

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

CITY OF NEWBERG
CITY RECORDER INDEX NO. 2009

OFFICIAL YAMHILL COUNTY RECORDS
CHARLES STERN, COUNTY CLERK



\$36.00

00132618200300167840030037

200316784

1:52:28 PM 7/11/2003

DMR-EDMR Cnt=1 Stn=3 SUSAN
\$15.00 \$10.00 \$11.00

PUBLIC UTILITY EASEMENT (Pump Station Site)

In consideration of the sum of \$ 0.00 and other valuable consideration, Craig W. and Susan E. Shepersky, 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 sanitary sewer pump/lift station at the southwest corner of TL 3207 03704 and a temporary construction easement for the purpose of constructing and installing a sanitary sewer pump/lift station at the southwest corner of TL 3207 03704.

SEE ATTACHED EXHIBIT "A" and "B"

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.

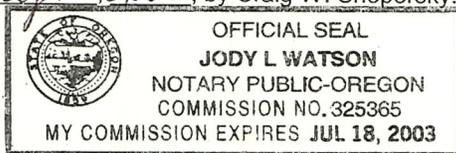
IN WITNESS WHEREOF, the parties have executed this document on this 2 day of May, 2003

Craig W. Shepersky
Craig W. Shepersky

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

This instrument was acknowledged before me this 2 day of May, 2003, by Craig W. Shepersky.

Jody L. Watson
Notary Public for Oregon
My Commission expires: July 18, 2003



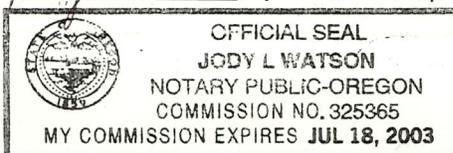
IN WITNESS WHEREOF, the parties have executed this document on this 2 day of May, 2003

Susan E. Shepersky
Susan E. Shepersky

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

This instrument was acknowledged before me this 2 day of May, 2003, by Susan E. Shepersky.

Jody L. Watson
Notary Public for Oregon
My Commission expires: July 18, 2003



CITY OF NEWBERG
ACCEPTED:

James H. Bennett
James H. Bennett, City Recorder
Dated: 4/14/03

APPROVED AS TO FORM

Terrence D. Mahr
Terrence D. Mahr, City Attorney
Dated: 4/14/03

THIS IS AN ACCOMMODATION RECORDING ONLY
IT HAS NOT BEEN EXAMINED AS TO ITS CONTENT
NORTHWEST TITLE COMPANY

HEK
5/28/04

EXHIBIT "A"

