

3484

RECORDING COVER SHEET (Please print or type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, and does NOT affect the instrument. ORS 205.234

AFTER RECORDING RETURN TO: ORS 205.234(1)(c)

LS Networks

Attn: Contracts Administration

921 SW Washington, Suite 210

Portland, Oregon 97205

Lincoln County, Oregon
06/09/2023 11:47:09 AM
DOC-E
\$80.00 \$11.00 \$80.00 \$10.00 \$7.00 - Total = \$148.00

2023-03773

Cnt=1 Pgs=12 Stn=10



00230110202300037730120126

I, Amy A Southwell, 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.



Amy A Southwell, Lincoln County Clerk

1. TITLE(S) OF THE TRANSACTION(S)

ORS 205.234(1)(a)

Telecommunications Line Easement

2. DIRECT PARTY(IES) / GRANTOR(S)

ORS 205.234(1)(b)

City of Newport, an Oregon Municipal Corporation

3. INDIRECT PARTY(IES) / GRANTEE(S)

ORS 205.234(1)(b)

LightSpeed Networks, Inc., an Oregon Corporation, dba LS Networks

4. TRUE and ACTUAL CONSIDERATION

Amount in dollars or other value/property ORS 205.234(1)(d)

\$ _____ ☒ Other Value ☐ Other Property
Other value/property is **Whole** ☐ or **Part** ☐ of the consideration

5. SEND TAX STATEMENTS TO: ORS 205.234(1)(e)

6. SATISFACTION of ORDER or WARRANT

Check one if applicable: ORS 205.234(1)(f)

☐ FULL ☐ PARTIAL

7. The amount of the monetary obligation imposed by the order or warrant: ORS 205.234(1)(f)

\$ _____

8. If this instrument is being Re-Recorded, complete the following statement:

ORS 205.244(2)

Re-recorded at the request of _____

to correct _____

_____ previously recorded in

Book/Volume _____ and Page _____, or as Fee Number _____.

After recording return to:

LS Networks
Attn: Contracts Administration
921 SW Washington, Suite 210
Portland, OR 97205

TELECOMMUNICATIONS LINE EASEMENT

THIS AGREEMENT, dated May 11, 2023, is by and between LightSpeed Networks, Inc., an Oregon Corporation, dba LS Networks, hereinafter termed "Grantee", and the City of Newport, an Oregon Municipal Corporation in Lincoln County, Oregon, hereinafter termed "Grantor".

Grantor for good and valuable consideration, receipt and adequacy of which is hereby acknowledged, grants and conveys unto the Grantee a perpetual easement for access to and placement of telecommunications fiber optic cable with all the necessary appurtenances and connections ("Telecommunications Equipment") above, over, under and across the following described real property situated in Lincoln County, Oregon, more particularly described in Exhibits A, B, and C.

This easement for Telecommunications Equipment is further illustrated in the drawings in Exhibits A, B, and C, which are attached and incorporated herein by this reference.

Grantee shall have the right, at such times as may be necessary, to enter upon the property described in Exhibits A, B, and C for the purpose of planning, constructing, repairing, improving, altering, or reconstructing the Telecommunications Equipment or making any connections therewith, provided that such constructing, repairing, improving, altering, or reconstructing of the Telecommunications Equipment shall be accomplished in such a manner that the Grantor's improvements and land contours existing in the easement described in Exhibits A, B, and C shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed, will be promptly restored, at Grantee's expense, to the condition existing prior to when Grantee placed the Telecommunications Equipment on the property. Grantee shall be liable to Grantor for any damage caused to Grantor's property by Grantee's failure to inspect, maintain, or repair the easement.

Grantee shall hold Grantor harmless and indemnify and defend Grantor from any loss, claim, or liability arising out of Grantee's use of the easement after the date of execution and acceptance of this easement, including reimbursement for Grantor's attorney fees in defending any such claim.

Grantor shall retain the right to use the easement, so long as said use does not unreasonably interfere with the installation and maintenance of the Telecommunications Equipment and so long as no building or structures are erected on the easement.

This easement shall be a covenant running with the land and shall be binding on and benefit the successors and assigns of both parties hereto.

