

**RECORDING COVER SHEET** (Please print or type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, and does NOT affect the instrument. ORS 205.234

Lincoln County, Oregon  
03/19/2020 01:53:42 PM  
DOC-IRUL

**2020-02998**

Cnt=1 Pgs=8 Str=29

\$30.00 \$11.00 \$80.00 \$10.00 \$7.00 - Total = \$118.00



00180029202000029980080080

I, Dana W. Jenkins, County Clerk, do hereby certify that the within instrument was recorded in the Lincoln County Book of Records on the above date and time. WITNESS my hand and seal of said office affixed.



Dana W. Jenkins, Lincoln County Clerk

**After recording return to:** ORS 205.234(1)(c)

Margaret Hawker, City Recorder

City of Newport

169 SW Coast Highway

Newport, OR 97365

**1. Title(s) of the transaction(s)** ORS 205.234(1)(a)

City of Newport Encroachment Permit Agreement - 2709 NW Pacific Place, Newport, OR 97365

**2. Direct party(ies) / grantor(s)** Name(s) ORS 205.234(1)(b)

City of Newport

**3. Indirect party(ies) / grantee(s)** Name(s) ORS 205.234(1)(b)

Patrick and Marina Maguire

**4. True and actual consideration:**  
ORS 205.234(1) Amount in dollars or other

\$

Other:

**5. Send tax statements to:** ORS 205.234(1)(e)

**6. Satisfaction of lien, order, or warrant:**  
ORS 205.234(1)(f)

FULL

PARTIAL

**7. The amount of the monetary obligation imposed by the lien, order, or warrant:** ORS 205.234(1)(f)  
\$ .

**8. Previously recorded document reference:** 2020-02015

**9. If this instrument is being re-recorded complete the following statement:** ORS 205.244(2)

"Rerecorded at the request of the City of Newport

to correct and replace Exhibit "A" map recorded with the original document.

previously recorded in book \_\_\_\_\_ and page \_\_\_\_\_, or as fee number \_\_\_\_\_."

AFTER RECORDING RETURN TO:

Margaret Hawker  
City Recorder  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

Lincoln County, Oregon  
02/27/2020 11:19:45 AM  
DOC-IRUL

2020-02015

Cnt=1 Pgs=4 Stn=20

\$20.00 \$11.00 \$60.00 \$10.00 \$7.00 - Total=\$108.00



00178907202000020150040041

I, Dana W. Jenkins, County Clerk, do hereby certify  
that the within instrument was recorded in the Lincoln  
County Book of Records on the above date and time.  
WITNESS my hand and seal of said office affixed.



Dana W. Jenkins, Lincoln County Clerk

NO CHANGE IN TAX STATEMENTS

## CITY OF NEWPORT ENCROACHMENT PERMIT AGREEMENT

**THIS AGREEMENT** is between the City of Newport, an Oregon municipal corporation, hereinafter (City), and Patrick and Marina Maguire, hereinafter (Owner).

### RECITALS

- A. Owner owns the real property located at 2709 NW Pacific Place, Newport, Oregon 97365, (currently identified as Tax Lot 00600 of Lincoln County Assessor's Tax Map 10-11-32-DB), and legally described as Lot 1 Block 1 Monterey Beach County of Lincoln State of Oregon.
- B. Owner desires this encroachment agreement to use a portion of the adjoining NW 27<sup>th</sup> Street road right-of-way to provide a 3 foot retaining wall and landscaping.

### PERMIT AGREEMENT TERMS

- Benefited Property:** The rights granted by this permit agreement are appurtenant to Owner's Property. Owner warrants that Owner has fee simple title or sufficient interest to Owner's Property to allow Owner to bind current and future owners of Owner's Property.
- Permitted Encroachment:** City authorizes the existing encroachment of a retaining wall and landscaping into the public right-of-way adjacent to Lot 1, Block 1, Monterey Beach County of Lincoln State of Oregon, as depicted in Exhibit "A".
- Safety:** Owner agrees to maintain the permitted encroachment in good condition so that it does not become a nuisance or hazard. Owner agrees to maintain and repair only those encroachments authorized by this permit.
- Indemnity.** Owner hereby agrees to defend and indemnify City and its officials and employees as to any loss, liability, claim, or demand relating to this permit or the permitted encroachment.
- Termination:** This permit shall be terminated in the event of the destruction, removal, or abandonment of the permitted encroachment. This Permit may be revoked at any time on written notice to Owner, for any reason.

