

DONALD TARLOW
515 E 1ST ST
NEWBERG, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS
CHARLES STERN, COUNTY CLERK



\$46.00

00139108200300218350050055

200321835

1:40:27 PM 8/28/2003

DMR-EDMR Cnt=1 Stn=1 KAREN
\$25.00 \$10.00 \$11.00

CITY OF NEWBERG
CITY RECORDER INDEX NO. 2067

PUBLIC SEWER EASEMENT

In consideration of the sum of \$ 0 and other valuable consideration, Werth Family, LLC, an Oregon Limited Liability Company, Elmer 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, 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 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 Grantors 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 Grantors, 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 8 day of August 2003, 2003.

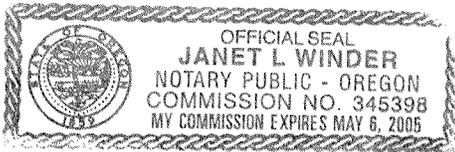
Elmer M. Werth 8/8/03
Elmer M. Werth, Operating Manager Date
Werth Family, LLC

Dean E. Werth 8/8/03
Dean E. Werth, Operating Manager Date
Werth Family, LLC

State of Oregon)
)ss
County of Yamhill)

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 LLC, and that the above instrument was signed on behalf of the Werth Family LLC, and Dean E. Werth acknowledges the Instrument to be his voluntary act and deed.

IN WITNESS WHEREOF I have set my hand this 8 day of August, 2003



Janet L. Winder
Notary Public for Oregon

State of Oregon)
)ss
County of Yamhill)

On this day personally appeared before me Elmer M. Werth, who being duly sworn, did say that he is an Operating Manager of the Werth Family LLC, and that the above instrument was signed on behalf of the Werth Family LLC, and Elmer M. Werth acknowledges the Instrument to be his voluntary act and deed.

IN WITNESS WHEREOF I have set my hand this 8 day of August, 2003



Janet L. Winder
Notary Public for Oregon

CITY OF NEWBERG
ACCEPTED:

J. Bennett
City Recorder
Dated: 8/26/03

APPROVED AS TO FORM

Terrance D. Mahr
Terrance D. Mahr, City Attorney
Dated: 8/26/03

AFTER RECORDING, RETURN TO:
City of Newberg, P.O. Box 970, Newberg OR 97132

Exhibit"A"

July 29, 2003

**LEGAL DESCRIPTION – Public Sewer Easement
Across TL 3216-2001**

Parcel 1

Description of a 20-foot strip of land across Parcel 3, Partition 2001-38 for a Public Utility Easement

A strip of land, 20.00 feet in width, across a portion of Parcel 3 of Partition 2001-38, a partition recorded 25 August, 2001, Yamhill County Plat Records, and located in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, in the Southeast Quarter of Section 16 and the Northeast Quarter of Section 21, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon. Said easement being 10.00 feet on each side of the following described centerline:

Beginning at a point on the northerly line of a 0.28 acre Public Utility Easement recorded in Instrument No. 200101306, said point being South 54° 35'34" West, 17.21 feet from the northernmost corner said Public Utility Easement;

Thence along the centerline of the 20.00 foot easement: North 18°12'44" West, 255.19 feet; thence North 37°37'13" East, 160.04 feet; thence South 74°00'43" East, 107.87 feet; thence North 53°00'42" East, 399.01 feet; thence North 10°28'32" East, 361.19 feet; thence North 8°02'33" West, 283.37 feet; thence North 36°10'45" East, 320.21 feet; thence North 16°13'42" West, 251.83 feet; thence North 34°32'17" West, 216.70 feet; thence North 31°56'58" East, 296.54 feet; thence North 6°45'48" East, 340.76 feet; thence North 7°49'53" West, 103.26 feet to the north line of said Parcel 3 Partition 2001-38.

It is the intent of the above referenced description that all easement sidelines shall converge or extend onto themselves at angle points to create an easement in its entirety of no less than 20.00 feet wide. The east and west boundaries of the easement project or shorten along their lines to intersect the boundary of Instrument No. 200101306 and the north line of Parcel 3 of Partition 2001-38.

The permanent 20.00 foot Public Utility Easement contains 1.42 acres more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
FEBRUARY 14, 1985
LAWRENCE J. ANDERSON
2122

EXP 12-31-03

EXHIBIT "A"

PAGE 1 OF 3

3/5

Parcel 2

Description of a 50-foot strip of land across Parcel 3, Partition 2001-38 for a Temporary Construction Easement

A strip of land, 50.00 feet in width, across a portion of Parcel 3 of Partition 2001-38, a partition recorded 25 August, 2001, Yamhill County Plat Records, and located in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, in the Southeast Quarter of Section 16 and the Northeast Quarter of Section 21, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon.

Said easement being 50.00 feet in width and adjacent to the west line of the 20.00-foot permanent easement described in Parcel 1.

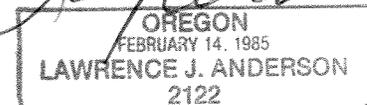
The intent of this easement is to create an additional 50.00 wide strip for construction access along the permanent utility easement.

EXHIBIT "A"

PAGE 2 OF 3



A handwritten signature in cursive script, appearing to read "Lawrence J. Anderson", written over the stamp.

