

RESOLUTION No. 2011-2935

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO DEDICATE
A PORTION OF THE PROPERTY OWNED BY THE CITY OF NEWBERG
AT 921 SOUTH BLAINE STREET TO THE PUBLIC FOR STREET
PURPOSES**

RECITALS:

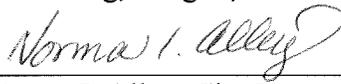
1. The original dedication instrument(s) establishing the legal right-of-way limits of the portion of Blaine Street that is south of Ninth Street, has not been found in a thorough search of public records.
2. This portion of Blaine Street provides primary and, in some cases, exclusive access to four residential parcels; the Newberg Animal Shelter; and the Skate Park and Dog Park owned by Chehalem Park and Recreation District.
3. The city surveyor seeks to legally establish the right of the public to use the currently traveled portion of Blaine Street for access, and to define the limits of the right-of-way as extended from the right-of-way lines of Blaine Street north of Ninth Street.
4. Right-of-way dedications have been requested from all property owners having frontage on Blaine Street, south of Ninth Street.
5. The City of Newberg owns the property at 921 South Blaine Street.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The city manager is hereby authorized to dedicate to the public for street purposes the portion of the property owned by the City of Newberg at 921 South Blaine Street as described in Exhibit "A", which is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: March 8, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of March 2011.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of March 2011.



Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ____ / ____ /2011 meeting. Or, None.

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

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that City of Newberg, a Municipal Coporation, Grantor, does hereby dedicate, grant and convey to the Public, and that the City of Newberg, a Municipal Corporation of the State of Oregon, hereinafter called the Grantee, does hereby accept on behalf of the public, for use as a public right-of-way the following described real property located in Yamhill County, State of Oregon, to-wit:

A portion of that Property described by deed to City of Newberg, a municipal corporation, recorded as Film 107, Page 1932 in Record of Deeds of Yamhill County on September 9, 1975 and more particularly described in ATTACHED EXHIBITS A and B.

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.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

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

IN WITNESS WHEREOF, the parties have executed this document this _____ day of _____, 2010.

Daniel Danicic
City Manager

STATE OF _____)
City of _____ :s.s.
County of _____)

This instrument was acknowledged before me this ____ day of _____,
by _____.

Notary Public for Oregon

CITY OF NEWBERG
ACCEPTED:

APPROVED AS TO FORM

Norma I. Alley Date
City Recorder

Terrence D. Mahr Date
City Attorney

RIGHT-OF-WAY DEDICATION

BEING a 60-foot-wide strip of land located in the Rogers Donation Land Claim Number 55 and in the southeast $\frac{1}{4}$ of Section 19 of Township 3 South Range 2 West of the Willamette Meridian in Yamhill County, Oregon, and being a portion of the following tracts of land;

1. Property described by deed to John Vida and Edith Vida, recorded as Instrument Number 200711790 in Official Yamhill County Records on May 30, 2007;
2. Property described by deed to Mark L. Eklund, recorded as Film 132, Page 1661 in Records of Deeds of Yamhill County on September 15, 1978;
3. Property described by deed to Skyler McColm and Sarah C. McColm, as tenants by the entirety and Dana C. Huntley, recorded as Instrument Number 200915804 in Official Yamhill County Records on September 30, 2009;
4. Property described by deed to Judith A. Bauer, recorded as Instrument Number 200101851 in Official Yamhill County Records on February 9, 2001;
5. Property described by deed to City of Newberg, a municipal corporation, recorded as Film 107, Page 1932 in Record of Deeds of Yamhill County on September 9, 1975;
6. Property described by deed to Chehalem Park and Recreation District, a public corporation, recorded as Film 297, Page 586 in Yamhill County Records on November 5, 1993;
7. Property described by deed to Southeast Paper Manufacturing Co., a Georgia general partnership, recorded as Instrument Number 199922467 in Official Yamhill County Records on November 15, 1999;
8. Property described by deed to East Ninth Apartments Oreg. Ltd., and Oregon Limited Partnership, recorded as Volume 195, Page 1422 in Yamhill County Records on June 28, 1985;

Said strip of land being 30.00 feet wide on each side of the following described centerline;

BEGINNING at the intersection of the centerlines of Blaine Street and Ninth Street, said intersection being South $88^{\circ} 21' 32''$ East a distance of 1234.99 feet from an iron rod in a monument box found at the intersection of Ninth Street and the West line of said Rodgers DLC, and said Point of Beginning also being North $88^{\circ} 21' 32''$ West a distance of 838.91 feet from an iron rod in a monument box found at the intersection of College Street and Ninth Street;

THENCE South $00^{\circ} 50' 24''$ West a distance of 369.83 feet to a point of curvature to the left;

THENCE along a 2788.40 foot-radius curve to the left, an arc distance of 98.07 feet, the chord of said arc being 98.06 feet in length and bearing South $03^{\circ} 31' 02''$ East, to the terminus of the centerline herein described.

