

TYPE II APPLICATION – LAND USE

File #: PARZ1-0001

TYPES – PLEASE CHECK ONE:

- Design review
- Tentative Plan for Partition
- Tentative Plan for Subdivision
- Type II Major Modification
- Variance
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: Ed Lindley
 ADDRESS: 605 N Grant St
 EMAIL ADDRESS: lindleytl@gmail.com
 PHONE: 503-349-6331 MOBILE: _____ FAX: _____
 OWNER (if different from above): _____ PHONE: _____
 ADDRESS: _____
 ENGINEER/SURVEYOR: John Newberg PHONE: 503-474-4742
 ADDRESS: 1205 NE Evans, McMinnville, OR 97128

GENERAL INFORMATION:

PROJECT NAME: Grant ST Partition PROJECT LOCATION: 605 N Grant St
 PROJECT DESCRIPTION/USE: Partition into two lots PROJECT VALUATION: _____
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3218DC-7700 ZONE: R2 SITE SIZE: 13000 SQ. FT. ACRE
 COMP PLAN DESIGNATION: LDR TOPOGRAPHY: Flat
 CURRENT USE: single family residence
 SURROUNDING USES:
 NORTH: single family residence SOUTH: single family residence
 EAST: single family residence WEST: vacant lot

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Design Reviewp. 12
 Partition Tentative Platp. 14
 Subdivision Tentative Platp. 17
 Variance Checklistp. 20

The above statements and information herein contained 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. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Edward Lindley 9.13.21
 Applicant Signature Date
Edward Lindley
 Print Name

Edward Lindley 9.13.21
 Owner Signature Date
Edward Lindley
 Print Name

Project Overview

Applicant: Edward and Teresa Lindley
605 N Grant St
Newberg, OR 97132
503-572-5491

Owner: Same

Prepared by: Daniel Danicic, PE
Yamhill Land Development Services LLC

Property Description Tax Lot R3218DC-7700
605 N Grant Street
Newberg, OR 97132

Zoning R-2

Proposed Partition Parent Lot = 13,000 SF
Parcel 1 = 9,700 SF
Parcel 2 = 3,300 SF

Project Summary

The development proposal is to partition the lot into two parcels; one for the existing house (Parcel 1) and one new lot for a future single family residence (Parcel 2).

The existing development on the site is a single family home. No structures on the site will need to be demolished in preparation for the future development of Parcel 2.

Water and sanitary sewer can be provided for the new parcel from the existing facilities in N Grant Street. Stormwater improvements for the new lot will consist of a rain garden sized for Parcel 2 to address the increase in impervious area of the lot with the discharge to the gutter on N Grant Street.

1. The requested partition may be processed as a Type II Application as it is fully within the city limits, does not contain Goal 5 resources, complies with street connectivity standards, meets 80% or more of the net density for R2 zone, and the applicant is not requesting for a referral to the Planning Commission.
2. The proposed lots conform to the applicable provisions of NMC Division 15.400 as follows:

15.405.010 Lot area – Lot areas per dwelling unit.

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.

B. Lot or Development Site Area per Dwelling Unit.

2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

RESPONSE: The partition will result in two lots:

Parcel 1 - 9,700 SF
Parcel 2 - 3,300 SF

All parcels are greater than 3,000 SF so the criteria is met.

15.405.030 Lot dimensions and frontage.

D. Frontage.

1. No lot or development site shall have less than the following lot frontage standards:

a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).

b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.

RESPONSE: This criteria is met, see table below.

	Street Frontage (ft)	Width at Building Line (ft)
Minimum Required	25	25
Parcel 1	97	97
Parcel 2	33	33

15.405.040 Lot coverage and parking coverage requirements.

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards.

1. Maximum Lot Coverage.

b. R-2 and RP: 50 percent.

2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.

3. Combined Maximum Lot and Parking Coverage.

a. R-1, R-2 and RP: 60 percent.

RESPONSE:

This partition will result in the existing house located on Parcel 1

PARCEL	LOT AREA (SF)	LOT COVERAGE (MAX 50%)	PARKING COVERAGE (MAX 30%)	COMBINED COVERAGE (MAX 60%)
1	9700	2602 sf = 27%	1007 sf = 10%	3609 sf = 37%

Parcel 1 meets the coverage criteria.

Parcel 2 will meet lot coverage requirements at the time of development in the future when the building permits are submitted.

This criteria is met.

15.410.020 Front yard setback.

A. Residential (see Appendix A, Figure 10).

- 1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.*

RESPONSE:

Parcel 1: The existing front yard setback to the house is 28.19 ft.

Parcel 2: Will meet required setbacks when building permit submittal is made.

This criteria is met.

15.410.030 Interior yard setback.

A. Residential.

- 1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.*

RESPONSE:

Parcel 1 The side yard setback between the proposed partition line and the existing house is 5.34 ft. The side yard adjacent to the south property line is 20 feet and the rear setback is 5 feet which are greater than the code required 5 feet.

Parcel 2 will meet interior yard setback requirements when future building submittal is made.

This criteria is met.

15.410.060 Vision clearance setback.

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.

C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.

RESPONSE: There are no existing or proposed improvements along the frontage street that will obscure sight distance.

This criteria is met.

15.440.030 Parking spaces required

Dwelling, single-family: 2 for per dwelling unit

RESPONSE:

Parcel 1 has a two car garage and an extra long 26 foot driveway, so there are more than two parking spaces available.

Parcel 2 will meet this criteria when building permits are submitted.

This criteria is met.

3. Conformance with NMC Division 15.500 Public Improvement Standards

15.505.030 Street standards.

G. Street Width and Design Standards.

1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

Type of Street	<u>Right-of-Way Width</u>	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
<i>Local residential</i>	<i>54 – 60 feet</i>	<i>32 feet</i>	<i>2 lanes</i>	<i>None</i>	<i>No</i>	<i>Yes</i>

RESPONSE: The existing right-of-way of N Grant St is 60 feet and the curb-to-curb width is 32 feet.

This criteria is met.

T. Street Trees. *Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B) (4).*

RESPONSE:

In the planter strip there is an existing tree and mature shrubbery. Just behind the property line, there are four mature trees. The existing overhead utility lines located along the planter strip will be in conflict with any street tree planting. The applicant suggests that since the existing trees on the

property are directly behind the sidewalk, that they be considered as meeting the desire for street trees in order to mitigate future conflicts with overhead utilities.

The existing tree in the planter strip at the north end of the project can be considered as meeting the street tree requirement for Parcel 2.

Criteria is met.

U. Street Lights. *All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.*

RESPONSE: There currently is a pole mounted LED street light at the northeast corner of the property. This fixture provides an average of 1.8 foot-candles of light along the half-street frontage of the project. See the photometric plan at the end of this report.

15.505.040 Public utility standards. - Water, Wastewater, Stormwater

RESPONSE: Parcel 1 with the existing house is currently served by a water service line and sanitary sewer lateral in N Grant St. Stormwater runoff from the house roof drains into drywells at each downspout with the driveway flowing to the street. The general contours flow to the northwest.

