Date: 3/15/2024
To: City of Salem
From: Zach Pelz, AICP
Project Name: The Cannery
AKS Job No.: 5968-01

Project Site: 1105 Front St NE, Salem, OR

Subject: Exhibit I – Survey Memorandum

The accompanying attachments provide a summary of survey research conducted by AKS in the context of Salem Revised Code (SRC) Chapter 205 and ORS 92.010, to provide justification in support of a subdivision (included in this application package) as the best legal mechanism to consolidate the underlying lots on the subject site.

## **Background**

The subject site comprises several underlying parcels, totaling approximately 13.6 acres, and that were created via a combination of platted subdivisions and partitions, property line adjustments, and deed transactions occurring between 1871 and 2005. The deed records for the subject parcels are included in Attachment C. Applicant wishes to reconfigure the boundaries of these parcels such that they are ultimately consolidated into 6 lots as shown in Exhibit A.

Given the various means by which the underlying lots were created and later adjusted, Applicant has elected a subdivision as the preferred pathway to accomplish Applicant's desired lot configuration. This is based on the following:

- Serial property line adjustments. Where more than three property line adjustments affecting the same unit of land are proposed in a six-month period, lots shall be adjusted via a replat or partition (SRC 205.055(c)(e)).
- A partition may not be used to consolidate or reconfigure parcels that were created by different plats. Per SRC 205.005(a)/ORS 92.010(9), "Partitioning land means dividing land to create not more than three parcels of land in a calendar year, but does not include: (c) Dividing land as a result of the recording of a subdivision or condominium plat." Because the subject site comprises parcels derived from multiple underlying subdivision plats, a partition plat may not be used to achieve Applicant's desired property configuration as shown in Exhibit A.
- A replat may not be used to consolidate or reconfigure parcels that were created by different plats. SRC 205.025/ORS 92.010(13), "Replat means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision." Because the subject site comprises parcels derived from multiple underlying subdivision plats, a replat may not be used to achieve Applicant's desired property configuration as shown in Exhibit A.
- Per SRC 205.010(a)/ORS 92.010(16), "Subdivide land means to divide land to create four or more lots in a calendar year" and is not restricted to a single plat or to lawfully created lots. Therefore,

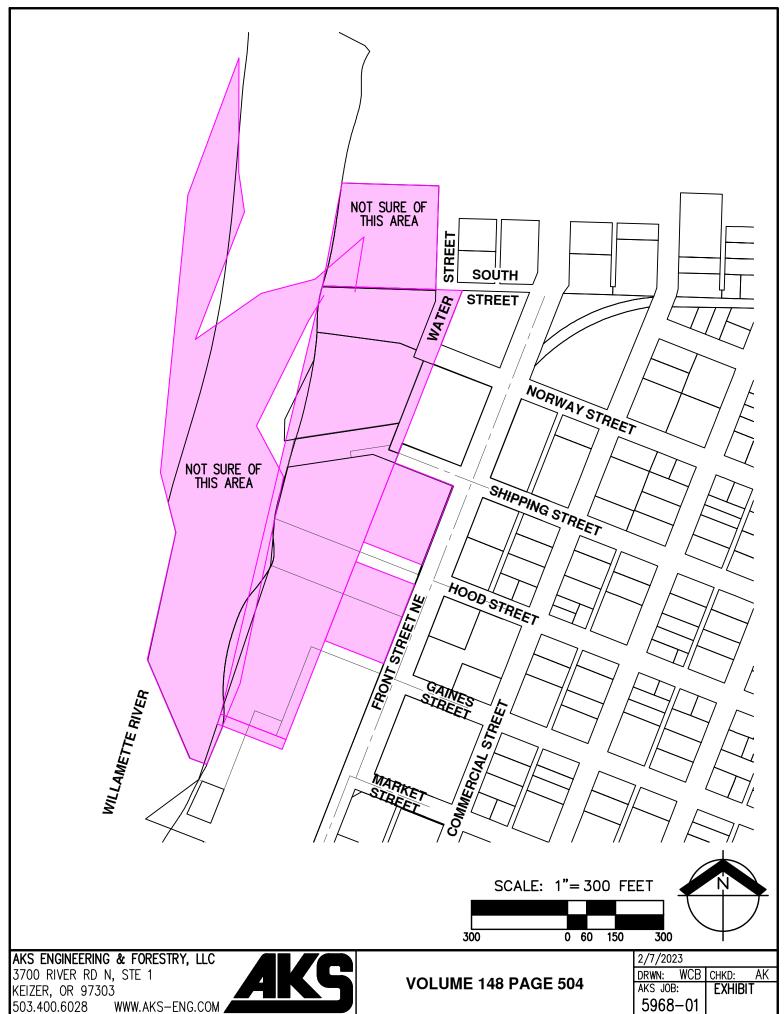
the subdivision procedure is the best mechanism to reconfigure the existing parcels in the manner desired by Applicant.

## **Survey Research and Attachments**

The materials in Attachments A-G represent the evolution of property boundary transactions that have taken place on the subject site dating to 1871.

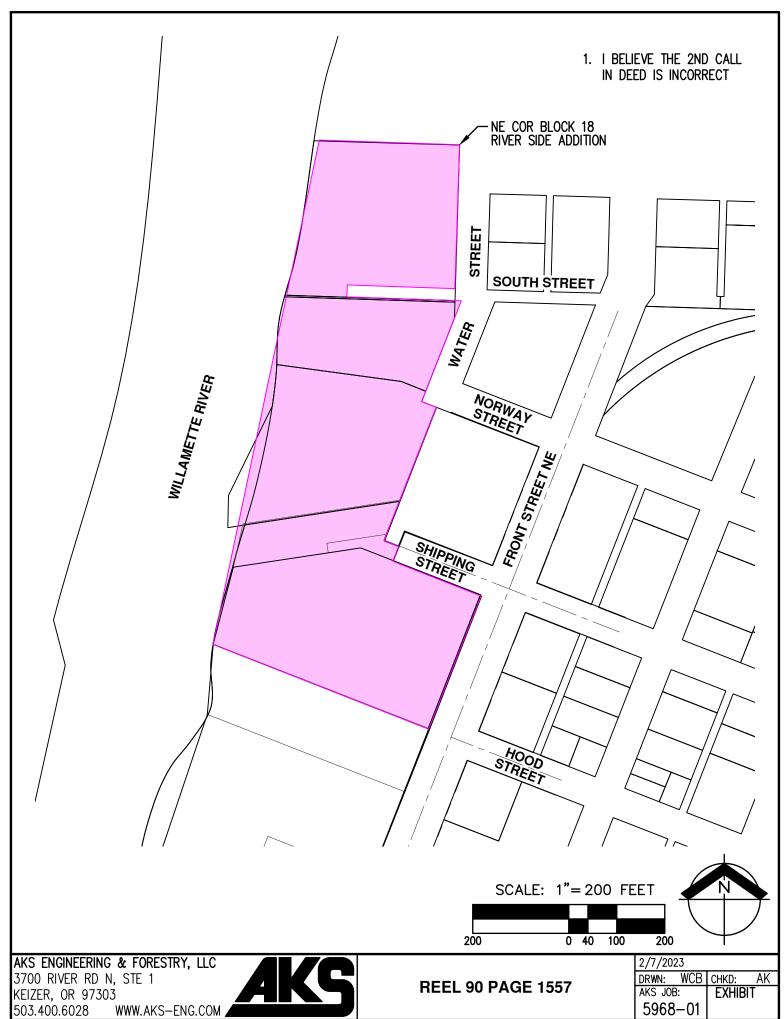
- Attachment A: Deed Map Exhibits
- Attachment B: Marion County Assessor's Map with Deed References
- Attachment C: Complete Deed Record for Subject Property
- Attachment D: Title Report Review
- Attachment E: ALTA Survey
- Attachment F: Volume 148-504 Describing Land West of the North Salem Plat
- Attachment G: Reel 78, Page 1726 Describing Land West of the Mill Addition Plat
- Attachment H: North Salem Plat (1871), Mill Addition Plat (1889), Willamette Landing Plat (1979)