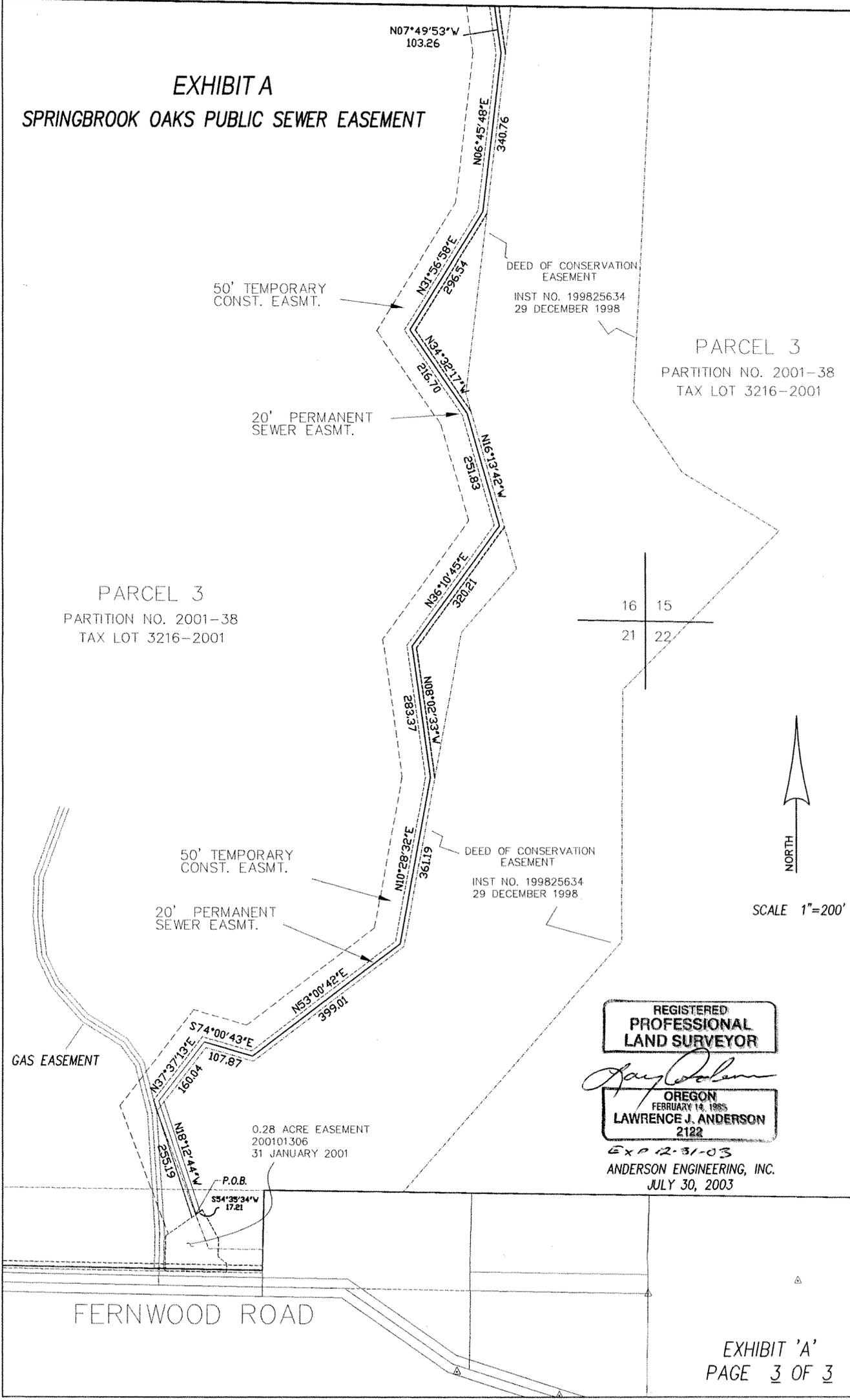


EXP 12-31-03

EXHIBIT A SPRINGBROOK OAKS PUBLIC SEWER EASEMENT

PARCEL 3
PARTITION NO. 2001-38
TAX LOT 3216-2001

PARCEL 3
PARTITION NO. 2001-38
TAX LOT 3216-2001



DEED OF CONSERVATION EASEMENT
INST NO. 199825634
29 DECEMBER 1998

DEED OF CONSERVATION EASEMENT
INST NO. 199825634
29 DECEMBER 1998

0.28 ACRE EASEMENT
200101306
31 JANUARY 2001

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Lawrence J. Anderson
OREGON
FEBRUARY 14, 1985
LAWRENCE J. ANDERSON
2122

EXP 12-31-03
ANDERSON ENGINEERING, INC.
JULY 30, 2003

FERNWOOD ROAD

City of Newberg
414 East First Street
Newberg, OR 97132

Grantor's Name and Address

Werth Family, LLC
C/O Mike Gougler
MJG Development, Inc.
5241 Windsor Terrace
West Linn, OR 97068

Grantee's Name and Address

AFTER RECORDING RETURN TO:

City Attorney's Office
City of Newberg
PO Box 970
Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200409323



\$46.00

00166154200400093230050053

05/13/2004 01:56:08 PM

DMR-DDMR Cnt=1 Stn=2 ANITA
\$25.00 \$10.00 \$11.00

QUITCLAIM DEED - STATUTORY FORM

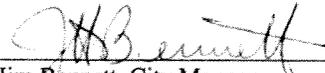
City of Newberg, Grantor, releases, vacates, discharges, and quitclaims to Werth Family, LLC, Grantee, all right, title, and interest in and to the following described property situated in Yamhill County, Oregon, which was conveyed to the City of Newberg in Instrument No. 200321835, which is more particularly described as follows:

NWT-C

See Exhibit "A".

The true consideration for this conveyance is \$ 0 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.



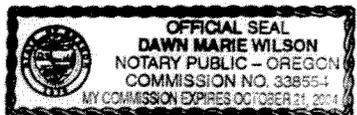
Jim Bennett, City Manager
City of Newberg

Dated: 3/30/04, 2004.

State of Oregon)
County of Yamhill) ss

On this day personally appeared before me Jim Bennett, who being duly sworn, did say that he is the City Manager of the City of Newberg, and Jim Bennett acknowledged the Instrument to be his voluntary act and deed.

IN WITNESS WHEREOF I have set my hand this 30th day of March, 2004.