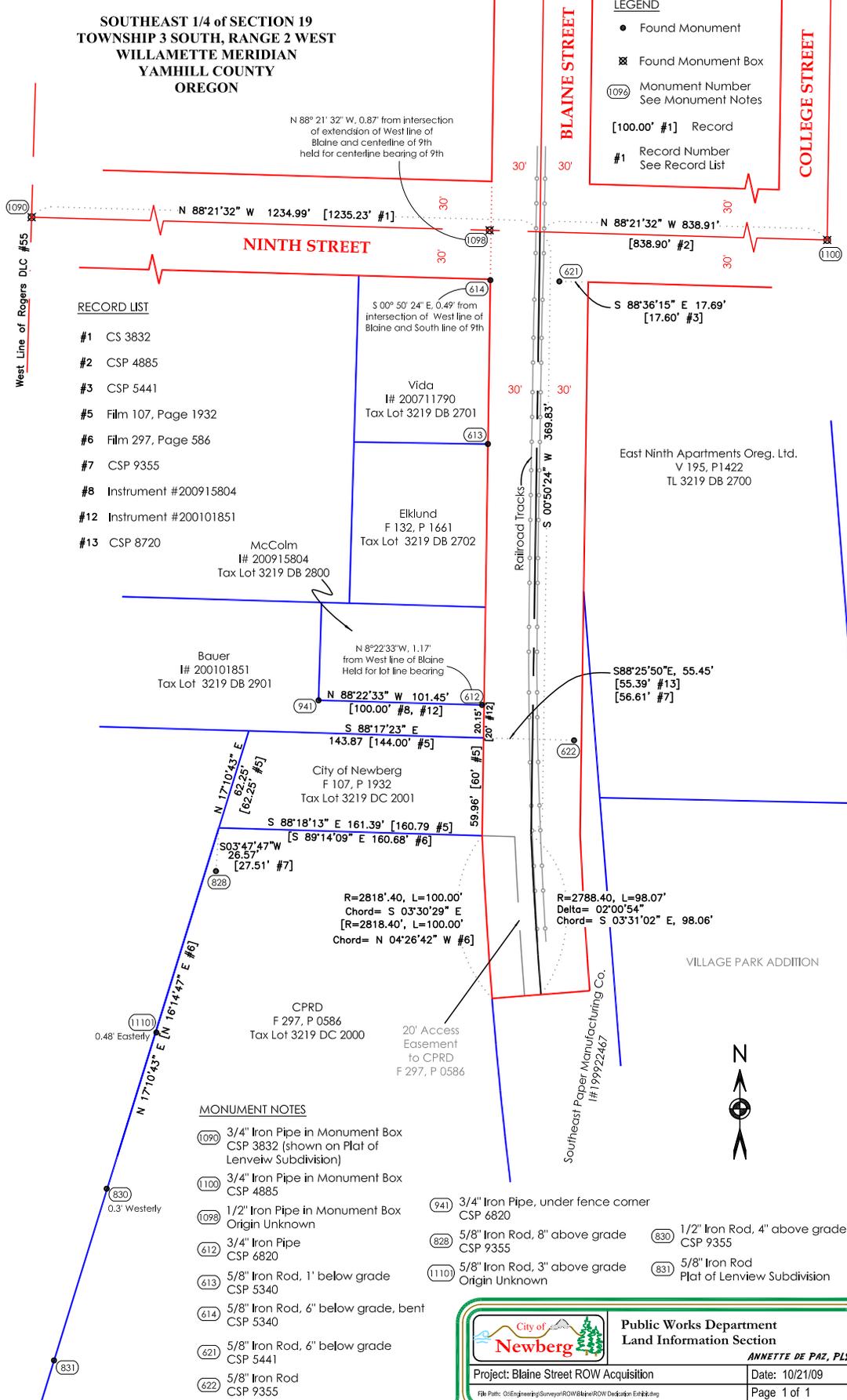
**EXHIBIT "A" TO
EXHIBIT "B" RESOLUTION NO. 2011-2935**

**SOUTHEAST 1/4 of SECTION 19
TOWNSHIP 3 SOUTH, RANGE 2 WEST
WILLAMETTE MERIDIAN
YAMHILL COUNTY
OREGON**

N 88° 21' 32" W, 0.87' from intersection
of extension of West line of
Blaine and centerline of 9th
held for centerline bearing of 9th

LEGEND

- Found Monument
- ⊠ Found Monument Box
- (1096) Monument Number
See Monument Notes
- [100.00' #1] Record
- #1 Record Number
See Record List



RECORD LIST

- #1 CS 3832
- #2 CSP 4885
- #3 CSP 5441
- #5 Film 107, Page 1932
- #6 Film 297, Page 586
- #7 CSP 9355
- #8 Instrument #200915804
- #12 Instrument #200101851
- #13 CSP 8720

MONUMENT NOTES

- (1090) 3/4" Iron Pipe in Monument Box
CSP 3832 (shown on Plat of
Lenview Subdivision)
- (1100) 3/4" Iron Pipe in Monument Box
CSP 4885
- (1098) 1/2" Iron Pipe in Monument Box
Origin Unknown
- (612) 3/4" Iron Pipe
CSP 6820
- (613) 5/8" Iron Rod, 1' below grade
CSP 5340
- (614) 5/8" Iron Rod, 6" below grade, bent
CSP 5340
- (621) 5/8" Iron Rod, 6" below grade
CSP 5441
- (622) 5/8" Iron Rod
CSP 9355
- (941) 3/4" Iron Pipe, under fence corner
CSP 6820
- (828) 5/8" Iron Rod, 8" above grade
CSP 9355
- (1101) 5/8" Iron Rod, 3" above grade
Origin Unknown
- (830) 1/2" Iron Rod, 4" above grade
CSP 9355
- (831) 5/8" Iron Rod
Plat of Lenview Subdivision


**Public Works Department
Land Information Section**
ANNETTE DE PAZ, PLS

Project: Blaine Street ROW Acquisition	Date: 10/21/09
File Path: G:\Engineering\Survey\ROW\Blaine ROW\Deliverables\Exhibit.dwg	
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