Permanent Easement

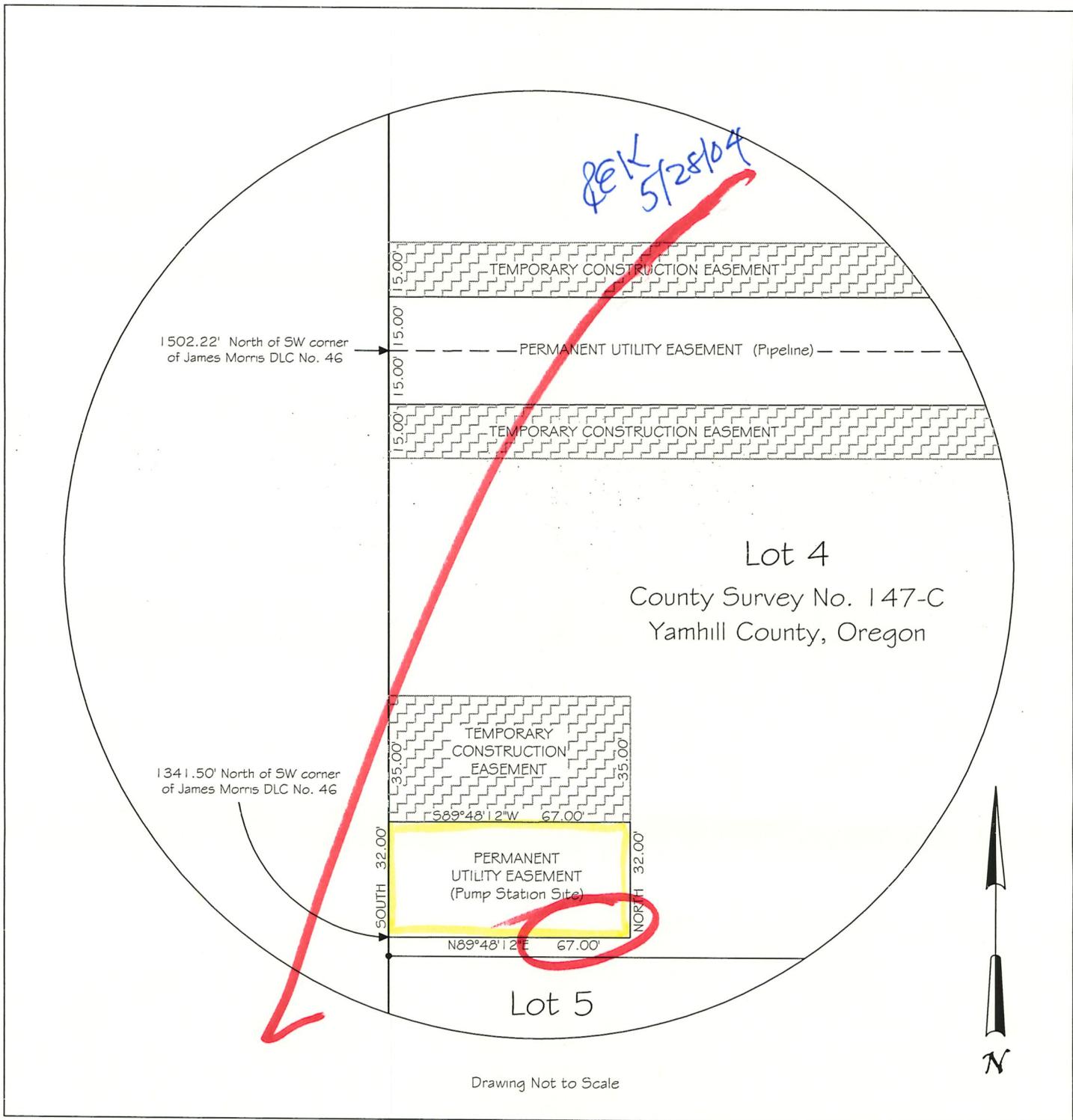
A permanent easement located in the James Morris Donation Land Claim No. 46 and the Southwest Quarter of Section 7, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon being a portion of Lot 4, County Survey No. 147-C, said easement being more particularly described as follows:

BEGINNING at the Southwest corner of said James Morris DLC;
THENCE North, 1341.50 feet to a point in the West line of said Lot 4, said point being the TRUE POINT OF BEGINNING;
THENCE North 89° 48' 12" East, 67.00 feet to a point;
THENCE North, 32.00 feet to a point;
THENCE South 89° 48' 12" West, 67.00 feet to a point in the West line of said Lot 4;
THENCE South, 32.00 feet along the West line of said Lot 4 to the POINT OF BEGINNING.

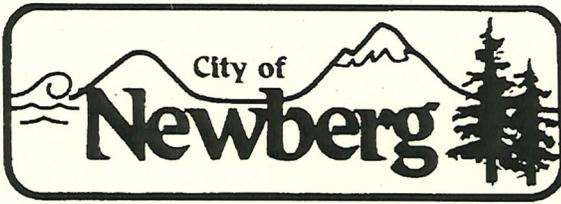
Temporary Construction Easement

A temporary construction easement being the most southerly 35.00 feet of said Lot 4 lying North of and adjacent to the above described permanent easement and being limited by the Northward extensions of the East and West lines of said permanent easement.