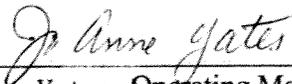




Notary Public for Oregon
My commission expires 10/21/04

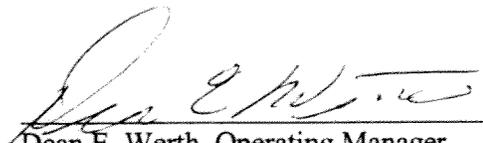
WERTH FAMILY, LLC

ACCEPTED:



JoAnne Yates, Operating Manager

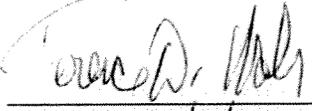
Dated: 5-5-04



Dean E. Werth, Operating Manager

Dated: 5/5/04

APPROVED AS TO FORM



Terrence D. Mahr, City Attorney

Dated: 3/30/04

July 29, 2003

LEGAL DESCRIPTION – Public Sewer Easement
Across TL 3216-2001

Parcel 1

Description of a 20-foot strip of land across Parcel 3, Partition 2001-38 for a Public Utility Easement

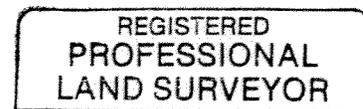
A strip of land, 20.00 feet in width, across a portion of Parcel 3 of Partition 2001-38, a partition recorded 25 August, 2001, Yamhill County Plat Records, and located in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, in the Southeast Quarter of Section 16 and the Northeast Quarter of Section 21, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon. Said easement being 10.00 feet on each side of the following described centerline:

Beginning at a point on the northerly line of a 0.28 acre Public Utility Easement recorded in Instrument No. 200101306, said point being South 54° 35'34" West, 17.21 feet from the northernmost corner said Public Utility Easement;

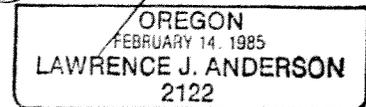
Thence along the centerline of the 20.00 foot easement: North 18°12'44" West, 255.19 feet; thence North 37°37'13" East, 160.04 feet; thence South 74°00'43" East, 107.87 feet; thence North 53°00'42" East, 399.01 feet; thence North 10°28'32" East, 361.19 feet; thence North 8°02'33" West, 283.37 feet; thence North 36°10'45" East, 320.21 feet; thence North 16°13'42" West, 251.83 feet; thence North 34°32'17" West, 216.70 feet; thence North 31°56'58" East, 296.54 feet; thence North 6°45'48" East, 340.76 feet; thence North 7°49'53" West, 103.26 feet to the north line of said Parcel 3 Partition 2001-38.

It is the intent of the above referenced description that all easement sidelines shall converge or extend onto themselves at angle points to create an easement in its entirety of no less than 20.00 feet wide. The east and west boundaries of the easement project or shorten along their lines to intersect the boundary of Instrument No. 200101306 and the north line of Parcel 3 of Partition 2001-38.

The permanent 20.00 foot Public Utility Easement contains 1.42 acres more or less.



Lawrence J. Anderson



EXP 12-31-03

EXHIBIT "A"

PAGE 1 OF 3

Parcel 2

Description of a 50-foot strip of land across Parcel 3, Partition 2001-38 for a Temporary Construction Easement

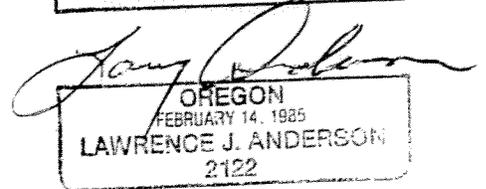
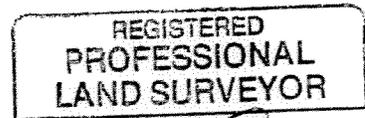
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Said easement being 50.00 feet in width and adjacent to the west line of the 20.00-foot permanent easement described in Parcel 1.

The intent of this easement is to create an additional 50.00 wide strip for construction access along the permanent utility easement.

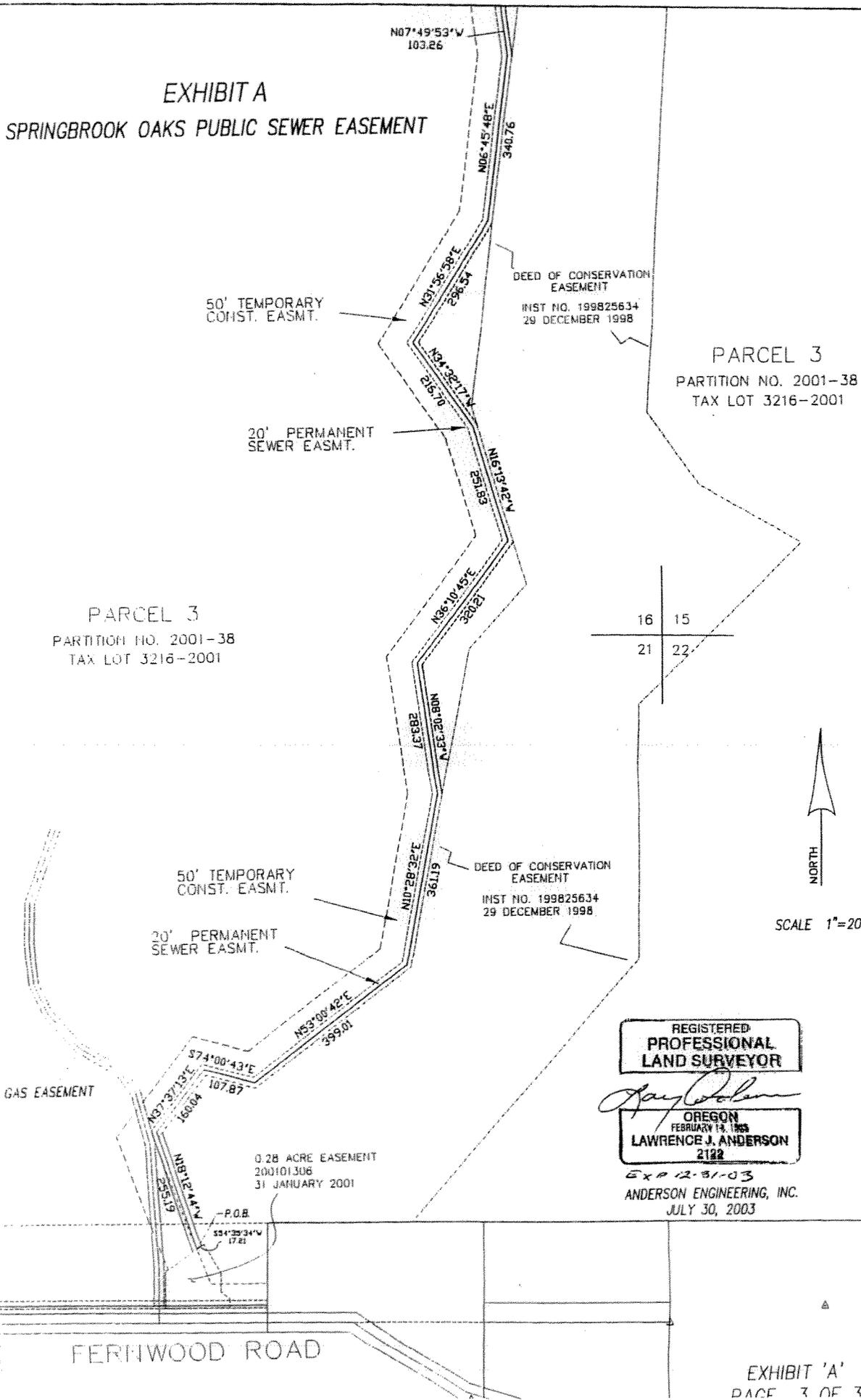
EXHIBIT "A"

