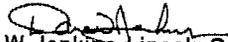




00122235201600066620030036

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

Port of Newport, 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 a **storm sewer**, 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

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 however, Grantee will be responsible for returning any land disturbed within the easement to the original or better condition upon completion of construction activities. 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 \$ 0.00.

DATED this 6<sup>th</sup> day of July, 2016.

*Walter Chuck*

Walter Chuck, President  
Port of Newport Board of Commissioners

STATE OF OREGON )

County of Lincoln ) ss

Personally appeared before me this 6<sup>th</sup> day of JULY, 2016 the above

named WALTER CHUCK



*Karen Louise Hewitt*  
Notary Public for Oregon

**ACCEPTANCE OF EASEMENT**

The City of Newport, Oregon, does hereby accept the above-described Public Utility

Easement this 8<sup>th</sup> day of July, 2016.

*Spencer Nebel*

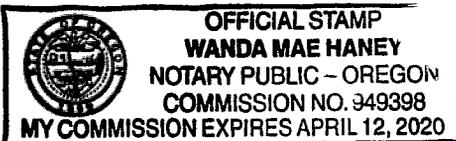
Spencer Nebel, City Manager

STATE OF OREGON )

County of Lincoln ) ss:

This instrument was acknowledged before me on the 8<sup>th</sup> day of July,

2016 by Spencer Nebel as City Manager of the City of Newport.



*Wanda Mae Haney*  
Notary Public for Oregon

OFFICIAL SEAL  
KAREN LOUISE NEWITT  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 948191  
MY COMMISSION EXPIRES FEBRUARY 1, 2020



MY COMMISSION EXPIRES FEBRUARY 1, 2020



Parcel 1: Permanent Easement—

The following is a center line description of a 20 foot wide, 10 feet on each side, for a proposed storm drain facility.

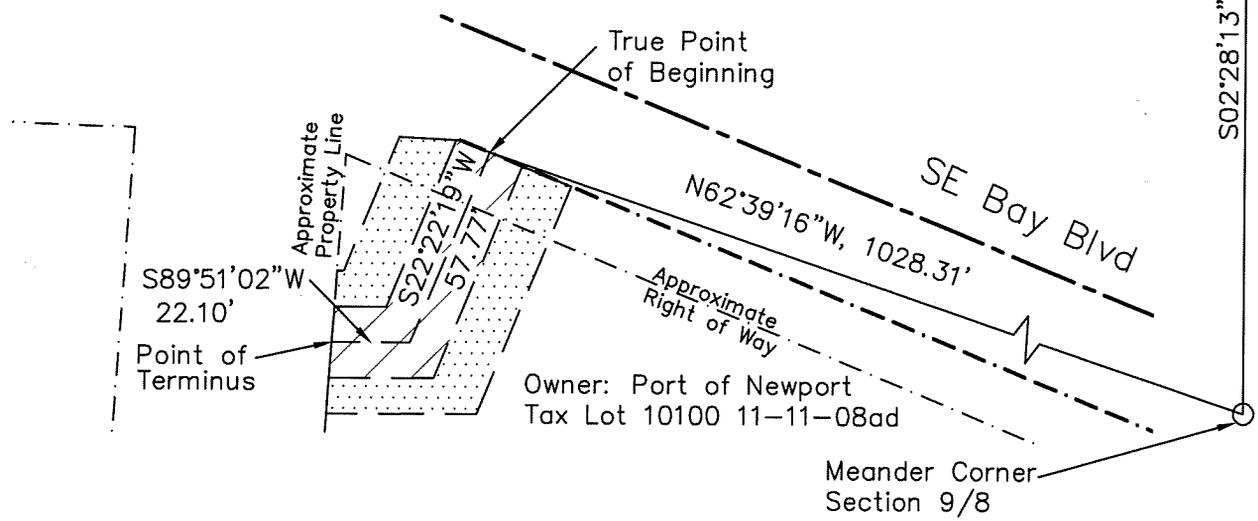
Beginning at the northwest corner Section 9 Township 11 South, Range 11 West, W.M.; thence South 02°28'13" West, 2490.74' to the Meander Corner between Sections 9/8; thence North 62°39'16" West, 1028.31' to a point on the south line of SE Bay Blvd and the True Point of Beginning; thence South 22°22'19" West, 57.77'; thence South 89°51'02" West, 22.10' to the point of terminus of this center line description.

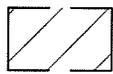
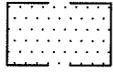
Extend or Truncate sidelines to terminate on the property lines.  
The area to which this description applies is 1597± Sq. Ft.

# Exhibit Sketch Map

Located at:  
Section 8, Township 11 South, Range 11 West, W.M.  
City of Newport, Lincoln County, Oregon

NW Corner  
Section 9



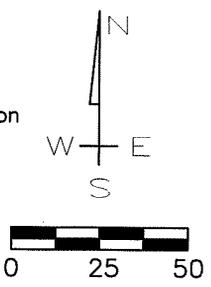
-  Parcel 1: Permanent Storm Drainage Easement
-  Parcel 2: Temporary Access Easement See Sketch 2 of 2

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*John R. Pariani*  
OREGON  
July 13, 1999  
JOHN R. PARIANI  
#51382

Renews: December 31, 2016

This sketch map is based upon record information and found monuments, but is not the result of a boundary survey.



Basis of bearing is filed survey 19803

Permanent Storm Drainage Easement			
<h2>Pariani Land Surveying</h2>			
P.O. Box 551 Shady Cove, OR 97539 541-890-1131			
Date: May 10, 2016	Scale: 1" = 50'	Job No.: 2012-095	Sheet: 1 of 2