EXHIBIT B



Drawing Not to Scale



Community Development Department/Engineering Division
Working Together For a Better Community-Serious About Service

CITY OF NEWBERG
CITY RECORDER INDEX NO. 2009

MEMORANDUM

DATE: Friday, May 28, 2004

TO: Yamhill County Clerk
C/O Mr. Charles Stern, County Clerk
535 NE 5th Street Room 119
McMinnville, OR 97128-4593
Tel #: (503)434-7518
Fax#: (503)434-7520

FROM: Bob Knorr, PM/E.I.T.
Tel # 503-554-1631
Fax # 503-537-1277

CC:

Re: Public Utility Easement (Pump Station Site) Record 200316784 (07/11/2003); "Correction Easement" Memorandum

Comments:

In the original fully recorded easement document, recorded on July 11, 2003, both the Exhibit "A" and "B" were incorrect and need replacing with newly corrected Exhibits "A" and "B". The corrected exhibits "A" and "B" are enclosed. We request that they be recorded with that original easement document as a fully corrected document.

If you have any further questions, please call. Thanks.

11/5/2004

This easement correction document was made null and void when the developer, Pacific Construction, Inc., in conjunction with Pacific Empire Developers, Inc., granted Tract "A" (the pump station parcel) fee title by deed to the City. The deed eliminates both the original and the corrected easement documents granted by Craig W. and Susan E. Shepersky and Pacific Empire Developers, Inc respectively.

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

PUBLIC UTILITY EASEMENT (Pump Station Site)

In consideration of the sum of \$ 0.00 and other valuable consideration, Pacific Empire Developers, 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 sanitary sewer pump/lift station at the southwest corner of TL 3207 03704 and a temporary construction easement for the purpose of constructing and installing a sanitary sewer pump/lift station at the southwest corner of TL 3207 03704.

SEE ATTACHED EXHIBIT "A" and "B"

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 ____ day of _____, _____.

STATE OF _____)
County of _____) s.s.

Curtis Walker

This instrument was acknowledged before me this ____ day of _____, _____, by Craig W. Shepersky.

Notary Public for Oregon
My Commission expires: _____

IN WITNESS WHEREOF, the parties have executed this document on this ____ day of _____, _____.

STATE OF _____)
County of _____) s.s.

Douglas Harnar

This instrument was acknowledged before me this ____ day of _____, _____, by Susan E. Shepersky.

Notary Public for Oregon
My Commission expires: _____

CITY OF NEWBERG
ACCEPTED:

APPROVED AS TO FORM

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

James H. Bennett, City Recorder

Terrence D. Mahr, City Attorney

Dated: _____

Dated: _____

CORRECTED EXHIBIT "A"

Permanent Easement

A permanent easement located in the James Morris Donation Land Claim No. 46 and the Southwest Quarter of Section 7, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon being a portion of Lot 4, County Survey No. 147-C, said easement being more particularly described as follows:

BEGINNING at the Southwest corner of said James Morris DLC;

THENCE North, 1336.50 feet to a point in the West line of said Lot 4, said point being the TRUE POINT OF BEGINNING;

THENCE North 89° 48' 12" East, 67.00 feet to a point;

THENCE North, 37.00 feet to a point;

