

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

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200628465



\$41.00

00255380200600284650040048

12/12/2006 02:44:50 PM

DMR-EDMR Cnt=1 Stn=2 ANITA
\$20.00 \$10.00 \$11.00

CITY OF NEWBERG
CITY RECORDER INDEX NO. 2296

PUBLIC WATERLINE EASEMENT

In consideration of the sum of \$0 and other valuable consideration, WERTH FAMILY, L.L.C., an Oregon Limited Liability Company, herein called Grantors, 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 public water line across the following described real property:

SEE ATTACHED EXHIBIT "A" and depicted on Exhibit "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 hereby release 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.

WERTH FAMILY, L.L.C.
an Oregon Limited Liability Company

Signature: *Dean E. Werth*
Dean E. Werth
Operating Manager,
Werth Family, L.L.C.

Signature: *Elmer M. Werth*
Elmer M. Werth
Operating Manager,
Werth Family, L.L.C.

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

This instrument was acknowledged before me this 15 day of Sept, 2006, by Dean E. Werth and Elmer M. Werth, Operating Managers of Werth Family L.L.C.

Notary Public for Oregon
My Commission expires:

CITY OF NEWBERG
ACCEPTED
James H. Bennett
James H. Bennett, City Recorder

Dated: 11/2/06

APPROVED AS TO FORM
Terrence D. Mahr
Terrence D. Mahr, City Attorney

Dated: 11/2/06



EXHIBIT "A"

MARCH 27, 2006

LEGAL DESCRIPTION
WATER LINE EASEMENT
THE GREENS AT SPRINGBROOK

JOB NO. 0784-0005

A WATER LINE EASEMENT, 15.00 FEET WIDE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF NEWBERG, YAMHILL COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT ON THE EAST LINE OF PARCEL 3, OF PARTITION PLAT NO. 2003-32 WHICH BEARS SOUTH 00°49'56" WEST, 20.12 FEET FROM THE NORTHEAST CORNER THEREOF; THENCE ALONG THE SOUTHERLY LINE OF AN EXISTING PUBLIC WATER LINE EASEMENT PER DOCUMENT NO. 2002-13432, YAMHILL COUNTY DEED RECORDS, SOUTH 89°13'14" EAST, 15.00 FEET; THENCE PARALLEL WITH AND 15.00 FEET EASTERLY, RIGHT-ANGLE MEASURE, FROM THE EASTERLY LINE OF SAID PARCEL 3, SOUTH 00° 49'56" WEST, 143.00 FEET; THENCE NORTH 89°10'04" WEST, 15.00 FEET TO A POINT ON SAID EASTERLY LINE OF PARCEL 3; THENCE ALONG SAID LINE NORTH 00°49'56" EAST, 142.99 FEET TO THE POINT OF BEGINNING.

CONTAINS APPROXIMATELY 2,145 SQUARE FEET.

THE BASIS OF BEARINGS IS PER PARTITION PLAT NO. 2003-32 OF THE YAMHILL COUNTY SURVEY RECORDS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

A handwritten signature in cursive script, appearing to read "Michael R. Gates", is written over the bottom portion of the surveyor's registration box.

OREGON
JULY 25, 1990
MICHAEL R. GATES
2449

VALID UNTIL 6-30-07

N:\proj\784-005\Word\Survey\7844-005EX3.doc

EXHIBIT "B"

