

AFTER RECORDING
RETURN TO:

City of Newberg
P.O. Box 670
Newberg, Oregon
97132

CITY OF NEWBERG
CITY RECORDER INDEX NO. 1937

OFFICIAL YAMHILL COUNTY RECORDS
CHARLES STERN, COUNTY CLERK

200213432



\$76.00

00094347200200134320110110

07/11/2002 10:57:06 AM

DMR-EDMR Cnt=1 Stn=2 ANITA

\$55.00 \$10.00 \$11.00

PUBLIC WATER LINE AND PEDESTRIAN AND BICYCLE PATH EASEMENT

In consideration of the sum of \$ -0 - and other valuable consideration, Werth Family L. L. C., an Oregon Limited Liability Company, Elmer M. Werth, Operating Manager, Jo Anne Yates, Operating Manager, Dean E. Werth, Operating Manager, and Howard D. Werth, Operating Manager, and the Werth Living Trust, Elmer M. Werth and Elsie F. Werth, Trustees, and Dean E. Werth and Patricia A. Werth, being the owners of the land, herein called Grantors, do hereby convey to the City of Newberg, a municipal corporation, hereinafter called Grantee, perpetual and permanent easements, for the purposes of constructing, installing, using, repairing, and maintaining a public water main and a public bicycle and pedestrian path across the following described real property:

See Attached Exhibit "A" for a Legal Description of the Water Easement West of Brutscher

See Attached Exhibit "B" for a Map of the Water Easement West of Brutscher

See Attached Exhibit "C" for a Legal Description of the Water Construction Easement West of Brutscher

See Attached Exhibit "D" for a Map of the Water Construction Easement West of Brutscher

See Attached Exhibit "E" for a Legal Description of the Water and Path Easement East of Brutscher

See Attached Exhibit "F" for a Map of the Water and Path Easement East of Brutscher

See Attached Exhibit "G" for a Legal Description of the Water Construction Easement East of Brutscher

See Attached Exhibit "H" for a Map of the Water Construction Easement East of Brutscher

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 initial construction and subsequent repair and maintenance activities.
4. If construction of the water line has not commenced within five (5) years said public water easements shall become null and void.
5. The water construction easements shall automatically expire one year after completion of the initial installation of the public water mains.

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, we have set our hands:

Elmer M. Werth 6/11/02

Elmer M. Werth, Operating Manager Date
Werth Family L. L. C., and
Trustee, Werth Living Trust

Elsie F. Werth 6/12/02

Elsie F. Werth, Trustee Date
Werth Living Trust

Dean E. Werth 6/11/02

Dean E. Werth, Operating Manager Date
Werth Family L. L. C., and Owner

Patricia A. Werth 6-11-02

Patricia A. Werth Date
Owner

Jo Anne Yates 6/11/02

Jo Anne Yates, Operating Manager Date
Werth Family L. L. C.

Howard D. Werth 6/11/02

Howard D. Werth, Operating Manager Date
Werth Family L. L. C.

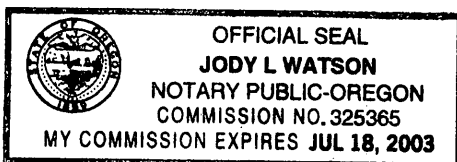
ACKNOWLEDGMENTS

State of Oregon

County of Yamhill) ss

On this day personally appeared before me Elmer M. Werth, who being duly sworn, did say that he is the Operating Manager of the Werth Family L. L. C., and Trustee of the Werth Living Trust, and that the above Instrument was signed on behalf of the Werth Family L. L. C. and the Werth Living Trust, and Elmer M. Werth acknowledged the Instrument to be his voluntary act and deed.

IN WITNESS WHEREOF I have set my hand this 11th day of June 2002.



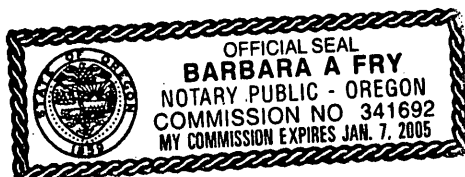
Jody L. Watson
Notary Public for Oregon

State of Oregon

County of Yamhill) ss

On this day personally appeared before me Elsie F. Werth, who being duly sworn, did say that she is a Trustee of the Werth Living Trust, and that the above Instrument was signed on behalf of the Werth Living Trust, and Elsie F. Werth acknowledged the Instrument to be her voluntary act and deed.

IN WITNESS WHEREOF I have set my hand this 12th day of June 2002.



