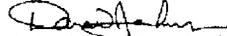




00063936201200086080090090

I, Dana W. Jenkins, County Clerk, do hereby certify that the within instrument was recorded in the Lincoln County Book of Records on the above date and time. WITNESS my hand and seal of said office affixed.


Dana W. Jenkins, Lincoln County Clerk



**UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE SENT TO:**
Port of Newport
600 SE Bay Boulevard
Newport, OR 97365

AFTER RECORDING RETURN TO:
City Recorder
City of Newport
169 SW Coast Highway
Newport, OR 97365

CONSIDERATION AMOUNT: \$0

**STATUTORY QUITCLAIM DEED
AND
RELEASE OF A PORTION OF WATER PIPELINE EASEMENT**

RECITALS:

- A. The purpose of this conveyance is to release and relinquish all of the right, title, and interest of the City of Newport, a municipal corporation of the State of Oregon (City), in a portion of the Water Pipeline Easement attached as Exhibit A, which arose from a grant from the Port of Newport, a municipal subdivision of the State of Oregon (Port), dated December 27, 2001, and recorded on May 24, 2002, in Book 450, Page 0165, within the official microfilm records for Lincoln County, Oregon (Waterline Easement).
- B. The Waterline Easement crosses real property owned by Port (Subject Parcel), described as:

Beginning at a point on the line between Sections 16 and 17, Township 11 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon, said point being 1363.52 feet North of the corner to Sections 16, 17, 20, and 21; thence North 21°15'30" West, a distance of 1540.29 feet; thence North 64°12'30" West, a distance of 1110.70 feet; thence North 40°15'30" West, a distance of 600.00 feet; thence North 77°15'30" West, a distance of 656.00 feet; thence South 64°25'30" West, a distance of 235.00 feet; thence North 30°00'00" West, a distance of 100.00 feet; thence North 13°59'30" East, a distance of 641.23 feet; thence North 46°44'45" West, a distance of 514.96 feet; thence South 59°55'15" West, a distance of 209.81 feet; thence North 34°24'30" West, a distance of 205.96 feet; thence North 63°30'30" East, a distance of 1421.60 feet; thence



North 70°05'00" East, a distance of 472.69 feet; thence North 80°21'45" East, a distance of 327.57 feet; thence South 88°34'00" East, a distance of 258.50 feet; thence South 69°07'00" East, a distance of 713.22 feet; thence South 33°46'00" East, a distance of 254.67 feet; thence North 89°05'00" East, a distance of 178.15 feet, to the corner common to Sections 8, 9, 16, and 17, said Township 11 South, Range 11 West of the Willamette Meridian; thence South 00°43'00" East, a distance of 3825.67 feet, to the place of beginning, EXCEPT for any land laying easterly of the westerly right-of-way line of SE Marine Science Drive (formerly County Road No. 574) and also EXCEPTING any land laying within the Oregon Coast Highway right-of-way.

ALSO EXCEPTING the following parcel of land:

Beginning at a found Brass Disc stamped "OSU #1," in the easterly right-of-way of SE Marine Science Drive (formerly County Road No. 574), said point bears North 65°52'12" West, a distance of 1002.71 feet from the Southeast corner of Section 8, Township 11 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon; thence leaving said easterly right-of-way North 77°53'46" West, a distance of 99.95 feet, to the westerly right-of-way line of said SE Marine Science Drive and the true point of beginning of the herein described tract; thence South 12°06'14" West along said westerly right-of-way line, a distance of 336.76 feet; thence leaving said westerly right-of-way line North 77°53'46" West, a distance of 339.00 feet; thence North 12°06'14" East, a distance of 208.53 feet; thence North 77°53'46" West, a distance of 266.00 feet; thence North 12°06'14" East, a distance of 240.06 feet, to the existing High Water Line of Yaquina Bay; thence along said High Water Line the following bearings and distances: North 74°36'51" East, a distance of 84.02 feet; thence North 88°20'30" East, a distance of 118.27 feet; thence South 72°07'30" East, a distance of 69.92 feet; thence North 87°18'30" East, a distance of 84.15 feet; thence North 38°00'53" East, a distance of 66.84 feet; thence South 70°59'53" East, a distance of 47.90 feet; thence South 04°12'32" East, a distance of 48.10 feet, a distance of 48.10 feet; thence South 72°52'12" East, a distance of 131.10 feet; thence South 39°55'47" East, a distance of 48.37 feet; thence South 07°11'22" West, a distance of 66.17 feet; thence leaving said High Water line South 12°06'14" West, a distance of 94.24 feet, to the true point of beginning.

