



00222293202200096320040042

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



**GRANTOR:**

City of Newport  
169 SW Coast Highway  
Newport, OR 97365

**GRANTEE:**

Landwaves, Inc.  
2712 SE 20<sup>th</sup> Ave  
Portland, OR 97202

**AFTER RECORDING RETURN TO:**

City Recorder  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

**NO CHANGE IN TAX STATEMENTS**

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**STATUTORY QUITCLAIM DEED  
AND  
RELEASE OF A PUBLIC UTILITY EASEMENT**

**RECITALS:**

- A. The purpose of this conveyance is to release and relinquish all of the right, title, and interest of the City of Newport, a municipal corporation of the State of Oregon ("City"), in a Public Utility Easement attached as Exhibit A, which arose from a grant from Landwaves, Inc., an Oregon corporation, dated October 17, 2017, and recorded on November 16, 2017, under Instrument No. 2017-11261, Deed Records for Lincoln County, Oregon ("Public Utility Easement").
- B. The Public Utility Easement crosses real property owned by Landwaves, Inc. ("Subject Parcel"), described as:
- Lots 42 and 43, WILDER PHASE 3, in Lincoln County, Oregon, according to the official plat thereof, recorded May 30, 2017 in Plat Book 19, pages 15, 15A, 15B, Plat Records.
- C. The Public Utility Easement granted City an easement to lay, construct, and maintain storm drainage channels and all related appurtenances, and is a temporary measure to be replaced by the dedication of the extension of SE Fleming Street in the same alignment.
- D. SE Fleming Street has since been constructed and right-of-way for said street encompasses the same area occupied by the Public Utility Easement. With the

True consideration



final plat for Wilder Phase 7, recorded on September 8, 2022, under Instrument No. 2022-08651 of the Plat Records for Lincoln County, Oregon, City accepted the dedication of the SE Fleming Street right-of-way, the street improvements, and appurtenant utilities.

- E. The filing of the Wilder Phase 7 final plat replaces the Public Utility Easement with a road right-of-way that serves the same purpose; therefore, said easement is no longer needed for public use and can be terminated. The Public Utility Easement area to be terminated is specifically described as:

See attached EXHIBIT A

- F. City has determined that termination of the Public Utility Easement is not contrary to the public's interest because the SE Fleming Street right-of-way provides City the same rights to lay, construct, and maintain storm drainage channels and all related appurtenances as the Public Utility Easement.

#### **QUITCLAIM AND RELEASE:**

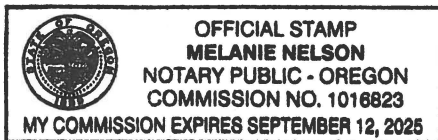
1. For the above reasons, City of Newport, Grantor, hereby releases and quitclaims to Landwaves, Inc., Grantee, all rights, title and interest in the Public Utility Easement described above.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true and actual consideration for this conveyance is other than a monetary payment.



DATED this 15 day of September, 2022.



CITY OF NEWPORT

Peggy Hawker  
Peggy Hawker, Acting City Manager

STATE OF OREGON       )  
                                      ) ss  
County of Lincoln       )

Personally appeared before me this 15 day of September, 2022, by the above named Peggy Hawker, Acting City Manager of the City of Newport.

Melanie Nelson  
Notary Public for Oregon

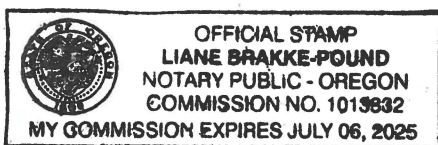
**ACCEPTANCE OF STATUTORY QUITCLAIM DEED AND RELEASE  
OF PUBLIC UTILITY EASEMENT**

Landwaves, Inc. does hereby accept the above described Statutory Quitclaim Deed and Release of a Public Utility Easement this 12 day of September, 2022.

LANDWAVES, INC.  
by: Bonnie Serkin  
Printed Name: Bonnie Serkin  
Title: Chief Operating Officer

STATE OF OREGON       )  
                                      ) ss  
County of Multnomah       )  
~~County of Lincoln~~

This instrument was acknowledged before me on the 12 day of September, 2022 by Bonnie Serkin as COO of Landwaves, Inc.



Liane Brakke-Pound  
Notary Public for Oregon



EXHIBIT A

Legal Description and Depiction of Public Utility Easement



AKS ENGINEERING & FORESTRY VANCOUVER  
9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98682  
P: (360) 882-0419 F: (360) 882-0426

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

**LEGAL DESCRIPTION  
FOR  
WILDER PHASE 3**

**20 FOOT WIDE PUBLIC STORM DRAIN EASEMENT**

Being a portion of the Southeast quarter of Section 20, Township 11 south, Range 11 West, Willamette Meridian, and a portion the remainder of Parcel 2 of Partition Plat Book 2015 Pages 1-1C, City of Newport, Lincoln County, Oregon.

**COMMENCING** at a 5/8" iron rod marking the Southeast corner of Wilder Phase I, Book 18 Pages 46-46B, Lincoln County Survey Records;

Thence South 57°21'21" West, along the Southerly boundary line of said Wilder Phase I and being the Southerly right-of-way line of 44th Street, for a distance of 175.49 feet to the **POINT OF BEGINNING**;

Thence South 32°38'25" East, for a distance of 303.64 feet to the Southeasterly line of Lot 43 of future plat of Wilder Phase 3;

Thence South 57°21'21" West, along said future lot line, for a distance of 20.00 feet;

Thence North 32°38'25" West, for a distance of 303.64 feet to said Southerly right-of-way line of 44th Street (southerly boundary Wilder Phase I);

Thence North 57°21'21" East, along said Southerly boundary, for a distance of 20.00 feet to the **POINT OF BEGINNING**.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Carl A. Beveda*

OREGON  
JULY 26, 1995  
CARL A. BEVEDA  
# 02712LS



Public Storm Drain Easement (AKS Job #5800)  
Legal Description

March 16, 2017  
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