

Lincoln County, Oregon
10/01/2020 04:07:03 PM
DOC-E
\$25.00 \$11.00 \$60.00 \$10.00 \$7.00 - Total = \$113.00

2020-10218

Cnt=1 Pgs=5 Stn=4



00187815202000102180050059

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



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

CITY OF NEWPORT, OREGON PUBLIC UTILITY EASEMENT

Fred Meyer Stores, Inc., an Ohio Corporation, hereinafter referred to as "GRANTOR", owner of the real property described below and does hereby give and grant unto the City of Newport, an Oregon Municipal Corporation located in Lincoln County, Oregon, hereinafter referred to as "GRANTEE", an exclusive, perpetual easement for public access and public utilities, including the right to lay, construct, and maintain a public sidewalk, 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 and depicted in Exhibit B:

A variable width strip of land located in the Northwest One-Quarter of Section 5, Township 11 South, Range 11 West, W.M., City of Newport, Lincoln County, Oregon; being a portion of that property conveyed to Fred Meyer Stores, Inc., by Document No. 2019-08924, recorded on September 16, 2019 in Lincoln County Deed Records; and being more particularly described as follows and depicted in Exhibit A:

Beginning at the northwest corner of said property conveyed to Fred Meyer Stores, Inc., also being the southwest corner of NW 14th Avenue as Dedicated by Deed Volume 113, Page 597, recorded on September 19, 1946 in Lincoln County Deed Records;

thence, along the south right-of-way line of NW 14th Avenue, South 88°09'05" East 289.64 feet, more or less, to a line parallel with and 40.00 feet west of the centerline of N. Coast Highway;

thence, along said parallel line, South 02°34'00" West 20.50 feet;

thence, North 42°25'51" West 13.27 feet to a line being parallel with and 11.00 feet south of the said south right-of-way line of NW 14th Street;

thence, along last said parallel line North 88°09'05" West 280.27 feet, more or less, to the West line of said property conveyed to Fred Meyer Stores, Inc.;

thence, along said west line North 02°37'00" East 11.00 feet to the Point of Beginning.

Containing an area of 3,231 square feet, more or less.

Basis of bearings are Oregon State Plane, NAD83, North Zone 3601, Epoch 2010.

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

The true and actual consideration for this easement is none.

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 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.

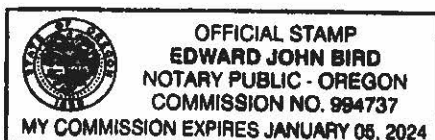
In addition to all other remedies allowed by law, GRANTOR and GRANTEE and their successors and assigns shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this easement. If either party is required to bring suit or action to enforce the terms of this easement, the prevailing party shall be entitled to recover its reasonable attorney fees and costs in such action or suit, including upon appeal.

DATED this 29 day of July, 2020.


FRED MEYER STORES, INC.,
An Ohio corporation
By: Don Forrest
Its: Sr. Real Estate Manager

STATE OF OREGON }
County of Multnomah } ss

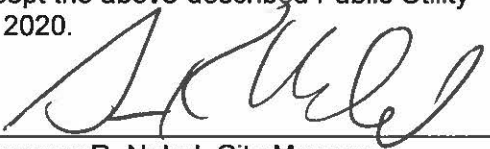
Personally appeared before me this 29 day of July, 2020 the above named Don Forrest as Sr. Real Estate Manager of Fred Meyer Stores, Inc.




Notary Public for Oregon

ACCEPTANCE OF EASEMENT

The City of Newport, Oregon, does hereby accept the above-described Public Utility Easement this 22 day of September, 2020.



Spencer R. Nebel, City Manager

STATE OF OREGON)
) ss:
County of Lincoln)

This instrument was acknowledged before me on the 22 day of September, 2020 by Spencer R. Nebel as City Manager of the City of Newport.



Notary Public for Oregon

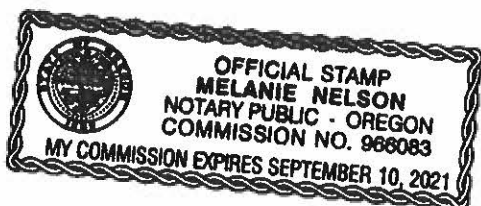


EXHIBIT "A"

Fred Meyer Fuel
Public Easement
Project No. 0720-106
June 5, 2020

Property Description

A variable width strip of land located in the Northwest One-Quarter of Section 5, Township 11 South, Range 11 West, W.M., City of Newport, Lincoln County, Oregon; being a portion of that property conveyed to Fred Meyer Stores, Inc., by Document No. 2019-08924, recorded on September 16, 2019 in Lincoln County Deed Records; and being more particularly described as follows:

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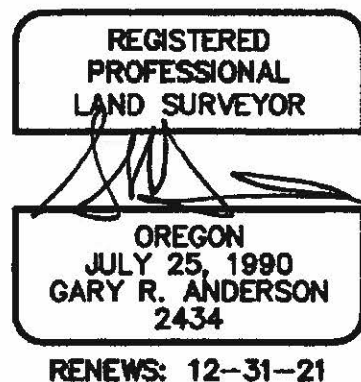
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thence, along said west line North 02°37'00" East 11.00 feet to the Point of Beginning.