- C. The Waterline Easement granted City a 15-foot wide easement for construction, installation, operation and maintenance of an underground water pressure pipeline.



- D. Port has requested that City terminate the portion of the Easement that lays under the recently constructed building addition nos. 1 and 2 of the Rogue Ales Brewery (Quitclaim Portion), as that section of waterline has been removed, relocated, and no longer exists in the location specifically described as:

Beginning at a point that is North 00°00'00" East, a distance of 4016.13 feet and South 90°00'00" West, a distance of 1463.41 feet from the Southeast corner of Section 17, Township 11 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon, said point being on the centerline Point of Beginning of the "WATER PIPELINE EASEMENT," as described in Book 450, Page 0165, Microfilm Records for Lincoln County, Oregon; thence along said centerline easement the following bearings and distances: North 53°02'56" West, a distance of 299.70 feet; thence North 85°21'04" West, a distance of 187.24 feet; thence South 01°12'51" West, a distance of 122.71 feet; thence South 65°57'54" West, a distance of 202.02 feet; thence North 87°58'59" West, a distance of 22.33 feet, to the True Point of Beginning for the portion of the "WATER PIPELINE EASEMENT; thence along the centerline of the above described easement the following bearings and distances: North 87°58'59" West, a distance of 318.17 feet; thence South 04°06'35" West, a distance of 112.44 feet, to its terminus.

- E. City has determined that termination and reconveyance to Port of the Quitclaim Portion is not contrary to the public's interest.
- F. In exchange for the release of the Quitclaim Portion, Port will grant to City an easement within and across the Subject Parcel for the relocated portion of water pipeline (Replacement Easement). The location of the Replacement Easement is also shown on Exhibit B.

QUITCLAIM AND RELEASE:

1. For the above reasons, City, Grantor, hereby releases and quitclaims to Port, Grantee, all rights, title and interest in the Quitclaim Portion described above.
2. This Quitclaim Deed and Release of Easement relates solely to the Quitclaim Portion of the Waterline Easement. Nothing contained herein terminates any other City rights granted within, or provisions, of the Waterline Easement.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON

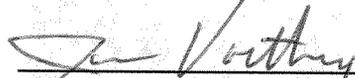


LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT 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 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true and actual consideration for this easement is other than a monetary payment.

DATED this 5th day of September, 2012.

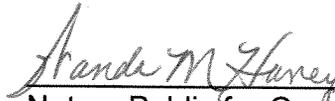
CITY OF NEWPORT



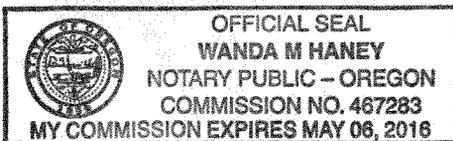
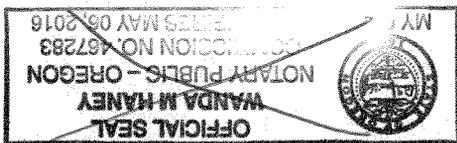
 Jim Voetberg, City Manager

STATE OF OREGON)
) ss
 County of Lincoln)

Personally appeared before me this 5th day of September, 2012 by the above named Jim Voetberg, City Manager of the City of Newport.



 Notary Public for Oregon





**ACCEPTANCE OF QUITCLAIM AND RELEASE
OF A PORTION OF WATER PIPELINE EASEMENT**

The Port of Newport, Oregon, does hereby accept the above described Quitclaim Deed and Release of a Portion of Water Pipeline Easement this 29 day of August, 2012.

PORT OF NEWPORT

Don Mann

Printed Name: DON MANN

Title: G.M.

STATE OF OREGON)
) ss
County of Lincoln)

This instrument was acknowledged before me on the 29 day of August, 2012 by Don Mann as General Manager for the Port of Newport.