Barbara A. Fry
Notary Public for Oregon

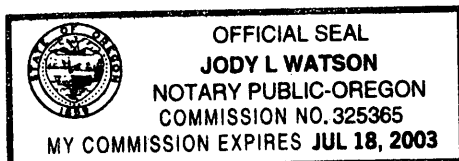
ACKNOWLEDGMENTS - Cont'd

State of Oregon

County of Yamhill) ss

On this day personally appeared before me Jo Anne Yates, who being duly sworn, did say that she is an Operating Manager of the Werth Family L. L. C., and that the above Instrument was signed on behalf of the Werth Family L. L. C., and Jo Anne Yates acknowledged the Instrument to be her voluntary act and deed.

IN WITNESS WHEREOF I have set my hand this 11th day of June 2002.



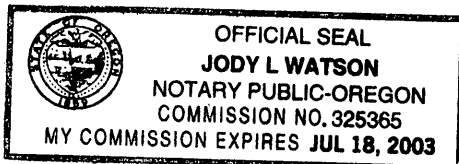
Jody L. Watson
Notary Public for Oregon

State of Oregon

County of Yamhill) ss

On this day personally appeared before me Dean E. Werth, who being duly sworn, did say that he is an Operating Manager of the Werth Family L. L. C., and Dean E. Werth and Patricia A. Werth, Owners of the subject property, and that the above Instrument was signed on behalf of the Werth Family L. L. C., and Dean E. Werth and Patricia A. Werth acknowledged the Instrument to be their voluntary act and deed.

IN WITNESS WHEREOF I have set my hand this 11th day of June 2002.



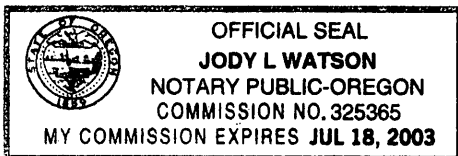
Jody L. Watson
Notary Public for Oregon

State of Oregon

County of Yamhill) ss

On this day personally appeared before me Howard D. Werth, who being duly sworn, did say that he is an Operating Manager of the Werth Family L. L. C., and that the above Instrument was signed on behalf of the Werth Family L. L. C., and Howard D. Werth acknowledged the Instrument to be his voluntary act and deed.

I IN WITNESS WHEREOF I have set my hand this 11th day of June 2002.



Jody L. Watson
Notary Public for Oregon

CITY OF NEWBERG

ACCEPTED:

[Signature]
City Recorder

Dated: 6/28/02

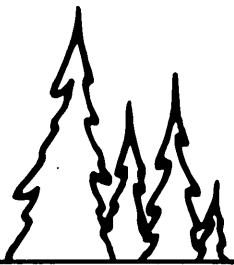
APPROVED AS TO FORM

[Signature]
Terrence D. Mahr, City Attorney

Dated: June 27, 2002

AFTER RECORDING, RETURN TO:

