

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

STORM WATER DRAINAGE EASEMENT

In consideration of the sum of \$0.00 and other valuable consideration, **Fonda R. Schmidt and Charles M. Schmidt, trustees under the Fonda R. Schmidt Living Trust**, 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 storm water line and appurtenant structures across the following described real property:

A 15-foot wide strip of land being a portion of that tract of land described by deed to Fonda R. Schmidt and Charles M. Schmidt, trustees under the Fonda R. Schmidt Living Trust, said deed being recorded as Instrument Number 199501259 in Official Yamhill County Records on February 1, 1995, said strip of land being described in Exhibit "A" and shown 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.

STORM WATER DRAINAGE EASEMENT (Continued)

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

Fonda R. Schmidt

Address

City, State, Zip

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

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

Notary Public for Oregon
My Commission expires:

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

Charles M. Schmidt

Address

City, State, Zip

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

This instrument was acknowledged before me this ____ day of _____, 2009, by Charles M. Schmidt.

Notary Public for Oregon
My Commission expires:

CITY OF NEWBERG
ACCEPTED:

APPROVED AS TO FORM:

Norma I. Alley, City Recorder

Terrence D. Mahr, City Attorney

Date

Date

EXHIBIT “A”

STORMWATER DRAINAGE EASEMENT

BEING a 15-foot-wide strip of land located in the Rogers Donation Land Claim Number 55 and in Section 19 of Township 3 South Range 2 West of the Willamette Meridian in the City of Newberg, Yamhill County, Oregon, and being a portion of the following tracts of land;

1. Property described by deed to Paul D. Green and Idamae E. Green, husband and wife, recorded as Volume 52, Page 68 in Record of Deeds of Yamhill County on April 14, 1966;
2. Property described by deed to Larry G. Keller and Shirley A. Keller recorded as Film 238, Page 2205 in Yamhill County Records on December 14, 1989;
3. Property described as Parcel 2 of Partition Plat No. 91-43 by deed to George C. Harrison recorded as Instrument Number 199911865 in Official Yamhill County Records on June 4, 1999;
4. Property described as Parcel 1 of Partition Plat No. 91-43 by deed to Vance L. Howard and Angela J. Howard, husband and wife, recorded as Instrument Number 199719686 in Official Yamhill County Records on November 25, 1997;
5. Property described by deed to Vivian June Archibald recorded as Instrument Number 200107648 in Official Yamhill County Records on May 16, 2001;
6. Property described by deed to Dennis E. Leis and Florence H. Leis, husband and wife, recorded as Film 102, Page 622 in Record of Deeds of Yamhill County on September 30, 1974;
7. Property described by deed to Tina Slogowski, trustee of Mark A. Slogowski Trust, said deed being recorded as Instrument Number 200810053 in Official Yamhill County Records on June 11, 2008;
8. Property described by deed to Fonda R. Schmidt and Charles M. Schmidt, trustees under the Fonda R. Schmidt Living Trust, said deed being recorded as Instrument Number 199501259 in Official Yamhill County Records on February 1, 1995;
9. Property described by deed to Fonda R. Schmidt and Charles M. Schmidt, trustees under the Charles M. Schmidt Living Trust and the Fonda R. Schmidt Living Trust, said deed being recorded as Instrument Number 200218241 in Official Yamhill County Records on September 17, 2002;

EXHIBIT "A" (Continued)

Said strip of land being 7.50 feet wide on each side of the following described centerline;

COMMENCING at a 5/8" iron rod with a yellow plastic cap marked "Cooley PLS 1806, said iron rod being at the intersection of the west line of Blaine Street and the North line of Fifth Street;

THENCE North 01° 39' 59" East along the west line Blaine Street a distance of 330.12 feet to a 5/8" iron rod at the southeast corner of Parcel 2 of Yamhill County Partition Plat Number 91-51;

THENCE North 88° 24' 32" West along the south line of said Parcel 2 of Partition Number 91-51 a distance of 69.29 feet to the TRUE POINT OF BEGINNING;

THENCE South 25° 57' 43" West a distance of 65.67 feet to a point;

THENCE South 28° 55' 17" West a distance of 321.47 feet to a point in the right-of way of Fifth Street;

THENCE South 15° 50' 52" West a distance of 15.11 feet to a point on the centerline of Fifth Street, said point being North 88° 23' 19" West along the centerline of Fifth Street a distance of 507.68 feet from a 1" iron pipe in a monument box, said pipe being at the intersection of the centerlines of Fifth Street and Dayton Avenue;

