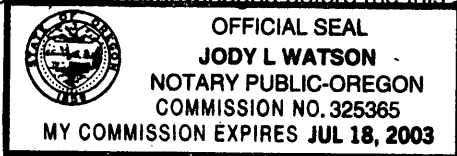
IN WITNESS WHEREOF, the parties have executed this document (Public Utility Easement for a 10' strip of land across and a .42 acre section of Parcel 3 and a 10' wide strip of land across Parcel 1) this 22 day of January, 2000.

WERTH FAMILY LLC

Dean E. Werth
Dean E. Werth
Operating Manager, Werth Family LLC

STATE OF OREGON)
County of Yamhill)s.s.

This instrument (Public Utility Easement for a 10' strip of land across and a .42 acre section of Parcel 3 and a 10' wide strip of land across Parcel 1) was acknowledged before me this 22 day of January, 2000 by Dean E. Werth.



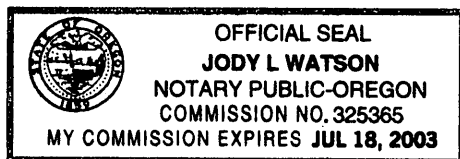
Jody L. Watson
Notary Public for Oregon
My Commission Expires: July 18, 2003

WERTH FAMILY LLC

Howard D. Werth
Howard D. Werth
Operating Manager, Werth Family LLC

STATE OF OREGON)
County of Yamhill)s.s.

This instrument (Public Utility Easement for a 10' strip of land across and a .42 acre section of Parcel 3 and a 10' wide strip of land across Parcel 1) was acknowledged before me this 22 day of January, 2000 by Howard D. Werth.



Jody L. Watson
Notary Public for Oregon
My Commission Expires: July 18, 2003

CITY OF NEWBERG
ACCEPTED BY:

Duane R. Cole
Duane R. Cole, City Recorder

Date: January 4, 2001

CITY OF NEWBERG
APPROVED AS TO FORM:

Terrence D. Mahr
Terrence D. Mahr, City Attorney

Date: 1/3/00

EXHIBIT A

Description of a 10' Wide Strip of Land Across Parcel 1 for a Public Utility Easement

A strip of land, 10.00 feet wide, located in the northwest one-quarter of Section 21, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, also being a portion of Parcel 1 of Partition Number 97-52 recorded July 24, 1997 in Volume 4 page 452, record of plats for Yamhill County, Oregon, described as follows:

Beginning at a point on the most southerly west line of said Parcel 1, from which the southwest corner of said Parcel 1, bears S.00°54'42"W., 5.00 feet; thence N.00°54'42"E. along the west line of said Parcel 1, a distance of 10.00 feet; thence leaving said west line, S.89°0'47"E. Along a line parallel with and 15.00 feet northerly of, when measured at right angles to, the south line of said parcel 1, a distance of 991.61 feet to the east line of said Parcel 1; thence S.01°00'00"E. along said east line, 10.01 feet, from which the southeast corner of said Parcel 1 bears S.01°00'00"E. 5.00 feet; thence along a line parallel with and 5.00 feet northerly of, when measured at right angles to, the south line of said Parcel 1, a distance of 991.94 feet to the Point of Beginning;

Containing 0.23 acres, or 9,918 square feet, more or less.

EXHIBIT C

Description of a 10' Wide Strip of Land Across Parcel 3 for a Public Utility Easement

A strip of land, 10.00 feet wide, located in the northeast and northwest on-quarter of Section 21, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, also being a portion of Parcel 3 of Partition Number 97-52 recorded July 24, 1997 in Volume 4 page 452, record of plats for Yamhill County, Oregon, being described as follows:

Beginning at a point on the west line of said parcel 3, from which the southwest corner of said parcel 3 bears S.01°00'00"E., 5.00 feet; thence N.01°00'00"W. along the said west line, 10.01 feet; thence leaving said west line S.89°00'47"E. along a line parallel with and 15.00 feet northerly of, when measured at right angles to, the south line of said parcel 3, a distance of 1804.11 feet to the most southerly east line of said parcel 3; thence S.00°59'13"W. along said east line, 10.00 feet, from which the southeast corner of said Parcel 3 bears S.00°59'13"W., 5.00 feet; thence leaving said east line, N.89°00'47"W. along a line parallel with and 5.00 feet northerly of, when measured at right angles to, the said south line, 1803.76 feet to the Point of Beginning;

Containing 0.41 acres, or 18,039 square feet, more or less.

EXHIBIT E

Description of a .28 Acre Section of Parcel 3 for a Public Utility Easement

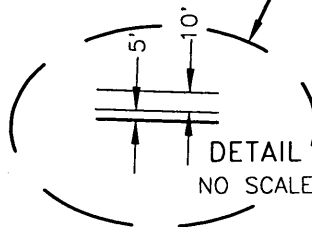
A parcel land located in the northeast one-quarter of Section 21, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, also being portion of Parcel 3 partition Number 97-52 recorded July 24, 1997 in Volume 4 page 452, record of plats for Yamhill County, Oregon, being described as follows:

Beginning at the a point on the most westerly south line of said parcel 3, from which the most southerly southeast corner of said parcel 3 bears S.89°00'47"E., 77.18 feet; thence N.00°59'13"E., 18.00 feet; thence N.50°56'26"W., 23.81 feet; thence N.00°59'13"E., 39.37 feet; thence N.28°56'26"W., 71.59 feet; thence S.54°35'34"W., 97.12 feet; thence S.00°59'13"W. 76.47 feet to the said south line of said Parcel 3; thence S.89°00'47"E. along said south line, 132.64 feet to the Point of Beginning;

Containing 0.28 acres, or 12,387 square feet, more or less.

PARCEL 1
PARTITION NO. 97-52

FERNWOOD ROAD



SCALE: 1" = 200'

