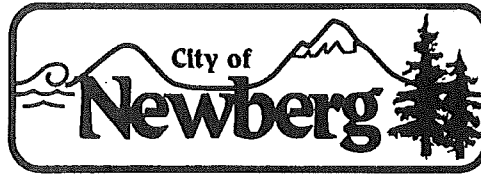


Newberg City Hall
503.537.1240
www.ci.newberg.or.us



Public Works Department
Engineering Division
503.554.7705

PUBLIC WORKS DEPARTMENT

P.O. Box 970 • 414 E. First Street • Newberg, Oregon 97132 • 503.554.7705 • Fax 503.537.1277

July 13, 2009

Demetri H. Tsohantaris
700 Deborah Rd. Suite 250
Newberg, OR 97132

Re: Total Concept Development, LLC Fire Hydrant and Water Line Easement

Dear Mr. Demetri,

Please find enclosed the original recorded easement. Per our phone conversation this morning, please correct the easement with the appropriate map exhibit. You may fax a copy of the corrected easement to me prior to recording for my approval. Once I have notified you that the corrections are acceptable, please send the easement to the County Clerk for recording.

Thank you,

A handwritten signature in cursive script, appearing to read "Annette de Paz".

Annette de Paz, PLS
City Surveyor



\$36.00

200910879 11:54:09 AM 7/10/2009
DMR-EDMR Cnt=1 Stn=3 SUSIE
\$15.00 \$10.00 \$11.00

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

PUBLIC UTILITIES EASEMENT

In consideration of the sum of \$0.00 and other valuable consideration, Richard Nilles, Member of Total Concept Development, LLC, 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 fire hydrant and water line across the following described real property:

See Exhibit A attached hereto.

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.

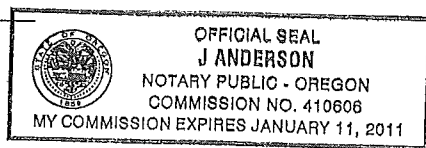
IN WITNESS WHEREOF, the parties have executed this document on this 7 day of May, 2009.

Richard Nilles
Total Concept Development, LLC
By: Richard Nilles, Member
PO Box 927
Newberg, OR 97132

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

This instrument was acknowledged before me this 7 day of May, 2009, by Richard Nilles, Member of Total Concept Development, LLC.

J Anderson
Notary Public for Oregon
My Commission expires:



CITY OF NEWBERG
ACCEPTED:
Norma I. Alley
Norma I. Alley, City Recorder
Dated: June 26, 2009

APPROVED AS TO FORM
Terrence D. Mah
Terrence D. Mah, City Attorney
Dated: 6/24/09

**MAGNESS LAND SURVEYING
PO BOX 1239
WILLAMINA, OREGON, 97396
PHONE: 503-876-5874
CELL: 971-237-3413
EMAIL: MAGNESS@WBCABLE.NET**

DATE: 9 JUNE 2008

**TOTAL CONCEPT DEVELOPMENT LLC – Legal description of
Easement "B" over Tax Lot 3220AB-202.**

**A 15 foot wide easement in the Northeast Quarter of
Section 20, Township 3 South, Range 2 West, Willamette
Meridian, being across that tract of land described by Bargain
and Sale Deed from TOTAL CONCEPT DEVELOPMENT, AN
OREGON PARTNERSHIP to TOTAL CONCEPT DEVELOPMENT, LLC
and recorded in Instrument No. 1995-16398, Yamhill County
Deed Records, the centerline of which is more particularly
described as follows:**

**BEGINNING at a point on the east line of said TOTAL CONCEPT
DEVELOPMENT LLC tract that is North 256.65 feet from the
southeast corner of said TOTAL CONCEPT DEVELOPMENT, LLC
tract; thence North 78°45' West 44.27 feet; thence North
45°00' West 37.46 feet to the terminus of said easement
centerline.**

EXHIBIT A
PAGE 1 OF 2

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EXHIBIT

99

99

For: TOTAL CONCEPT DEVELOPMENT, LLC.

Location: NE 1/4 OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NEWBERG, YAMHILL COUNTY, OREGON.

Tax Lot: 3220AB-202

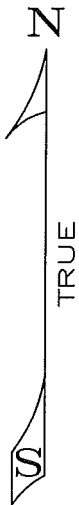
Date: 1 JULY 2008

Scale: 1"=30'

By : MAGNESS LAND SURVEYING
PO BOX 1239
WILLAMINA, OREGON, 97396
Phone : 503-843-3404
Cell : 971-237-3413
E-Mail : MAGNESS@WBCABLE.NET

S89°46'24"W 117.47'

TOTAL CONCEPT DEVELOPMENT, LLC
INST.#1995-16398
TL#3220AB-202



Scale: 1"=60'

FRED L. CASEY FAMILY TRUST
INST.#2002-26002
TL#3220AB-301

SOUTH 547.92'

EAST 15.00'

NEW EASEMENT LOCATION.

15'

203.27'

EASEMENT "G"

SOUTH 203.21'

15'

15.00'

102.47'

NORTH 547.92'

N89°46'24"E 117.47'

HANCOCK STREET

#120

EXHIBIT

A

PAGE 2 OF 2

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