Parcel 2 will be served by a new water service and sanitary sewer lateral extension from the existing facilities in N Grant St. Stormwater from pervious area for the new parcel will be collected in a rain garden then discharged at the curb along N Grant St. This will be formally designed during the future building permit phase.

The existing public waterline is 6" and the sanitary sewer line is 8". Both have the capacity to serve an additional lot.

The nearest fire hydrant is located at the northwest corner of the N. Grant St and W. North St. intersection, a distance of 87 feet. The flow test for this hydrant is at the end of this report. The results demonstrate flow and pressure compliance.

Criteria is met

4. The partition plat will be assigned a unique number by the County Surveyor at the time of recording.
Criteria is met.

5. Refer to the attached plan demonstrating compliance with master plans, design standards and construction standards.

Criteria is met.

6. Proposed private common areas and improvements.

Does not apply as no common areas are proposed.

7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.

No state or federal permits are required for the partition.

8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

Refer to the attached plans and this application which demonstrates compliance. All private franchise services have facilities along the project frontage and can be provided for future development.

OTHER CRITERIA

CC&R'S No CC&R's are proposed for this project

TRAFFIC ANALYSIS This project will create fewer than 40pm peak hour trips for the one new single family lots so a traffic impact study is not required.

PUBLIC UTILITY ANALYSIS Adequate public utilities are available to serve the new parcel. Refer to response in item 3 above for further details.

FUTURE STREETS CONCEPT PLAN
No future street plan required as there is no undeveloped land adjacent to this project.

WETLANDS DELINEATION
The property is not listed on the Northwest Wetlands Inventory nor included as part of the city stream corridor overlay.

STORMWATER ANALYSIS

The site topography falls generally towards the north and west. The public improvements necessary for this partition will not require any onsite grading that changes the topography or drainage. Future development of Parcel 2 can occur without altering the natural drainage patterns on the site nor increase runoff to neighboring parcels.

There is no increase in impervious area associated with Parcel 1 which consists of the existing home and driveway, so no stormwater treatment is required for this lot.

For Parcel 2, development will place the finish floor elevation high enough so that stormwater runoff from new impervious areas will route the roof drains through a rain garden or planter then to the curb and gutter in N Grant St. The size of the rain garden will be determined at the time of building permit submittal for each lot.



www.unitedfirepd.com
 4611 NE MLK JR BLVD
 PORTLAND, OR 97211
 Phone: 503-249-0771
 Fax: 503-249-0572
 Email: service@unitedfirepd.com
 Oregon CCB# 65290
 Washington EC06# UNTDFPH95ONT

CHECK SHEET FOR TEST OF PRIVATE FIRE HYDRANTS

Test Date: 03/09/21
 Job Number: 20795214
 Business Name: Lindley Homes
 Building Name: Lindley Homes
 Building Address: 605 North Grant Street
 Contact: Teresa Lindley
 Phone: 503-349-6331

Hydrant Group

Location in Site	Group Name	Quantity
		1

Hydrants

Status: active Location of Hydrant: 150' south of address
 Make: Mueller Model:

Access unobstructed?	yes	GPM flowed	2,532
Faced correctly?	yes	Thread in good repair?	yes
Set properly?	yes	Lubricated?	
Location of residual pressure gage	On hydrant	Caps replaced?	yes
Static pressure	92	Leakage in base, dome or sleeve when under pressure?	no
Residual pressure	81	Hydrant operates properly?	yes
Sizes of outlets flowed	2.5	Operating nut lubricated?	
Number of outlets flowed	1	Hydrant drains properly after test?	yes
Pitot reading	31		

Required Corrections and Explanation of Problems: None at this time.
 Corrections Made: None at this time.

Has the building owner / representative been notified of any deficiencies?	NO
If YES, who was notified?	
If NO, why wasn't the owner / representative notified?	NA

Certified Personnel Conducting Test: Juliette Semro, Tech from Newberg water department.

Certification #: 8058

Name of Company: United Fire

Signature:

Phone: 503-249-0771



First American

First American Title Insurance Company

775 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Teresa Lindley
605 N Grant St
Newberg, OR 97132-2304
Phone: (503)349-6331
Fax:

Date Prepared : May 31, 2021
Effective Date : 8:00 A.M on May 27, 2021
Order No. : 1039-3753350
Subdivision :

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:
- As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.
- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:
- As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.
- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:
- As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof
- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:
- As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

EXHIBIT "A"
(Land Description Map Tax and Account)

BEING A PART OF THE DONATION LAND CLAIM OF JOHN H. HESS AND SEBY HESS, HIS WIFE, CLAIM NO. 39 IN TOWNSHIP 3 SOUTH, RANGE 2 WEST AND CLAIM #60 IN TOWNSHIP 3 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN AND FURTHER BEING SITUATED IN SECTION 18, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 5 CHAINS WEST OF THE SOUTHEAST CORNER OF THE NORTH HALF OF SAID CLAIM, SAID POINT BEING ALSO THE SOUTHWEST CORNER OF THE TOWN PLAT OF NEWBERG, OREGON, AS SURVEYED AND PLATTED BY H.S. MALONEY ON THE 24TH DAY OF FEBRUARY 1881, AND RECORDED AT PAGE 224 OF VOLUME "U" DEED RECORDS; THENCE RUNNING NORTH 225 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO HERSCHEL L. THORNBURG ET UX. BY DEED RECORDED JUNE 8, 1964 IN FILM VOLUME 43, PAGE 316, DEED AND MORTGAGE RECORDS; THENCE WEST ALONG THE NORTH LINE OF THE ABOVE TRACT 100 FEET TO A POINT; THENCE SOUTH AND PARALLEL WITH THE EAST LINE OF THE HEREIN TRACT, 130 FEET TO A POINT; SAID POINT BEING NORTH 95 FEET AND WEST 100 FEET FROM THE POINT OF BEGINNING; THENCE EAST 100 FEET TO A POINT ON THE EAST LINE OF THE HEREIN TRACT, SAID POINT BEING NORTH 95 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 130 FEET TO THE TRUE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

Map No.: R3218DC 03000

Tax Account No.: 43562

EXHIBIT "B"
(Vesting)

Edward Lindley and Teresa Lindley

EXHIBIT "C"
(Liens and Encumbrances)

1. City liens, if any, of the City of Newberg.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	\$3,146.26
Map No.:	R3218DC 03000
Property ID:	43562
Tax Code No.:	29.0

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
 - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
 - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.



