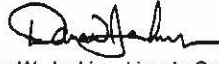



Frontier 19-0024 LO

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

Lincoln County, Oregon		2020-04521
05/08/2020 09:10:01 AM		
DOC-E	Cnt=1 Pgs=6 Stn=20	
\$30.00 \$11.00 \$10.00 \$60.00 \$7.00	\$118.00	
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		

CITY OF NEWPORT, OREGON PUBLIC UTILITY EASEMENT

Surf View Village LLC, a Wisconsin limited liability company, hereinafter referred to as "Grantor", owns the real property described below and does hereby give and grant 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 as described in Exhibit A and graphically depicted on Exhibit B, including the right to lay, construct, and maintain public water meters, mains, and all related appurtenances, hereinafter referred to as "Public Utility", to be constructed and located on, across, under or over the surface of real property in the City of Newport, of the County of Lincoln, State of Oregon, described as follows:

PARCEL I:

A tract of land located in the Southwest one-quarter of Section 20, Township 10 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, said tract being a portion of the tract of land conveyed from Richard and Elaine Crandall to Three J's LLC, recorded in Microfilm 357, page 1294, Lincoln County Film Records, said portion being more particularly described as follows:

Commencing at the South one-quarter corner of said Section 20; thence North 00°02'42" West, along the North-South centerline of said Section 20, 29.80 feet to the Southeast corner of the Frank Passarelli tract as described in Volume 67, page 687 of Lincoln County Film Records; thence along the South line of said Passarelli tract North 89°50'09" West 774.76 feet to the center of a creek; said point being the True Point of Beginning of the following described tract; thence along the center of said creek the following courses and distances: thence North 42°14'45" West 47.76 feet; thence North 22°08'53" West 41.09 feet; thence North 47°58'03" West 159.93 feet; thence North 22°00'00" West 52.00 feet; thence North 08°12'28" East 95.86 feet to the south boundary of that tract of land conveyed from Nicholas P. Clainos to Newport Village, LLC, recorded June 30, 2005 in Document #200510053, Lincoln County Deed Records; thence along said south boundary North 89°50'52" West 431.35 feet to the easterly right of way of U.S. Highway #101; thence along said right of way on the arc of a 10,317.40 foot radius curve to the left, the long chord of which bears South 11°22'02" East 329.68 feet for an arc distance of 329.66 feet; thence South 89°50'09" East 538.56 feet to the true point of beginning.

Accommodation Recording only.
No liability assumed.

After recording return to:

City of Newport
169 SW Coast Highway
Newport, OR 97365

**CITY OF NEWPORT, OREGON
PUBLIC UTILITY EASEMENT**

Surf View Village LLC, a Wisconsin limited liability company, hereinafter referred to as "Grantor", owns the real property described below and does hereby give and grant 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 as described in Exhibit A and graphically depicted on Exhibit B, including the right to lay, construct, and maintain public water meters, mains, and all related appurtenances, hereinafter referred to as "Public Utility", to be constructed and located on, across, under or over the surface of real property in the City of Newport, of the County of Lincoln, State of Oregon, described as follows:

PARCEL I:

A tract of land located in the Southwest one-quarter of Section 20, Township 10 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, said tract being a portion of the tract of land conveyed from Richard and Elaine Crandall to Three J's LLC, recorded in Microfilm 357, page 1294, Lincoln County Film Records, said portion being more particularly described as follows:

Commencing at the South one-quarter corner of said Section 20; thence North 00°02'42" West, along the North-South centerline of said Section 20, 29.80 feet to the Southeast corner of the Frank Passarelli tract as described in Volume 67, page 687 of Lincoln County Film Records; thence along the South line of said Passarelli tract North 89°50'09" West 774.76 feet to the center of a creek; said point being the True Point of Beginning of the following described tract; thence along the center of said creek the following courses and distances: thence North 42°14'45" West 47.76 feet; thence North 22°08'53" West 41.09 feet; thence North 47°58'03" West 159.93 feet; thence North 22°00'00" West 52.00 feet; thence North 08°12'28" East 95.86 feet to the south boundary of that tract of land conveyed from Nicholas P. Clainos to Newport Village, LLC, recorded June 30, 2005 in Document #200510053, Lincoln County Deed Records; thence along said south boundary North 89°50'52" West 431.35 feet to the easterly right of way of U.S. Highway #101 ; thence along said right of way on the arc of a 10,317.40 foot radius curve to the left, the long chord of which bears South 11°22'02" East 329.68 feet for an arc distance of 329.66 feet; thence South 89°50'09" East 538.56 feet to the true point of beginning.