November 28, 2000

Date

R. LENNOX

Designed

Drawn

Checked By

Date



17355 SW Boones Ferry Rd.

Lake Oswego, Oregon 97035

Phone: (503) 635-3618

FAX: (503) 635-5395

Exhibit B

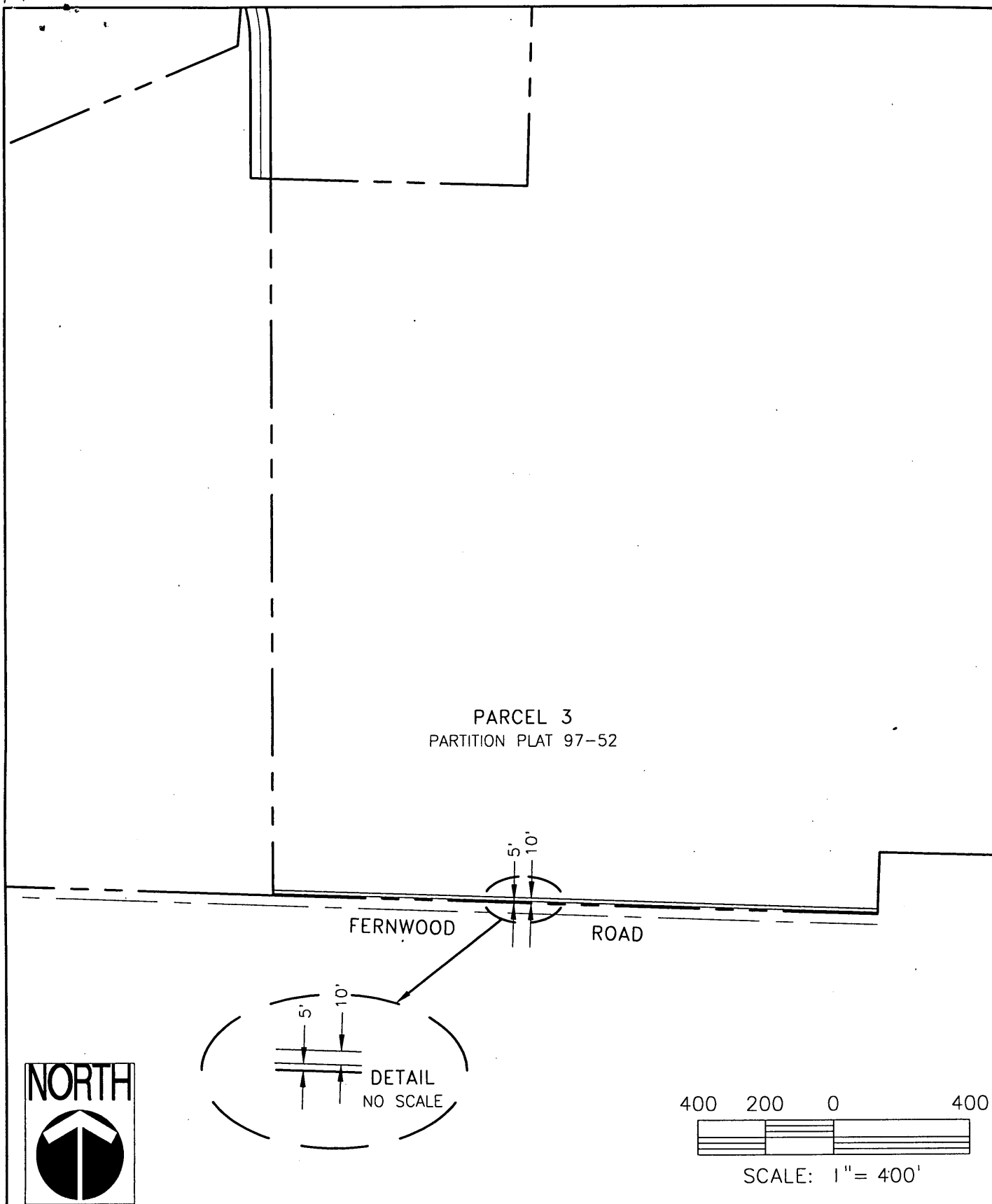
NW 1/4 AND THE NE 1/4,
SECTION 21, T.3S., R.2.W.,
WILLAMETE MERIDIAN,
CITY OF NEWBERG,
YAMHILL COUNTY,
OREGON

09564-001-001-SM01

Project No.

S564E001

File No.