Karen R. Barth
Notary Public for Oregon





EXHIBIT A

B450 P0155

After recording return to: *L. H. Recorder*
Port of Newport City of Newport
~~600 S. E. Day Boulevard~~ 310 SW ALDER ST.
Newport, OR 97365

WATER PIPELINE EASEMENT

Grantor: Port of Newport

Grantee: City of Newport

KNOWN ALL MEN BY THESE PRESENT, that the

PORT OF NEWPORT

For the consideration of One Dollar and other valuable considerations to them paid, the receipt whereof hereby is acknowledged, hereby do grant unto the CITY OF NEWPORT, a municipal corporation of Lincoln County, Oregon, a right-of-way and easement over and along the full width and length of the premises described as follows, to with:

A strip of land that is 15 feet wide, 7.50 feet on each side of the following described centerline:

Beginning at a point that is North 00°00'00" East, a distance of 4745.42 feet and South 90°00'00" West, a distance of 1293.77 feet from the Southeast corner of Section 17, Township 11 South, Range 11 West, Willamette Meridian in Lincoln County, Oregon, said point being within the Right of Way of Southeast Marine Science Drive; thence North 85°38'13" West, a distance of 24.96 feet; thence North 33°38'59" West, a distance of 89.01 feet; thence North 78°08'46" West, a distance of 731.52 feet; thence South 02°39'32" West, a distance of 76.72 feet; thence South 12°52'28" East, a distance of 229.00 feet; thence South 51°20'23" East, a distance of 198.77 feet; thence South 01°12'51" West, a distance of 458.97 feet; thence South 65°57'54" West, a distance of 202.02 feet; thence North 87°58'59" West, a distance of 340.50 feet; thence South 04°06'35" West, a distance of 201.96 feet; thence South 26°41'42" East, to the Northerly Right of Way of Southeast Marine Science Drive, a distance of 35 feet more or less and the terminus of said centerline, together with and including ownership of the existing water line and related facilities located within said easement.

And in addition:

Beginning at a point that is North 00°00'00" East, a distance of 4016.13 feet and South 90°00'00" West, a distance of 1463.41 feet from the Southeast corner of Section 17, Township 11 South, Range 11 West, Willamette Meridian in Lincoln County, Oregon, said point being within the Right of Way of Southeast Marine Science Drive; thence North 53°02'56" West, a distance of 299.70 feet; thence North 85°21'04" West, a distance of 187.24 feet and the terminus of said centerline.



With the right, privilege, and authority, to the said City of Newport, to excavate for, and to construct, install, lay, operate, maintain, remove and replace utility facilities and lines including but not necessarily limited to an underground pressure water pipeline, with all appurtenances incident thereto or necessary therewith, for the purpose of carrying water in, under and across the said premises, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines, or appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for the purpose of patrolling the pipeline or repairing or renewing, and for doing anything necessary or useful or convenient for the enjoyment of the easement hereby granted.

The City shall likewise have the right to go upon, over and across, and to use, the lands of the said Port lying adjacent to the easement areas, for purpose of having access to and in the course of constructing, installing, repairing, inspecting and otherwise using and maintaining facilities within the said easement, provided that City shall exercise due care in doing so, and shall repair and restore any improvements of the Port on said adjacent property which may be damaged by reason of the operations of City.

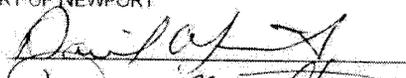
The grantor shall not place any improvements over or upon the easement, nor otherwise interfere with said easement except that grantor may install landscaping, asphalt, concrete, and wooden decking all having a height not greater than 30 inches above grade, and not interfering with said easement or its use.

The City of Newport shall, upon each and every occasion that the initial installation is repaired, renewed, added to, or removed, restore the surface to the original grade.

