



00240567202400028630020023

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

After recording return to:
City of Newport
169 SW Coast Highway
Newport, OR 97365

CITY OF NEWPORT, OREGON PUBLIC UTILITY EASEMENT

Matthew P. Updenkelder and Rhiannon Updenkelder, hereinafter referred to as "GRANTOR", own the real property described below and hereby gives and grants unto the City of Newport, an Oregon Municipal Corporation of Lincoln County, Oregon, hereinafter referred to as "GRANTEE", an exclusive, perpetual easement for public utilities, including the right to lay, construct, and maintain storm sewer, 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:

A 5' strip of land along the southern boundary line of Lot 6, Block 3, Harbor Heights No. 2, in Lincoln County, Oregon.

The true and actual consideration for this easement is none.

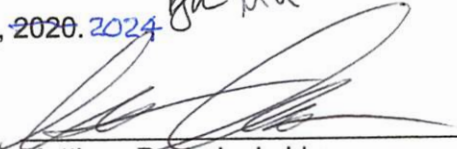
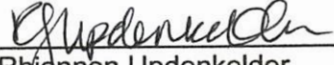
This is intended to exclude all other below-surface installations, except as may be specifically approved by the GRANTEE.

GRANTEE and its contractors, subcontractors, agents or employees shall have the right to enter and occupy the easement for the purpose of constructing the Public Utility, to permanently operate and maintain the Public Utility, 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.

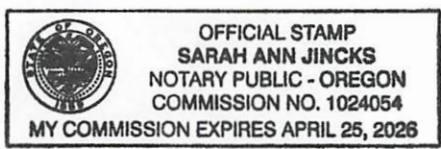
GRANTOR shall be responsible for landscape and surface maintenance within the easement. In carrying out this responsibility, GRANTOR agrees not to plant any tree, shrub or plant within the Public Utility easement, nor build any structure or place any fence in the easement without first obtaining written 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.


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 suit or action, including upon appeal.

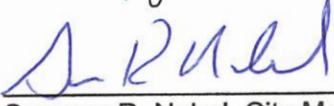
DATED this 1 day of May, ~~2020~~ 2024 *for MN SRM*

 Matthew P. Updenkelder

 Rhiannon Updenkelder

STATE OF OREGON)
) ss
 County of Lincoln)
 Personally appeared before me this 1 day of May, ~~2020~~ 2024 the above
 named Rhiannon Updenkelder + Matthew P Updenkelder.

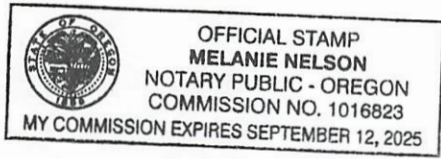



 Notary Public for Oregon

ACCEPTANCE OF EASEMENT

The City of Newport, Oregon, does hereby accept the above-described Public Utility Easement this 1st day of May, ~~2020~~ 2024 *for SRM*

 Spencer R. Nebel, City Manager

STATE OF OREGON)
) ss:
 County of Lincoln)
 This instrument was acknowledged before me on the 1 day of May, ~~2020~~ 2024 by Spencer R. Nebel as City Manager of the City of Newport.




 Notary Public for Oregon

AMY A. SOUTHWELL
 Lincoln County Clerk
 225 W. Olive Street-Room 201
 Newport, Oregon 97365
 (541) 265-4131

Receipt #: 157386
 Station: 10
 Receipt Name:
 Account Name: 1041 - CITY OF NEWPORT

Receipt Date: 05/02/2024 11:22 AM

Cashier: BFOLEY

Comments:

RECORDING

Document #	Recording Date	Doc Type	Recording	Survey	A&T Fund	Housing	GIS	NonStd	Other	Total
2024-02963	05/02/2024 11:21:55 AM	DOC-E	10.00	10.00	11.00	60.00	7.00			\$98.00
Totals:			\$10.00	\$10.00	\$11.00	\$60.00	\$7.00	\$0.00	\$0.00	\$98.00

Thank You
 IMPORTANT NOTICE: HB 2029 effective Monday, January 1, 2024 amends Oregon Revised Statute 205.232 changing the minimum font size from 8 point to 10 point type for recorded documents.

Receipt Total \$98.00
 ACCOUNT 1041 - CITY OF NEWPORT \$98.00