

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK



\$36.00

00278639200700179760030030
200717976 10:52:43 AM 8/13/2007
DMR-EDMR Cnt=1 Stn=3 SUSIE
\$15.00 \$10.00 \$11.00

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

PUBLIC UTILITIES EASEMENT

In consideration of the sum of ~~\$1.00~~ ^{\$0.00} and other valuable consideration, Ms. Ann M. Darby, Trustee of the Darby Living Trust, 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 constructing, installing, using, repairing, and maintaining a Sanitary Sewer line across the following described real property:

That tract of land described in deed to the Darby Living Trust
as recorded in Instrument No. 199908236, Yamhill County Records
and further shown on the attached map on *Exhibit "B"*
and more particularly described in 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.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 [BALLOT MEASURE 37 (2004)]. 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 APPROVED USES, 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 CHAPTER 1, OREGON LAWS 2005 [BALLOT MEASURE 37 (2004)].

IN WITNESS WHEREOF, the parties have executed this document on this 12th day of June 2007.

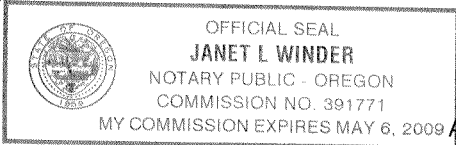
Ann M. Darby
Ms. Ann M. Darby
Trustee, Darby Living Trust

900 Wynooski Street
Address
Newberg, Oregon 97132
City, State, Zip

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

This instrument was acknowledged before me this 12 day of June, 2007, by Ms. Ann M. Darby.

Janet L. Winder
Notary Public for Oregon
My Commission expires: 5/6/09



CITY OF NEWBERG
ACCEPTED:
James H. Bennett
James H. Bennett, City Recorder
Dated: 8/14/07

APPROVED AS TO FORM
Terrence D. Mahr
Terrence D. Mahr, City Attorney
Dated: 8/14/07

EXHIBIT "A"

Matt Dunckel & Assoc.
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 503-472-7904
Fax: 503-472-0367
E-Mail: matt@dunckelassoc.com

Date: 11 June 2007

NEWBERG COMMUNITIES, LLC – Legal Description of Sanitary Sewer Easement in TL 3220-1000

A 15.00 foot wide easement in Section 20, Township 3 South, Range 2 West, Yamhill County, Oregon, the centerline of which is more particularly described as follows:

Beginning on the east line of Parcel 1 of Partition Plat No. 97-61 at a point that is South 00°08'03" East 180.59 feet from the northeast corner of said Parcel 1; thence South 89°51'57" West 176.99 feet; thence South 01°44'02" West 237.15 feet; thence South 04°52'46" West 126.97 feet; thence North 89°43'16" West 184.40 feet to the west line of said Parcel 1 and the TRUE POINT OF BEGINNING; thence North 89°43'16" West 1.77 feet; thence South 52°26'42" West 83.66 feet; thence South 74°42'33" West 178.66 feet to the end of said centerline as shown by Exhibit "B".

Exhibit "B"

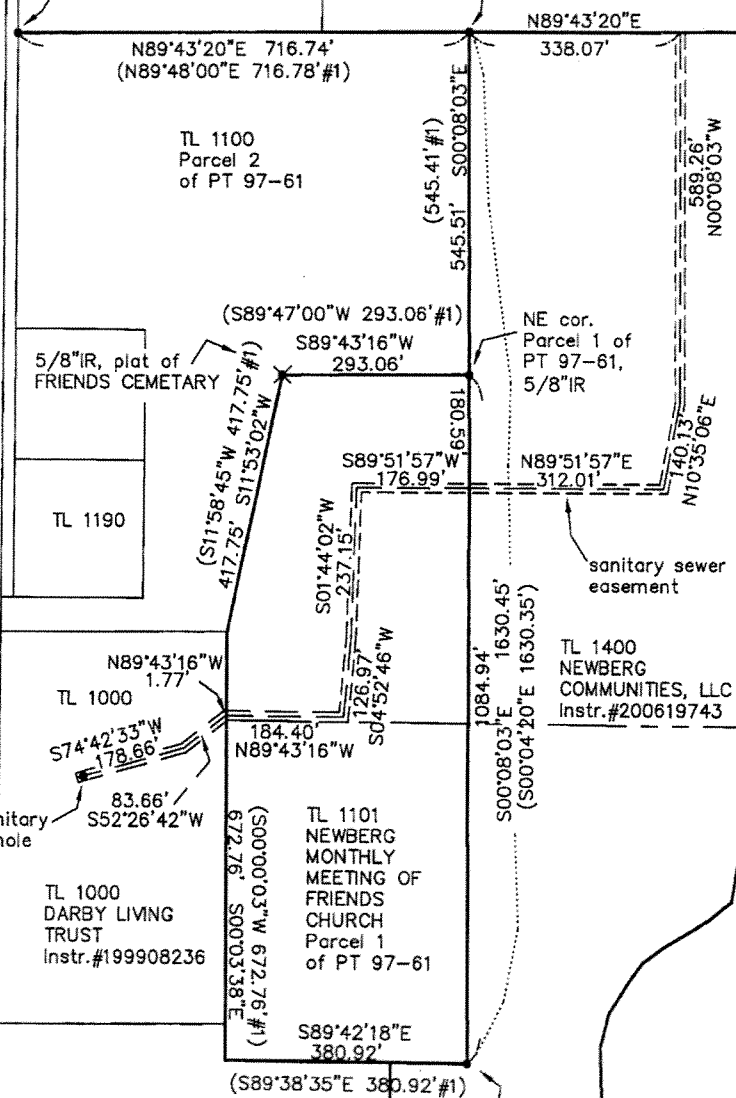
Location: SE 1/4 Section 20, T. 3 S., R. 2 W.,
WM., R. Everest DLC #, FRIENDS' CEMETARY, City
of Newberg, Yamhill County, OR

Tax Map: 3220

Date: 15 July 2007

5/8"IR, in 2"IP, Initial Point
of FRIENDS' CEMETARY

NE cor. FRIENDS' CEMETARY
5/8"IR, CSP-8716 center of
the Everest DLC is N89°48'E
1152.43' & N00°04'E 1562.18'
per plat of FRIENDS' CEMETARY



By : Matt Dunckel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone : 503-472-7904
Fax: 503-472-0367
Email: matt@dunckelassoc.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 1961
MATTHEW E. DUNCKEL
1942

Renewable 31 December 2007