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 enforcement of the terms 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 attorney fees and costs in such suit or action, including on any appeal.

Any agreement or modification which affects or modifies the terms of this Agreement, including its use or obligations herein, shall be binding on the parties only if evidenced in writing, duly signed by grantor, grantee, their successors or assigns, in a document the form of which would be received and recorded by Lincoln County, Oregon.

This Agreement may be signed in counterparts and all such signatures when combined shall be considered the original document.

IN WITNESS WHEREOF, the parties have executed this instrument as of the date beneath their names below.

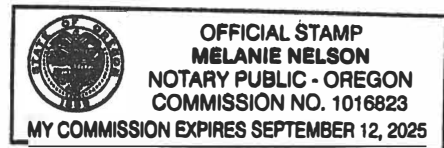
GRANTOR: City of Newport

By: [Signature]
Name: Spencer R. Nebel
Title: City Manager

STATE OF OREGON)
) ss.
County of Lincoln)

This instrument was acknowledged before me on the 11 day of May, 2023, by Spencer R. Nebel, as City Manager for the City of Newport.

[Signature]
Notary Public for Oregon
My commission expires: 9/12/25



ACCEPTANCE OF EASEMENT

LightSpeed Networks, Inc., does hereby accept the above-described easement this 22 day of May, 2023.

By: [Signature]
Name: Leslie Boro
Title: Corporate Counsel

STATE OF OREGON)
) ss.
County of Multnomah)



This instrument was acknowledged before me on the 22 day of May, 2023, by Leslie Boro as Corporate Counsel for LightSpeed Networks, Inc.

[Signature]
Notary Public for Oregon
My commission expires: 11/14/2026

EXHIBIT "A"

LEGAL DESCRIPTION FOR FIBER OPTIC CABLE EASEMENT

MAP & TAX LOT 111108AC02000

A 10.00 foot wide strip of land located in the West 1/2 of the Northeast 1/4 of Section 8, Township 11 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon, the centerline of which being more particularly described as follows;

COMMENCING at the South corner of Tax Lot 02000, said corner being located on the Northwesterly right-of-way of Southeast 10th Street, City of Newport, Oregon, thence leaving said Southeast 10th Street right-of-way Northwesterly along the Southwesterly boundary line of said Tax Lot 02000, said boundary being common to Tax Lot 02100, a distance of 187.20 feet to the **TRUE POINT OF BEGINNING**, thence North 29° 35' 21" East a distance of 181.26 feet to the point of intersection with the North boundary of said Tax Lot 02000, said North boundary also being the South right-of-way of Southeast 2nd Street, City of Newport, Oregon, said point of intersection also being **THE POINT OF TERMINUS**.

Containing approximately 1,812.61 square feet or 0.0416 acres more or less.