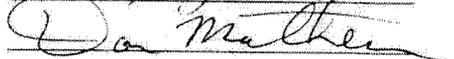
This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

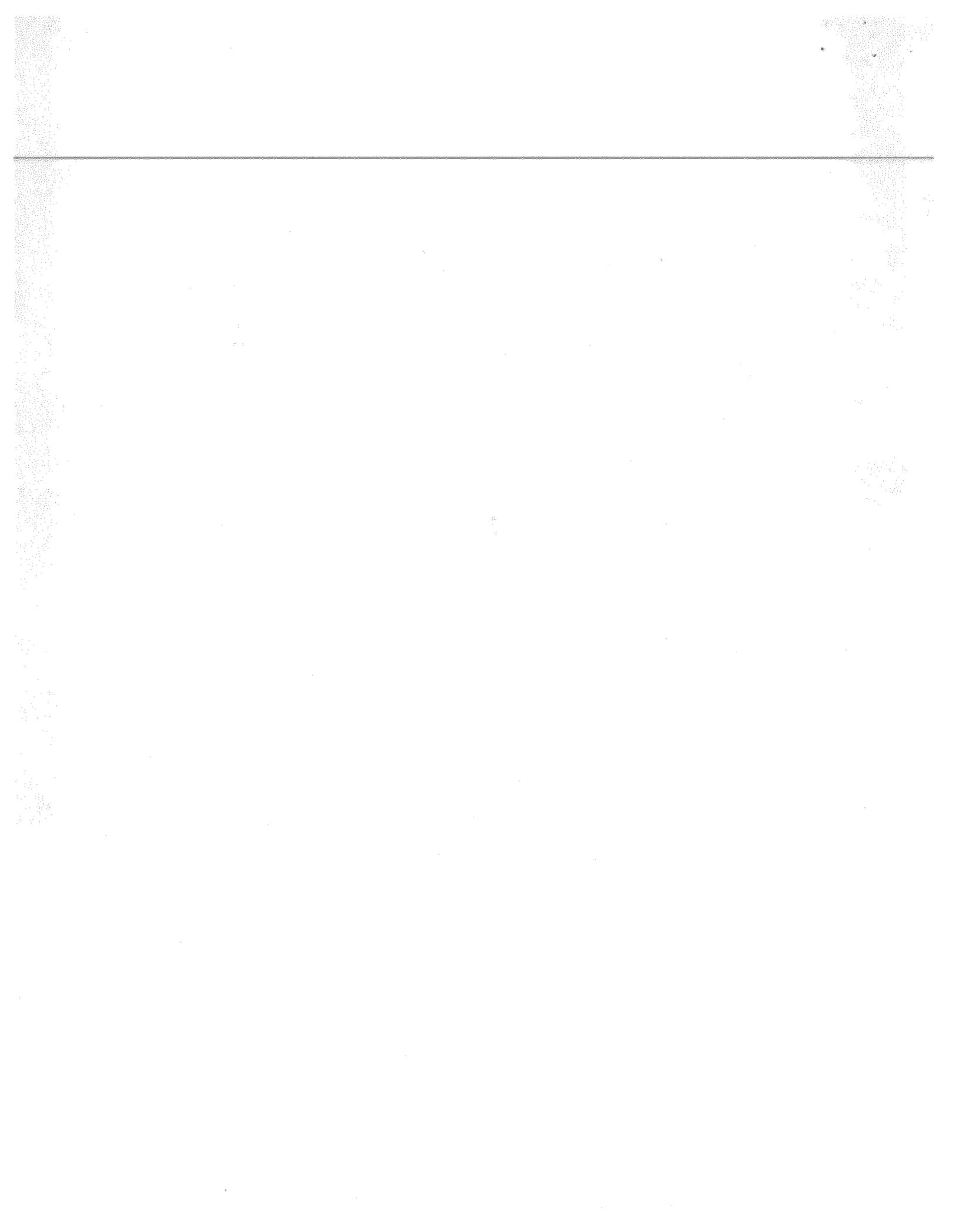
Signed this 27th day of December, 2001.
PORT OF NEWPORT

By



By



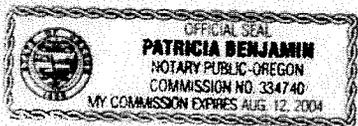


B450 P0167

STATE OF OREGON)
COUNTY OF LINCOLN)

On this, the 27th day of December, 2001, before me, a Notary Public in and for said County and State, personally appeared David Jincks as Secretary and Don Mathews as Vice-President of the Port of Newport. Known to me to be the same persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



Notary Public of Oregon

Patricia Benjamin

My Commission Expires: August 12, 2004

STATE OF OREGON) ss.
County of Lincoln)
I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.
Book 450 Page 0165
WITNESS my hand and seal of said office affixed.

