

CITY OF NEWBERG COUNCIL AGENDA

TUESDAY, JULY 5, 2011

7:00 P.M. MEETING

PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

Mission Statement

The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.

Vision Statement

Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. SPECIAL PRESENTATION

Consider a motion approving a proclamation declaring July 28-31, 2011, as Old Fashioned Festival Week. (Pgs. 3-4)

V. CITY MANAGER'S REPORT

VI. PUBLIC COMMENTS

(30 minutes maximum, which may be extended at the Mayor's discretion, with an opportunity to speak for no more than 5 minutes per speaker allowed)

VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2957** authorizing the city manager to approve a lease-purchase of two replacement backhoes. (Pgs. 5-6)
2. Consider a motion approving a sound permit for Chehalem Valley Chamber of Commerce for Tunes on Tuesday held during the months of July and August. (Pgs. 7-8)

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

VIII. PUBLIC HEARINGS

1. Consider a motion approving **Ordinance No. 2011-2737** amending the Newberg Municipal Code pertaining to technical specifications and signature requirements for partition and subdivision plats. (Pgs. 9-25)
(Legislative Hearing)
2. Consider a motion tentatively approving an application to vacate a portion of Ninth Street right-of-way and directing staff to prepare an ordinance for future consideration to complete the vacation of said right-of-way. (Pgs. 27-77)
(Quasi-Judicial Hearing)

IX. COUNCIL BUSINESS

X. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please call (503) 554-7793

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. The exception is land use hearings, which requires a specific public hearing process. The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2011

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve a Proclamation declaring July 28-31, 2011, as Old Fashioned Festival Week.

Contact Person (Preparer) for this Motion: **Becky Green, Human Resources Manager/OFF Court Chaperone**

Dept.: **Administration**

File No.:

(if applicable)

RECOMMENDATION:

Adopt Request to approve a proclamation declaring July 28-31, 2011 as Old Fashioned Festival Week.

EXECUTIVE SUMMARY:

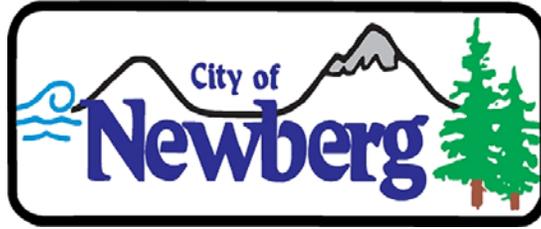
Every year the Old Fashioned Festival is put on in the City of Newberg the last full weekend in July, this year the festival will be held July 28-31, 2011.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

Approving this proclamation supports the Council's goal of enhancing Newberg's community and being actively involved in community events.



PROCLAMATION

A PROCLAMATION FROM THE CITY OF NEWBERG DECLARING JULY 28-31, 2011 AS OLD FASHIONED FESTIVAL WEEK IN THE CITY OF NEWBERG.

WHEREAS, the City of Newberg is a community that hosts many gatherings, numerous celebrations, and a variety of entertainment venues where old friends can get together and you can meet new ones; and

WHEREAS, each year the City of Newberg and community participate by celebrating community spirit, during the last full weekend in July; and

WHEREAS, the City of Newberg is a participant in many ways and welcomes the community each year to join them in the Old Fashioned Festival activities, and enjoy the camaraderie and sense of community built by a festival of this extent; and

WHEREAS, the many Old Fashioned Festival events that take place during the week, bring the community together for fun and entertainment. This is the Thirty-first (31) Anniversary Year of the festival and is a special time for everyone involved in this important community event. The theme for this year is, "We've Got a Good Thing Grown".

NOW, THEREFORE, LET IT BE PROCLAIMED by the Mayor and City Council of the City of Newberg, that July 28-31, 2011 is hereby designated:

OLD FASHIONED FESTIVAL WEEK IN THE CITY OF NEWBERG

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 5th day of July, 2011.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2011

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2011-2957

SUBJECT: Authorize the City Manager to approve the lease-purchase of two (2) replacement backhoes for the Public Works Maintenance Division.

Contact Person (Preparer) for this Motion: Russ Thomas, Maintenance Supt.
Dept.: Public Works Department
File No.:

RECOMMENDATION:

Adopt **Resolution No. 2011-2957** authorizing the City Manager to approve the purchase of two (2) Caterpillar 420EQ Backhoe Loaders from Peterson Machinery Company.

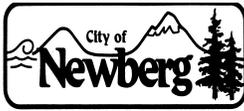
EXECUTIVE SUMMARY: The Public Works Division currently has two (2) 12-year old backhoes that are used for water, sewer, storm, street, grounds, facilities, and other maintenance as needed. Both backhoes are used on a daily basis with high usage hours, resulting in an increase in maintenance costs. Due to this high usage, both backhoes have lost engine and hydraulic efficiency which has affected the potential continued safe operation of the equipment. Additional wear and tear is increasing maintenance cost of significant operational parts. Estimated repair cost to restore operation exceeds current equipment value.

Replacement of these backhoes includes replacement of severely worn digging buckets that are not compatible with new machines. Additional operational capabilities will be improved with the addition of hydraulic tool couplings and dipper thumb attachments. Existing backhoes will be traded in for a total purchase price reduction of \$40,000.

The City of Newberg is a member of the Oregon's Department of Administrative Services Cooperative Purchasing Program (ORCPP). The States of Washington and Oregon are members of the respective states cooperative purchasing agreement which allows member organizations to utilize each other's specifications and bids. The bid was awarded in accordance with the State of Washington RCW Title 39 and complies with Oregon Revised Statutes (ORS) Chapter 279 on Public Contracts and Purchasing.

FISCAL IMPACT: Purchase will be made under a three-year lease-purchase agreement. The overall purchase price of \$151,450.00 will be reduced by a \$40,000.00 trade-in value of the two currently owned 1999 Case 580 Super E backhoes. The remaining balance will be paid in three annual installments of \$38,672.01, including interest (3.75% per annum), with a \$2.00 buyout at the end of the lease. The total amount to be paid will be \$116,018.03. Both backhoes are a scheduled replacement and \$90,000.00 has been allocated in FY 10/11 under account number 32-5110-610002. The remaining lease payments have been included in the recently approved FY 11/12 budget with ample funding allocated in the same account number 32-5110-610002.

STRATEGIC ASSESSMENT: Replacing old equipment reduces maintenance costs and allows staff to perform their jobs efficiently.



RESOLUTION No. 2011-2957

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE
LEASE-PURCHASE OF TWO REPLACEMENT BACKHOES FOR THE
PUBLIC WORKS MAINTENANCE DIVISION**

RECITALS:

1. The Public Works Maintenance Division currently owns two backhoes that are twelve years old and maintenance costs are continuing to increase in order to keep them functioning adequately.
2. Replacement of these backhoes was approved and scheduled in the FY 2010/11 budget. Additional lease payments have been budgeted in the recently adopted FY 11/12 budget.
3. The bidding process used for the bid award complies with ORS Chapter 279 on Public Contracts and Purchasing.
4. The final cost to purchase both backhoes, including trade-in value of old equipment, lease payments, interest charges and a \$2.00 buyout is \$116,018.03. Funding is allocated in both FY 10/11 and FY 11/12 under equipment replacement (account number 32-5110-610002).

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council, acting as the Contract Review Board for the City, does hereby authorize the City Manager to approve the purchase of two (2) Caterpillar 420EQ Backhoes, from Peterson Machinery, for a total lease-purchase amount (including a reduction of \$40,000.00 for trade-in value of existing backhoes) of \$116,018.03.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 6, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of July 2011.

Daniel Danicic, City Recorder

ATTEST by the Mayor this 7th day of July 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ____ / ____ / ____ meeting. Or, None.
(committee name) (date) (check if applicable)

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 20, 2011

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Consideration of a sound permit application for Chehalem Valley Chamber of Commerce concert series; "Tunes on Tuesday."

Contact Person (Preparer) for this Motion: Chris Bolek, Captain
Dept.: Newberg-Dundee Police Department
File No.:

RECOMMENDATION:

Approve a sound permit for the Chehalem Valley Chamber of Commerce concert series on July 12, 19, 26, and August 2, 9, 16, 23, 2011.

EXECUTIVE SUMMARY:

The music concert featuring live bands is scheduled for seven (7) Tuesdays in July and August, between the hours of 6:00 pm and 8:45 pm at Rotary Centennial Park on the adjacent grass behind Central School. Event notices will be distributed to residents within a three block area.

The City is authorized to approve sound permits for events where the sound will be kept at 200 feet or less (Title VIII: Health and Safety, Chapter 8.15.150 *Unnecessary Noise - permitted exceptions* of the Newberg City code). However, because sound from this event may travel **more than 200 feet**, we are seeking approval from the City Council.

The concert is sponsored by the Chehalem Valley Chamber of Commerce. A minimum of one Chamber staff member and two committee members will be at each event. The Chehalem Valley Chamber of Commerce estimates approximately 300-750 individuals will be in attendance at each event. No admission will be charged, food vendors will be on site, and alcohol will be served.

Chehalem Park and Recreation District Representative Don Clements has given written consent for the requested use as evidenced by his signature on the Sound Application Permit.

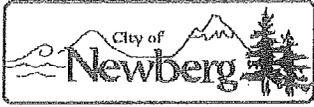
The Chehalem Valley Chamber of Commerce has met all the requirements for a sound permit to include a Certificate of Liability Insurance for the event. Seeing no reason to deny, the Newberg-Dundee Police Department recommends approval of the permit.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

None



Newberg-Dundee Police Department
 401 E. 3rd Street
 Newberg, Oregon 97132
 (503) 537-1280

DANCE PERMIT APPLICATION

SOUND PERMIT APPLICATION

(Allow a minimum of 10 working days to process)

Fee: \$10.00 per dance

Jessica Lane - Tunes on Tuesday 503.550-2726 cell

APPLICANT: Chehalom Valley Chamber of Commerce DRIVERS LICENSE # _____ DATE: 4/25/2011

ADDRESS (street, city, zip code): 415 E Sheridan St Newberg, OR 97132

TELEPHONE: HOME _____ BUSINESS: 503-538-2014

EVENT SPONSOR: Chehalom Valley Chamber of Commerce

ADDRESS (street, city, zip code): 415 E. Sheridan St Newberg, OR 97132

EVENT LOCATION: Rotary Centennial Park - Corner of Sherman & School

DATE OF EVENT: Series 8 weeks DANCE: TIME: _____ to _____ SOUND: TIME: 6pm to 8:45
7/12, 7/19, 7/26, 8/2, 8/9, 8/16, 8/23 concert ends at 8:30
 TYPE OR NATURE OF EVENT (please choose one of the following): this will allow for encore.

- Public Commercial or noncommercial even with audible sound OVER 200 ft. (requires City Council approval allow 30 working day minimum to process)
- Noncommercial event with audible sound of 200 ft. or less
- Public
- Private/Invitational

NUMBER OF PEOPLE EXPECTED: 300-750 varies per concert

(All events are subject to Newberg Police Department Reserve personnel or other private security personnel)

WILL A FEE BE CHARGED FOR ADMITTANCE TO THE EVENT? Yes No

WILL ALCOHOLIC BEVERAGES BE PRESENT ON THE PREMISES? Yes No

TYPE AND AMOUNT OF SECURITY PROVIDED FOR THE EVENT: 4 alcohol monitors

DESCRIBE PROVISIONS FOR THE CONTROL AND DISPENSING OF ALCOHOLIC BEVERAGES

(Will a licensed OLCC server be on site or will alcohol be dispensed without consumption controls and oversight?)

Both beer & wine will be served by a licensed OLCC Server

I have read and understand the rules contained on the back of this form. The statements and information provided above are in all respects true, complete and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations and procedures officially adopted by the City of Newberg.

Jessica Lane
 Applicant Signature

[Signature]
 Property Owner Signature

FOR CITY OF NEWBERG USE ONLY (comments & conditions)

Police Services Request attached Liquor Application attached Insurance Certificate attached OLCC Permit attached
 Police Bulk Date: 061011

City Manager approved denied Signature _____ Date: _____

City Council approved denied Mayor's Signature _____ Date: _____

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2011

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2011-2737 No.

SUBJECT: Amendment to Newberg Development Code Chapter 15.235 Pertaining to Technical Specifications and Signature Requirements for Partition and Subdivision Plats

Contact Person (Preparer) for this Motion: Annette de Paz, City Surveyor
Dept.: Public Works Department - Engineering
File No.:
(if applicable)

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL

RECOMMENDATION:

Adopt Ordinance No. 2011-2737.

EXECUTIVE SUMMARY:

Newberg Development Code §15.235.030 to §15.235.170 contain detailed specifications for the submittal of tentative and final subdivision and partition plats. Some of these specifications, such as type of drafting material, ink, scale, and sheet size no longer represent the review and archiving methods of the City and/or the County. Other specifications, such as those which contain references to blocks, legal descriptions, coordinate system and datum do not adequately represent current land survey practices. The code chapter contains inconsistencies in the use of the terms “map,” “plat,” “parcel,” “lot,” “block,” “tract,” “exact,” “approximate,” and “average” within the chapter itself and with respect to their current use in the land survey profession. The City Surveyor proposes to clean up the terminology and consistency of the language in the chapter while updating the specifications to reflect current professional practices and administrative processing practices of governing bodies.

Newberg Development Code §15.235.170 to §15.235.190 contain requirements for professional affidavits and city certifications for plats and land dedication documents. §15.235.180 (B) 4 requires the signature of the City Recorder certifying that all liens on the property have been paid. While verification of payment of taxes and public liens is a function performed by the Planning and Building Director per section §15.235.160 (B) 9, the City does not have the records infrastructure nor the presence in the process of title transfer necessary to perform verification that all liens have been paid. These requirements are not consistent with the requirements of other governing bodies or the ability of the City to certify to payment of liens. Furthermore, these requirements do not consistently provide for city acceptance of infrastructure, easements, and land dedications on behalf of the public. It is proposed that the requirement for signature by the City Recorder on plats be removed and replaced with a requirement for the City Surveyor’s signature indicating acceptance of public infrastructure, rights-of-way, easements, and other interests in real property as shown on the land division plat. Pertinent references to signature requirements on other land dedication documents are also edited to be consistent with plat requirements. This signature requirement would be consistent with actual review and verification procedures employed by city staff.

Newberg Development Code §15.100.060 defines an amendment to Newberg Development Code as a legislative action requiring a Type IV Procedure. The Type IV Procedure requires the Planning Commission to hold a public hearing and make a recommendation to the City Council followed by

another public hearing held by the City Council prior to making a final decision.

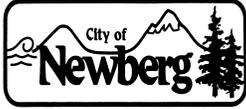
The Planning Commission held a public hearing on May 12, 2011. After hearing public testimony, their recommendation was to forward this code amendment to City Council for their approval. The minor changes requested by Planning Commission have been incorporated into the following proposed code amendment.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

Detailed specifications contained in Municipal Code pertaining to preparation, review, official signature and archiving of tentative and permanent documents are maintained in order to represent current internal administrative procedures and the requirements of other governing bodies.



ORDINANCE No. 2011-2737

**AN ORDINANCE AMENDING NEWBERG DEVELOPMENT CODE
CHAPTER 15.235 PERTAINING TO TECHNICAL SPECIFICATIONS
AND SIGNATURE REQUIREMENTS FOR PARTITION AND
SUBDIVISION PLATS**

RECITALS:

1. On December 2, 1996, Newberg City Council enacted Ord. 96-2451 adopting in its entirety the Newberg Development Code Revision 1.
2. On March 1, 1999, Newberg City Council enacted Ordinance No. 1999-2507 amending the Newberg Development Code to restrict the use of private streets.
3. On July 3, 2000, Newberg City Council enacted Ordinance No. 2000-2529 amending the Newberg Development Code to modify standards for completion of improvements for subdivisions and partitions.
4. On November 30, 2001, Newberg City Council enacted Ordinance No. 2001-2547 adopting the City Code of Ordinances of the City of Newberg which included the Newberg Development Code under Title IV.
5. On November 6, 2003, Newberg City Council enacted Ordinance No. 2003-2590 amending the Newberg Development code regarding appeals of Planning Commission decisions and modification applications.
6. On May 16, 2005, Newberg City Council enacted Ordinance No. 2005-2619 amending the Newberg Development code concurrently with adoption of an updated transportation system plan.
7. On February 7, 2011, Newberg City Council enacted Ordinance No. 2011-2733 adopting the reformatted, indexed, and republished Newberg Municipal Code. Newberg Development Code §151.240 to §151.252 were renumbered and grouped under Chapter 15.235.
8. On May 12, 2011, Newberg Planning Commission held a public hearing to consider the proposed amendment to Newberg Development Code Chapter 15.235. They approved Resolution No. 2011-288 recommending City Council approve the code amendment.
9. On July 5, 2011, Newberg City Council held a public hearing to approve the proposed amendment based on Planning Commission's recommendation.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

The Newberg Development Code is hereby amended as follows:

Chapter SUBDIVISIONS

15.235

Sections:

Article I. Land Division Procedures

- 15.235.010 Division of land.
- 15.235.020 Tentative plan application and copies.
- 15.235.030 Partition applications.
- 15.235.040 Partition requirements – Type II.
- 15.235.050 Subdivision applications.
- 15.235.060 Subdivision requirements – Type II and Type III.
- 15.235.070 Future street plan required.
- 15.235.080 Type III future street plan.
- 15.235.090 Recording and filing a future street plan.
- 15.235.100 Revision of a future street plan.
- 15.235.110 Criteria for approval of a future street plan.
- 15.235.120 Tentative plan expiration date.
- 15.235.130 Extension of partitions and subdivisions.
- 15.235.140 Modifications of an approved tentative plan.
- 15.235.150 Final partition ~~map~~ and subdivision plats – Drafting requirements.
- 15.235.160 Submission and review of final partition or subdivision plat ~~or final partition map~~.
- 15.235.170 Information required.
- 15.235.180 Approval signatures for final partition ~~map~~ and subdivision plats.

Article II. Standards for Land Divisions

- 15.235.190 Dedication.
- 15.235.200 Lot and parcel side lines.
- 15.235.210 Suitability for intended use.
- 15.235.220 Future subdivision or partition of lots or parcels.
- 15.235.230 Platting standards.

Article I. Land Division Procedures

15.235.010 Division of land.

No land may be divided without first obtaining a development permit.

A. No land may be divided prior to approval of a partition or subdivision in accordance with this code.

B. A land division is processed by approving a tentative plan prior to approval of the final land division plat ~~or map~~. Land divisions shall be processed under the Type II procedure unless a hearing is requested pursuant to NMC 15.100.040(G). These procedures shall apply to the tentative plan approval. If there is

compliance with the approved tentative plan requirements and conditions, the director shall approve final plats ~~and maps~~ for land divisions as a Type I development permit. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.240.1.]

15.235.020 Tentative plan application and copies.

An application for tentative plan approval of a land division shall be made by the person proposing the land division on a form provided by the director and meeting the submittal requirements identified in this code and in the application provided by the director. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.240.2.]