Community Development Department

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

WE WANT YOUR COMMENTS ON A PROPOSED NEW DEVELOPMENT IN YOUR NEIGHBORHOOD

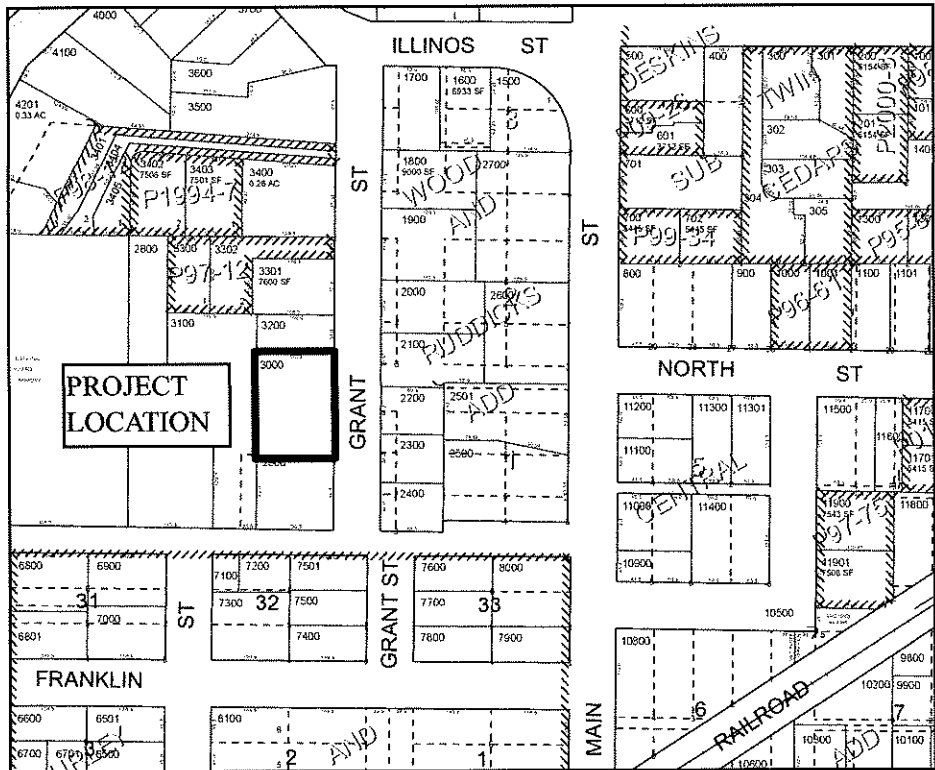
A property owner in your neighborhood submitted an application to the City of Newberg to subdivide a parcel of land from one lot into 2 separate lots. You are invited to take part in the City's review of this project by sending in your written comments. The applicable criteria used to make a decision on this application for preliminary partition plat approval are found in Newberg Development Code 15.235.050(A). For more details about giving comments, please see the back of this sheet.

The application would divide one tax lot into two lots: Parcel 1 will be 9700 SF accessed from N. Grant St, Parcel 2 will be 3300 SF accessed from N Grant St.

APPLICANT/OWNERS: Edward and Teresa Lindley
TELEPHONE: 503-349-6331

LOCATION: 605 N Grant Street
Newberg, OR 97132

TAX LOT NUMBER: Yamhill County Tax Map R3218-DC-03000



We are mailing you information about this project because you own land within 500 feet of the proposed new project. We invite you to send any written comments for or against the proposal within 14 days from the date this notice is mailed. You may also request that the Newberg Planning Commission hold a hearing on the application by sending a written request during this 14-day period and identifying the issues you would like the Planning Commission to address.

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

Written Comments: File PAR 21-XXXX
City of Newberg
Community Development
PO Box 970
Newberg, OR 97132

All written comments must be received by 4:30 p.m. on XXXXX, 2021. Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the city in writing before this date. 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 for preliminary subdivision plan approval are found in Newberg Development Code 15.235.050(A).

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. If you have any questions about the project, you can call the Newberg Planning Division at 5033-537-1240.

The Community Development Director will make a decision at the end of a 14-day comment period. If you send in written comments about this project, you will be sent information about any decision made by the City relating to this project.

Date Mailed: XXXXX, 2021.

POSTED NOTICE

Land Use Notice

FILE # PAR21-XXXX

PROPOSAL: Partition 605 N Grant Street into Two Lots

FOR FURTHER INFORMATION, CONTACT:

City of Newberg
Community Development Department
414 E First Street
Phone: 503-537-1240

2'

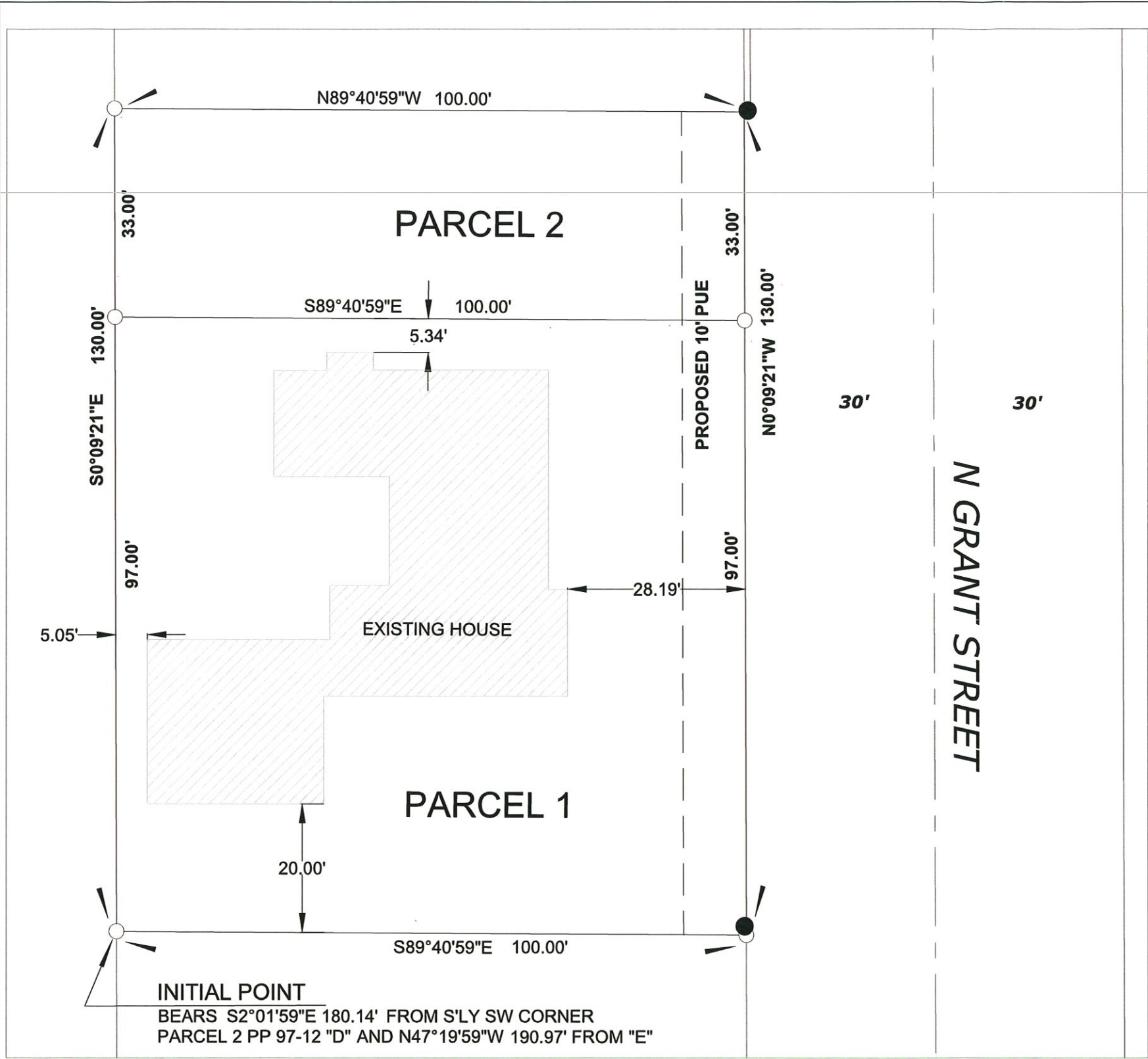
3'

Notice must be white with black letters, and must be landscape orientation, as shown above.
The notice must be lettered using block printing or a "sans-serif" font, such as Arial.