PAGE 2 OF 3



EXP 12-31-03

EXHIBIT A SPRINGBROOK OAKS PUBLIC SEWER EASEMENT



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Lawrence J. Anderson

OREGON
FEBRUARY 14, 1965
LAWRENCE J. ANDERSON
2122

EXP 12-31-03
ANDERSON ENGINEERING, INC.
JULY 30, 2003

AFTER RECORDING RETURN TO:

City Attorney's Office
City of Newberg
PO Box 970
Newberg, OR 97132

CITY OF NEWBERG
CITY RECORDER INDEX NO. 2067

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK



\$46.00

200409499

4:25:27 PM 5/14/2004

DMR-EDMR Cnt=1 Str=3 SUSAN
\$25.00 \$10.00 \$11.00

PUBLIC SEWER EASEMENT

In consideration of the sum of \$ 0 and other valuable consideration, Werth Family, LLC, an Oregon Limited Liability Company, Elmer Werth, Operating Manager, and Dean E. Werth, Operating Manager, 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 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 Grantors 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 Grantors, 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 IS AN E-COMMUNICATION RECORDING ONLY
IT HAS NOT BEEN EXAMINED AS TO ITS CONTENT
NORTHWEST TITLE COMPANY

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 9th day of April, 2004.

Elmer M. Werth 4/9/04
Elmer M. Werth, Operating Manager Date
Werth Family, LLC, and Trustee,
Werth Living Trust

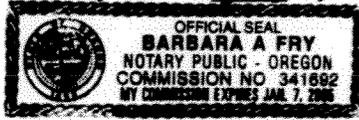
Dean E. Werth 4/12/04
Dean E. Werth, Operating Manager Date
Werth Family, LLC, and Owner

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, LLC, and that the above Instrument was signed on behalf of the Werth Family, LLC 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 9th day of April, 2004.

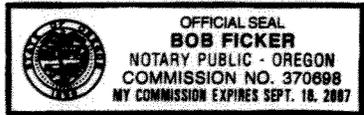


Barbara A. Fry
Notary Public for Oregon

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, LLC, and that the above Instrument was signed on behalf of the Werth Family, LLC, and Dean E. Werth acknowledged the Instrument to be his voluntary act and deed.

IN WITNESS WHEREOF I have set my hand this 12th day of April, 2004.



Bob Ficker
Notary Public for Oregon

CITY OF NEWBERG
ACCEPTED:

M. Bennett
City Recorder
Dated: 4/19/04

APPROVED AS TO FORM

Terrence D. Mahr
Terrence D. Mahr, City Attorney
Dated: 4/19/04

AFTER RECORDING, RETURN TO:
City of Newberg, P.O. Box 970, Newberg, OR 97132

Exhibit"A"

February 29, 2004

**LEGAL DESCRIPTION – Public Sewer Easement
Across TL 3216-2001**

Parcel 1

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Beginning at a point on the northerly line of a 0.28 acre Public Utility Easement recorded in Instrument No. 200101306, said point being South 54° 35'34" West, 2.92 feet from the northernmost corner said Public Utility Easement;

Thence along the centerline of a 20.00 foot easement: North 15°28'49" West, 386.83 feet; thence North 50°26'16" East, 345.00 feet; thence North 40°28'47" East, 200.00 feet; thence North 10°22'17" East, 450.00 feet; thence North 06°25'32" East, 450.00 feet; thence North 03°14'29" East, 480.00 feet; thence North 00°58'18" East, 466.91 feet to the north line of said Parcel 3 Partition 2001-38.

It is the intent of the above referenced description that all easement sidelines shall converge or extend onto themselves at angle points to create an easement in its entirety of no less than 20.00 feet wide. The east and west boundaries of the easement project or shorten along their lines to intersect the boundary of Instrument No. 200101306 and the north line of Parcel 3 of Partition 2001-38.

The permanent 20.00 foot Public Utility Easement contains 1.279 acres more or less.

EXHIBIT "A"

PAGE 1 OF 3

3/5

Parcel 2

Description of a 50-foot strip of land across Parcel 3, Partition 2001-38 for a Temporary Construction Easement

A strip of land, 50.00 feet in width, across a portion of Parcel 3 of Partition 2001-38, a partition recorded 25 August, 2001, Yamhill County Plat Records, and located in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, in the Southeast Quarter of Section 16 and the Northeast Quarter of Section 21, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon.

