

RESOLUTION No. 2014-3121

**A RESOLUTION AUTHORIZING THE CITY RECORDER TO EXECUTE A
20 FOOT WIDE EASEMENT TO NORTHWEST NATURAL GAS COMPANY
AND TO EXECUTE THE EXTINGUISHMENT OF THE EXISTING NW
NATURAL GAS COMPANY 20 FOOT WIDE EASEMENT**

RECITALS:

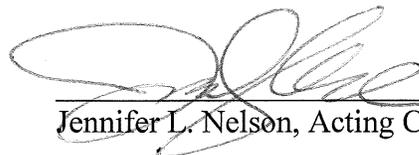
1. NW Natural Gas Company currently has an existing gas line crossing city property near the west end of the Sportsman Airpark runway, extending to Wyooski Road, as shown on the attached Exhibit A.
2. The location and elevation of the Newberg-Dundee Bypass Hess Creek crossing requires the relocation of the existing Northwest Natural Gas Company line.
3. NW Natural Gas Company plans to relocate its gas line, abandon its existing gas line, and extinguish the existing easement approved by Resolution No. 2002-2412 as shown in Exhibit B for the quit claim deed depicting the easement extinguishment.
4. NW Natural Gas Company is requesting a new 20 foot wide easement from the city for the proposed gas line, as shown on attached Exhibit A.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The city council hereby authorizes the city recorder to execute the proposed easement conveyance to NW Natural Gas Company, and execute the extinguishment of the existing easement to Northwest Natural Gas Company, after review, modification, and approval, of the conveyance documents by the city attorney, as shown in Exhibit A and Exhibit B, which are hereby attached and by this reference incorporated.

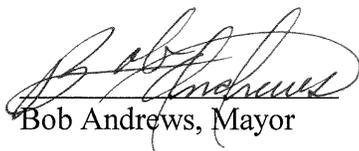
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 22, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 21th day of April, 2014.



Jennifer L. Nelson, Acting City Recorder

ATTEST by the Mayor this 24th day of April, 2014.



Bob Andrews, Mayor

**EXHIBIT A to
Resolution No. 2014-3121**

After recording return to:
Northwest Natural Gas Co.
Risk and Land Department
220 NW Second Avenue
Portland OR 97209

GAS PIPELINE EASEMENT IN GROSS

Grantor(s): CITY OF NEWBERG, OREGON

**Grantee: NORTHWEST NATURAL GAS COMPANY,
an OREGON CORPORATION**

For the sum of one dollar and other valuable consideration, Grantor(s), **CITY OF NEWBERG, OREGON** hereby grant(s) and convey(s) to Grantee, **NORTHWEST NATURAL GAS CORPORATION**, and its successors and assigns, an easement to install, operate, maintain, replace and change the size of a gas pipeline or pipelines and related equipment in and upon the following described property:

A strip of land twenty 20.00 feet in width, situated in the Southeast 1/4 of Section 20, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon; being portions of those properties conveyed in Yamhill County Deed Records Vol. 77, Pg. 706 (3/2/1920) and Vol. 83, Pg. 093 (3/2/1920) to the City of Newberg; and being more particularly described as that portion of said properties which lays 10.00 feet each side of pipe centerline described as follows:

Beginning at a point on the North line of the Samuel D. Snowden DLC #68, which bears South 87°38'12" East 1,460.09 feet from the Northwest Corner of said DLC #68 (said point also bears South 87°38'12" East 125.65 feet from a found 5/8 inch iron rod at the Northwest corner of that property conveyed in said Vol. 77, Pg. 706);

Thence South 29°24'32" West 112.28 feet, more or less, to the South line of said property conveyed in Vol. 77, Pg. 706 and the terminus of said centerline description.

Subject to the lengthening and/or shortening of sidelines so that they terminate on the proper boundaries of said 20.00 foot strip and the City of Newberg's ownerships.

Contains 0.051 acres or 2,246 square feet, more or less.

Grantee will install the pipeline with the least amount of disturbance to Grantor(s)'s property as possible and will, to the extent practical, restore Grantor(s)'s property to the condition existing prior to Grantee's construction. Grantee will reimburse Grantor(s) for any damage to Grantor(s)'s property caused by Grantee during its use of the easement.

EXHIBIT A to
Resolution No. 2014-3121

Grantor(s) agree(s) that no buildings or other structures or potentially large growing trees will be placed upon the easement and that no actions will be allowed that would jeopardize or interfere with the safe operation of the pipeline.

Signed this ____ day of _____, 2014

CITY OF NEWBERG:

Norma I. Alley, City Recorder

STATE OF OREGON

COUNTY OF YAMHILL

This instrument was acknowledged before me on _____, 2014 by
_____ as _____.

