

PAYMENT AGREEMENT FOR COMPLETION OF PUBLIC IMPROVEMENTS

THIS AGREEMENT, entered into this 10 day of June, 2003, between the following parties:

I. PARTIES.

CITY OF NEWBERG,
an Oregon Municipal Corporation
414 E. First Street
Newberg, Oregon 97132
"City"

Fred Meyer Stores, Inc.
3800 SE 22nd Avenue
Portland OR 97202

"Owner"

II. RECITALS. Owner was granted approval for development of property described as Tax Lot 3216-2004 and as part of the design review approval (Planning File DR-158-01), Owner is required to participate in construction of intersection improvements at Hayes Street and Springbrook Road. Owner agrees that the requirements to construct improvements as part of the approval action are lawful requirements of the City. Owner agrees to be bound by said requirements. In consideration for the City's agreement to allow the owner to provide payment for construction of the required improvements, owner waives any right to object to said requirements.

III. PURPOSE. Owner desires to develop the Property and agrees to contribute \$100,000.00 toward the improvement of the Hayes Street / Springbrook Road intersection, including installation of a traffic signal.

IV. INSTALLING IMPROVEMENTS. City will install the specified improvements following its capital improvement program. All funds become the property of City and will be used only for installation of these improvements. City will not attempt to recover further costs of the improvements from the property owner or developer.

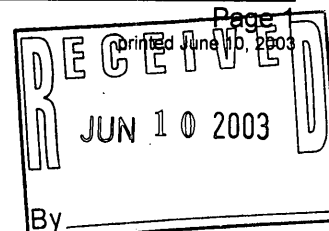
THESE SIGNATURES ATTEST TO THE PARTIES' AGREEMENT TO EACH AND EVERY RECITAL AND PROVISION OF THIS AGREEMENT.

IN WITNESS WHEREOF, I/we have executed said document on this 10 day of June, 2003.

OWNER(S):

Fred Meyer Stores, Inc.
3800 SE 22nd Avenue
Portland OR 97202

By: 



STATE OF OREGON)

City of Portland) ss.

County of Yamhill)
Multnomah

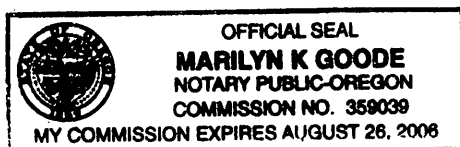
This instrument was acknowledged before me by Robert Currey Wilson to be known to be the Group VP of, by authority of it's Board of Directors, on behalf of said corporation.

CITY OF NEWBERG

ACCEPTED AS TO FORM:

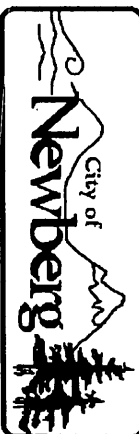
By JHB Bennett
James H. Bennett, City Manager

By Terrence D. Mahr
Terrence D. Mahr, City Attorney



Marilyn K. Goode
June 10, 2003
My commission expires August 26, 2006

COMMUNITY DEVELOPMENT P.O. Box 970, Newberg, OR 97132



RECEIPT NO: 24055

DATE 6-11-03

RECEIVED FROM *Kruger & Sons Inc*
SITE ADDRESS *3380 Macleod Rd*

PERMIT FEES:	ACCT	AMOUNT
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Building Plan Review - Permit	322001	\$
City Facility	322010	\$
Community Development	322009	\$
Plumbing	322002	\$
Mechanical	322002	\$
Driveway/Sidewalk	332003	\$
Sewer Development	349002	\$
Sewer Tap	349001	\$
Water Development	349002	\$
Water Tap	349001	\$
Storm Water Development	349002	\$
Transportation System Development	349002	\$
Parks Development	202002	\$
Electrical	322007	\$
Manufactured Home Set - Up	322005	\$
OTHER		\$
Copies / Maps / Documents	341005	\$
Engineering Inspection	342004	\$
Signalization	349003	\$
Planning: (type) <i>Payment To Field</i>	341003	\$100,000.00
<i>at Kruger / Springfield intersection</i>		\$
<i>in documents</i>		\$

Cash/Check ☒ Ck# *3988418* Rcd by *Ypm* TOTAL *100,000.00*
Distribution: White - Customer Yellow - Office Copy K:\PROMA\ON\Applications CDD\m-Receipts vpd12-2-02

THE COMPANY LOGO CAN BE SEEN AS A WATERMARK ON THE BACK. HOLD AT ANGLE TO VIEW IF NOT PRESENT, DO NOT CASH

THE BANK OF NEW YORK (DELAWARE)
NEWARK, DELAWARE

62-35/311 2003-06-09 3988418

PAY TO THE ORDER OF **ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS** *****
CITY OF NEWBERG
414 E 1ST ST
PO BOX 970
NEWBERG OR 97132-0000

*\$100,000.00
Void Over \$100,000.00

Scott M Henderson

THIS ACCOUNT CLEARS POSITIVE PAY

ANTI-FRAUD PROTECTION - PATENTS 5,197,769; 5,340,189

⑈3988418⑈ ⑆031100351⑆ ⑈0300953429⑈

THIS CHECK CONTAINS MULTI-COLOR RAINBOW PRINTING IN THE BACKGROUND. IF NOT PRESENT, DO NOT CASH.

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facsimile transmittal

To: City of Newberg **Fax:** 503-537-1272

From: Donna Duvall **Date:** 6/12/03

Re: Regarding Payment Agreement with
Fred Meyer Store #00220 **Pages:** 2

CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

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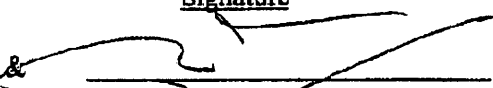
ATTACHED IS A PAPER NOTING THAT BOB CURREY-WILSON IS INDEED AN AGENT OF FRED MEYER.

FRED MEYER STORES, INC.**CERTIFICATE OF INCUMBENCY**

The undersigned hereby certifies that she is the Vice President and Assistant Secretary of Fred Meyer Stores, Inc., a Delaware corporation, (the "Company"), and that the following persons hold the office set forth opposite their name below and are authorized to sign documents related to real estate owned and/or operated by the Company:

James C. Aalberg	Vice President & Assistant Treasurer
Robert Currey-Wilson	Vice President
David Deatherage	Vice President and Chief Financial Officer

The undersigned further certifies that the signature of the officer set forth below is the true and genuine signature of such officer:

<u>Name</u>	<u>Position</u>	<u>Signature</u>
James C. Aalberg	Vice President & Assistant Treasurer	
Robert Currey-Wilson	Vice President	
David Deatherage	Vice President & CFO	

IN WITNESS WHEREOF, the undersigned has executed and delivered this Certificate of Incumbency on this 10th day of October, 2002.


Nona M. Soltero
Vice President & Assistant Secretary