

AFTER RECORDING RETURN TO:
CITY OF NEWPORT
169 SW COAST HIGHWAY
NEWPORT, OR 97365

TEMPORARY EASEMENT AGREEMENT

1. PARTIES:

Name: Alta Vista Land, LLC,
Address: 674 Giralda Dr Los Altos, CA 94024, hereinafter referred to as "Grantor".

CITY OF NEWPORT, an Oregon Municipal Corporation, 169 SW Coast Highway, Newport, Oregon, 97365, hereinafter referred to as "Grantee".

2. AFFECTED PROPERTY:

Grantor is currently the owner of the following described real property (property) located in Lincoln County, Oregon at:

See Exhibit A

As described by Lincoln County Tax Assessor; Tax lot 10-11-20-CB-00200-00. The portion of the property affected by this easement is as shown within Exhibit A as "Area of Interest".

3. GRANT OF EASEMENT:

Grantor does hereby grant unto the Grantee and Grantee hereby accepts, a Temporary Easement upon a portion of the Grantor's property as shown in the map attached as EXHIBIT "A" incorporated herein.

4. STATEMENT OF PURPOSE:

The easement described above shall be used to perform pre-purchase offer necessary geotechnical and wetlands delineation explorations and for unrestricted ingress and egress to Grantor's property during the exploration activities. The scope of work includes Geotechnical soil borings allowing for samples to be collected from the subsurface of the site. The borings will be completed with a truck mounted rotary drill fitted with 8-inch diameter hollow stem augers. All borings will be abandoned in accordance with Oregon Department of Water Resources Department regulations. A wetlands delineation will also be conducted by a subcontractor to the City. All exploration locations will be restored to like or better condition at the conclusion of the explorations. Monitoring wells, permanent installations, or other items which may encumber the property will not be performed. These activities are being performed as due diligence associated with a potential interest to purchase. The City will provide before and after photographs of the area and insurance certificates from the City and any Subcontractors to Alta Vista Land, LLC. The drilling is tentatively scheduled for October 24-26, 2016 pending weather. This temporary easement shall expire on January 1, 2017 unless an extension is agreed to between Alta Vista Land, LLC and the City prior to that date. At the conclusion of the explorations the City will provide the Grantor with copies of all reports received from subcontractors associated with these explorations.

5. TYPE OF EASEMENT:

The easement described above shall be non-exclusive except that Grantee shall have the exclusive right to perform the necessary explorations. Grantor may use the surface of the easement provided

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SANTA CLARA

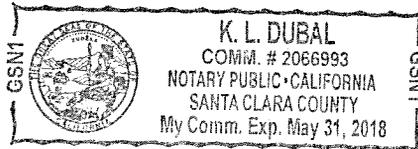
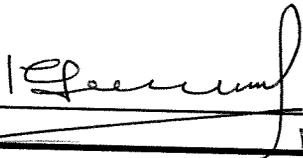
On Oct. 21, 2016 before me, K. L. DUBAL, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared Joseph Liran Jeng
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____



(Seal)

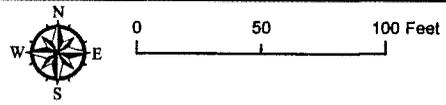
, City Manager for the CITY OF NEWPORT and acknowledged the foregoing instrument to be his/her and the CITY OF NEWPORT's voluntary act and deed, and accepted the easement on behalf of the CITY OF NEWPORT.

By:
Notary Public for Oregon
My Commission Expires:

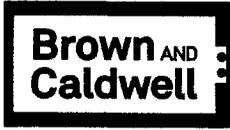
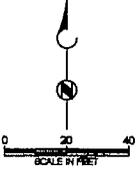


NEWPORT City of Newport
Engineering Department
100 SW Coast Highway Phone: 541-574-3366
Newport, OR 97365

Alta Vista Land LLC
EXHIBIT A - Temporary Construction Easement



This map is for informational use only and is not suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its use and users of this map are cautioned to verify all information with the City of Newport Engineering Department.



SCHOONER CREEK
BORING LOCATIONS



Photo 1 – View of the eastern portion of the property from NW 68th St. looking south.



Photo 2 – View of the central portion of the property from NW 68th St. looking south.



Photo 3 – Existing access road connecting to NW 68th St



Photo 4 – View looking east down existing access road.



Photo 5 – View looking east down existing access road.



Photo 6 – View looking north from existing access road.



Photo 7 – View looking north from existing access road.



Photo 8 – View looking east down existing access road.