City of Newberg, P. O. Box 970, Newberg, Oregon 97132



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625

(503) 538-5700 FAX 538-9167

larydell@teleport.com

LEGAL DESCRIPTION - Water Main Easement

West of Brutscher Street

Prepared for Werth Family L. L. C

W.O. No. 0112

20 June 2002

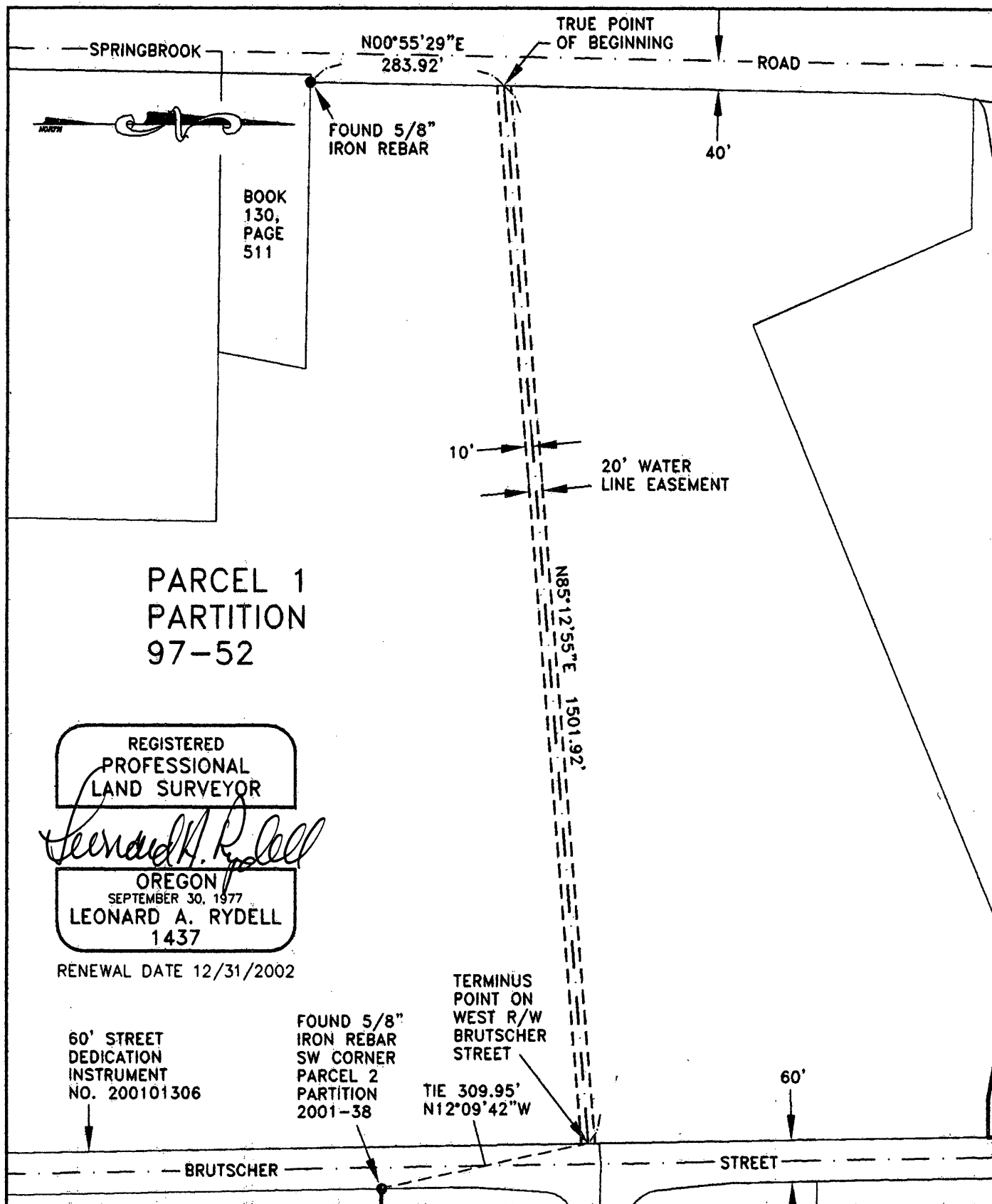
Exhibit "A"

A 20.00 foot wide non-exclusive right-of-way and easement across a portion of Parcel 1 of Partition 97-52, a partition recorded 24 July 1997, Yamhill County Plat Records, and located in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, and located in the South Half of the Southwest Quarter of Section 16 of Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, being more particularly described based on said Partition No. 97-52 by Bruce D. Towle, PLS 2030, as follows:

Beginning at a 5/8-inch iron rebar set on the East right-of-way line of Springbrook Road, 40.00 feet from the road centerline, at the Northwest corner of that property described in Volume 130, Page 511, Yamhill County Deed Records, Yamhill County, Oregon, said iron rebar being also the most Southerly angle point along Springbrook Road of Parcel 1 of Partition 97-52; thence North $00^{\circ} 55' 29''$ East 283.92 feet on the East right-of-way line of Springbrook Road to the True Point of Beginning of a 20.00 foot wide water line easement, 10.00 feet wide on each side of the following described centerline; thence North $85^{\circ} 12' 55''$ East 1501.92 feet to the Terminus Point of the West right-of-way line of Brutscher Street as described by the Deed of Dedication recorded 31 January 2001 by Instrument No. 2001-01306, Yamhill County Deed Records, said Terminus Point being North $12^{\circ} 09' 42''$ West 309.95 feet from a 5/8-inch iron rebar at the Southwest corner of Parcel 2 of Partition 2001-38, a Partition recorded 25 October 2001 by Instrument No. 2001-18649, Yamhill County Plat Records.

It is the intent of the above referenced description that all easement side lines shall converge or extend onto themselves at angle points to create an easement in its entirety of no less than 20.00 feet wide.

Said easement containing 0.6896 acres more or less.



