

NOTE FROM TABRINA

TO: *Peggy*
DATE: *9/24/10*

☐	<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:

originals

UTILITY EASEMENT

In consideration of the sum of \$0.00 and other valuable consideration, Evan E. Whitaker and Betty M. Whitaker, herein called Grantors, do 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 underground utilities over, under, and across the following described real property:

See attached Exhibit "A"

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 utilities 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.

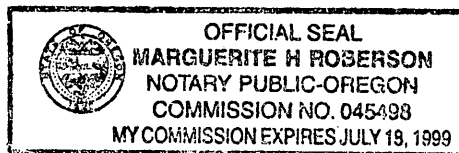
IN WITNESS WHEREOF, I have executed said document on this 6 day of Sept, 1996
Evan E. Whitaker
Betty M. Whitaker
Name
12665 SW 136 Ct
Address
Tigard, OR 97223
City, State, Zip

STATE OF OREGON)
) ss.
COUNTY OF Washington

THIS CERTIFIES that on this 6th day of September, 1996, before me, the undersigned, a Notary Public in and for said County and state, personally appeared the within named Evan E. Whitaker and Betty M. Whitaker known to be the identical 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 seal the day and year last written above.

Marguerite H. Roberson
Notary Public For Oregon
My Commission expires: 7/18/99



Accepted as to form and intent by the City of Newberg, a Municipal Corporation of the State of Oregon.

Dated this 6th day of September, 1996

Duane R. Cole
Duane R. Cole, City Manager

After Recording return to:
City of Newberg
c/o City Attorney
414 E. First Street
Newberg, Oregon 97132

Recorded in Yamhill County, Oregon
CHARLES STERN, COUNTY CLERK
20.00

001 036379 09 05 000200
1 0 D13 2 10.00 10.00 0.00 0.00 0.00 0.00

199615475 11:50am 09/20/96

EXHIBIT "A"

LEGAL DESCRIPTION

UTILITIES EASEMENT

A tract of land in the northeast one-quarter of Section 18, Township 3 South, Range 2 West, W.M., City of Newberg, Yamhill County Oregon, 30.00 feet in width being 15.00 feet on each side of the following described center line:

Commencing at the intersection of the center line of Columbia Drive and the west line of that tract of land in deed to Evan E. Whitaker and Betty M. Whitaker recorded in Film Volume 230, page 388, Yamhill County Deed records; thence N 88°53'00" E 233.90 feet thence N 00°35'58" E 30.01 feet to a point on the north right-of-way line of Columbia Drive and the **POINT OF BEGINNING** of this description; thence continuing N 00°35'58" E 90.54 feet to point "X"; thence continuing S 00°35'58" W 10.00 feet; thence N 88°53'00" E 118.50 feet; thence N 00°35'58" E 401.01 feet to point "Y"; thence continuing thence N 00°35'58" E 316.26 feet; thence N 88°53'00" E 115.40 feet to a point on the east line of said Whitaker tract being S 00°35'58" W 86.04 feet from the northeast corner thereof.

Together with a tract 15.00 feet in width being 7.50 feet on each side of the following described center line:

Beginning at point "X" in the above description; thence S 88°53'00" W 108.49 feet; thence N 00°35'58" E 411.01 feet; thence N 88°53'00" E 226.99 feet to point "Y" in the above legal description.

8/20/96
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DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Evan E. Whitaker and Betty M. Whitaker, hereinafter called the Grantors, do hereby dedicate, grant and convey to the City of Newberg, a Municipal Corporation of the State of Oregon, hereinafter called the Grantee, for dedication of street right-of-way, the following described real property located in Yamhill County, State of Oregon, to-wit:

SEE ATTACHED EXHIBIT A

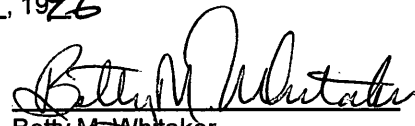
TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises unto said Grantee, its successors and assigns forever.

The true consideration for this conveyance is \$0.00 and other valuable consideration.

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.

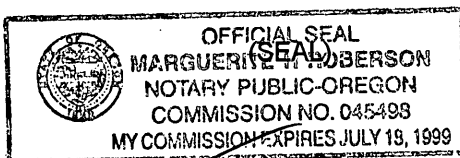
WITNESS our hand and seals this 6 day of Sept, 1996

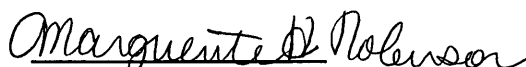

Evan E. Whitaker


Betty M. Whitaker

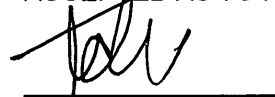
STATE OF OREGON)
City of ~~Oregon~~ Tigard) ss.
County of Washington)

On the 6th day of September, 1996, personally appeared the above-named individual(s) and acknowledged the foregoing instrument to be his/their voluntary act and deed.




Marguerite D. Robinson
Notary Public for Oregon
My Commission Expires: 7/18/99

ACCEPTED AS TO FORM AND CONTENT.


Terrence D. Mahr
City Attorney


Duane R. Cole
City Manager

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Grantor: Evan E. and Betty M. Whitaker
c/o Harris McMonagle
12555 SW Hall Blvd.
Tigard, Oregon 97223

Grantee: City of Newberg
414 E. First Street
Newberg OR 97132

Return to Grantee after recording c/o Newberg City Attorney, File No

Recorded in Yamhill County, Oregon
CHARLES STERN, COUNTY CLERK

 40.00

199615474 11:49am 09/20/96

001 036378 09 05 000200
1 0 D08 2 10.00 10.00 20.00 0.00 0.00 0.00

EXHIBIT "A"

LEGAL DESCRIPTION

STREET DEDICATION

A tract of land in the northeast one-quarter of Section 18, Township 3 South, Range 2 West, W.M., City of Newberg, Yamhill County Oregon. Being more particularly described as follows:

Beginning at the intersection of the center line of Columbia Drive and the west line of that tract of land in deed to Evan E. Whitaker and Betty M. Whitaker recorded in Film Volume 230, page 388, Yamhill County Deed records; thence N 00°18'26" E 30.01 feet along said west line; thence N 88°53'00" E 467.95 feet to a point on the east line of said Whitaker tract; thence S 00°35'58" W 30.01 feet; thence S 88°53'00" W 467.80 feet to the point of beginning.

8/20/96
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