

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

Lincoln County, Oregon  
09/17/2019 10:44:02 AM  
DOC-WVR/REM  
\$10.00 \$11.00 \$60.00 \$10.00 \$7.00 - Total = \$98.00

2019-08964

Cnt=1 Pgs=2 Stn=20



00171708201900089640020028

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

### LAND IMPROVEMENT WAIVER OF REMONSTRANCE

THIS AGREEMENT, is between the City of Newport ("City") and Malcolm H and Gloria M Zirges ("Owner").

#### RECITALS

- A. Owner desires to construct improvements on the property that is currently identified as Tax Lot 9300 of Assessor's Map 11-11-05-CB; and further described as:

IRVINTON, BLOCK 5, LOT 1-5, DOC200411835

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

- B. Pursuant to Newport Municipal Code (NMC) Chapter 14.44.050(B), a non-remonstrance agreement for street, sidewalk, and storm water is required to be executed as part of the building permit process for the Property.

#### 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 construction of street, sidewalk, and storm water 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 26 day of August, 2019.

(signatures on following page)

CITY OF NEWPORT

*Peggy Hawker*

By: Peggy Hawker  
Acting City Manager

OWNER(S)

*Malcolm H. Zirges*

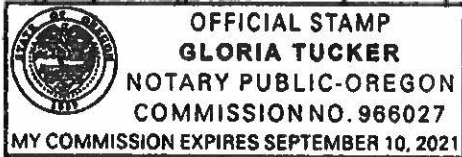
Malcolm H Zirges

*Gloria M. Zirges*

Gloria M Zirges

STATE OF OREGON )  
 ) ss.  
County of Lincoln )

This instrument was acknowledged before me on August 26, 2019 by Peggy Hawker, as Acting City Manager for the City of Newport.



*Gloria Tucker*  
Notary Public - State of Oregon

STATE OF Oregon )  
 ) ss.  
County of Lincoln )

This instrument was acknowledged before me on September 17<sup>th</sup>, 2019 by Malcolm H Zirges, owner.



*[Signature]*  
Notary Public - State of Oregon

STATE OF Oregon )  
 ) ss.  
County of Lincoln )

This instrument was acknowledged before me on September 17<sup>th</sup>, 2019 by Gloria M Zirges, owner.



*[Signature]*  
Notary Public - State of Oregon