# **Attachment A:** Deed Map Exhibits

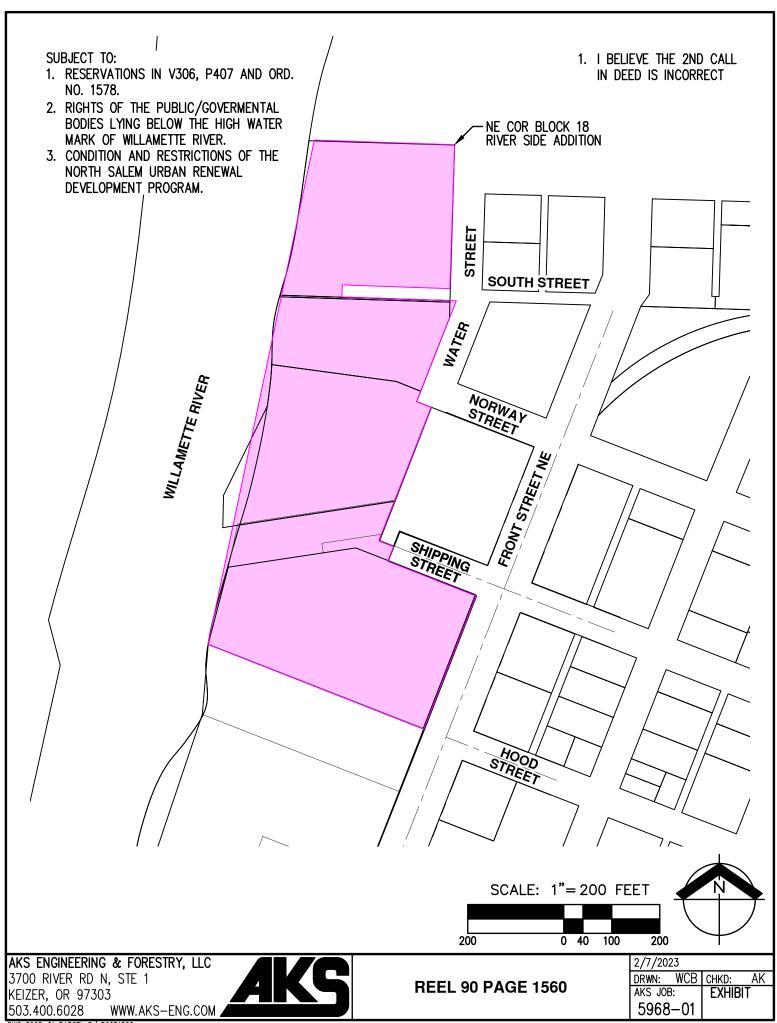


DWG: 5968-01 PARCEL 3 | V148P504

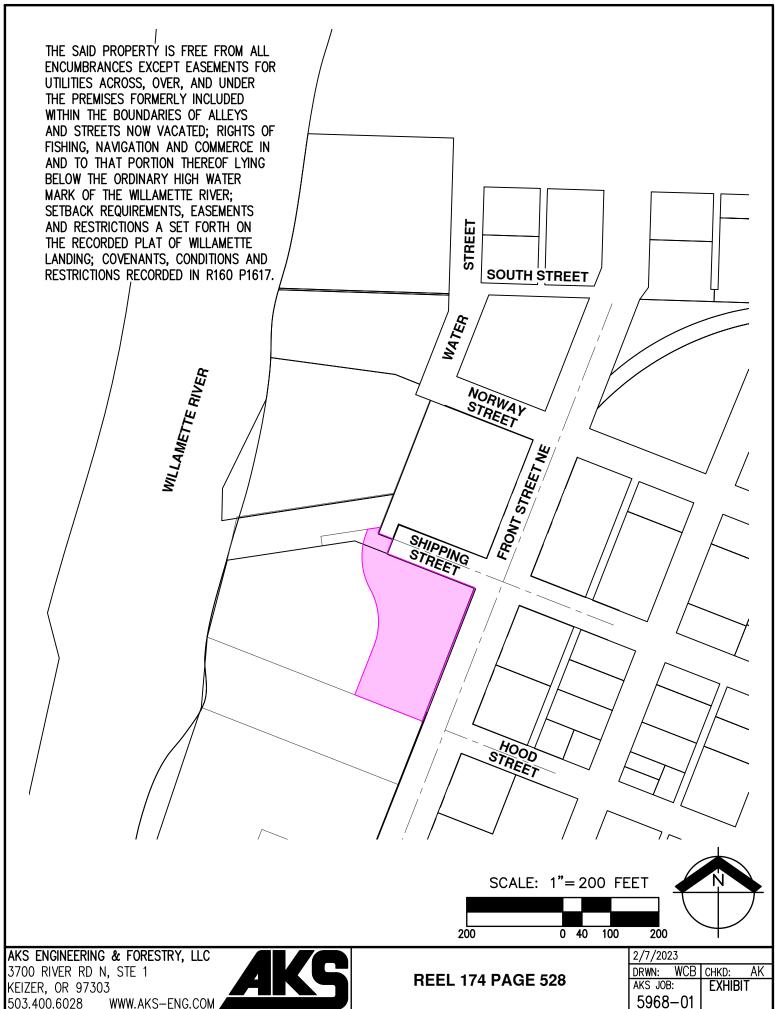
5968-01



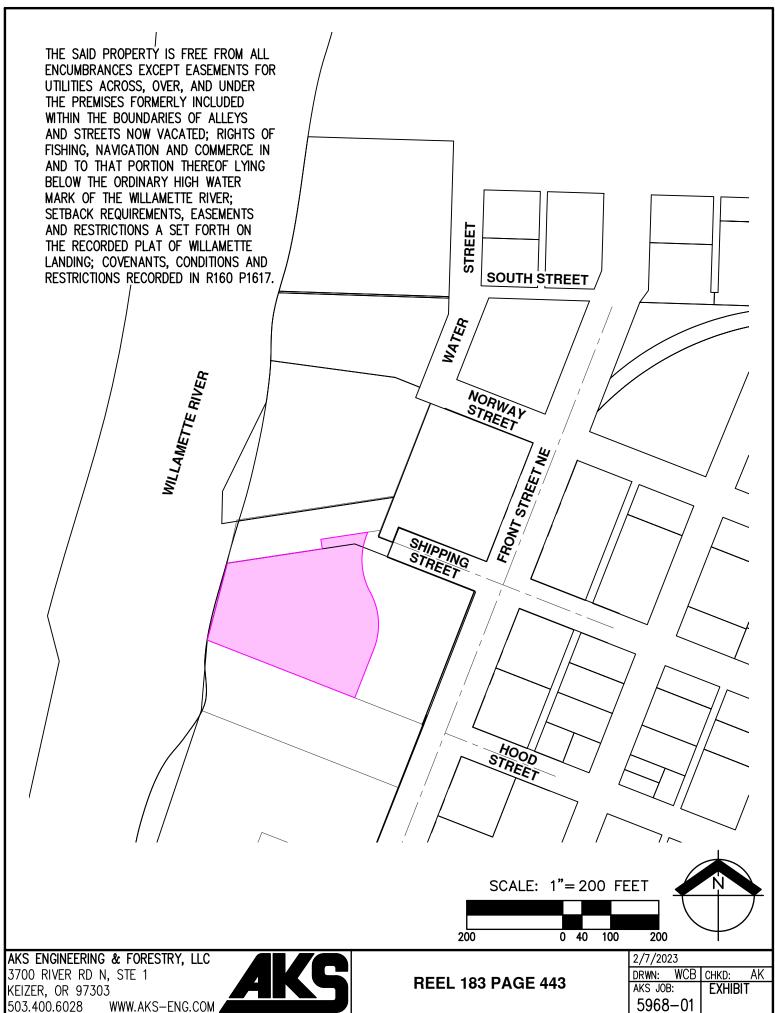
DWG: 5968-01 PARCEL 3 | R90P1557



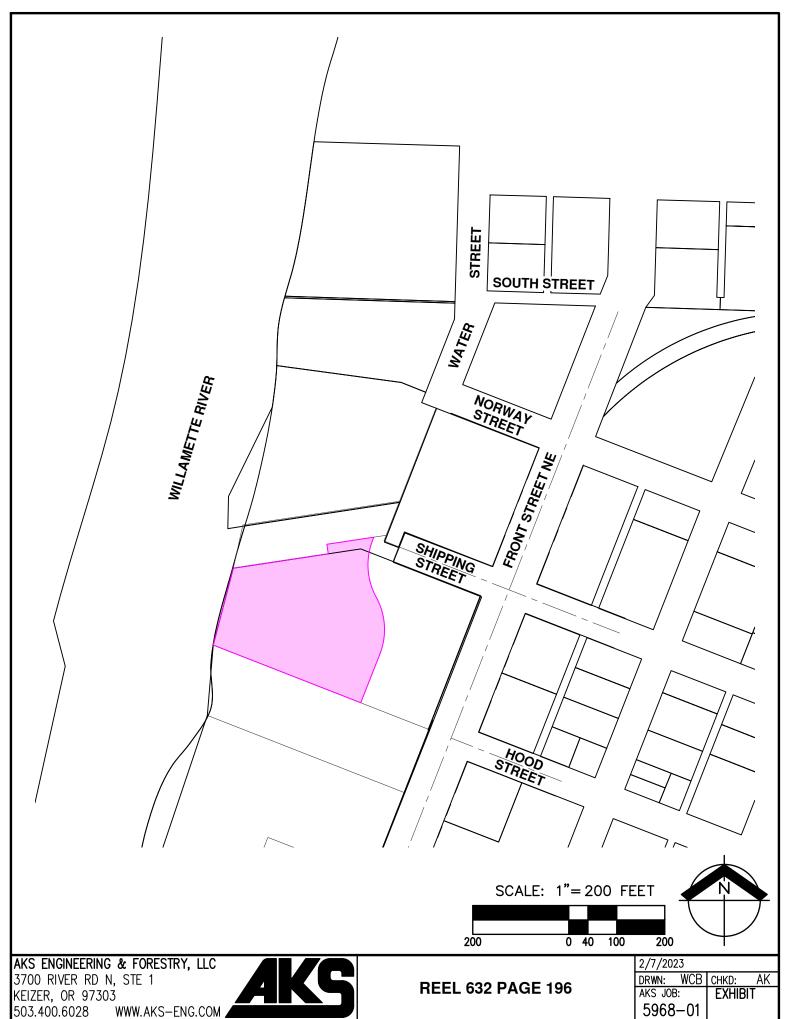
DWG: 5968-01 PARCEL 3 | R90P1560



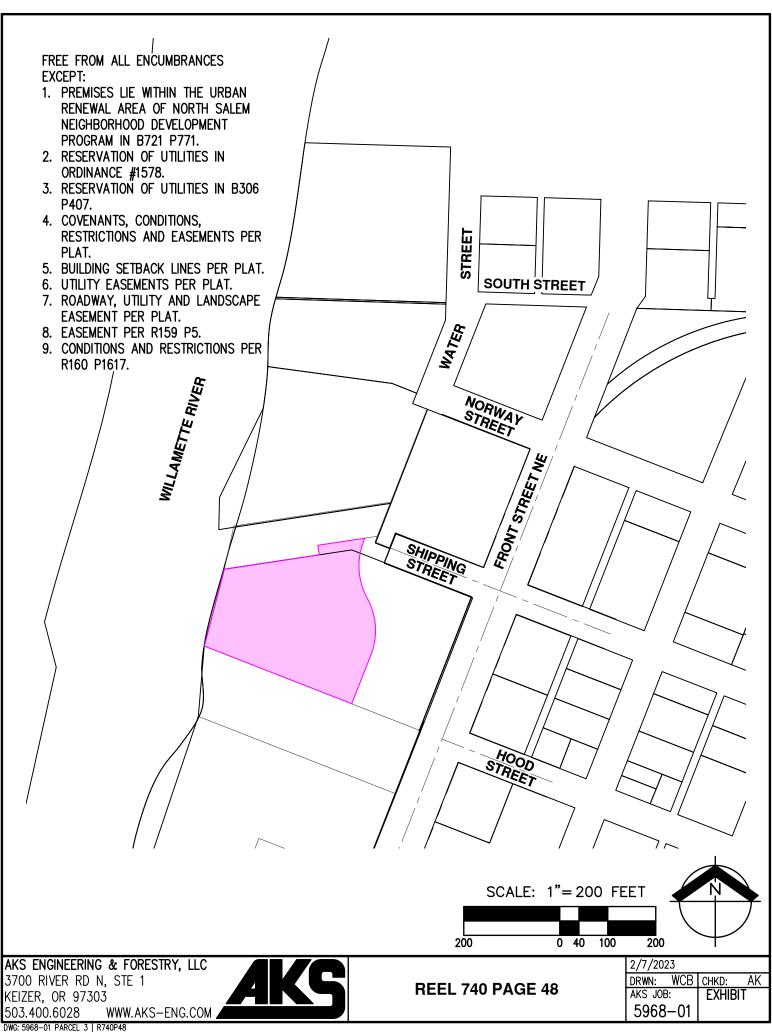
503.400.6028 WWW.AKS-ENG.COM



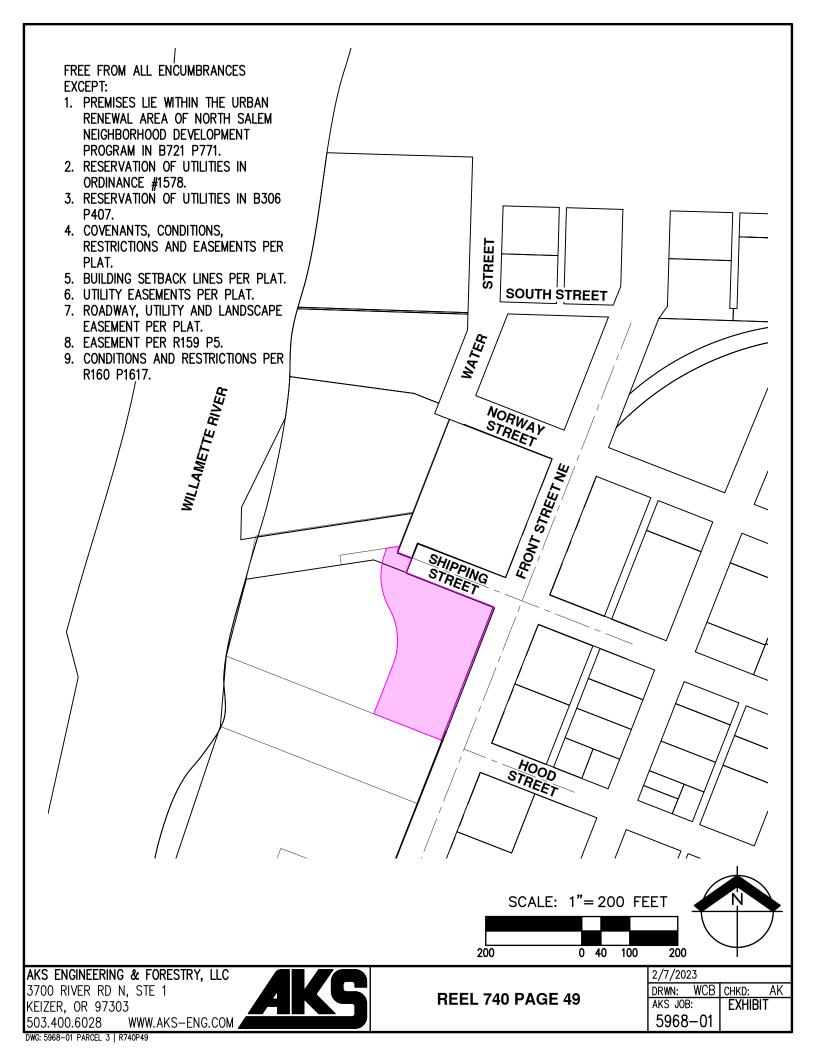
DWG: 5968-01 PARCEL 3 | R183P443

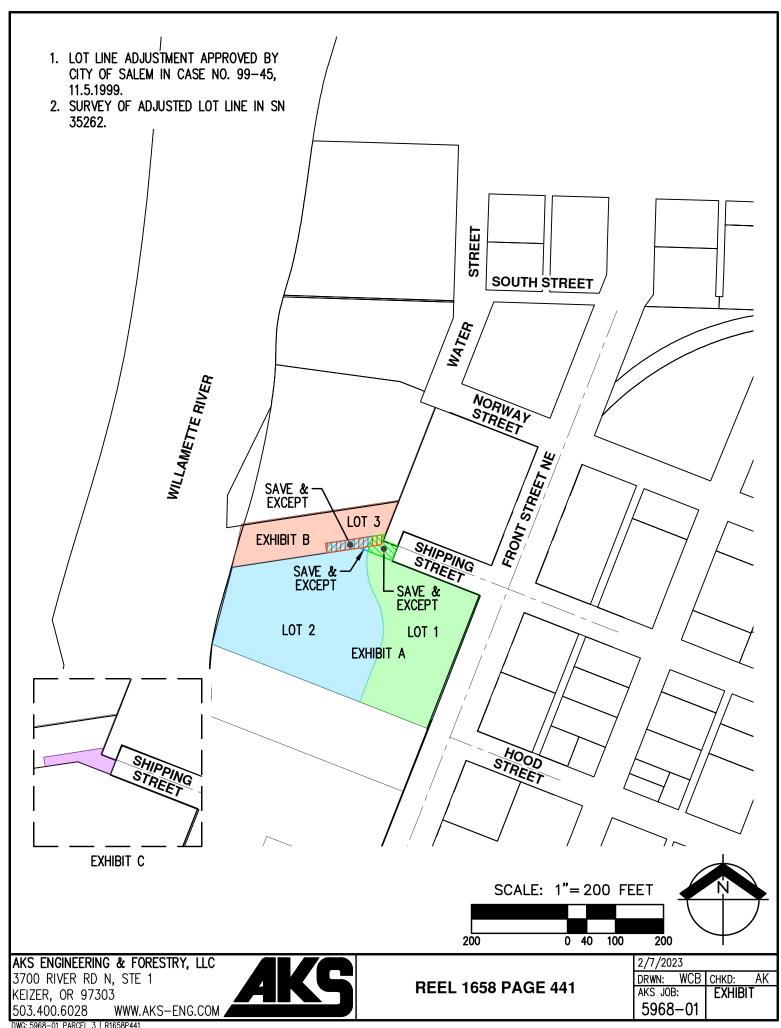


DWG: 5968-01 PARCEL 3 | R632P196

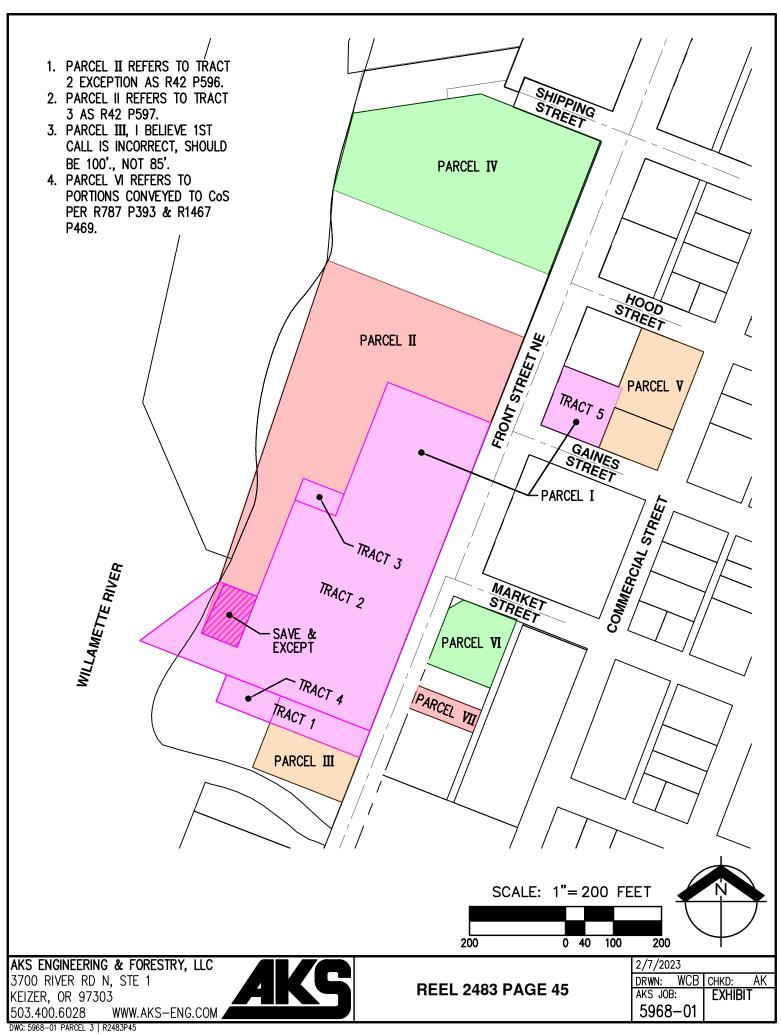


DWG: 5968-01 PARCEL 3 | R740P48

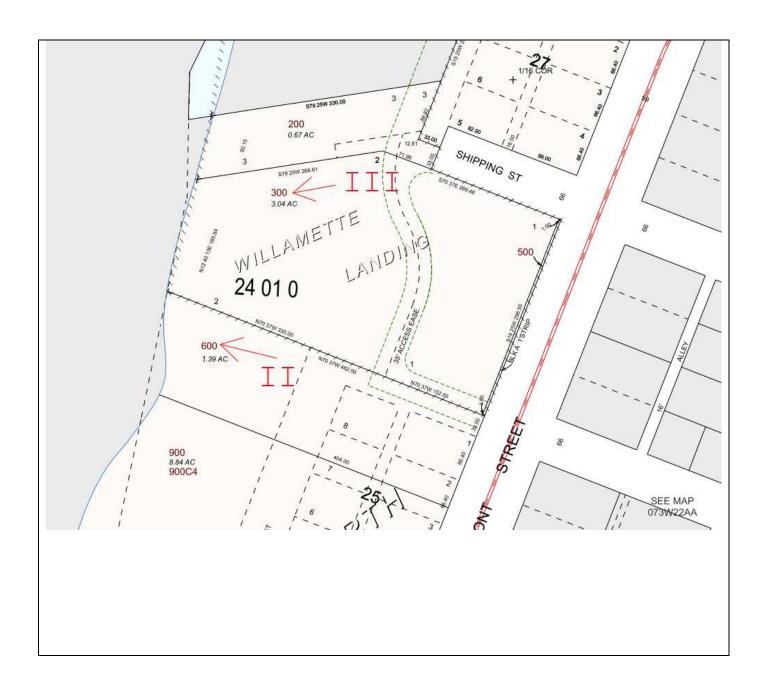




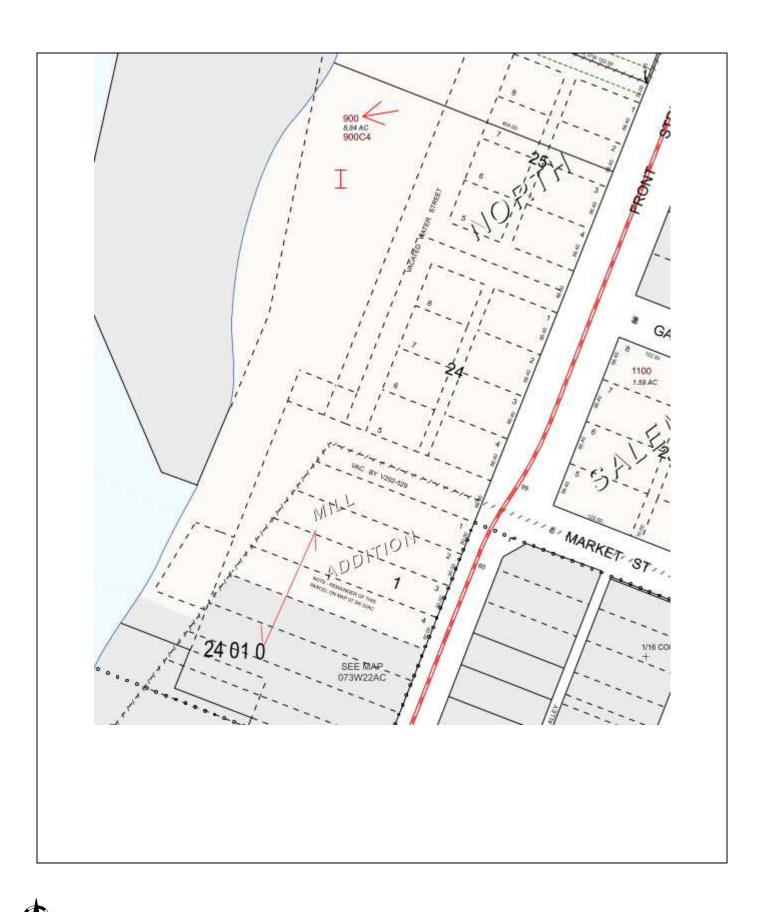
DWG: 5968-01 PARCEL 3 | R1658P441



**Attachment B:** Marion County Assessor's Map with Deed References



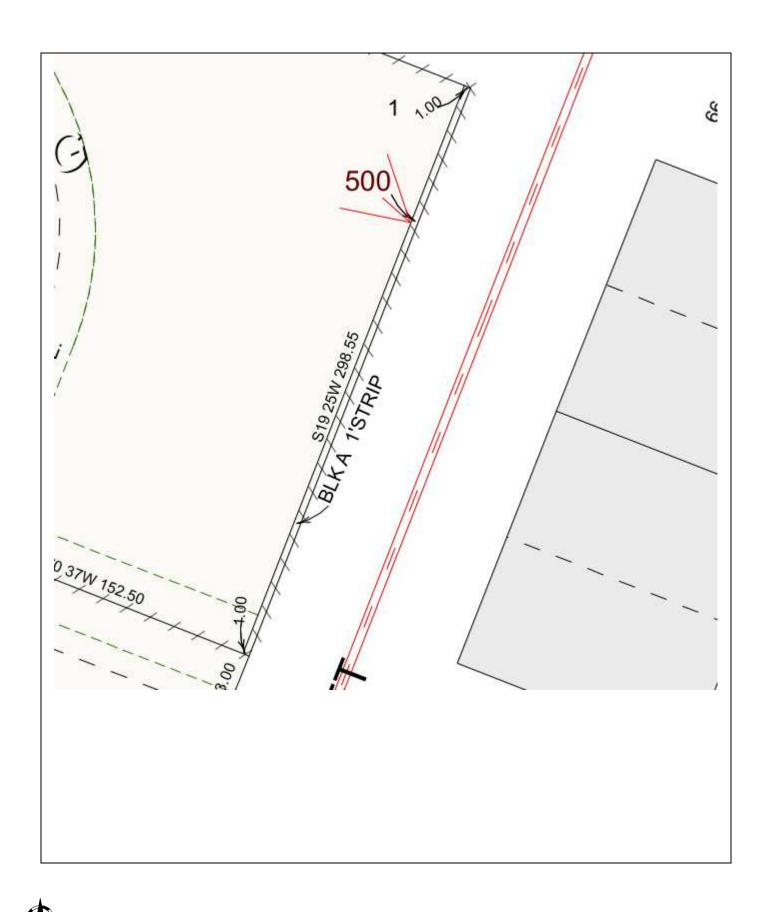
This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



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**Attachment C:** Complete Deed Record for Subject Property

1433 SW 6th Ave Portland, OR 97201

Phone: (503)646-4444 / Fax: (503)469-4198

## TITLE PLANT RECORDS REPORT **Report of Requested Information from** Title Plant Records

AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1 Keizer, OR 97303

**Customer Ref.:** 60222300149

Order No.:

Effective Date: January 6, 2023 at 08:00 AM

\$250.00 Fee(s):

The information contained in this report is furnished by Fidelity National Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE NOR IS IT A PRELIMINARY TITLE REPORT OR A COMMITMENT FOR TITLE INSURANCE. No examination has been made of the Company's records, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the customer, and the Company will have no greater liability by reason of this report. THIS REPORT ("THE REPORT") IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT

## **County and Time Period**

This report is based on a search of the Company's title plant records for County of Marion, State of Oregon, for the time period from January 1, 1957 through January 6, 2023 (with the through date being "the Effective Date").

## **Ownership and Property Description**

The Company reports the following, as of the Effective date and with respect to the following described property ("the Property"):

**Owner.** The apparent vested owner of the Property is:

Truitt Properties, LLC, an Oregon limited liability company, as to Parcel II; and Front Street Properties, LLC, an Oregon limited liability company, as to Parcels I and III; and City of Salem, a municipal corporation of the State of Oregon, as to Parcel IV

Premises. The Property is:

## (a) Street Address:

1105 Front Street NE, Salem, OR 97301 1375 Front Street NE, Salem, OR 97301 No Situs, Salem, OR 97301

#### (b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

#### **Encumbrances**

[If no information appears in this section, the section is intentionally omitted.]

## **General Index Liens against Named Party**

Title Plant Records Report (Ver. 20161024)

## [If no information appears in this section, the section is intentionally omitted.]

#### **Recorded Documents**

For the above stated county and time period, the Company reports the following types of recordings that relate to the Property:

a. Types of recordings: Deeds

b. List of recordings: Deeds Affecting Parcel I:

Volume 148, page 504, recorded 2-27-1919

Volume 519, page 893, recorded 2-16-1959

Volume 543, page 828, recorded 4-17-1961

Volume 543, page 830, recorded 4-17-1961

Volume 543, page 832, recorded 4-17-1961

Volume 606, page 715, recorded 9-16-1965

Volume 697, page 270, recorded 1-28-1971

Volume 743, page 662, recorded 1-24-1973

Reel 78, page 1726, recorded 4-26-1977

Reel 194, page 165, recorded 10-3-1979

Reel 2483, page 45, recorded 5-26-2005

Deeds affecting Parcel II:

Volume 148, page 504, recorded 2-27-1919

Reel 78, page 1728, recorded 4-26-1977

Reel 124, page 1305, recorded 5-19-1978

Reel 352, page 890, recorded 8-1-1984

Reel 1472, page 565, recorded 3-24-1998

Deeds affecting Parcel III:

Volume 148, page 504, recorded 2-27-1919

Reel 90, page 1557, recorded 8-3-1977

Reel 90., page 1560, recorded 8-3-1977

Reel 174, page 528, recorded 7-3-1979

Reel 183, page 443, recorded 9-6-1979

Reel 632, page 196, recorded 7-18-1988

Reel 740, page 48, recorded 12-29-1989

Reel 740, page 49, recorded 12-29-1989

Reel 1658, page 441, recorded 12-22-1999

Reel 2483, page 45, recorded 5-26-2005

Deeds affecting Parcel IV:

Reel 249, page 782, recorded 5-8-1981

## **End of Reported Information**

There will be additional charges for additional information or copies. For questions or additional requests, contact:

James Carter 503-336-9126 FAX james.carterjr@titlegroup.fntg.com

Fidelity National Title Company of Oregon 1433 SW 6th Ave Portland, OR 97201

## **Legal Description**

For APN/Parcel ID(s): 582541, 582542 and 596343

For Tax Map ID(s): 073W22AB00900, 073W22AB00900 and 073W22AB00300

#### PARCEL I:

A parcel of land situated in the Northeast Quarter of Section 22, Township 7 South, Range 3 West of the Willamette Meridian, in the City of Salem, County of Marion, State of Oregon, more particularly described as follows:

#### Tract 1:

Beginning at the Northeast corner of the South one-half of Lot 7, Block 1, MILL ADDITION to the City of Salem, Marion County, Oregon. (See Volume 1, Page 90, Record of Town Plats for said County and State.) being that point on the East line of said Lot 7, which is 25 feet Northerly from the Southeast corner of said Lot; thence North 70° 35' West along the middle line of said Lot 7, a distance of 200 feet; thence South 19° 25' West and parallel to the West line of Front Street, a distance of 60 feet; thence Easterly on a line parallel to the South line of said Lot 7, a distance of 200 feet to the said West line of Front Street; thence Northerly along said West line Addition to the City of Salem, Marion County, Oregon, and the Place of Beginning.

