

UTILITY EASEMENT

In consideration of the sum of \$ 0 and other valuable consideration, George Fox University, 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 underground utilities over, under, and across the following described real property:

See 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 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 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.

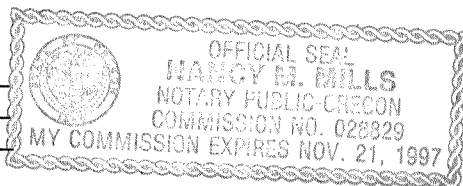
IN WITNESS WHEREOF, I have executed said document on this 28 day of August, 1996.

Donald J. Millage
Donald J. Millage
For George Fox University
414 N. Meridian St.
Newberg, Oregon

STATE OF Oregon)
) ss.
COUNTY OF Yamhill

THIS CERTIFIES that on this 28th day of August, 1996, before me, the above signed, personally appeared Donald J. Millage, Vice President of Finance for George Fox University, who executed the forgoing instrument on behalf of George Fox University and who acknowledged said instrument to be their voluntary act and deed.

Nancy M. Mills
Notary Public For Oregon
My Commission expires: 11-21-97



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

Dated this 30th day of August, 1996

APPROVED AS TO FORM/CONTENT:

Terrence D. Mahr
Terrence D. Mahr, City Attorney

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 Official Yamhill County Records
CHARLES STERN, COUNTY CLERK



199614701 2:31pm 09/06/96

001 035700 10 04 000201
1 0 D13 3 15.00 10.00 0.00 0.00 0.00 0.00

Reppeto & Associates
Land Surveyors

Westlawn Building - Ste. 202
1225 N.W. Murray Rd.
Portland, OR 97229

Phone / Fax
(503) 643-8755

August 14, 1996

Job No. 96060

LEGAL DESCRIPTION

10 ft. Wide Utility Easement

A tract of land situated in the S.W. 1/4 of Section 17, T. 3 S., R. 2 W., W.M., Yamhill County, Oregon, being more particularly described as follows:

A 10.00 foot wide strip of land being 5.00 feet on each side of the following described centerline:

Commencing at the southeast corner of that tract of land conveyed by deed to Orville W. Sprague and Carol L. Sprague recorded January 24, 1969 in Volume 74, Page 435, Yamhill County Deed Records, said point being North 1500.11 feet and West 351 feet from the southeast corner of the Daniel D. Deskins D.L.C. No. 54; thence, along the south line of said Sprague tract, West 16.00 feet; thence, North, parallel with the east line of said Sprague tract, 15.00 feet to a point on the north line of that easement described in Volume 30, Page 774, Yamhill County Deed Records, being the True Point of Beginning of said centerline; thence, North, parallel with the east line of said Sprague tract, 140.50 feet; thence, West, parallel with the north line of said Sprague tract, 80.00 feet, thence, North, parallel with the east line of said Sprague tract, 23.00 feet to the terminus of said centerline.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

John G. Reppeto

**OREGON
JULY 10, 1964
JOHN G. REPPETO
657**

EXP. 12-31-96

UTILITY EASEMENT
EXHIBIT MAP
George Fox College
August 21, 1996

1" = 50' ±

