

AFTER RECORDING RETURN TO:
City of Newberg - Community Development
PO Box 970 - 719 E. First Street
Newberg, OR 97132

CITY OF NEWBERG
CITY RECORDER INDEX NO. 1712

PUBLIC UTILITY EASEMENT

In consideration of the sum of \$ 0.00 and other valuable consideration, Steven M. Calkins, President, Calkins Enterprises, Inc., 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 a public utility easement 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 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.

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.

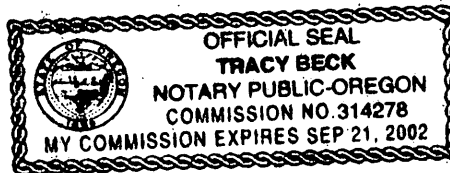
IN WITNESS WHEREOF, the parties have executed this document on this 16th day of February, 2000.

Steven M. Calkins
Steven M. Calkins - President
Calkins Enterprises, Inc.,
c/o CE Real Estate Services
P.O. Box 1250
Sherwood, OR 97140

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

This instrument was acknowledged before me this 16th day of February, 2000, by Steven M. Calkins, President of Calkins Enterprises, who being duly sworn, did say that he is authorized agent of the Corporation to sign and acknowledge said instrument for the uses and purposes therein.

Tracy Beck
Notary Public for Oregon
My Commission expires: 9-21-02



CITY OF NEWBERG

Duane R. Cole
Duane R. Cole, City Recorder
Dated: Feb 22, 2000

APPROVED AS TO FORM

Terrence D. Mann
Terrence D. Mann, City Attorney
Dated: 2/17/00

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK



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EXHIBIT "A"

A fifteen (15) foot wide private and public utilities easement in Section 20, Township 3 South, Range 2 West, Yamhill County, Oregon, the perimeter of which is described:

Beginning on the north margin of Hancock Street 1.00 feet West of the southeast corner of that tract of land described in deed from POWELL BUILT HOMES, INC. to CALKINS ENTERPRISES, INC. and recorded Instrument No. 199918919, Yamhill County Deed Records; thence North $00^{\circ}14'14''$ East 159.13 feet parallel with and 1.00 foot West of said CALKINS ENTERPRISES, INC. tract (basis of bearing CS-10789) to the north line of said tract; thence West 15.00 feet along the north line of said tract; thence South $00^{\circ}14'14''$ West 159.13 feet parallel with the east line of said tract to the north margin of Hancock Street; thence East 15.00 feet to the point of beginning.

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