TAXID	Owner Name	Mailing Address	Mail City	Mail Zip	Site Address	Site City	Site Zip
R3218DC 00500	Jennifer Swafford & Derek Gerber	102 E Illinois St	Newberg	OR 97132	102 E Illinois St	Newberg	OR 97132
R3218DC 02900	Michael & Deloris Leavitt	603 N Grant St	Newberg	OR 97132	603 N Grant St	Newberg	OR 97132
R3218DC 07600	Ashley Skoch & James Sullivan	508 N Grant St	Newberg	OR 97132	508 N Grant St	Newberg	OR 97132
R3218DC 06900	Mark Reyes	507 N Lincoln St	Newberg	OR 97132	507 N Lincoln St	Newberg	OR 97132
R3218DC 00700	Kesa Nomiyama	608 N Main St	Newberg	OR 97132	608 N Main St	Newberg	OR 97132
R3218DC 01900	Robert Harding Sr & Barbara Wilhelm	622 N Grant St	Newberg	OR 97132	622 N Grant St	Newberg	OR 97132
R3218DC 00601	Cesar & Fatuma Opelele	Po Box 118	Newberg	OR 97132	614 N Main St	Newberg	OR 97132
R3218DC 00600	Salvador Baca & Raquel Vazquez	Po Box 118	Newberg	OR 97132	616 N Main St	Newberg	OR 97132
R3218DC 90000	Robert & Valerie Maslen	Po Box 193	Dundee	OR 97115	No Site Address	Newberg	OR 97132
R3218DC 05301	Linda Walker	501 N Harrison St	Newberg	OR 97132	501 N Harrison St	Newberg	OR 97132
R3218DC 08100	Stephen & Cora Waldroup	403 N Main St	Newberg	OR 97132	403 N Main St	Newberg	OR 97132
R3218DC 06501	William & Barbara Robertson	415 N Lincoln St	Newberg	OR 97132	415 N Lincoln St	Newberg	OR 97132
R3218DC 07700	Linda Newton-Curtis	504 N Grant St	Newberg	OR 97132	504 N Grant St	Newberg	OR 97132
R3218DC 07100	Benjamin Massey	210 W North St	Newberg	OR 97132	210 W North St	Newberg	OR 97132
R3218DC 90003	Robert & Valerie Maslen	Po Box 193	Dundee	OR 97115	509 N Harrison St	Newberg	OR 97132
R3218DC 06700	Jsh Llc	23167 NE Sunnycrest Rd	Newberg	OR 97132	315 W Sherman St	Newberg	OR 97132
R3218DC 00702	Bryanna & Samuel Oliver-Palmquist	109 E North St	Newberg	OR 97132	109 E North St	Newberg	OR 97132
R3218DC 06500	Barbara & Robert Velander	3926 N Boomer Dr	Newberg	OR 97132	407 N Lincoln St	Newberg	OR 97132
R3218DC 07400	William & Karen Warmoth	501 N Grant St	Newberg	OR 97132	501 N Grant St	Newberg	OR 97132
R3218DC 03800	Taylor & Kalin Rehm	212 W Illinois St	Newberg	OR 97132	212 W Illinois St	Newberg	OR 97132
R3218DC 14000	Delmar Washburn	715 S Dayton Ave	Newberg	OR 97132	117 W Illinois St	Newberg	OR 97132
R3218DC 02200	Jeanette Eng	608 N Grant St	Newberg	OR 97132	608 N Grant St	Newberg	OR 97132
R3218DC 03100	Michael & Deloris Leavitt	603 N Grant St	Newberg	OR 97132	W North St	Newberg	OR 97132
R3218DC 04700	Larry Hinton	14320 79th Pl NE	Kirkland	WA 98034	508 N Morton St	Newberg	OR 97132
R3218DC 11100	Robert Eberhard	1604 N College St	Newberg	OR 97132	No Site Address	Newberg	OR 97132
R3218DC 11000	Adam & Ruben Perez	4205 NE Riverside Loop	Mcminville	OR 97128	504 N Main St	Newberg	OR 97132
R3218DC 00701	David & Lorijene Keightley	612 N Main St	Newberg	OR 97132	612 N Main St	Newberg	OR 97132
R3218DC 03402	Howard Francis R & Sally A Howard Family Trust	16585 Fair Mile Rd	Sisters	OR 97759	631 N Grant St	Newberg	OR 97132
R3218DC 07000	Mark Saddoris	503 N Lincoln St	Newberg	OR 97132	503 N Lincoln St	Newberg	OR 97132
R3218DC 02500	Blane & Mary Hansen	101 W North St	Newberg	OR 97132	101 W North St	Newberg	OR 97132
R3218DC 03400	Mark Wells	627 N Grant St	Newberg	OR 97132	627 N Grant St	Newberg	OR 97132
R3218DC 03301	Mark & Melissa Terry	621 N Grant St	Newberg	OR 97132	621 N Grant St	Newberg	OR 97132
R3218DC 13000	Nathaniel Mccoy & Kathryn Menninger	703 N Main St	Newberg	OR 97132	703 N Main St	Newberg	OR 97132
R3218DC 08000	Stanley Shirts	505 N Main St	Newberg	OR 97132	505 N Main St	Newberg	OR 97132
R3218DC 03600	Billy Hill	204 W Illinois St	Newberg	OR 97132	204 W Illinois St	Newberg	OR 97132
R3218DC 07300	Jason & Erin Fincher	211 W Franklin St	Newberg	OR 97132	211 W Franklin St	Newberg	OR 97132
R3218DC 03404	Shauna Peterson	633 N Grant St APT B	Newberg	OR 97132	633 N Grant St	Newberg	OR 97132
R3218DC 04600	Smith Steven C & Penelope J Smith Steven & Penelope Living T	512 N Morton St	Newberg	OR 97132	512 N Morton St	Newberg	OR 97132
R3218DC 02100	Terry & Deborah Langridge	614 N Grant St	Newberg	OR 97132	614 N Grant St	Newberg	OR 97132
R3218DC 02300	Emily & Ethan Thursam	606 N Grant St	Newberg	OR 97132	606 N Grant St	Newberg	OR 97132

