

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

Lincoln County, Oregon
06/01/2015 10:34:02 AM
DOC-E
2015-05044
Cnt=1 Pgs=4 Stn=29
\$20.00 \$11.00 \$20.00 \$10.00 \$7.00 - Total=\$68.00



00104855201500050440040043

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



CITY OF NEWPORT, OREGON PUBLIC UTILITY EASEMENT

Landwaves Inc., 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" or "City," a non-exclusive, perpetual easement for the right to lay, construct, and maintain any fire hydrant, and all appurtenances related to the fire hydrant, hereinafter referred to as "Public Utility", to be constructed and located on, across, under or over the surface of the following described real property:

(See Exhibit A – Fire Hydrant / Waterline Easement)

This is intended to exclude all other below-surface installations, except as may be specifically-approved by the City.

City and its contractors, subcontractors, agents or employees shall have the right to enter and occupy the easement for the purpose of constructing the Public Utility, to permanently operate and maintain the Public Utility, to inspect, repair, replace, remove or renovate the Public Utility.

Grantor shall be responsible for landscape and surface maintenance within the easement. In carrying out this responsibility, Grantor agrees not to plant any tree, shrub or plant within five feet of the fire hydrant in the Public Utility easement, nor build any structure or place any fence in the easement without first obtaining written permission from City. Balm, poplar, locust, cottonwood or willow trees should not be planted near the Public Utility easement. It is understood that City may remove any physical obstructions including buildings, fences, trees, or shrubbery, and abate any use of the easement if City finds that the physical obstruction or use will interfere with the Public Utility or City's easement rights granted above, without recompense to the Grantor.

Grantor and City intend that this easement bind Grantor, his or her heirs, successors and assigns. This easement will not be considered abandoned until City has declared the easement abandoned and no longer in use by City, and releases this easement in a duly executed and recorded Release of Easement.

In addition to all other remedies allowed by law, Grantee, its successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this easement against Grantor. If Grantee is required to bring suit or action to enforce the terms of this easement, Grantee shall be entitled to recover from Grantor such sums that the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

{00274154;2}

CITY OF NEWPORT PUBLIC UTILITY EASEMENT

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

DATED this 19 day of May, 2015.

LANDWAVES INC.

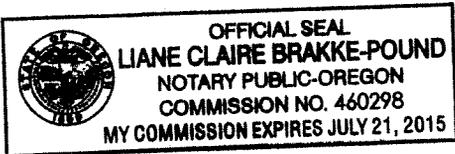
By: [Signature]
Name: Bonnie Serkin
Title: Chief Operating Officer

STATE OF OREGON)
County of ~~Lincoln~~) ss
Multnomah)

Personally appeared before me this 19 day of May, 2015 the above named Bonnie Serkin, as Chief Operating Officer of Landwaves, Inc., an Oregon corporation, on behalf of the corporation.

[Signature]

Notary Public for Oregon



ACCEPTANCE OF EASEMENT

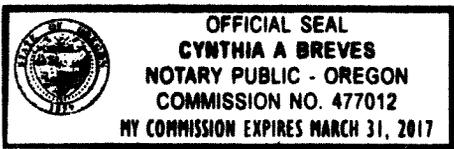
The City of Newport, Oregon, does hereby accept the above-described Public Utility Easement this 1st day of June, 2015.

[Signature]
Spencer R. Nebel, City Manager

STATE OF OREGON)
County of Lincoln) ss:
)

This instrument was acknowledged before me on the 15 day of June, 2015 by Spencer R. Nebel as City Manager of the City of Newport.

[Signature]
Notary Public for Oregon



OFFICIAL SEAL
CYNTHIA A BREWER
NOTARY PUBLIC - OREGON
COMMISSION NO. 41973
MY COMMISSION EXPIRES APRIL 1, 2017





AKS ENGINEERING & FORESTRY VANCOUVER
9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98688
P: (360) 882-0419 F: (360) 882-042

OFFICES IN: SHERWOOD, OR - VANCOUVER, WA - SALEM, OR

LEGAL DESCRIPTION For Wilder Phase I

FIRE HYDRANT-WATERLINE EASEMENT

Being a portion of Lot 7 of Wilder Phase I recorded in Book 18 of Plats, Page 46A, Lincoln County Records, located in the Northeast one-quarter of Section 20, Township 11 South, Range 11 West, City of Newport, Lincoln County, Oregon described as follows;

BEGINNING at a 5/8" Iron Rod with Yellow Plastic Cap inscribed Hagedorn, marking the most Easterly Southeast corner of Lot 7 of Wilder Phase I recorded in Book 18 of Plats, Page 46A, Lincoln County Record's, said point also being on the Westerly Right-of-Way line of Ellis Street;

THENCE South 57° 21' 21" West, along the most Northerly, Southerly line of Lot 7, for a distance of 10.00 feet;

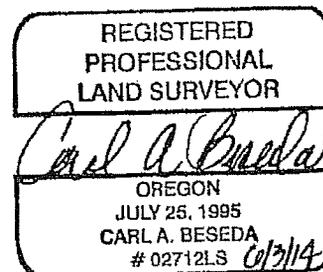
THENCE North 32° 38' 39" West, parallel with the Westerly Right-Of-Way line of Ellis Street for a distance of 3.61 feet;

THENCE along the arc of a 130.00 foot radius curve to the right, through a central angle of 7° 14' 38" , for an arc distance of 16.43 feet, the chord of which bears North 29° 01' 22" West, 16.42 feet;

THENCE North 57° 21' 21" East, parallel with the most Easterly, Southerly line of Lot 7, for a distance of 10.09 feet to the Westerly Right-of-Way line of Ellis Street;

THENCE along the Westerly Right-of-Way line of Ellis Street, along the arc of a 120.00 foot radius curve to the left, through a central angle of 7° 51' 01" , for an arc distance of 16.44 feet, the chord of which bears South 28° 43' 09" East, 16.43 feet;

THENCE continuing along said Westerly Right-of-Way line South 32° 38' 39" East, for a distance of 3.62 feet to the **POINT OF BEGINNING**.



FIRE HYDRANT & STREET LIGHT
EASEMENT EXHIBIT/MAP 1"=5'

