

AFTER RECORDING RETURN TO:  
City of Newberg -- Public Works Department  
P.O. Box 970 -- 414 E. First Street  
Newberg, Oregon 97132

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK

200514174



\$36.00

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07/07/2005 03:30:55 PM

DMR-EDMR Cnt=1 Stn=2 ANITA

\$15.00 \$10.00 \$11.00

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

NORTHWEST TITLE COMPANY  
CITY OF NEWBERG

CITY RECORDER INDEX NO. 2156

WATERLINE EASEMENT

In consideration of the sum of \$ 0 and other valuable consideration, Dr. Thomas A. Gail, trustee for, 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 a waterline across the following described real property, to provide water service to Tax Lot 3208 03500 in the City of Newberg, Yamhill County, Oregon

SEE ATTACHED EXHIBITS A & 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 constructed to interfere with or restrict use of the premises by Grantor(s), their heirs or assigns, with respect to the construction and maintenance of public utilities 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.
4. Said waterline easement shall be extinguished when Juniper Street is extended and fully improved including curb, gutter and sidewalk to the south.

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.

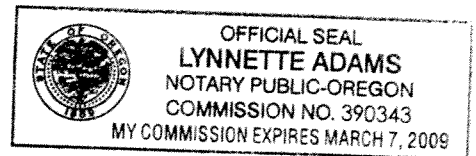
IN WITNESS WHEREOF, the parties have executed this document on this 22 day of June 2005

Dr. Thomas A. Gail  
1217 Henry Road  
Newberg, Oregon 97132

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

This instrument was acknowledged before me this 22 day of June 2005 by Dr. Thomas Gail.

Lynnette Adams  
Notary Public for Oregon  
My Commission expires: Mar. 7, 2009



CITY OF NEWBERG  
ACCEPTED:

APPROVED AS TO FORM

James H. Bennett  
James H. Bennett, City Recorder  
Dated: 7/5/05

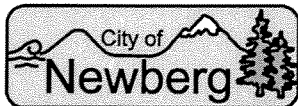
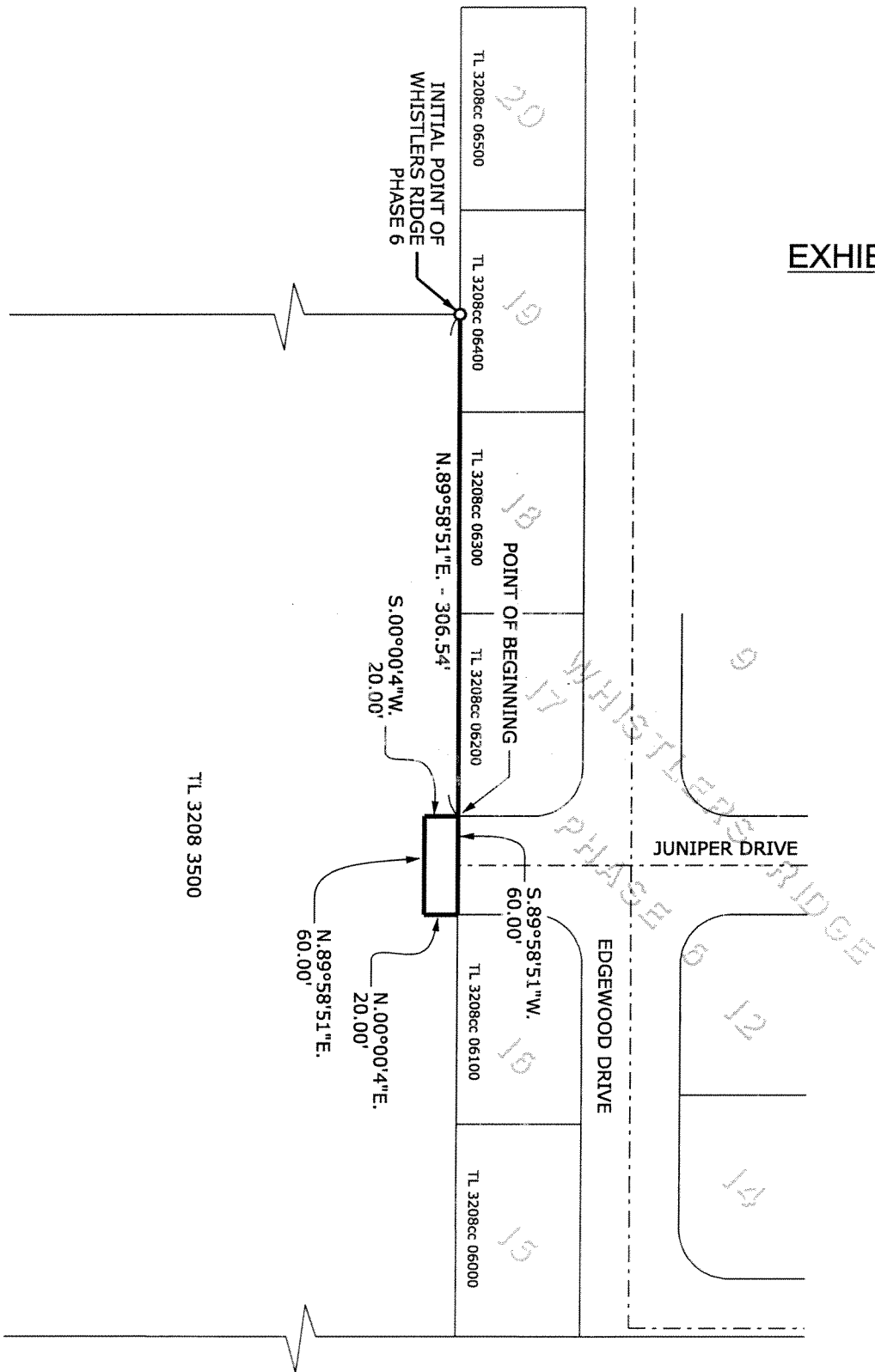
Terrence D. Mahr  
Terrence D. Mahr, City Attorney  
Dated: 6/24/05

## EXHIBIT A

A tract of land in Section 8, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon described as follows:

Beginning at the Initial Point of Whistlers Ridge Phase 6 Subdivision a 5/8" iron rod; thence north 89°58'51" east a distance of 306.54 feet to the point of beginning a 5/8" iron rod with a yellow plastic cap marked "Dunckel & Assoc."; thence south 00°00'04" west a distance of 20.00 feet; thence north 89°58'51" east a distance of 60.00'; thence north 00°00'04" east a distance of 20.00 feet; thence south 89°58'51" west a distance of 60.00 feet to the point of beginning.

**EXHIBIT B**



PUBLIC WORKS - ENGINEERING  
 P.O. BOX 970  
 414 E. FIRST ST.  
 NEWBERG, OREGON 97132  
 PH.(503)537-1240 FAX(503) 537-1277

**WATERLINE EASEMENT SKETCH  
 GRANTED TO THE CITY OF NEWBERG  
 BY TAX LOT 3208 03500**

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