Dana W. Jenkins
DANA W. JENKINS, Lincoln County Clerk



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Rect: 118677 36.00
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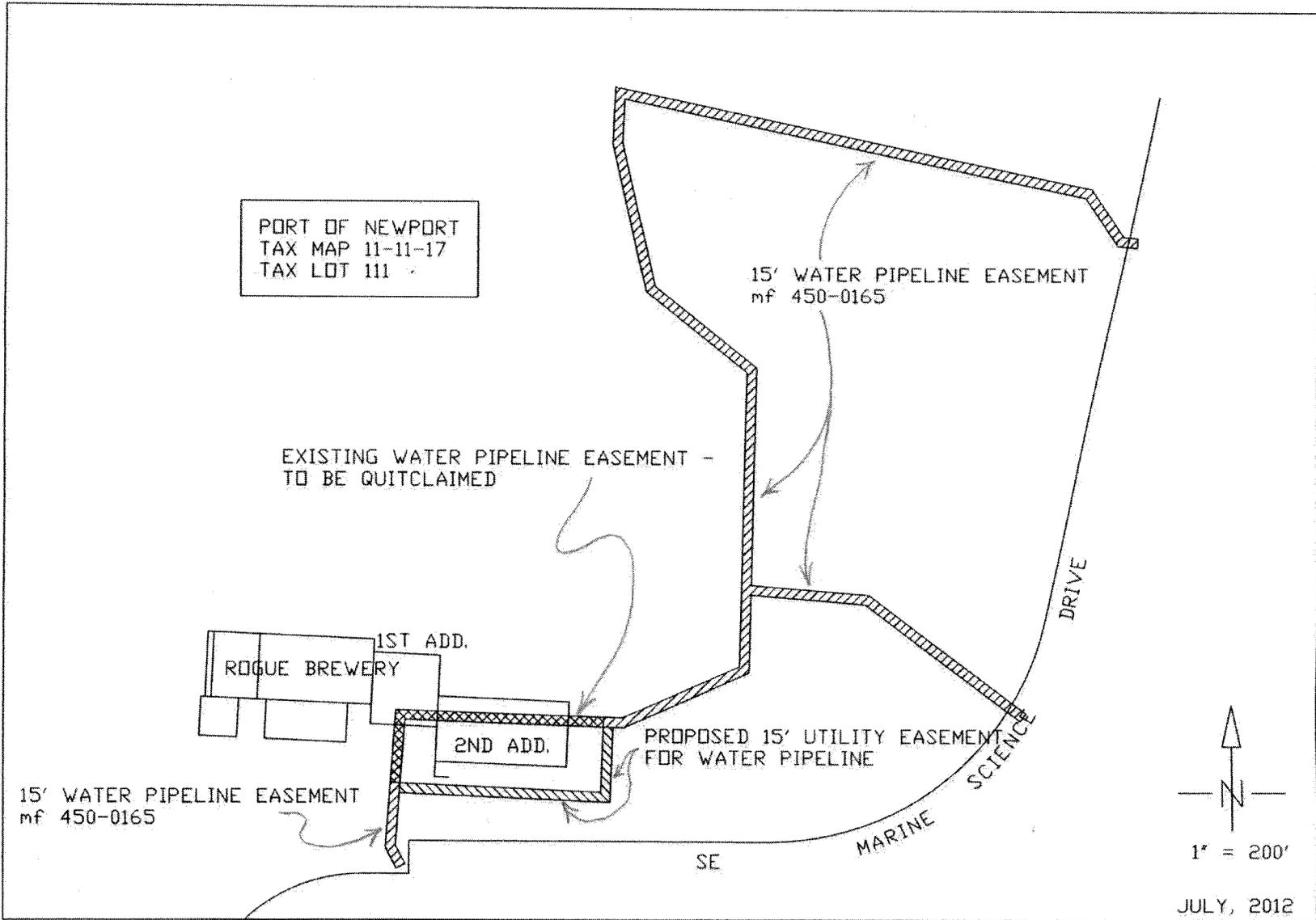


EXHIBIT B