15.235.030 Partition applications.

The tentative plan shall ~~be drawn with pencil or India ink on a good quality linen tracing cloth or suitable drafting material having the same or better characteristics of strength, stability and transparency and shall~~ show all pertinent information to scale. The scale shall be ~~standard, being stated in multiples of 10, one inch equals 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 100 feet or multiples of 100 feet.~~ The tentative plan shall contain the following information:

- A. Date, north point, scale, dimensions of all lines and a vicinity map locating the partitioning in relation to the surrounding area.
- B. Name and address of the land owner, all title holders, subdivider, mortgagee, if any, and the surveyor employed to make necessary surveys ~~and prepare the description of each tract involved.~~
- C. A statement regarding contemplated wastewater disposal systems and water supply systems.
- D. For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets, location and size of wastewater and water lines (including laterals, drainage ways, and the location of power poles and any easements).
- E. Outline and location of existing buildings, trees and features to remain in place.
- F. Outline and location of existing buildings, trees, and features to be removed.
- G. Contour lines ~~related to federal or city data~~ and statement of reference datum.
- ~~H. Legal description for each newly created parcel.~~
- ~~I.~~ Preliminary site grading and utility plan.
- ~~J.~~ Such additional information as is required by the director. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.241.1.]

15.235.040 Partition requirements – Type II.

The director shall approve a partition of three parcels or less under a Type II procedure if the resulting parcels comply with the following approval criteria:

A. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the reasonable development of such remainder or adjoining land or access thereto.

B. The partition complies with this code and implementing ordinances and resolutions.

C. Either:

1. Improvements to be completed as part of the partition will be completed prior to final plat approval; or

2. The partitioner will substantially complete, as defined by city policies, required improvements prior to final plat approval, and enter into a performance agreement to complete the remaining improvements. The performance agreement shall include security in a form acceptable to the city in sufficient amount to insure the completion of all required improvements; or

3. A local improvement district shall have been formed to complete the required improvements; or

4. The required improvements are contained in a city or other government agency capital improvement project that is budgeted and scheduled for construction. [Ord. 2619, 5-16-05; Ord. 2529, 7-3-00; Ord. 2451, 12-2-96. Code 2001 § 151.241.2.]

15.235.050 Subdivision applications.

A. Drafting. The tentative plan shall show all pertinent information to scale, normally at a scale of one inch equals 100 feet. For subdivision, the scale may be increased or decreased to fit standard size sheets of 18 inches by 24 inches. However, in all multiples of 100 feet to the inch. The scale shall be stated in multiples of 10. Tentative plans for subdivisions shall be prepared by an Oregon registered engineer or Oregon licensed land surveyor.

B. Information Required. The application itself or the tentative plan must contain the following information with respect to the subject area:

1. Name and block numbering of proposed subdivisions. Except for the words “town,” “city,” “place,” “court,” “addition,” or similar words, the name shall be clearly different than, and clearly pronounced differently than, the name of any other subdivision in the county, unless the subject subdivision is contiguous to or platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block lot numbers of the subdivision of the same name last filed.

2. The date, north point, and scale of the drawing, and sufficient description to define the location and boundaries of the proposed subdivision and the names of all recorded subdivisions contiguous to such area.

3. The names and addresses of the owner and engineer or-surveyor.

4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the transportation system plan.

5. The locations, names, and widths and grades of all existing and proposed streets and roads.
6. Contours on the site and within 100 feet of the site and statement of reference datum.
 - a. One-foot contour intervals for ground slopes up to five percent.
 - b. Two-foot contour intervals for ground slopes between five and 10 percent.
 - c. Five-foot contour intervals for ground slopes exceeding 10 percent.
7. Preliminary site grading plan, prepared by an Oregon registered engineer or land surveyor.
8. The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements which may be required as provided for in NMC 15.505.080.
9. The approximate radii of all curves.
10. The general design of the proposed subdivision including the approximate dimension of all proposed lots and parcels tracts.
11. The approximate location of areas subject to inundation of stormwater, and the approximate location, average width, and direction or of flow of all watercourses.
12. The existing and proposed uses of the property, including the location of all existing structures that the applicant intends will remain in the subject area.
13. The domestic water system proposed to be installed, including the source, quality, and quantity of water, if from other than a public water supply.
14. All proposals for wastewater disposal, flood control and easements or deeds for drainage land, including profiles of proposed drainage ways.
15. All public areas proposed to be dedicated by the applicant and the proposed uses of the public areas.
16. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.
17. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision is a part; provided, that where the proposal comprises all of such area a written statement of such fact shall accompany the tentative plan.
18. Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to remain in place on the site and within 100 feet of the site.
19. Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to be removed on the site.

20. Such additional information as is required by the director.

C. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.242.1.]

15.235.060 Subdivision requirements – Type II and Type III.

A. The director (Type II) or planning commission (Type III) shall approve a subdivision of four **parcels lots** or more under a Type II or Type III procedure if the resulting **parcels lots** comply with the following approval criteria:

1. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or adjoining land or access thereto.
2. The subdivision complies with this code including but not limited to NMC 15.340.010 through 15.440.080 and NMC 15.235.030 et seq.
3. Either:
 - a. **Required Improvements** **required** to be completed prior to final plat approval; or
 - b. The subdivider will substantially complete, as defined by city policies, required improvements prior to final plat approval, and enter into a performance agreement to complete the remaining improvements. The performance agreement shall include security in a form acceptable to the city in sufficient amount to insure completion of all required improvements; or
 - c. A local improvement district shall have been formed to complete the required improvements; or
 - d. The required improvements are contained in a city or other government agency capital improvement project that is budgeted and scheduled for construction.

B. A subdivision shall be processed under the Type II or Type III procedure. Notice shall be mailed to the applicant and those identified by this code to receive notice. [Ord. 2619, 5-16-05; Ord. 2529, 7-3-00; Ord. 2451, 12-2-96. Code 2001 § 151.242.2.]

15.235.070 Future street plan required.

A. A future street plan shall not be required for any portion of an area for which a proposed street layout has been established by either the Newberg comprehensive plan, its implementing ordinances, or a future street plan previously approved by a hearing body.

B. A future street plan is a conceptual plan in that its adoption does not establish a precise alignment. The plan shall demonstrate how access can be provided to adjoining parcels. The director may require that a traffic study be submitted where access to the land division includes streets that are classified as a collector or greater functional classification status.

C. Except as provided in subsection (A) of this section, a future street plan shall be filed and reviewed as part of an application for a partition or subdivision. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.243.1.]

15.235.080 Type III future street plan.

The city council or planning commission may initiate a future street plan for any area which impacts traffic conditions inside the urban growth boundary, providing the street plan is given consideration through a Type III procedure. [Ord. 2451, 12-2-96. Code 2001 § 151.244.]

15.235.090 Recording and filing a future street plan.

Upon final approval, a future street plan shall be recorded with the county recorder's office as follows:

A. Evidence of recordation shall be provided to the director by the applicant; or if there is no applicant, the director shall record the future street plan.

B. Filed by the director in the future street plan index. [Ord. 2451, 12-2-96. Code 2001 § 151.245.]

15.235.100 Revision of a future street plan.

An approved future street plan may be revised by the director under a Type II procedure in conjunction with a land division application or by the planning commission under a Type III procedure. An approved future street plan may be revised by the city council in conjunction with a revision of the Newberg comprehensive plan or implementing ordinances or resolutions. [Ord. 2451, 12-2-96. Code 2001 § 151.246.]

15.235.110 Criteria for approval of a future street plan.

A. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto; and

B. The future street plan complies with this code and its implementing ordinances and resolutions, and standards and policies of the Newberg comprehensive plan and the Newberg transportation system plan.

C. Except as provided by the provisions of this code, approval as stipulated herein does not relieve the applicant from other applicable provisions of the Oregon Revised Statutes or contained elsewhere in this code.

D. The future street plan shall adequately serve traffic with an origin in, and destination to, the area of the plan.

E. The future street plan shall provide for the logical extension of streets, to serve circulation and access needs within a district or neighborhood. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.247.]

15.235.120 Tentative plan expiration date.

Within two years following the effective date of the approval of a tentative land division plan, the subdivider or partitioner shall complete all required conditions, submit the final plat to the director for review and approval, and record the final plat with the county recorder. [Ord. 2529, 7-3-00; Ord. 2451, 12-2-96. Code 2001 § 151.248.]

15.235.130 Extension of partitions and subdivisions.

A. Partition Extension. The director may, upon written request of the applicant prior to the expiration of the approval and following the Type I procedure, grant a one-time extension for an additional six months upon a written finding that the facts upon which the approval was based have not significantly changed. If the director makes a finding that the circumstances have changed to a minor extent, through the Type II process the director may add conditions to the partition to bring the partition into compliance with all current standards and ordinances and extend the expiration date for up to six months. If conditions have substantially changed the director shall direct the applicant to refile the application for a new partition.

B. Subdivision Extension. Upon written request of the applicant prior to the expiration of the approval and following the Type I procedure, the director may grant a one-time extension for an additional six months upon a written finding that the facts upon which the approval was based have not significantly changed. If the director makes a finding that the circumstances have changed to a minor extent, through the Type II process, or Type III process, an extension may be granted. The Type II process shall be used if original approval was a Type II. The Type III process shall be used if the original approval was a Type III. The director or planning commission may add conditions to the subdivision to bring the subdivision into compliance with all current standards and ordinances and extend the expiration date for up to six months. If conditions have substantially changed the director shall direct the applicant to refile the application for a new subdivision.

C. Phased Subdivisions. Each filing of a final plat (phase) shall extend the expiration of the tentative plan by 12 months from the date of its expiration or the date of the previously filed final plat, whichever is later. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through subsection (B) of this section. The extension of a phase under subsection (B) of this section shall also extend any subsequent phases. The total number of extensions shall not extend the tentative plan more than five years from its approval. [Ord. 2451, 12-2-96. Code 2001 § 151.249.]

15.235.140 Modifications of an approved tentative plan.

Following tentative plan approval, an applicant may make modifications to the plan consistent with the following procedures. The director will determine whether the proposed modification is a minor or major modification.

A. Minor modifications are those in keeping with the general layout and pattern of the approved plan and include minor relocations of property lines, streets, walkways and alleys, changes in the site utilities, and changes which do not increase the number of lots by more than five percent. The director may approve a minor modification under a Type I procedure upon finding that the modification is substantially consistent with the approved tentative plan, is consistent with the provisions of this code and the conditions of approval, and does not have substantially greater impacts on surrounding properties than the original tentative plan.

B. Other modifications including changes which increase the number of lots by more than five percent, changes in the patterns of streets, alleys, or walkways, changes in the site utilities and substantial changes to the conditions of approval are major modifications. A change in the whole application or substantive parts of an application shall be considered a new application. Major modifications may be approved using the same procedure as the original application. The criteria for approval shall be those for tentative plan approval.

C. An application for a modification shall be considered a new application for purposes of the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. The applicant shall acknowledge in writing that this is a new application for purposes of the 120-day rule.

D. The city council shall establish a fee for modification of approved tentative plans by resolution. [Ord. 2590, 11-6-03. Code 2001 § 151.249.2.]

15.235.150 Final partition map and subdivision plats – Drafting requirements.

~~A. Partition Plats. The application for final partition plat approval shall include one original and two copies drawn in black India ink in clear and legible form. Original plats shall be in substantial conformity to the Yamhill County surveyor's specifications and requirements, but in any event, scale requirements shall be the same as specified for tentative plans. Sheet dimensions and size shall be specified by the county recording officer for partition plats offered for record.~~

BA. Subdivision Final Plats.

1. The application for a final ~~partition or~~ subdivision plat approval shall include one original and two ~~exact~~ copies, ~~18 inches by 24 inches in size, and drawn with black India ink.~~ Original plats ~~and exact copies~~ shall be in substantial conformity to the approved tentative plan and shall conform to the Yamhill County surveyor's specifications and requirements pertaining to ink and material that has characteristics of adequate strength and permanency, as well as sheet size and suitability for binding and copying.

2. Plats shall be in clear and legible form and may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for all plats placed upon three or more sheets. ~~Scale requirements shall be the same as specified for tentative plans adjusted in multiples of ten (10) such that all lettering, symbols, line styles, and dimensions and the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, and no part of the plat shall come nearer than one inch to any edge of any sheet.~~ [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.1.]

15.235.160 Submission and review of final partition or subdivision plat ~~or final partition map~~.

A. The final subdivision or partition plat ~~or final partition map~~ shall be submitted to the director for final approval. Through a Type I procedure, the director shall determine whether the material conforms with the tentative plan approval requirements and with the applicable requirements of this code. If the director determines that the material does not conform, the applicant shall make corrections.

B. The director shall determine that:

1. Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
2. Streets and roads held for private use and indicated on the tentative plan of such subdivision or partition have been approved by the city.
3. The proposal complies with this code.
4. The plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.
5. The plat contains a donation to the public of all common improvements within rights-of-way, tracts of land, or easements dedicated to the public or to the city, including but not limited to streets, roads, parks, stormwater systems, wastewater disposal and water supply systems.
6. Explanations and maintenance provisions for ~~of~~ all common improvements required as conditions of approval of the tentative plan of the subdivision or the partition and intended to be privately owned and maintained have been accounted for and referenced on the plat.
7. There will exist an adequate quantity and quality of water and an adequate wastewater disposal system to support the proposed use of the land described in the plat.
8. Either:
 - a. Improvements as required by this code or as a condition of tentative plan approval have been completed ~~filed with the director~~; or
 - b. A performance agreement (bond) or suitable substitute as agreed upon by the city and applicant has been filed with the director in sufficient amount to insure the completion of all required improvements; or
 - c. A petition for improvements has been properly executed by the applicant who is effecting the partition or subdivision and will be assessed for said improvements.
9. Taxes, as well as public liens, assessments and fees, with respect to the subdivision area have been paid, or adequate guarantee has been provided assuring said taxes, liens, assessments and fees will be paid prior to recordation.

10. The subdivider has entered into agreement with the city relating to completion of improvements, payment of wastewater and water hookup fees, inspection fees, public lands payments, monumentation or any other elements deemed relevant to the purpose of this or any other city ordinance, state statute or federal law.

C. If the conditions set at the time of tentative land division approval are not fulfilled and the final plat or final map is not recorded by the tentative plan expiration date, the tentative land division approval is null and void. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.2.]

15.235.170 Information required.

The proposed subdivision or partition plat must contain the following information with respect to the subject area:

A. The lengths of all chords, radii points of curvature, and tangent bearings shown.

B. The lot lines of all lots within the subdivision, or all parcel lines within the partition, with dimensions in feet and hundredths of feet and with all bearings shown. Area in square feet for each lot or parcel.

C. Numbers designating each ~~block and~~ lot in subdivisions, or each parcel in partitions, lots or parcels in each block to be numbered consecutively.

D. Where a subdivision plat is an addition to a plat previously recorded, numbers of ~~blocks and~~ lots in consecutive continuation from such previous plat.

E. The description and location of all permanent reference monuments, including a two (2) ties to the city Oregon State Plane coordinate system as defined by Oregon Revised Statutes.

F. An affidavit of a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor, and who surveyed the subdivision or partition, conforming to the requirements of the Oregon Revised Statutes.

G. The date, north point, and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision or partition.

H. The locations, names and widths of all streets, existing or created.

I. The location, dimensions, and purpose and beneficiary of all recorded and proposed public and private easements and all reserve strips shall be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded with the county clerk.

J. Before a partition or subdivision plat can be approved, there shall appear thereon a restriction providing that no building, structure, or other obstruction shall be placed or located on or in a public utility easement.

K. A designation of all areas covered by water, and the approximate location and direction of flow of all watercourses.

L. A designation of all areas dedicated by the applicant, including proposed uses, and an effective written dedication of the areas.

M. Designation of all areas reserved for donations to the public of all common improvements, including but not limited to streets, roads, parks, stormwater systems, wastewater disposal and water systems, the donation dedication of which was made a condition of approval of the tentative plan for the subdivision or partition.

N. A copy of all protective deed restrictions and maintenance agreements being proposed and reference to recording of proposed restrictions and agreements on the face of the plat.

O. A title report issued no more than thirty (30) days prior to the date of final plat recordation by a title insurance company licensed by the State of Oregon, verifying ownership by the applicant of the real property that is to be dedicated to the public and listing title insurance exclusions. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.3.]

15.235.180 Approval signatures for final partition ~~map~~ and subdivision plats.

~~A. Approval of a final partition map, together with the effective date, shall be noted in writing on the final map by the director.~~

BA. Approval of a final partition or subdivision plat shall be acknowledged by including on the plat the authorized signature of:

1. The director, whose signature shall certify that the final plat conforms to the conditions of tentative plan approval.
2. The county assessor, certifying that all taxes on the property have been paid or bonded for in accordance with state law.
3. The county ~~or city~~ surveyor, certifying the subdivision plat complies with applicable survey laws.
4. The city surveyor, or designerecorder, whose signature shall certify that all liens on the property have been paid indicate acceptance by the city of public improvements and rights-of-way, land and easements granted to the city or to the public as indicated on the final plat.

5. Additional county officials as required by the county surveyor.

CB. Deliver one original and two exact copies of the approved subdivision plat to the office of the county clerk for recording.

DC. Return one of the approved an exact copyies of the recorded plat to the director. The copy shall be made with permanent black India-type ink or silver halide permanent photocopy on three millimeter polyester film. [Ord. 2451, 12-2-96. Code 2001 § 151.251.]

Cross-reference: See ORS 92.095 for prepayment of taxes before recording of subdivision plats can occur.

Article II. Standards for Land Divisions

15.235.190 Dedication.

A. Generally. The director may require right-of-way for adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the applicant of such design and in such locations as are necessary to facilitate provision for the transportation and access needs of the community and the subject area in accordance with the purpose of this code.

B. Special Safety Requirements. Where necessary to ensure safety, reduce traffic hazards, and promote the welfare of the general public and residents of the subject area, the director may require that local streets be so designated as to discourage their use by nonlocal traffic.

C. Ownership Verification of Dedications. In the event approval of a land division is conditioned upon the dedication of a portion of the area to the public, the applicant shall submit to the director a title report issued within the past thirty (30) days by a title insurance company licensed in the State of Oregon, verifying ownership by the applicant of the real property that is to be dedicated to the public.

D. Approval Required on Dedications. No instrument dedicating land, rights-of-way or easements to the public or to the city shall be accepted for recording unless such instrument bears the approval authorized signature of the city surveyor, or designee ~~director~~.

E. Inclusion of a transportation route in the transportation plan is intended to indicate the public's need to acquire a public right-of-way in the area through legally and constitutionally allowed means. Notwithstanding other provisions of this code or the comprehensive plan, inclusion of such a route does not restrict the use of the property by the owner who owns the property when the route is first included in any city plan, unless the review body finds the restriction is exempt from those provisions of ORS Chapter 197, as amended by Ballot Measure 49, passed November 6, 2007, or that just compensation will be paid in accordance with that section. [Ord. 2005-2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.1.]

15.235.200 Lot and parcel side lines.

As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lots or parcels face, except that on curved streets they shall be radial to the curve. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.2.]

Penalty: See NMC 15.05.120.

15.235.210 Suitability for intended use.

All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision or partition, or of such lot or parcel, as determined by the director, in accordance with this code. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.3.]

Penalty: See NMC 15.05.120.