#### Tract 2:

Beginning at an iron pipe in the West line of Front Street in Salem, Oregon, 25 feet Southerly from the Northeast corner of Lot 7, Block 1, MILL ADDITION to Salem, Marion County, Oregon; thence North 19° 25' East along the West line of Front Street, 689.6 feet to the center of Gaines Street; thence North 70° 35' West along the center line of Gaines Street, now vacated, 230.33 feet; thence South 19° 25' West along the center line of Water Street, now vacated, 298.6 feet; thence North 70° 35' West along the Westerly extension of the South line of Block 24, North Salem, 90.57 feet; thence South 19° 25' West 216.0 feet; thence North 70° 35' West along a Westerly extension of the North line of Lot 4, Block 1, MILL ADDITION, 85 feet more or less to the low water line of the Willamette River; thence up said River following the low water line of the same to a Westerly extension of the line cutting Lot 7, Block 1, Mill Addition, into North and South halves; thence South 70° 35' East along said line, 515 feet more or less to the Point of Beginning.

#### **EXCEPTING THEREFROM:**

Beginning at the Southeast corner of Lot 8, Block 1, MILL ADDITION to Salem, Marion County, Oregon; thence North 70° 35' West along the Southerly line of said Lot 8, a distance of 320.90 feet; thence North 19° 25' East parallel with the West line of Front Street, a distance of 136.63 feet to the True Point of Beginning; thence North 70° 35' West parallel with the Southerly line of said Lot 8 and the Westerly extension thereof, a distance of 80.00 feet, more or less, to the low water line of the Willamette River; thence Northerly along said low water line to a point on the Westerly extension of the Southerly line of Lot 3, in said Block 1; thence South 70° 35' East along the Westerly extension of the Southerly line of said Lot 3, a distance of 73.00 feet, more or less, to a point which is North 19° 25' East 113.72 feet from the true point of beginning; thence South 19° 25' West a distance of 113.72 feet to the Place of Beginning.

#### Tract 3:

Beginning on the Westerly line of Front Street at a point which is 33.00 feet North 19° 25' East from the Northeast corner of Block 24, NORTH SALEM, Marion County, Oregon; thence North 70° 35' West along the center line of Gaines Street (vacated) 230.33 feet, thence South 19° 25' West parallel with the Westerly line of said Front Street 250.60 feet to the True Point of Beginning; thence South 19° 25' West, parallel with the Westerly line of said Front Street 48.00 feet; thence North 70° 35' West, 90.57 feet; thence North 19° 25' East 48.00 feet; thence South 70° 35' East 90.57 feet to the True Point of Beginning.

## **Legal Description**

#### Tract 4:

Beginning at a point which is North 19° 25' East 15 feet and North 70° 35' West 200 feet from the Southeast corner of Lot 8, Block 1, MILL ADDITION to Salem, Marion County, Oregon, which point is the True Place of Beginning; thence North 70° 35' West and parallel with the Westerly extension of the Southerly line of said Lot 8, 120.9 feet; thence North 19° 25' East 60 feet, more or less, to the Southerly property line of USP Corporation property; thence South 70° 35' East and parallel with the Southerly line of the said Lot 8, 120.9 feet; thence South 19° 25' West 60 feet, more or less, to the Place of Beginning.

#### Tract 5:

Beginning at a point on the Easterly boundary line of Block 25, NORTH SALEM, said point bears South 19° 25' West 108.00 feet from the Northeast corner of said Block 25 and running thence North 70° 35' West, parallel to the Northerly boundary line of Block 25, to the low water line of the Willamette River; thence Southerly, along said low water line, to the Southerly line of that parcel of land described in the exception to Tract 2, said description being recorded in Reel 42, Page 596, Marion County Records; thence South 70° 35' East, along said Southerly boundary line, 80.00 feet, more or less, to the Southeasterly corner of said exception; thence North 19° 25' East 377.72 feet along the Westerly boundary lines of the aforementioned Tract 2 and Tract 3, said Tract 3 being described in Reel 42, Page 597, Marion County Records; thence South 70° 35' East 90.57 feet, along the Northerly boundary line of said Tract 3, to the Northeasterly corner of same; thence North 19° 25' East 250.60 feet, along the aforementioned Westerly boundary line of Tract 2, said Westerly boundary line being the center-line of vacated Water Street to the Northwesterly corner of said Tract 2; thence South 70° 35' East 230.33 feet, along the Northerly boundary line of vacated Gaines Street, to the Northerly corner of said Tract 2; thence North 19° 25' East 190.60 feet along said Easterly boundary line of Block 25 and its extension to the Point of Beginning.

#### Tract 6:

Beginning at the Southeast corner of Lot 8, Block 1, MILL ADDITION to Salem, in Marion County, Oregon, and thence South 19° 30' West a distance of 85.0 feet to the true point of beginning; thence North 70° 30' West a distance of 200.0 feet; thence North 19° 30' East a distance of 100.0 feet; thence South 70° 30' East a distance of 200.0 feet; thence South 19° 30' West a distance of 100.0 feet to the true Point of Beginning.

## PARCEL II:

A tract of land situated in the Northwest Quarter of the Northeast Quarter of Section 22, Township 7 South, Range 3 West of the Willamette Meridian, in the City of Salem, County of Marion, State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of Block 25, NORTH SALEM, and running thence South 19°25' West 108.00 feet along the Easterly boundary line of said Block 25; thence North 70°35' West, parallel with the Northerly boundary line of said Block 25, to the low water line of the Willamette River; thence Northerly, along said low water line, to a point on the Westerly extension of the centerline of Hood Street; thence South 70°35' East, along said Westerly extension, to a point on the Northerly extension of the Westerly boundary line of the aforementioned Block 25; thence South 19°25' West 33.00 feet, along said Northerly extension, to the Northwesterly corner of said Block 25; thence South 70°35' East 197.50 feet, along the Northerly boundary line of said Block 25, to the Point of Beginning.

#### AND ALSO:

Beginning at the Northeast corner of Lot 1, Block 25, NORTH SALEM, thence running Westerly, along the Northerly lines of Lots 1 and 8, a distance of 197.50 feet to the Northwest corner of Lot 8; thence running Northeasterly and parallel with the Easterly line of said Block 25, a distance of 33.0 feet; thence running Easterly

## **Legal Description**

and parallel with the North lines of Lots 8 and 1, a distance of 197.50 feet to the Westerly edge of Front Street in the City of Salem; thence running Southerly, along the edge of Front Street, a distance of 33.0 feet to the Place of Beginning, and being the Southerly one-half of vacated Hood Street.