R3218DC 03403	Howard Francis R & Sally A Howard Family Trust	16585 Fair Mile Rd	Sisters	OR	97759	629 N Grant St	Newberg	OR	97132
R3218DC 03500	Calvin & Barbara Ristine	635 N Grant St	Newberg	OR	97132	635 N Grant St	Newberg	OR	97132
R3218DC 01500	Chadwick & Ellen Hughes	110 W Illinois St	Newberg	OR	97132	110 W Illinois St	Newberg	OR	97132
R3218DC 04300	Chehalem Park & Recreation District	1802 E Haworth Ave	Newberg	OR	97132	620 N Morton St	Newberg	OR	97132
R3218DC 02400	Gemma Fosmark	Po Box 1135	Newberg	OR	97132	117 W North St	Newberg	OR	97132
R3218DC 15000	William & Angella Burns	121 W Illinois St	Newberg	OR	97132	121 W Illinois St	Newberg	OR	97132
R3218DC 01000	Gail Watson	Po Box 1032	Newberg	OR	97132	621 N Morton St	Newberg	OR	97132
R3218DC 04500	John & Sonja Riches	Po Box 5014	Salem	OR	97304	514 N Morton St	Newberg	OR	97132
R3218DC 00900	Kristina White	623 N Morton St	Newberg	OR	97132	623 N Morton St	Newberg	OR	97132
R3218DC 02501	Franklin & Meyers Holding Company Lic	611 N Main St	Newberg	OR	97132	611 N Main St	Newberg	OR	97132
R3218DC 11200	5Th Street Abode Llc	32300 NE Old Parrett Mountain	Newberg	OR	97132	514 N Main St	Newberg	OR	97132
R3218DC 03700	Rodney Johnson	208 W Illinois St	Newberg	OR	97132	208 W Illinois St	Newberg	OR	97132
R3218DC 03401	Nathaniel Huggett	633 N Grant St APT C	Newberg	OR	97132	633 N Grant St	Newberg	OR	97132
R3218DC 90001	Robert & Valerie Maslen	300 E Foothills Dr	Newberg	OR	97132	505 N Harrison St	Newberg	OR	97132
R3218DC 06701	Mark & Kara Johnson	309 W Sherman St	Newberg	OR	97132	309 W Sherman St	Newberg	OR	97132
R3218DC 02600	Big Bear Properties Llc	16650 NE Hillside Dr	Newberg	OR	97132	617 N Main St	Newberg	OR	97132
R3218DC 03000	Edward & Teresa Lindley	605 N Grant St	Newberg	OR	97132	605 N Grant St	Newberg	OR	97132
R3218DC 04000	Tiffany & Angel Olea	644 N Morton St	Newberg	OR	97132	644 N Morton St	Newberg	OR	97132
R3218DC 06801	Juan & Inez Garza	500 N Harrison St	Newberg	OR	97132	500 N Harrison St	Newberg	OR	97132
R3218DC 03900	Thomas & Ramona Hakom	648 N Morton St	Newberg	OR	97132	648 N Morton St	Newberg	OR	97132
R3218DC 04201	Michael & Janet Romasco	2361 NW Anthony Ct	Mcminville	OR	97128	626 N Morton St	Newberg	OR	97132
R3218DC 01700	William & Nancy Alldredge	116 W Illinois St	Newberg	OR	97132	116 W Illinois St	Newberg	OR	97132
R3218DC 03200	Scott & Diane Canfield	115 E Illinois St	Newberg	OR	97132	617 N Grant St	Newberg	OR	97132
R3218DC 06600	Francisco & Marina Cervantes	314 W Franklin St	Newberg	OR	97132	314 W Franklin St	Newberg	OR	97132
R3218DC 07200	Melvin Roland	208 W North St	Newberg	OR	97132	208 W North St	Newberg	OR	97132
R3218DC 03302	Erin Robinson	623 N Grant St	Newberg	OR	97132	623 N Grant St	Newberg	OR	97132
R3218DC 02800	Kenneth & Valerie Moore	215 W North St	Newberg	OR	97132	215 W North St	Newberg	OR	97132
R3218DC 03300	Ruth Rodriguez	625 N Grant St	Newberg	OR	97132	625 N Grant St	Newberg	OR	97132
R3218DC 11400	Adam & Susan Perez	4205 NE Riverside Loop	Mcminville	OR	97128	111 E Franklin St	Newberg	OR	97132
R3218DC 10800	Jeff & George Lic	Po Box 3215	Newberg	OR	97132	406 N Main St	Newberg	OR	97132
R3218DC 04400	John & Deanna Mccarty	516 N Morton St	Newberg	OR	97132	516 N Morton St	Newberg	OR	97132
R3218DC 90002	Robert & Valerie Maslen	Po Box 193	Dundee	OR	97115	507 N Harrison St	Newberg	OR	97132
R3218DC 04200	Daniel & Van Vanburen	622 N Morton St	Newberg	OR	97132	622 N Morton St	Newberg	OR	97132
R3218DC 01800	Debra Clark	626 N Grant St	Newberg	OR	97132	626 N Grant St	Newberg	OR	97132
R3218DC 04100	Michael Strandberg & Amy Griffith-Strandberg	640 N Morton St	Newberg	OR	97132	640 N Morton St	Newberg	OR	97132
R3218DC 00800	Kathleen Hoff	22041 Tanbark Ln	Lake Forest	CA	92630	625 N Morton St	Newberg	OR	97132
R3218DC 03405	Phakunarith Him	633 N Grant St APT A	Newberg	OR	97132	633 N Grant St	Newberg	OR	97132
R3218DC 11300	James & Leilani Schweitzer	110 E North St	Newberg	OR	97132	110 E North St	Newberg	OR	97132
R3218DC 07900	Sharon Capri	4034 SW Hamilton St	Portland	OR	97221	501 N Main St	Newberg	OR	97132
R3218DC 07800	Nathan & Sabrina Dryden	500 N Grant St	Newberg	OR	97132	500 N Grant St	Newberg	OR	97132
R3218DC 05200	Christopher Goldstein	409 N Hamison St	Newberg	OR	97132	409 N Harrison St	Newberg	OR	97132

R3218DC 02000	Robert & Tina Hubbard	616 N Grant St	Newberg	OR	97132	616 N Grant St	Newberg	OR	97132
R3218DC 06800	Huffman Kevin E Living Trust	314 W North St	Newberg	OR	97132	314 W North St	Newberg	OR	97132
R3218DC 10900	Jessica & Carlos Pena	500 N Main St	Newberg	OR	97132	500 N Main St	Newberg	OR	97132
R3218DC 06400	Bryan & Karyne Hatton	301 W Sherman St	Newberg	OR	97132	301 W Sherman St	Newberg	OR	97132
R3218DC 01600	Randy & John Higley	112 W Illinois St	Newberg	OR	97132	112 W Illinois St	Newberg	OR	97132
R3218DC 00800	5Th Street Rental Llc	32300 NE Old Parrett Mountain	Newberg	OR	97132	602 N Main St	Newberg	OR	97132
R3218DC 02700	Tobias Schussler	625 N Main St	Newberg	OR	97132	625 N Main St	Newberg	OR	97132
R3218DC 07500	Daniel Stout	505 N Grant St	Newberg	OR	97132	509 N Grant St	Newberg	OR	97132
R3218DC 07501	Shawn Kirby & Gabriel Louthan	509 N Grant St	Newberg	OR	97132	509 N Grant St	Newberg	OR	97132