15.235.220 Future subdivision or partition of lots or parcels.

Where the subdivision or partition will result in a lot or parcel one-half acre or larger in size, which in the judgment of the director is likely to be further divided in the future, the director may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this code, and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record if the director deems it necessary for the purpose of future land division. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.4.]

15.235.230 Platting standards.

A. Drainage. Where land in the subdivision or partition is or will be periodically subject to accumulations of surface water, or is traversed by any watercourse, channel, stream, or creek, the director may require the applicant to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements approved by the director for protection of such needs by conveying ownership of such drainage purposes to the city or to an incorporated drainage district, or domestic water supply district, within which such land may be located.

B. Railroads.

1. Crossings. Special requirements may be imposed by the director, including but not limited to provisions for separation of street and railroad grades, connection with any railroad crossing, which will immediately affect the safety of the residents of the subdivision or partition, for the protection of such residents and the safety of the general public in accordance with the purpose of this code.

2. Subdivision or Partition Adjacent to Right-of-Way. Where the subdivision or partition is adjacent to a railroad right-of-way, and the surrounding economic and physical conditions indicate such property will be used for industrial purposes in the normal growth of the community, all streets shall be located at a sufficient distance from said right-of-way to allow for reasonable sites for industrial use adjacent to said right-of-way.

C. Partial Development. Where the subdivision or partition include only a part of the area owned by the applicant, the director may require a sketch of a tentative layout of streets in the remainder of said ownership.

D. Unsuitable Areas. Areas subject to slippage, flooding, or other natural hazards shall not be divided in a manner that would be dangerous to the health and safety of those who would live in said areas, or the general public. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.5.]

Penalty: See NMC 15.05.120.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 4, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of July 2011, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Daniel Danicic, City Recorder

ATTEST by the Mayor this 7th day of July 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through Planning Commission at their May 12, 2011 meeting.

THIS PAGE INTENTIONALLY LEFT BLANK

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2011

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. 2011-2742 No.

SUBJECT: Vacation of the portion of the Ninth Street right-of-way dedicated to the City between Industrial Parkway and Highway 219.

Contact Person (Preparer) for this Motion: Steve Olson, AICP
Dept.: Planning & Building
File No.: VAC-11-002

RECOMMENDATION:

Make a motion tentatively approving the application to vacate the portion of the Ninth Street right-of-way dedicated to the City between Industrial Parkway and Highway 219. The approval would be conditional upon the applicant supplying legal descriptions/exhibits prepared by a surveyor of the area to be vacated and any necessary utility and access easements, as described in the "Public agency/private utility comments" section below. Direct staff to prepare an ordinance complete with the right-of-way and easement exhibits for final approval by the City Council.

EXECUTIVE SUMMARY:

The applicants requested that the City of Newberg vacate the portion of the Ninth Street right-of-way between Industrial Parkway and Highway 219. The applicants are Airpark Properties, LLC, represented by Jerry Dale, and the Norman Family Trust, represented by Gerald and Sandra Norman. The applicants initiated the vacation request by providing the City with a petition showing the consent of all property owners in the affected area of the vacation. The right-of-way is no longer used as a street or for access to Highway 219 since ODOT extended Industrial Parkway north and installed a traffic light on 219 (see map).



The application was sent to City departments, ODOT and franchise utilities for review. Their comments are summarized below:

Public agency/private utility comments:

- 1) **Utility easements:** There are public (sanitary sewer and stormwater) and private (Frontier) utility lines in the right of way area that will need utility easements before the right of way is vacated (see Attachments 4 & 5).
- 2) **Access easement:** Tax lot 3220-304 (just north of the proposed vacation) does not have access to Highway 219 or Industrial Parkway. The portion of this tax lot just north of the vacation area would therefore become landlocked by the vacation, and will need a short access easement across part of tax lot 3220DD-100 (just south of the proposed vacation) to access Industrial Parkway (see Attachment 6).
- 3) **ODOT right of way:** A portion of the right of way is dedicated to ODOT so it would not be vacated by a City ordinance. Deed (Film/Volume 267, page 826) dedicated a 9,026 square foot piece of land to ODOT at the intersection of Highway 219 and Ninth Street. ODOT has not indicated that they are willing to vacate this portion of the right-of-way at this time (see Attachment 7).
- 4) **Public Works-Engineering:** The City Surveyor has provided a list of requirements for legal descriptions/exhibits for the right of way to be vacated and for utility easements (see Attachment 4).

Notice of the City Council meeting was placed in the Newberg Graphic on June 18th & 25th, on the City website, posted in public places (City Hall, Library, Fire Dept., Public Safety), and mailed to property owners within 100 feet of the tax lots abutting the proposed vacation.

The “Consent to Vacate Right of Way” petition demonstrates that the property owners in the affected area are in support of the proposed vacation.

Conclusion: The right of way dedicated to the City is no longer necessary and should be vacated, as long as necessary utility easements and access easements have been created. The recommendation is therefore that the City Council make a motion tentatively approving the application to vacate the portion of the Ninth Street right-of-way dedicated to the City between Industrial Parkway and Highway 219. The approval would be conditional upon the applicant supplying legal descriptions/exhibits prepared by a surveyor of the area to be vacated and any necessary utility and access easements, as described in the “Public agency/private utility comments” section. Direct staff to prepare an ordinance complete with the right-of-way and easement exhibits for final approval by the City Council.

FISCAL IMPACT: There is a potential small positive future impact if the vacated property is developed.

STRATEGIC ASSESSMENT: The property is no longer needed for public right-of-way, as ODOT has recently extended Industrial Parkway to the north and installed a traffic light to control access to Highway 219. Utility easements can protect the public interest in the existing utility lines. Vacation of the right-of-way will return the property to the adjacent owners and allow them to develop the property in the future.

Attachments:

Ordinance no. 2011-2742 with: (to be provided)

Exhibit A: Findings

Exhibit B: Vacation map (to be provided)

Exhibit C: Vacation legal descriptions (to be provided)

1. Location map

2. Aerial photo
3. Public notice & affidavit
4. City of Newberg Public Works-Engineering comments & public utility map
5. Frontier comments & map
6. ODOT comments
7. Portion of right of way dedicated to ODOT
8. Vacation application

**EXHIBIT A:
FINDINGS FOR APPROVAL OF A RIGHT-OF-WAY VACATION**

ORS 271.130 lists the criteria for vacations. The section states that approval must include affirmative findings that:

Criteria 1. Notice has been given as provided by ORS 271.110.

Finding: Notice has been provided in accordance with ORS 271.110. Notice was published in the Newberg Graphic for two consecutive weeks beginning June 18, 2011. The applicant mailed notice to property owners in the area affected by the vacation and posted signs at the site. In addition, notice has been posted near the site and in four public places.

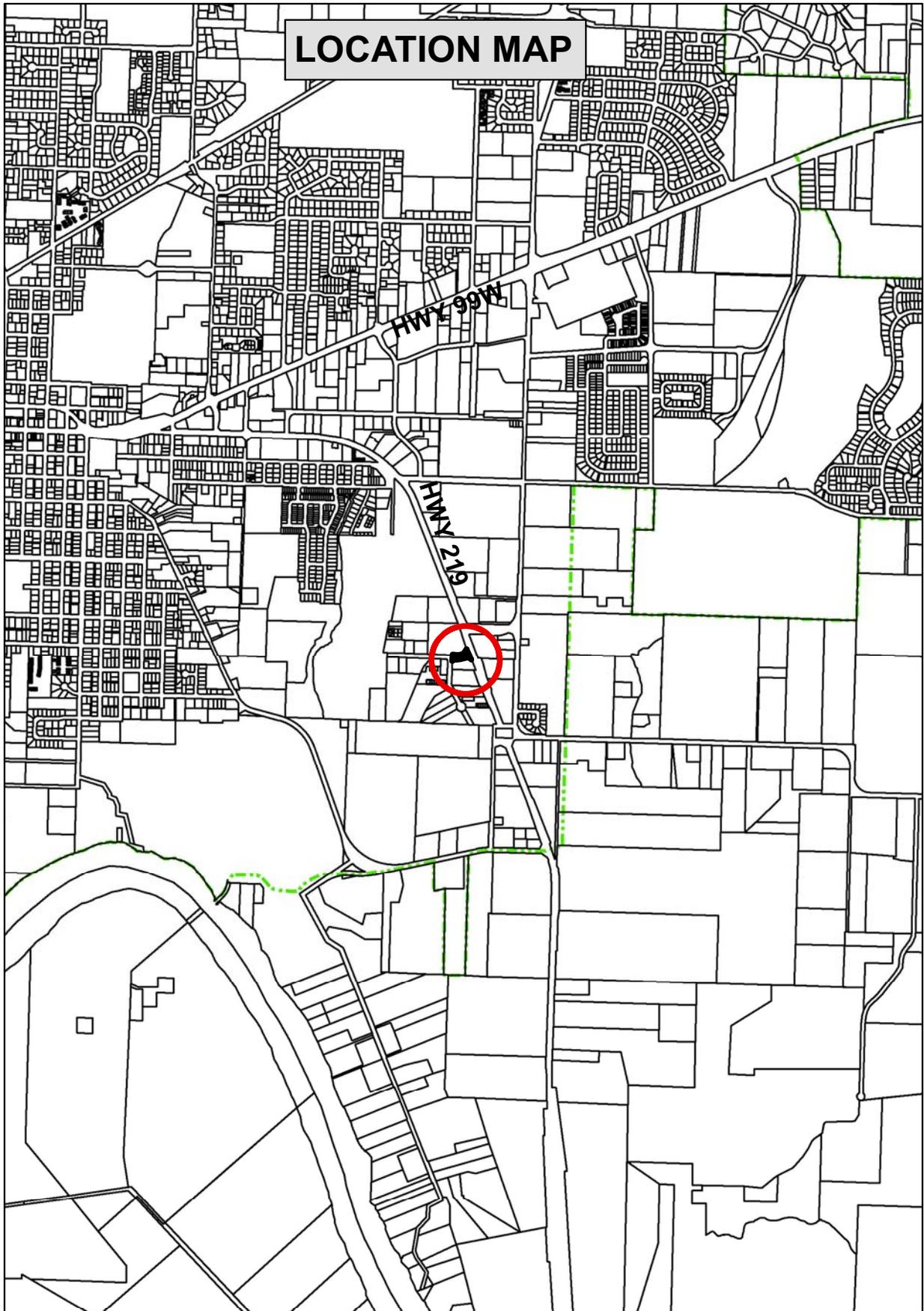
Criteria 2. The owners of a majority of the area affected do not object in writing.

Finding: Written consent of all of the owners of the abutting property and in the affected area has been received.

Criteria 3. Where owner consent has not been provided, the vacation will not significantly affect the value of the abutting properties, unless the city provides for paying damages.

Finding: The owners of the abutting properties have provided written consent, so this criteria is not applicable.

Conclusion: Based on the criteria and conclusionary findings, the proposed vacation satisfies City standards and approval criteria.





FILE #: VAC-11-002

Meeting Type:

- Planning Commission
- City Council
- Other:

**CITY OF NEWBERG
AFFIDAVIT OF NOTICING**

REFERENCE ATTACHED LIST(S)/NOTICE(S)

I, Steve Olson for the City of Newberg, Oregon, do hereby certify that the attached Notice of Public Hearing was:

a. mailed to the following list of property owners, by United States mail, postage prepaid on _____; (by applicant)

b. posted in the *Newberg Graphic* on 6/18+6/25
 Date emailed to Graphic: 6/14
 Confirmation that ad will run by: Hilary Lefebvre on 6/15/11
Name Monty Gant Date

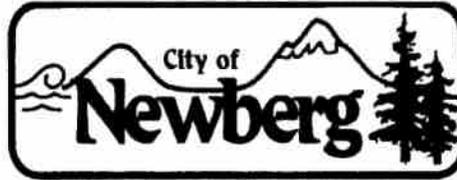
c. posted on the site on date: _____; (by applicant)

d. posted in four public locations (City Hall, Library, Fire Station, Public Safety Building) on date: 6/20/11.

Steve Olson
Signature

Associate Planner
Title

6/17/11
Date



PLANNING AND BUILDING DIVISION

P.O. Box 970 • 414 E. First Street • Newberg, Oregon 97132 • (503)-1240 • Fax (503)537-1272

HEARING NOTICE

The **Newberg City Council** will hold a public hearing on Tuesday, July 5, 2011 at 7:00 p.m. at the Newberg Public Safety Building, 401 E. Third Street, Newberg, Oregon, to evaluate the following proposals:

1. Vacate the Ninth Street right-of-way between Industrial Parkway and Highway 219. The

proposal would do the following:

- Vacate the portion of the Ninth Street right-of-way dedicated to the City between Industrial Parkway and Hwy 219. The land is no longer used as a street or for access to Hwy 219.
- Ownership would revert to the adjoining land owners (Airpark Properties, LLC & the Norman Family Trust).

File no. VAC-11-002

2. Development Code Amendment: Subdivision requirements. The City has proposed changes to Newberg Development Code Chapter 15.235 pertaining to technical specifications and signature requirements for tentative and final partition and subdivision plats. The proposed amendments would do the following:

- Amend drafting requirements in order to reflect current professional practices including drafting material, ink, scale, size, and sheet size.
- Address inconsistent and/or outdated uses of technical terms such as “map,” “plat,” “parcel,” “lot,” “block,” “tract,” “exact,” “approximate,” and “average.”
- Replace the requirement for signature by the City Recorder on final plats with a requirement for signature by the City Surveyor on final plats.

File no. DCA-11-004

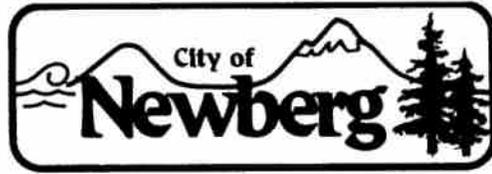
You may examine information regarding these proposals at the Newberg Planning and Building Department, 414 E First Street, Newberg, OR 97132, or on the city website at www.newbergoregon.gov. The staff recommendation regarding these items will be available one week before the hearing. If you have any questions, please call the Newberg Planning Division at 503-537-1240. All interested persons may appear and provide testimony. The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on June 30, 2011. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

ACCOMODATION OF PHYICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the city recorder at 503-537-1283. For TTY service please call 503-554-7793.

Date Posted: 6/20/11
Post Until: 7/6/11

City of Newberg
 414 E. First Street
 P.O. Box 970
 Newberg, OR 97132



City Manager
 (503) 538-9421
 (503) 538-5013 FAX

**WE WANT YOUR COMMENTS
 ON A PROPOSED STREET VACATION IN YOUR NEIGHBORHOOD**

A property owner in your neighborhood submitted an application to the City of Newberg to vacate the portion of Ninth Street between Industrial Parkway and Hwy 219. The Newberg City Council will hold a public hearing on **July 5, 2011 at 7 p.m.** at the Newberg Public Safety Building, 401 E Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or by testifying before the City Council. For more details about giving comments, please see the back of this sheet.

The application would vacate the Ninth Street right-of-way between Industrial Parkway and Hwy 219. Ownership would revert to the original land owners.

- APPLICANT: ***Airpark Properties, LLC (Jerry Dale) & Norman Family Trust (Gerald & Sandra Norman)***
- TELEPHONE: ***503-538-2134***
- ABUTTING PROPERTY OWNER: ***Airpark Properties, LLC (Jerry Dale) & Norman Family Trust (Gerald & Sandra Norman)***
- LOCATION: ***Ninth Street between Industrial Parkway and Hwy 219***



We are mailing you information about this project because you own land within 100 feet of the proposed right of way vacation. We invite you to participate in the land use hearing scheduled before the City Council. If you wish to participate in the hearing, you may do so in person or be represented by someone else.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: **File No. VAC-11-002**
City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

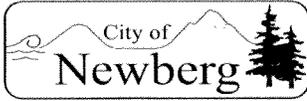
You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at City Hall and on the city website (www.newbergoregon.gov) at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on June 30, 2011. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

Any issue that might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application to vacate a public right-of-way are found in ORS NO. 271.130.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, you will be sent information about any decision made by the City relating to this project.



MEMORANDUM
PUBLIC WORKS DEPARTMENT
ENGINEERING

TO: Luke Pelz
FROM: Annette de Paz
CC: Rob Charles
SUBJECT: VAC 08-002 Planning Referral
DATE: 4/19/2011

Request: Vacate the Ninth Street right-of-way between Industrial Parkway and Highway 219.

Recommendation:

Approve Vacation with conditions.

1. Provide a copy of the ROW dedication of the extension of Industrial Parkway from 9th Street to State Hwy 219 (or the extension of Springbrook Road from Hwy 219 to 9th Street) to City Surveyor.
2. Applicant to provide legal description and exhibit map prepared by an Oregon Licensed Land Surveyor describing/showing the area to be vacated for review and approval by City Surveyor.
3. Reserve an easement for the City of Newberg for stormwater and sanitary sewer infrastructure. See utility easement template on City website for language to insert into Vacation Ordinance. Recommend review by City Surveyor.
<http://www.newbergoregon.gov/engineering/easement-use-city-template>
 - a. The easement may be described as being over the entire portion of the vacated ROW.
 - b. Alternatively, an easement description and exhibit map prepared by an Oregon Licensed Land Surveyor describing/showing the area to be reserved as an easement strip may be submitted for review and approval by the City Surveyor. The easement area shall be determined as based on actual field location and depth measurement of existing infrastructure. See Public Works Design Standards Manual on City website for easement width specifications.
http://www.newbergoregon.gov/sites/default/files/2010_DS_Final.pdf
4. Notify local utility providers to provide opportunity for them to request easements for existing utility infrastructure within the ROW to be vacated.
5. Determine ownership of street light on ROW to be vacated. If owned by the City, the City shall abandon ownership and shall cease payment for electricity service for the light.
6. Provide a copy of the Vacation Ordinance to City GIS Analyst after enactment by Council.

*From the desk of: Annette de Paz, City Surveyor
Public Works Department – Engineering Division*



Luke Pelz

From: robert.j.plant@ftr.com
Sent: Monday, April 25, 2011 11:29 AM
To: Luke Pelz
Subject: 9th St. Vacate
Attachments: 3s2w21c 9th St. Newberg.pdf; CITY OF NEWBERG 9th St. VACATE.pdf

Hello Luke

As we discussed on the phone earlier, Frontier does have existing underground facilities feeding down 9th St. from HWY 219.

Frontier would require continued access and a Public Utility Easement through said property.

