

Lincoln County, Oregon
08/07/2019 02:23:22 PM
DOC-E
2019-07437
Cnt=1 Pgs=4 Stn=20
\$20.00 \$11.00 \$60.00 \$10.00 \$7.00 - Total =\$108.00



00169905201900074370040046

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

Bateman Newport LLC, hereinafter referred to as "GRANTOR", owner of the real property described below and does hereby give and grant unto the City of Newport, an Oregon Municipal Corporation located in Lincoln County, Oregon, hereinafter referred to as "GRANTEE", an exclusive, perpetual easement for the maintenance of the existing City driveway to the adjoining City property and for public utilities, including the right to lay, construct, and maintain a public water supply line, 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:

Legal Description attached as Exhibit A and depicted in Exhibit B

This is intended to exclude all other below-surface installations, except as may be specifically approved by the GRANTEE.

The true and actual consideration for this easement is \$13,700.00.

GRANTEE and its contractors, subcontractors, agents or employees shall have the right to enter and occupy the easement to access and maintain the City driveway, to construct the Public Utility, to permanently operate and maintain the Public Utility, and to inspect, repair, replace, remove or renovate the Public Utility. In the event any damage is caused to GRANTOR's property by the GRANTEE or the GRANTEE's agents or independent contractors, GRANTEE shall promptly, at its expense, repair and restore the property to the condition existing prior to the damage.

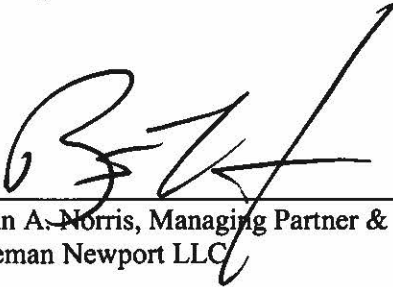
GRANTOR shall be responsible for landscape maintenance within the easement, excluding the roadway surface area within the easement. In carrying out this responsibility, GRANTOR agrees not to plant any tree, shrub or plant within the Public Utility easement, nor build any structure or place any fence in the easement without first obtaining written permission from GRANTEE. It is understood that GRANTEE may remove any physical obstructions including buildings, fences, trees, or shrubbery, and abate any use of the easement if GRANTEE finds that the physical obstruction or use will interfere with the Public Utility or GRANTEE's easement rights granted above, without recompense to the GRANTOR.

GRANTEE shall defend, and hold harmless the GRANTOR from all claims, suits, or actions or whatsoever nature, including intentional acts, resulting from or arising out of the activities of GRANTEE, or GRANTEE's agents or employees acting within the scope of this easement.

GRANTOR and GRANTEE intend that this easement bind GRANTOR, his or her heirs, successors and assigns. This easement will not be considered abandoned until GRANTEE has declared the easement abandoned and no longer in use by GRANTEE, and releases this easement in a duly executed and recorded Release of Easement.

In addition to all other remedies allowed by law, GRANTOR and GRANTEE and their successors and assigns shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this easement. If either party is required to bring suit or action to enforce the terms of this easement, the prevailing party shall be entitled to recover its reasonable attorney fees and costs in such action or suit, including upon appeal.

DATED this 26 day of July, 2019.




Brian A. Norris, Managing Partner & Co-Owner
Bateman Newport LLC

STATE OF OREGON)
) ss
County of Lincoln)

Personally appeared before me this 26 day of July, 2019 the above named Brian A. Norris as Managing Partner & Co-Owner of Bateman Newport LLC.

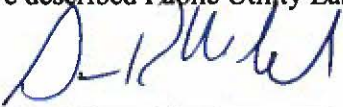




Melanie Nelson
Notary Public for Oregon

ACCEPTANCE OF EASEMENT

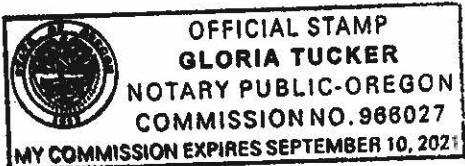
The City of Newport, Oregon, does hereby accept the above described Public Utility Easement this 6 day of August, 2019.

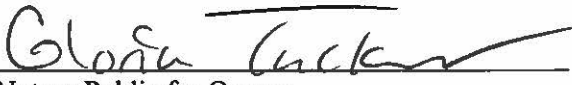


Spencer R. Nebel, City Manager

STATE OF OREGON)
) ss:
County of Lincoln)

This instrument was acknowledged before me on the 6 day of August, 2019 by Spencer R. Nebel as City Manager of the City of Newport.





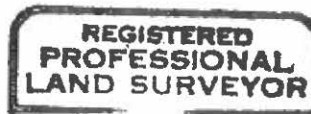
Gloria Tucker
Notary Public for Oregon

EXHIBIT A

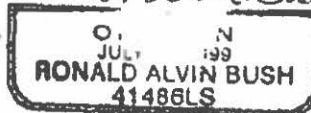
Permanent Easement, Tax Lot 4000, Section 9, T11S, R11W, W.M. Lincoln County,
Oregon

PROPERTY OWNER:
Bateman Newport, LLC.
6785 SE 145h Avenue
Portland, OR 97202

PREPARED BY:
Ron Bush Engineering and Surveying, Inc.
16151 SE Bluff Road
Sandy, OR 97055
(503) 329-8017



Ronald Alvin Bush



EXP Dec 31, 2019

Permanent Easement

Beginning at the northwest corner of that Tract of Land defined in Deed Document Number 2010-11391, Lincoln County Records, point also being on the north right-of-way line of NE 3rd Street ((Old Highway 20) and the POINT OF BEGINNING; Thence easterly tracing the north boundary of said 2010-11391 tract at a bearing of N89°36'42"E a distance of 78.23 feet to an angle point; Thence southwesterly at a bearing of S17°34'54"W a distance of 73.88 feet to an angle point; Thence northwesterly at a bearing of N29°03'06"W a distance of 19.37 feet to a point of curvature; Thence northwesterly along a curve to the left, curve having a radius of 166.40 feet, a length of 71.03 feet, a delta angle of 24°27'21", a chord bearing of N41°16'45"W and a chord length of 70.49 feet to the POINT OF BEGINNING.

Permanent Easement containing 2,426 square feet more or less.

EXHIBIT B
Easement Map

TL 2006

TL 2003

TL 2100

POINT OF
BEGINNING

78.23' N89°36'42"E

L=71.03' R=166.40'
DELTA = 24°27'21"
LC=70.49' CB=N41°16'45"W


73.88' S17°34'54"W

NE YAQUINA
HEIGHTS DRIVE

TL 3900

BATEMAN NEWPORT, LLC
6785 SE 14TH AVE.
PORTLAND, OR 97202

DEED DOCUMENT NUMBER 2010-11391

 PERMANENT EASEMENT
AREA=2,426 SQ FT±

TL 4000



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Ronald Alvin Bush

OREGON
JULY 13, 1999
RONALD ALVIN BUSH
41486LS

CITY OF NEWPORT, YAQUINA HEIGHTS WATERLINE
TAX LOT 4000, PERMANENT EASEMENT
N.W. 1/4 OF THE N.W. 1/4 SECTION 9, T11S, R11W, W.M.
LINCOLN COUNTY, OREGON

exp Dec 31, 2019