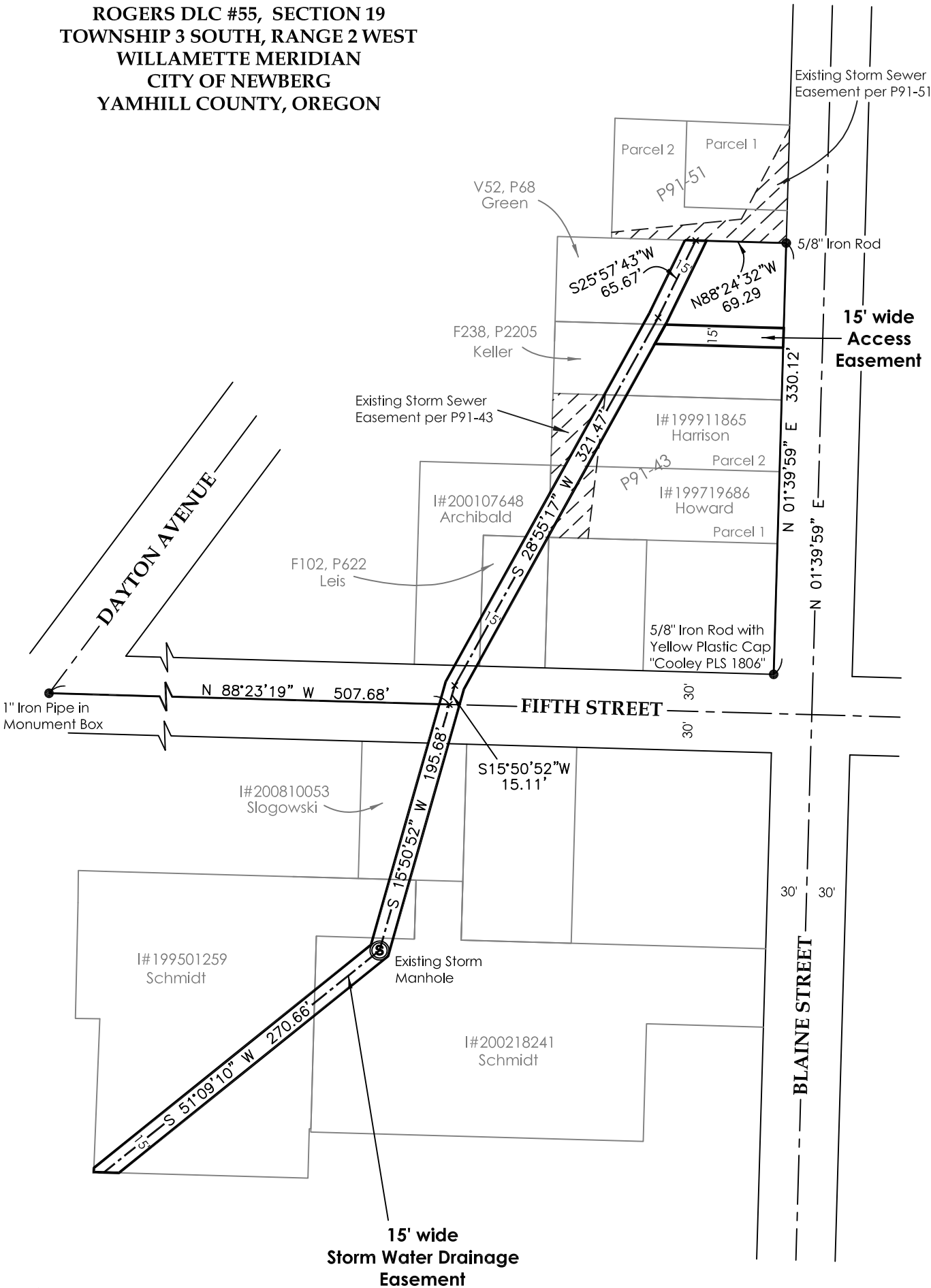
THENCE South 15° 50' 52" West a distance of 195.68 feet to a storm water manhole;

THENCE South 51° 09' 10" West a distance of 270.66 feet, more or less, to the south line of said Schmidt property described by Instrument Number 199501259.

The easterly and westerly side lines of the strip of land herein described shall be extended or shortened to terminate at the south line of said Parcel 2 of Partition Number 91-51 and at the south and west lines of said Schmidt property described by Instrument Number 199501259.

EXHIBIT "B"

ROGERS DLC #55, SECTION 19
TOWNSHIP 3 SOUTH, RANGE 2 WEST
WILLAMETTE MERIDIAN
CITY OF NEWBERG
YAMHILL COUNTY, OREGON



Scale: 1"=100'



Public Works Department
Land Information Section

ANNETTE DE PAZ, PLS #73512

Project: Hollingsworth Drain

Date: 4/24/09

File Path: C:\Engineering\Surveyor\Misc Easements\Hollingsworth Drain\Easement Exhibit B.dwg

Page 1 of 1