6. **Notice:** Any notice relating to this Permit shall be effective 48 hours after mailing. Notices shall be sent to the following addresses, unless another address is provided to the other party by written notice.

CITY:

OWNER(S):

City of Newport  
Attn: City Manager  
169 SW Coast Highway  
Newport OR 97365

Patrick and Marina Maguire  
2709 NW Pacific Place  
Newport OR 97365

7. **Removal of Improvements:** Within five days of the termination of this permit, Owner or Owner's successor in interest, shall commence to remove the permitted encroachments and shall complete removal and restoration of the rights-of-way within 30 days.

8. **Lien:** City may impose a lien on Owner's property to secure performance of Owner's obligations under this permit.

9. **Advice of Counsel:** The parties hereto acknowledge and understand that this Encroachment Permit has been prepared by the City. Owner is aware that this permit contains substantial, binding obligations, and that Owner has the right to and should consult with Owner's attorney regarding any questions respecting the meaning or legal effect of this permit.

10. **Attorneys' Fees:** In the event that either party shall bring suit or action to enforce any term or provision hereof, the prevailing party shall be entitled to its reasonable attorneys' fees, including any appeal.

11. **Insurance:** Owner shall maintain liability insurance respecting the permitted encroachments and include the City as a named insured. This provision is for the benefit of the City and Owner and there are no intended third party beneficiaries to this provision or any other portion of this Encroachment Permit Agreement. City will have no liability or responsibility for failure to enforce this provision.

12. **Binding Upon Future Owners:** The terms and obligations of this Encroachment Permit Agreement shall run with Owner's Property and shall be binding on, and for the benefit of, all future owners of Owner's Property, until terminated.

CITY OF NEWPORT:

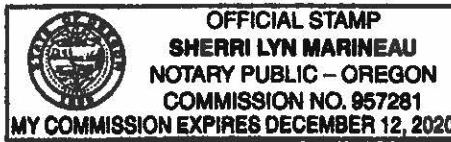
OWNER(S):

BY S. Nebel  
Spencer Nebel, City Manager  
DATE: 02-27-20

Patrick Maguire, Owner -  
DATE: Feb 27 2020

Marina Maguire  
Marina Maguire, Owner  
DATE: \_\_\_\_\_

STATE OF OREGON )  
County of Lincoln ) ss.



This instrument was acknowledged before me on this 27<sup>th</sup> day of February, 2020, by Spencer Nebel as City Manager of the City of Newport.

Sherrilyn Marineau  
Notary Public - State of Oregon

STATE OF OREGON )  
County of Lincoln ) ss.

This instrument was acknowledged before me this 27 day of February, 2020 by Patrick Maguire.

