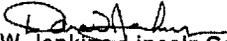




00109015201500085000040047

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



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

CITY OF NEWPORT, OREGON PUBLIC UTILITY EASEMENT

Lincoln Properties, LLC, 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", an exclusive, perpetual easement for public utilities, including the right to lay, construct, and maintain any water main, sanitary sewer, storm sewer or drainage channel, or any other public utility, and all related appurtenances, 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 – Public Utility Easement Description)

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.

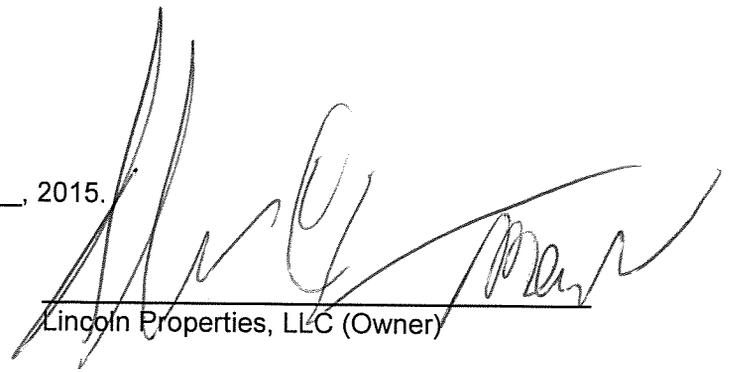
Grantor shall be responsible for landscape and surface maintenance within the easement. In carrying out this responsibility, Grantor agrees not to plant any tree, shrub or plant within the Public Utility easement, nor build any structure or place any fence in the easement without first obtaining written 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.

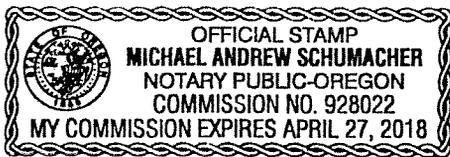
The true and actual consideration for this easement is \$2,900.00, payable by Grantee upon recording of this easement.

DATED this 17 day of August, 2015.


Lincoln Properties, LLC (Owner)

STATE OF OREGON)
County of Lane) ss:

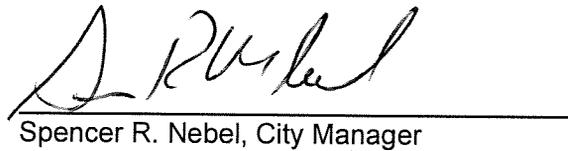
Personally appeared before me this 17 day of August, 2015 the above named Thomas C Connor.




Notary Public for Oregon

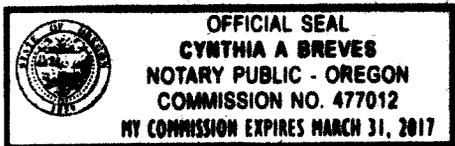
ACCEPTANCE OF EASEMENT

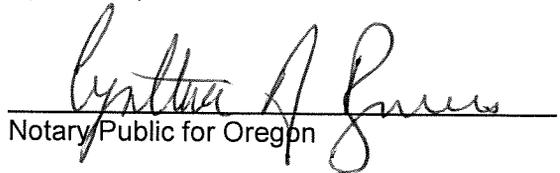
The City of Newport, Oregon, does hereby accept the above-described Public Utility Easement this 21st day of August, 2015.


Spencer R. Nebel, City Manager

STATE OF OREGON)
County of Lincoln) ss:

This instrument was acknowledged before me on the 21 day of August, 2015 by Spencer R. Nebel as City Manager of the City of Newport.




Notary Public for Oregon

OFFICIAL SEAL
CYNTHIA A BREWER
NOTARY PUBLIC - OREGON
COMMISSION NO. 47512
MY COMMISSION EXPIRES MARCH 31, 2013





AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #3392

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

EXHIBIT A

Public Utility Easement Description

A tract of land located in the Southeast One-Quarter of Section 32, Township 10 South, Range 11 West, Willamette Meridian, City of Newport, Lincoln County, Oregon and being more particularly described as follows:

Beginning at a 5/8 inch iron rod with a yellow plastic cap inscribed "FAIL LS 357" at the southeast corner of Lot 2, Block 2 of the plat "Newport Beach Estates"; thence North $07^{\circ}22'40''$ East 1108.25 feet to a 5/8 inch iron rod on the westerly boundary of the tract per Book 312 Page 1395 at the southwest corner of said tract's frontage along the easterly right-of-way line of NW Oceanview Drive (45.00 feet from centerline); thence along said easterly right-of-way line North $08^{\circ}08'04''$ West 39.05 feet to the True Point of Beginning; thence continuing along said easterly right-of-way line North $08^{\circ}08'04''$ West 10.95 feet to a point; thence continuing along said easterly right-of-way line South $81^{\circ}51'56''$ West 15.00 feet to a point; thence continuing along said easterly right-of-way line North $08^{\circ}08'04''$ West 11.40 feet to a point; thence leaving said right-of-way line North $90^{\circ}00'00''$ East 52.42 feet to a point; thence South $00^{\circ}00'00''$ East 20.51 feet to a point; thence along a non-tangent curve to the left with a Radius of 75.00 feet, a Delta of $06^{\circ}42'54''$, a Length of 8.79 feet, and a Chord of North $86^{\circ}38'33''$ West 8.78 feet to a point of tangency; thence North $90^{\circ}00'00''$ West 25.64 feet to the True Point of Beginning.