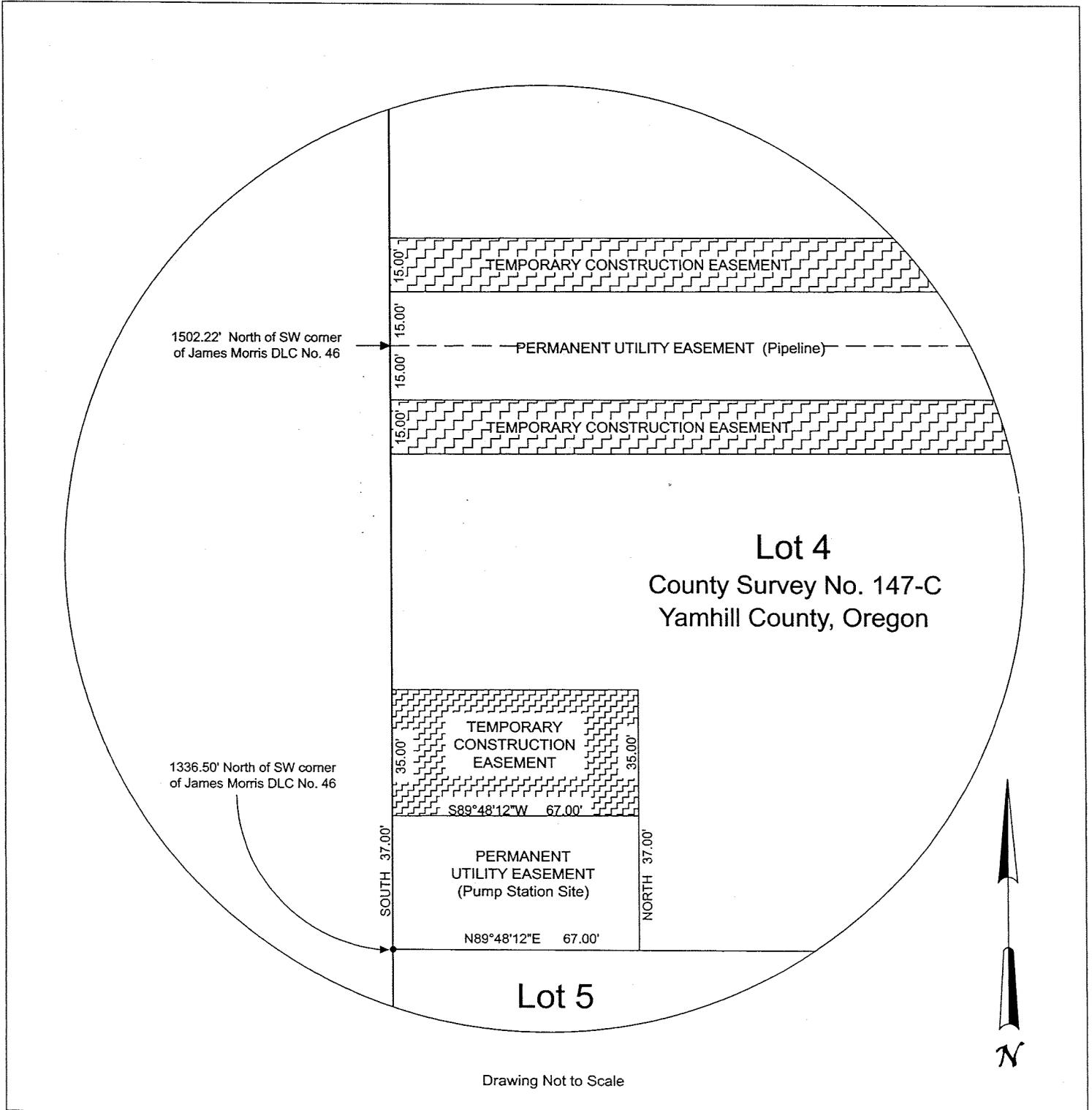
THENCE South 89° 48' 12" West, 67.00 feet to a point in the West line of said Lot 4;

THENCE South, 37.00 feet along the West line of said Lot 4 to the POINT OF BEGINNING.

Temporary Construction Easement

A temporary construction easement being the most southerly 35.00 feet of said Lot 4 lying North of and adjacent to the above described permanent easement and being limited by the Northward extensions of the East and West lines of said permanent easement.

