

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK



\$26.00

200706445 3:31:02 PM 3/22/2007  
DMR-RELDMR Cnt=1 Str=3 SUSIE  
\$5.00 \$10.00 \$11.00

**AFTER RECORDING RETURN TO:**

City of Newberg – Engineering Division  
PO Box 970, 414 E. First Street  
Newberg, OR 97132

**RELEASE OF EASEMENT**

The City of Newberg, a municipal corporation, in consideration of the dedication of a portion of Fernwood Road on the plat of Masters Glen subdivision, does hereby release all rights of access and interests in the following described Public Utility and/or Roadway Easement(s) to the property owner, Oakridge Estates Development Corporation, an Oregon Corporation, their heirs and assigns.

A variable-width Sidewalk, Wall and Utility Easement as described by Instrument No. 200518656 Official Yamhill County Records recorded on August 26, 2005, which falls within the dedicated right-of-way of Fernwood Road as shown on the plat of Masters Glen subdivision.

Before signing or accepting this instrument, the person transferring fee title should inquire about the person's rights, if any, under Chapter 1, Oregon Laws 2005 [Ballot Measure 37 (2004)]. This instrument does 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, to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930 and to inquire about the rights of neighboring property owners, if any, under Chapter 1 Oregon Laws 2005 [Ballot Measure 37 (2004)].

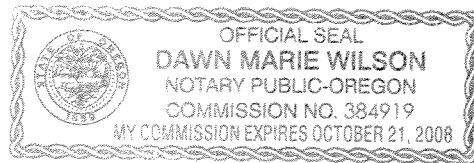
IN WITNESS WHEREOF, the parties have executed this document on this 13<sup>th</sup> day of March 2006.

STATE OF OREGON, County of Yamhill

James H. Bennett  
City Manager

This instrument was acknowledged before me this 13<sup>th</sup> day of March 2006, by James H. Bennett.

Notary Public for Oregon  
My Commission expires: 10/21/08



STATE OF OREGON, County of Yamhill

Current Owner

This instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_ 2006, by \_\_\_\_\_.

Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

APPROVED AS TO FORM AND CONTENT

Terrence D. Mahr, City Attorney  
Dated: By: [Signature] 03/12/07

FIRST AMERICAN TITLE

**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

AUG 30 2005



\$36.00

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

200518656 11:14:11 AM 8/26/2005  
DMR-EDMR Cnt=1 Str=3 KENTV  
\$15.00 \$10.00 \$11.00

144

**SIDEWALK, WALL AND UTILITY EASEMENT**

**CITY OF NEWBERG**  
CITY RECORDER INDEX NO. 2173

In consideration of the sum of \$0 and other valuable consideration, Daniel L Thiessen 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 public sidewalk, a wall, and public utilities 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.

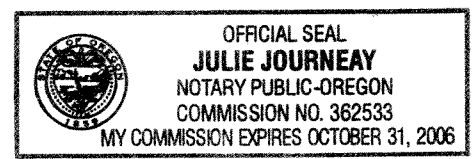
It is further understood that:

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.

IN WITNESS WHEREOF, the parties have executed this document on this 8th day of August, 2005.

Signature: [Signature]  
Daniel L. Thiessen



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

This instrument was acknowledged before me this 8th day of August, 2005, by Daniel L Thiessen.

Before me: [Signature]  
Notary Public for Oregon

My Commission expires: October 31, 2006

CITY OF NEWBERG  
ACCEPTED  
[Signature]  
James H. Bennett, City Recorder  
Dated: 8/23/05

APPROVED AS TO FORM  
[Signature]  
Terrence D. Mahr, City Attorney  
Dated: 8/23/05

  
COMMUNITY DEVELOPMENT

EXHIBIT "A"

FEBRUARY 3, 2005

LEGAL DESCRIPTION  
SIDEWALK, WALL, AND UTILITY EASEMENT  
FERNWOOD ROAD  
THE GREENS AT SPRINGBROOK

JOB NO. 0784-0001

A PARCEL OF LAND, SITUATE IN THE LUKE MCKERN D.L.C. #56 BEING WITHIN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, AND BEING A PORTION OF THAT PROPERTY DESCRIBED IN DEED DOCUMENT NO. 1996 09319 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 3, PARTITION PLAT 2003-32, YAMHILL COUNTY RECORDS; THENCE SOUTH 89°20'12" EAST, 125.75 FEET ALONG THE SOUTH LINE OF SAID PARCEL; THENCE LEAVING SAID LINE, SOUTH 1°13'08" WEST, 210.74 FEET; THENCE SOUTH 0°45'18" WEST, 127.66 FEET ALONG THE WESTERLY BOUNDARY LINE OF SAID PROPERTY TO THE **POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 0°45'18" WEST, 15.29 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF FERNWOOD ROAD (40.00 FEET WIDE); THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 72°03'53" EAST, 412.45 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 0°45'18" EAST, 16.05 FEET ALONG THE EASTERLY BOUNDARY OF SAID PROPERTY, TO A POINT ON A 570.00 FOOT RADIUS CURVE, NON-TANGENT TO THE PREVIOUS COURSE, (THE RADIUS POINT BEARS NORTH 10°04'41" EAST); THENCE LEAVING SAID LINE AND FOLLOWING ALONG SAID CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 7°51'26", 78.17 FEET (THE CHORD BEARS NORTH 75°59'36" WEST, 78.11 FEET); THENCE NORTH 72°03'53" WEST, 261.88 FEET; THENCE ALONG A 570.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 7°17'57", 72.62 FEET (THE CHORD BEARS NORTH 68°24'54" WEST, 72.57 FEET) TO THE **POINT OF BEGINNING**.

