

THIS SPACE RESERVED FOR RECORDERS USE

AFTER RECORDING RETURN TO:
City of Newberg - Engineering Division
PO Box 970 - 414 E. First Street
Newberg, OR 97132

Yamhill County Official Records **201607621**
DMR-EDMR **05/27/2016 03:11:05 PM**
Stn=4 MILLSA
6Pgs \$30.00 \$11.00 \$5.00 \$20.00 **\$66.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the Instrument identified herein was recorded in the Clerk records.

Brian Van Bergen - County Clerk

STORM DRAINAGE AND INGRESS-EGRESS EASEMENT

In consideration of the sum of **Eighteen Thousand Five Hundred Dollars and No/100 Cents (\$18,500.00)** and other valuable consideration, **Charles M. Schmidt and Fonda R. Schmidt, Trustees, or their successors in Trust, under the Charles M. Schmidt Living Trust dated January 17, 1995, and any amendments thereto, as to an undivided one-half interest and Fonda R. Schmidt and Charles M. Schmidt, Trustees, or their successors in Trust, under the Fonda R. Schmidt Living Trust, dated January 17, 1995, and any amendments thereto, as to an undivided one-half interest, as tenants in common,** 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 ingress and egress, constructing, installing, using, repairing, and maintaining surface and subsurface stormwater facilities, storm piping systems, and appurtenant structures across the following described real property described in Exhibit A and shown in Exhibit B and; in that parcel described in Exhibit C and shown in Exhibit D incorporated by reference and made part of this document by reference,

TO HAVE AND TO HOLD said easement to said Grantee, for the use and purpose 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 easement to its original condition, as close as is practical to do so, upon completion of the construction.
4. Grantee hereby agrees to hold Grantor harmless from damages or injury caused by actions of Grantee or its contractors, subcontractors, or agents in performance of construction or maintenance of the stormwater facilities, storm pipelines and structures.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.



FIRST AMERICAN TITLE 2016-08

AFTER RECORDING RETURN TO:
City of Newberg - Engineering Division
PO Box 970 - 414 E. First Street
Newberg, OR 97132

STORM DRAINAGE AND INGRESS-EGRESS EASEMENT

In consideration of the sum of **Eighteen Thousand Five Hundred Dollars and No/100 Cents (\$18,500.00)** and other valuable consideration, **Charles M. Schmidt and Fonda R. Schmidt, Trustees, or their successors in Trust, under the Charles M. Schmidt Living Trust dated January 17, 1995, and any amendments thereto, as to an undivided one-half interest and Fonda R. Schmidt and Charles M. Schmidt, Trustees, or their successors in Trust, under the Fonda R. Schmidt Living Trust, dated January 17, 1995, and any amendments thereto, as to an undivided**

one-half interest, as tenants in common, 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 ingress and egress, constructing, installing, using, repairing, and maintaining surface and subsurface stormwater facilities, storm piping systems, and appurtenant structures across the following described real property described in Exhibit A and shown in Exhibit B and; in that parcel described in Exhibit C and shown in Exhibit D incorporated by reference and made part of this document by reference,

TO HAVE AND TO HOLD said easement to said Grantee, for the use and purpose 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 easement to its original condition, as close as is practical to do so, upon completion of the construction.
4. Grantee hereby agrees to hold Grantor harmless from damages or injury caused by actions of Grantee or its contractors, subcontractors, or agents in performance of construction or maintenance of the stormwater facilities, storm pipelines and structures.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.



FIRST AMERICAN TITLE 2016-08

STORM DRAINAGE AND INGRESS-EGRESS EASEMENT (continued)

IN WITNESS WHEREOF, the parties have executed this document on this 13 day of April, 2016.

Charles M. Schmidt, Trustee
Charles M. Schmidt, Trustee

Fonda R. Schmidt - TRUSTEE
Fonda R. Schmidt, Trustee

514 Dayton Avenue
Address
Newberg, OR 97123
City, State, Zip

514 DAYTON AVE
NEWBERG OR 97132

STATE OF OREGON)
) ss
COUNTY OF YAMHILL)

This instrument was acknowledged before me this 13 date of April, 2016, by **Charles M. Schmidt** as Trustee of the Charles M. Schmidt Living Trust dated January 17, 1995 and the Fonda R. Schmidt Living Trust dated January 17, 1995.

