

After recording please mail to:
Community Development Department
City of Newport
169 SW Coast Hwy
Newport, OR 97365

Lincoln County, Oregon
06/10/2016 02:06:15 PM **2016-05466**
DOC-WVR/REM Cnt=1 Pgs=2 Stn=29
\$10.00 \$11.00 \$20.00 \$10.00 \$7.00 - Total =\$58.00



00120768201600054660020025
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
Dana W. Jenkins, Lincoln County Clerk

LAND IMPROVEMENT WAIVER OF REMONSTRANCE

THIS AGREEMENT, is between the City of Newport ("City") and Central Lincoln People's Utility District ("Owner").

RECITALS

- A. Owner desires to construct improvements on the property that is currently identified as Lots 1 through 11, Northgate Industrial Park and that part of Lot 3 in Section 20, Township 10 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, lying South of the South line of the Siletz Indian Reservation, described as follows:

Beginning at a point at the intersection of the South line of Government Lot 3 (being South of the South line of the Siletz Indian Reservation) in Section 20, Township 10 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, and the East right-of-way line of the relocated Oregon Coast Highway No. 101; thence North 7°57' East 22.9 feet along said highway East line to the true point of beginning; thence North 7°57' East 100 feet along said right-of-way; thence South 81°48' East 100 feet; thence South 7°57' West 100 feet; and thence North 81°48' West 100 feet to the true point of beginning.

The property described in this section will be referred to as the "Property."

- B. A non-remonstrance agreement for the signalization and improvement of the NE 73rd Street and US 101 intersection as part of the development of the Property is required.

TERMS OF AGREEMENT

1. This Agreement is a covenant running with the Property and binding on Owner and Owner's successors in interest. This Agreement affects the title to and the rights to possession of the Property. All of the terms, conditions, requirements, obligations and agreements in this document (the "requirements") shall run with the land and shall be binding upon, and inure to the benefit of, Owners and their successors in interest, including all future owners of any portion of the Property.
2. Owner will participate in any local improvement district or districts formed for the signalization and improvement of the NE 73rd Street and US 101 intersection that the subject parcel would be part of.
3. The City Engineer may commence proceedings for a local improvement district or districts as authorized by Newport Municipal Code Chapter 12.05.
4. Owner's execution of this agreement shall be equivalent to the submission of a petition to form a local improvement district and shall constitute a waiver of any right to remonstrate against the formation of the local improvement district. However, nothing herein contained is intended to limit the right of Owner to contest, in the manner provided by law, the formula or method by which such costs are allocated to benefited properties.

DATED this 25 day of May, 2016.

CITY OF NEWPORT

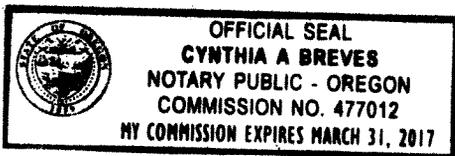
[Signature]
By: Spencer Nebel
City Manager

OWNER(S)

[Signature]
Debra Smith,
General Manager
Central Lincoln PUD

STATE OF OREGON)
) ss.
County of Lincoln)

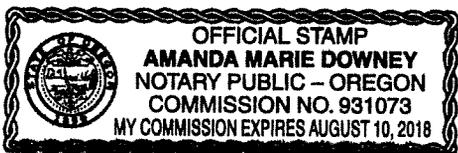
This instrument was acknowledged before me on May 25, 2016 by Spencer Nebel, as City Manager for the City of Newport.



[Signature]
Notary Public - State of Oregon

STATE OF Oregon)
) ss.
County of Lincoln)

This instrument was acknowledged before me on 6th of June, 2016 by Debra Smith, General Manager, on behalf of Central Lincoln People's Utility District., owner.



[Signature]
Notary Public - State of Oregon

OFFICE OF THE
COMMISSIONER OF
NOTARY PUBLIC, DISTRICT
OF COLUMBIA
NOTARY PUBLIC, DISTRICT OF COLUMBIA



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NOTARY PUBLIC, DISTRICT
OF COLUMBIA
NOTARY PUBLIC, DISTRICT OF COLUMBIA