CORRECTED EXHIBIT B



WESTPARK I

Located in
SE & SW 1/4 Section 7, T. 3 S., R. 2 W., WM.,
James Morris Donation Land Claim #46,
City of Newberg, Yamhill County, OR

Planning File No. S-41-03
Date : 1 August 2004

Notes

- 1) This subdivision is subject to covenants, conditions and restrictions recorded in

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200417560 11:30:17 AM 8/25/2004
PR-CRPR Cnt=1 Stn=1 KAREN
\$15.00 \$10.00 \$11.00

DECLARATION

KNOW ALL MEN BY THESE PRESENTS that PACIFIC CONSTRUCTION, INC. is the owner and COLUMBIA RIVER BANK is the lien holder of the lands represented on the attached map and more particularly described in the Surveyors Certificate, and has caused said lands to be subdivided into lots, streets and easements as shown on the attached plat, and does hereby dedicate Myrtlewood Street and a 10' strip of land along the east side of Chehalem Drive and a 10' wide strip of land along the west side of Crater Lane, as shown, to the public for road purposes, forever, and the easements for the purposes shown hereon.

Douglas C. Harnar Pres
DOUGLAS C. HARNAR, President
PACIFIC CONSTRUCTION, INC.



Acknowledgement

STATE OF OREGON)
)ss.
COUNTY OF YAMHILL)

On this 4th day of August, 2004, did personally appear DOUGLAS C. HARNAR in the capacity shown in the above Declaration, who being duly sworn, did say that he is the identical person named in the foregoing instrument and that he executed said instrument freely and voluntarily.

Affidavit of Consent to the Declaration
By: COLUMBIA RIVER BANK

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200417555 11:16:58 AM 8/25/2004
DMR-AFFDMR Cnt=1 Stn=1 KAREN
\$40.00 \$10.00 \$11.00

City of Newberg Approvals

Jeff Bennett 8/12/04
City of Newberg Recorder Date

M. Dinkler 8.10.04
City of Newberg
Community Development Director
Newberg Planning File No. S-41-03

Yamhill County Approvals

Neil L. Smith 8/20/04
Yamhill County Surveyor Date

Dave Lavoie 8/24/04
Yamhill County Tax Assessor Date

Pursuant to O.R.S. 92.095.
Taxes have been paid or bond posted to this
date: 6.30.2005
Dave Lavoie
Yamhill County Tax Collector

Nathly Durr 8-24-04
Yamhill County Commissioner Date

Mary P. Stem 8-24-04
Yamhill County Commissioner Date

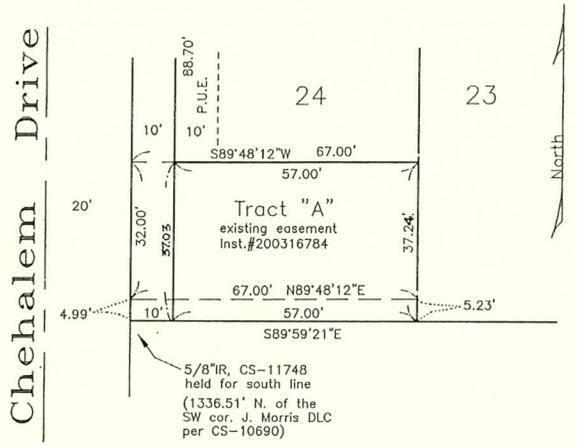
not available for signature
Yamhill County Commissioner Date

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200417559 11:26:05 AM 8/25/2004
PR-PPR Cnt=1 Stn=1 KAREN
\$45.00 \$10.00 \$11.00

Narrative

The purpose of this survey is to subdivide that tract of land described in the Surveyor's Certificate into lots, streets and easements as shown. This survey is based on monuments found of CS-11748. Monuments found of CS-11748 are held for all four corners of this plot. The basis of bearing is along the north line of this plat per CS-11748 and VALLEY MEADOWS NO. 2.