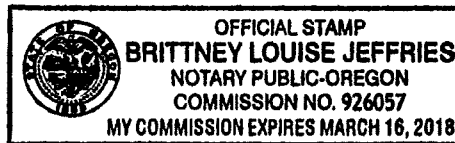
Brittney Louise Jeffries
Notary Public for Oregon
My Commission expires: March 16, 2018



STATE OF OREGON)
) ss
COUNTY OF YAMHILL)

This instrument was acknowledged before me this 13 date of April, 2016, by **Fonda R. Schmidt** as Trustee of the Charles M. Schmidt Living Trust dated January 17, 1995 and the Fonda R. Schmidt Living Trust dated January 17, 1995.

Brittney Louise Jeffries
Notary Public for Oregon
My Commission expires: March 16, 2018



CITY OF NEWBERG
ACCEPTED:

Sue Ryan
Sue Ryan, City Recorder

Dated: 4/20/16

APPROVED AS TO FORM:

Truman A. Stone
Truman A. Stone, City Attorney

Dated: 4/20/16

BRITNEY LOUISE JEFFRIES
NOTARY PUBLIC-OREGON
MY COMMISSION EXPIRES MARCH 16, 2018

EXHIBIT A

**PIPELINE EASEMENT
(STORM DRAIN ONLY)**

AN EASEMENT FOR STORM WATER LINE PURPOSES IN AND TO THOSE PORTIONS OF LAND SHOWN AS "PARCEL I" AND "PARCEL II", INSTRUMENT NUMBER 200218241, YAMHILL COUNTY RECORDS, LOCATED IN THE ROGERS DONATION LAND CLAIM NUMBER 55, IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF NEWBERG, COUNTY OF YAMHILL, STATE OF OREGON INCLUDED WITHIN A STRIP OF LAND 20.00 FEET WIDE LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "D. COOLEY PLS 1806 MARKING THE NORTHEAST CORNER OF "PARCEL I" DESCRIBED IN INSTRUMENT NUMBER 200218241;

THENCE SOUTHERLY 15.00 FEET, COINCIDENT WITH THE WEST RIGHT-OF-WAY OF SOUTH BLAINE STREET TO THE POINT OF BEGINNING;

THENCE NORTH 88° 43' 41" WEST, 252.41 FEET TO AN ANGLE POINT IN THE LINE;

THENCE SOUTH 73° 18' 01" WEST, 62.81 FEET TO AN ANGLE POINT IN THE LINE;

THENCE SOUTH 83° 49' 21" WEST, 33.57 FEET TO THE POINT OF TERMINUS, ALSO BEING THE WEST PROPERTY LINE OF SAID INSTRUMENT NUMBER. THE SIDELINES OF SAID STRIP SHOULD BE PROLONGED OR SHORTENED SO AS TO TERMINATE AT SAID WEST LINE.

SAID EASEMENT CONTAINING 6,976 SQUARE FEET MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