SPRINGBROOK OAKS DEVELOPMENT
City of Newberg, Yamhill County, Oregon

DWG:0112CNWEW.DWG

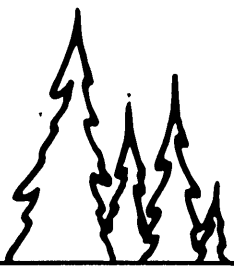
EXHIBIT B

CITY OF NEWBERG WATER LINE EASEMENT

Scale: 1" = 200' Date: 30 May 2002 Drawn:

Prepared For Springbrook Oaks Development
5241 Windsor Terrace, West Linn, Oregon 97068 Phone: (503) 317-0705

PREPARED BY:
LEONARD A. RYDELL, PE, PLS, WRE
601 Pinehurst Drive
Newberg, Oregon 97132
Phone: (503) 538-5700
W.O. No. 0112



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625

(503) 538-5700 FAX 538-9167

larydell@teleport.com

LEGAL DESCRIPTION - Water Main Construction Easement

West of Brutscher Street

Prepared for Werth Family L. L. C.

W.O. No. 0112

30 May 2002

Exhibit "C"

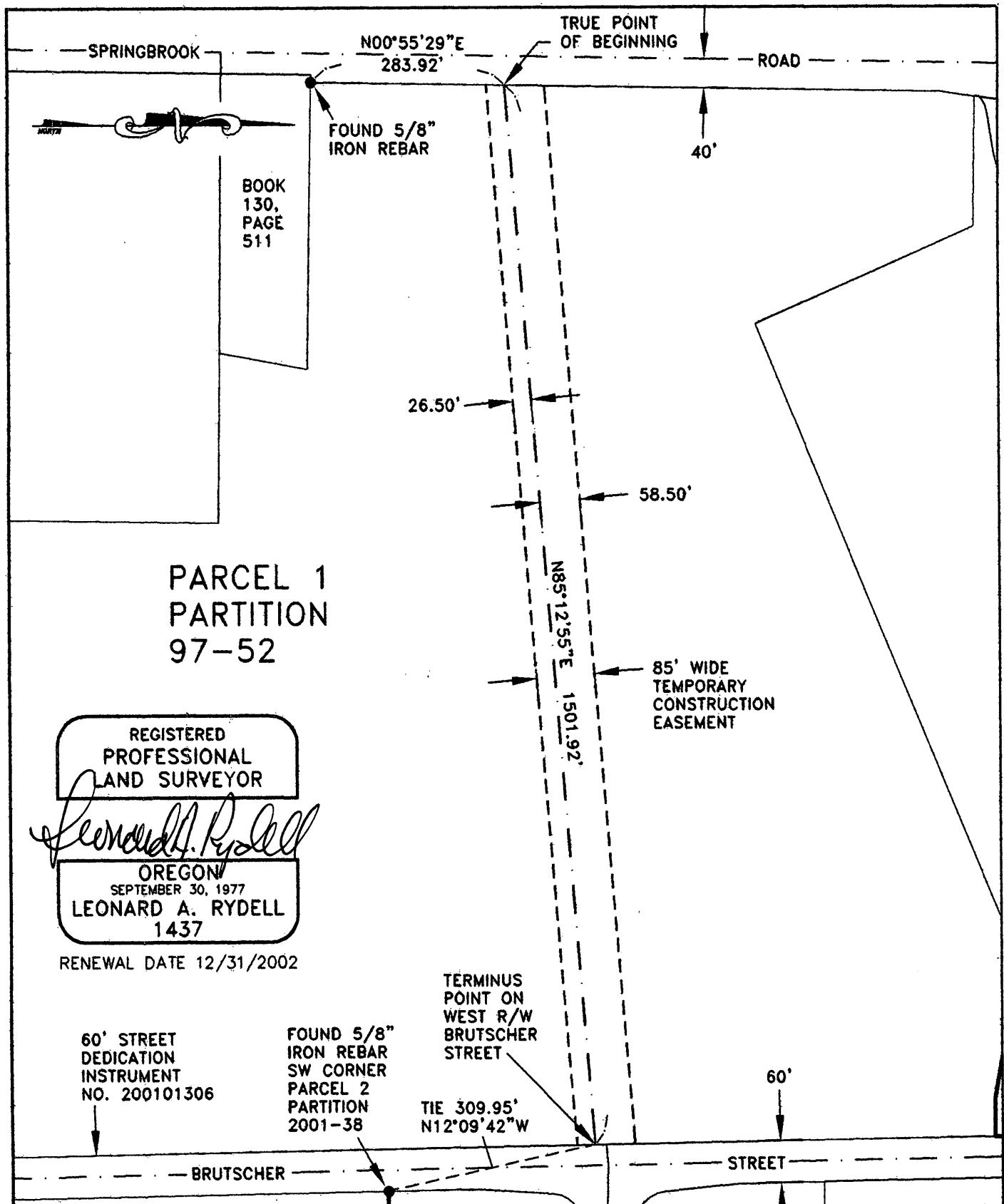
An 85.00 foot wide non-exclusive right-of-way and easement for a public water main across a portion of Parcel 1 of Partition 97-52, a partition recorded 24 July 1997, Yamhill County Plat Records, and located in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, and located in the South Half of the Southwest Quarter of Section 16 of Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, being more particularly described based on said Partition No. 97-52 by Bruce D. Towle, PLS 2030, as follows:

Beginning at a 5/8-inch iron rebar set on the East right-of-way line of Springbrook Road, 40.00 feet from the road centerline, at the Northwest corner of that property described in Volume 130, Page 511, Yamhill County Deed Records, Yamhill County, Oregon, said iron rebar being also the most Southerly angle point along Springbrook Road of Parcel 1 of Partition 97-52; thence North $00^{\circ} 55' 29''$ East 283.92 feet on the East right-of-way line of Springbrook Road to the True Point of Beginning of an 85.00 foot wide water main construction easement, 26.50 feet wide on the South side and 58.50 feet wide on the North side of the following described centerline; thence North $85^{\circ} 12' 55''$ East 1501.92 feet to the Terminus Point of the West right-of-way line of Brutscher Street as described by the Deed of Dedication recorded 31 January 2001 by Instrument No. 200101306, Yamhill County Deed Records, said Terminus Point being North $12^{\circ} 09' 42''$ West 309.95 feet from a 5/8-inch iron rebar at the Southwest corner of Parcel 2 of Partition 2001-38, a Partition recorded 25 October 2001 by Instrument No. 2001-18649, Yamhill County Plat Records.

It is the intent of the above referenced description that all easement side lines shall converge or extend onto themselves at angle points to create an easement in its entirety of no less than 85.00 feet wide.

Said easement containing 2.9297 acres more or less.

**PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS
WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS
LAND SURVEYS • WATER RIGHTS**



SPRINGBROOK OAKS DEVELOPMENT
City of Newberg, Yamhill County, Oregon

DWG: 0112CNCEW.DWG

EXHIBIT D

CITY OF NEWBERG WATER LINE CONSTRUCTION EASEMENT

Scale: 1" = 200' Date: 30 May 2002 Drawn:

Prepared For Springbrook Oaks Development
5241 Windsor Terrace, West Linn, Oregon 97068 Phone: (503) 317-0705

PREPARED BY:
LEONARD A. RYDELL, PE, PLS, WRE
601 Pinehurst Drive
Newberg, Oregon 97132
Phone: (503) 538-5700
W.O. No. 0112



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625

(503) 538-5700 FAX 538-9167

larydell@teleport.com

LEGAL DESCRIPTION - Water Main and Path Easement

East of Brutscher Street

Prepared for Werth Family L. L. C.

W.O. No. 0112

20 June 2002

Exhibit "E"

