

AFTER RECORDING RETURN TO:

City of Newberg - Community Development
PO Box 970 - 414 E. First Street
Newberg, OR 97132

Newberg School District
714 E. 8th St.
Newberg, OR 97132

CITY OF NEWBERG
CITY RECORDER INDEX NO. 2177

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK



\$36.00

200519614 3:20:08 PM 9/07/2005
DMR-EDMR Cnt=1 Stn=3 KENTV
\$15.00 \$10.00 \$11.00

PUBLIC UTILITY EASEMENT

In consideration of the sum of \$0 and other valuable consideration, Newberg School District 29J, 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 public utilities across the following described real property:

SEE ATTACHED EXHIBIT "A"

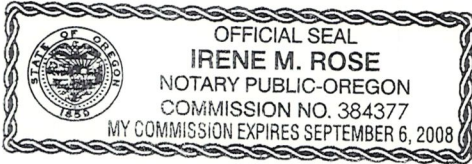
TO HAVE AND TO HOLD said easement to said Grantee, for the use and purpose herein above described.

It is further understood that:

1. The Grantor hereby releases 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, 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 25th day of August, 2005.



Signature Paula A. Radtch

Name DR. PAULA A. RADTCH

Address 714 EAST 6TH

City, State, Zip Newberg OR 97132

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

This instrument was acknowledged before me this 25th day of August, 2005, by Paula A. Radtch
Irene M. Rose
Notary Public for Oregon
My Commission expires: 9-6-2008

CITY OF NEWBERG
ACCEPTED

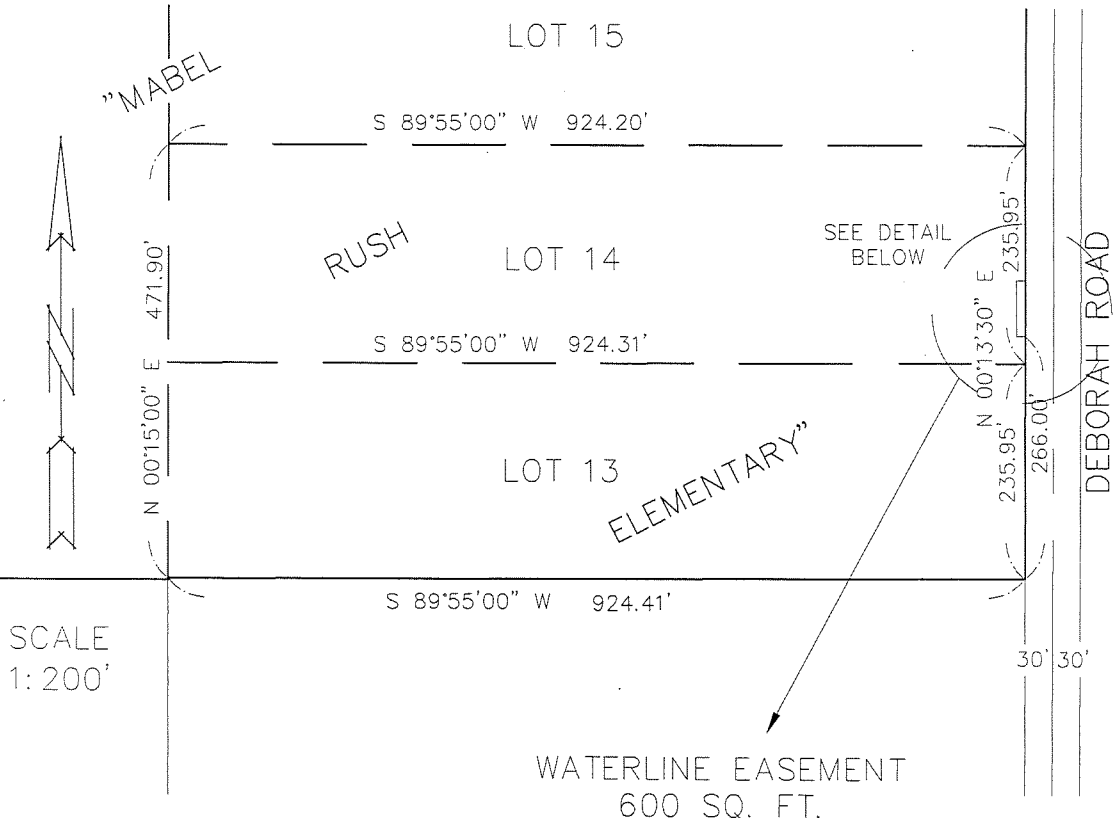
James H. Bennett
James H. Bennett, City Recorder
Dated: 9/6/05

