

AFTER RECORDING RETURN TO:
City of Newberg – Engineering Division
PO Box 970 - 414 E. First Street
Newberg, OR 97132

UTILITY EASEMENT

In consideration of the sum of \$0.00 and other valuable consideration, Juanita R. Duncan, 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 waste water pump station, sanitary sewer lines, and other pertinent waste water infrastructure across the following described real property:

That tract of land described as “Proposed Parcel 2” in Exhibit “A” and shown as “Proposed Parcel 2” in 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(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 construction.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

AFTER RECORDING RETURN TO:
City of Newberg – Engineering Division
PO Box 970 - 414 E. First Street
Newberg, OR 97132

IN WITNESS WHEREOF, the parties have executed this Utility Easement document on this ____ day of _____, 2009.

Juanita R. Duncan

Address

City, State, Zip

STATE OF _____)
County of _____) s.s.

This instrument was acknowledged before me this ____ day of _____, 2009, by Juanita R. Duncan.

Notary Public for Oregon
My Commission expires:

CITY OF NEWBERG
ACCEPTED:

APPROVED AS TO FORM

Norma I. Alley, City Recorder
Dated: _____

Terrence D. Mahr, City Attorney
Dated: _____

EXHIBIT "A"



DAVID EVANS
AND ASSOCIATES INC.

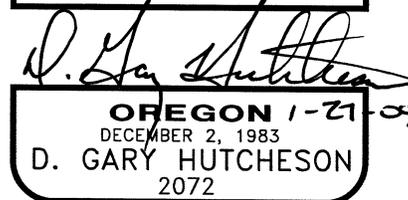
NEWB0000-0005
D.G.H.
10/17/08
Revised 01/27/09

Legal Description
Proposed Parcel 2 for Partition Plat

A parcel of land being situated in John H. Hess Donation Land Claim No. 39 and No. 60 and in the northeast quarter of the southwest quarter of Section 18, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being a portion of property conveyed to Juanita R. Duncan recorded on May 2, 2005 in Document Number 2005 08895, Deed Records, said county and being described as follows:

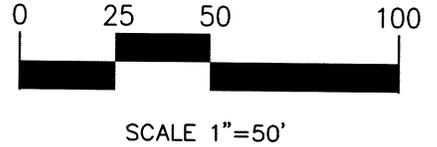
Beginning at the northwest corner of property conveyed to Juanita R. Duncan recorded on May 2, 2005 in Document Number 2005 08895, Deed Records, Yamhill County, Oregon and being located South 02° 25' 18" West, a distance of 850.65 feet and North 87° 34' 42" West, a distance of 830.77 feet from a found 3" brass disc in a monument box at the southwest corner of the Oliver Walker D.L.C. No. 53, the northwest corner of the Daniel D. Deskins D.L.C. No. 54 and on the east boundary of the John H. Hess D.L.C. No. 39 and running along the northerly line of said Duncan Parcel South 66° 26' 23" East, a distance of 200.84 feet; thence leaving said Duncan Parcel South 02° 33' 46" West, a distance of 92.89 feet to the northerly right-of-way line of Oregon State Highway Division, Highway No. 240; thence parallel with the centerline of a 400.00 foot spiral and being a variable offset northerly (the chord of which bears North 50° 31' 53" West, a distance of 72.03 feet) an arc distance of 72.03 feet; thence North 44° 19' 41" West, a distance of 177.93 feet to the point of beginning, containing 9371 square feet or 0.215 acres, more or less.

Basis of bearing for this legal description are on Oregon State Plane Coordinate System (North Zone) NAD83/96 adjustment. Distances are measured on the ground.



RENEWS: 6/30/09

EXHIBIT "B"



TAX LOT 1700
ASSESSOR MAP 3 2 18CA

TAX LOT 217
ASSESSOR MAP 3 2 18CA

TAX LOT 1600
ASSESSOR MAP 3 2 18CA

POINT OF BEGINNING

S 66°26'23" E 200.84'
N 44°19'41" W 177.93'

PARCEL 2
9,371 SQ. FT.
0.215 AC.

S 66°26'23" E 98.02'

TAX LOT 1601
ASSESSOR MAP
3 2 18CA

EXISTING HOUSE

PARCEL 1
10,530 SQ. FT.
0.242 AC.

S 02°21'19" W 139.31'

OSHD

PROPOSED PUMP
STATION SITE

PROPOSED PROPERTY LINE

L=72.03'
N 02°33'46" E 92.89'

BRIDGE ABUTMENT

HIGHWAY 240

TO RADIUS POINT
S 43°14'48" W

L=122.99'

VARIES



**DAVID EVANS
AND ASSOCIATES INC.**

2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

PROJECT **DAYTON AVENUE PUMP STATION**
TITLE **CITY OF NEWBERG**
TENTATIVE PARTITION PLAT

SHEET

1
of
1

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SvEm3	NEWB000-0005	1" = 50'	3
DRAWN BY	DESIGN BY	APPROVED BY	DATE
NST	CRG	DGH	1/19/09