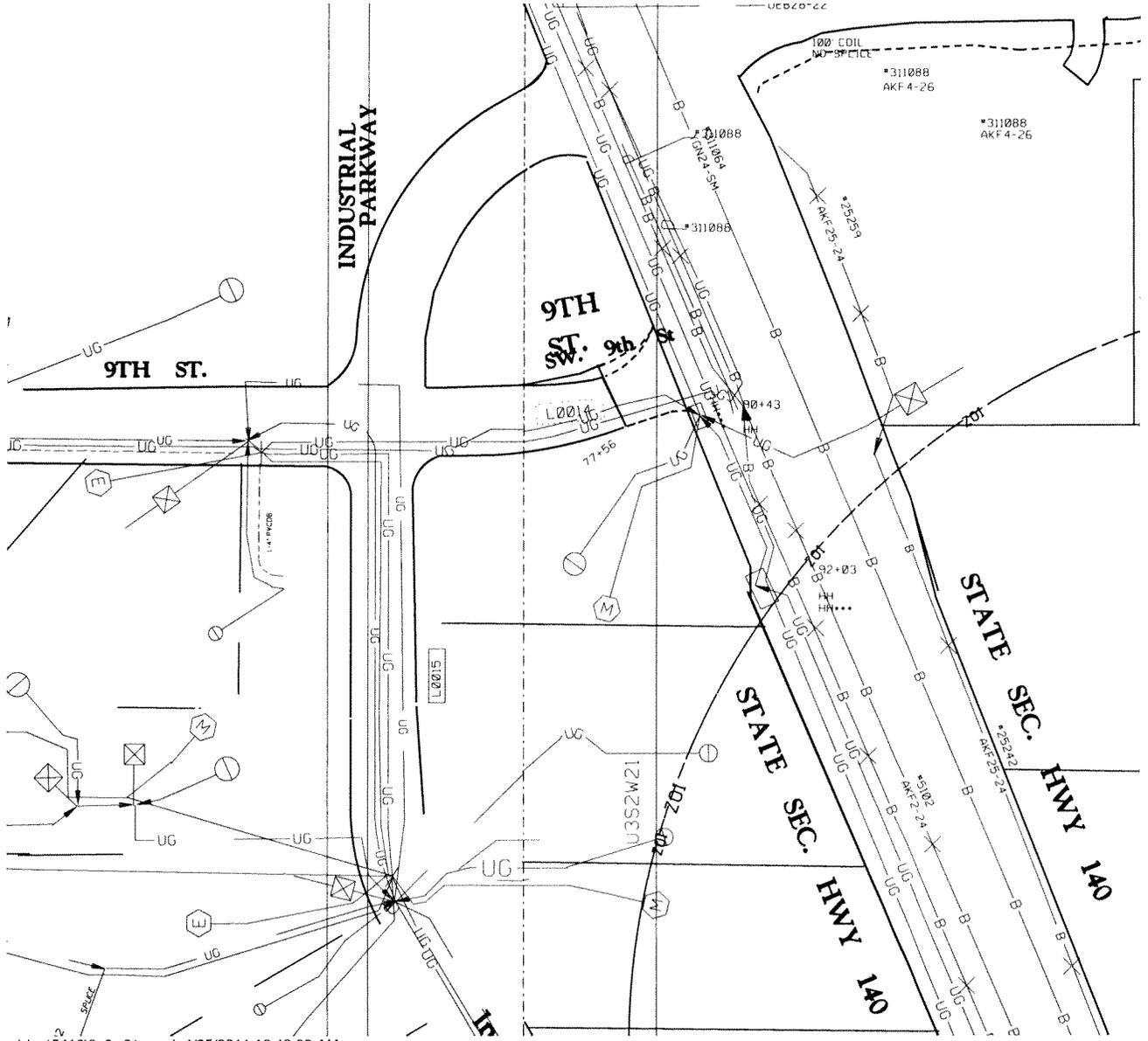
I have attached map showing the existing facilities.

Thank you

Robert Plant
Frontier Communications Northwest Inc.
Beaverton Engineering
503-644-7153 office
503-320-7267 cell
robert.j.plant@ftr.com

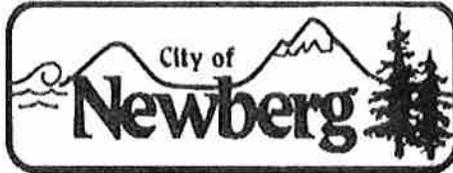
I Can Help You!

This communication is confidential. Frontier only sends and receives email on the basis of the terms set out at http://www.frontier.com/email_disclaimer



c:\dgn\5410\3s2w21c.upd 4/25/2011 10:48:39 AM

City of Newberg
414 E. First Street
P.O. Box 970
Newberg, OR 97132

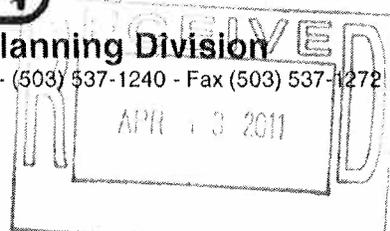


City Manager
(503) 538-9421
(503) 538-5013 Fax

Planning & Building Department - Planning Division

P.O. Box 970 - 414 E. First Street - Newberg, Oregon 97132 - (503) 537-1240 - Fax (503) 537-1272

04/12/2011



REFERRAL TO: Verizon / FRONTIER

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Planning and Building Department prior to 04/26/2011. Please refer questions and comments to Luke Pelz

NOTE: Full size plans are available at the Planning & Building Department Office.

APPLICANT: AIRPARK PROPERTIES LLC AND GERALD & SANDRA NORMAN, TRUSTEES

REQUEST: Vacate the Ninth Street right-of-way between Industrial Parkway and Highway 219.

SITE ADDRESS:

LOCATION: 9TH ST ROW AT 219

TAX LOT: 3220 00304

FILE NO: PL11-00016 VAC 08-002

ZONE: M-2

HEARING DATE: (/)

Reviewed; no conflict.

Reviewed; recommend denial for the following reasons:

Require additional information to review. (Please list information required)

Meeting requested.

Comments. (Attach additional pages as needed)

Frontier would require continued access and a Public Utility Easement through said property.

ROBERT PLANT

4/25/11

Reviewed By:

Date:

Department of Transportation**Region 2**

455 Airport Road SE, Bldg. B

Salem, Oregon 97301-5395

Phone: (503)986-2654

Fax: (503)986-2630

Email:

cynthia.d.buswell@odot.state.or.us



Oregon

John A. Kitzhaber MD, Governor

April 25, 2011

File # DRS 4909

Luke Pelz
 Assistant Planner
 Planning Division
 414 E. First Street
 P.O. Box 970
 Newberg, Oregon 97132

SUBJECT: PL11-00016 VAC 08-002
 Vacate 9th Street ROW at OR 219
 Airpark Properties LLC and Gerald & Sandra Norman
 Tax Lot 3220 00304 & Tax lot 3220DD 00100

Dear Mr. Pelz

Thank you for referring the above land use request to the Oregon Department of Transportation (ODOT) for review and comment.

ODOT purchased all access rights from Tax Lot 304 to OR 219 (Hillsboro-Silverton Highway) and to Industrial Parkway; therefore Tax Lot 304 has no right to access OR 219 or Industrial Parkway as described in the attached Settlement Case No. CV070329 (ODOT file #7154 006).

Currently Tax Lot 304 access is from 9th Street. Once 9th Street is vacated, Tax Lot 304 may become land locked.

ODOT purchased all access rights from Tax Lot 100 to OR 219 therefore Tax Lot 100 has no right to access OR 219 as described in the attached Settlement Case No. CV060436 (ODOT file # 7154 009).

This letter and the attachments should be included in the record as ODOT testimony. ODOT should be considered a party to any hearings and be entitled to notices of future hearings, or hearing continuances or extensions. Please provide me with a copy of the City's decision, including findings and conditions of approval.

If you have any questions, please contact me at 503-986-2654

PL11-00016 VAC 08-002
Vacate 9th Street ROW at OR 219
Airpark Properties LLC and Gerald & Sandra Norman
Tax Lot 3220 00304 & Tax lot 3220DD 00100Page 2 of 2

Sincerely,



Cynthia Buswell
Development Review Coordinator

Attachments (3)

cc: Dan Fricke
Robert Earl
Aref Bozorgnia
David Knitowski

FILED
STATE OF OREGON
YAMHILL COUNTY
TRIAL COURT
08 MAY 15 AM 11:48
TRIAL COURT ADMINISTRATOR
BY _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ENTERED

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

STATE OF OREGON, by and through its
Department of Transportation,

Case No. CV070329

Plaintiff,

GENERAL JUDGMENT

v.

AIRPARK PROPERTIES, LLC, an Oregon
limited liability company; and ED
BARTHOLEMY,

Defendants.



This matter comes to the Court on settlement of this case by the parties. Plaintiff is represented by Paul J. Sundermier, Senior Assistant Attorney General, defendants Airpark Properties, LLC and Ed Bartholemy are represented by John R. McCulloch; and

The parties agreeing and advising the Court, and the Court finding:

That this judgment reflects a settlement of all issues raised or raiseable in this action;

That the real property described in Paragraph 4 of the plaintiff's Complaint is necessary for public use;

That the plaintiff, prior to the commencement of this action and pursuant to its resolution, attempted to acquire said real property by agreement and purchase, but was unable to do so;

That the sum to be paid to the defendants for the property is \$482,000.00;

That plaintiff, on September 12, 2007, deposited with the Clerk of this Court \$283,000.00 for use and benefit of the defendants;

That defendants have pursuant to Order of the Court, withdrawn plaintiff's deposit;

Page 1 - GENERAL JUDGMENT
PJS/tl/TRIU8185.DOC

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4700 / Fax: (503) 947-4792

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM, OR 97301-3871

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK



\$50.00

200818917 3:54:18 PM 11/20/2008
DMR-JSATDMR Cnt=1 Str=3 SUSIE
\$40.00 \$10.00

1 That plaintiff will deposit with the Clerk of this Court the balance due in the amount of
2 \$199,000.00;

3 That plaintiff is now entitled to judgment, appropriating the real property described, to
4 the State of Oregon, by and through its Department of Transportation, free and clear of all liens
5 and encumbrances except as hereinafter provided; now, therefore,

6 **IT IS HEREBY ORDERED AND ADJUDGED:**

7 1.

8 The real property described in Exhibit A is appropriated for public purposes; and title to
9 said acquisition, together with all rights and easements therein is vested in the State of Oregon,
10 by and through its Department of Transportation, free and clear of all liens and encumbrances,
11 except as herein provided.

12 The acquisition and use consist of:

13
14 The property, fee simple, described as Parcel 1 in the Exhibit A
15 attached hereto. This parcel of land contains 3,704 square feet,
16 more or less.

17 **Together with all abutter's rights of access, if any, between the
18 Hillsboro - Silverton Highway and defendants' remaining real
19 property.**

20 A permanent easement upon, over, under, and across the property
21 described as Parcel 2 in Exhibit A attached hereto, for the purpose
22 of constructing, reconstructing, repairing and maintaining a public
23 highway and its appurtenances and facilities, and also for the
24 purpose of constructing and maintaining water, gas, electric and
25 communication service lines, fixtures and facilities, and
26 appurtenances therefore. Since fee simple title is not being
acquired, any use may be made of the real property provided that
such use shall not interfere with the purpose of this easement or
endanger the lateral support of the highway. This parcel of land
contains 18,775 square feet, more or less.

27 **Together with all abutter's rights of access, if any, between the
28 property described as Parcel 2 in the Exhibit A attached hereto and
29 defendants' remaining real property.**

30 Permanent easements upon, over, under, and across the property
described as Parcels 3 and 4 in the Exhibit A attached hereto, for
the purpose of constructing and maintaining slopes, and for the

1 purpose of relocating, constructing and maintaining water, gas,
 2 electric and communication service lines, fixtures and facilities,
 3 and appurtenances therefore. Since fee simple title is not being
 4 acquired, any use may be made of the real property provided that
 5 such use shall not interfere with the purpose of these easements or
 6 endanger the lateral support of the highway. These parcels of land
 7 contains 7,585 square feet, more or less, and 3,248 square feet,
 8 more or less, respectively.

9 A permanent easement upon, over, under, and across the property
 10 described as Parcel 5 in Exhibit A attached hereto, for the purpose
 11 of constructing, installing and maintaining a highway sign, and
 12 appurtenances therefore. Since fee simple title is not being
 13 acquired, any use may be made of the real property provided that
 14 such use shall not interfere with the purpose of this easement or
 15 endanger the lateral support of the highway. This parcel of land
 16 contains 62 square feet, more or less.

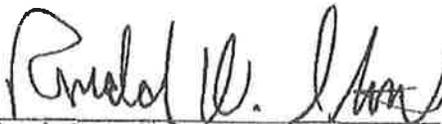
17 2.

18 Defendants have withdrawn plaintiff's initial deposit of \$283,000.00.

19 3.

20 Upon deposit of additional funds into the Court on account of just compensation for this
 21 property, to wit, \$199,000.00, defendants Airpark Properties, LLC and Ed Bartholemey may
 22 withdraw said additional funds.

23 DATED this 15 day of May, 2008.

24 
 25 Circuit Court Judge

26 Submitted by: Paul J. Sundermier
 Senior Assistant Attorney General

EXHIBIT A - Page 1 of 4

File 7154006
Drawing 10B-20-3
6/29/07**PARCEL 1 - Fee**

A parcel of land lying in Parcel 2 of Partition Plat 90-21, Yamhill County, Oregon and being a portion of that property designated as Parcel II and described in that Statutory Warranty Deed to Airpark Properties, LLC recorded May 18, 2004 as Instrument No. 200409632, Records of Yamhill County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of the relocated Hillsboro – Silverton Highway, which center line is described as follows:

Beginning at Engineer's center line Station 44+00.00, said station being 2214.87 feet North and 1034.32 feet West of the Southeast corner of the Richard Everest D.L.C. No. 52, Township 3 South, Range 2 West, WM.; thence South 21° 02' 27" East 3873.93 feet to Engineer's center line Station 82+73.93.

The width in feet of said strip of land is as follows:

| Station | to | Station | Width on Westerly Side of Center Line |
|----------|----|----------|---------------------------------------|
| 53+18.00 | | 54+48.00 | 51.00 in a straight line to 56.50 |
| 54+48.00 | | 56+37.00 | 56.50 in a straight line to 59.00 |
| 56+37.00 | | 58+79.00 | 59.00 in a straight line to 62.00 |

Bearings are based on County Survey No. 11833, filed January 29, 2004, Yamhill County, Oregon.

This parcel of land contains 3,704 square feet, more or less.

PARCEL 2 - Permanent Easement for Highway Right of Way Purposes

A parcel of land lying in Parcel 2 of Partition Plat 90-21, Yamhill County, Oregon and being a portion of that property designated as Parcel II and described in that Statutory Warranty Deed to Airpark Properties, LLC recorded May 18, 2004 as Instrument No. 200409632, Records of Yamhill County; the said parcel being that portion of said property included in a strip of land variable in width, lying on each side of the "I" center line, which center line is described as follows:

Beginning at Engineer's center line Station "I" 10+00.00, said station being 1,139.79 feet North and 620.76 feet West of the Southeast Corner of the Richard Everest D.L.C. No. 52, Township 3 South, Range 2 West, W.M.; thence South 68° 23' 11" West 77.94 feet;

EXHIBIT A - Page 2 of 4

File 7154006
Drawing 10B-20-3
6/29/07

thence on a 204.63.00 foot radius curve left (the long chord of which bears South 35° 21' 11" West 223.10 feet) 235.95 feet; thence South 2° 19' 11" West 86.11 feet to Engineer's center line Station "I"14+00.00.

The width in feet of said strip of land is as follows:

| Station | to | Station | Width on Northwesterly Side of Center Line |
|--------------|----|--------------|--|
| "I" 10+56.91 | | "I" 10+66.00 | 42.00 in a straight line to 37.00 |
| "I" 10+66.00 | | "I" 10+83.00 | 37.00 in a straight line to 32.50 |
| "I" 10+83.00 | | "I" 13+13.89 | 32.50 |
| "I" 13+13.89 | | "I" 13+29.00 | 32.50 in a straight line to 44.50 |
| "I" 13+29.00 | | "I" 13+46.00 | 44.50 in a straight line to 105.00 |

The width in feet of said strip of land is as follows:

| Station | to | Station | Width on Southeasterly Side of Center Line |
|--------------|----|--------------|--|
| "I" 10+43.99 | | "I" 10+65.00 | 51.00 in a straight line to 39.00 |
| "I" 10+65.00 | | "I" 10+77.94 | 39.00 in a straight line to 34.00 |
| "I" 10+77.94 | | "I" 10+95.00 | 34.00 in a straight line to 32.50 |
| "I" 10+95.00 | | "I" 13+58.00 | 32.50 |

EXCEPT therefrom Parcel 1.

This parcel of land contains 18,775 square feet, more or less.

PARCEL 3 - Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities

A parcel of land lying in Parcel 2 of Partition Plat 90-21, Yamhill County, Oregon and being a portion of that property designated as Parcel II and described in that Statutory Warranty Deed to Airpark Properties, LLC recorded May 18, 2004 as Instrument No. 200409632, Records of Yamhill County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northwesterly side of the "I" center line, which center line is described in Parcel 2.

EXHIBIT A - Page 3 of 3

File 7154006

Drawing 10B-20-3

6/29/07

The width in feet of said strip of land is as follows:

| Station | to | Station | Width on Northwestern Side of Center Line |
|--------------|----|--------------|---|
| "I" 10+54.20 | | "I" 10+82.00 | 128.54 in a straight line to 55.00 |
| "I" 10+82.00 | | "I" 12+51.00 | 55.00 |
| "I" 12+51.00 | | "I" 13+10.00 | 45.00 |
| "I" 13+10.00 | | "I" 13+46.00 | 45.00 in a straight line to 105.00 |

EXCEPT therefrom Parcels 1 and 2.

This parcel of land contains 7,585 square feet, more or less.

PARCEL 4 - Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities

A parcel of land lying in Parcel 2 of Partition Plat 90-21, Yamhill County, Oregon and being a portion of that property designated as Parcel II and described in that Statutory Warranty Deed to Airpark Properties, LLC recorded May 18, 2004 as Instrument No. 200409632, Records of Yamhill County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southeasterly side of the "I" center line, which center line is described in Parcel 2.

The width in feet of said strip of land is as follows:

| Station | to | Station | Width on Southeasterly Side of Center Line |
|--------------|----|--------------|--|
| "I" 10+45.43 | | "I" 10+77.94 | 112.00 in a straight line to 50.00 |
| "I" 10+77.94 | | "I" 12+21.00 | 50.00 |
| "I" 12+21.00 | | "I" 13+13.89 | 40.00 |
| "I" 13+13.89 | | "I" 13+58.00 | 40.00 in a straight line to 32.50 |

EXCEPT therefrom Parcels 1 and 2.

This parcel of land contains 3,248 square feet, more or less.

EXHIBIT A - Page 4 of 4

File 7154006
Drawing 10B-20-3
6/29/07

PARCEL 5 - Permanent Easement for Sign

A parcel of land lying in Parcel 2 of Partition Plat 90-21, Yamhill County, Oregon and being a portion of that property designated as Parcel II and described in that Statutory Warranty Deed to Airpark Properties, LLC recorded May 18, 2004 as Instrument No. 200409632, Records of Yamhill County; the said parcel being that portion of said property lying between lines at right angles to the "I" center line at Engineer's Stations "I" 12+95.00 and "I" 13+05.00 and included in a strip of land 40.00 feet in width, lying on the Southeasterly side of the "I" center line, which center line is described in Parcel 2.

EXCEPT therefrom Parcel 2.

This parcel of land contains 62 square feet, more or less.

7154 009

FILED
STATE OF OREGON
YAMHILL COUNTY
COURT

07 AUG -0 AM 10:43

TRIAL COURT ADMINISTRATOR
BY _____

Ticor Title Insurance Company

TO- 26895A

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

STATE OF OREGON, by and through its
Department of Transportation,

Plaintiff,

v.