Easement Detail Scale: 1" = 20'

SURVEYOR'S CERTIFICATE

I, Matt Dunckel, do hereby certify that I have correctly surveyed and marked with proper monuments the land hereon shown as WESTPARK I, the boundary of which is described as follows:

Beginning at an iron rod on the west line of the James Morris Donation Land Claim No. 46 that is S00°00'00"E 3655.92' from the northwest corner of said Morris DLC; thence S00°00'00"E 331.45' along said west line to an iron rod; thence S89°59'21"E 642.72' to an iron rod on the west margin of Crater Lane; thence N00°03'59"W 331.36' along said west margin to an iron rod; thence N89°58'53"W 642.34' to the point of beginning.

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

REGISTERED PROFESSIONAL LAND SURVEYOR

Matt Dunckel
OREGON
July 12, 1991
MATTHEW E. DUNCKEL
1942
Renewable 31 December 2005 4625

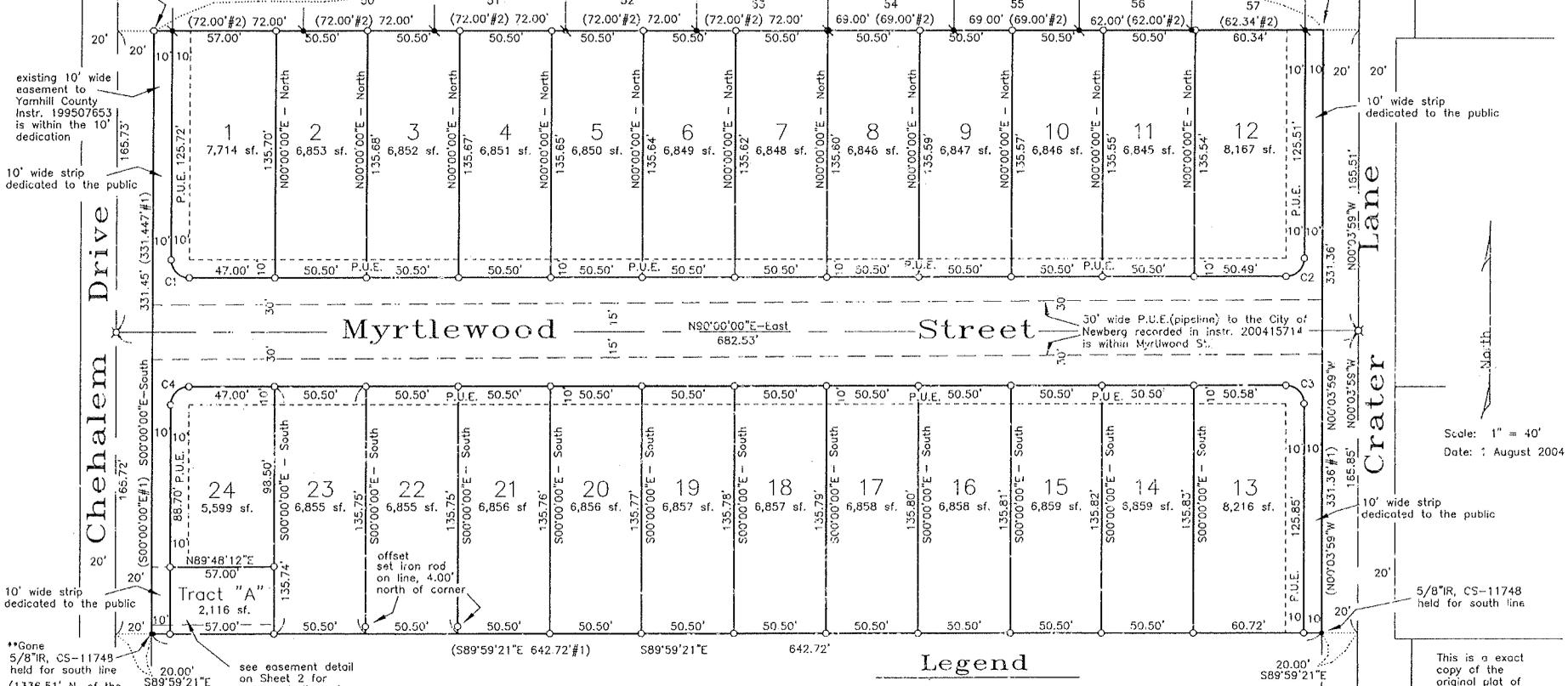
This is a exact copy of the original plat of WESTPARK I