Notary Public

Print Name: _____

My Commission Expires:

ACCEPTED AS TO FORM:

Truman A. Stone, City Attorney

**EXHIBIT B to
Resolution No. 2014-3121**

Return to:
Northwest Natural Gas Company
RISK & LAND MANAGEMENT
220 N.W. Second Avenue
Portland, Oregon 97209

QUIT CLAIM DEED

NORTHWEST NATURAL GAS COMPANY, an Oregon Corporation, hereafter called "Grantor", does hereby release and quitclaim to **CITY OF NEWBERG** and its successors and assigns, all rights, title and interest in and to the following described real property, situated in Yamhill County, Oregon, to-wit:

A strip of land twenty (20') feet in width, situated in the Southeast 1/4 of Section 20, T 3 S., R 2 W., W.M. Yamhill County, Oregon; being portions of those properties conveyed in Yamhill County Deed Records Vol. 77, Pg. 706 (3/2/20) and Vol. 83, Pg. 093 (3/2/20) to the City of Newberg; and being more particularly described as those portions of said properties being subject to a Gas Pipeline Easement described as "Parcel 1 and Parcel 2" in Yamhill County Deed Records as Doc. No. 200224427, recorded December 10, 2002.

The area of release equals 0.065 acres or 2,827 square feet, more or less.

Signed this ____ day of _____, 2014

NORTHWEST NATURAL GAS COMPANY

By _____

Title _____

STATE OF: _____

COUNTY OF: _____

This instrument was acknowledged before me on _____, 2014 by

_____ as _____ of
NORTHWEST NATURAL GAS COMPANY

Notary

AFTER RECORDING RETURN TO:
City of Newberg - Community Development
PO Box 970 - 414 E. First Street
Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS to
CHARLES STERN, COUNTY CLERK

Resolution No. 2014-3121 \$36.00
00108406200200244270030030
200224427 9:57:09 AM 12/10/2002
DMR-EDMR Cnt=1 Stn=3 SUSAN
\$15.00 \$10.00 \$11.00

THIS IS AN ACCOMMODATION RECORDING ONLY
HAS NOT BEEN EXAMINED AS TO ITS CONTENT
NORTHWEST TITLE COMPANY

GAS PIPELINE EASEMENT

In consideration of the sum of \$ 0 and other valuable consideration, the City of Newberg, a municipal corporation, herein called Grantor, does hereby convey to Northwest Natural Gas Company, hereinafter called Grantee, a perpetual and permanent easement, for the purposes of constructing, installing, using, repairing, and maintaining a gas pipeline or pipelines and appurtenances across the following described real property:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD said easement to said Grantee, for the use and purpose herein above described.

It is further understood that:

1. The Grantor(s) hereby release(s) the City of Newberg, its agents and employees, assigns and successors of any and all liability for damage to the remaining lands resulting from this conveyance and further absolves the Grantee from any damage not controlled by their actions.
2. The rights granted herein shall not be construed to interfere with or restrict use of the premises by Grantor(s), their heirs or assigns, with respect to the construction and maintenance of property improvements along and adjacent to the premises herein described, so long as the same are so constructed as to not impair or interfere with the use and maintenance of access of utilities herein above authorized, except for that Grantor will not place any buildings or other structures upon the easement.
3. The Grantee hereby agrees to restore the easement to its original condition, as close as is practical to do so, upon completion of the construction.

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.

IN WITNESS WHEREOF, the parties have executed this document on this 5th day of December, 2002.

[Handwritten Signature]

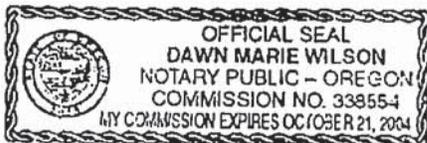
James H. Bennett
City Recorder
City of Newberg

STATE OF OREGON)
County of Yamhill) s.s.

This instrument was acknowledged before me this 5th day of December, 2002, by James H. Bennett.

[Handwritten Signature]

Notary Public for Oregon
My Commission expires: 10/31/04



APPROVED AS TO FORM

[Handwritten Signature]
Terrence D. Mahr, City Attorney 12/5/02
Dated: _____

AFTER RECORDING RETURN TO:
City of Newberg - Community Development
PO Box 970 - 414 E. First Street
Newberg, OR 97132

EXHIBIT "A"

Parcel 1

A 20.00 (twenty) foot wide gas pipeline easement, located in the east one-half of Section 20, Township 3 South, Range 2 West of the Willamette Meridian and also lying in the S. Snowden Donation Land Claim No. 68, City of Newberg, Yamhill County, Oregon, described as follows:

Beginning at a point on the north line of said donation land claim No. 68 from which the northeast corner bears S 88°34' 35" E 1750.08 feet, also being a point on the north line of that property described in Film Volume 83 Page 93, Yamhill County Deed Records; thence along said line N 88° 34' 35" W 28.28 feet; thence leaving said line S 46° 25' 25" W 68.26 feet to a point on the west line of said property; thence along said line S 1° 07' 25" W 28.14 feet; thence leaving said line N 46° 25' 25" E 108.05 feet to the point of beginning.

Containing 1763 square feet.