The above described tract of land contains 873 square feet, more or less. The Basis of Bearings is Oregon State Plane, North Zone, NAD83. See Exhibit B for bearing difference between Oregon State Plane and Survey Number 8037, Lincoln County Survey Records.

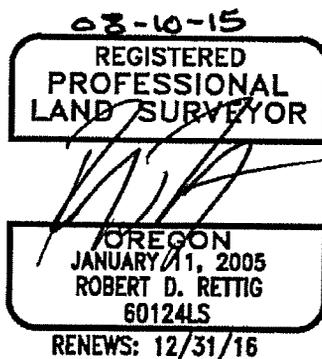
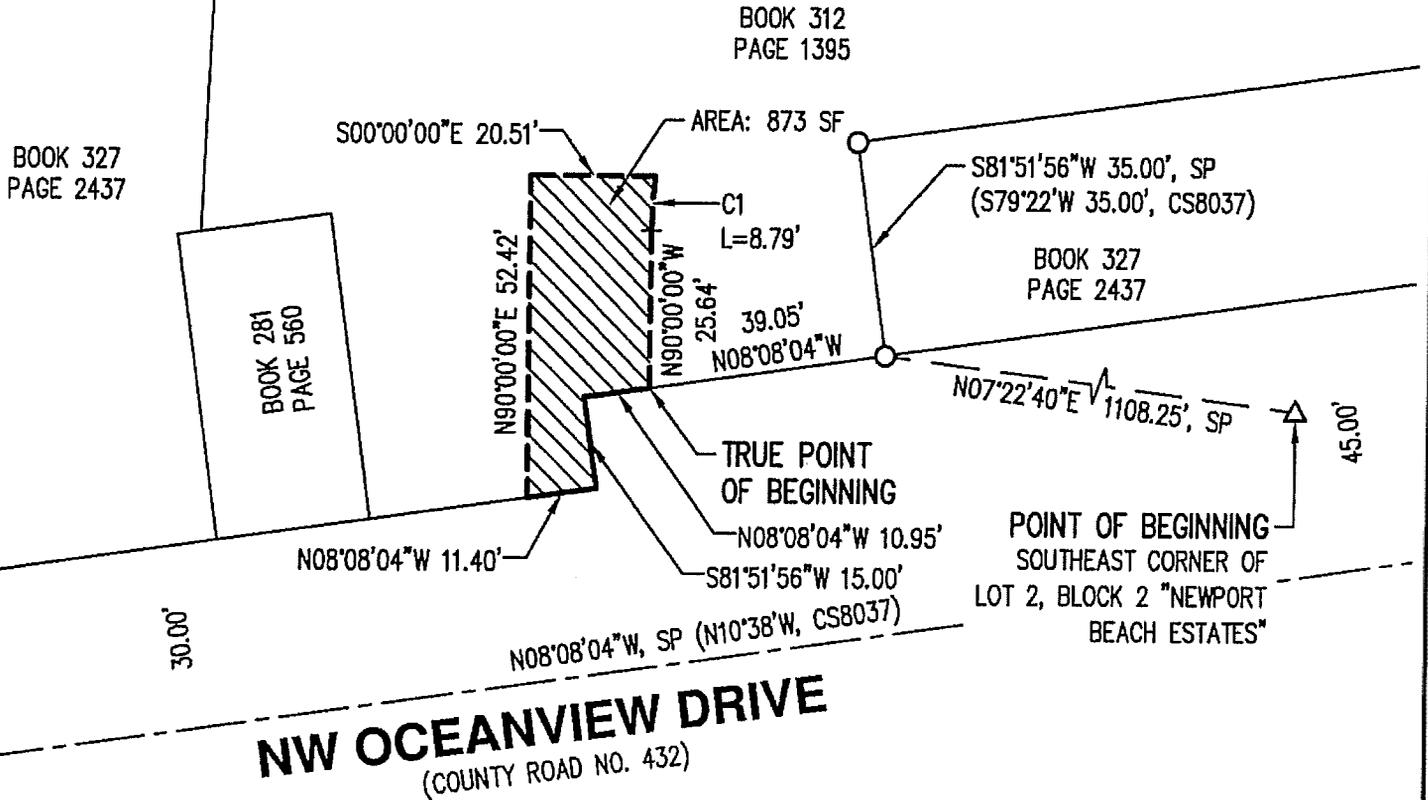
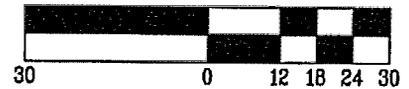


EXHIBIT B
MAP OF PUBLIC UTILITY EASEMENT
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 32,
 TOWNSHIP 10 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN,
 CITY OF NEWPORT, LINCOLN COUNTY, OREGON

SCALE 1" = 30 FEET



LEGEND

- 5/8" IRON ROD
- △ 5/8" IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "FAIL LS 357"
- SF SQUARE FEET
- SP OREGON STATE PLANE, NORTH ZONE
- CS SURVEY NUMBER PER LINCOLN COUNTY SURVEYOR'S OFFICE

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	75.00'	06°42'54"	8.79'	N86°38'33"W 8.78'

PREPARED FOR:

BROWN AND CALDWELL
 6500 SW MACADAM AVE, 200
 PORTLAND, OR 97239

DATE: 08/07/15

08-10-15
 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JANUARY 11, 2005
 ROBERT D. RETTIG
 60124LS
 RENEWS: 12/31/16

EASEMENT MAP		EXHIBIT A
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com PHONE: 503.563.6151 FAX: 503.563.6152		DRWN: JOH CHKD: RDR AKS JOB: 3392

