

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

Lincoln County, Oregon  
07/19/2019 03:42:12 PM  
DOC-WVR/REM  
\$10.00 \$11.00 \$60.00 \$10.00 \$7.00 - Total = \$98.00

2019-06739

Cnt=1 Pgs=2 Stn=19



00169077201900067390020024

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

### LAND IMPROVEMENT WAIVER OF REMONSTRANCE

THIS AGREEMENT, is between the City of Newport ("City") and Penelope McCarthy, Authorized Agent for The Parker House, LLC ("Owner").

#### RECITALS

- A. Owner desires to construct improvements on the property located at 345 SW 11th Street that is currently identified as Tax Lots 19500 and 20100 of Lincoln County Assessor's Tax Map 11-11-08-BD; and further described as: Parcel I: Lots 2, 3, 10, 11 and the Northerly 3 feet of Lot 1, Block 35, CASE AND BAYLEY'S SECOND ADDITION TO THE CITY OF NEWPORT, Lincoln County, Oregon, according to the official plat thereof filed June 27, 1884 in Book 2, page 10, Lincoln County Records, said Northerly 3 feet of Lot 1 being more particularly described as follows: Beginning at the most Northerly corner of said Lot 1; thence South 53°31'09" West along the West line of said Lot, 3 feet; thence South 36°43'51" East, parallel with the Northeasterly line of said Lot, 92.98 feet, more or less, to the Southeasterly line of said Lot; thence North 53°31'12" East 3 feet to the Northeast corner of said Lot; thence North 36°43'51" West 92.98 feet, more or less, along the North line of said Lot to the Point of Beginning. Parcel II: Lot 12, Block 35, CASE AND BAYLEY'S SECOND ADDITION TO THE CITY OF NEWPORT, Lincoln County, Oregon, according to the official plat thereof filed June 27, 1884 in Book 2, page 10, Lincoln County Records.

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 1-PAR-19).

#### 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 SW 11th Street, and SW Hurbert 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 17 day of June, 2019.

(signatures on following page)

CITY OF NEWPORT

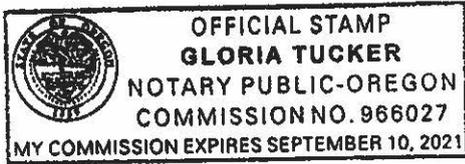
[Signature]  
By: Spencer Nebel  
City Manager

OWNER(S)

[Signature]  
Penelope McCarthy, Authorized Agent  
The Parker House, LLC

STATE OF OREGON )  
County of Lincoln ) ss.  
)

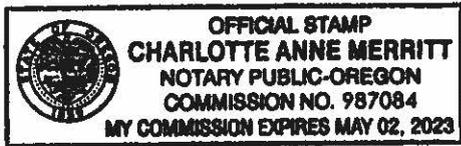
This instrument was acknowledged before me on June 24, 2019 by Spencer Nebel, as City Manager for the City of Newport.



[Signature]  
Notary Public - State of Oregon

STATE OF OREGON )  
County of MULTNOMAH ) ss.  
)

This instrument was acknowledged before me on JULY 17, 2019 by PENELOPE MCCARTHY, owner.



[Signature]  
Notary Public - State of OREGON