

Lincoln County, Oregon
03/11/2013 3:49:59 PM
DOC-RL/E DOC-QCD
\$20.00 \$5.00 \$11.00 \$15.00 \$10.00 \$7.00 - Total = \$68.00

2013-02475

Cnt=2 Pgs=4 Stn=19



00071793201300024750040040

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:

Whaler Motel Inc.
155 SW Elizabeth Street
Newport, OR 97365

AFTER RECORDING RETURN TO:

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

Until a Change is Requested, Tax Statements
Shall be Sent to the Following Address: NO CHANGE

The true and actual consideration for this conveyance is other than money.

**STATUTORY QUITCLAIM DEED
AND
RELEASE OF SEWER 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 that easement granted to the City by Garnet M. Rodman, formerly Garnet M. Brian, and Burt H. Rodman, wife and husband, in that grant of easement dated August 10th, 1955, recorded on March 14th, 1963, in Book 232, Page 500, Deed Records for Lincoln County, Oregon and more particularly described in the attached Exhibit A (Easement for Sewer).
- B. The Easement for Sewer grants the City the right to construct, inspect, repair, service, and maintain a public sewer, including the right to make connections thereto, through and across the following described real property (Easement Area):
- Lots 11, 12, 14, and 15, Barlow Block B, a subdivision of Block 4, Nye and Thompson's Addition to Newport; in Lincoln County, Oregon.
- C. The Easement Area is located on real property now owned by Whaler Motel Inc.

- D. A sewer pipe has been installed within the Easement Area. The pipe is currently abandoned and is not being used for sewer purposes.
- E. The City has determined that the Easement for Sewer is no longer needed for public use and that it is in the public interest to release all of the City's right, title, and interest in the Easement for Sewer and the Easement Area to Whaler Motel, Inc.

QUITCLAIM AND RELEASE

1. For the reasons recited above, the City of Newport, Grantor, hereby releases, relinquishes, and quitclaims to Whaler Motel Inc., Grantee, and its successors and assigns, all rights, title, and interest in the Easement Area, thus releasing, terminating and abandoning the easement.
2. The real property and all improvements located within the Easement Area, including the sewer pipe and any appurtenances that may be located within the Easement Area, are conveyed to Grantee "AS IS," without any representation or warranties, express or implied. The City shall have no responsibility to maintain or remove the sewer pipe or any appurtenances that may be located within the Easement Area.
3. The true and actual consideration for this conveyance is other than money.

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 PROPERTY 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.

IN WITNESS WHEREOF, Grantor has executed and delivered this Statutory Quitclaim Deed and Release of Sewer Easement as of the date set forth below.

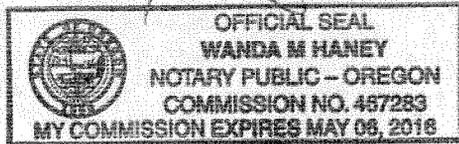
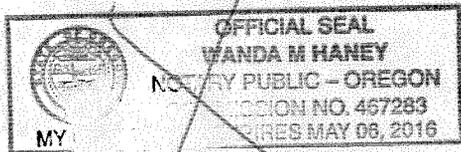
DATED this 25th day of February, 2013.

GRANTOR, City of Newport:

Jim Voetberg
Jim Voetberg, City Manager

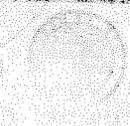
STATE OF OREGON)
) ss.
County of Lincoln)

This instrument was acknowledged before me on this 25th day of February, 2013, by Jim Voetberg, City Manager for the City of Newport.



Wanda M Haney
Notary Public for Oregon
My Commission Expires: 5/6/16

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EXHIBIT A

Easement for Sewer BOOK 232 PAGE 500

THIS INDENTURE, made this 10th day of August, 1955, between Garnet H. Rodman formerly Garnet L. Brain and Burt H. Rodman, wife and husband,

hereinafter called Parties of the First Part, and the City of Newport, a municipal corporation, hereinafter called the Party of the Second Part,

WITNESSETH:

WHEREAS, the Parties of the First Part have an interest as owners in the following described real property, situated within the corporate limits of the City of Newport, in Lincoln County, Oregon: Lots 11, 12, 13, 14 and 15, Barlow Block B, a subdivision of Block 4, Nye and Thompson's Addition to Newport;

and WHEREAS, the Party of the Second Part is desirous of constructing a public sewer through and across said real property,

The Parties of the First Part, in consideration of the sum of One (\$1.00) Dollar, and other valuable considerations to them in hand paid, the receipt of which is hereby acknowledged, hereby grant unto the Party of the Second Part, and to its successors and assigns, an easement and right-of-way to construct, inspect, repair, service and maintain a public sewer (including the right to make connections thereto) through and across the following described real property:

Lots 11, 12, 14 and 15, Barlow Block B, a subdivision of Block 4, Nye and Thompson's Addition to Newport, in Lincoln County, Oregon; it being understood that said second party shall be responsible for any damage to said property or improvements thereon resulting from breaks in said sewer lines as it crosses said property or in the repair thereof;

TO HAVE AND TO HOLD, said Easement and right-of-way unto the said Party of the Second Part, its successors and assigns, forever.

IN WITNESS WHEREOF, the Parties of the First Part have hereunto set their hand and seal the day and year first hereinabove written.

Garnet H. Rodman (Seal)
Burt H. Rodman (Seal)

STATE OF OREGON

County of Lincoln

On this 10th day of Aug, A. D. 1955, personally appeared the above named Garnet H. Rodman formerly Garnet L. Brain and Burt H. Rodman, wife and husband,

and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



A. K. Caldwell
Notary Public for Oregon

My Commission Expires: June 27, 1958.

City of Newport
City Clerk
Thompson's Office
Check #150

STATE OF OREGON
COUNTY OF LINCOLN
I hereby certify that the within instrument was registered for record on this day of August 19 53 at 5:24 o'clock P. M. and recorded in book 232 page 500 in the office of said County Clerk. Witness my hand and seal of County Clerk.

PHILUSIA
83527