COVER SHEET

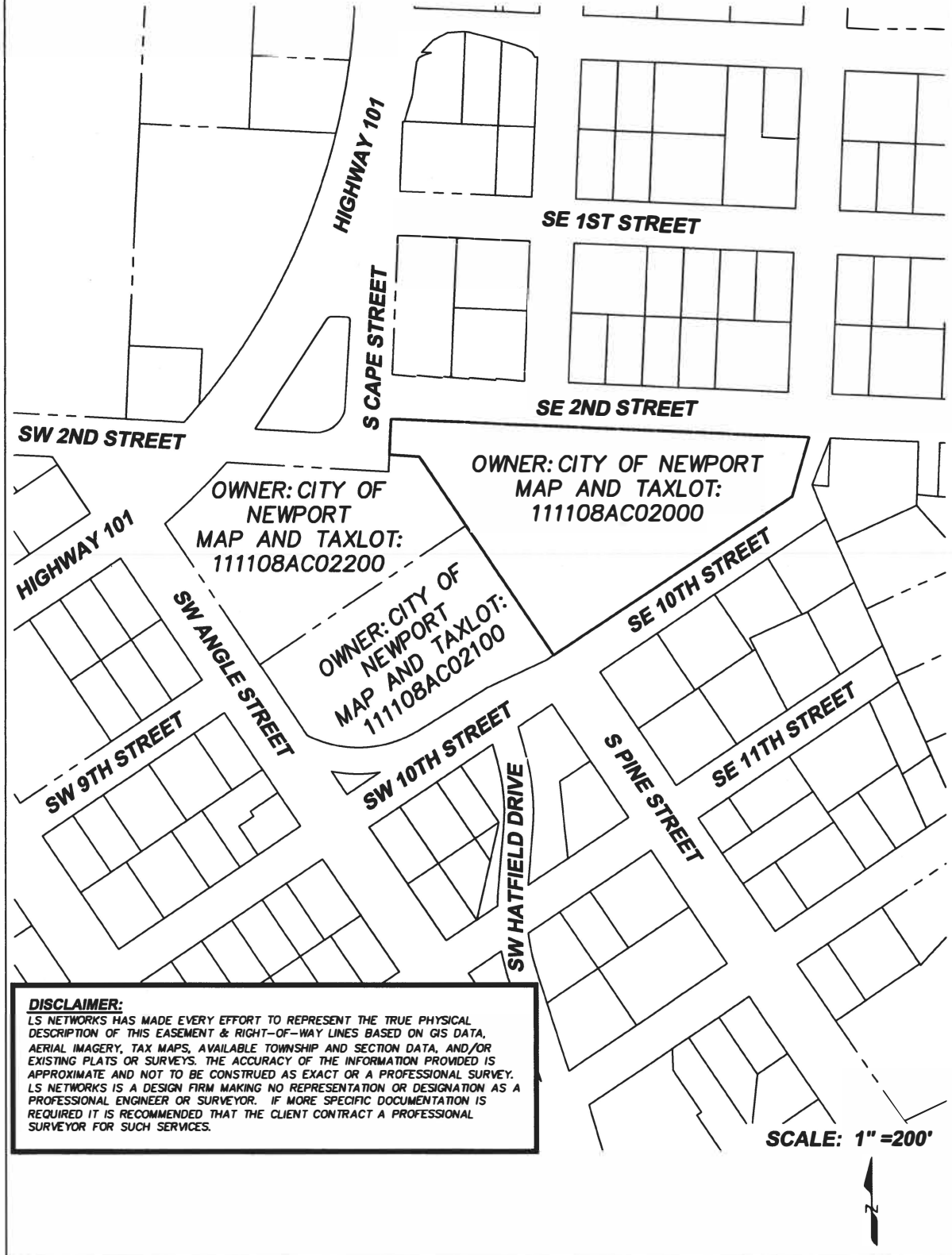


EXHIBIT "B"

LEGAL DESCRIPTION FOR FIBER OPTIC CABLE EASEMENT

MAP & TAX LOT 111108AC02100

A 10.00 foot wide strip of land located in the Southwest 1/4 of the Northeast 1/4 of Section 8, Township 11 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon, the centerline of which being more particularly described as follows:

COMMENCING from the Northwestern corner of Tax Lot 02100, said Northwestern corner being located on the Northeasterly right-of-way of Southwest Angle Street, City of Newport, Oregon, and said Northwestern corner also being common to Tax Lot 02200, thence following the said Northeasterly Southwest Angle Street right-of-way Southeasterly a distance of 24.18 feet to the **TRUE POINT OF BEGINNING**;

From the **TRUE POINT OF BEGINNING**, departing the Northeasterly Southwest Angle Street right-of-way, thence North 58° 54' 07" East a distance of 141.40 feet, thence North 57° 34' 55" East a distance of 177.43 feet to **POINT "A"**, thence North 29° 35' 21" East a distance of 23.06 feet to the point of intersection with the Northeasterly boundary line of said Tax Lot 02100, said Northeasterly boundary line being common to Tax Lot 02000, said point of intersection also being **THE POINT OF TERMINUS**.