Frontier 19-002460

Accommodation Recording only.
No liability assumed.

PARCEL II:

A tract of land located in the Southwest one-quarter of Section 20, Township 10 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, said tract being a portion of the tract of land conveyed from Mike Port to Three J's, LLC, recorded in Microfilm 372, page 1551, Lincoln County Film Records, said portion being more particularly described as follows:

Commencing at the South one-quarter corner of said Section 20; thence North 00°02'42" West, along the North-South centerline of said Section 20, 29.80 feet to the Southeast corner of the Frank Passarelli tract as described in Volume 67, page 687 of Lincoln County Film Records; thence along the south line of said Passarelli tract North 89°50'09" West 774.76 feet to the center of a creek; said point being the True Point of Beginning of the following described tract; thence continuing along said south line of the Passarelli tract North 89°50'09" West 538.56 feet to the east right of way of Oregon Coast Highway, U.S. Highway #101 ; thence Southeasterly along said right of way to the south line of said Section 20; thence South 89°50'09" East 560.58 feet, more or less, to the center of aforementioned creek; thence North 42°14'45" West, along the center of said creek, 40.36 feet to the true point of beginning.

PARCEL III:

The North 100 feet of that part of the Northwest quarter of the Northeast quarter of the Northwest quarter of Section 29, Township 10 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, lying Easterly of the Easterly right of way line of the Oregon Coast Highway, U.S. Highway #101.

EXCEPTING THEREFROM any portion conveyed to the State of Oregon by and through its State Highway Commission.

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

City 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.

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 City. Balm, poplar, locust, cottonwood or willow trees should not be planted near the Public Utility easement. It is understood that City may remove any physical obstructions including buildings, fences, trees, or shrubbery, and abate any use of the easement if City finds that the physical obstruction or use will interfere with the Public Utility or City's easement rights granted above, without recompense to the Grantor.

Grantor and City intend that this easement bind Grantor, his or her heirs, successors and assigns. This easement will not be considered abandoned until City has declared the easement abandoned and no longer in use by City, and releases this easement in a duly executed and recorded Release of Easement.

In addition to all other remedies allowed by law, Grantee, its successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this easement against Grantor. If Grantee is required to bring suit or action to enforce the terms of

Grantee shall be entitled to recover from Grantor such sums that the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

The true and actual consideration for this easement is other than monetary.

DATED this 4th day of May, 2020.

Surf View Village LLC, Owner
By: Surf View Village MM LLC, Managing Member
By: Commonwealth Holdings, LLC, Managing Member
By: Commonwealth Companies, Inc., Sole Member

By: [Signature]
Christopher Jaye, President

STATE OF WISCONSIN }
County of Dane } ss

Personally appeared before me this 4th day of May, 2020 the above named
Christopher Jaye.



[Signature]
Notary Public for ~~Oregon~~ WISCONSIN

ACCEPTANCE OF EASEMENT

The City of Newport, Oregon, does hereby accept the above-described Public Utility Easement this ____ day of _____, 2020.

Spencer R. Nebel, City Manager

STATE OF OREGON)
County of Lincoln) ss:

This instrument was acknowledged before me on the ____ day of _____, 2020 by Spencer R. Nebel as City Manager of the City of Newport.

Notary Public for Oregon

this easement, Grantee shall be entitled to recover from Grantor such sums that the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

The true and actual consideration for this easement is other than monetary.

DATED this _____ day of _____, 2020.

Surf View Village LLC, Owner
By: Surf View Village MM LLC, Managing Member
By: Commonwealth Holdings, LLC, Managing Member
By: Commonwealth Companies, Inc., Sole Member

By: _____
Christopher Jaye, President

STATE OF WISCONSIN)
County of Dane) ss

Personally appeared before me this _____ day of _____, 2020 the above named _____.