GERALD P. NORMAN and SANDRA J.
NORMAN, Co-Trustees of the Norman
Family Trust dated July 8, 2005; and
COLUMBIA BANCORP., an Oregon
corporation, doing business as Columbia River
Bank,

Defendants.

Case No. CV060436

STIPULATED GENERAL JUDGMENT

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200720522



\$36.00

00281708200700205220050050

09/17/2007 03:14:09 PM

CCL-JCCL Cnt=1 Stn=2 ANITA
\$25.00 \$11.00

This matter comes to the Court upon stipulation of the parties, plaintiff appearing by and through Matthew J. Donohue, Assistant Attorney General, defendants Gerald P. Norman and Sandra J. Norman appearing by and through Michael G. Gunn, their attorney, and defendant Columbia Bancorp appearing by and through Bennett H. Goldstein, its attorney; and

The parties by their stipulation below agreeing and advising the Court, and the Court finding:

That the parties have reached an agreement settling the case;

That no good cause exists for setting aside the settlement agreement or setting this case for trial;

That this judgment reflects a settlement of all issues raised or raiseable in this action;

That the real property described in Paragraph 4 of the plaintiffs Complaint is necessary for public use;

Page 1/5 STIPULATED GENERAL JUDGMENT
MJD/crc/TRIS1621

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4700 / Fax: (503) 947-4792



1/5

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM, OR 97301-3871

1 That the defendants waive the right of repurchase of the property being acquired for the
2 public purpose pursuant to ORS 35.385(2)(b);

3 That the plaintiff, prior to the commencement of this action and pursuant to its resolution,
4 attempted to acquire said real property by agreement and purchase, but was unable to do so;

5 That the sum to be paid to the defendants for the property is \$60,000.00;

6 That plaintiff, on December 29, 2006, deposited with the Clerk of this Court \$35,800.00
7 for use and benefit of the defendants;

8 That plaintiff will deposit with the Clerk of this Court the balance due in the amount of
9 \$24,200.00 and that plaintiff is now entitled to judgment, appropriating the real property
10 described, to the State of Oregon, by and through its Department of Transportation, free and
11 clear of all liens and encumbrances except as hereinafter provided;

12 That defendant Columbia Bancorp disclaims any interest in the compensation paid by this
13 judgment; now, therefore,

14 **IT IS HEREBY ORDERED AND ADJUDGED:**

15 1.

16 The real property described in Exhibit A is appropriated for public purposes; and title to
17 said acquisition, together with all rights and easements therein is vested in the State of Oregon,
18 by and through its Department of Transportation, free and clear of all liens and encumbrances,
19 except as herein provided.

20 The acquisition and use consist of:

21 The property, fee simple, described in the Exhibit A attached hereto.
22 This parcel of land contains 3,572 square feet, more or less.

23 Together with all abutter's rights of access, if any, between the
24 property described in the Exhibit A attached hereto and
defendants' remaining real property.

25 2

26 Defendants shall have judgment for the total sum of \$60,000.00.

Page 2/5 STIPULATED GENERAL JUDGMENT
MJD/crc/TRIS1621

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4700 / Fax: (503) 947-4792

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

3

The Clerk/Treasurer shall pay the funds deposited into the Court on account of just compensation for this property, to wit \$60,000.00, to defendants Gerald P. Norman and Sandra J. Norman, c/o Michael G. Gunn, Attorney at Law, 700 S. Deborah Rd. #250, Newberg, OR 97132. Defendant Columbia Bancorp shall not share in the compensation.

4.

There shall be no right of repurchase of the property pursuant to ORS 35.385(2)(b).

5.

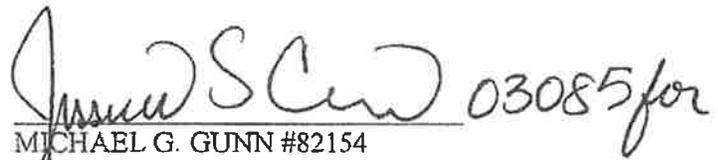
None of the parties shall recover from another party costs or attorney fees incurred herein.

DATED this 7~~th~~ day of August, 2007.

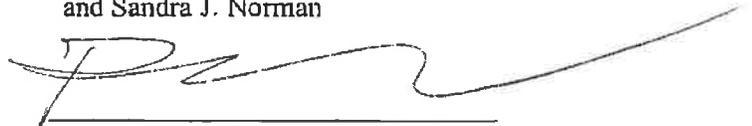

Circuit Court Judge

IT IS SO STIPULATED:

Dated: 8/3/07


MICHAEL G. GUNN #82154
Attorney for Defendants Gerald P. Norman
and Sandra J. Norman

Dated: 7/7/07


BENNETT H. GOLDSTEIN #80239
Attorney for Defendant Columbia Bancorp

Dated: 8/6/07


MATTHEW J. DONOHUE #02295
Assistant Attorney General

EXHIBIT A - Page 1 of 1

File 7154009
 Drawing 10B-20-3
 10/23/05

Fee

A parcel of land lying in Lot 1, AIRPARK BUSINESS COMPLEX, Yamhill County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Gerald Norman and Sandra Norman, recorded November 12, 1999 as Instrument No. 199922388, Records of Yamhill County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side the relocated Hillsboro – Silverton Highway, which center line is described as follows:

Beginning at Engineer's center line Station 44+00.00, said station being 2214.87 feet North and 1034.32 feet West of the Southeast corner of the Richard Everest D.L.C. No. 52, Township 3 South, Range 2 West, WM.; thence South 21° 02' 27" East 3873.93 feet to Engineer's center line Station 82+73.93.

The width in feet of said strip of land is as follows:

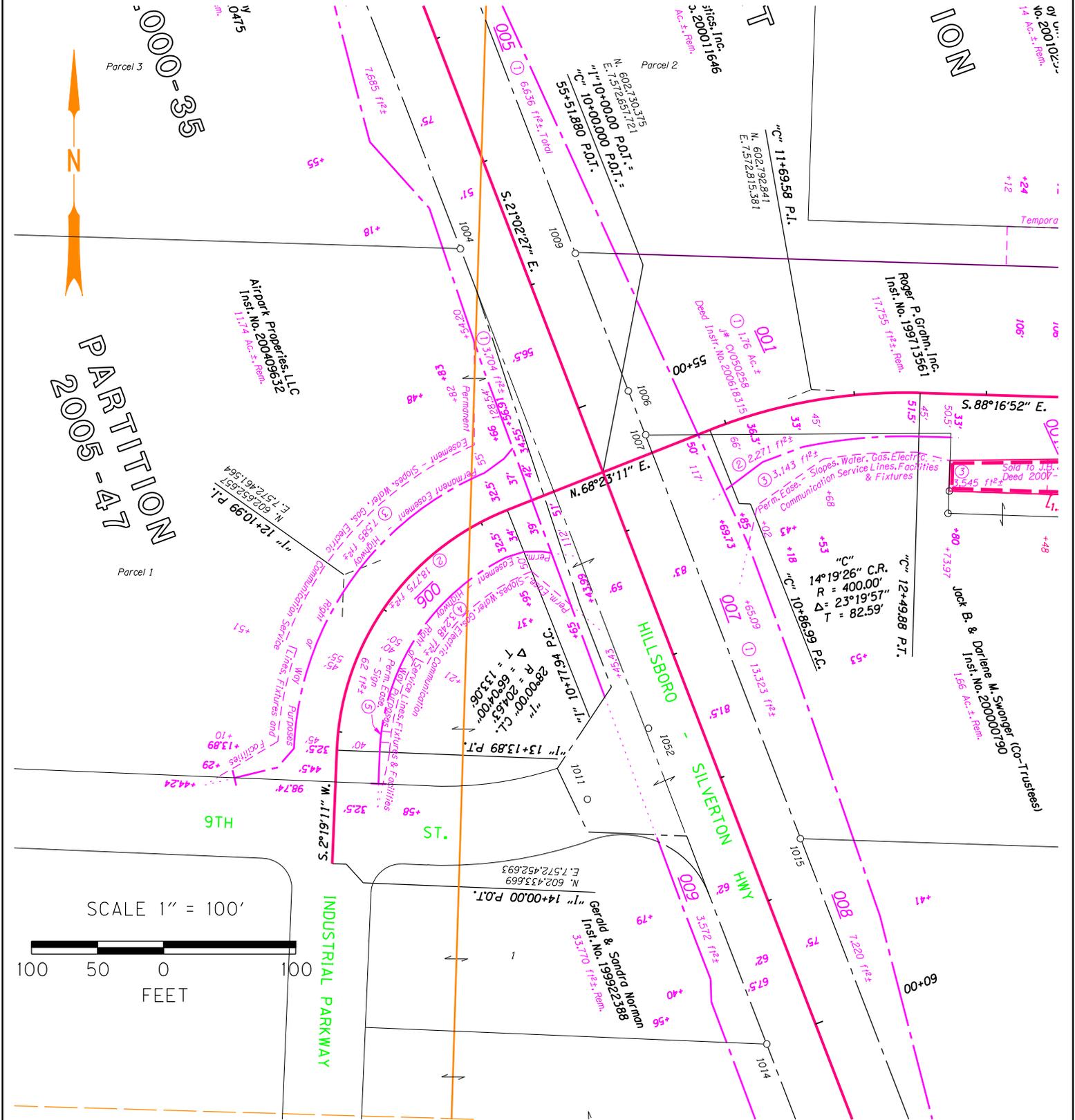
| Station | to | Station | Width on Westerly Side of Center Line |
|----------|----|----------|---------------------------------------|
| 56+37.00 | | 58+79.00 | 59.00 in a straight line to 62.00 |
| 58+79.00 | | 59+40.00 | 62.00 |
| 59+40.00 | | 59+56.00 | 62.00 in a straight line to 67.50 |
| 59+56.00 | | 62+05.82 | 67.50 in a straight line to 70.00 |

Bearings are based on County Survey No. 11833, filed January 29, 2004, Yamhill County, Oregon.

This parcel of land contains 3,572 square feet, more or less.

4/5

SEC. 20 & 21, T. 3 S., R. 2 W., W. MATTACHMENT 6

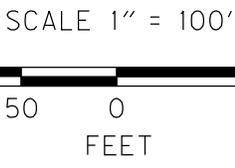


Parcel 3
0000-35

PARITION 1
2005-47

Parcel 1

Parcel 2



OREGON DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
 ENGINEERING**
 SKETCH MAP

| | | | |
|---------|---|----------------------|-------------|
| Section | OR219: Springbrook Rd. - Wynooski Rd. (Newberg) | | |
| Highway | Hillsboro - Silverton | | |
| County | Yamhill | Scale | 1" = 100' |
| Purpose | Land Use Comment | Date | April, 2011 |
| File | 7154 006 | See Drawing 10B-20-3 | |

1992 APR -9 PM 3:56

F267P0825

DEED No. 2

KNOW ALL MEN BY THESE PRESENTS, That Climax Portable Machine Tools, Inc. by Robert L. Benham, the Grantor, does hereby dedicate, grant and convey to the State of Oregon Department of Transportation, hereinafter called the Grantee, for dedication of a public right-of-way, the following described real property located in Yamhill County, State of Oregon, to-wit:

SEE ATTACHED EXHIBIT A

TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises unto said Grantee, its successors and assigns forever.

The true consideration for this conveyance is \$0.00 and other valuable consideration.

This instrument will 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 approved uses.

WITNESS our hand and seals this 9 day of March, 1992

Robert L. Benham
Climax Portable Machine Tools, Inc.
by Robert L. Benham

STATE OF OREGON)
City of Newberg)ss.
County of Yamhill)

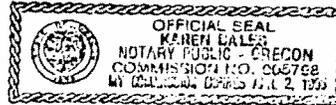
On the 9 day of March, 1992, personally appeared the above-named individual(s) and acknowledged the foregoing instrument to be his/their voluntary act and deed.

(SEAL)

Karen Bales
Notary Public for Oregon
My Commission Expires: 4-2-95

ACCEPTED AS TO FORM AND CONTENT.

Terrance D. Mahr
Terrance D. Mahr
City Attorney



003734

NORTHWEST TITLE COMPANY

Grantor: Robert L. Benham
Climax Portable Machine Tools, Inc.
2712 E. Second
Newberg OR 97132

Grantee: State of Oregon
Department of Transportation
885 Airport Road
Salem OR 97310

Return to Grantee after recording c/o Newberg City Attorney, File No: S-1-91

STATE OF OREGON
COUNTY OF YAMHILL

10.00
10.00
20.00
SS.

I hereby certify that this instrument was received and duly recorded by me in Yamhill County records.

Instrument #

Charles Stern
CHARLES STERN,
COUNTY CLERK

4-9-92

1992 APR -9 PM 3:57

F267P0826

CITY OR RURAL SURVEYS
FULL SUBDIVISION SERVICES

Donald C. Cooley, P.L.S.
"LAND USE CONSULTANT"
503-538-3767



FAX 503-538-4054

Climax to State for Additional Right-of-Way

Beginning at a point on the Westerly right-of-way of State Highway No. 219 which point bears N88°55'16"W 226.86 feet and N21°03'34"W 921.03 feet from the Southeast Corner of the R. Everest Donation Land Claim No. 52; thence N21°03'34"W 442.85 feet; thence S18°11'49"E 250.31 feet; thence S21°03'34"E 67.00 feet; thence S33°39'25"W 73.91 feet; thence S25°26'09"E 53.56 feet; thence S87°39'15"E 74.94 feet to the point of beginning.

Containing 9,026 square feet.

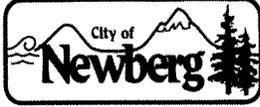
REGISTERED
PROFESSIONAL
LAND-SURVEYOR

Donald C. Cooley

OREGON
JULY 18, 1979
DONALD C. COOLEY
1908

4-9-92

VACATION APPLICATION



TYPES - PLEASE CHECK ONE:

OFFICE USE ONLY: (Pre-Application Conference is Optional)
Total Ap Fee: File #: Project Cost:
Less Pre-Ap Fee: Date: Receipt:
Balance Due: Date: Receipt:

APPLICANT INFORMATION:

APPLICANT: Airpark Properties, LLC & Gerald & Sandra Norman, Trustees
ADDRESS: 900 Industrial Pkwy. - Newberg
PO Box 248 - Newberg, OR 97132
PHONE: 503-538-2134 MOBILE: FAX:
OWNER (if different from above): PHONE:
ADDRESS:

GENERAL INFORMATION:

VACATION TYPE: ALLEY EASEMENT STREET XX
ALLEY/EASEMENT/RIGHT-OF-WAY LOCATION:
IS THE PROPOSED VACATION SITE CURRENTLY IN USE? IF YES, INDICATE CURRENT USE: No
SURROUNDING USES: NORTH: Vacant SOUTH: Industrial Bldg.
EAST: Hwy. 219 WEST: Industrial Parkway
STATE WHY THE VACATION SHOULD BE APPROVED: Street is unusable due to blockage
of egress onto Highway 219

IDENTIFY THE TAX LOT NUMBERS OF THOSE LOTS WHICH ABUT THE PROPOSED VACATION SITE:
Table with 3 columns: Tax Lot Number, Tax Lot Number, Tax Lot Number.
Row 1: 3220-00304, 3220DD-00100,
Row 2:
Row 3:
Row 4:

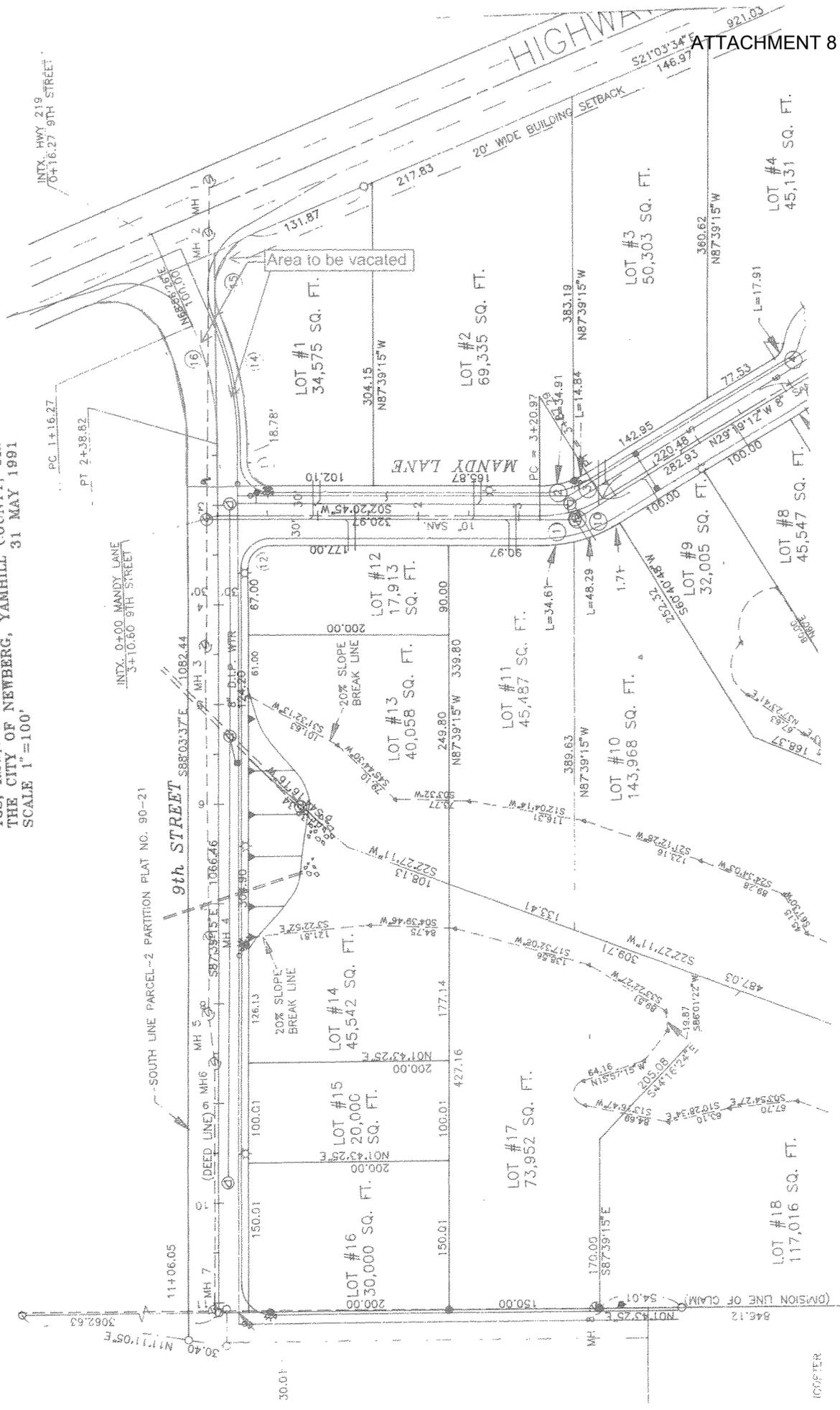
SPECIFIC REQUIREMENTS ARE ATTACHED

The application must include a current title report for each parcel adjacent to the area proposed for vacation, and a vicinity map of the area. Property owners abutting the proposed vacation site must sign the CONSENT TO VACATE form which is on the reverse side of this application.
The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Applicant/Title Holder/Contract Purchaser Signature: Jerry Dale, Gerald Norman & Sandra Norman
Date: 01/31/2011
Airpark Properties, LLC by Jerry Dale, Member
Gerald P. & Sandra J. Norman, Trustees
Print Name: Jerry Dale, Gerald Norman & Sandra Norman