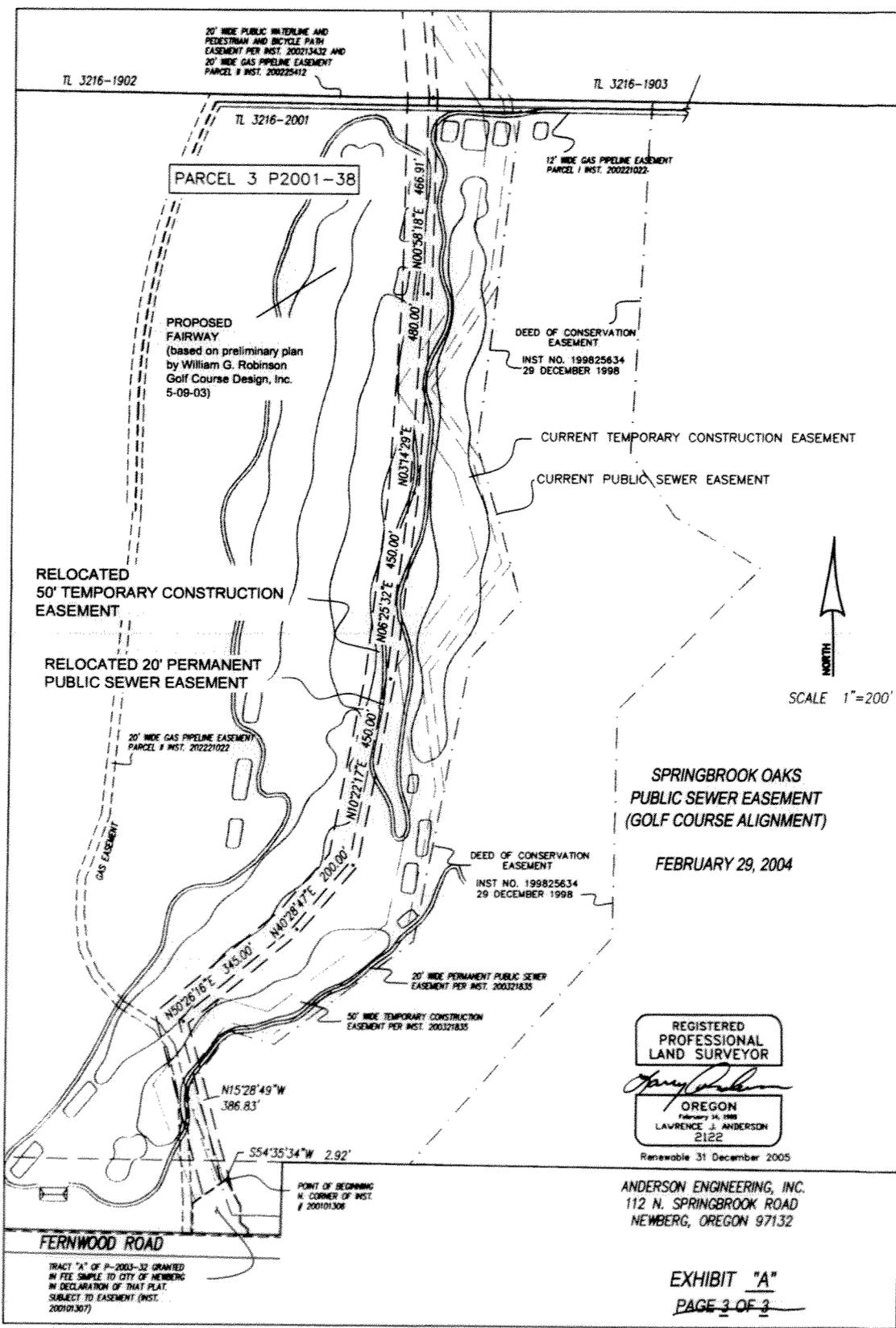
Said easement being 50.00 feet in width and adjacent to the west line of the 20.00-foot permanent easement described in Parcel 1.

The intent of this easement is to create an additional 50.00 wide strip for construction access along the permanent utility easement.

EXHIBIT "A"

PAGE 2 OF 3

4/5



TL 3216-1902

TL 3216-1903

TL 3216-2001

PARCEL 3 P2001-38

PROPOSED FAIRWAY
(based on preliminary plan
by William G. Robinson
Golf Course Design, Inc.
5-09-03)

12' WIDE GAS PIPELINE EASEMENT
PARCEL 1 INST. 200221022

DEED OF CONSERVATION
EASEMENT
INST NO. 199825634
29 DECEMBER 1998

CURRENT TEMPORARY CONSTRUCTION EASEMENT

CURRENT PUBLIC SEWER EASEMENT

RELOCATED
50' TEMPORARY CONSTRUCTION
EASEMENT

RELOCATED 20' PERMANENT
PUBLIC SEWER EASEMENT

20' WIDE GAS PIPELINE EASEMENT
PARCEL 8 INST. 202221022

GAS EXHAUST

SPRINGBROOK OAKS
PUBLIC SEWER EASEMENT
(GOLF COURSE ALIGNMENT)

FEBRUARY 29, 2004

DEED OF CONSERVATION
EASEMENT
INST NO. 199825634
29 DECEMBER 1998

20' WIDE PERMANENT PUBLIC SEWER
EASEMENT PER INST. 200321835

50' WIDE TEMPORARY CONSTRUCTION
EASEMENT PER INST. 200321835

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Lawrence J. Anderson

OREGON
February 14, 1988
LAWRENCE J. ANDERSON
2122

Renewable 31 December 2005

ANDERSON ENGINEERING, INC.
112 N. SPRINGBROOK ROAD
NEWBERG, OREGON 97132

FERNWOOD ROAD

TRACT "A" OF P-2003-32 GRANTED
IN FEE SIMPLE TO CITY OF NEWBERG
IN DECLARATION OF THAT PLAT.
SUBJECT TO EASEMENT (INST.
200101307)

POINT OF BEGINNING
N. CORNER OF INST.
200101308

EXHIBIT "A"
PAGE 3 OF 3

5/5

City of Newberg
414 East First Street, PO Box 970
Newberg, OR 97132

Grantor's Name and Address

Werth Family, LLC
C/O Mike Gougler
MJG Development, Inc.
5241 Windsor Terrace
West Linn, OR 97068

Grantee's Name and Address

AFTER RECORDING RETURN TO:

City Attorney's Office
City of Newberg
PO Box 970
Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200414683



\$46.00

00173179200400146830050050

07/19/2004 10:37:06 AM

DMR-DDMR Cnt=1 Stn=2 ANITA
\$25.00 \$10.00 \$11.00

QUITCLAIM DEED - STATUTORY FORM

City of Newberg, Grantor, releases, vacates, discharges, and quitclaims to Werth Family, LLC, Grantee, all right, title, and interest in and to the following described property situated in Yamhill County, Oregon, which was conveyed to the City of Newberg in Instrument No. 200409499, which is more particularly described as follows:

See Exhibit "A".

The true consideration for this conveyance is \$ 0 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Jim Bennett, City Manager
City of Newberg

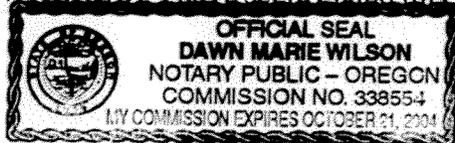
Dated: 6/11, 2004.

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

State of Oregon)
County of Yamhill) ss

On this day personally appeared before me Jim Bennett, who being duly sworn, did say that he is the City Manager of the City of Newberg, and Jim Bennett acknowledged the Instrument to be his voluntary act and deed.

