

PORT OF NEWPORT
LINCOLN COUNTY, OREGON
ORDINANCE NO. 1-1987

AN ORDINANCE LIMITING ACCESS TO NEWPORT INTERNATIONAL TERMINALS;
ESTABLISHING PENALTIES; AND DECLARING AN EMERGENCY.

WHEREAS, the Port of Newport owns, and through its retained management company, Newport Terminal Company, operates, those shipping terminals known as Newport International Terminals, and

WHEREAS, the activities taking place at such terminal facility involve the use of heavy equipment such that the presence of members of the public on or about the terminal facility may create a safety hazard and interfere with terminal operations, and

WHEREAS, there exist other public facilities within the Port District at which the general public may have access to the Yaquina Bay and there is no need to maintain public access at the terminal site,

NOW, THEREFORE,

The Port of Newport ordains:

Section 1. The area affected by this ordinance shall be Newport International Terminals, more particularly described as follows:

That property lying between the right-of-way of Bay Blvd., also known as County Rd. No. 515, and the Yaquina Bay, lying generally southeasterly of the Northwest Natural Gas Plant property, consisting of Parcel A, Parcel G and Parcel L, as more particularly described in exhibits which are attached to this ordinance and by this reference made a part hereof. Together with and including the roads and easements of the Port of Newport for use and access to such terminal property.

This ordinance shall not, however, restrict or prohibit use of such easements by the owners of any other property having lawful right of access thereto by means of any such easement of the Port, or by the lawful invitees or permittees of any such property owner.

Section 2. No person shall enter or be upon such terminal property without the consent of the Port of Newport or its authorized agents and representatives.

Section 3. No person, whether or not such person shall have entered the premises lawfully, shall remain on or about the premises after being requested by the Port of Newport, acting

through its authorized agents or representatives, to depart from the premises.

Section 4. The following classes of persons shall be deemed to have the consent of the Port of Newport to be upon the premises; unless requested to depart from the premises by the authorized representatives of the Port:

a. Any employee of the Port of Newport while performing duties of such employment requiring presence on the terminal property.

b. The owner or any crew member of any vessel, or any employee of the owner of any vessel, using the terminal facilities, for the purposes of ingress and egress to and from such vessel or in the performance of other duties requiring such presence.

c. Any person, or any employee thereof, providing services to a vessel using the terminal facility, including the loading or unloading of such vessel, the repair or provisioning of such vessel and similar services, in the course of providing such services.

d. Any persons having business to conduct at the offices of the Port of Newport or of the United States Customs Service located on the terminal site, or with any vessel berthed at the terminal, for the purposes of ingress and egress to such office or to such vessel.

e. The Port Manager and any member of the Board of Commissioners of the Port of Newport.

f. Any members of the public enroute to or from any vessel having an openhouse or offering the similar opportunity to tour or inspect the vessel, on condition of approval by the Board of Port Commissioners or the Port Manager, or his designee, and only on such days and during such hours as shall be so approved.

g. Any person having the express consent of any authorized agent or representative of the Port of Newport in advance obtained.

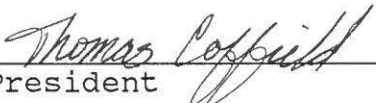
Section 5. Any person asserting the right to enter upon the terminal facility shall have the burden of establishing the consent of the Port of Newport so to do, or of establishing that such person is a member of a class of persons granted such consent by the terms and provisions of this ordinance.

Section 6. If any term, provision or requirement of this ordinance shall be found or held to be void or unenforceable for any reason, such provision shall be deemed severable, and all the rest, residue and remainder of the ordinance shall remain in full force and effect.

Section 7. Any person violating any term or provision of this ordinance shall be deemed guilty of a civil infraction, punishable by a civil penalty not to exceed \$500.00. However, the creation hereby of a civil infraction shall not preclude the additional prosecution of any such person under the criminal trespass statutes of the State of Oregon.


Section 8. This ordinance is hereby found and declared to be immediately necessary for the public safety and welfare, and for this reason an emergency is declared to exist, and this ordinance shall become effective immediately upon its adoption by the unanimous approval of all members of the Board at a meeting of the Board of Commissioners of the Port of Newport, a quorum being present. Within seven days after adoption of this ordinance, this ordinance shall be signed by the presiding officer, attested by the person who served as recording secretary at the session at which the Board adopted the ordinance and filed in the records of the District, and a certified copy of such ordinance filed with the County Clerk, available for public inspection. Within 15 days after adoption of this ordinance, notice of adoption of the ordinance shall be published as provided by ORS 198.540(2) and ORS 198.560(3).

The foregoing ordinance was introduced, by direction of the Board, read once by title only (a copy of the ordinance being available for each person desiring a copy), placed for final passage and adopted by the unanimous affirmative vote of all members of the Board present at the meeting, a quorum being present, on the 15th day of September, 1987.