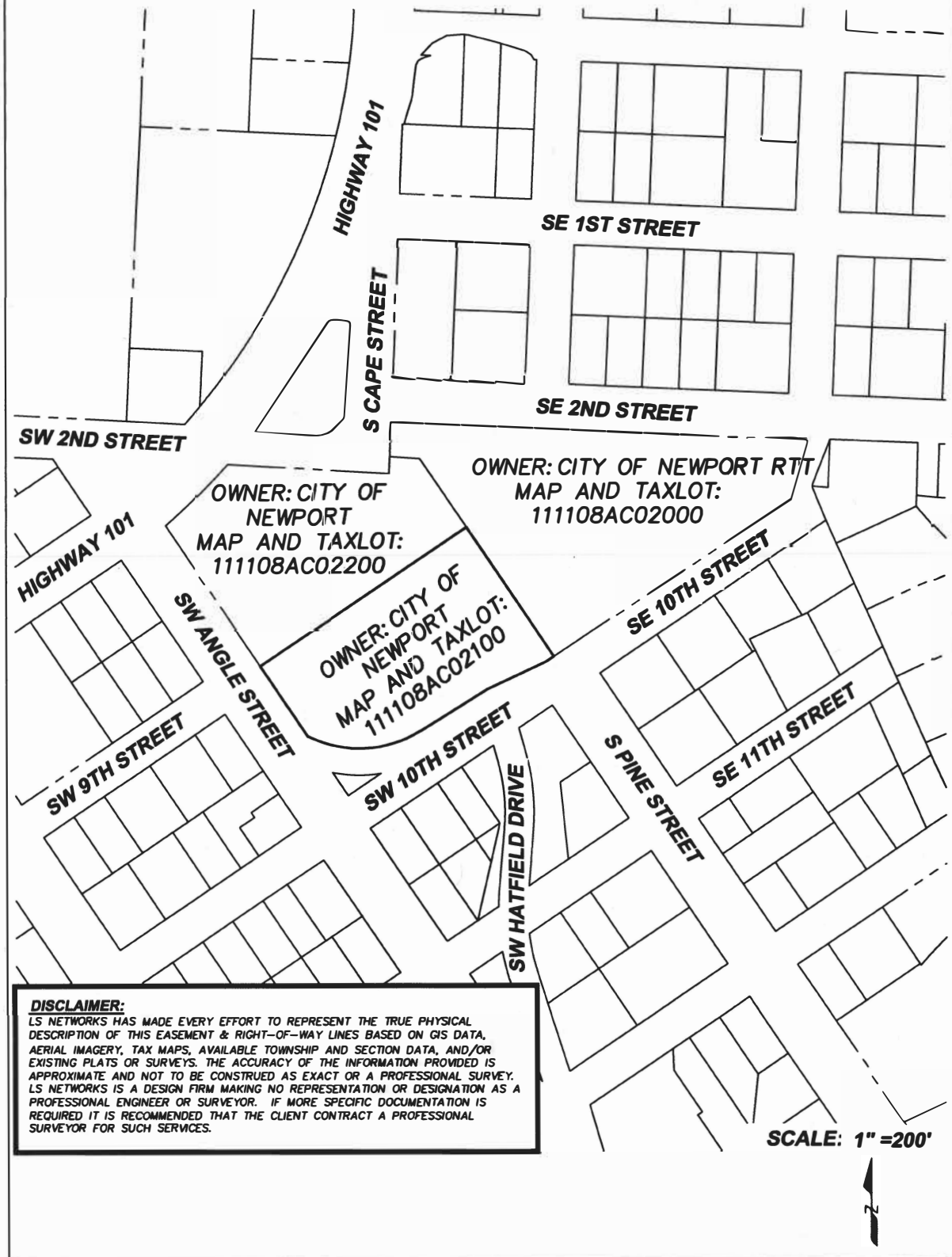
TOGETHER WITH:

PARCEL "A": An easement 10.00 feet in width, the centerline being described as follows;

BEGINNING at **POINT "A"**, being hereinabove described; thence South 16° 34' 57" East a distance of 175.23 feet to the point of intersection with the Northwestern right-of-way of Southwest 10th Street, City of Newport, Oregon, said point of intersection also being the terminus of this description.

Containing approximately 5,121.26 square feet or 0.1176 acres more or less.