15 FOOT WATER LINE EASEMENT

TAX LOT
3 2 16
1908

TAX LOT
3 2 15
1003

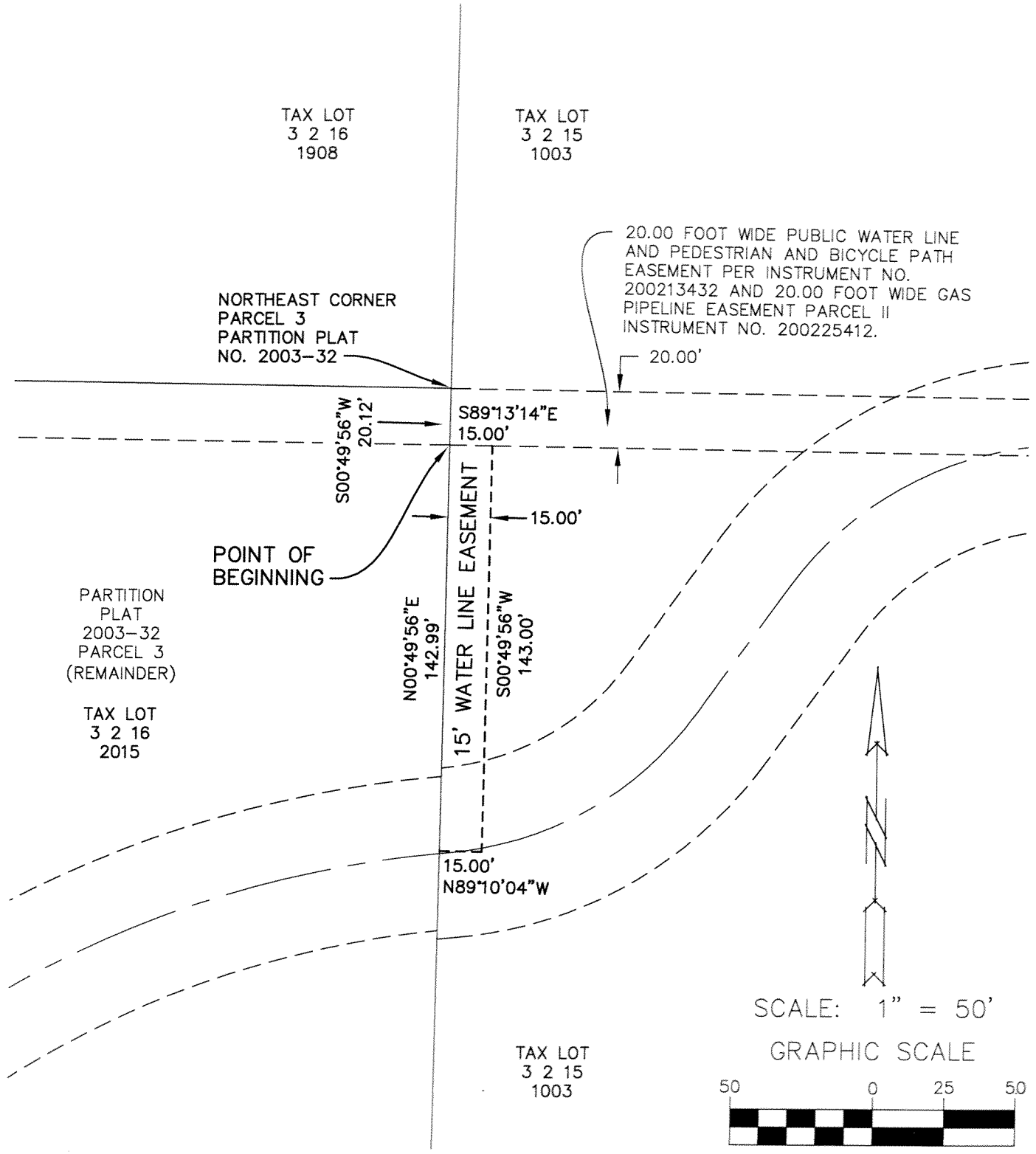
NORTHEAST CORNER
PARCEL 3
PARTITION PLAT
NO. 2003-32

20.00 FOOT WIDE PUBLIC WATER LINE
AND PEDESTRIAN AND BICYCLE PATH
EASEMENT PER INSTRUMENT NO.
200213432 AND 20.00 FOOT WIDE GAS
PIPELINE EASEMENT PARCEL II
INSTRUMENT NO. 200225412.