Parcel 2

A variable width gas pipeline easement located in the east one-half of Section 20, Township 3 South, Range 2 West of the Willamette Meridian and also lying in the S. Snowden Donation Land Claim No. 68, City of Newberg, Yamhill County, Oregon, described as follows:

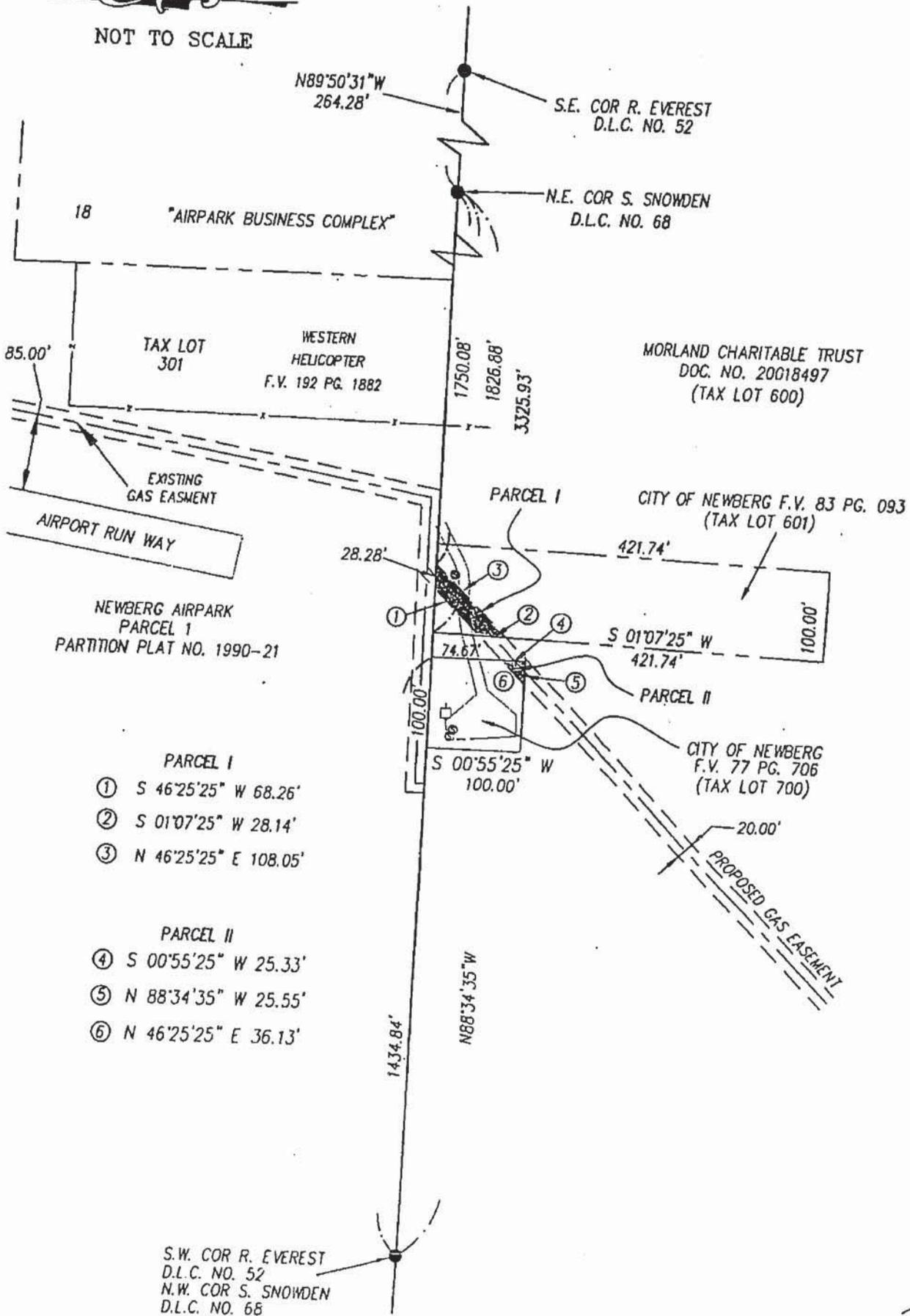
Beginning at a point on the east line of the property described in Film Volume 77 Page 706, Yamhill County Deed Records from which the northwest corner of said donation land claim No. 68 bears north 0° 55' 25" E 74.67 feet and N 88° 34' 35" W 1434.84 feet; thence along said east line S 0° 55' 25" W 25.33 feet to the southeast corner; thence along the south line N 88° 34' 35" W 25.55 feet; thence leaving said line N 46° 25' 25" E 36.13 feet to the point of beginning.

Containing 324 square feet.

Basis of bearings for this description is Yamhill County Partition Plat 97-52.

EXHIBIT "B" Resolution No. 2014-3121

NOT TO SCALE



- PARCEL I
- ① S 46°25'25" W 68.26'
 - ② S 01°07'25" W 28.14'
 - ③ N 46°25'25" E 108.05'

- PARCEL II
- ④ S 00°55'25" W 25.33'
 - ⑤ N 88°34'35" W 25.55'
 - ⑥ N 46°25'25" E 36.13'

4768