COVER SHEET



10.00' WIDE EASEMENT CENTERLINE
5,121.26 SQ. FT = 0.1176 ACRES

MAP AND TAXLOT:
111108AC02200

N29°35'21"E
23.06'

**POINT OF
TERMINUS**

MAP AND TAXLOT:
111108AC02000

N57°34'55"E
177.43'

POINT "A"

S16°34'57"E
175.23'

INITIAL POINT

5.00'
5.00'
10.00' WIDE
EASEMENT

10.00' WIDE
EASEMENT
5.00'
5.00'

N58°54'07"E
141.40'

24.18'

**TRUE POINT
OF BEGINNING**

OWNER: CITY OF NEWPORT
MAP AND TAXLOT:
111108AC02100

SW ANGLE STREET

SW 10TH STREET

SW HATFIELD DRIVE

DISCLAIMER:

LS NETWORKS HAS MADE EVERY EFFORT TO REPRESENT THE TRUE PHYSICAL DESCRIPTION OF THIS EASEMENT & RIGHT-OF-WAY LINES BASED ON GIS DATA, AERIAL IMAGERY, TAX MAPS, AVAILABLE TOWNSHIP AND SECTION DATA, AND/OR EXISTING PLATS OR SURVEYS. THE ACCURACY OF THE INFORMATION PROVIDED IS APPROXIMATE AND NOT TO BE CONSTRUED AS EXACT OR A PROFESSIONAL SURVEY. LS NETWORKS IS A DESIGN FIRM MAKING NO REPRESENTATION OR DESIGNATION AS A PROFESSIONAL ENGINEER OR SURVEYOR. IF MORE SPECIFIC DOCUMENTATION IS REQUIRED IT IS RECOMMENDED THAT THE CLIENT CONTRACT A PROFESSIONAL SURVEYOR FOR SUCH SERVICES.

SCALE: 1" = 60'

LINCOLN COUNTY
PARCEL #111108AC02100
CITY OF NEWPORT

EXHIBIT "C"

