

After recording please mail to:  
**Community Development Department  
City of Newport  
169 SW Coast Hwy  
Newport, OR 97365**

Lincoln County, Oregon  
05/24/2019 09:11:31 AM  
DOC-WVR/REM  
\$10.00 \$11.00 \$60.00 \$10.00 \$7.00 - Total = \$98.00

**2019-04685**

Cnt=1 Pgs=2 Str=20



00166538201900048850020020

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*  
Dana W. Jenkins, Lincoln County Clerk



**LAND IMPROVEMENT  
WAIVER OF REMONSTRANCE**

THIS AGREEMENT, is between the City of Newport ("City") and Todd Woodley, Authorized Agent for Wyndhaven Ridge, LLC ("Owner").

**RECITALS**

A. Owner desires to construct improvements on the property located at 1345 NE Lakewood Drive that is currently identified as Tax Lots 309 and 327 of Assessor's Map 10-11-32-00; and further described as: Beginning at a point on the East line of Section 32, Township 10 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, that is South 972.44 feet from the Northeast corner of the Southeast quarter of the Northeast quarter of said Section 32; thence North 89° 29' West 433.56 feet to the Southeast corner of the tract conveyed to Bonnie Brae Estates, Ltd. by deed recorded February 9, 1967 in Book 275, page 6, Deed Records; thence continuing North 89° 29' West 1169.67 feet to the Easterly right of way line of the Oregon Coast Highway 101; thence Southerly along said highway right of way to a point of intersection with the Westerly extension of the East-West centerline of the Northeast quarter of the Southeast quarter of said Section 32; thence on said East-West centerline and its Westerly extension to the East line of said section; thence North on the East section line to the point of beginning.

The property described in this section will be referred to as the "Property."

B. Pursuant to Newport Municipal Code (NMC) Chapter 13.05.095(A)(4), a non-remonstrance agreement for street, sidewalk, and/or public utilities is required to be executed as a condition of Partition Plat approval (Final Order File 3-PAR-18).

**TERMS OF AGREEMENT**

1. This Agreement is a covenant running with the Property and binding on Owner and Owner's successors in interest. This Agreement affects the title to and the rights to possession of the Property. All of the terms, conditions, requirements, obligations and agreements in this document (the "requirements") shall run with the land and shall be binding upon, and inure to the benefit of, Owners and their successors in interest, including all future owners of any portion of the Property.

2. Owner will participate in any sewer, water, or street local improvement districts that the subject parcels would be part of along NE 31st Street, NE 26th Street, and NE Harney Street once those districts are formed.

3. The City Engineer may commence proceedings for a local improvement district or districts as authorized by Newport Municipal Code Chapter 12.05.

4. Owner's execution of this agreement shall be equivalent to the submission of a petition to form a local improvement district and shall constitute a waiver of any right to remonstrate against the formation of the local improvement district. However, nothing herein contained is intended to limit the right of Owner to contest, in the manner provided by law, the formula or method by which such costs are allocated to benefited properties.

DATED this 2 day of April, 2019.

(signatures on following page)

CITY OF NEWPORT

*[Signature]*

By: Spencer Nebel  
City Manager

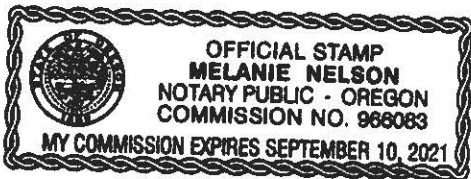
OWNER(S)

*[Signature]*

Todd Woodley, Authorized Agent  
Wyndhaven Ridge, LLC

STATE OF OREGON            )  
  ) ss.  
County of Lincoln         )

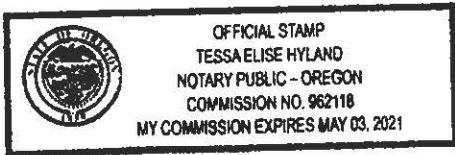
This instrument was acknowledged before me on April 2, 2019 by Spencer Nebel, as City Manager for the City of Newport.



*Melanie Nelson*  
Notary Public – State of Oregon

STATE OF Oregon            )  
  ) ss.  
County of Baker            )

This instrument was acknowledged before me on May 21<sup>st</sup>, 2019 by Todd Woodley, owner.



*Tessa Elise Hyland*  
Notary Public – State of Oregon