605 N GRANT ST.
 NEWBERG, OR 97132

PROPOSED PARTITION

NO.	DATE	DESCRIPTION
	6/20/21	TYPE II APPLICATION

PREPARED BY:
 DANIEL DANICIC, PE
 YAMHILL LAND DEVELOPMENT SERVICES
 PO BOX 1042
 NEWBERG, OR 97132
 D.J.D.YLDS@GMAIL.COM
 503-476-7702

PROPOSED PARTITION

Location: The SW 1/4 of Sec. 18, T. 3 S., R. 2 W., W.M.,
 City of Newberg, Oregon
 Yamhill County

Tax Lot: R3218DC - 3000

Site Address: 605 N GRANT ST, Newberg OR

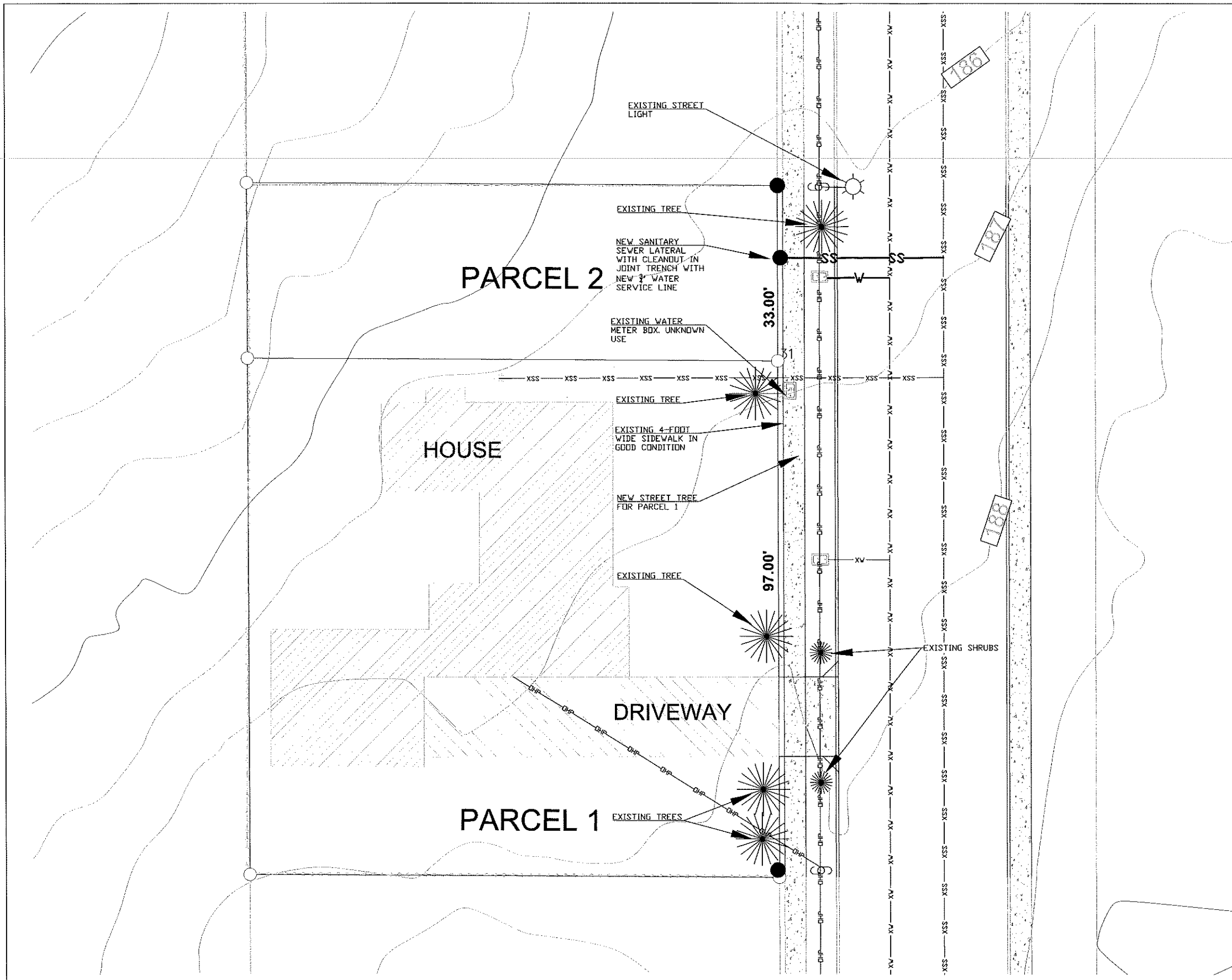
SURVEYOR
 John Newberg, PLS
 Newberg Surveying Inc.
 1205 NE Evans
 McMinnville, OR 97128
 503-474-4742
 503-474-3752 FAX
 971-237-1956 Cell



PRELIMINARY

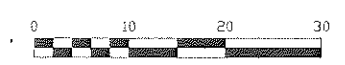
EXPIRES 12/31/21
 SHEET
 1 OF 2

Plotted: Jul 04, 2021 - 2:30pm, /tmp/ACPublish_26062/undley_Partition.dwg, Layout: 1 - Partition_Submittal



- ### Legend
- = MONUMENT FOUND
 - = WATER VALVE
 - = WATER METER
 - = FIRE HYDRANT
 - = POWER METER
 - = POWER POLE
 - = GUY ANCHOR
 - = STREET LIGHT
 - = EXISTING SEWER CLEANOUT
 - = NEW SEWER CLEANOUT
 - = SANITARY SEWER MANHOLE
 - = GAS METER
 - = GAS LINE
 - = EXISTING SANITARY SEWER LINE
 - = SANITARY SEWER LINE
 - = OVERHEAD POWER
 - = EDGE OF ROCK
 - = EXISTING STORM DRAIN LINE
 - = STORM DRAIN LINE
 - = EXISTING WATER LINE
 - = WATER LINE
 - = EDGE OF PAVEMENT
 - = EDGE OF CONCRETE
 - = MAJOR CONTOUR INTERVAL (5')
 - = MINOR CONTOUR INTERVAL (1')
 - = WOOD FENCE
 - = CROWN OF ROAD
 - = EXISTING ASPHALT
 - = NEW ASPHALT
 - = NEW CONCRETE