CITY OF NEWBERG
CITY RECORDER INDEX NO. 3009

WESTPARK I

Located in
SE & SW 1/4 Section 7, T 3 S., R. 2 W., WM.,
James Morris Donation Land Claim #46,
City of Newberg, Yamhill County, OR
Planning File No. 5-41-03

Initial Point
5/8" IR, CS-11748 is **Gone
S00°00'00"E 3653.92' from the
northwest corner of the James
Morris DLC, held for the north
line



**Gone
5/8" IR, CS-11748
held for south line
(1336.51' N. of the
SW cor. J. Morris DLC
per CS-10690)
5/8" IR, CS-10690
is 0.35' east

Curve Data

Lot	Curve	Radius	Length	Bearing	Chord Dist.	Delta
1	C1	10.00'	15.71'	S45°00'00"E	14.14'	90°00'00"
12	C2	10.00'	15.72'	N44°58'01"E	14.15'	90°03'59"
13	C3	10.00'	15.70'	N45°01'59"W	14.13'	89°58'01"
24	C4	10.00'	15.71'	S45°00'00"W	14.14'	90°00'00"

Lot 5, CS-147

Legend

- = monument found, flush to 0.2' down, in good condition unless otherwise stated. Origin stated if known.
- ⊕ = 5/8" IR monument found, flush to 0.2' down, in good condition marked "RYDELL" from Valley Meadows No. 2
- = set 5/8" iron rod with yellow plastic cap marked "Dunckel & Associates"
- ⊗ = set 5/8" iron rod with aluminum cap marked "Dunckel & Associates"
- **Gone = monument previously measured but was destroyed during construction
- (---) #1 = data of record per CS-11748
- (---) #2 = data of record per plot of VALLEY MEADOWS NO. 2
- = existing easement
- - - - = easement created by this plot
- P.U.E. = Public Utilities Easement

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

This is an exact copy of the original plot of WESTPARK I

REGISTERED PROFESSIONAL LAND SURVEYOR

Matt Dunckel
OREGON
July 12, 1981
MATTHEW E. DUNCKEL
1942

Renewable 31 December 2005

Scale: 1" = 40'
Date: August 2004



\$26.00

200423649 2:38:40 PM 11/19/2004
DMR-DDMR Cnt=1 Stn=3 SUSAN
\$5.00 \$10.00 \$11.00

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

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Pacific Construction, Inc., Grantor, does 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 a Tract A of Westpark 1 Subdivision, in Yamhill County, State of Oregon.

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.

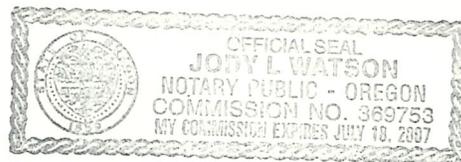
IN WITNESS WHEREOF, the parties have executed this document this 10th day of November, 2004.

Douglas E. Hannan Pres
Grantor Signature

STATE OF OREGON)
City of Newberg):s.s.
County of Yamhill)

This instrument was acknowledged before me this 10 day of November 2004, by Doug Hannar, President.

Jody L. Watson
Notary Public for Oregon
My Commission Expires: July 18, 2007



CITY OF NEWBERG
ACCEPTED:
James H. Bennett
James H. Bennett, City Recorder
Date: 11/15/04

APPROVED AS TO FORM
Terrence D. Mahr
Terrence D. Mahr, City Attorney
Date: 11/15/04

FNT 21-27004

\$26-