TOGETHER WITH a perpetual non-exclusive easement for roadway purposes, over and across and 8under the following described property:

Beginning at the point of intersection of the Westerly right-of-way line of Front Street with the centerline of vacated Hood Street in NORTH SALEM in Township 7 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence North 19°25' East, along the Westerly right-of-way line of said Front Street, 20.00 feet; thence North 70°37' West, parallel with the centerline of vacated Hood Street, 170.00 feet; thence South 19°25' West, parallel with the Westerly right-of-way line of Front Street, 20.00 feet to a point on the centerline of vacated Hood Street; thence South 70°37' East, along the centerline of vacated Hood Street, 170.00 feet to the Point of Beginning, as set forth in instrument recorded March 6, 1979 in Reel 159, page 5, Film Records for Marion County, Oregon.

PAR	/ 'II	L II	١.

Tract 1:

Lot 1, WILLAMETTE LANDING, in the City of Salem, County of Marion, State of Oregon.

EXCEPTING THEREFROM, the land described as follows:

Beginning at a point on the southerly right-of-way line of Shipping Street, which is 197.50 feet North 70°37'00" West from the Northeast corner of Lot 1 of said WILLAMETTE LANDING; thence North 70°37'00" West a distance of 53.26 feet; thence along the arc of a 140.00 foot radius curve to the right a distance of 25.55 feet, (a chord of which bears North 14°17'27" East 25.51 feet), to the end of said curve; thence North 19°31'05" East 7.49 feet; thence North 79°15'34" East, along the Southerly line of Lot 3, WILLAMETTE LANDING, a distance of 25.54 feet to a point at the Easterly Southeast corner of said Lot 3, said point also being on the East line of said WILLAMETTE LANDING; thence South 19°31'05" West, along said East line, a distance of 12.72 feet to an angle in said East line; thence South 19°24'59" West, along said East line, a distance of 33.00 feet to the Point of Beginning.

Tract 2:

Lot 2, WILLAMETTE LANDING, in the City of Salem, County of Marion, State of Oregon.

EXCEPTING THEREFROM, the land described as follows:

Beginning at a point on the Southerly right-of-way line of Shipping Street, which is 269.46 feet North 70°37'00" West from the Northeast corner of Lot 1 of said WILLAMETTE LANDING; thence North 70°37'00" West a distance of 18.70 feet; thence South 79°25'00" West a distance of 68.61 feet to a property corner between said Lots 2 and 3; thence North 10°43'47" West, along said property line between Lots 2 and 3, a distance of 20.01 feet to an angle in said line; thence North 79°15'34" East, along the Southerly line of said Lot 3, a distance of 99.35 feet; thence South 19°31'05" West 7.49 feet to the beginning of a 140.00 foot radius curve to the right; thence along the arc of said curve, a distance of 25.55 feet, (a chord of which bears South 14°17'27" West 25.51 feet), to the Place of Beginning.

PARCEL IV:

Block A, WILLAMETTE LANDING, in the City of Salem, County of Marion, State of Oregon.

**Legal Description** 

#### LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS.

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES. AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL SUPPLIERS, SUBSIDIARIES, SUBSCRIBERS OR AFFILIATES, EMPLOYEES, SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

# Attachment D: Title Report Review

April 24, 2023



Trent Michels
The Future of Neighborhood Development LLC
15017 Thomas Road
Charlotte, NC 28278

**RE:** Osprey Project Title Report Review

Dear Mr. Michels:

This letter serves as a response to exceptions listed in a title report prepared by Fidelity National Title, with an effective date of March 27, 2023.

## **Title Report Exceptions**

The Following Items Affect Parcel 1:

4. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by Ordinance No. 1578

Filed: April 7, 1919

#### Response

Per Ordinance 1578 the City of Salem reserves the right to build (though not explicitly maintain) a sewer line in the vacated alleys of block 25 and 26, as well as in vacated Hood Street in the Town plat of North Salem lying west of the west right-of-way of Front Street. Affects Taxlots 300, 600, and 900 on Taxmap 073W22AB. However Ordinance number 2554 looks to further vacate any remaining rights to the City of Salem within Block 25 and 26 alleys in the Town plat of North Salem.

5. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by resolution or ordinance

Recording Date: August 2, 1944

Recording No: Book 306, page 407

**Response:** The vacation of Water Street between the South line of Gaines Street and the

South Line of Norway Street shall not affect or infringe upon rights-of-way and easements held by private or public utilities. The City of Salem particularly reserves the right to construct and maintain utilities the same as it had before said vacation. Affects Taxlots 300, 400, and 900 on Taxmap 073W22AB.

6. A building set-back line, as disclosed by said plat.

Plat: Willamette Landing

Affects: reference is hereby made to said document for full particulars

**Response:** The above mentioned plat shows a setback line 15.00 feet north of the

southerly line of Tax Lot 300 (Taxmap 073W22AB) and a 30.00 foot building setback being 25.00 feet south and 5.00 feet north of the dividing line between Lot 2 and Lot 3 of the Plat of Willamette Landing. Additionally the plat shows setback lines of 5.00 feet from each lot line and 3.00 feet from dedicated right-of-way. Within said 30.00 feet and 15.00 feet setbacks a 10.00 foot wide landscaped area is required adjacent to the top of river bank. Within all setback lines no enclosed structures shall be built and future landscaping shall not obstruct nor diminish the public view of the Willamette River.

7. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat;

Purpose: utilities and landscape

Affects: reference is hereby made to said document for full particulars

**Response:** See plat of "Willamette Landing" for details regarding easements created by the

plat, all other easements listed in the plat are addressed in later exceptions.

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document: Granted to: City of Salem

Purpose: water pipeline and appurtenances Recording Date: October 10, 2001

Recording No: Reel 1847, page 353

Affects: reference is hereby made to said document for full particulars

Response: Permanent waterline easement to the benefit of the City of Salem, offsite but

terminates at the north boundary of Tax Lot 300 (Taxmap 073W22AB).

14. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2022-2023
Amount: \$18,611.80
Levy Code: 25010
Account No.: 596344

Map No.: 073W22AB00200

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

**Response:** Not a survey matter.

15. A deed of trust to secure an indebtedness in the amount

shown below, Amount: \$478,250.00 Dated: April 9, 2021



Trustor/Grantor: Howe Professional Properties, LLC, an Oregon limited liability

company Trustee: Kevin P. Moran, Attorney at Law

Beneficiary: Heritage Bank

Loan No.: 243926

Recording Date: April 14, 2021

Recording No: Book 4477 Page 48

An agreement recorded September 12, 2022 at Recording No.: Reel 4657, page 230 which states that this instrument was subordinated to the document or interest described in the instrument

Recording Date: August 22, 2022 Recording No.: Reel 4652,

page 151

Response: Reel 4657, page 230 describes a 33.00 foot access easement at the westerly

extension of centerline of Shipping Street, which is north of Tax Lot 300 (Taxmap 073W22AB) and does not adjoin it. It is unclear if the subject property benefits

from this offsite easement.

16. Assignment of Rents and Leases

Assigned to: Heritage Bank Recording Date: April 14, 2021 Recording No: Book

4477 Page 49

**Response:** Document contains the same 33.00 foot easement noted in exception 15 above.

17. A deed of trust to secure an indebtedness in the amount

shown below, Amount: \$390,000.00 Dated: August 13, 2022

Trustor/Grantor: Howe Professional Properties, LLC, an Oregon limited liability

company Trustee: Fidelity National Title Company of Oregon

Beneficiary: Evergreen Business Capital

Recording Date: August 22, 2022

Recording No: Reel 4652, page 151

An assignment of the beneficial interest under said deed of trust

which names: Assignee: United States Small Business

Administration

Recording Date: August 22, 2022



Recording No: Reel 4652, page 216

**Response:** Document contains the same 33.00 foot easement noted in exception 15 above.

18. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Lease

Lessor: Howe Professional Properties, LLC

Lessee: Riverfront Dental, LLC

Recording Date: August 2, 2022

Recording No: Reel 4652, page 152

An agreement recorded August 22, 2022 at Reel 4652, page 215 which states that said lease has been made subordinate to the document

Entitled: Deed of Trust
Recording Date: August 22, 2022
Recording No: Reel 4652, page 151

**Response:** Document contains the same 33.00 foot easement noted in exception 15 above.

## The Following Items Affect Parcel 2:

19. City Liens, if any, in favor of the City of Salem.

**Response:** Not a survey matter.

20. The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the Willamette River.

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Willamette River.

Response: Deed history indicates title ownership of the subject property to the Ordinary

Low Water Mark for this portion of the Willamette River.

- 21. Any adverse claim based upon the assertion that:
  - a. Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Willamette River, in the event the boundary of said Willamette River



has been artificially raised or is now or at any time has been below the high watermark, if said \Willamette River is in its natural state.

- b. Some portion of said Land has been created by artificial means or has accreted to such portion so created.
- c. Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Willamette River, or has been formed by accretion to any such portion.

**Response:** Not a survey matter

22. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by Ordinance No. 1578

Filed: April 7, 1919

Response: Per Ordinance 1578 the City of Salem reserves the right to build (though not

explicitly maintain) a sewer line in the vacated alleys of block 25 and 26, as well as in vacated Hood Street in in the Town plat of North Salem lying west of the west right-of-way of Front Street. Affects Taxlots 300, 600, and 900 on Taxmap 073W22AB. However Ordinance number 2554 looks to further vacate any remaining rights to the City of Salem within Block 25 and 26 alleys in the Town

plat of North Salem.

23. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by resolution or ordinance

Recording Date: August 2, 1944

Recording No: Book 306, Page 407

**Response:** The vacation of Water Street between the South line of Gaines Street and the

South Line of Norway Street shall not affect or infringe upon rights-of-way and easements held by private or public utilities. The City of Salem particularly reserves the right to construct and maintain utilities the same as it had before

said vacation. Affects Taxlots 300, 400, and 900 on Taxmap 073W22AB.

24. A building set-back line, as disclosed by said plat.

Plat: Willamette Landing

**Response:** The above mentioned plat shows a setback line 15.00 feet north of the

southerly line of Tax Lot 300 (Taxmap 073W22AB) and a 30.00 foot building setback being 25.00 feet south and 5.00 feet north of the dividing line between Lot 2 and Lot 3 of the Plat of Willamette Landing. Additionally the plat shows setback lines of 5.00 feet from each lot line and 3.00 feet from dedicated right-



of-way. Within said 30.00 feet and 15.00 feet setbacks a 10.00 foot wide landscaped area is required adjacent to the top of river bank. Within all setback lines no enclosed structures shall be built and future landscaping shall not obstruct nor diminish the public view of the Willamette River.

25. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat;

Purpose: utilities, private drive and landscape

Affects: reference is hereby made to said document for full particulars

Response: See plat of "Willamette Landing" for details regarding easements created by the

plat, all other easements listed in the plat are addressed in other exceptions.

26. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a

document: Granted to: Adjacent property owner

Purpose: roadway and utility purposes Recording Date: March

5, 1979

Recording No: Reel 159, page 5

Affects: Southerly 20 feet of Easterly 170 feet

Response: Nonexclusive roadway and utility easement to the benefit of Chemeketa

Industries Corporation. Easement's south line begins at the intersection of Tax lot 600's (Taxmap 073W22AB) north line and the west right-of-way of Front Street and continues along the north line of Taxlot 600 for 170.00 feet. Easement is

20.00 feet wide and within Taxlot 300 (Taxmap 073W22AB).

- 27. [Intentionally Deleted]
- 28. Personal property taxes, if any.

**Response:** Not a survey matter.

29. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2022-2023

Amount: \$13,311.23

Levy Code: 924010

Account No.: 596343

Map No.: 073W22AB00300



Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

**Response:** Not a survey matter.

## The Following Items Affect Parcel 3:

30. The subject property is under public, charitable, fraternal, or religious organization ownership and is exempt from ad valorem taxation. Any change in ownership prior to delivery of the assessment roll may result in tax liability.

Tax Account No.: 596346

Map No.: 073W22AB00500

**Response:** Not a survey matter.

31. City Liens, if any, in favor of the City of Salem.

**Response:** Not a survey matter.

32. Memorandum of Agreement

Recording Date: October 5, 2022 Recording No.: Reel 4663, page 201

**Response:** Not a survey matter.

## The Following Items Affect Parcel 4:

33. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2022-2023
Amount: \$10,418.97
Levy Code: 24010
Account No.: 584431

Map No.: 073W22AB00600

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

**Response:** Not a survey matter.

34. City Liens, if any, in favor of the City of Salem.

**Response:** Not a survey matter.



35. The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the Willamette River.

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Willamette River.

**Response:** Deed history indicates title ownership of the subject property to the Ordinary Low Water Mark for this portion of the Willamette River.

- 36. Any adverse claim based upon the assertion that:
  - a. Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Willamette River, in the event the boundary of said Willamette River has been artificially raised or is now or at any time hasbeen below the high watermark, if said Willamette River is in its natural state.
  - b. Some portion of said Land has been created by artificial means or has accreted to such portion so created.
  - Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Willamette River, or has been formed by accretion to any such portion.

**Response:** Not a survey matter

37. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by Ordinance No. 1578

Filed: April 7, 1919

**Response:** Per Ordinance 1578 the City of Salem reserves the right to build (though not

explicitly maintain) a sewer line in the vacated alleys of block 25 and 26, as well as in vacated Hood Street in in the Town plat of North Salem lying west of the west right-of-way of Front Street. Affects Taxlots 300, 600, and 900 on Taxmap 073W22AB. However Ordinance number 2554 looks to further vacate any remaining rights to the City of Salem within Block 25 and 26 alleys in the Town

plat of North Salem.

38. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by resolution or ordinance

Recording Date: August 2, 1944



Recording No: Book 306, page 407

**Response:** The vacation of Water Street between the South line of Gaines Street and the

South Line of Norway Street shall not affect or infringe upon rights-of-way and easements held by private or public utilities. The City of Salem particularly reserves the right to construct and maintain utilities the same as it had before

said vacation. Affects Taxlots 300, 400, and 900 on Taxmap 073W22AB.

39. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a

document: Adjacent property owner

Purpose: roadway and utility purposes, Recording Date: March 5, 1979

Recording No: Reel 159, page 1, Affects: Northerly 20 feet of Easterly 170 feet

**Response:** Nonexclusive roadway and utility easement to the benefit of Continental

Enterprises Inc. Easement's north line begins at the intersection of Tax lot 600's (Taxmap 073W22AB) north line and the west right-of-way of Front Street and continues along the north line of Taxlot 600 for 170.00 feet. Easement is 20.00 feet wide and within Taxlot 600 (Taxmap 073W22AB).

40. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a

document: Granted to: City of Salem

Purpose: scenic easement Recording Date: April 11, 1979
Recording No: Reel 163, page 886 Affects:Northerly 15 feet

Response: This is a 15.00 foot nonexclusive easement for preserve scenic views of the

Willamette River benefiting the City of Salem. The easement is the northerly 15.00 feet of Tax Lot 600 (Taxmap 073W22AB). There are additional restrictions regarding what can be built atop this easement contained within the document.

41. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a

document: Granted to: Portland General Electric Company

Purpose: electric power line and appurtenances Recording Date: January 28, 1981

Recording No: Reel 239, page 1534

Affects: reference is hereby made to said document for full particulars

Response: This is a 5.00 foot electric powerline easement benefiting Portland General

Electric. The easement runs along the northerly 5.00 feet of Tax Lot 900.

42. Agreement for Easement, including the terms and provisions thereof,

Recording Date: July 9, 1992

Recording No.: Reel 967, page 341



**Response:** This is a 5.00 foot Sewer easement benefiting Truitt Bros. Inc. The Easement runs

between the North line of Tax Lot 600 and the south line of Tax Lot 600.