EXISTING SITE CONDITIONS AND PUBLIC IMPROVEMENTS
SCALE 1:10
NORTH



605 N GRANT ST.
NEWBERG, OR 97132

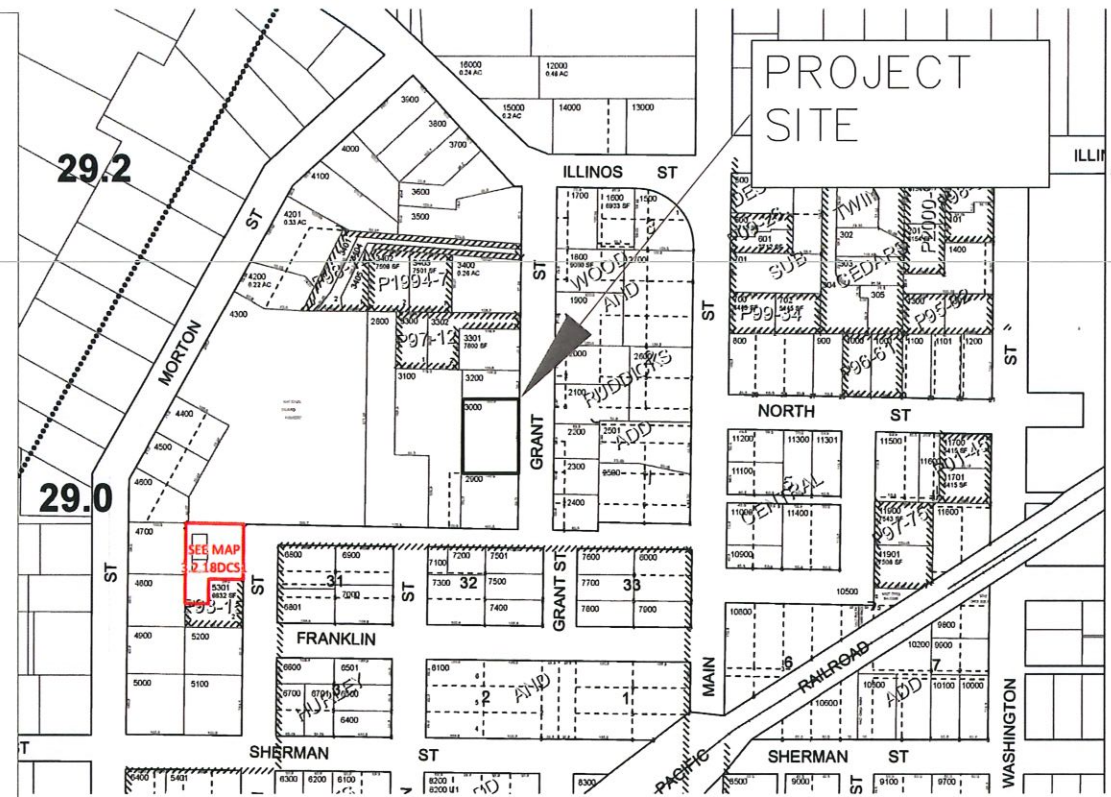
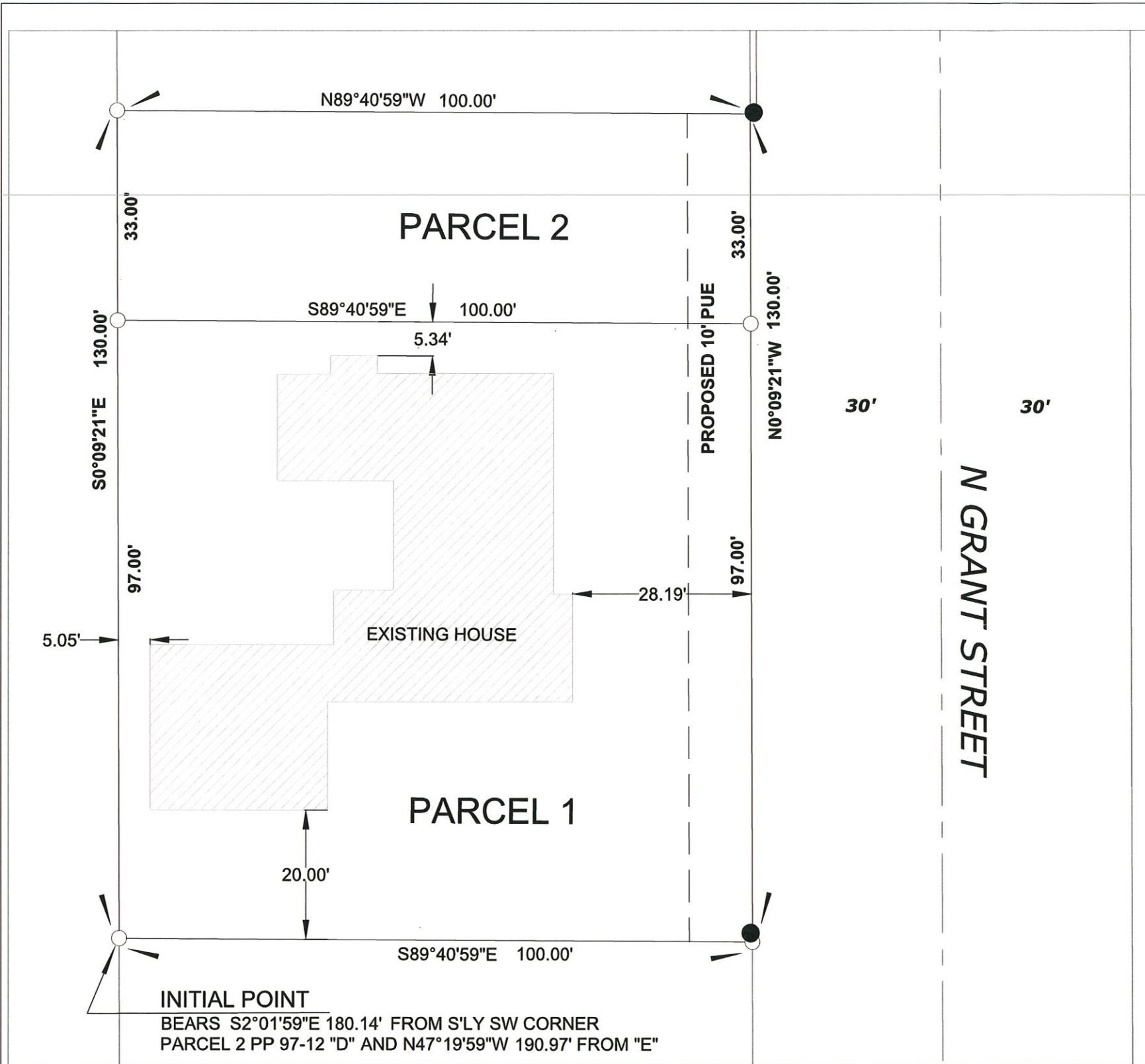
EXISTING SITE CONDITIONS
AND
PROPOSED PUBLIC
IMPROVEMENTS

REVISIONS	
NO.	DATE
	9/30/21
DESCRIPTION	TYPE II APPLICATION

PREPARED BY:
DANIEL DANICIC, PE
YAMHILL LAND DEVELOPMENT SERVICES
PO BOX 1042
NEWBERG, OR 97132
DUD.YLDS@GMAIL.COM
503-476-7702

PRELIMINARY
EXPIRES 12/31/21
SHEET

Plotted: ar_B4_2021 - 2:30pm - /tmp/ae7vubh3/3802/Indley_Parcel1m.dwg, Layout: 1 - Borcher's Submitter



605 N GRANT ST.
 NEWBERG, OR 97132

PROPOSED PARTITION

NO.	DATE	DESCRIPTION
	6/20/21	TYPE II APPLICATION

PREPARED BY:
 DANIEL DANICIC, PE
 YAMHILL LAND DEVELOPMENT SERVICES
 PO BOX 1042
 NEWBERG, OR 97132
 D.J.D.YLDS@GMAIL.COM
 503-476-7702