Attachments: Consent to Vacate Form, General Information, Criteria, Noticing Procedures, Fee Schedule, Checklist

IN THE S.E. 1/4 OF SECTION 20 & THE S.W. 1/4 OF SECTION 21,
 T3S, R2W, M. IN THE RICHARD EVEREST D.L.C. #52 IN
 THE CITY OF NEWBERG, YAMHILL COUNTY, OR.
 31 MAY 1991
 SCALE 1"=100'





Planning and Building Department
 P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
 503-537-1240 • Fax 503-537-1272 • www.ci.newberg.or.us

CONSENT TO VACATE RIGHT-OF-WAY

Planning Division File No. VAC-08-002

We hereby consent to the vacation. This petition is being filed with the City of Newberg to request that the Council vacate Ninth Street between Industrial Parkway and Hwy 219. We understand that upon approval ownership will revert to the original land owners (Airpark Properties, LLC, and the Norman Family Trust). This petition fulfils the property owner consent requirements of ORS 271.080. This consent form contains signatures of all abutting property owners and not less than two-thirds of property owners in the affected area as defined by ORS 271.080.

| PRINTED OWNER NAME | OWNER SIGNATURE | SITE ADDRESS | TAX LOT |
|--|---------------------------------------|-------------------------|--------------|
| AIRPARK PROPERTIES, LLC (abutting property owner) | <i>Jay De Mober</i> | 2901 E 9TH ST | 3220-00304 |
| NORMAN FAMILY TRUST (abutting property owner) | <i>Gary Norman T.E</i> | 900 INDUSTRIAL PARKWAY | 3220DD-00100 |
| JAMIE L. NIBLER TRUST | <i>Rosego Capner</i> | 2800 E 9TH ST | 3220DD-00400 |
| NINTH STREET DEVELOPMENT, LLC | <i>W.D. Nibler</i> | 2771 E 9TH ST | 3220-00307 |
| FRANK HARRIS | <i>Frank E Harris</i> | 1000 INDUSTRIAL PARKWAY | 3220DD-00900 |
| RICHARD & SHELLEY OLSON | <i>Richard & Shelley Olson</i> | 2900 E 9TH ST | 3220DD-00300 |
| DARLENE SWONGER TRUST | <i>Darlene Joy Swonger</i> | 832 S SPRINGBROOK RD | 3221-01800 |
| WILLIAM & MARGARET THURMAN | <i>William & Margaret Thurman</i> | 901 INDUSTRIAL PARKWAY | 3220DD-00200 |

1992 APR -9 PM 3:56

F267P0825

DEED No. 2

KNOW ALL MEN BY THESE PRESENTS, That Climax Portable Machine Tools, Inc. by Robert L. Benham, the Grantor, does hereby dedicate, grant and convey to the State of Oregon Department of Transportation, hereinafter called the Grantee, for dedication of a public right-of-way, the following described real property located in Yamhill County, State of Oregon, to-wit:

SEE ATTACHED EXHIBIT A

TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises unto said Grantee, its successors and assigns forever.

The true consideration for this conveyance is \$0.00 and other valuable consideration.

This instrument will 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 approved uses.

WITNESS our hand and seals this 9 day of March, 1992

Robert L. Benham
Climax Portable Machine Tools, Inc.
by Robert L. Benham

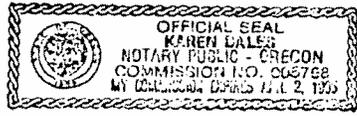
STATE OF OREGON)
City of Newberg)ss.
County of Yamhill)

On the 9 day of March, 1992, personally appeared the above-named individual(s) and acknowledged the foregoing instrument to be his/their voluntary act and deed.

(SEAL)

Karen Dale
Notary Public for Oregon
My Commission Expires: 4-2-95

ACCEPTED AS TO FORM AND CONTENT.



003734

Terrence D. Mahr
Terrence D. Mahr
City Attorney

NORTHWEST TITLE COMPANY

Grantor: Robert L. Benham
Climax Portable Machine Tools, Inc.
2712 E. Second
Newberg OR 97132
Grantee: State of Oregon
Department of Transportation
885 Airport Road
Salem OR 97310
Return to Grantee after recording c/o Newberg City Attorney, File No: S-1-91

STATE OF OREGON 10.00
10.00
20.00
ss.

COUNTY OF YAMHILL
I hereby certify that this instrument was received and duly recorded by me in Yamhill County records.
Instrument #
Charles Stern
CHARLES STERN,
COUNTY CLERK

4-9-92

1992 APR -9 PM 3:57

F267P0826

CITY OR RURAL SURVLYS
FULL SUBDIVISION SERVICES

Donald C. Cooley, P.L.S.

"LAND USE CONSULTANT"
503-538-3767

FAX 503-538-4054



Climax to State for Additional Right-of-Way

Beginning at a point on the Westerly right-of-way of State Highway No. 219 which point bears N88°55'16"W 226.86 feet and N21°03'34"W 921.03 feet from the Southeast Corner of the R. Everest Donation Land Claim No. 52; thence N21°03'34"W 442.85 feet; thence S18°11'49"E 250.31 feet; thence S21°03'34"E 67.00 feet; thence S33°39'25"W 73.91 feet; thence S25°26'09"E 53.56 feet; thence S87°39'15"E 74.94 feet to the point of beginning.

Containing 9,026 square feet.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 1978
DONALD C. COOLEY
1808

4-9-92

1992 APR -9 PM 3:57

F 267P0827

DEED No. 3

KNOW ALL MEN BY THESE PRESENTS, That Climax Portable Machine Tools, Inc. by Robert L. Benham, the Grantor, does hereby dedicate, grant and convey to the City of Newberg, a Municipal Corporation of the State of Oregon, hereinafter called the Grantee, for dedication of a public right-of-way, the following described real property located in Yamhill County, State of Oregon, to-wit:

SEE ATTACHED EXHIBIT A

TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises unto said Grantee, its successors and assigns forever.

The true consideration for this conveyance is \$0.00 and other valuable consideration.

This instrument will 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 approved uses.

WITNESS our hand and seals this 9 day of March, 1992

Robert L. Benham
Climax Portable Machine Tools, Inc.
by Robert L. Benham

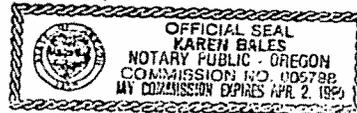
STATE OF OREGON)
City of Newberg) ss.
County of Yamhill)

On the 9 day of March, 1992, personally appeared the above-named individual(s) and acknowledged the foregoing instrument to be his/their voluntary act and deed.

(SEAL)

Karen Bales
Notary Public for Oregon
My Commission Expires: 4-2-95

ACCEPTED AS TO FORM AND CONTENT.



003735

Terrence D. Mahr
Terrence D. Mahr
City Attorney

NORTHWEST TITLE COMPANY

Grantor: Robert L. Benham
Climax Portable Machine Tools, Inc.
2712 E. Second
Newberg OR 97132
Grantee: City of Newberg
414 E. First Street
Newberg OR 97132

Return to Grantee after recording o/o Newberg City Attorney, File No: S-1-91

STATE OF OREGON)
COUNTY OF YAMHILL)

I hereby certify that this instrument was received and duly recorded by me in Yamhill County records.

Instrument #

Charles Stern
CHARLES STERN,
COUNTY CLERK

4-9-92

1992 APR -9 PM 3:57

F267P0828

CITY OF HUMAN SURVEYS
FULL SUBDIVISION SERVICES

Donald C. Cooley, P.L.S.

LAND USE CONSULTANT
503-538-3767

1-503-538-4054



CLIMAX TO THE CITY OF NEWBERG

Beginning at a point that bears N88°55'16"W 226.86 feet,
N21°03'34"W 921.03 feet and N87°39'15"W 74.94 feet from the
Southeast Corner of the R. Everest Donation Land Claim No. 52
and running thence N87°39'15"W 1023.20 feet; thence N11°11'05"E
30.35 feet; thence S87°39'15"E 898.25 feet; thence along the
arc of a 270.00 foot radius curve to the left (the long chord
of which bears N82°00'28"E 96.90 feet) 97.43 feet; thence
S25°26'09"E 53.55 feet to the point of beginning.

Containing 31,003.62 square feet.

REGISTERED
PROFESSIONAL
LAND-SURVEYOR

Donald C. Cooley

OREGON
JULY 13, 1979
DONALD C. COOLEY
1806

4-9-92

006146

PARTITION PLAT No. 4570-21

For: SAM WHITNEY

Deed No. _____

Located in the NE 1/4 and the SE 1/4 of Section 20, Township 3 South, Range 2 West, N. W., South 1/2 of the Richard Everest Donation Land Claim No. 82, Yamhill County, Oregon

By: Matt Dundek & Assoc.
1800 Baker Creek Road
Hermiston, OR 97128
Phone: 503-472-7904
Date: 2 April 1990
Scale: 1" = 200'

Note: There are no water rights associated with this tract of land.

APPROVED PERSONAL LAND SURVEYOR
Matt Dundek
JURISDICTION
MATTHEW E. DUNDEK
1982

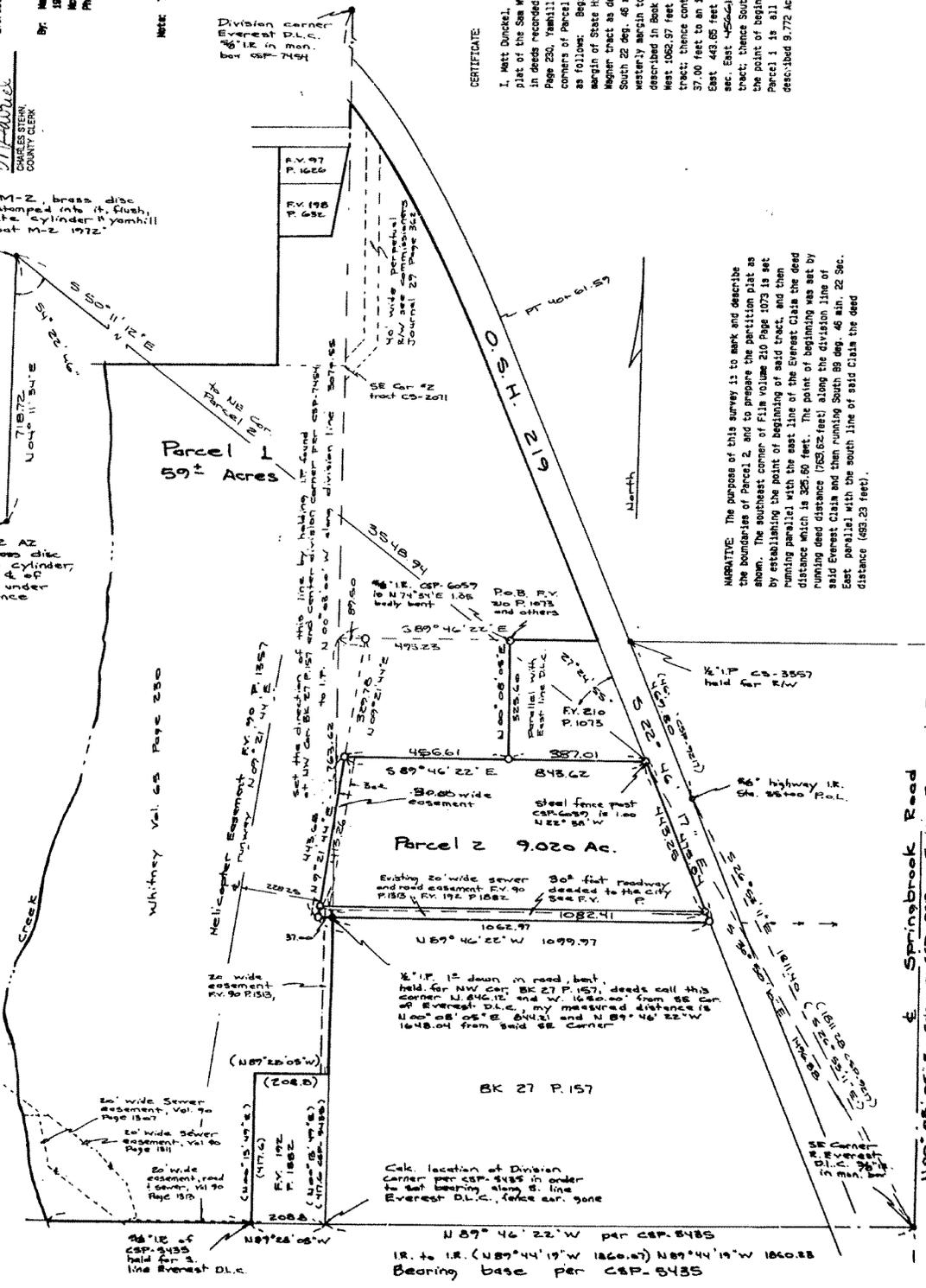
Recorded date 7-2-90
Time of day 10:55 AM
Cabinet V.3 Sites 9112

APPROVALS:
Planning Director, City of Hermiston
City of Hermiston Surveyor

PARC-SAT M-N, brass disc with name stamped in it, flush, 15" 10" concrete cylinder in Yamhill Co., Parc-Sat M-N 1972.

PARC-SAT M-2 AZ MARK 1972, brass disc flush, 16" W 8" 4" of 1/2" mesh 1/4" under cylinder fence

LEGEND
● = monument found as noted
○ = 5/8" by 30" iron rod set with yellow cap marked "Dundek" LS 1942
(---) = data of record



CERTIFICATE

I, Matt Dundek, do hereby attest that I have prepared this plat of the Sam Whitney and Claire Whitney property as described in deeds recorded in File Volume 182 Page 761, and File Volume 85 Page 230, Yamhill County deed records, and that I have marked the corners of Parcel 2 as shown, the delineator of which is described as follows: Beginning at the intersection of the westerly margin of State Highway 219 with the south line of the Richard Everest tract as described in File Volume 210 Page 1073; thence South 28 deg. 46 min. 17 sec. East 475.84 feet along said westerly margin to the north line of the Edwin Everest tract as described in Book 27 Page 157; thence North 89 deg. 46 min. 22 sec. West 1062.97 feet to the north-west corner of said Everest tract; thence continuing North 89 deg. 46 min. 22 sec. West 37.00 feet to an iron rod; thence North 89 deg. 21 min. 44 sec. East 443.85 feet to an iron rod; thence South 89 deg. 46 min. 22 sec. East 450.00 feet to the southwest corner of said Everest tract; thence South 89 deg. 46 min. 22 sec. East 387.01 feet to the point of beginning.
Parcel 1 is all of said Whitney tract excepting the above described 9.772 Acres (Parcel 2).

NARRATIVE: The purpose of this survey is to mark and describe the boundaries of Parcel 2, and to prepare the partition plat as shown. The southeast corner of File volume 210 Page 1073 is set by establishing the point of beginning of said tract, and then running parallel with the east line of the Everest Claim the dead distance which is 325.60 feet. The point of beginning was set by running dead distance (763.62 feet) along the division line of said Everest Claim and then running South 89 deg. 46 min. 22 sec. East parallel with the south line of said Claim the dead distance (483.23 feet).

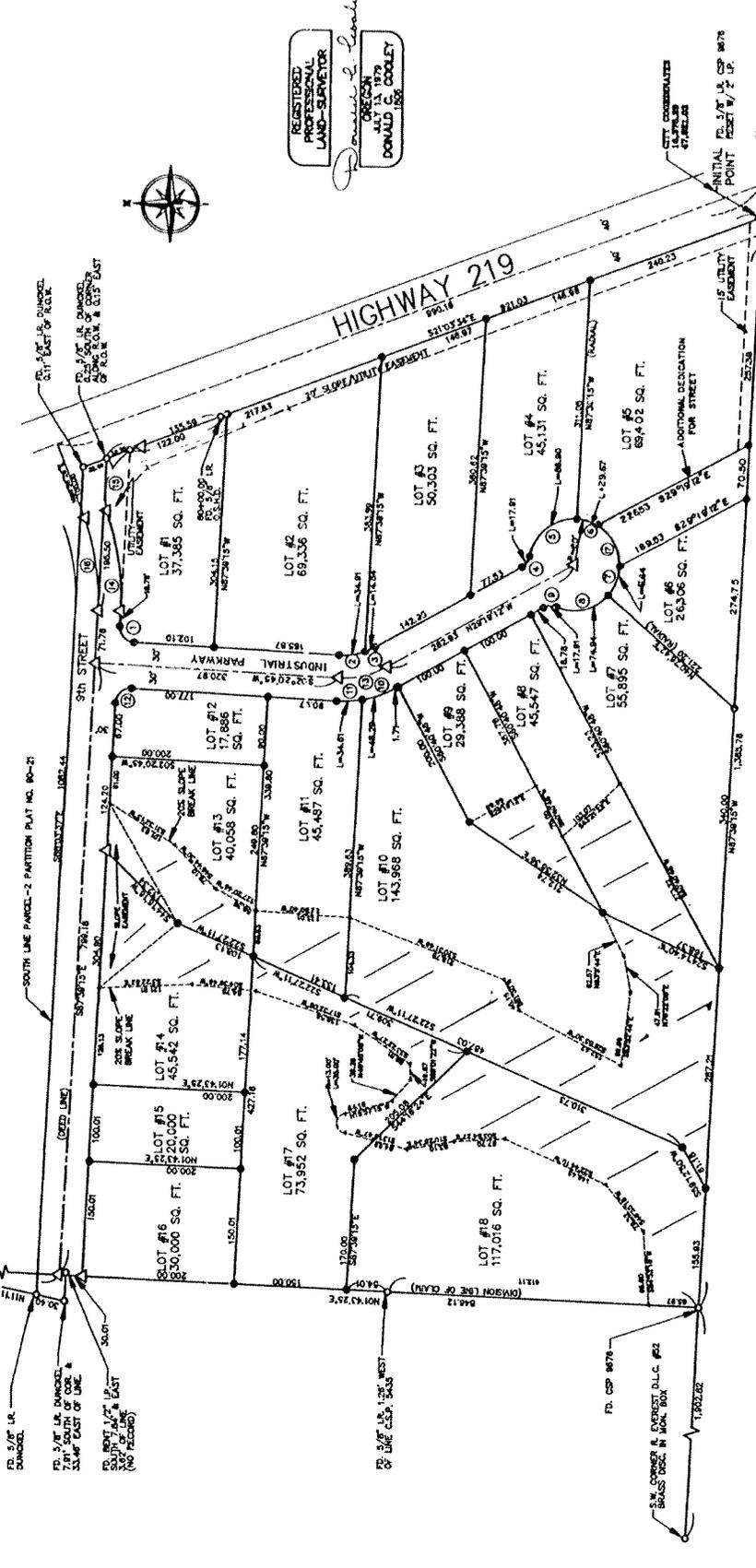
U 00' 08' 05" E Calc. per CSP-927 E. line Everest D.L.C. & Springbrook Road