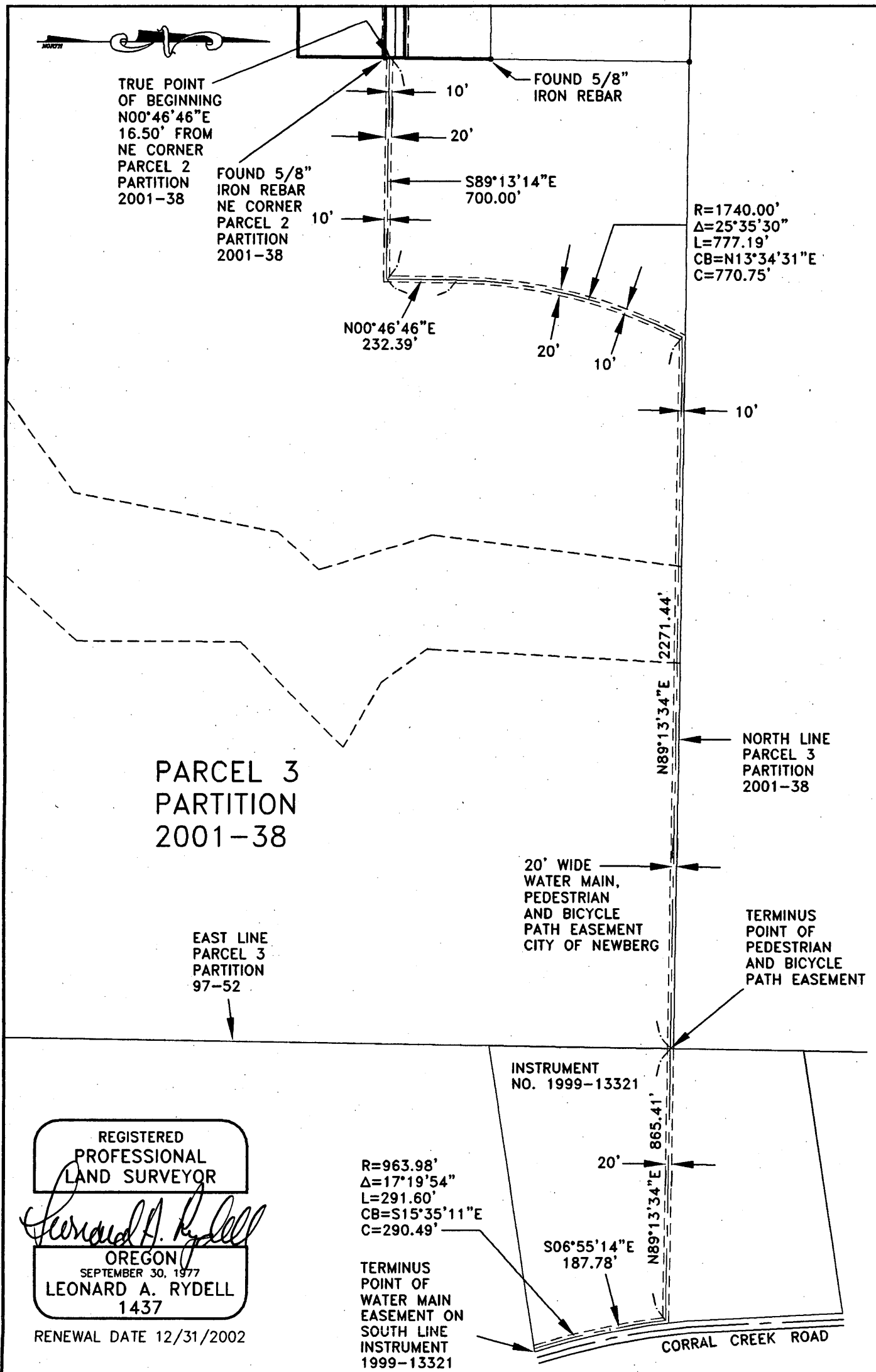
A 20.00 foot wide non-exclusive right-of-way and easement for a public water main and a public pedestrian and bicycle path easement across a portion of Parcel 3 of Partition 2001-38, a partition recorded 25 October 2001 by Instrument No. 2001-18649, Yamhill County Plat Records in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, and a 20.00 foot wide non-exclusive right-of-way and easement for a public water main across that property described by Instrument No. 1999-13321, and located in the South Half of the Southwest Quarter of Section 15 and the South Half of the Southeast Quarter of Section 16, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, being more particularly described based on said Partition No. 2001-38 by Leonard A. Rydell, Professional Land Surveyor No. 1437, as follows:

Beginning at a 5/8-inch iron rebar set at the Northeast Corner of Parcel 2 of said Partition 2001-38; thence North $00^{\circ} 46' 46''$ East 16.50 feet along the West line of Parcel 3 of said Partition 2001-38 to the True Point of Beginning of a 20.00 foot wide water line and pedestrian and bicycle path easement, 10.00 feet wide on each side of the following described centerline; thence South $89^{\circ} 13' 14''$ East 700.00 feet; thence North $00^{\circ} 46' 46''$ East 232.39 feet; thence on a 1740.00 foot radius curve right (long chord bears North $13^{\circ} 34' 31''$ East 770.75 feet) an arc distance of 777.19 feet to a point 10.00 feet South of the North line of said Parcel 3 of Partition 2001-38; thence South $89^{\circ} 13' 14''$ East 2271.44 feet along a line parallel to and 10.00 feet South of the North line of said Parcel 3 of Partition 2001-38 to the East line of said Parcel 3 of Partition 2001-38, said point being also the West line of that tract of land described in Instrument No. 1999-13321, Yamhill County Deed Records, and being also the Terminus Point of the Pedestrian and Bicycle Path easement; thence South $89^{\circ} 13' 14''$ East 865.41 feet to a point 10.00 feet West of the West right-of-way West line of Corral Creek Road (County Road No. 45) as monumented by Yamhill County Survey Record No. 11,587 by Matthew E. Dunckel, Professional Land Surveyor No. 1942; thence South $06^{\circ} 55' 14''$ East 187.78 feet 10.00 feet West of and parallel to the West right-of-way line of said Corral Creek Road; thence on a 963.98 foot radius curve left (long chord bears South $15^{\circ} 35' 11''$ East 290.49) an arc distance of 291.60 feet on a line 10.00 feet West of and parallel to the West right-of-way of said Corral Creek Road to the Terminus Point of the public water main easement on the South line of said Instrument 1999-13321.