EXPIRES 12/31/21
 SHEET
1 OF 2

PROPOSED PARTITION

Location: The SW 1/4 of Sec. 18, T. 3 S., R. 2 W., W.M.,
 City of Newberg, Oregon
 Yamhill County

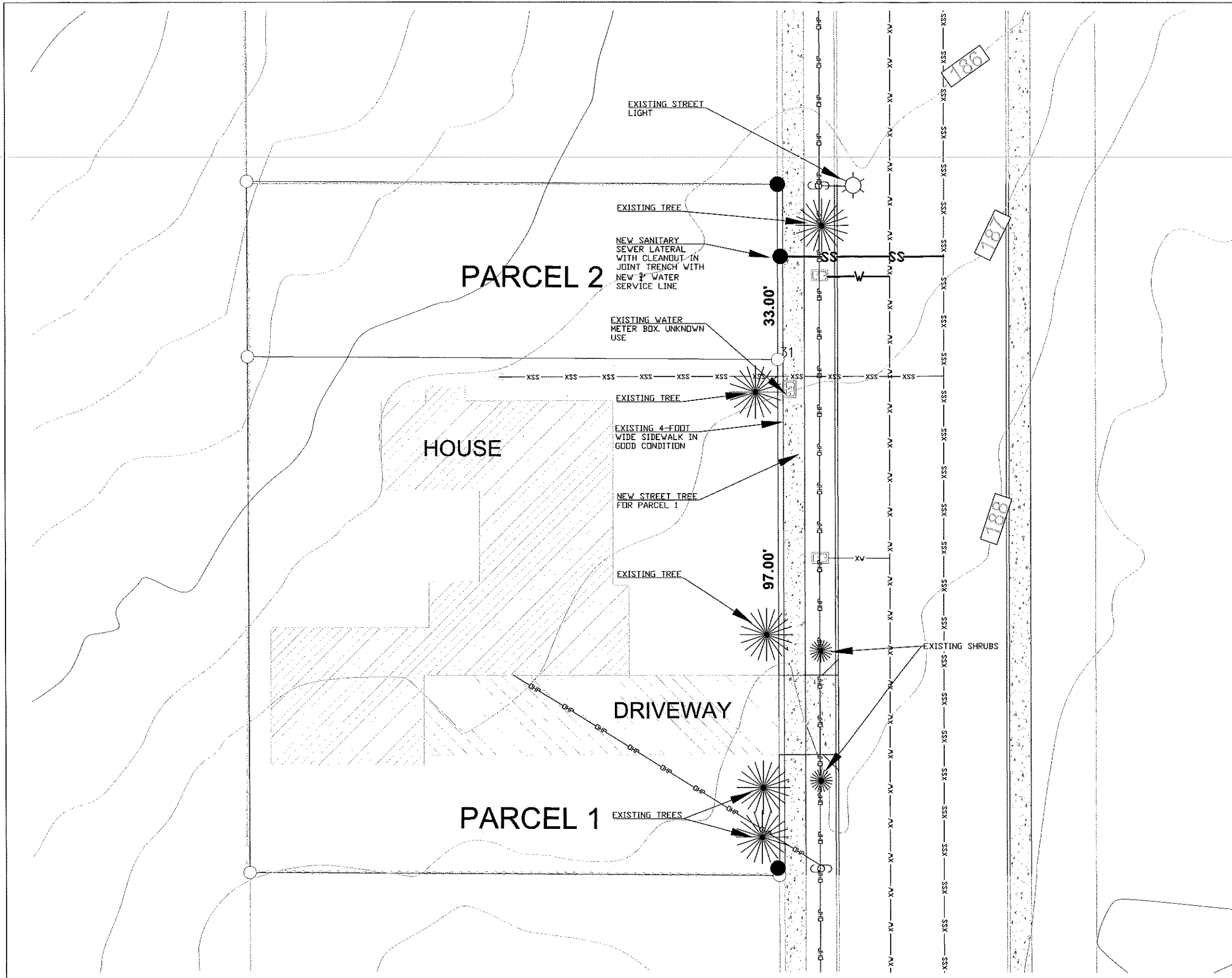
Tax Lot: R3218DC - 3000

Site Address: 605 N GRANT ST, Newberg OR

SURVEYOR
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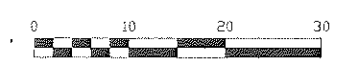


PRELIMINARY



- ### Legend
- = MONUMENT FOUND
 - = WATER VALVE
 - = WATER METER
 - = FIRE HYDRANT
 - = POWER METER
 - = POWER POLE
 - = GUY ANCHOR
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 - = GAS METER
 - G — G — G = GAS LINE
 - XSS — XSS = EXISTING SANITARY SEWER LINE
 - SS — SS = SANITARY SEWER LINE
 - DHP — DHP = OVERHEAD POWER
 - XSD — XSD = EXISTING STORM DRAIN LINE
 - SD — SD = STORM DRAIN LINE
 - XV — XV = EXISTING WATER LINE
 - W — W — W = WATER LINE
 - — — = EDGE OF PAVEMENT
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 - — — = MAJOR CONTOUR INTERVAL (5')
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 - — — = WOOD FENCE
 - — — = CROWN OF ROAD
 - ▨ = EXISTING ASPHALT
 - ▨ = NEW ASPHALT
 - ▨ = NEW CONCRETE

EXISTING SITE CONDITIONS AND PUBLIC IMPROVEMENTS
SCALE 1:10
NORTH



605 N GRANT ST.
NEWBERG, OR 97132

EXISTING SITE CONDITIONS
AND
PROPOSED PUBLIC
IMPROVEMENTS

REVISIONS	
NO.	DATE
	8/30/21
DESCRIPTION	TYPE II APPLICATION

PREPARED BY:
DANIEL DANICIC, PE
YAMHILL LAND DEVELOPMENT SERVICES
PO BOX 1042
NEWBERG, OR 97132
DUD.YLDS@GMAIL.COM
503-476-7702

PRELIMINARY
EXPIRES 12/31/21
SHEET

Plotted: ar, bh, 2021 - 2:30pm. /rns/ae/ps/ah/indley/Portfolio/06c... Layout: 1 - Borcher's Submitter



First American

First American Title Insurance Company

775 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

Supplemental
**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Teresa Lindley
605 N Grant St
Newberg, OR 97132-2304
Phone: (503)349-6331
Fax:

Date Prepared : October 14, 2021
Effective Date : 8:00 A.M on October 12, 2021
Order No. : 1039-3753350
Subdivision :

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

EXHIBIT "C"
(Liens and Encumbrances)

1. Taxes for the year 2021-2022

Tax Amount	\$	3,899.93
Unpaid Balance:	\$	3,899.93, plus interest and penalties, if any
Code No.:		29.0
Map & Tax Lot No.:		R3218DC 03000
Property ID No.:		43562

2. City liens, if any, of the City of Newberg.

3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. **Liability of the Company.**
 - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
 - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.