APPROVED AS TO FORM

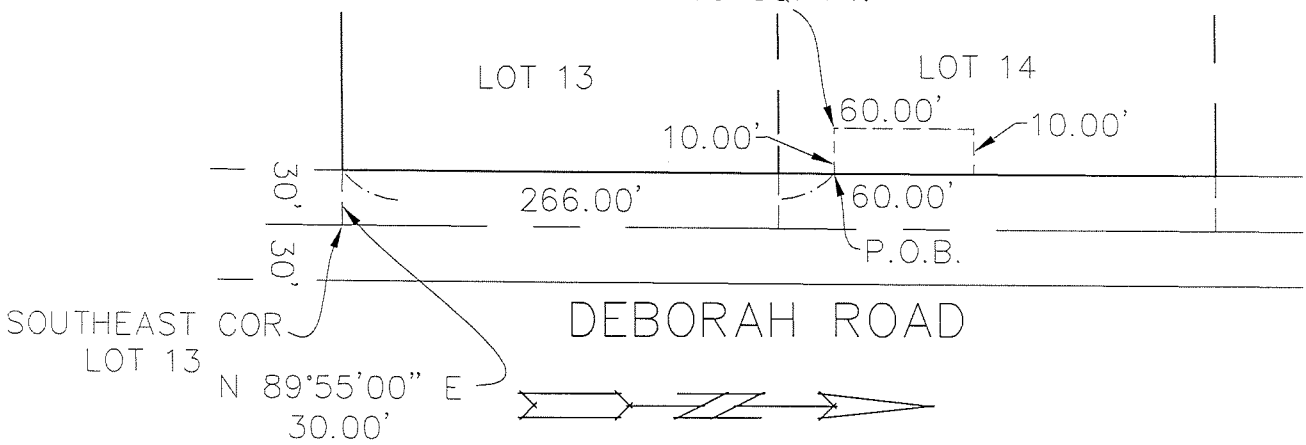
Terrence D. Mahr
Terrence D. Mahr, City Attorney
Dated: 9/6/05

EXHIBIT MAP

A PORTION OF LOT 14 "EAST NEWBERG SUBDIVISION" IN THE EAST ONE-HALF OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NEWBERG, YAMHILL COUNTY, OREGON



SCALE
1:200'



SOUTHEAST COR
LOT 13

DETAIL
NTS

C:\Documents and Settings\dss\My Documents\776-002EXHIBIT.dwg - SHEET: 8x11 Aug 24, 2005 - 1:57pm dss

DRAWN BY: DSS DATE: 8/24/05
 REVIEWED BY: MRG DATE: 8/24/05
 PROJECT NO.: 776-002
 SCALE: _____





LEGAL DESCRIPTION
WATERLINE EASEMENT
MABEL RUSH ELEMENTARY SCHOOL

JOB NO. 0776-0002

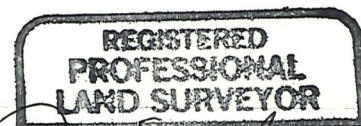
A PARCEL OF LAND BEING A PORTION OF LOT 14, "EAST NEWBERG SUBDIVISION", LOCATED IN THE EAST ONE-HALF OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NEWBERG, YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF DEBORAH ROOD 30.00 FEET WESTERLY, RIGHT ANGLE MEASURE, FROM THE CENTERLINE, FROM WHICH THE SOUTHEAST CORNER OF LOT 13, "EAST NEWBERG SUBDIVISION" BEARS SOUTH 00°13'30" WEST 266.00 FEET AND NORTH 89°55'00" EAST 30.00 FEET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°13'30" EAST 60.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89°55'00" WEST 10.00 FEET; THENCE SOUTH 00°13'30" WEST 60.00 FEET; THENCE NORTH 89°5'00" EAST 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 600.00 SQUARE FEET

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS YAMHILL COUNTY SURVEY NO. 3575.

www.alphacommunity.com

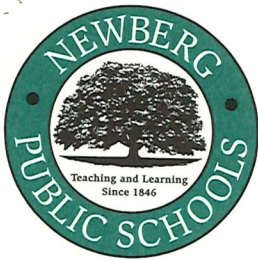


Michael R. Gates



Valid Until 6/30/07

N:\proj\776-001\Word\7762_LEG.doc



NEWBERG PUBLIC SCHOOLS

Paula Radich, Ed.D., Superintendent

September 8, 2005

Howard Wolfe
City of Newberg
414 E. First Street
P.O. Box 970
Newberg, OR 97132

Dear Mr. Wolfe:

Per your request:

Mabel Rush Elementary School Waterline Easement

If you have any questions, please contact me.

Sincerely,

Karen Black

Karen Black
Capital Projects Assistant

Enclosure: Public Utility Easement, Mabel Rush Elementary

CC: David Hoff, Robert Gray Partners Inc.