Containing an area of 3,231 square feet, more or less.

Basis of bearings are Oregon State Plane, NAD83, North Zone 3601, Epoch 2010.



J:\10-106194 SURVEY\106194\106194.DWG 2020-06-05 10:30 AM - GRA



0 20' 40'
SCALE: 1"=40'

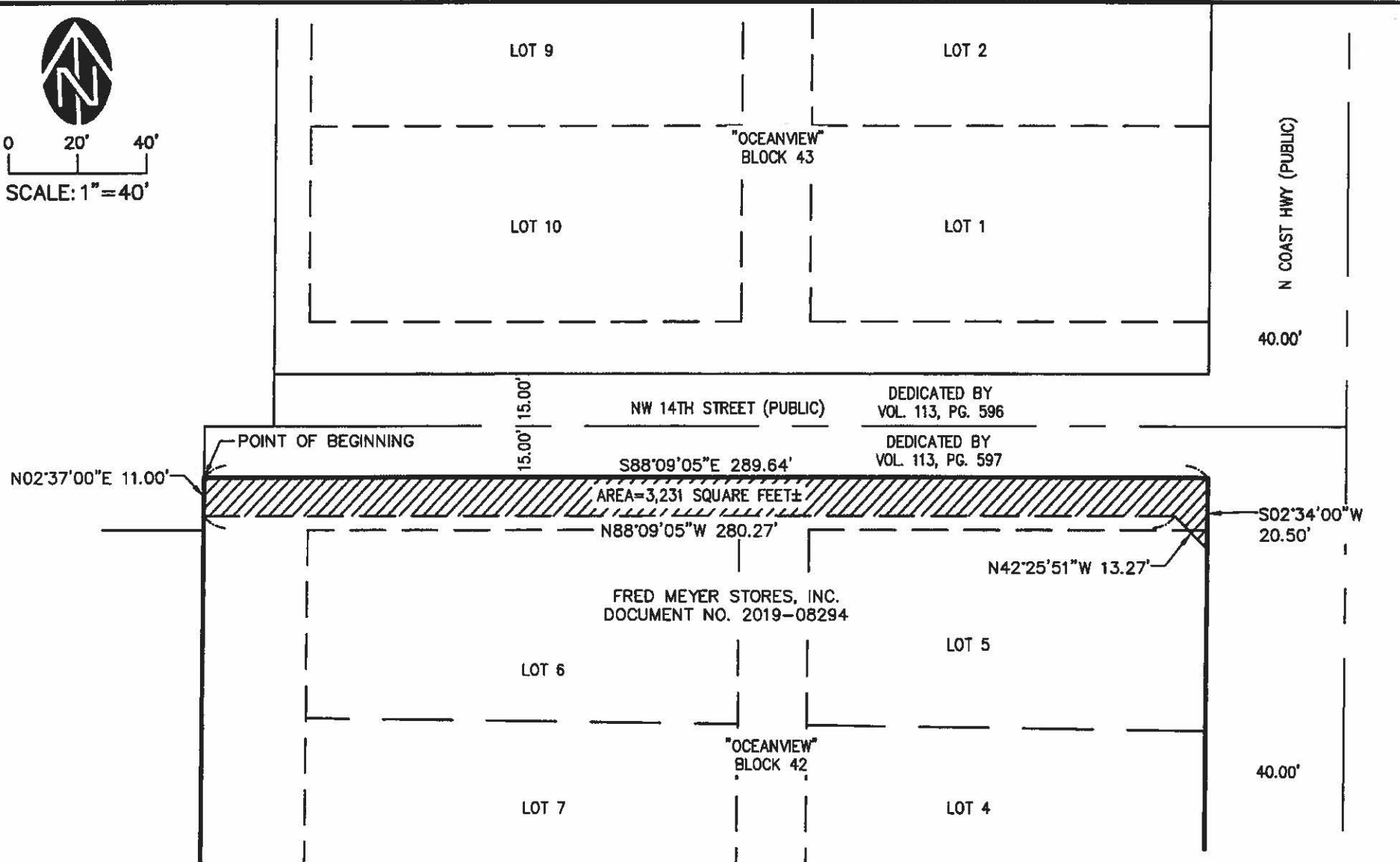



EXHIBIT B

LOCATED IN THE NW 1/4 OF SECTION 5
TOWNSHIP 11 SOUTH, RANGE 11 WEST, W.M.
CITY OF NEWPORT, LINCOLN COUNTY, OREGON

DATE	6/05/2020
DRAWN BY	CAJ
CHECKED BY	GRA
REVISION	
JOB NO.	0720-106

 WESTLAKE CONSULTANTS INC.	ENGINEERING ♦ SURVEYING ♦ PLANNING		
	PACIFIC CORPORATE CENTER 15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652 TIGARD, OREGON 97224 FAX (503) 624-0157		