

After Recording, Return To:

Yamhill County
Office of County Counsel
535 NE Fifth Street
McMinnville, Oregon 97128

ACCEPTED AND APPROVED BY:



Stan Primozych, Chair, Yamhill County
Board of Commissioners for:
YAMHILL COUNTY

Date

January 4, 2018

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201800239



NO FEE

01/04/2018 02:31:20 PM

DMR-EDMR Cnt=1 Stn=1023 CONFIRM
This is a no fee document

EASEMENT

ERIC H. WITHERSPOON AND CARLTON VETERINARY PROPERTIES, LLC, "Grantors," hereby grant to YAMHILL COUNTY, a political subdivision of the State of Oregon, "Grantee," a permanent, perpetual, non-exclusive easement, over, across and under real property situated in Yamhill County, as more particularly described in the attached Exhibit A and as shown on the attached survey B, labeled as follows and incorporated herein by reference ("Easement Area"):

EXHIBIT A - Description: File 18332001 Containing "1,713 square feet, more or less"

EXHIBIT B - Survey: "001 PERM EASE FOR MULTI-USE PATH 1,713 ft² ±"

1. Easement uses. The easement conveyed by Grantor to Grantee and Grantee's successors and assigns, the right to future use and development of the Easement Area solely for the installation, replacement and operation of a public trail. The right to construct, maintain and operate a public trail on the Easement Area includes the right to landscape and manage storm water erosion over, under and across the Easement Area, in a manner that does not adversely affect Grantor's property. Grantee shall have no right to install fences or barricades of any sort on the Easement Area, provided Grantee may install bollards, lighting and other safety and/or traffic control devices related to a public trail on the Easement Area if such installations abut public streets. Any landscaping Grantee places on the Easement Area shall be consistent with and of a like quality to the landscaping then on Grantor's property. Grantee may assign or otherwise transfer its rights under this easement to another government entity and/or organization qualified under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which will operate a public trail. No such assignment shall convey rights to the Easement Area in excess of those set forth in this Section 1.

2. Maintenance and Repair. Grantee, its successors and/or assigns, shall be responsible for maintenance and repair of the Easement Area, and Grantor shall have no responsibility for maintenance or repair. Grantee, its successors and/or assigns, shall be responsible for monitoring the Easement Area to ensure ongoing maintenance as necessary to prevent nuisance and/or safety problems from arising or affecting Grantor's property.

3. Consideration. The consideration for grant of this easement consists of the mutual covenants and agreements of the parties contained herein.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on:

Date: 12/20/17

CARLTON VETERINARY PROPERTIES, LLC

By: *Nichole Pilakowski*
Nichole PILAKOWSKI

By: *Leanne Mellbye*
Leanne mellbye

STATE OF OREGON)
County of Yamhill)

The foregoing instrument is acknowledged before me this 20th day of December, 2017, by Mikalie J. Frei.



[Signature]
Notary Public for Oregon

My Commission Expires: Feb. 1, 2021

Date: _____

By: ERIC H. WITHERSPOON
[Signature]

STATE OF OREGON)
County of Yamhill)

The foregoing instrument is acknowledged before me this 7th day of December, 2017, by Desiree Lundeen of _____.



[Signature]
Notary Public for Oregon

My Commission Expires: _____

PARCEL 1 – Permeant Easement for Multi-Use Path

A parcel of land lying in the Peter Smith Donation Land Claim Number 64, Township 3 South, Range 4 West, W.M., Yamhill County, Oregon, and being a portion of that property described in that Warranty Deed to Eric H. Witherspoon, recorded May 07, 2009 on Instrument No. 200906782, Records of Yamhill County; said parcel being that portion of said property included in a strip of land 16.00 feet in width, lying 8.00' on each side of the following described centerline:

Beginning at a point, being North 22°26'46" West, 1904.14 feet of the Northeast corner of the William S. Adams, Executor of the James Ramage Donation Land Claim No. 65 Township 3 South, Range 4 West, W.M.; thence North 07°03'01" West, 619.89 feet; thence North 05°22'49" West, 167.39 feet; thence North 04°34'04" West, 202.74 feet; thence North 07°02'42" West., 586.628 feet to the terminus of said centerline which bears North 15°15'05" West, 5447.46 feet from said Donation Land Claim Corner.

Bearings are based County Survey Number 13132 recorded in Yamhill County Surveyor's office.

This parcel of land contains 1,713 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2016

SIGNED: *01/29/2016*

3 EXHIBIT "B"

CARLTON



MAIN STREET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

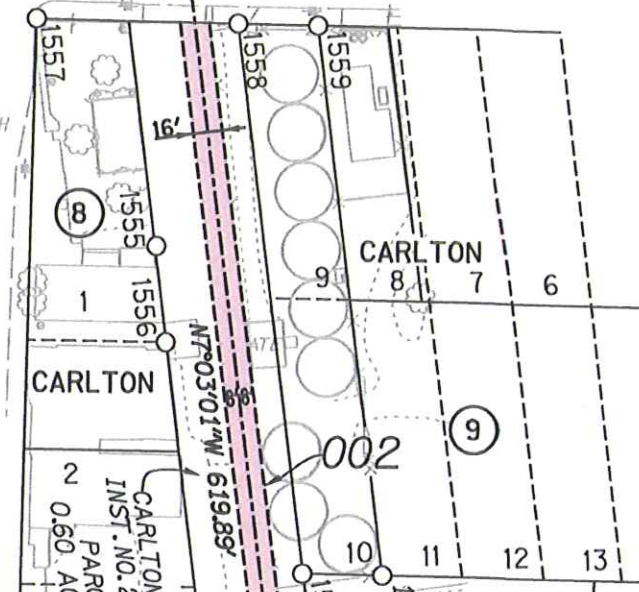
Andrew J. Silbernagel

OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2016

SIGNED: *01/29/2016*

PINE STREET



CARLTON

CARLTON

CARLTON 2007, LLC
INST. NO. 2008-6366
PARCEL 1
0.60 AC± Rem.

CLOVER-LAWN

FIRST

J WENNERBERG'S
2ND ADDT.

ERIC H.
WITHERSPOON
INST. NO.
2009-06782
0.43 AC± Rem.

001

WASHINGTON STREET

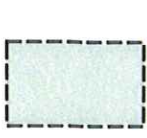


SCALE 1" = 100'



1525
NE CORNER
DLC NO. 65

OREGON DEPARTMENT OF TRANSPORTATION			
SECTION	YAMHELAS WESTSIDER TRAIL		
DRG. NO.	18332_001	KEY NO.	18332
HIGHWAY	N/A		
COUNTY	YAMHILL COUNTY		
SCALE :	1"=100'	DATE :	JANUARY 28, 2016



001
PERM EASE FOR
MULTI-USE PATH
1,713 ft²±

CONSULTING ENGINEERS
Depends On: 800 COUNTY CLUB ROAD, SUITE 1000, EUGENE, OREGON 97401-6000, 541-683-0000
3000 FAIRVIEW INDUSTRIAL DR SE, SUITE 800, SALEM, OREGON 97302-1300, 503-580-1000
831 OYAKE PARKWAY, MEDFORD, OREGON 97504-8005, 541-774-5000
5000 HEADERS ROAD, SUITE 400, LAKE OSWEGO, OREGON 97035, 503-680-6100
1111 MAIN STREET, SUITE 401, VANCOUVER, WASHINGTON 98101, 206-314-2300