PARTITION
PLAT
2003-32
PARCEL 3
(REMAINDER)

TAX LOT
3 2 16
2015

15' WATER LINE EASEMENT



N: \proj\784-005\dwg\survey\784005EX3.dwg - SHEET: Layout1-8x11 Mar 30, 2006 - 8:14am mem

DRAWN BY: MEM DATE: 2-27-06
 REVIEWED BY: MRG DATE: _____
 PROJECT NO.: 0784-0005
 SCALE: 1"=50'



4/4

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

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200628466



\$41.00

12/12/2006 02:45:29 PM

DMR-EDMR Cnt=1 Stn=2 ANITA
\$20.00 \$10.00 \$11.00

CITY OF NEWBERG
CITY RECORDER INDEX NO. 2286

SLOPE AND DRAINAGE EASEMENT

In consideration of the sum of \$0 and other valuable consideration, Werth Family L.L.C., an Oregon Limited Liability Company, being the owner of that tract of land described in Document No. 200319523, Yamhill County Deed Records, herein called Grantors, does hereby convey to the City of Newberg, a municipal corporation, hereinafter called Grantee, a perpetual and permanent easement, for the purposes of using and maintaining a slope, to support a public street, and for the drainage from said slope, across the following described property, together with a temporary easement for construction of said slope and public street, granted to the Greens at Springbrook L.L.C., to be released upon acceptance of said improvements by the City of Newberg: all over said property, here described:

SEE ATTACHED EXHIBIT "A" and depicted on EXHIBIT "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 hereby release 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 the access 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.

WERTH FAMILY, L.L.C.
an Oregon Limited Liability Company

Signature: Dean E. Werth
Dean E. Werth
Operating Manager,
Werth Family, L.L.C.

Signature: Elmer M. Werth
Elmer M. Werth
Operating Manager,
Werth Family, L.L.C.

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

See Attached Notary

This instrument was acknowledged before me this _____ day of _____, 2006, by Dean E. Werth and Elmer M. Werth, Operating Managers of Werth Family L.L.C.

Notary Public for Oregon
My Commission expires:
CITY OF NEWBERG
ACCEPTED

James H. Bennett
James H. Bennett, City Recorder

Dated: 11/2/06

APPROVED AS TO FORM

Terrence D. Mahr
Terrence D. Mahr, City Attorney

Dated: 11/2/06



COMMUNITY DEVELOPMENT
EXHIBIT "A"

APRIL 7, 2006

LEGAL DESCRIPTION
PERMANENT SLOPE AND DRAINAGE EASEMENT
THE GREENS AT SPRINGBROOK

JOB NO. 0784-0005

A SLOPE AND DRAINAGE EASEMENT, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF NEWBERG, YAMHILL COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT ON THE EAST LINE OF PARCEL 3, OF PARTITION PLAT NO. 2003-32 WHICH BEARS SOUTH 00°49'56" WEST, 164.00 FEET FROM THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89°10'04" EAST, 13.00 FEET; THENCE SOUTH 14°00'17" EAST, 71.70 FEET; THENCE SOUTH 06°02'32" WEST, 137.36 FEET; THENCE SOUTH 19°15'57" WEST, 47.22 FEET; THENCE SOUTH 02°53'29" EAST, 153.6 FEET MORE OR LESS TO A POINT ON THE NORTHERLY BOUNDARY LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 111, PAGE 657, AS RECORDED ON OCTOBER 17, 1936, IN YAMHILL COUNTY DEED RECORDS; THENCE ALONG SAID LINE, SOUTH 80°45' WEST, 14.2 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF SAID PARCEL 3, ALSO BEING THE EAST LINE OF THE SEBASTIAN BRUTSCHER D.L.C. NO. 51; THENCE ALONG SAID LINE, NORTH 00°49'56 EAST, 406.6 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINS APPROXIMATELY 6,874 SQUARE FEET.

TOGETHER WITH A TEMPORARY CONSTRUCTION EASEMENT FOR THE PURPOSE OF CONSTRUCTING A PUBLIC STREET, TO BE RELEASED UPON ACCEPTANCE OF SAID IMPROVEMENTS BY THE CITY OF NEWBERG, BEING DESCRIBED AS FOLLOWS:

THE WESTERLY 55.00 FEET OF THE SOUTHERLY 407.00 FEET OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT 200319523, YAMHILL COUNTY DEED RECORDS.

THE BASIS OF BEARINGS IS PER PARTITION PLAT NO. 2003-32 OF THE YAMHILL COUNTY SURVEY RECORDS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 25, 1990
MICHAEL R. GATES
2449

VALID UNTIL 6-30-07

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