43. [Intentionally Deleted]

44. Personal property taxes, if any.

**Response:** Not a survey matter.

45. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

**Response:** Not a survey matter.

The Following Items Affect Parcel 5:

46. Unpaid Property Taxes with partial payment are as follows:

*Fiscal Year:* 2022-2023

*Original Amount:* \$111,029.40

Unpaid Balance: \$20,544.63, plus interest, if any

Levy Code: 24010

Account No.: 582541

*Map No.:* 073W22AB00900

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

**Response:** Not a survey matter.

47. City Liens, if any, in favor of the City of Salem.

**Response:** Not a survey matter.

48. The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the Willamette River.

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Willamette River.



**Response:** Deed history indicates title ownership of the subject property to the Ordinary Low Water Mark for this portion of the Willamette River.

- 49. Any adverse claim based upon the assertion that:
  - a. Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Willamette River, in the event the boundary of said Willamette River has been artificially raised or is now or at any time has been below the high watermark, if said Willamette River is in its natural state.
  - b. Some portion of said Land has been created by artificial means or has accreted to such portion so created.
  - c. Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Willamette River, or has been formed by accretion to any such portion.

**Response:** Not a survey matter.

50. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by Ordinance No. 1578

Filed: April 7, 1919

Response:

Per Ordinance 1578 the City of Salem reserves the right to build (though not explicitly maintain) a sewer line in the vacated alleys of block 25 and 26, as well as in vacated Hood Street in in the Town plat of North Salem lying west of the west right-of-way of Front Street. Affects Taxlots 300, 600, and 900 on Taxmap 073W22AB. However Ordinance number 2554 looks to further vacate any remaining rights to the City of Salem within Block 25 and 26 alleys in the Town plat of North Salem.

51. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by resolution or ordinance

Recording Date: August 2, 1944
Recording No: Book 306, page 407

Response: The vacation of Water Street between the South line of Gaines Street and the

South Line of Norway Street shall not affect or infringe upon rights-of-way and easements held by private or public utilities. The City of Salem particularly reserves the right to construct and maintain utilities the same as it had before said vacation. Affects Taxlots 300, 400, and 900 on Taxmap 073W22AB.



52. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a

document: Granted to: Oregon Electric Railway Company

Purpose: maintenance of slopes
Recording Date: November 7, 1913
Recording No: Volume 131, Page 15

**Response:** Easement is shown and benefits Oregon Electric Railroad and allows for the fill

and maintenance of slopes within portions of Tax Lot 1700 (Taxmap 073W22AC) and 900 (Taxmap 073W22AB). More specifically the easement covers the south

half of Lot 7 and all of Lot 8 Block 1 Mill Addition.

53. Matters contained in that certain document

Entitled: Revocable Permit Dated: May 14, 1975

Executed by: City of Salem and Truitt Brothers, Inc.

Recording Date: May 21, 1975

Recording No: Reel 15, Page 789 Which provides for, among other things: an overhead conveyor

bridge Reference is hereby made to said document for full particulars.

**Response:** A revocable permit that benefits Truitt Bothers inc. and allows for a conveyor

Bridge over Front Street, affects Tax Lot 900 (Taxmap 073W22AB). Permit has

several restrictions, see document for details.

54. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a

document:

Granted to: Portland General Electric Company

Purpose: Power line

Recording Date: January 28, 1981 Recording No: Reel 239, Page 1534

Response: This is a 5.00 foot electric powerline easement benefiting Portland General

Electric. The easement runs along the northerly 5.00 feet of Tax Lot 900.

55. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a

document:

Granted to: City of Salem Purpose: Public Recreation Recording Date:

January 27, 2000

Recording No: Reel 1666, Page 210



Response: Easement for Public Recreation, affects Tax Lots 600 and 900 (Taxmap

073W22AB). Easement is placed by record description, which references Ordinary High Water Mark defined in 2000. Easement is placed in this position, though the

current Ordinary High Water Mark is in a different location.

- 56. [Intentionally Deleted]
- 57. Right, title and interest of Nestle Purina Petcare Company and Mike McCray in improvements only, located on Parcel 5 herein, as disclosed by Marion County Tax Rolls.

Response: There are no obvious improvements over the described land, as such any

remaining rights, title, or interest retained by Nestle Putina Petcare Company or

Mike McCray are unclear.

- 58. [Intentionally Deleted]
- 59. Personal property taxes, if any.

**Response:** Not a survey matter.

60. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

**Response:** Not a survey matter.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

Benjamin R. Huff, PLS 12965 SW Herman Road, Suite 100

Tualatin, OR 97062

503-563-6151 | benh@aks-eng.com

### Attachment E: ALTA Survey

TRACT 1: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH ONE-HALF OF LOT 7, BLOCK 1, MILL ADDITION TO THE CITY OF SALEM, MARION COUNTY, OREGON. (SEE VOLUME 1, PAGE 90, RECORD OF TOWN PLATS FOR SAID COUNTY AND STATE.) BEING THAT POINT ON THE EAST LINE OF SAID LOT 7, WHICH IS 25 FEET NORTHERLY FROM THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTH 70'35' WEST ALONG THE MIDDLE LINE OF SAID LOT 7, A DISTANCE OF 200 FEET; THENCE SOUTH 19°25' WEST AND PARALLEL TO THE WEST LINE OF FRONT STREET. A DISTANCE OF 60 FEET: THENCE EASTERLY ON A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 200 FEET TO SAID WEST LINE OF FRONT STREET; THENCE NORTHERLY ALONG SAID WEST LINE OF FRONT STREET, A DISTANCE OF 60 FEET TO SAID NORTHEASTERLY CORNER OF SAID SOUTH ONE-HALF OF LOT 7, BLOCK 1, MILL ADDITION TO THE CITY OF SALEM, MARION COUNTY, OREGON, AND THE PLACE OF BEGINNING.

TRACT 2: BEGINNING AT AN IRON PIPE IN THE WEST LINE OF FRONT STREET IN SALEM, OREGON, 25 FEET SOUTHERLY FROM THE NORTHEAST CORNER OF LOT 7, BLOCK 1, MILL ADDITION TO SALEM, MARION COUNTY, OREGON; THENCE NORTH 19'25' EAST FEET ALONG THE WEST LINE OF FRONT STREET, 689.6 FEET TO THE CENTER OF GAINES STREET; THENCE NORTH 70°35' WEST ALONG THE CENTER LINE OF GAINES STREET, NOW VACATED, 230.33 FEET; THENCE SOUTH 19°25' WEST ALONG THE CENTER LINE OF WATER STREET, NOW VACATED, 298.6 FEET; THENCE NORTH 70°35' WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 24, NORTH SALEM, 90.57 FEET; THENCE SOUTH 19°25' WEST 216.0 FEET THENCE NORTH 70°35' WEST ALONG A WESTERLY EXTENSION OF THE NORTH LINE OF LOT 4, BLOCK 1, MILL ADDITION, 85 FEET MORE OR LESS TO THE LOW WATER LINE OF THE WILLAMETTE RIVER; THENCE UP SAID RIVER FOLLOWING THE LOW WATER LINE OF THE SAME TO A WESTERLY EXTENSION OF THE LINE CUTTING LOT 7, BLOCK 1, MILL ADDITION INTO NORTH AND SOUTH HALVES: THENCE SOUTH 70'35' EAST ALONG SAID LINE, 515 FEET MORE OR LESS TO THE

SAVE AND EXCEPT: BEGINNING AT THE SOUTHEAST CORNER OF LOT 8, BLOCK 1, MILL ADDITION TO SALEM, MARION COUNTY, OREGON; THENCE NORTH 70'35' WEST ALONG THE SOUTHERLY LINE OF SAID LOT 8, A DISTANCE OF 320.90 FEET; THENCE NORTH 19°25' EAST PARALLEL WITH THE WEST LINE OF FRONT STREET, A DISTANCE OF 136.63 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 70°35' WEST PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 8 AND THE WESTERLY EXTENSION THEREOF. A DISTANCE OF 80.00 FEET. MORE OR LESS, TO THE LOW WATER LINE OF THE WILLAMETTE RIVER; THENCE NORTHERLY ALONG SAID LOW WATER LINE TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 3, IN SAID BLOCK 1; THENCE SOUTH 70°35' EAST ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, A DISTANCE OF 73.00 FEET, MORE OR LESS, TO A POINT WHICH IS NORTH 19°25' EAST 113.72 FEET FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 19'25' WEST A DISTANCE OF 113.72 FEET TO THE PLACE OF BEGINNING.

TRACT 3: BEGINNING ON THE WESTERLY LINE OF FRONT STREET AT A POINT WHICH IS 33.00 FEET NORTH 19°25' EAST FROM THE NORTHEAST CORNER OF BLOCK 24, NORTH SALEM, MARION COUNTY, OREGON; THENCE NORTH 70'35' WEST ALONG THE CENTER LINE OF GAINES STREET (VACATED) 230.33 FEET; THENCE SOUTH 19'25' WEST PARALLEL WITH THE WESTERLY LINE OF SAID FRONT STREET 250.60 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 19°25' WEST, PARALLEL WITH THE WESTERLY LINE OF SAID FRONT STREET 48.00 FEET; THENCE NORTH 70°35' WEST, 90.57 FEET; THENCE NORTH 19°25' EAST 48.00 FEET; THENCE SOUTH 70°35' EAST 90.57 FEET TO THE TRUE POINT OF BEGINNING.

TRACT 4: BEGINNING AT A POINT WHICH IS NORTH 19°25' EAST 15 FEET AND NORTH 70°35' WEST 200 FEET FROM THE SOUTHEAST CORNER OF LOT 8, BLOCK 1, MILL ADDITION TO SALEM, MARION COUNTY, OREGON, WHICH POINT IS THE TRUE PLACE OF BEGINNING; THENCE NORTH 70'35' WEST AND PARALLEL WITH WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 8, 120.9 FEET; THENCE NORTH 19 25 EAST 60 FEET, MORE OR LESS, TO THE SOUTHERLY PROPERTY LINE OF USP CORPORATION PROPERTY; THENCE SOUTH 70°35' EAST AND PARALLEL WITH THE SOUTHERLY LINE OF THE SAID LOT 8, 120.9 FEET: THENCE SOUTH 19°25' WEST 60 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY LINE OF BLOCK 25, NORTH SALEM, SAID POINT BEARS SOUTH 19'25' WEST 108.00 FEET FROM THE NORTHEAST CORNER OF SAID BLOCK 25 AND RUNNING THENCE NORTH 70°35" WEST, PARALLEL TO THE NORTHERLY BOUNDARY LINE OF BLOCK 25, TO THE LOW WATER LINE OF THE WILLAMETTE RIVER; THENCE SOUTHERLY, ALONG SAID LOW WATER LINE, TO THE SOUTHERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN THE EXCEPTION TO TRACT 2, SAID DESCRIPTION BEING RECORDED IN REEL 42, PAGE 596, MARION COUNTY RECORDS; THENCE SOUTH 70'35' EAST, ALONG SAID SOUTHERLY BOUNDARY LINE, 80.00 FEET, MORE OR LESS. TO THE SOUTHEASTERLY CORNER OF SAID EXCEPTION: THENCE NORTH 19'25' EAST 377.72 FEET ALONG THE WESTERLY BOUNDARY LINES OF THE AFOREMENTIONED TRACT 2 AND TRACT 3, SAID TRACT 3 BEING DESCRIBED IN REEL 42. PAGE 597, MARION COUNTY RECORDS: THENCE SOUTH 70°35' EAST 90.57 FEET, ALONG THE NORTHERLY BOUNDARY LINE OF SAID TRACT 3, TO THE NORTHEASTERLY CORNER OF E: THENCE NORTH 19°25' EAST 250.60 FEET. ALONG THE AFOREMENTIONED WESTERLY BOUNDARY LINE O TRACT 2, SAID WESTERLY BOUNDARY LINE BEING THE CENTER-LINE OF VACATED WATER STREET TO THE NORTHWESTERLY CORNER OF SAID TRACT 2; THENCE SOUTH 70°35' EAST 230.33 FEET, ALONG THE NORTHERLY BOUNDARY LINE OF VACATED GAINES STREET, TO THE NORTHERLY CORNER OF SAID TRACT 2; THENCE NORTH 19'25' EAST 190.60 FEET ALONG SAID EASTERLY BOUNDARY LINE OF BLOCK 25 AND ITS EXTENSION TO THE POINT OF BEGINNING.

### PARCEL III:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 8, BLOCK 1, MILL ADDITION TO SALEM, IN MARION COUNTY, OREGON, AND THENCE SOUTH 19'30' WEST A DISTANCE OF 85.0 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 70°30' WEST A DISTANCE OF 200.0 FEET; THENCE NORTH 19°30' EAST A DISTANCE OF 100.0 FEET: THENCE SOUTH 70°30' EAST A DISTANCE OF 200.0 FEET: THENCE SOUTH 19°30' WEST A DISTANCE OF 100.0 FEET TO THE TRUE POINT OF BEGINNING.

### PARCEL IV:

LOT 1, WILLAMETTE LANDING, IN THE CITY OF SALEM, COUNTY OF MARION AND STATE OF OREGON. SAVE AND EXCEPT THE LAND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SHIPPING STREET, WHICH IS 197.50 FEET NORTH 70°37'00" WEST FROM THE NORTHEAST CORNER OF LOT 1, OF SAID WILLAMETTE LANDING; THENCE NORTH 70°37'00" WEST A DISTANCE OF 53.26 FEET; THENCE ALONG THE ARC OF A 140.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 25.55 FEET, A CHORD OF WHICH BEARS NORTH 14"17"27" EAST 25.51 FEET TO THE END OF SAID CURVE; THENCE NORTH 19'31'05" EAST 7.49 FEET; THENCE NORTH 79"15'34" EAST, ALONG THE SOUTHERLY LINE OF LOT 3, WILLAMETTE LANDING, A DISTANCE OF 25.54 FEET TO A POINT AT THE EASTERLY SOUTHEAST CORNER OF SAID LOT 3, SAID POINT ALSO BEING ON THE EAST LINE OF SAID WILLAMETTE LANDING; THENCE SOUTH 19'31'05" WEST ALONG SAID EAST LINE, A DISTANCE OF 12.72 FEET TO AN ANGLE IN SAID EAST LINE; THENCE SOUTH 70°37'00" EAST ALONG SAID EAST LINE. A DISTANCE OF 33.47 FEET TO AN ANGLE IN SAID EAST LINE: THENCE SOUTH 19°24'59" WEST ALONG SAID EAST LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING.

LOT 2, WILLAMETTE LANDING, IN THE CITY OF SALEM, COUNTY OF MARION AND STATE OF OREGON. SAVE AND EXCEPT THE LAND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SHIPPING STREET, WHICH IS 269.46 FEET NORTH 70°37'00" WEST FROM THE NORTHEAST CORNER OF LOT 1, OF SAID WILLAMETTE LANDING; THENCE NORTH 70'37'00" WEST A DISTANCE OF 18.70 FEET; THENCE SOUTH 79°25'00" WEST A DISTANCE OF 68.61 FEET TO A PROPERTY CORNER BETWEEN SAID LOTS 2 AND 3; THENCE NORTH 10°43'47" WEST, ALONG SAID PROPERTY LINE BETWEEN LOTS 2 AND 3, A DISTANCE OF 20.01 FEET TO AN ANGLE IN SAID LINE; THENCE NORTH 79"5'34" EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 3, A DISTANCE OF 99.35 FEET; THENCE SOUTH 19'31'05" WEST 7.49 FEET TO THE BEGINNING OF A 140.00 FOOT RADIUS CURVE TO THE RIGHT: THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 25.55 FEET, A CHORD OF WHICH BEARS SOUTH 14"7"27" WEST 25.51 FEET TO THE POINT OF BEGINNING.

