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SANITARY SEWER PIPELINE EASEMENT

For good and valuable consideration, THE COMMERCIAL BANK, an Oregon banking corporation, herein called Grantor, does hereby convey to the City of Newberg, a municipal corporation, herein called Grantee, a perpetual and permanent easement, for the purposes of using, repairing, and maintaining a sanitary sewer pipeline over, under, and across the following described real property:

See *Exhibit "A"* attached hereto and by this reference incorporated herein.

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 hereby releases 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 real property described in *Exhibits "B" and "C,"* which are incorporated herein by this reference, by the owners in fee title of such property, so long as such use does not impair or interfere with the use and maintenance of the sanitary sewer pipeline by the Grantee.
3. The Grantee hereby agrees to restore the easement to its original condition, as close as is practical to do so, upon completion of any maintenance or repair of the sanitary sewer pipeline.
4. Grantee hereby agrees to use its best efforts, when making any repairs and doing any maintenance to the sanitary sewer pipeline, not to interfere with the use of the real property described in *Exhibits "B" and "C"* by the owners in fee title of such property.

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.

Recorded in Yamhill County, Oregon
CHARLES STERN, COUNTY CLERK



40.00

199600255 4:05pm 01/05/96

SANITARY SEWER PIPELINE EASEMENT
G:\WPDOCS\RE5833PIP.EAS (1/3/96) (MIR-pnt:kif)

001 023636 09 05 000200
1 0 D13 6 30.00 10.00 0.00 0.00 0.00 0.00

NORTHWEST TITLE COMPANY

IN WITNESS WHEREOF, this Sanitary Sewer Pipeline Easement is executed this 4th
day of January, 1996.

THE COMMERCIAL BANK, an Oregon
banking corporation

By: Cora Hallauer
Cora Hallauer, Senior Vice President

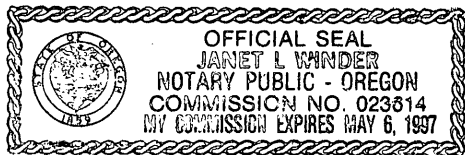
Accepted as to form and intent by the City of Newberg, a Municipal Corporation of the
State of Oregon on this 4th day of JAN., 1996.

By: Duane R. Cole
Duane R. Cole, City Manager

State of Oregon)
) ss.
County of Yamhill)
~~Marion~~

On this 4 day of January, 1999 personally appeared Cora Hallauer, who being duly sworn, did say that she is a Senior Vice President of The Commercial Bank, and that the foregoing instrument was signed on behalf of said bank, and acknowledged said instrument to be its voluntary act and deed.

Before me:

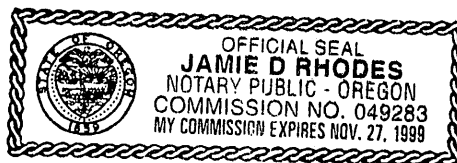


Janet L. Winder
Notary Public for Oregon
My Commission Expires: 5-6-97

State of Oregon)
) ss.
County of Yamhill)

On this 4 day of January, 1999 personally appeared Duane R. Cole, who being duly sworn, did say that he is the City Manager of the City of Newberg, and that the foregoing instrument was signed on behalf of the City of Newberg, and acknowledged said instrument to be its voluntary act and deed.

Before me:



Jamie D. Rhodes
Notary Public for Oregon
My Commission Expires: 11-27-99

EXHIBIT A

A parcel of property in the Sebastian Brutscher Donation Land Claim in Section 16, Township 3 South, Range 2 West, Willamette Meridian in Yamhill County, Oregon, described as follows:

COMMENCING at the Northwest corner of said Brutscher Donation Land Claim;
THENCE South $00^{\circ}43'22''$ West along the West line of said Brutscher Donation Land Claim, 276.55 feet to the Northeast corner of the Everest Donation Land Claim;
THENCE South $00^{\circ}55'25''$ West, along said West line, 2749.19 feet;
THENCE South $89^{\circ}04'35''$ East, 46.42 feet to the East line of Springbrook Road as conveyed to the State of Oregon deed recorded in Volume 23, at Page 400 of Yamhill County Records;
THENCE South $89^{\circ}04'35''$ East, 181.58 feet;
THENCE South $22^{\circ}55'23''$ East, 346.71 feet;
THENCE North $67^{\circ}04'37''$ East, 1087.74 feet;
THENCE North $22^{\circ}55'22''$ West, 453.02 feet;
THENCE North $01^{\circ}40'12''$ West, 26.82 feet;
THENCE North $67^{\circ}04'37''$ East, 249.29 feet;
THENCE North $20^{\circ}11'09''$ West, 14.02 feet, said point being the TRUE POINT OF BEGINNING;
THENCE North $20^{\circ}11'09''$ West, 5.38 feet; to a point on a 570.00 foot radius curve to the right;
THENCE around said 570.00 foot radius curve to the right a distance of 13.79 feet;
THENCE North $67^{\circ}04'37''$ East, 116.94 feet;
THENCE South $04^{\circ}03'33''$ West, 15.22 feet;
THENCE South $67^{\circ}04'37''$ West, 110.98 feet, to the TRUE POINT OF BEGINNING.
CONTAINING 1873 square feet, more or less.