Notary Public for Oregon

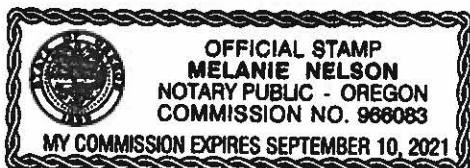
ACCEPTANCE OF EASEMENT

The City of Newport, Oregon, does hereby accept the above-described Public Utility Easement this 1st day of May, 2020.

Spencer R. Nebel
Spencer R. Nebel, City Manager

STATE OF OREGON)
County of Lincoln) ss:

This instrument was acknowledged before me on the 1st day of May, 2020 by Spencer R. Nebel as City Manager of the City of Newport.



Melanie Nelson
Notary Public for Oregon

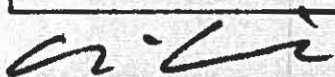
Exhibit "A"
Legal Description for Waterline Easement

A variable strip of land located in the southwest quarter of Section 20 and the northwest quarter of Section 29 of Township 10 South, Range 11 West of the Willamette Meridian, City of Newport, Lincoln County, Oregon, being more particularly described as follows:

Beginning at a point on the north right of way line of NE 60th Street, said point being located South 87°19'00" East 166.80 feet from a 5/8 inch iron rod at the intersection of the easterly right of way line of U.S. Highway 101 and NE 60th Street; thence the following courses: North 03°13'25" East 101.56 feet, North 48°13'25" East 41.87 feet, North 03°13'25" East 4.31 feet, North 86°46'35" West 18.57 feet, North 03°13'25" East 10.00 feet, South 86°46'35" East 18.57 feet, North 03°13'25" East 4.16 feet, North 08°01'35" West 102.43 feet, South 81°00'42" West 49.48 feet, North 08°59'18" West 10.00 feet, North 81°00'42" East 49.65 feet, North 08°01'35" West 12.00 feet, South 81°00'42" West 49.85 feet, North 08°59'18" West 10.00 feet, North 81°00'42" East 50.01 feet, North 08°01'35" West 102.19 feet, South 81°58'25" West 24.72 feet, North 08°01'35" West 10.00 feet, North 81°58'25" East 24.72 feet, North 08°01'35" West 14.16 feet, North 30°31'35" West 14.73 feet, North 41°46'35" West 13.48 feet, North 86°46'35" West 138.51 feet, and South 81°58'25" West 62.29 feet to a point on the easterly right of way line of U.S. Highway 101; thence along said easterly right of way line along the arc of a 10,317.40 foot radius curve to the left 20.00 feet (the long chord of which bears North 08°02'23" West 20.00 feet; thence the following courses: North 81°58'25" East 64.27 feet, South 86°46'35" East 148.77 feet, South 41°46'35" East 23.73 feet, South 30°31'35" East 20.68 feet, South 08°01'35" East 267.06 feet, South 87°19'00" East 1.55 feet, North 81°00'42" East 14.37 feet, South 08°59'18" East 10.00 feet, South 81°00'42" West 15.39 feet, North 87°19'00" West 2.73 feet, South 03°13'25" West 18.40 feet, South 48°13'25" West 41.87 feet, South 03°13'25" West 51.62 feet, South 87°19'00" East 10.38 feet, South 02°41'00" West 28.00 feet, North 87°19'00" West 10.64 feet, and South 03°13'25" West 13.46 feet to a point on the north right of way line of NE 60th Street; thence along said north right of way line North 87°19'00" West 20.00 feet to the point of beginning.

The basis of bearings for the described easement is from Lincoln County Survey No. 20614.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 11, 2005
BRIAN SCOTT SAILOR
61341

EXHIBIT 'B'

DESCRIPTION FOR A WATERLINE EASEMENT

LOCATED IN THE NORTHWEST 1/4 OF SECTION 29 AND
THE SOUTHWEST 1/4 OF SECTION 20 TOWNSHIP 10 SOUTH
RANGE 11 WEST OF THE WILLAMETTE MERIDIAN, CITY OF
NEWPORT, LINCOLN COUNTY OREGON