### PARCEL V:

BEGINNING AT THE NORTHEAST CORNER OF BLOCK 25, NORTH SALEM, AND RUNNING THENCE SOUTH 19"25" WEST 108.00 FEET ALONG THE EASTERLY BOUNDARY LINE OF SAID BLOCK 25; THENCE NORTH 70°35' WEST, PARALLEL WITH THE NORTHERLY BOUNDARY LINE OF SAID BLOCK 25, TO THE LOW WATER LINE OF THE WILLAMETTE RIVER; THENCE NORTHERLY, ALONG SAID LOW WATER LINE, TO A POINT ON THE WESTERLY EXTENSION OF THE CENTERLINE OF HOOD STREET; THENCE SOUTH 70°35' EAST, ALONG SAID WESTERLY EXTENSION, TO A POINT ON THE NORTHERLY EXTENSION OF THE WESTERLY BOUNDARY LINE OF THE AFOREMENTIONED BLOCK 25; THENCE SOUTH 19°25' WEST 33.00 FEET, ALONG SAID NORTHERLY EXTENSION, TO THE NORTHWESTERLY CORNER OF SAID BLOCK 25: THENCE SOUTH 70'35' EAST 197.50 FEET. ALONG THE NORTHERLY BOUNDARY LINE OF SAID BLOCK 25, TO THE POINT OF BEGINNING.

### RECORD DESCRIPTION CONT.

RECORD DESCRIPTION PER EXHIBIT A OF TITLE REPORT NUMBER 7081-4049908.

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 25, NORTH SALEM: THENCE RUNNING WESTERLY ALONG THE NORTHERLY LINES OF LOTS 1 AND 8 A DISTANCE OF 197.50 FEET TO THE NORTHWEST CORNER OF LOT 8; THENCE RUNNING NORTHEASTERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID BLOCK 25 A DISTANCE OF 33.0 FEET: THENCE RUNNING EASTERLY AND PARALLEL WITH THE NORTH LINES OF LOTS 8 AND 1 A DISTANCE OF 197.50 FEET TO THE WESTERLY EDGE OF FRONT STREET, IN THE CITY OF SALEM; THENCE RUNNING SOUTHERLY ALONG THE EDGE OF FRONT STREET A DISTANCE OF 33.0 FEET TO THE PLACE OF BEGINNING, AND BEING THE SOUTHERLY ONE-HALF OF VACATED HOOD STREET.

TOGETHER WITH A PERPETUAL NON-EXCLUSIVE EASEMENT FOR ROADWAY AND UTILITY PURPOSES, INCLUDING THE TERMS AND PROVISIONS THEREOF. OVER AND ACROSS AND UNDER THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF FRONT STREET WITH THE CENTERLINE OF VACATED HOOD STREET IN NORTH SALEM ADDITION IN TOWNSHIP 7 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON; THENCE NORTH 19°25' EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID FRONT STREET, 20.00 FEET; THENCE NORTH 70°37' WEST, PARALLEL WITH THE CENTERLINE OF VACATED HOOD STREET, 170.00 FEET; THENCE SOUTH 19'25' WEST PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF FRONT STREET, 20.00 FEET TO A POINT ON THE CENTERLINE OF VACATED HOOD STREET; THENCE SOUTH 70° 37' EAST ALONG THE CENTERLINE OF VACATED HOOD STREET, 170.00 FEET TO THE POINT OF BEGINNING, AS SET FORTH IN INSTRUMENT RECORDED MARCH 6, 1979, IN REEL 159, PAGE 5, FILM RECORDS FOR MARION COUNTY, OREGON.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

### EXCEPTIONS

THE FOLLOWING ITEMS WERE LISTED IN PRELIMINARY TITLE REPORT 7081-4049908. AND ARE LISTED BY THE SAID REPORT NUMBER(S) HERE, WITH OUR COMMENTS IN BOLD:

- 10. RIGHTS OF THE PUBLIC AND OF GOVERNMENTAL BODIES IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING BELOW THE MEAN HIGH WATER MARK OF WILLAMETTE RIVER AND THE OWNERSHIP OF THE STATE OF OREGON IN THAT PORTION LYING BELOW THE HIGH WATER MARK OF WILLAMETTE RIVER. MEAN HIGH WATER MARK - SHOWN ON SHEETS 4 AND 5
- ANY ADVERSE CLAIM BASED UPON THE ASSERTION THAT SOME PORTION OF SAID LAND HAS BEEN REMOVED FROM OR BROUGHT WITHIN THE BOUNDARIES THEREOF BY AN AVULSIVE MOVEMENT OF THE WILLAMETTE RIVER OR HAS BEEN FORMED BY THE PROCESS OF ACCRETION OR RELICTION OR HAS BEEN CREATED BY ARTIFICIAL MEANS OR HAS ACCRETED TO SUCH PORTION SO CREATED.
- ANY EASEMENTS OR RIGHTS OF WAY FOR EXISTING UTILITIES OR OTHER RIGHTS OF WAY OVER THOSE PORTIONS OF SAID LAND LYING WITHIN THE PUBLIC RIGHT OF WAY VACATED BY ORDINANCE NO. 1578, INCLUDING TERMS AND PROVISIONS THEREOF.

APRIL 7, 1919 THE CITY OF SALEM RESERVES THE RIGHT TO BUILD A SEWER LINE IN THE VACATED ALLEYS OF BLOCK 25 AND 26, AND IN VACATED HOOD STREET IN THE TOWN PLAT OF NORTH SALEM LYING WEST OF THE WEST RIGHT-OF-WAY OF FRONT STREET. AFFECTS PARCELS 4 AND 5. HOWEVER ORDINANCE NUMBER 2554 LOOKS TO FURTHER VACATE ANY REMAINING RIGHTS TO THE CITY OF SALEM WITHIN BLOCK 25 AND 26 ALLEYS IN THE TOWN PLAT OF NORTH SALEM. - SHOWN ON SHEET 2

13. EASEMENT AND CONDITIONS CONTAINED THEREIN AS RESERVED BY:

ORDINANCE NO.: RECORDING INFORMATION: AUGUST 02, 1944 AS VOLUME 306, PAGE 407, FILM RECORDS THE VACATION OF WATER STREET BETWEEN THE SOUTH LINE OF GAINES STREET AND THE SOUTH LINE OF NORWAY STREET SHALL NOT AFFECT OR INFRINGE UPON RIGHTS-OF-WAY AND EASEMENT HELD BY PRIVATE OR PUBLIC UTILITIES. THE CITY OF SALEM RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN UTILITIES THE SAME AS IT HAD BEFORE SAID VACATION. AFFECTS PARCELS 1, 2, 4 AND 5 - SHOWN ON SHEET 2

14. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: MARCH 05, 1979 AS REEL 159, PAGE 5, FILM RECORDS ROADWAY AND UTILITY PURPOSES

A 20.00 FOOT WIDE NONEXCLUSIVE ROADWAY AND UTILITY EASEMENT TO THE BENEFIT OF THE CHEMEKETA INDUSTRIES CORPORATION. EASEMENT SOUTH LINE BEGINS AT THE INTERSECTION OF PARCEL 5'S NORTH LINE, ALSO BEING THE SOUTH LINE OF PARCEL 4, AND THE WEST RIGHT-OF-WAY OF FRONT STREET AND CONTINUES ALONG THE NORTH LINE OF PARCEL 5 FOR 170.00 FEET. AFFECTS PARCEL 4 — SHOWN ON

15. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: MARCH 05, 1979 AS REEL 159, PAGE 1, FILM RECORDS

ROADWAY AND UTILITY PURPOSES A 20.00 FOOT WIDE NONEXCLUSIVE ROADWAY AND UTILITY EASEMENT TO THE BENEFIT OF CONTINENTAL ENTERPRISES, INCORPORATED, EASEMENT NORTH LINE BEGINS AT THE INTERSECTION OF PARCEL 5'S NORTH LINE, ALSO BEING THE SOUTH LINE OF PARCEL 4, AND THE WEST RIGHT-OF-WAY OF FRONT STREET AND CONTINUES ALONG THE NORTH LINE OF PARCEL 5 FOR 170.00 FEET. AFFECTS PARCEL 5 - SHOWN ON

16. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: APRIL 11, 1979 AS REEL 163, PAGE 886, FILM RECORDS

SCENIC EASEMENT A 15.00 FOOT NONEXCLUSIVE EASEMENT TO PRESERVE SCENIC VIEWS OF THE WILLAMETTE RIVER BENEFITING THE CITY OF SALEM. THE EASEMENT IS THE NORTHERLY 15.00 FEET OF OF PARCEL 5. THERE ARE ADDITIONAL RESTRICTIONS REGARDING WHAT CAN BE BUILT ATOP THIS EASEMENT CONTAINED WITHIN THE DOCUMENT. AFFECTS PARCELS 5 - SHOWN ON SHEET 2

17. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: JANUARY 28, 1981 AS REEL 239, PAGE 1534, FILM RECORDS PORTLAND GENERAL ELECTRIC COMPANY

ELECTRIC POWER LINE AND APPURTENANCES A 5.00 FOOT ELECTRIC POWERLINE EASEMENT BENEFITING PORTLAND GENERAL ELECTRIC. AFFECTS PARCEL 2 - SHOWN ON SHEET 2

18. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: JULY 09, 1992 AS REEL 967, PAGE 341, FILM RECORDS

SANITARY SEWER LINE A 5.00 FOOT SEWER EASEMENT BENEFITING TRUITT BROS. INC. AFFECTS PARCEL 5 — SHOWN ON SHEET 2

19. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: NOVEMBER 07, 1913 AS VOLUME 131, PAGE 15, FILM RECORDS OREGON ELECTRIC RAILWAY COMPANY MAINTENANCE OF SLOPES SLOPE MAINTENANCE EASEMENT BENEFITING OREGON ELECTRIC RAILROAD. AFFECTS PARCELS 1 AND 3

- SHOWN ON SHEET 2

SHOWN ON SHEET 2

20. REVOCABLE PERMIT, INCLUDING TERMS AND PROVISIONS THEREOF. MAY 21, 1975 AS REEL 15, PAGE 789, FILM RECORDS A REVOCABLE PERMIT THAT BENEFITS TRUITT BOTHERS INC. AND ALLOWS FOR A CONVEYOR BRIDGE OVER

FRONT STREET. PERMIT HAS SEVERAL RESTRICTIONS. SEE DOCUMENT FOR SPECIFICS. AFFECTS PARCEL 1 -

EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: JANUARY 27, 2000 AS REEL 1666, PAGE 210, FILM RECORDS IN FAVOR OF: CITY OF SALEM. A MUNICIPAL CORPORATION

PUBLIC BIKEWAY, PEDESTRIAN PATHS, AND PUBLIC RECREATION EASEMENT FOR PUBLIC RECREATION. EASEMENT IS PLACED PER RECORD DESCRIPTION, WHICH REFERENCES ORDINARY HIGH WATER MARK DEFINED IN 2000. EASEMENT PLACED IN THIS POSITION, THOUGH THE CURRENT ORDINARY HIGH WATER MARK IS NOW DIFFERENT.. AFFECTS PARCELS 1, 2, AND 5 - SHOWN ON

### EXCEPTIONS CONT.

THE FOLLOWING ITEMS WERE LISTED IN PRELIMINARY TITLE REPORT 7081-4049908, AND ARE LISTED BY THE SAID REPORT NUMBER(S) HERE, WITH OUR COMMENTS IN BOLD:

- 22. PIPELINE EASEMENT (STORM DRAIN ONLY), INCLUDING TERMS AND PROVISIONS THEREOF. AUGUST 01, 2001 AS REEL 1817, PAGE 163, FILM RECORDS STORM DRAIN PIPELINE EASEMENT. FOR THE BENEFIT OF THE CITY OF SALEM. AFFECTS PARCELS 1 AND 2 - SHOWN ON SHEET 2
- 24. NOTES, EASEMENTS, COVENANTS AND RESTRICTIONS AS DEPICTED ON THE FACE OF THE PLATS. SEE THE PLAT OF "WILLAMETTE LANDING" FOR DETAILS REGARDING EASEMENTS, SETBACK LINES, AND OTHER NOTED REQUIREMENTS - SHOWN ON SHEET 2

### TABLE A ITEMS

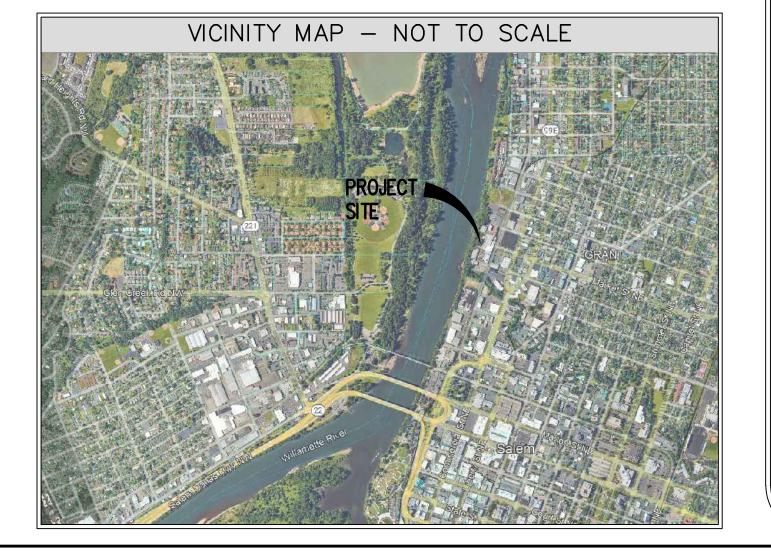
- MONUMENTS HAVE BEEN PLACED AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER. SEE SHEET 2 - BOUNDARY MAP.
- ADDRESS(ES) OF THE SURVEYED PROPERTY ARE AS SHOWN ON SHEET 4 AND 5 EXISTING CONDITIONS
- FLOODWAY IS SHOWN BY GRAPHICAL OVERLAY OF FEMA FIRMETTE MAP 41047C0333H WITH AN EFFECTIVE DATE OF JANUARY 2, 2003. ZONE AE IS SHOWN BY MAPPING THE BASE FLOOD ELEVATION (BFE) OF 141.0 (NGVD 29). BFE IS PER FLOOD INSURANCE STUDY FOR THE WILLAMETTE RIVER, MARION COUNTY, WITH EFFECTIVE DATE OF OCTOBER 10, 2019.
- 4. GROSS LAND AREA IS 13.63± ACRES.
- 6A. ZONING REPORT WAS NOT PROVIDED BY THE CLIENT. THE SUBJECT PROPERTY IS ZONED MIXED USE -RIVERFRONT (MU-R), CITY OF SALEM MUNICIPAL CODE, TITLE X - UNIFIED DEVELOPMENT CODE, CHAPTER 536.015; DEVELOPMENT STANDARDS ARE AS FOLLOWS: MINIMUM STREET FRONTAGE:

MINIMUM SETBACKS: ACCESSORY STRUCTURES 10 FEET 70 FEET MAXIMUM BUILDING HEIGHT: 20 FEET MINIMUM BUILDING HEIGHT:

- 6B. BUILDING SETBACK REQUIREMENTS ARE GRAPHICALLY DEPICTED ON SHEET 2 BOUNDARY MAP.
- 7A. EXTERIOR DIMENSIONS OF ALL BUILDINGS AT GROUND LEVEL ARE AS SHOWN ON SHEET 3 BUILDING PLAN
- 7B. SQUARE FOOTAGE OF BUILDINGS AT GROUND LEVEL IS AS SHOWN ON SHEET 3 BUILDING PLAN
- 7C. MEASURED HEIGHT OF ALL BUILDINGS ABOVE GRADE IS AS SHOWN ON SHEET 3 BUILDING PLAN
- 8. SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK ARE AS SHOWN ON SHEET 4 AND 5 - EXISTING CONDITIONS PLAN.
- 9. THE SUBJECT PROPERTY CONTAINS 58 PARKING SPACES, OF WHICH THERE ARE 58 STANDARD PARKING SPACES AND O ACCESSIBLE PARKING SPACES.
- 10. NO DIVISION OR PARTITION WALLS WERE OBSERVED FOR THIS SURVEY.
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PER UTILITY LOCATE TICKET NUMBER 23007190. 23007220. 23007221. 23007271. 23008701. 23008714. 23008722, 23008733, 23009893, 23009901, AND 23009993. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
- 13. NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS ARE AS SHOWN ON SHEET 3 AND 4 EXISTING CONDITIONS PLAN.
- SUBJECT PROPERTY IS ADJOINING THE INTERSECTIONS OF FRONT STREET AND MARKET STREET, FRONT STREET AND GAINES STREET, FRONT STREET AND HOOD STREET, AND FRONT STREET AND SHIPPING STREET. DIMENSIONS FROM BUILDINGS TO NEAREST RIGHT-OF-WAY BOUNDARY ARE SHOWN ON SHEET 3 -BUILDING PLAN
- 16. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- 17. AKS IS NOT AWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES.
- 18. PLOTTABLE OFFSITE (I.E., APPURTENANT) EASEMENTS OR SERVITUDES DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR AS A PART OF THIS SURVEY ARE AS SHOWN ON SHEET 2 -
- 19. AKS CARRIES PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNT OF \$2,000,000.00.