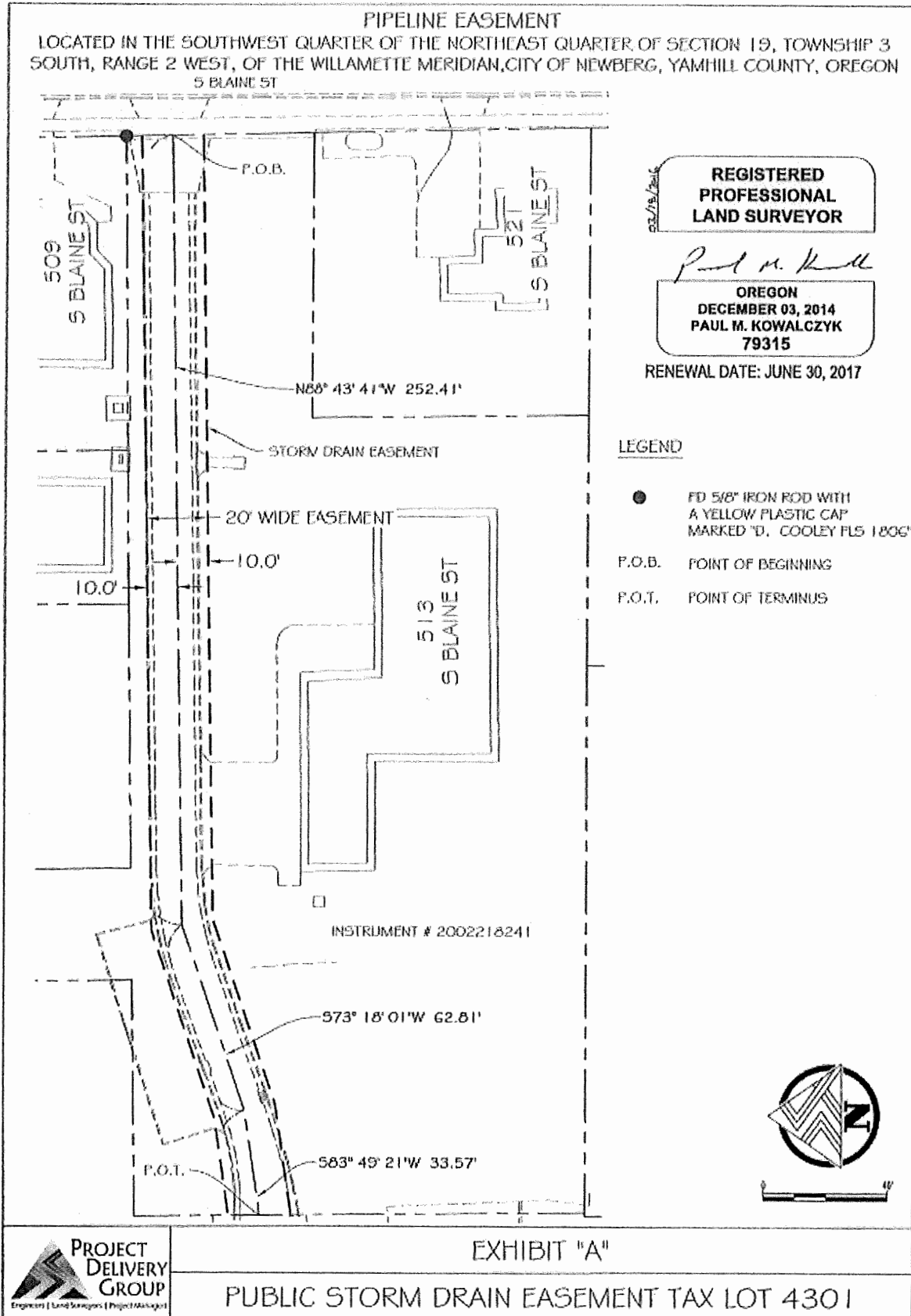
Paul M. Kowalczyk

OREGON
DECEMBER 03, 2014
PAUL M. KOWALCZYK
79315

RENEWS: 06/30/2017

OFFICE
NEY L
OTARY
COMMISS
MISSION

EXHIBIT B



PROJECT: 15201 Blaine Street Storm Infrastructure (The City of Newberg) 15071 Storm Drain Easement, Exhibits A-F
 PLOT DATE/TIME: 3/19/2014 - 4:08am

PUBLIC STORM DRAIN EASEMENT
 EXPIRES

EXHIBIT C

PIPELINE EASEMENT
(STORM DRAIN ONLY)

AN EASEMENT FOR STORM WATER LINE PURPOSES IN AND TO THOSE PORTIONS OF LAND SHOWN AS LAND DESCRIBED IN VOLUME 80, PAGE 595, YAMHILL COUNTY DEED RECORDS, TOGETHER WITH A PORTION OF PARCEL 2 OF PARTITION PLAT NO 90-47, INSTRUMENT NUMBER 199501258 AND 199501259, YAMHILL COUNTY RECORDS, LOCATED IN THE ROGERS DONATION LAND CLAIM NUMBER 55, IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF NEWBERG, COUNTY OF YAMHILL, STATE OF OREGON INCLUDED WITHIN A STRIP OF LAND 20.00 FEET WIDE LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "D. COOLEY PLS 1806 MARKING THE NORTHEAST CORNER OF "PARCEL 1" DESCRIBED IN INSTRUMENT NUMBER 200218241;

THENCE SOUTHERLY 15.00 FEET, COINCIDENT WITH THE WEST RIGHT-OF-WAY OF SOUTH BLAINE STREET;

THENCE NORTH 88° 43' 41" WEST, 252.41 FEET;

THENCE SOUTH 73° 18' 01" WEST, 62.81 FEET;

THENCE SOUTH 83° 49' 21" WEST, 33.57 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 83° 49' 21" WEST, 98.52 FEET TO AN ANGLE POINT IN THE LINE, AT WHICH POINT THE EASEMENT BECOMES 30.00 FEET WIDE LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE;

THENCE SOUTH 27° 16' 34" WEST, 93.94 FEET TO AN ANGLE POINT IN THE LINE;

THENCE SOUTH 8° 47' 16" WEST, 45.06 FEET TO THE POINT OF TERMINUS, ALSO BEING THE SOUTH LINE OF LAND DESCRIBED IN VOLUME 80, PAGE 595, OF SAID COUNTY. THE SIDELINES OF SAID STRIP SHOULD BE PROLONGED OR SHORTENED SO AS TO TERMINATE AT SAID SOUTH LINE.

