

RESOLUTION NO. 2018-07

A Resolution of the City of McMinnville amending a Deed that was recorded on August 18, 1971, in Film Volume, 85, Page 1250, Deed and Mortgage Records of Yamhill County..

RECITALS:

In 1971, the City of McMinnville conveyed real property by Deed to Evergreen Helicopters, Inc. that was recorded on August 18, 1971, in Film Volume, 85, Page 1250, Deed and Mortgage Records of Yamhill County (Exhibit6 A); and

The Deed had several deed restrictions that travel with the property, including one that limits the use of the property to the storing, servicing, operating and repairing of helicopters and related equipment; and

The City of McMinnville would like to amend the Deed and this restriction to read, "No aircraft (rotor and/or fixed wing) storing, repair, servicing, operating and repairing, or flight instruction is allowed without a through-the-fence agreement approved by the City."

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MCMINNVILLE, OREGON as follows:**

1. That the attached (Exhibit B) Amendment of Deed is authorized to be recorded with Yamhill County.
2. This Resolution will take effect immediately upon passage.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 23<sup>rd</sup> day of January, 2018 by the following votes:

Ayes: Garvin, Menke, Peralta, Ruden, Stassens

Nays: \_\_\_\_\_

Approved this 23<sup>rd</sup> day of January, 2018.

  
\_\_\_\_\_  
MAYOR

Approved as to form:

  
\_\_\_\_\_  
CITY ATTORNEY

**EXHIBIT B to Resolution No. 2018-07**

After recording, return to:  
Bendich, Stobaugh & Strong, P.C.  
701 Fifth Avenue, Suite 4850  
Seattle, WA 98104

**AMENDMENT OF DEED**

This AMENDMENT OF DEED is made and executed this 24<sup>th</sup> day of January, 2018 by the City of McMinnville, a municipal corporation (“the City”).

WHEREAS, the City conveyed certain real property situated in the County of Yamhill, State of Oregon, by Deed to Evergreen Helicopters, Inc. recorded on August 18, 1971 in Film Volume 85, Page 1250, Deed and Mortgage Records of Yamhill County.

WHEREAS, the Deed contains a restriction in Paragraph (1) confining the business operations on the property conveyed to the storing, servicing, operating and repairing of helicopters and related equipment (“Deed Restriction”).

WHEREAS, the property described at attached Exhibit A (“the Property”) is now owned by EH Holdings, LLC and the business operations conducted on the property is software publishing. The Deed Restriction applied to The Property.

WHEREAS, the City wishes to amend Paragraph (1) of the said Deed to remove the Deed Restriction to read, “No aircraft (rotor and/or fixed wing) storing, repair, servicing, operating and repairing, or flight instruction is allowed without a through-the-fence agreement approved by the City.”

NOW THEREFORE, for and good valuable consideration, the City agrees as follows:

The Deed is hereby amended to delete the Deed Restriction confining business operations on the Property described at attached Exhibit B to the storing, servicing, operating and repairing of helicopters and related equipment and amend it to not allow any aircraft (rotor and/or fixed wing) storing, repair, servicing, operating and repairing, or flight instruction is allowed without a through-the-fence agreement approved by the City. All other covenants, conditions, restrictions and reservations in the Deed remain in effect.

Dated this 24<sup>th</sup> day of January, 2018.

CITY OF MCMINVILLE, a municipal corporation of the State of Oregon

By: [Signature]  
Its: City Manager

State of Oregon )  
County of Yamhill ) ss.  
)

This instrument was acknowledged before me on January, 2018, by Jeff Towery as City Manager on behalf of the City of McMinnville, an Oregon Municipal Corporation.



Melissa Grace  
Notary Public in and for the State of Oregon  
My commission expires: February 18, 2020



Exhibit "A"

Real property in the County of Yamhill, State of Oregon, described as follows:

BEGINNING ON THE SOUTH MARGIN OF THREE MILE LANE (STATE HIGHWAY 18 WEST) AT A POINT THAT IS SOUTH 89°45'00" WEST 3169.66 FEET (PREVIOUS DEEDS NORTH 89°45'00" WEST 3165 FEET) AND SOUTH 00°31'00" EAST 101.00' FEET FROM THE NORTHEAST CORNER OF THE JOHN WHITE DONATION LAND CLAIM #52; THENCE SOUTH 89°45'00" WEST 302.54 FEET ALONG THE SOUTH MARGIN OF THREE MILE LANE (STATE HIGHWAY 18 WEST) TO AN IRON ROD AT THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°04'20" EAST 341.23 FEET TO AN IRON ROD; THENCE SOUTH 40°50'03" WEST 23.44 FEET TO AN IRON ROD; THENCE SOUTH 00°08'29" EAST 237.80 FEET TO AN IRON ROD; THENCE SOUTH 89°37'50" WEST 273.30 FEET TO AN IRON ROD ON THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED FROM KIT PATRICK JOHNSTON TO KIT P. JOHNSTON AND CARALEE JOHNSTON AND RECORDED IN INSTRUMENT NO. 201519476; THENCE NORTH 00°30'00" WEST 597.27 FEET ALONG SAID WEST LINE TO AN IRON ROD ON THE SOUTH MARGIN OF THREE MILE LANE (STATE HIGHWAY 18 WEST); THENCE NORTH 89°45'10" EAST 292.82 FEET ALONG SOUTH MARGIN TO THE POINT OF BEGINNING, CONTAINING 3.89 ACRES OF LAND, MORE OR LESS, AS SHOWN BY CS-13172.

TOGETHER WITH A 25' WIDE ACCESS AND UTILITIES EASEMENT THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING ON THE SOUTH MARGIN OF THREE MILE LANE (STATE HIGHWAY 18 WEST) AT A POINT THAT IS NORTH 89°45'00" EAST 12.50' FROM THE TRUE POINT OF BEGINNING OF THE ABOVE DESCRIBED 3.89 ACRE TRACT OF LAND; THENCE SOUTH 00°04'20" EAST 307.75 FEET; THENCE SOUTH 40°50'03" WEST 19.09 FEET; THENCE CONTINUING SOUTH 40°50'03" WEST 42.53 FEET; THENCE SOUTH 00°08'29" EAST 242.52 FEET TO THE SOUTH LINE OF SAID ABOVE DESCRIBED TRACT OF LAND AS SHOWN BY CS-13172.

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