### MISCELLANEOUS NOTES

1. AS OF 4/14/2023 THE SUBJECT PROPERTY IS UNDERGOING A LAND USE APPLICATION. LOT SETBACK REQUIREMENTS ARE SUBJECT TO CHANGE.



## PROJECT OSPREY SALEM, OREGON

LOCATED IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON

### SHEET INDEX

SHEET 1 - COVER SHEET SHEET 2 - BOUNDARY MAP SHEET 3 - BUILDING PLAN

SHEET 4 - EXISTING CONDITIONS PLAN

SHEET 5 - EXISTING CONDITIONS PLAN (CONT.)

SHEET 6 - AERIAL MAP

SHEET 7 - AERIAL MAP (CONT.)

### HORIZONTAL DATUM

THE HORIZONTAL DATUM IS BASED ON A LOCAL DATUM PLANE DERIVED FROM STATE PLANE OREGON NORTH 3601 NAD83(2011) EPOCH 2010.00 BY MULTIPLYING A PROJECT MEAN GROUND COMBINED SCALE FACTOR OF 1.0001017696 AT A CENTRAL PROJECT POINT WITH INTERNATIONAL FEET STATE PLANE GRID COORDINATES OF N: 479251.50515 E: 7545303.43662 AND A MERIDIAN CONVERGENCE ANGLE OF -1\*47'59". STATE PLANE COORDINATES WERE DERIVED FROM GPS OBSERVATIONS USING THE TRIMBLE VRS NOW NETWORK. DISTANCES SHOWN ARE INTERNATIONAL FOOT GROUND VALUES.

### LEGEND OF SYMBOLS & ABBREVIATIONS

FIRE HYDRANT		Q		STORM SEWER CLEAN OUT	
WATER BLOWOFF		Ŷ		STORM SEWER CATCH BASIN	[
WATER METER				STORM SEWER AREA DRAIN	[
WATER VALVE		$\bowtie$		STORM SEWER MANHOLE	(
SANITARY SEWER CLEAN	OUT	0		GAS METER	
SANITARY SEWER MANHO	DLE	0		GAS VALVE	K
SIGN		-		GUY WRE ANCHOR	(
STREET LIGHT		$\dot{\varphi}$		POWER POLE	-(
MAILBOX		MB		POWER VAULT	
COMMUNICATIONS VAULT		C		POWER JUNCTION BOX	
COMMUNICATIONS JUNCT	ION BOX	$\triangle$		POWER PEDESTAL	
COMMUNICATIONS RISER		$\Diamond$		STANDARD PARKING SPACES	(
RIGHT-OF-WAY LINE				BUILDING HIGH POINTS	4
BOUNDARY LINE					
PROPERTY LINE					
CENTERLINE					
DITCH			->		
CURB					
EDGE OF PAVEMENT					
EASEMENT					
FENCE LINE	<del></del>	0	<del></del>		
GRAVEL EDGE					
POWER LINE		- — —	- PWR		
OVERHEAD WIRE		- — —	- OHW		
COMMUNICATIONS LINE			- COM		
FIBER OPTIC LINE			- CF0		
GAS LINE			- GAS		
STORM SEWER LINE		- — —	- STM		
SANITARY SEWER LINE			- SAN		

### ALTA/NSPS LAND TITLE SURVEY

TRENT MICHLES 15017 THOMAS ROAD CHARLOTTE. NC 28278

**BASED UPON TITLE REPORT NUMBER 7081-4049908** OF FIRST AMERICAN TITLE INSURANCE COMPANY **BEARING AN EFFECTIVE DATE OF APRIL 21, 2023** 

### SURVEYORS CERTIFICATE:

WATER LINE

TO: TRENT MICHELS, AND/OR THEIR ASSIGNS, AND FIRST AMERICAN TITLE INSURANCE COMPANY AND ITS SUCCESSORS AND ASSIGNS.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a)(b), 7(a)(b1)(c), 8, 9, 10, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 25,

DATE OF MAP:

REGISTERED PROFESSIONAL LAND SURVEYOR OREGON LS 84738 BENJAMIN R HUFF 12965 SW HERMAN ROAD, SUITE 100 TUALATIN, OR 97062 PHONE: (503) 563-6151

AKS 1296 TUAL 503.5

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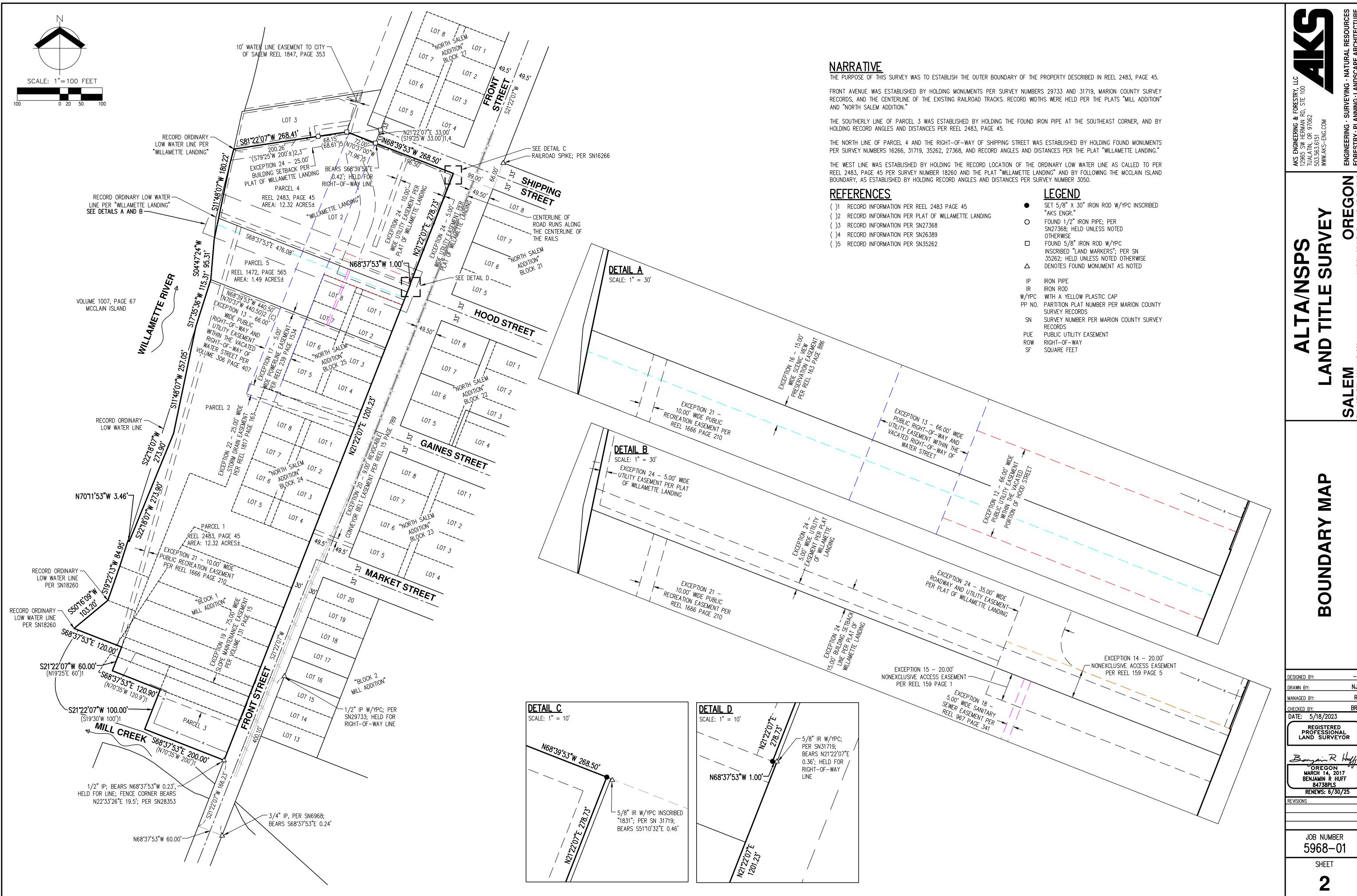
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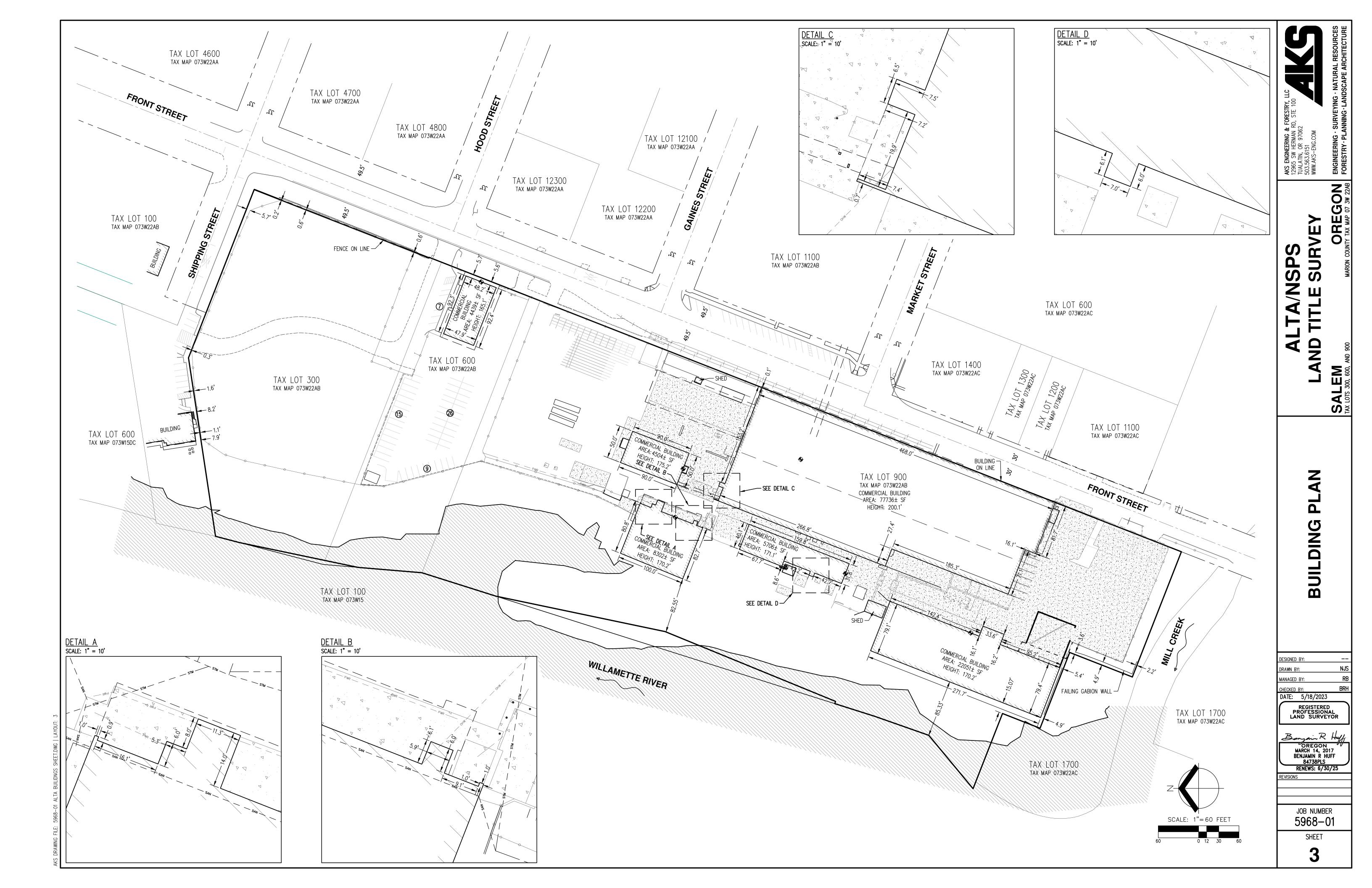
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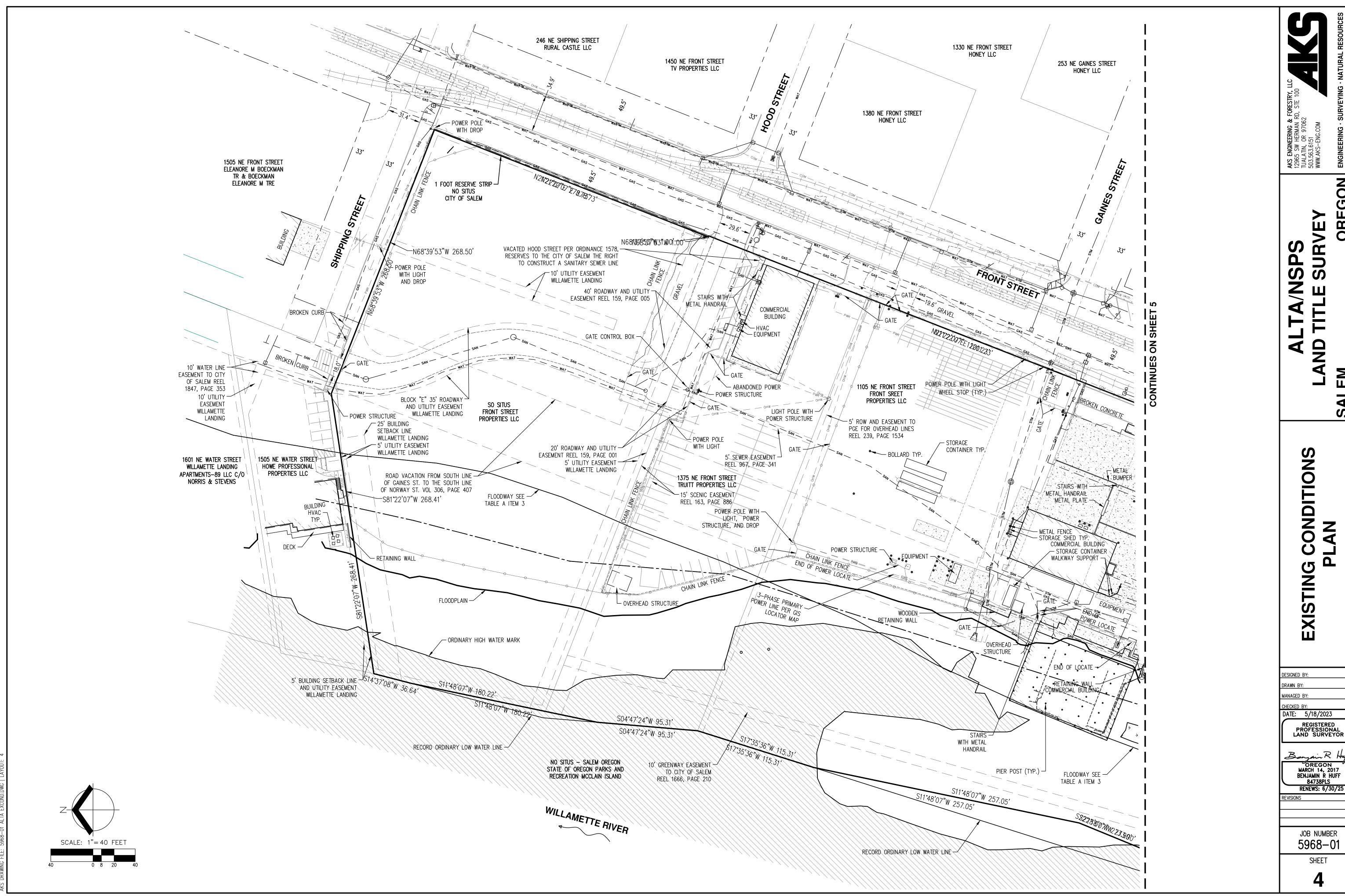
MANAGED BY: DATE: 5/18/2023 PROFESSIONAL LAND SURVEYOR