Tina Yeager  
Notary Public - State of Oregon



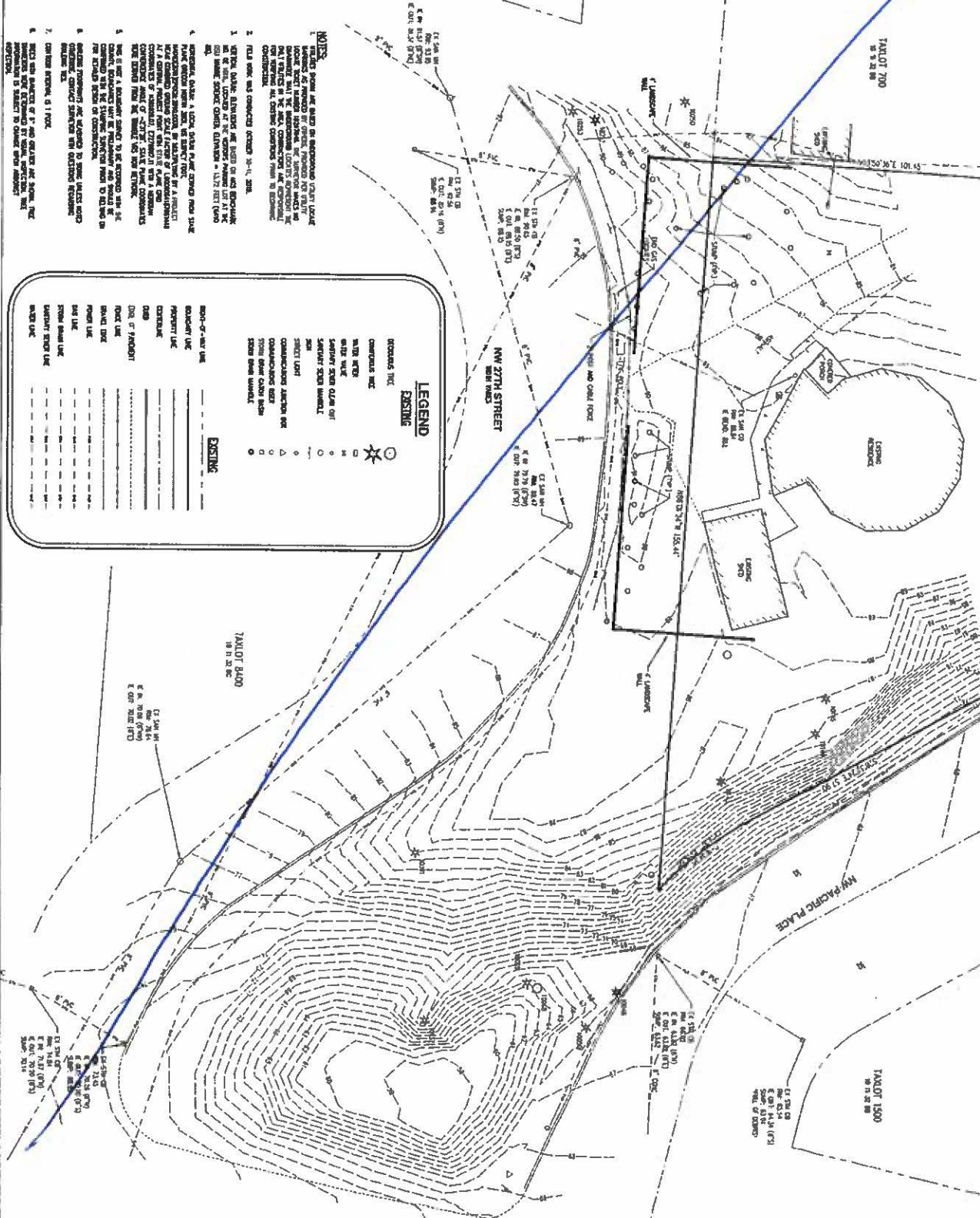
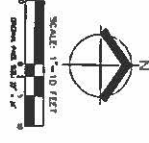
STATE OF OREGON )  
County of Lincoln ) ss.

This instrument was acknowledged before me this 27 day of February, 2020 by Marina Maguire.

Tina Yeager  
Notary Public - State of Oregon



NO.	DESCRIPTION	AMOUNT	DATE
1001	CORRECTION	100.00	11/13/23
1002	CORRECTION	100.00	11/13/23
1003	CORRECTION	100.00	11/13/23
1004	CORRECTION	100.00	11/13/23
1005	CORRECTION	100.00	11/13/23
1006	CORRECTION	100.00	11/13/23
1007	CORRECTION	100.00	11/13/23
1008	CORRECTION	100.00	11/13/23
1009	CORRECTION	100.00	11/13/23
1010	CORRECTION	100.00	11/13/23
1011	CORRECTION	100.00	11/13/23
1012	CORRECTION	100.00	11/13/23
1013	CORRECTION	100.00	11/13/23
1014	CORRECTION	100.00	11/13/23
1015	CORRECTION	100.00	11/13/23
1016	CORRECTION	100.00	11/13/23
1017	CORRECTION	100.00	11/13/23
1018	CORRECTION	100.00	11/13/23
1019	CORRECTION	100.00	11/13/23
1020	CORRECTION	100.00	11/13/23