November 28, 2000
Date
R. LENNOX
Designed

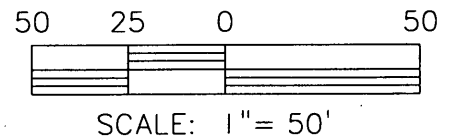
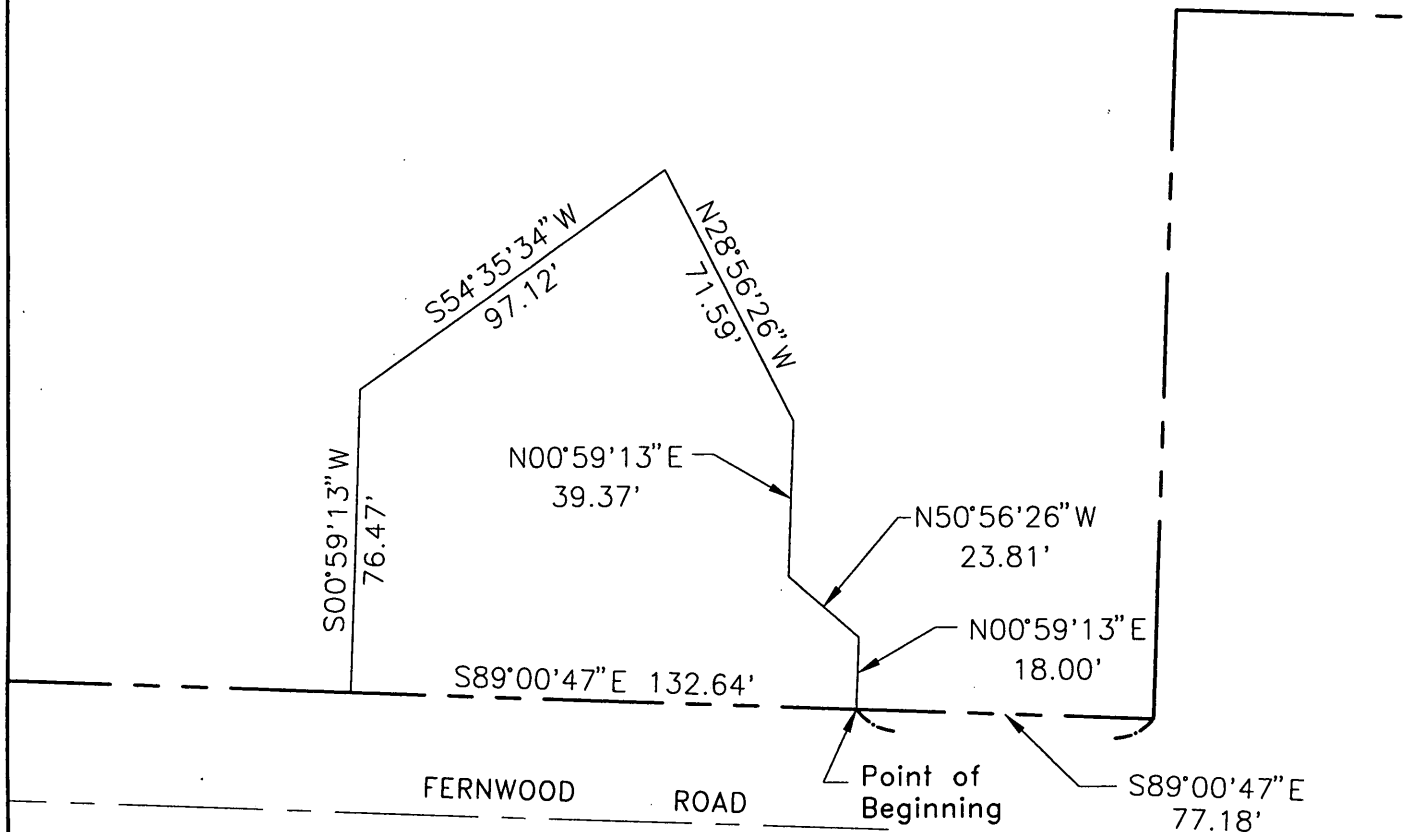
Drawn

Checked By _____ Date _____
otak 17355 SW Boones Ferry Rd.
Lake Oswego, Oregon 97035
Phone: (503) 635-3618
FAX: (503) 635-5395
Incorporated

Exhibit D
NW 1/4 AND THE NE 1/4,
SECTION 21, T.3S., R.2.W.,
WILLAMETE MERIDIAN,
CITY OF NEWBERG,
YAMHILL COUNTY,
OREGON

09564-001-001-SM01
Project No.
S564E004
File No.

PARCEL 3
PARTITION NO. 97-52



November 28, 2000
Date
R. LENNOX
Designed
Drawn

Checked By Date
otak 17355 SW Boones Ferry Rd.
Lake Oswego, Oregon 97035
Phone: (503) 635-3618
FAX: (503) 635-5395
Incorporated

Exhibit F
NW 1/4 AND THE NE 1/4,
SECTION 21, T.3S., R.2.W.,
WILLAMETE MERIDIAN,
CITY OF NEWBERG,
YAMHILL COUNTY,
OREGON

09564-001-001-SM01
Project No.
S564E006
File No.