President

Attest:



Secretary

PARCEL A

Beginning at a point 1221.71 feet south and 2422.74 feet west of the meander corner on the east line of Section 9, T 11 S, R 11 W, W.M., in Lincoln County, Oregon, said point also being on the "Ordinary High Water" line (Mean High Water, Elev. + 7.5 M.L.L.W. Datum as described in deed from State of Oregon to Sunset Terminals, Inc., recorded October 1, 1979 in Volume 105, page 1888, Film Records;

Thence along said High Water line the following courses and distances:

<u>Course</u>	<u>Bearing</u>	<u>Distance (ft.)</u>
1	S 66°37'09" W	442.42
2	N 79°18'23" W	363.57
3	N 75°47'46" W	50.47
4	N 69°39'06" W	16.82
5	N 40°28'56" W	15.90
6	N 03°54'48" E	15.23
7	N 57°15'49" E	16.20
8	N 84°09'41" E	9.71
9	S 85°27'31" E	29.11
10	N 05°37'46" W	132.99
11	N 06°23'52" W	132.55
12	N 48°16'05" W	156.69
13	N 53°06'28" W	231.05

Thence leaving said High Water line north 37°22'27" west 66.69 feet to a point on the 1914 Mean Lower Low Water line;

Thence along said 1914 Mean Lower Low Water line north 51°36'30" west 117.06 feet; thence north 49°20'47" west 4.16 feet;

Thence leaving said Mean Lower Low Water line north 39°56'57" east 171.84 feet to the southerly line of that parcel recorded in Volume 98, page 1415, Film Records;

Thence along the southerly line south 62°54'03" east 177.42 feet to the southeast corner; thence leaving said parcel and continuing south 62°54'03" east 123.00 feet; thence north 73°00'00" east 114.08 feet to the southerly boundary of County Road No. 515 right of way.

Thence along said southerly right-of-way, an arc length of 210.59 feet along a curve to the left having a radius of 622.96 feet; thence south 81°05'08" east 328.37 feet; thence an arc length of 111.52 feet along a curve to the left having a radius of 1768.87 feet;

Thence leaving said southern boundary south 08°55'00" west 37.07 feet; thence an arc length of 186.03 feet along a curve to the left having a radius of 330.00 feet; thence south 23°23'00" east 281.90 feet to the "Ordinary High Water" line and the point of beginning (containing 13.25 acres, more or less).

RINCO
DESCRIPTION OF PARCEL G
March 22, 1984

Beginning at a point 336.74 feet south and 1472.08 feet west of N10,000, E10,000 on the East line of Section 9, T11S, R11W, W.M. in Lincoln County, Oregon; said point being on the southerly boundary of County Road No. 515 Right-of-Way and westerly boundary of access road Right-of-Way;

Thence S3°34'30"E, 244.18 feet; thence S86°25'30"W, 191.82 feet; thence along an arc 114.09 feet along a curve to the left having a radius of 330 feet; thence S66°37'00"W, 845.16 feet to easterly boundary of the Port of Newport;

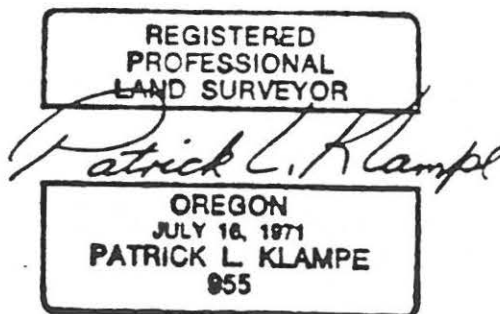
Thence ^{Northerly} along an arc 178.23 feet along a curve to the right having a radius of 330 feet; thence N8°55'00"E, 37.07 feet to the southerly boundary of County Road No. 515 Right-of-Way;

Thence ^{Easterly} along said County Road Right-of-Way on an arc 53.65 feet along a curve to the left having a radius of 1768.87 feet; thence along an arc 325.46 feet along a curve to the left having a radius of 622.96 feet; thence N63°37'52"E, 422.68 feet;

Thence leaving said county road Right-of-Way along the west line of that parcel conveyed to Dean Warren and recorded in Book 276, Page 39, Lincoln County Records on March 16, 1967, south a distance of 86.2 feet; thence N64°39'15"E, 95.72 feet, thence N47°48'52"E, 151.90 feet; thence along ^{Easterly} westerly line of said parcel north a distance of 41.48 feet to the north-west corner of said parcel; said point also being the southerly boundary of County Road No. 515 Right-of-Way;

Thence ^{Easterly} along said southerly Right-of-Way an arc length of 109.10 feet along a curve to the right having a radius of 5679.58 feet; thence N65°23'00"E, 34.54 feet to the point of beginning, containing 3.49 acres, more or less.

vjm/CVC1/028



C.P.A.
W.E. H.
BA

RINCO
DESCRIPTION OF PARCEL L
March 22, 1984

Beginning at a point 70.21 feet South and 743.66 feet West of the Meander Corner on the East line of Section 9, T11S, R11W, W.M. in Lincoln County, Oregon; said point also being on the westerly boundary of Northwest Natural Gas Company property and the southerly boundary of County Road No. 515 Right-of-Way;

Thence along the Northwest Natural Gas boundary S13°44'45"E, 198.23 feet; thence S3°34'30"E, 380.17 feet'

Thence leaving said boundary S79°05'40"W, 724.54 feet to the easterly boundary of access road Right-of-Way; thence along said Right-of-Way boundary N3°34'30"W, 470.22 feet to the southern boundary of County Road No. 515 Right-of-Way;

Thence along said county road Right-of-Way the following courses and distances:

<u>Course</u>	<u>Bearing</u>	<u>Distance (ft)</u>
1	N65°23'00"E	120.57
2	S0°22'45"E	28.66
3	N68°44'27"E	11.47
4	N59°08'15"E	353.30
5	N77°30'00"E	113.80
6	N86°29'15"E	135.59

To the Northwest Natural Gas Company boundary and the point of beginning, containing 8.95 acres, more or less.

vjm/CVC1/025