Matt Dundek
Matt Dundek, Oregon PLS 1942

AIRPARK BUSINESS COMPLEX

IN THE S.E. 1/4 OF SECTION 20 & THE S.W. 1/4 OF SECTION 21,
T15S, R27W, M. IN THE RICHARD EVEREST D.L.C. #42 IN
THE CITY OF NEWBERG, YAMHILL COUNTY, OR.
SCALE 1" = 100'
31 MAY 1991

REGISTERED
PROFESSIONAL
LAND-SURVEYOR
Donald C. Cooley
DONALD C. COOLEY
1958



- ACCESS-UTILITY-
OPEN SPACE-
EASEMENT TO
PUBLIC**
- FOUND MONUMENTS AS NOTED.
 - SET 5/8" 30" IRON ROD WITH YELLOW PLASTIC CAP BORED IN CONCRETE 1.5" DIA.
 - △ MONUMENT (3/4" x 30" IRON ROD) TO BE SET BY CONSTRUCTION BASED ON BEARING & DISTANCE

LEGEND

NOTE:
FOR BOUNDARY OF THIS SUBDIVISION
SEE CSP #878

CURVE DATA

| Curve # | Bearing | Radius (R) | Chord (C) | Delta (Δ) | Delta (Δ) | Delta (Δ) |
|---------|--------------|------------|-----------|-----------|-----------|-----------|
| 1 | N-11°11'07"W | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 2 | S-89°57'52"E | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 3 | N-11°11'07"W | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 4 | S-89°57'52"E | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 5 | N-11°11'07"W | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 6 | S-89°57'52"E | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 7 | N-11°11'07"W | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 8 | S-89°57'52"E | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 9 | N-11°11'07"W | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 10 | S-89°57'52"E | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 11 | N-11°11'07"W | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 12 | S-89°57'52"E | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 13 | N-11°11'07"W | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 14 | S-89°57'52"E | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 15 | N-11°11'07"W | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 16 | S-89°57'52"E | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 17 | N-11°11'07"W | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |
| 18 | S-89°57'52"E | 100.00 | 100.00 | 111.12 | 111.12 | 111.12 |

AIRPARK BUSINESS COMPLEX

IN THE SE 1/4 OF SECTION 20 & THE SW 1/4 OF SECTION 21,
T12S, R12E, IN THE RICHARD FOREST D.L.C. #52 IN
THE CITY OF NEWBERG, YAMHILL COUNTY, OR.
31 MAY 1991

Dedication
 KNOW ALL MEN BY THESE PRESENTS that AIRPARK BUSINESS COMPLEX, INC.
 a corporation duly incorporated and existing under the laws of the State of
 Oregon, Sam Whitby, President, and Lewis Dais, Secretary, and David F.
 Abbott, J.D., PC Retirement Plans, being the owners of
 the land described in the Surveyor's Certificate hereon made, do hereby make,
 in and to the public forever, all streets shown thereon, and we do hereby dedicate
 to the public forever all streets and easements shown on said plat.
 IN WITNESS WHEREOF, we have set our hands and seal this 27th day of
 February, 1992.

David F. Abbott
 President, Airpark Business Complex, Inc.

Sam Whitby
 Secretary, Airpark Business Complex, Inc.

David F. Abbott, M.D., PC Retirement Plans

ACKNOWLEDGEMENT
 STATE OF OREGON
 COUNTY OF YAMHILL SS

On this day personally appeared before me
 the undersigned, a Notary Public for Oregon,
 the foregoing instrument to be their voluntary
 act and deed.

IN WITNESS WHEREOF I have set my hand
 and seal this 3rd day of February, 1992.

David F. Abbott



APPROVALS
 CITY OF NEWBERG

James R. Bell
 Recorder

Charles J. Anderson
 Surveyor

D. O. G.
 Planning Director

YAMHILL COUNTY

Ted Logozzino
 Commissioner

Debra Owens
 Commissioner

Sam York
 Commissioner

Richard Horn
 Assessor

SURVEYOR'S CERTIFICATE
 I, Donald C. Cooley, a Registered Land Surveyor in the State of Oregon, do hereby state
 that during the Month of May 1991, I accurately surveyed, subdivided, and plotted
 into lots and streets the land shown on the annexed map of AIRPARK BUSINESS COMPLEX,
 the boundary of which is described as follows:

Beginning at the Initial Point, 2" x 36" galvanized iron pipe set 6" below
 the surface of the ground, said initial Point bears N85°55'16" W
 228.86 feet from the monumented southwest corner of the R. Everest
 Division Land Claim 18522, said point being also the southwest corner of lot 5
 on this plat. S. 18522, 18523, 18524, 18525, 18526, 18527, 18528, 18529, 18530, 18531,
 18532, 18533, 18534, 18535, 18536, 18537, 18538, 18539, 18540, 18541, 18542,
 18543, 18544, 18545, 18546, 18547, 18548, 18549, 18550, 18551, 18552, 18553,
 18554, 18555, 18556, 18557, 18558, 18559, 18560, 18561, 18562, 18563, 18564,
 18565, 18566, 18567, 18568, 18569, 18570, 18571, 18572, 18573, 18574, 18575,
 18576, 18577, 18578, 18579, 18580, 18581, 18582, 18583, 18584, 18585, 18586,
 18587, 18588, 18589, 18590, 18591, 18592, 18593, 18594, 18595, 18596, 18597,
 18598, 18599, 18600, 18601, 18602, 18603, 18604, 18605, 18606, 18607, 18608,
 18609, 18610, 18611, 18612, 18613, 18614, 18615, 18616, 18617, 18618, 18619,
 18620, 18621, 18622, 18623, 18624, 18625, 18626, 18627, 18628, 18629, 18630,
 18631, 18632, 18633, 18634, 18635, 18636, 18637, 18638, 18639, 18640, 18641,
 18642, 18643, 18644, 18645, 18646, 18647, 18648, 18649, 18650, 18651, 18652,
 18653, 18654, 18655, 18656, 18657, 18658, 18659, 18660, 18661, 18662, 18663,
 18664, 18665, 18666, 18667, 18668, 18669, 18670, 18671, 18672, 18673, 18674,
 18675, 18676, 18677, 18678, 18679, 18680, 18681, 18682, 18683, 18684, 18685,
 18686, 18687, 18688, 18689, 18690, 18691, 18692, 18693, 18694, 18695, 18696,
 18697, 18698, 18699, 18700, 18701, 18702, 18703, 18704, 18705, 18706, 18707,
 18708, 18709, 18710, 18711, 18712, 18713, 18714, 18715, 18716, 18717, 18718,
 18719, 18720, 18721, 18722, 18723, 18724, 18725, 18726, 18727, 18728, 18729,
 18730, 18731, 18732, 18733, 18734, 18735, 18736, 18737, 18738, 18739, 18740,
 18741, 18742, 18743, 18744, 18745, 18746, 18747, 18748, 18749, 18750, 18751,
 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18760, 18761, 18762,
 18763, 18764, 18765, 18766, 18767, 18768, 18769, 18770, 18771, 18772, 18773,
 18774, 18775, 18776, 18777, 18778, 18779, 18780, 18781, 18782, 18783, 18784,
 18785, 18786, 18787, 18788, 18789, 18790, 18791, 18792, 18793, 18794, 18795,
 18796, 18797, 18798, 18799, 18800, 18801, 18802, 18803, 18804, 18805, 18806,
 18807, 18808, 18809, 18810, 18811, 18812, 18813, 18814, 18815, 18816, 18817,
 18818, 18819, 18820, 18821, 18822, 18823, 18824, 18825, 18826, 18827, 18828,
 18829, 18830, 18831, 18832, 18833, 18834, 18835, 18836, 18837, 18838, 18839,
 18840, 18841, 18842, 18843, 18844, 18845, 18846, 18847, 18848, 18849, 18850,
 18851, 18852, 18853, 18854, 18855, 18856, 18857, 18858, 18859, 18860, 18861,
 18862, 18863, 18864, 18865, 18866, 18867, 18868, 18869, 18870, 18871, 18872,
 18873, 18874, 18875, 18876, 18877, 18878, 18879, 18880, 18881, 18882, 18883,
 18884, 18885, 18886, 18887, 18888, 18889, 18890, 18891, 18892, 18893, 18894,
 18895, 18896, 18897, 18898, 18899, 18900, 18901, 18902, 18903, 18904, 18905,
 18906, 18907, 18908, 18909, 18910, 18911, 18912, 18913, 18914, 18915, 18916,
 18917, 18918, 18919, 18920, 18921, 18922, 18923, 18924, 18925, 18926, 18927,
 18928, 18929, 18930, 18931, 18932, 18933, 18934, 18935, 18936, 18937, 18938,
 18939, 18940, 18941, 18942, 18943, 18944, 18945, 18946, 18947, 18948, 18949,
 18950, 18951, 18952, 18953, 18954, 18955, 18956, 18957, 18958, 18959, 18960,
 18961, 18962, 18963, 18964, 18965, 18966, 18967, 18968, 18969, 18970, 18971,
 18972, 18973, 18974, 18975, 18976, 18977, 18978, 18979, 18980, 18981, 18982,
 18983, 18984, 18985, 18986, 18987, 18988, 18989, 18990, 18991, 18992, 18993,
 18994, 18995, 18996, 18997, 18998, 18999, 19000, 19001, 19002, 19003, 19004,
 19005, 19006, 19007, 19008, 19009, 19010, 19011, 19012, 19013, 19014, 19015,
 19016, 19017, 19018, 19019, 19020, 19021, 19022, 19023, 19024, 19025, 19026,
 19027, 19028, 19029, 19030, 19031, 19032, 19033, 19034, 19035, 19036, 19037,
 19038, 19039, 19040, 19041, 19042, 19043, 19044, 19045, 19046, 19047, 19048,
 19049, 19050, 19051, 19052, 19053, 19054, 19055, 19056, 19057, 19058, 19059,
 19060, 19061, 19062, 19063, 19064, 19065, 19066, 19067, 19068, 19069, 19070,
 19071, 19072, 19073, 19074, 19075, 19076, 19077, 19078, 19079, 19080, 19081,
 19082, 19083, 19084, 19085, 19086, 19087, 19088, 19089, 19090, 19091, 19092,
 19093, 19094, 19095, 19096, 19097, 19098, 19099, 19100, 19101, 19102, 19103,
 19104, 19105, 19106, 19107, 19108, 19109, 19110, 19111, 19112, 19113, 19114,
 19115, 19116, 19117, 19118, 19119, 19120, 19121, 19122, 19123, 19124, 19125,
 19126, 19127, 19128, 19129, 19130, 19131, 19132, 19133, 19134, 19135, 19136,
 19137, 19138, 19139, 19140, 19141, 19142, 19143, 19144, 19145, 19146, 19147,
 19148, 19149, 19150, 19151, 19152, 19153, 19154, 19155, 19156, 19157, 19158,
 19159, 19160, 19161, 19162, 19163, 19164, 19165, 19166, 19167, 19168, 19169,
 19170, 19171, 19172, 19173, 19174, 19175, 19176, 19177, 19178, 19179, 19180,
 19181, 19182, 19183, 19184, 19185, 19186, 19187, 19188, 19189, 19190, 19191,
 19192, 19193, 19194, 19195, 19196, 19197, 19198, 19199, 19200, 19201, 19202,
 19203, 19204, 19205, 19206, 19207, 19208, 19209, 19210, 19211, 19212, 19213,
 19214, 19215, 19216, 19217, 19218, 19219, 19220, 19221, 19222, 19223, 19224,
 19225, 19226, 19227, 19228, 19229, 19230, 19231, 19232, 19233, 19234, 19235,
 19236, 19237, 19238, 19239, 19240, 19241, 19242, 19243, 19244, 19245, 19246,
 19247, 19248, 19249, 19250, 19251, 19252, 19253, 19254, 19255, 19256, 19257,
 19258, 19259, 19260, 19261, 19262, 19263, 19264, 19265, 19266, 19267, 19268,
 19269, 19270, 19271, 19272, 19273, 19274, 19275, 19276, 19277, 19278, 19279,
 19280, 19281, 19282, 19283, 19284, 19285, 19286, 19287, 19288, 19289, 19290,
 19291, 19292, 19293, 19294, 19295, 19296, 19297, 19298, 19299, 19300, 19301,
 19302, 19303, 19304, 19305, 19306, 19307, 19308, 19309, 19310, 19311, 19312,
 19313, 19314, 19315, 19316, 19317, 19318, 19319, 19320, 19321, 19322, 19323,
 19324, 19325, 19326, 19327, 19328, 19329, 19330, 19331, 19332, 19333, 19334,
 19335, 19336, 19337, 19338, 19339, 19340, 19341, 19342, 19343, 19344, 19345,
 19346, 19347, 19348, 19349, 19350, 19351, 19352, 19353, 19354, 19355, 19356,
 19357, 19358, 19359, 19360, 19361, 19362, 19363, 19364, 19365, 19366, 19367,
 19368, 19369, 19370, 19371, 19372, 19373, 19374, 19375, 19376, 19377, 19378,
 19379, 19380, 19381, 19382, 19383, 19384, 19385, 19386, 19387, 19388, 19389,
 19390, 19391, 19392, 19393, 19394, 19395, 19396, 19397, 19398, 19399, 19400,
 19401, 19402, 19403, 19404, 19405, 19406, 19407, 19408, 19409, 19410, 19411,
 19412, 19413, 19414, 19415, 19416, 19417, 19418, 19419, 19420, 19421, 19422,
 19423, 19424, 19425, 19426, 19427, 19428, 19429, 19430, 19431, 19432, 19433,
 19434, 19435, 19436, 19437, 19438, 19439, 19440, 19441, 19442, 19443, 19444,
 19445, 19446, 19447, 19448, 19449, 19450, 19451, 19452, 19453, 19454, 19455,
 19456, 19457, 19458, 19459, 19460, 19461, 19462, 19463, 19464, 19465, 19466,
 19467, 19468, 19469, 19470, 19471, 19472, 19473, 19474, 19475, 19476, 19477,
 19478, 19479, 19480, 19481, 19482, 19483, 19484, 19485, 19486, 19487, 19488,
 19489, 19490, 19491, 19492, 19493, 19494, 19495, 19496, 19497, 19498, 19499,
 19500, 19501, 19502, 19503, 19504, 19505, 19506, 19507, 19508, 19509, 19510,
 19511, 19512, 19513, 19514, 19515, 19516, 19517, 19518, 19519, 19520, 19521,
 19522, 19523, 19524, 19525, 19526, 19527, 19528, 19529, 19530, 19531, 19532,
 19533, 19534, 19535, 19536, 19537, 19538, 19539, 19540, 19541, 19542, 19543,
 19544, 19545, 19546, 19547, 19548, 19549, 19550, 19551, 19552, 19553, 19554,
 19555, 19556, 19557, 19558, 19559, 19560, 19561, 19562, 19563, 19564, 19565,
 19566, 19567, 19568, 19569, 19570, 19571, 19572, 19573, 19574, 19575, 19576,
 19577, 19578, 19579, 19580, 19581, 19582, 19583, 19584, 19585, 19586, 19587,
 19588, 19589, 19590, 19591, 19592, 19593, 19594, 19595, 19596, 19597, 19598,
 19599, 19600, 19601, 19602, 19603, 19604, 19605, 19606, 19607, 19608, 19609,
 19610, 19611, 19612, 19613, 19614, 19615, 19616, 19617, 19618, 19619, 19620,
 19621, 19622, 19623, 19624, 19625, 19626, 19627, 19628, 19629, 19630, 19631,
 19632, 19633, 19634, 19635, 19636, 19637, 19638, 19639, 19640, 19641, 19642,
 19643, 19644, 19645, 19646, 19647, 19648, 19649, 19650, 19651, 19652, 19653,
 19654, 19655, 19656, 19657, 19658, 19659, 19660, 19661, 19662, 19663, 19664,
 19665, 19666, 19667, 19668, 19669, 19670, 19671, 19672, 19673, 19674, 19675,
 19676, 19677, 19678, 19679, 19680, 19681, 19682, 19683, 19684, 19685, 19686,
 19687, 19688, 19689, 19690, 19691, 19692, 19693, 19694, 19695, 19696, 19697,
 19698, 19699, 19700, 19701, 19702, 19703, 19704, 19705, 19706, 19707, 19708,
 19709, 19710, 19711, 19712, 19713, 19714, 19715, 19716, 19717, 19718, 19719,
 19720, 19721, 19722, 19723, 19724, 19725, 19726, 19727, 19728, 19729, 19730,
 19731, 19732, 19733, 19734, 19735, 19736, 19737, 19738, 19739, 19740, 19741,
 19742, 19743, 19744, 19745, 19746, 19747, 19748, 19749, 19750, 19751, 19752,
 19753, 19754, 19755, 19756, 19757, 19758, 19759, 19760, 19761, 19762, 19763,
 19764, 19765, 19766, 19767, 19768, 19769, 19770, 19771, 19772, 19773, 19774,
 19775, 19776, 19777, 19778, 19779, 19780, 19781, 19782, 19783, 19784, 19785,
 19786, 19787, 19788, 19789, 19790, 19791, 19792, 19793, 19794, 19795, 19796,
 19797, 19798, 19799, 19800, 19801, 19802, 19803, 19804, 19805, 19806, 19807,
 19808, 19809, 19810, 19811, 19812, 19813, 19814, 19815, 19816, 19817, 19818,
 19819, 19820, 19821, 19822, 19823, 19824, 19825, 19826, 19827, 19828, 19829,
 19830, 19831, 19832, 19833, 19834, 19835, 19836, 19837, 19838, 19839, 19840,
 19841, 19842, 19843, 19844, 19845, 19846, 19847, 19848, 19849, 19850, 19851,
 19852, 19853, 19854, 19855, 19856, 19857, 19858, 19859, 19860, 19861, 19862,
 19863, 19864, 19865, 19866, 19867, 19868, 19869, 19870, 19871, 19872, 19873,
 19874, 19875, 19876, 19877, 19878, 19879, 19880, 19881, 19882, 19883, 19884,
 19885, 19886, 19887, 19888, 19889, 19890, 19891, 19892, 19893, 19894, 19895,
 19896, 19897, 19898, 19899, 19900, 19901, 19902, 19903, 19904, 19905, 19906,
 19907, 19908, 19909, 19910, 19911, 19912, 19913, 19914, 19915, 19916, 19917,
 19918, 19919, 19920, 19921, 19922, 19923, 19924, 19925, 19926, 19927, 19928,
 19929, 19930, 19931, 19932, 19933, 19934, 19935, 19936, 19937, 19938, 19939,
 19940, 19941, 19942, 19943, 19944, 19945, 19946, 19947, 19948, 19949, 19950,
 19951, 19952, 19953, 19954, 19955, 19956, 19957, 19958, 19959, 19960, 19961,
 19962, 19963, 19964, 19965, 19966, 19967, 19968, 19969, 19970, 19971, 19972,
 19973, 19974, 19975, 19976, 19977, 19978, 19979, 19980, 19981, 19982, 19983,
 19984, 19985, 19986, 19987, 19988, 19989, 19990, 19991, 19992, 19993, 19994,
 19995, 19996, 19997, 19998, 19999, 20000, 20001, 20002, 20003, 20004, 20005,
 20006, 20007, 20008, 20009, 20010, 20011, 20012, 20013, 20014, 20015, 20016,
 20017, 20018, 20019, 20020, 20021, 20022, 20023, 20024, 20025, 20026, 20027,
 20028, 20029, 20030, 20031, 20032, 20033, 20034, 20035, 20036, 20

PT-2005-47

Received 10/21/2005
County Surveyor

PARTITION 2005-47
for: **AIRPARK PROPERTIES, LLC**

City of Newberg Planning File No. P-112-04

Location: SE 1/4 Section 20, T. 3 S., R. 2 W., WM.,
Richard Everest Donation Land Claim No. 52, Parcel 2
of Yamhill County Partition Plat 90-21,
City of Newberg, Yamhill County, OR

Tax Map: 3220

Date: 1 September 2005

Legend

- = monument found, flush to 0.2' down, in good condition unless otherwise stated. Origin stated if known.
- = set 5/8" iron rod with yellow plastic cap marked "Dunckel & Associates"
- ✱ = 5/8" iron rod, found from the plat of AIRPARK BUSINESS COMPLEX
- A.R.C. = plot of AIRPARK BUSINESS COMPLEX
- (-----#1) = data of record per Film Volume 267 Page 824 - slope easement
- (-----#2) = data of record per AIRPARK BUSINESS COMPLEX
- (-----#3) = data of record per Film Volume 267 Page 828
- (-----#4) = data of record per Partition Plat 90-21
- = existing easement
- = easement created by this plat.