- NOTES**
1. THESE NOTES ARE TO BE USED IN CONJUNCTION WITH THE ENCROACHMENT PERMIT AGREEMENT AND SHALL BE READ IN CONNECTION WITH THE ENCROACHMENT PERMIT AGREEMENT.
  2. THIS WORK WAS CONDUCTED BETWEEN 10-12-2023.
  3. VERIFY LOCAL REGULATIONS FOR ALL ENCROACHMENTS TO BE MADE, LOCATED AT THE OWNER'S RISK AND UNDER THE OWNERS SUPERVISION.
  4. EXISTING UTILITIES ARE SHOWN AS DOTTED LINES AND SHALL BE RELOCATED AS NECESSARY BY THE OWNER'S RISK AND UNDER THE OWNERS SUPERVISION.
  5. THERE IS NO EVIDENCE OF A RECORD PLAT OR RECORD MAP FOR THIS PROPERTY AND NO RECORD MAPS HAVE BEEN RECORDED.
  6. THE EXISTING RECORD MAPS FOR THIS PROPERTY HAVE BEEN RECORDED AND SHALL BE RELOCATED AS NECESSARY BY THE OWNER'S RISK AND UNDER THE OWNERS SUPERVISION.
  7. THE EXISTING RECORD MAPS FOR THIS PROPERTY HAVE BEEN RECORDED AND SHALL BE RELOCATED AS NECESSARY BY THE OWNER'S RISK AND UNDER THE OWNERS SUPERVISION.
  8. THE EXISTING RECORD MAPS FOR THIS PROPERTY HAVE BEEN RECORDED AND SHALL BE RELOCATED AS NECESSARY BY THE OWNER'S RISK AND UNDER THE OWNERS SUPERVISION.
  9. THE EXISTING RECORD MAPS FOR THIS PROPERTY HAVE BEEN RECORDED AND SHALL BE RELOCATED AS NECESSARY BY THE OWNER'S RISK AND UNDER THE OWNERS SUPERVISION.
  10. THE EXISTING RECORD MAPS FOR THIS PROPERTY HAVE BEEN RECORDED AND SHALL BE RELOCATED AS NECESSARY BY THE OWNER'S RISK AND UNDER THE OWNERS SUPERVISION.

LEGEND	
	OCCUPIED LOT
	EASEMENT
	UTILITY
	TREE
	STRUCTURE
	BOUNDARY LINE
	FENCE
	DRIVEWAY
	SIDEWALK
	STREET
	CONTOUR LINE
	SPOT ELEVATION
	BENCHMARK
	MONUMENT
	IRON PIN
	IRON STAKE
	IRON PIPE
	IRON ROD
	IRON NAIL
	IRON SCREW
	IRON WASHER
	IRON NUT
	IRON BOLT
	IRON ANCHOR
	IRON PLATE
	IRON PIPE CAP
	IRON PIPE PLUG
	IRON PIPE SLEEVE
	IRON PIPE FLANGE
	IRON PIPE END CAP
	IRON PIPE COLLAR
	IRON PIPE HANGER
	IRON PIPE SUPPORT
	IRON PIPE BRACKET
	IRON PIPE CLAMP
	IRON PIPE CAP NUT
	IRON PIPE CAP WASHER
	IRON PIPE CAP SCREW
	IRON PIPE CAP NUT/WASHER SET
	IRON PIPE CAP SCREW/WASHER SET
	IRON PIPE CAP NUT/WASHER/SCREW SET
	IRON PIPE CAP NUT/WASHER/SCREW/WASHER SET

<b>EXISTING CONDITIONS</b>	<b>2709 NW PACIFIC PLACE</b>	AKS <small>AKS ENGINEERING &amp; FORESTRY, LLC 17855 SW HERMAN DR., STE. 100 TIGARD, OR 97132 503 385 1754 WWW.AKS-ENG.COM</small>
<b>NEWPORT</b>	<b>OREGON</b>	<small>ENGINEERING - SURVEYING - NATURAL RESOURCES FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE TEL 503 385 1754</small>
<b>01</b>	<b>7711</b>	<b>AKS</b>