IN WITNESS WHEREOF I have set my hand this 1th day of June, 2004.



Dawn Marie Wilson
Notary Public for Oregon
Notary commission expires: 10/21/04

WERTH FAMILY, LLC
ACCEPTED:

[Signature]
Dean E. Werth, Operating Manager

Dated: 6/11/04

[Signature]
Howard D. Werth, Operating Manager

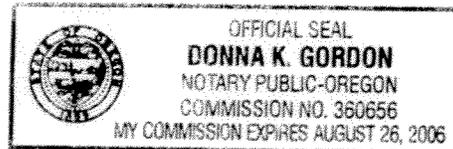
Dated: 7/8/04

APPROVED AS TO FORM

[Signature]
Terrence D. Mahr, City Attorney
Dated: 6/10/04

Howard D. Werth personally
appeared before me on
July 8, 2004

Donna K Gordon
Donna K Gordon



Exhibit"A"

February 29, 2004

LEGAL DESCRIPTION – Public Sewer Easement
Across TL 3216-2001

Parcel 1

Description of a 20-foot strip of land across Parcel 3, Partition 2001-38 for a Public Utility Easement

A strip of land, 20.00 feet in width, across a portion of Parcel 3 of Partition 2001-38, a partition recorded 25 August, 2001, Yamhill County Plat Records, located in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, in the Southeast Quarter of Section 16 and the Northeast Quarter of Section 21, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon. Said easement being 10.00 feet on each side of the following described centerline:

Beginning at a point on the northerly line of a 0.28 acre Public Utility Easement recorded in Instrument No. 200101306, said point being South 54° 35'34" West, 2.92 feet from the northernmost corner said Public Utility Easement;

Thence along the centerline of a 20.00 foot easement: North 15°28'49" West, 386.83 feet; thence North 50°26'16" East, 345.00 feet; thence North 40°28'47" East, 200.00 feet; thence North 10°22'17" East, 450.00 feet; thence North 06°25'32" East, 450.00 feet; thence North 03°14'29" East, 480.00 feet; thence North 00°58'18" East, 466.91 feet to the north line of said Parcel 3 Partition 2001-38.

It is the intent of the above referenced description that all easement sidelines shall converge or extend onto themselves at angle points to create an easement in its entirety of no less than 20.00 feet wide. The east and west boundaries of the easement project or shorten along their lines to intersect the boundary of Instrument No. 200101306 and the north line of Parcel 3 of Partition 2001-38.

The permanent 20.00 foot Public Utility Easement contains 1.279 acres more or less.

EXHIBIT "A"

PAGE 1 OF 3

3/5

Parcel 2

Description of a 50-foot strip of land across Parcel 3, Partition 2001-38 for a Temporary Construction Easement

A strip of land, 50.00 feet in width, across a portion of Parcel 3 of Partition 2001-38, a partition recorded 25 August, 2001, Yamhill County Plat Records, and located in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, in the Southeast Quarter of Section 16 and the Northeast Quarter of Section 21, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon.

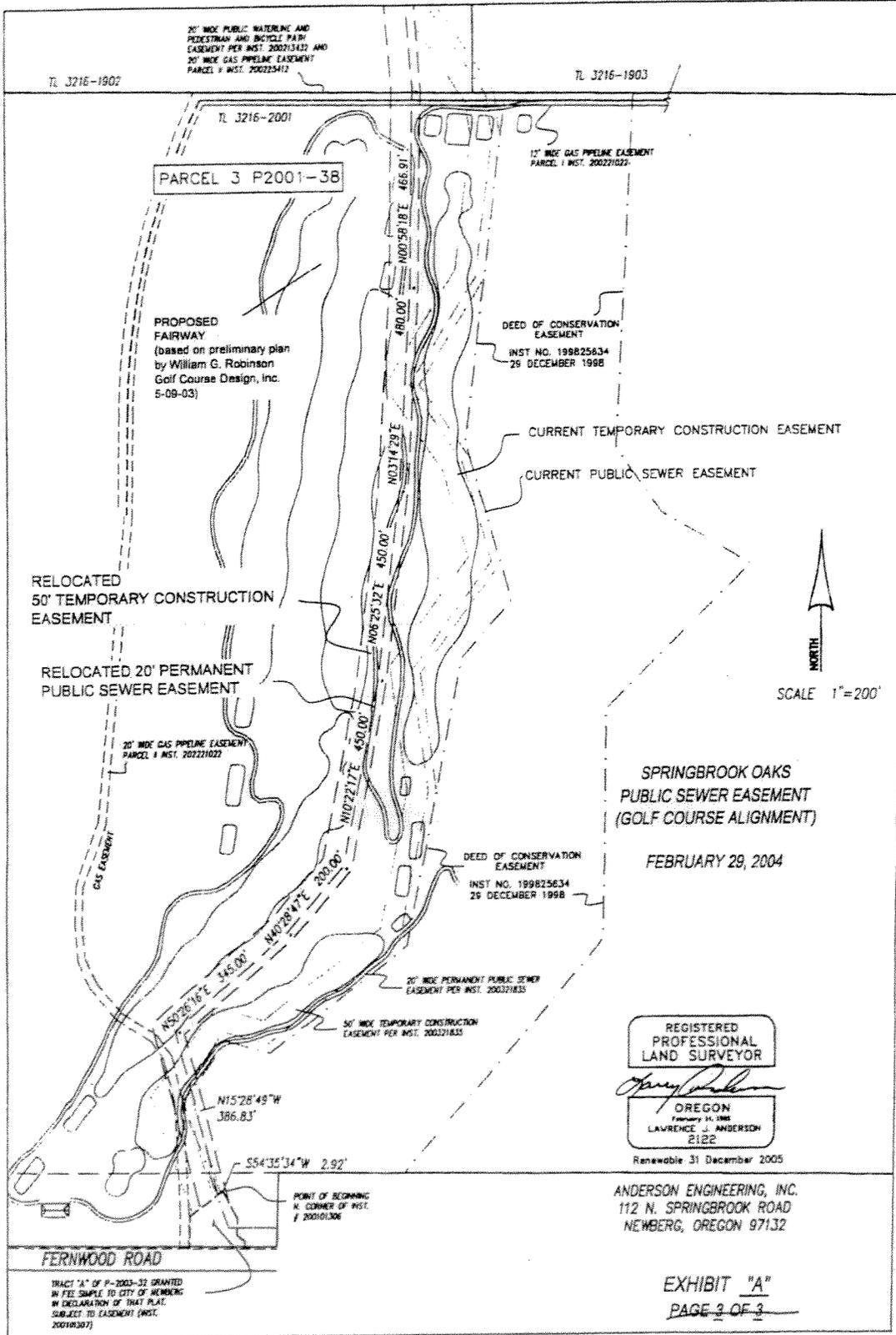
Said easement being 50.00 feet in width and adjacent to the west line of the 20.00-foot permanent easement described in Parcel 1.