It is the intent of the above referenced description that all easement side lines shall converge or extend onto themselves at angle points to create an easement in its entirety of no less than 20.00 feet wide.

Said easement containing 2.4453 acres more or less.

**PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS
WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS
LAND SURVEYS • WATER RIGHTS**



SPRINGBROOK OAKS DEVELOPMENT
City of Newberg, Yamhill County, Oregon

DWG: 0112CNWEE.DWG

EXHIBIT F

CITY OF NEWBERG WATER LINE EASEMENT

PREPARED BY:
LEONARD A. RYDELL, PE, PLS, WRE
601 Pinehurst Drive
Newberg, Oregon 97132
Phone: (503) 538-5700
W.O. No. 0112

Scale: 1" = 400' Date: 20 June 2002 Drawn: *John Roy*

Prepared For Springbrook Oaks Development
5241 Windsor Terrace, West Linn, Oregon 97068 Phone: (503) 317-0705



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625

(503) 538-5700 FAX 538-9167

larydell@teleport.com

LEGAL DESCRIPTION - Water Main Construction Easement

East of Brutscher Street

Prepared for Werth Family L. L. C.

W.O. No. 0112

20 June 2002

Exhibit "G"

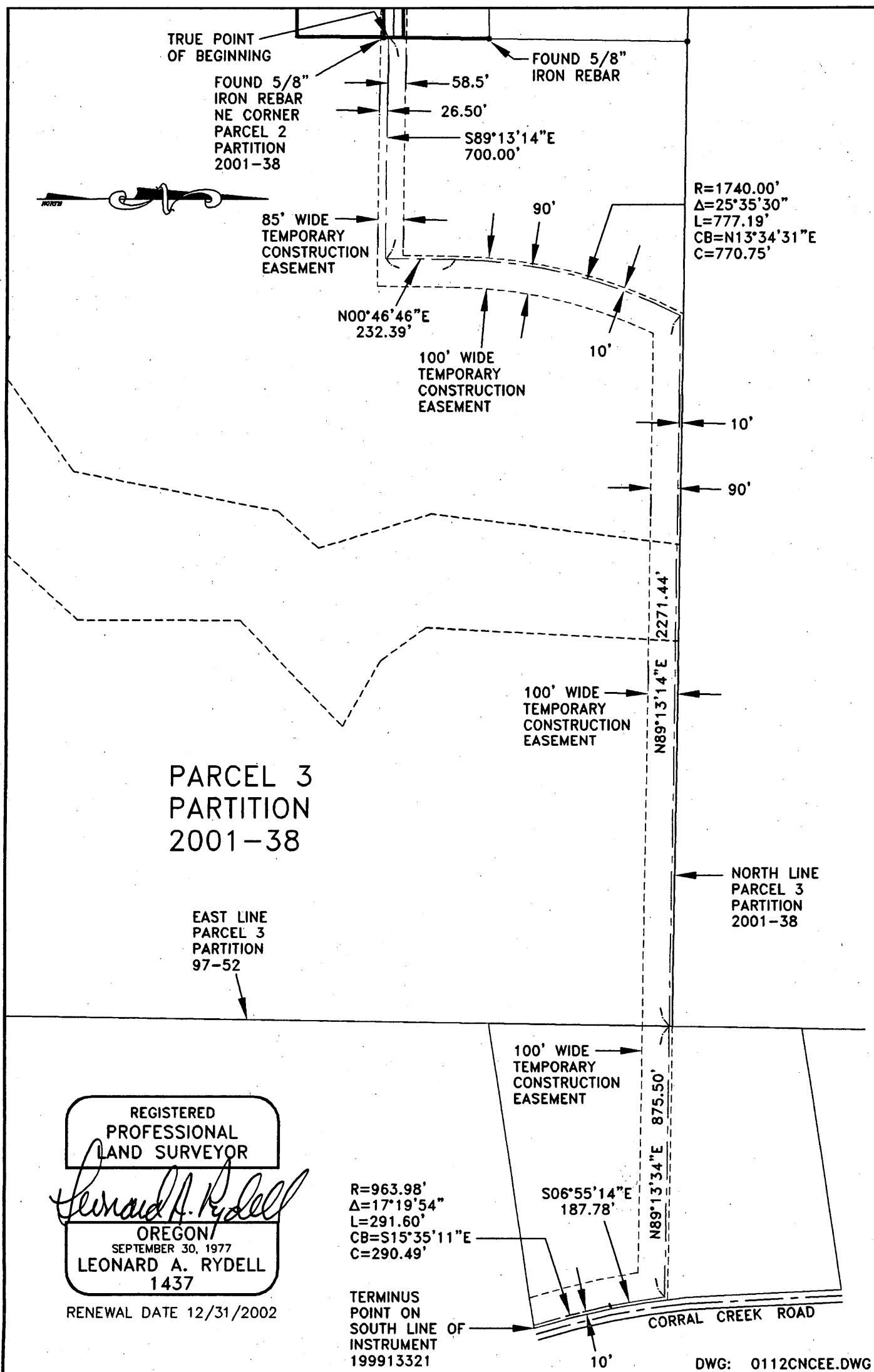
A temporary and non-exclusive construction right-of-way and easement across a portion of Parcel 3 of Partition 2001-38, a partition recorded 25 October 2001 by Instrument No. 200118649, Yamhill County Plat Records in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, and that property described by Instrument No. 199913321, and located in the South Half of the Southwest Quarter of Section 15 and the South Half of the Southeast Quarter of Section 16, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, being more particularly described based on said Partition No. 2001-38 by Leonard A. Rydell, Professional Land Surveyor No. 1437, as follows:

Beginning at a 5/8-inch iron rebar set at the Northeast Corner of Parcel 2 of said Partition 2001-38; thence North $00^{\circ} 46' 46''$ East 16.50 feet along the West line of Parcel 3 of said Partition 2001-38 to the True Point of Beginning of an 85.00 foot wide water main construction easement, 26.50 feet wide on the South side and 58.50 feet on the North side of the following described centerline; thence South $89^{\circ} 13' 14''$ East 700.00 feet, said point being the beginning of a 100.00 foot wide water main construction easement; 10.00 feet wide on the left side and 90.00 feet on the right side of the following described centerline; thence North $00^{\circ} 46' 46''$ East 232.39 feet; thence on a 1740.00 foot radius curve right (long chord bears North $13^{\circ} 34' 31''$ East 770.75 feet an arc distance of 777.19 feet to a point 10.00 feet South of the North line of said Parcel 3 of Partition 2001-38; thence North $89^{\circ} 13' 14''$ East 2271.44 feet along a line parallel to and 10.00 feet South of the North line of said Parcel 3 of Partition 2001-38 to the East line of said Parcel 3 of Partition 2001-38, said point being also the West line of that tract of land described in Instrument No. 1999-13321, Yamhill County Deed Records; East 865.41 feet to a point 10.00 feet West of the West right-of-way West line of Corral Creek Road (County Road No. 45) as monumented by Yamhill County Survey Record No. 11,587 by Matthew E. Dunckel, Professional Land Surveyor No. 1942; thence South $06^{\circ} 55' 14''$ East 187.78 feet. 10.00 feet West of and parallel to the West right-of-way line of said Corral Creek Road; thence on a 963.98 foot radius curve left (long chord bears South $15^{\circ} 35' 11''$ East 290.49) an arc distance of 291.60 feet on a line 10.00 feet West of and parallel to the West right-of-way of said Corral Creek Road to the Terminus Point of the public water main easement on the South line of said Instrument 1999-13321.

It is the intent of the above referenced description that all easement side lines shall converge or extend onto themselves at angle points to create an easement in its entirety of its designated width.

Said easement containing 11.7101 acres more or less.

**PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS
WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS
LAND SURVEYS • WATER RIGHTS**



SPRINGBROOK OAKS DEVELOPMENT
City of Newberg, Yamhill County, Oregon

EXHIBIT H

CITY OF NEWBERG WATER LINE CONSTRUCTION EASEMENT

PREPARED BY:
LEONARD A. RYDELL, PE, PLS, WRE
601 Pinehurst Drive
Newberg, Oregon 97132
Phone: (503) 538-5700
W.O. No. 0112

Scale: 1" = 400' Date: 20 June 2002 Drawn: *Leonard A. Rydell*

Prepared For Springbrook Oaks Development
5241 Windsor Terrace, West Linn, Oregon 97068 Phone: (503) 317-0705