SAID EASEMENT CONTAINING 6,140 SQUARE FEET MORE OR LESS.

03/15/2014
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Paul M. Kowalczyk

OREGON
DECEMBER 03, 2014
PAUL M. KOWALCZYK
79315

RENEWS: 06/30/2017

MP
: JEFF
OREGON
J. 92605
MARCH 1

EXHIBIT D

PIPELINE EASEMENT
 LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
 OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 2 WEST, OF THE
 WILLAMETTE MERIDIAN, CITY OF NEWBERG, YAMHILL COUNTY, OREGON

LEGEND

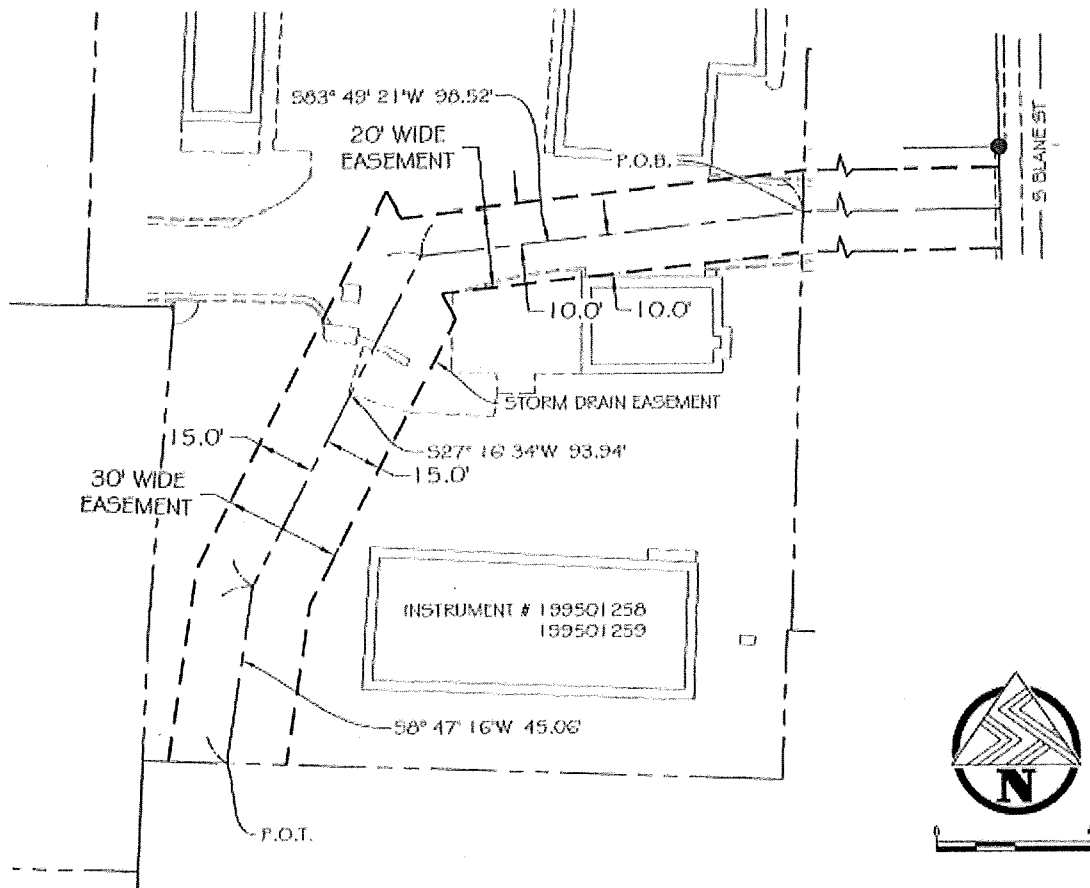
- FD 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED 'D'. COOLEY PLS 1806'
- P.O.B. POINT OF BEGINNING
- P.O.T. POINT OF TERMINUS

03/18/2014
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Paul M. Kowalczyk

**OREGON
 DECEMBER 03, 2014
 PAUL M. KOWALCZYK
 79315**

RENEWAL DATE: JUNE 30, 2017



H:\2015 Projects\1021 State Street Storm Improvement\The City of Newberg\1021 State Street Storm Drain Easement Exhibits
 PLOT 502/TAC 2/15/2016 - 423a



EXHIBIT "A"
 PUBLIC STORM DRAIN EASEMENT TAX LOT 5201

RIES
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 7
 6, 2018