The intent of this easement is to create an additional 50.00 wide strip for construction access along the permanent utility easement.

EXHIBIT "A"

PAGE 2 OF 3

4/5



TL J216-1902

TL J216-1903

TL J216-2001

PARCEL 3 P2001-38

12' WIDE GAS PIPELINE EASEMENT
PARCEL # INST. 200221022

PROPOSED FAIRWAY
(based on preliminary plan
by William G. Robinson
Golf Course Design, Inc.
5-09-03)

DEED OF CONSERVATION
EASEMENT
INST NO. 199825634
29 DECEMBER 1998

CURRENT TEMPORARY CONSTRUCTION EASEMENT

CURRENT PUBLIC SEWER EASEMENT

RELOCATED
50' TEMPORARY CONSTRUCTION
EASEMENT

RELOCATED 20' PERMANENT
PUBLIC SEWER EASEMENT

20' WIDE GAS PIPELINE EASEMENT
PARCEL # INST. 200221022

DEED OF CONSERVATION
EASEMENT
INST NO. 199825634
29 DECEMBER 1998

SPRINGBROOK OAKS
PUBLIC SEWER EASEMENT
(GOLF COURSE ALIGNMENT)

FEBRUARY 29, 2004

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
February 11, 1988
LAURENCE J. ANDERSON
2122

Renewable 31 December 2005

ANDERSON ENGINEERING, INC.
112 N. SPRINGBROOK ROAD
NEWBERG, OREGON 97132

FERNWOOD ROAD

TRACT "A" OF P-2003-33 GRANTED
IN FEE SIMPLE TO CITY OF MEMPHIS
BY DECLARATION OF THAT PLAT.
SUBJECT TO EASEMENT (INST.
200101307)

EXHIBIT "A"

PAGE 3 OF 3

5/5

AFTER RECORDING, RETURN TO:

City Attorney's Office
City of Newberg
PO Box 970
Newberg, OR 97132

CITY OF NEWBERG
CITY RECORDER INDEX NO. 2067

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

20041468



\$51.00

00173180200400146840060062

07/19/2004 10:37:06 AM

DMR-EDMR Cnt=1 Stn=2 ANITA
\$30.00 \$10.00 \$11.00

PUBLIC SEWER EASEMENT

In consideration of the sum of \$0 and other valuable consideration, Werth Family, LLC, an Oregon Limited Liability Company, 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 across the following described real property:

SEE ATTACHED EXHIBIT "A"

Together with the nonexclusive use of the staging area off Fernwood Road along with ingress and egress as currently existing for the golf course construction. The use of the ingress/egress and staging area shall be coordinated with the golf course contractors.

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 Grantors 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 Grantors, 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

FOR ACCOMMODATION RECORDING ONLY
IT HAS NOT BEEN EXAMINED AS TO ITS CONTENT
NORTHWEST TITLE COMPANY

DEPARTMENT TO VERIFY APPROVED USES.

IN WITNESS WHEREOF, the parties have executed this document on this _____ day of _____, 2004.

Dean E. Werth
Dean Werth, Operating Manager Date 7/8/04
Werth Family, LLC, and Trustee,
Werth Living Trust

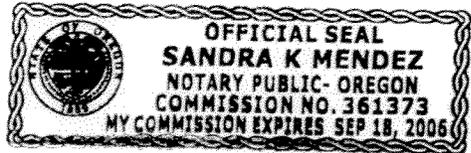
Howard D. Werth
Howard D. Werth, Operating Manager Date 7/8/04
Werth Family, LLC, and Owner

ACKNOWLEDGMENTS

State of Oregon)
) ss
County of Yamhill)

On this day personally appeared before me Dean E Werth, who being duly sworn, did say that he/she is the Operating Manager of the Werth Family, LLC, and that the above Instrument was signed on behalf of the Werth Family, LLC and Sandra K. Mendez acknowledged the Instrument to be his/her voluntary act and deed.

IN WITNESS WHEREOF I have set my hand this 8 day of July, 2004.



Sandra K. Mendez
Notary Public for Oregon

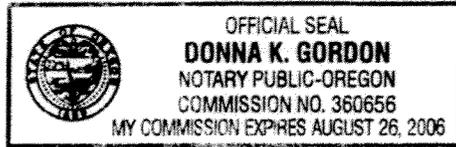
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2/6

State of Oregon)
) ss
County of Multnomah)

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

IN WITNESS WHEREOF I have set my hand this 8th day of July, 2004.



Donna K. Gordon
Notary Public for Oregon

CITY OF NEWBERG
ACCEPTED:

[Signature]
City Recorder
Dated: 7/12/04

APPROVED AS TO FORM

[Signature]
Terrence D. Mahr, City Attorney
Dated: 7/13/04

AFTER RECORDING, RETURN TO:
City of Newberg, P.O. Box 970, Newberg, OR 97132

Exhibit "A"

July 6, 2004

LEGAL DESCRIPTION – Public Sewer Easement

Easement 1

Description of a 20-foot strip of land across Parcel 2, P2003-32 for a Public Sewer Easement

A strip of land, 20.00 feet in width, across a portion of Parcel 2 of Partition 2003-32, a partition recorded 31 December, 2003, Yamhill County Plat Records, located in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, in the Southeast Quarter of Section 16 and the Northeast Quarter of Section 21, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon. Said easement being 10.00 feet on each side of the following described centerline:

Beginning at a point on the northerly line of a 0.28 acre Tract "A" of P-2003-32 also being a Public Utility Easement recorded in Instrument No. 200101306, said point being South 54°35'34" West, 3.82 feet from the northernmost corner said Tract "A".