EXHIBIT A

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EXHIBIT B

A parcel of property in the Sebastian Brutscher Donation Land Claim in Section 16, Township 3 South, Range 2 West, Willamette Meridian in Yamhill County, Oregon, described as follows:

COMMENCING at the Northwest corner of said Brutscher Donation Land Claim;
THENCE South $00^{\circ} 43' 22''$ West, along the West line of said Brutscher Donation Land Claim, 276.55 feet to the Northeast corner of the Everest Donation Land Claim;

THENCE South $00^{\circ} 55' 25''$ West, along said West line, 2749.19 feet;
THENCE South $89^{\circ} 04' 35''$ East, 46.42 feet to the East line of Springbrook Road as conveyed to the State of Oregon deed recorded in Volume 23, at Page 400 of Yamhill County Records

THENCE South $89^{\circ} 04' 35''$ East, 181.58 feet;

THENCE South $22^{\circ} 55' 23''$ East, 346.71 feet;

THENCE North $67^{\circ} 04' 37''$ East, 1087.74 feet;

THENCE North $22^{\circ} 55' 22''$ West, 453.02 feet

THENCE North $01^{\circ} 40' 12''$ West, 26.82 feet;

THENCE North $67^{\circ} 04' 37''$ East, 249.29 feet;

THENCE North $20^{\circ} 11' 09''$ West, 19.40 feet; to a point on a 570.00 foot radius curve to the right;

THENCE around said 570.00 foot radius curve to the right a distance of 13.79 feet; said point being the TRUE POINT OF BEGINNING;

THENCE around said 570.00 foot radius curve to the right a distance of 12.40 feet

THENCE North $17^{\circ} 33' 13''$ West 228.94 feet to the South right-of-way line of Highway 99 West;

THENCE following said right-of-way line the following courses:

THENCE North $64^{\circ} 12' 53''$ East 36.64 feet;

THENCE North $70^{\circ} 44' 37''$ East, 150.79 feet;

THENCE North $63^{\circ} 00' 41''$ East 29.63 feet;

THENCE leaving the South line of said Highway 99W, South $04^{\circ} 03' 33''$ West 269.50 feet;

THENCE South $67^{\circ} 04' 37''$ West, 116.94 feet to the TRUE POINT OF BEGINNING.

CONTAINING 40477 square feet, more or less.

EXHIBIT B

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EXHIBIT C

A parcel of property in the Sebastian Brutscher Donation Land Claim in Section 16, Township 3 South, Range 2 West, Willamette Meridian in Yamhill County, Oregon, described as follows:

COMMENCING at the Northwest corner of said Brutscher Donation Land Claim;
THENCE South $00^{\circ} 43' 22''$ West, along the West line of said Brutscher Donation Land Claim, 276.55 feet to the Northeast corner of the Everest Donation Land Claim;
THENCE South $00^{\circ} 55' 25''$ West, along said West line, 2749.19 feet;
THENCE South $89^{\circ} 04' 35''$ East, 46.42 feet to the East line of Springbrook Road as conveyed to the State of Oregon deed recorded In Volume 23, at Page 400 of Yamhill County Records;
THENCE South $89^{\circ} 04' 35''$ East, 181.58 feet;
THENCE South $22^{\circ} 55' 23''$ East, 346.71 feet;
THENCE North $67^{\circ} 04' 37''$ East, 1087.74 feet; THE TRUE POINT OF BEGINNING;
THENCE North $22^{\circ} 55' 22''$ West, 453.02 feet;
THENCE North $01^{\circ} 40' 12''$ West, 26.82 feet;
THENCE North $67^{\circ} 04' 37''$ East, 249.29 feet;
THENCE North $20^{\circ} 11' 09''$ West, 19.40 feet; to a point on a 570.00 foot radius curve to the right;
THENCE around said 570.00 foot radius curve to the right a distance of 13.79 feet;
THENCE North $67^{\circ} 04' 37''$ East, 116.94 feet;
THENCE South $04^{\circ} 03' 33''$ West 567.33 feet;
THENCE South $67^{\circ} 04' 37''$ West, 120.17 feet, to the TRUE POINT OF BEGINNING.
CONTAINING 118870 square feet, more or less.

EXHIBIT Q

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