LEGAL DESCRIPTION FOR FIBER OPTIC CABLE EASEMENT

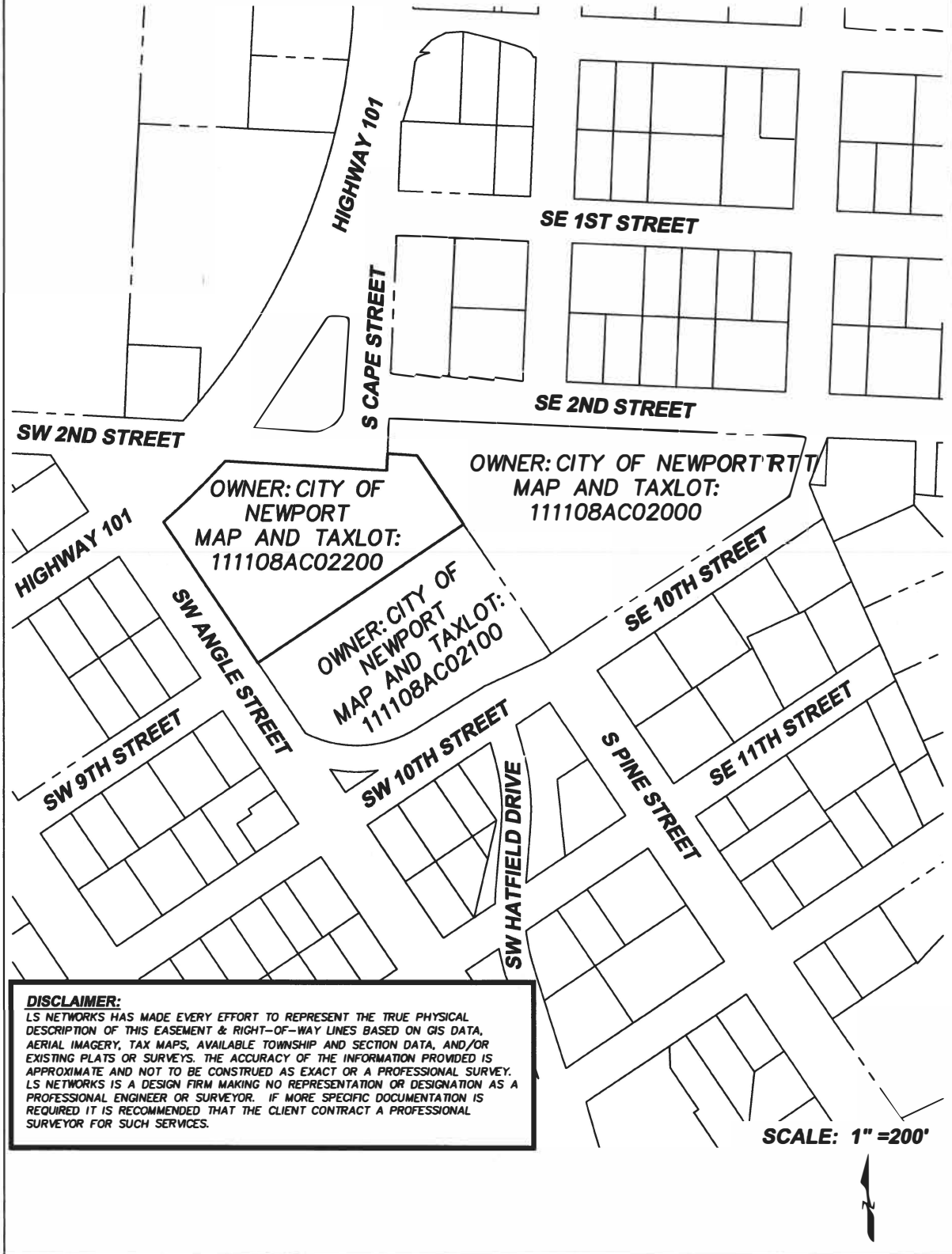
MAP & TAX LOT 111108AC02200

A 15.00 foot wide strip of land located in the Southwest 1/4 of the Northeast 1/4 of Section 8, Township 11 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon, the Southeasterly boundary line of which being more particularly described as follows;

COMMENCING from the Southerly corner of Tax Lot 02200, said corner being located on the Northeasterly right-of-way of Southwest Angle Street, City of Newport, Oregon, said right-of-way also being the Southwesterly boundary of said Tax Lot 02200, thence proceeding Northwest along said right-of-way a distance of 10.19 feet, the hereinabove 15.00 foot wide strip of land extending Northeasterly perpendicular to said Southwest Angle Street right-of-way a distance of 28.00 feet to the terminus of said 15.00 foot wide strip of land.

Containing approximately 404.50 square feet or 0.0093 acres more or less.

COVER SHEET



15.00' WIDE EASEMENT CENTERLINE
404.50 SQ. FT = 0.0093 ACRES

OWNER: CITY OF NEWPORT
MAP AND TAXLOT:
111108AC02200

SW ANGLE STREET

SW 9TH STREET

15.00'
28.00'
10.19'

INITIAL POINT

MAP AND TAXLOT:
111108AC02100

DISCLAIMER:

LS NETWORKS HAS MADE EVERY EFFORT TO REPRESENT THE TRUE PHYSICAL DESCRIPTION OF THIS EASEMENT & RIGHT-OF-WAY LINES BASED ON GIS DATA, AERIAL IMAGERY, TAX MAPS, AVAILABLE TOWNSHIP AND SECTION DATA, AND/OR EXISTING PLATS OR SURVEYS. THE ACCURACY OF THE INFORMATION PROVIDED IS APPROXIMATE AND NOT TO BE CONSTRUED AS EXACT OR A PROFESSIONAL SURVEY. LS NETWORKS IS A DESIGN FIRM MAKING NO REPRESENTATION OR DESIGNATION AS A PROFESSIONAL ENGINEER OR SURVEYOR. IF MORE SPECIFIC DOCUMENTATION IS REQUIRED IT IS RECOMMENDED THAT THE CLIENT CONTRACT A PROFESSIONAL SURVEYOR FOR SUCH SERVICES.

SCALE: 1" = 30'

LINCOLN COUNTY
PARCEL #111108AC02200
CITY OF NEWPORT