Thence along the centerline of a 20.00 foot easement: North 18°15'00" West, 397.20 feet; thence North 2°45'00" West, 370.00 feet; thence North 10°19'00" East, 500.00 feet; thence North 5°54'00" East, 400.00 feet; thence North 7°11'00" East, 495.00 feet; thence North 21°22'00" East, 440.00 feet; thence North 32°41'00" East, 55.25 feet to the north line of said Parcel 2 Partition 2003-32.

It is the intent of the above referenced description that all easement sidelines shall converge or extend onto themselves at angle points to create an easement in its entirety of no less than 20.00 feet wide. The east and west boundaries of the easement project or shorten along their lines to intersect the boundary of Tract "A" P-2003-32 and the north line of Parcel 3 of Partition 2001-38.

The permanent 20.00 foot Public Sewer Easement contains 1.22 acres more or less.

EXHIBIT "A"

~~PAGE 1 OF 3~~

4/6

Easement 2

Description of a 50-foot strip of land across Parcels 1 & 2, P2003-32 for a Temporary Construction Easement

A strip of land, 50.00 feet in width, across a portion of Parcels 1 & 2 of Partition 2003-32, a partition recorded 31 December, 2003, Yamhill County Plat Records, located in the South Half of the Sebastian Brutscher Donation Land Claim No. 51, in the Southeast Quarter of Section 16 and the Northeast Quarter of Section 21, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

All of that part of Parcels 1 and 2 of P2003-32 lying within a strip of land, 50.00 feet in width and adjacent to and west of the westerly boundary of the 20 foot permanent public sewer easement described in Easement 1.

The intent of this easement is to create an additional 50.00 foot wide strip for construction access along the permanent utility easement (Easement 1).

EXHIBIT "A"

~~PAGE 2 OF 3~~

5/4

TL 3216-1902

20' WIDE PUBLIC WATERLINE AND PEDESTRIAN AND BICYCLE PATH EASEMENT PER INST. 200213432 AND 20' WIDE GAS PIPELINE EASEMENT PARCEL 8 INST. 200225412

TL 3216-1903

PARCEL 1 P2003-32

12' WIDE GAS PIPELINE EASEMENT PARCEL 1 INST. 200221022

BYPASS STUDY CORRIDOR

PARCEL 2 P2003-32

DEED OF CONSERVATION EASEMENT INST NO. 199825634 29 DECEMBER 1998

FAIRWAYS AND CARTPATHS (based on preliminary plan by William G. Robinson Golf Course Design, Inc. 5-09-03)

RELOCATED 50' TEMPORARY CONSTRUCTION EASEMENT

RELOCATED 20' PERMANENT PUBLIC SEWER EASEMENT

20' WIDE GAS PIPELINE EASEMENT INST. 202221022

BYPASS STUDY CORRIDOR



SCALE 1"=200

SPRINGBROOK OAKS PUBLIC SEWER EASEMENT (GOLF COURSE WEST ALIGNMENT) PERMANENT EASEMENT A PART OF PARCEL 2, P2003-32 TEMPORARY EASEMENT A PART OF PARCELS 1 & 2, P2003-

REVISED JULY 6, 2004

REGISTERED PROFESSIONAL LAND SURVEYOR

Lawrence J. Anderson
OREGON February 14, 1985
LAWRENCE J. ANDERSON
2122

Renewable 31 December 2005

POINT OF BEGINNING N. CORNER TRACT "A" P-2003-32

ANDERSON ENGINEERING, INC.
112 N. SPRINGBROOK ROAD
NEWBERG, OREGON 97132

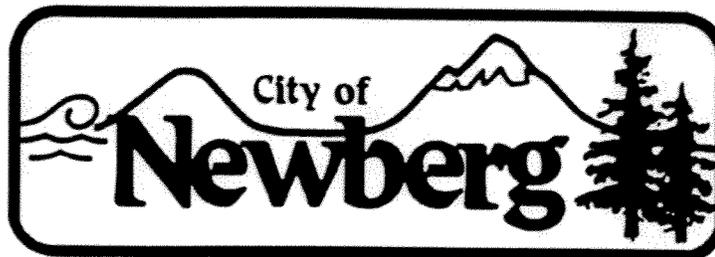
FERNWOOD ROAD

TRACT "A" OF P-2003-32 GRANTED IN FEE SIMPLE TO CITY OF NEWBERG IN DECLARATION OF THAT PLAT.

EXHIBIT "A"
PAGE 3 OF 3

City Attorney
(503) 537-1206

City Manager
(503) 538-9421



414 East First Street
PO Box 970
Newberg, Oregon 97132

RECORDING REQUEST

TO: **Northwest Title Company**
Newberg, Oregon 97132
(503) 538-7361

FROM: **Dawn Wilson — City Attorney's Office (City of Newberg)**
Telephone: (503) 537-1206

RE: **SIMULTANEOUS RECORDING**
for Quitclaim Deed (recorded FIRST) & Public Sewer Easement (recorded SECOND)

DATED: July 16, 2004

PLEASE RECORD THE ATTACHED:

Today or 07/19/04

Regular Service

NO LATER THAN: _____

SIMULTANEOUS RECORDING in the following order:

<u>Type of Document</u>	<u>Parties</u>	<u>Document Date</u>
1) Quitclaim Deed (Dean & Howard Werth)		June 11, 2004/July 8, 2004
2) Public Sewer Easement (Dean & Howard Werth)		July 8, 2004

Please INVOICE:

Brown, Tarlow & Bridges PC
Attn: John Bridges
515 East 1st Street
Newberg, OR 97132

O:\Legal\Forms & Sample Agts\Recording Request-5-bill Brown & Tarlow.wpd

CITY ATTORNEY'S OFFICE: e-mail: nlegal@ci.newberg.or.us Fax: 537-5013

Building: 537-1240 • Community Development: 537-1240 • Finance: 537-1201 • Fire: 537-1230
Library: 538-7323 • Municipal Court: 537-1203 • Police: 538-8321 • Public Works: 537-1233 • Utilities: 537-1205
Municipal Court Fax: 538-5393 • Community Development Fax: 537-1272 • Library Fax: 538-9720

“Working Together For A Better Community - Serious About Service”