APPROVALS

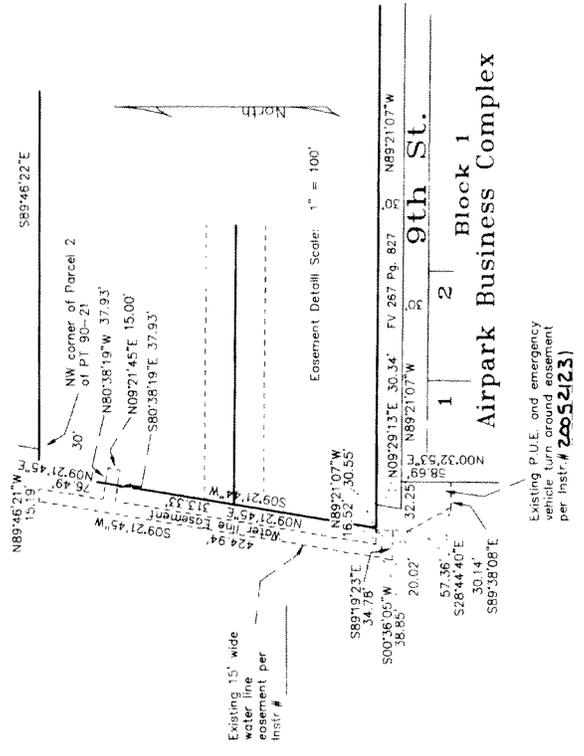
Thomas Dunckel (being) 10/17/05
City of Newberg Recorder Date

Scott Smith 10/17/05
City of Newberg Planning and Building Director Date
Newberg Planning File No. P-112-04

Alfred J. Dunckel 10/19/05
Yamhill County Surveyor Date

Returned to O.R.S. 92 095
Taxes have been paid or bond posted to this date: *Sept 30 2005*
David Lawson
City Clerk
Yamhill County Tax Collector
10-20-05

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK
200523117
\$65.00
PR-PARR CH-1 St-02 ANTR
\$45.00 \$10.00 \$11.00



SURVEYOR'S CERTIFICATE

I, Matt Dunckel, do hereby certify that I have correctly surveyed and marked with proper monuments the land hereon shown as Parcels 1, 2, and 3 the boundary of which is more particularly described as follows:

Beginning at the northwest corner of Parcel 2 of Yamhill County Partition Plat No. 90-21; thence S89°46'22"E 843.45' to the northeast corner of said Parcel 2 and the westerly margin of State Highway No. 219; thence S27°43'57"E 32.89' along said westerly margin to the most northerly corner of that tract of land described in deed from CLIMAX PORTABLE MACHINE TOOLS, INC to The STATE OF OREGON TRANSPORTATION DEPARTMENT and recorded in Film Volume 267 Page 825, Yamhill County Deed Records; thence S19°52'12"E 250.31' along the westerly line of said tract; thence S22°43'57"E 67.00' along said westerly line; thence S3°58'23"W 73.92' along said line to the northeast corner of that tract of land described in deed from CLIMAX PORTABLE MACHINE TOOLS, INC to The CITY OF NEWBERG and recorded in Film Volume 267 Page 827; thence westerly 97.33' along tangent curve concave to the north having a radius of 270.00' (chords=560'7.38" W 97'00"); thence North 89°21'07"W 688.34' along the north line of said tract to the northeast corner of Parcel 2 of said Partition Plat 90-21; thence continuing North 89°21'07"W 28.33'; thence N08°21'45"E 404.96'; thence S89°46'22"E 28.36' to the point of beginning.

Matt Dunckel
Matt Dunckel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 503-472-7904
Fax: 503-472-0867
Email: dunckel@viclink.com

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
MATT DUNCKEL
1942
Renewable 31 December 2005

This is an exact copy of the original partition plat.
Page 2 of 2

DECLARATION

KNOW ALL MEN BY THESE PRESENTS that AIRPARK PROPERTIES, LLC is the owner the lands represented on the attached map and more particularly described in the Surveyors Certificate and has caused said lands to be partitioned into the 3 parcels and easements as shown.

Kathleen Niemms
Notary Public SIGNATURE
KATHLEEN NIEMMS
Notary Public - Oregon (print name)
Commission Number 367567
My Commission Expires 9-5-07

Acknowledgement

On this 21st day of September 2005, I did personally appear ED BARTHOLEMY in the capacity shown in the above Declaration, who being duly sworn, did say that he is the identical person named in the foregoing instrument and that he executed said instrument freely and voluntarily.



First American Title Company Of Oregon MENT 8

McMinnville Office
 775 NE Evans Street
 McMinnville, OR 97128
 Tel (503) 472-4627
 Fax (866) - 800-7294
 Email: cs.mcminnville.or@firstam.com

Newberg Office
 515 E. Hancock
 Newberg, OR 97132
 Tel (503) 538-7361
 Fax (866) 800-7290
 Email: cs.mcminnville.or@firstam.com

METROSCAN PROPERTY PROFILE: YAMHILL COUNTY

Parcel Number: R3220 00304

PROPERTY CHARACTERISTICS

| | | |
|----------------|-----------------|----------------------|
| Bedrooms : | Building SqFt : | Lot Acres :4.09 |
| Bathrooms : | Living SqFt : | Lot SqFt :178,160 |
| FirePlace : | 1stFloorSF : | Foundation : |
| FirePlace2 : | 2ndFloorSF : | Wall Material : |
| Heat/AC : | 2nd+FloorSF : | Roof Material : |
| Heat/AC 2 : | Cellar SF : | Roof Shape : |
| Dishwasher : | BsmtTotalSF : | Floor Cover : |
| Hood/Fan : | Garage SqFt : | Floor Base : |
| Microwave : | Garage Type : | Year Built : |
| Garbage Disp : | Stat Class : | *UNKNOWN STAT CLASS* |

Appliances

:
:
:
:
:

MH and Lot APNs

:
:
:
:
:
:

Mobile Home

ID Number :
 Title :
 Make :

Dimensions :
 Skirt :

Farm Buildings

:
:
:
:
:
:

Units

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

PARTITION 2005-47
 for AIRPARK PROPERTIES, LLC

City of Newberg Planning File No. P-112-04
 Location: SE 1/4 Section 20, T. 3 S., R. 2 W., WM,
 Richard Everett Donation Land Claim No. 52, Parcel 2
 of Yamhill County Partition Plat 90-21,
 City of Newberg, Yamhill County, OR

Tax Map: 3220
 Date: 1 September 2005

James R. Dunlap
 City of Newberg Recorder
 Date

APPROVALS

Scott S. ...
 City of Newberg Building Director
 Date
 Newberg Planning File No. P-112-04

...
 Yamhill County Surveyor
 Date

Platmap to G.R.S. 92.095.
 Forward now been paid or bond
 posted to this
 date: *September 2, 2005*
James R. Dunlap
 Yamhill County Tax Collector

OFFICE, YAMHILL COUNTY RECORDS
 2ND FLOOR, COUNTY CLERK
 10/20/2005 10:53:36 AM
 145.00 \$10.00 \$11.00

Legend

- permanent land, flag to 0.2' from, in good condition unless otherwise stated. Origin stated if known.
- set 5/8" iron rod with yellow plastic cap marked "Timothy & Associates"
- ▲ 5/8" iron rod, found from the plat of AIRPARK BUSINESS COMPLEX
- ABC = plat of AIRPARK BUSINESS COMPLEX
- (1) = date of record per Firm Volume 267 Page 824 - scope easement
- (2) = date of record per AIRPARK BUSINESS COMPLEX
- (3) = date of record per Firm Volume 267 Page 828
- (4) = date of record per Partition Plat 90-21
- stating easement
- statement created by the plat

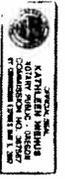
DECLARATION

I, *James R. Dunlap*, do hereby certify that AIRPARK PROPERTIES, LLC is the owner of the lands represented on the attached map and mentioned in the 3 parcels and easements as shown.

ED BARTHOLEMY, Member
 AIRPARK PROPERTIES, LLC
 STATE OF OREGON)
 COUNTY OF YAMHILL)
 Notary Public - Oregon (print name)
Ed Bartholey
 Commission Number: *367567*
 My Commission Expires: *9-5-07*

Acknowledgement

On this *5th* day of *September*, 2005, all persons, who being duly sworn, did say that he is the identical person named in the foregoing instrument and that he executed said instrument, freely and voluntarily.

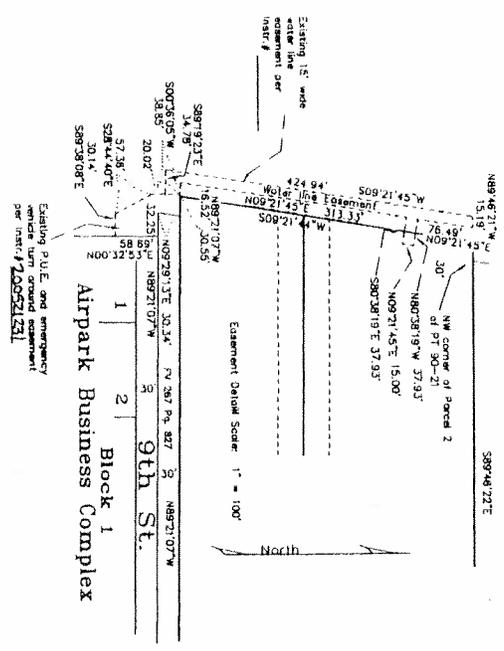


SURVEYOR'S CERTIFICATE

I, *Walt Dunlap*, do hereby certify that I have correctly surveyed and marked with proper monuments the land hereon shown as parcels 1, 2, and 3, the boundary of which is more particularly described as follows:

Beginning at the northwest corner of Parcel 2 of Yamhill County partition Plat No. 90-21; thence S89°46'27"E 343.45' to the northeast corner of said Parcel 2; and the westerly margin of State Highway No. 218; thence S22°43'51"E 52.89' along road CHALK PORTLAND MACHINE TOOLS, INC. to the STATE OF OREGON TRANSPORTATION DEPARTMENT and recorded in Firm Volume 267 Page 825, Yamhill County Deed Records; thence S19°21'21"E 126.31' along the westerly line of said tract; thence S22°43'51"E 87.00' along said westerly line; thence S31°58'23"W 73.92' along said line to the northeast corner of said tract of record described in deed from *Charles R. ...* dated 1987; thence westerly 92.53' along a non-temporary record line to the north-hanging a radius of 270.00' (center-S80°7'58"W 97.00'); thence North 89°21'07"W 888.34' along the north line of said tract; to the southwest corner of Parcel 2 of said Partition Plat 90-21; thence continuing North 89°21'07"W 80.35'; thence N09°21'45"E 404.98'; thence S89°46'27"E 28.38' to the point of beginning.

Walt Dunlap & Assoc.
 1735 Riverside Drive
 Newberg, Oregon 97138
 Phone: 503-472-7504
 Fax: 503-472-0267
 Email: dunlap@clm.com



First American Title Company Of Oregon ATTACHMENT 8

McMinnville Office
775 NE Evans Street
McMinnville, OR 97128
Tel (503) 472-4627
Fax (866) 800-7294
Email: cs.mcminnville.or@firstam.com

Newberg Office
515 E. Hancock
Newberg, OR 97132
Tel (503) 538-7361
Fax (866) 800-7290
Email: cs.mcminnville.or@firstam.com

METROSCAN PROPERTY PROFILE: YAMHILL COUNTY

Prepared For :
:
:
:
:
Prepared By : Darlene Morris Date: 9/13/2010
Add Comments :
:
:
:

OWNERSHIP INFORMATION

Parcel Number : R3220DD 00100 R:02W T:03S S:20 Q:SE QQ:SE
Ref Parcel : 1487813
Owner : Norman Gerald P; Sandra J Trustees
Site Address : 900 Industrial Pkwy Newberg 97132
Mail Address : 10905 NE Renne Rd Newberg Or 97132
Telephone : Owner Tenant
Legal : LOT 1 AIRPARK BUSINESS COMPLEX =
: .86 ACRES

SALES AND LOAN INFORMATION

Transferred : 07/25/2005 Loan Amount :
Document # : 15835 Lender :
Sale Price : Loan Type :
Deed Type : Brgn, Grant & Sale Interest Rate :
Prior Doc # : 22388

ASSESSMENT AND TAX INFORMATION

| | RMV | MAV | TAXES | |
|------------|-------------|-----------|-------------|--------------|
| Land | : \$214,053 | \$100,945 | Exempt Type | : |
| Structure | : \$416,512 | \$315,118 | Levy Code | : 29.0 |
| Total | : \$630,565 | \$462,095 | 09-10 Taxes | : \$8,053.89 |
| % Improved | : 66 | | 08-09 Taxes | : \$7,789.70 |
| | | | 07-08 Taxes | : \$7,704.50 |

Page 1 of 2

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

First American Title Company Of Oregon

ATTACHMENT 8

McMinnville Office
 775 NE Evans Street
 McMinnville, OR 97128
 Tel (503) 472-4627
 Fax (866) - 800-7294
 Email: cs.mcminnville.or@firstam.com

Newberg Office
 515 E. Hancock
 Newberg, OR 97132
 Tel (503) 538-7361
 Fax (866) 800-7290
 Email: cs.mcminnville.or@firstam.com

METROSCAN PROPERTY PROFILE: YAMHILL COUNTY

Parcel Number:R3220DD 00100

PROPERTY CHARACTERISTICS

| | | |
|----------------|-----------------|------------------------------|
| Bedrooms : | Building SqFt : | Lot Acres :.86 |
| Bathrooms : | Living SqFt : | Lot SqFt :37,462 |
| FirePlace : | 1stFloorSF : | Foundation : |
| FirePlace2 : | 2ndFloorSF : | Wall Material : |
| Heat/AC : | 2nd+FloorSF : | Roof Material : |
| Heat/AC 2 : | Cellar SF : | Roof Shape : |
| Dishwasher : | BsmtTotalSF : | Floor Cover : |
| Hood/Fan : | Garage SqFt : | Floor Base : |
| Microwave : | Garage Type : | Year Built : |
| Garbage Disp : | Stat Class : | :571 RETAIL STORE-COMMERCIAL |

Appliances

:
:
:
:
:

MH and Lot APNs

:
:
:
:
:
:

Mobile Home

ID Number :
 Title :
 Make :

Dimensions :
 Skirt :

Farm Buildings

:
:
:
:
:
:

Units

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

AFTER RECORDING RETURN TO:

Michael G. Gunn
Attorney at Law
P.O. Box 1046
Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK



\$31.00

200515835

2:56:29 PM 7/25/2005

DMR-DDMR Cnt=1 Stn=3 KENTV
\$10.00 \$10.00 \$11.00

BARGAIN AND SALE DEED
Statutory Form

Gerald P. Norman aka Gerald Norman and Sandra J. Norman aka Sandra Norman, Husband and Wife, Grantors, convey to Gerald P. Norman and Sandra J. Norman, as Co-Trustees of the "Norman Family Trust" (a revocable grantor type trust without set expiration date) dated 7/8, 2005, as Grantee, all of the Grantors' interest in the following described real property situated in Yamhill County, Oregon:

See attached Exhibit "A";

Both Grantor/Grantee certify that said Trust is a revocable grantor type trust under the terms of which the Grantor/Grantee continue to have authority to use, possess, and dispose of the subject property to the same degree as was had prior to this conveyance during the entirety of the life of Grantor/Grantee.

The true consideration for this conveyance is \$0.

Dated this 8 day of July, 2005.

Gerald P. Norman Sandra J. Norman
Gerald P. Norman AKA Gerald P. Norman Sandra J. Norman
Aka Gerald Norman Aka Sandra Norman AKA Sandra J. Norman

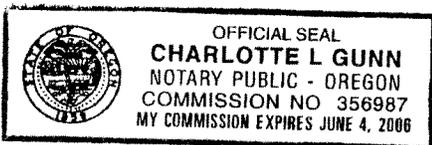
THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON)
)ss
County of Yamhill)

Personally appeared before me the above-named Gerald P. Norman aka Gerald Norman and Sandra J. Norman aka Sandra Norman who acknowledged execution of the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 8 day of July, 2005.

Charlotte L Gunn
Notary Public for Oregon
My Commission Expires 6/4/06



1/2

Order No. 71348

EXHIBIT "A"

PARCEL I:

A tract of land in Section 16, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Southwest corner of the Benjamin Heater Donation Land Claim No. 50 in Section 16, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon; thence East along the South line of said Heater Donation Land Claim, a distance of 1798.5 feet; thence North 762.0 feet; thence West 30.0 feet to the TRUE POINT OF BEGINNING; thence West 154.68 feet; thence North 38 deg. 00 min. West 159.60 feet; thence South 52 deg. 00 min. West 92.35 feet; thence South 38 deg. 00 min. East 277.80 feet; thence East 154.68 feet; thence North 150.0 feet to the true point of beginning.

PARCEL II:

A non-exclusive roadway easement 15 feet on each side of the following described center line:

Beginning at a point at the most Easterly Southeast corner of the hereinbefore described tract; thence East 15 feet to the TRUE POINT OF BEGINNING; thence North 675 feet to the center line of the County Road.

EXCEPTING therefrom the Easterly 13 feet 2 inches of said roadway easement.

Parcel III

Lot 1 AIRPARK Business Complex, in the City of Newberg, Yamhill County Oregon.

Parcel IV

Parcels 2 and 3 of Partition Plat 97-49, recorded July 11 1997 in Volume 4 Page 447, records of Plats for Yamhill County, Oregon.

2/2

T