Lincoln County, Oregon
02/04/2013 3:58:42 PM
DOC-E
2013-01020
Cnt=1 Pgs=4 Stn=20
$20.00 $11.00 $15.00 $10.00 $7.00 - Total =$63.00
00070015201300010200040049
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

GRANTOR:
Sea Investment Properties, LLC
PO Box 1565
Newport, OR 97365

GRANTEE:
City of Newport
169 SW Coast Highway
Newport, OR 97365

After recording return to:
City Recorder
City of Newport
169 SW Coast Highway
Newport, OR 97365

CITY OF NEWPORT, OREGON
TEMPORARY CONSTRUCTION EASEMENT

Sea Investment Properties, LLC, an Oregon limited liability company, hereinafter referred to as "Grantor", owns the real property described below and does hereby give and grant unto the City of Newport, an Oregon Municipal Corporation of Lincoln County, Oregon, hereinafter referred to as "Grantee", a temporary 10-foot wide construction easement, commencing upon execution hereof and terminating when the one (1) year warranty period for the construction of SE Ash Street is completed, to be used to establish, to maintain, elevations, grades and slopes in the area adjacent to the westerly right-of-way line of SE Ash Street, and requiring that such grades, elevations and slopes not be altered except with the consent of City, and that the slope easement area not be altered or used in such a manner to cause subsidence or otherwise damage or interfere with the City's other improvements there. Slope easement shall also include the right to re-contour existing slopes, walkways, driveways, storm drains and other features and improvements as may be necessary, appropriate or convenient in connection with the street and sidewalk grades for the construction of SE Ash Street, as now or hereafter established and to provide appropriate transitions, as described in "Exhibit A," said temporary construction easement to be located on the following described real property:

Beginning at the Northeast corner of Lot 3, Block N, HARBORTON, a subdivision of record in the Southwest quarter of the Southeast quarter of Section 17, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence South 0°01'30" West along the East line of said Lot 3, a distance of 129 feet, to the true point of beginning; thence continuing South 0°01'30" West along said East line of said Lot 3, a distance of 75 feet; thence North 87°14'30" West parallel to the North line of said Lot 3, a distance of 100 feet; thence North 0°01'30" East along a line that is parallel to said East Line of Lot 3, a distance of 75 feet, to a point that is North 87°14'30" West, a distance of 100 feet, from the true point of beginning; thence South 87°14'30" East, a distance of 100 feet, to the true point of beginning.

Temporary Construction Easement is subject to the following additional terms and provisions:

1. The Easement hereby granted shall include the rights of the Grantee, its agents, assigns and representatives, enter and occupy the Grantor's property within the Easement Area, including but not limited to the right to enter and occupy the Easement Area with men, equipment and supplies to carry out activities related to the purposes above described, to cut and remove trees and vegetation, dig, grade and excavate, improve and repair, and carry out other activities incidental thereto or as otherwise convenient and appropriate to the use and enjoyment of the Grantee's Easements and rights thereunder. Other entities permitted by the City of Newport to do so may also use and occupy the Easement for such purposes. However, notwithstanding any other provision hereof, the slope easement is solely for the purpose of maintaining the stability of the adjacent bank. Grantee will construct no permanent improvements in the slope easement, other than to establish a stable grade and, if necessary, vegetation. Nothing herein shall be construed to prevent Grantee from using the area of the slope easement for any purpose which does not adversely affect stability, including but not limited to the construction of a fence, if Grantor so desires.

2. Whenever the Grantee, or any permittee, assignee or licensee of Grantee, shall carry out any work within the easement area which is within a landscaped area, the landscaping and vegetation shall be replaced with plantings of substantially the same type or appearance as previously existed, provided, however, that such replacement plantings may be smaller in size, and there shall be no obligation to replace trees and shrubs having a height in excess of five (5) feet.

3. The City of Newport shall, upon completion of such work and construction, repair any of Grantor's existing improvements located in the temporary construction easement area which are damaged as a consequence of such work, and restore the area of such temporary construction easement to a condition substantially the same as that which existed prior to such work and construction.

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

DATED this 13 day of November, 2012.

Sea Investment Properties, LLC

By: _____
Authorized Representative

STATE OF OREGON)
) ss
County of LINCOLN)

OFFICIAL SEAL
WANDA M HANEY
NOTARY PUBLIC – OREGON
COMMISSION NO. 467283
MY COMMISSION EXPIRES MAY 06, 2016

Wanda M Haney

Personally appeared before me this 13th day of November, 2012 the above named Cari Brandberg, and having been duly sworn, did say that such person is a duly authorized Sea Investment Properties, LLC, representative, with authority to execute the foregoing instrument on behalf of said company, and acknowledged the foregoing instrument to be the voluntary act and deed of said company.

ACCEPTANCE OF EASEMENT

The City of Newport, Oregon, does hereby accept the above-described Temporary Construction Easement this 31st day of January, 2013.

Sandra N. Roumagoux
~~Mark McConnell~~, Mayor
SANDRA ROUMAGOUX

STATE OF OREGON)
) ss:
County of Lincoln)

This instrument was acknowledged before me on the 31st day of January, 2013 by ~~Mark McConnell~~ as Mayor of the City of Newport.
Sandra Roumagoux

OFFICIAL SEAL
WANDA M HANEY
NOTARY PUBLIC – OREGON
COMMISSION NO. 467283
MY COMMISSION EXPIRES MAY 06, 2016

Wanda M Haney
Notary Public for Oregon

EXHIBIT A

TAX MAP: 11-11-17DC
TAX LOT: 1001

TEMPORARY 10 FOOT WIDE
CONSTRUCTION EASEMENT

The easterly ten feet (10.0') of the hereafter said Sea Investment Properties, LLC property, more particularly described as:

Beginning at the Northeast corner of Lot 3, Block N, HARBORTON, a subdivision of record in the Southwest quarter of the Southeast quarter of Section 17, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence South 0°01'30" West along the East line of said Lot 3, a distance of 129 feet, to the true point of beginning; thence continuing South 0°01'30" West along said East line of Lot 3, a distance of 75 feet; thence North 87°14'30" West, a distance of 10.01 feet, to its intersection with a line that is parallel to and 10.00 feet westerly of, when measured at right angles, said East line of Lot 3; thence North 0°01'30" East along said line that is parallel to and 10.00 feet westerly of, when measured at right angles, the East Line of Lot 3, a distance of 75 feet, thence South 89°58'30" East, a distance of 10.00 feet, to the true point of beginning.