CONTAINS APPROXIMATELY 4,369 SQUARE FEET.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PARTITION PLAT 2003-32.



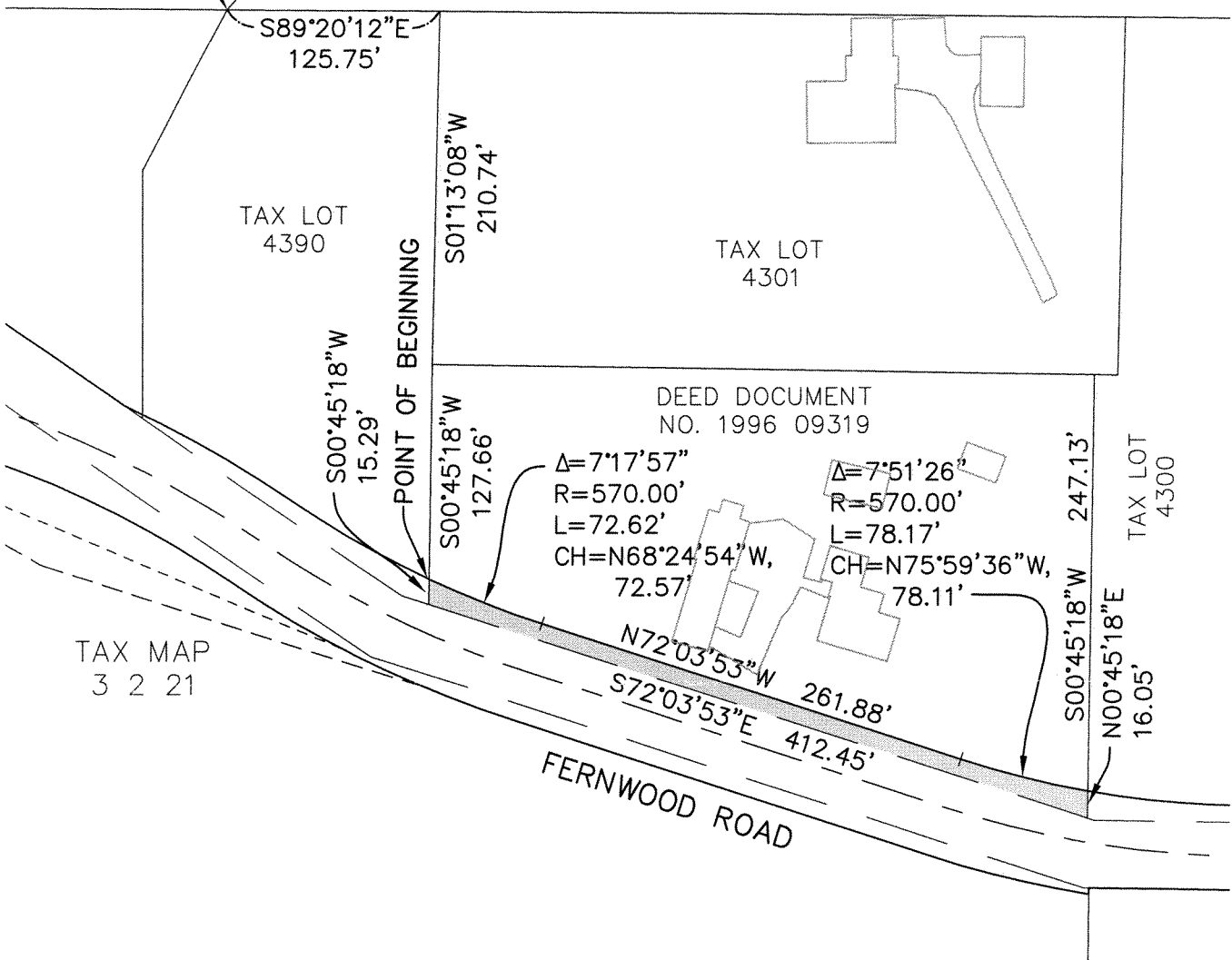
N:\proj\784-001\Survey\R-W DEDC 2.doc

**EXHIBIT "B"**  
**SIDEWALK, WALL AND UTILITY EASEMENT**

PARTITION PLAT 2003-32  
 PARCEL 2

SW CORNER OF  
 PARCEL 3  
 OF PARTITION PLAT  
 2003-32

PARTITION PLAT 2003-32  
 PARCEL 3



N:\proj\1784-001\dwg\Survey\07330004\EXB12.dwg - SHEET: 8x11 Mar 03, 2005 - 4:04pm mem

DRAWN BY: MEM DATE: 02/03/05  
 REVIEWED BY: MRG DATE: \_\_\_\_\_  
 PROJECT NO.: 0784-0001  
 SCALE: 1"=100'

**alpha**  
 COMMUNITY DEVELOPMENT  
 OFFICE 503-452-8003 FAX 503-452-8043  
 PLAZA WEST SUITE 230 9600 SW OAK PORTLAND, OR 97223