Banjain R. Huff. OREGON BENJAMIN R HUFF 84738PLS RENEWS: 6/30/25

JOB NUMBER 5968-01



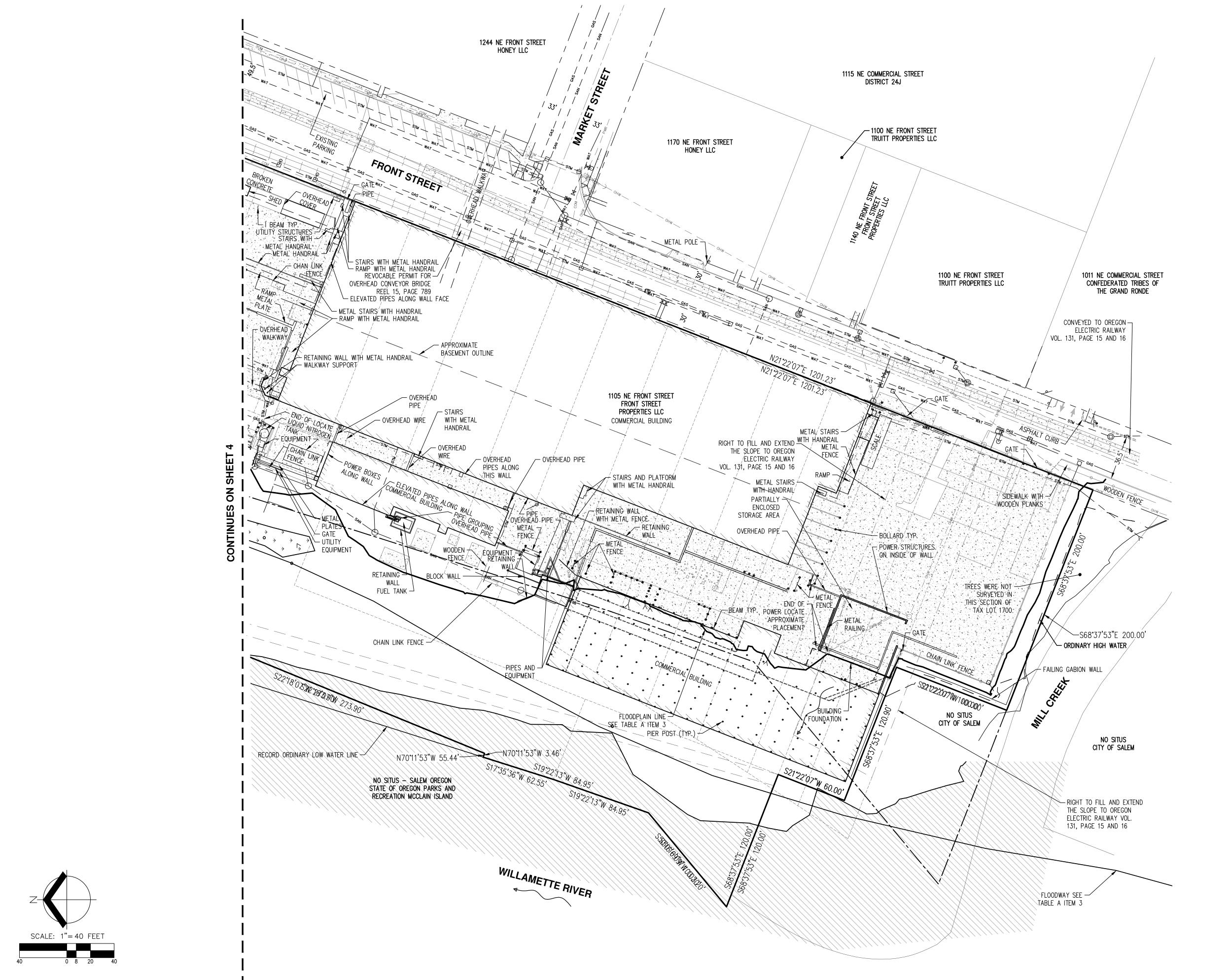




DATE: 5/18/2023

Bayain R. Huff OREGON MARCH 14, 2017 BENJAMIN R HUFF 84738PLS RENEWS: 6/30/25

JOB NUMBER 5968-01

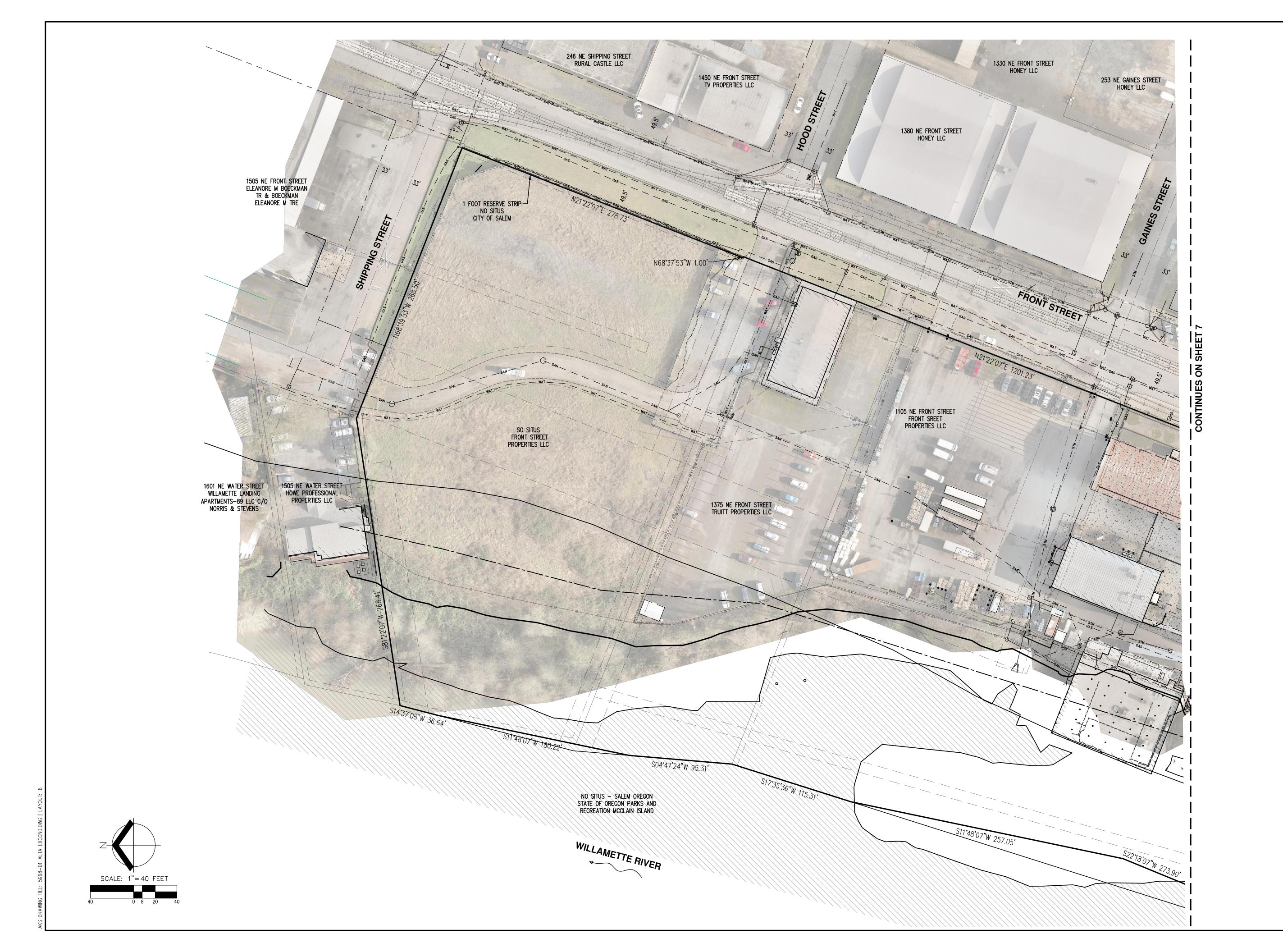


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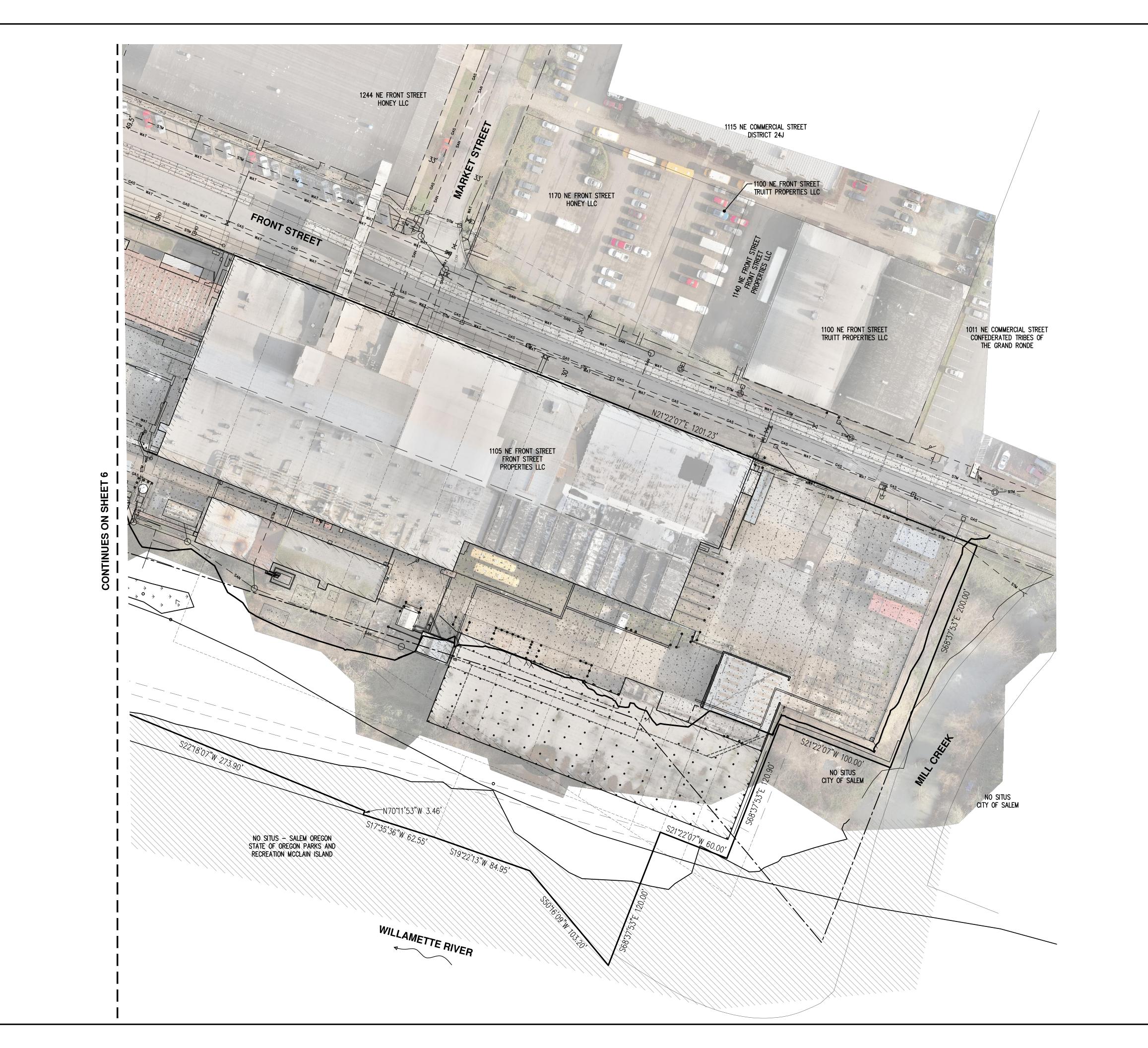


DITION NA AN

DATE: 5/18/2023 REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
MARCH 14, 2017
BENJAMIN R HUFF
84738PLS
RENEWS: 6/30/25

JOB NUMBER 5968-01



ERING & FORESTRY, LLC

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OREGON

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MARION COUNTY TAX MAP 07 3W 22AB

FORESTRY · PLANNING

DITIONS LANI SALEM

EXISTING CONDIT

DESIGNED BY: -
DRAWN BY: NJS

MANAGED BY: RB

CHECKED BY: BRH

DATE: 5/18/2023

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 14, 2017
BENJAMIN R HUFF
84738PLS
RENEWS: 6/30/25

REVISIONS

JOB NUMBER 5968-01

SHEET 7

AKS DRAWING FILE: 5968-01 ALTA EXCOND.DWG | L

Attachment F: Volume 148-504 Describing Land West of the North Salem Plat

Seal

Notary Public for Oregon
My Commission expires June 12, 1921.

My Commission

504 504

ار 48 Recorded February 27, 1919 at 8:50 o'clock A.M. Mildred R.Brooks, Recorder by HS Deputy.

THIS INDENTURE WITNESSETH: That the BELLE PASSI CEMETERY ASSOCIATION, of Woodburn, by its President, T. F. Hayes, and Clerk, E. P.Morcom, for the consideration of the sum of Twenty & CO/100 Dellars, to it paid, has bargained, sold and quit-claimed, and by these presents do bargain, sell and quit-claim unto Mary E. Long for burial purposes, the following described premises in the County of Marion, State of Oregon, to-wit:

The N. ; of Lot 10, Block 6 of Bells Passi Cemetery.

TO HAVE AND TO HOLD the said premises with their appurtenances hereunto belonging or in any wise appertaining unto the said Mary E. Long her heirs and assigns forever, for burial purposes, subject to the By-Laws, Assessments, Rules and Regulations of The Belle Passi Cemetery Association, of Woodburn. No subsequent sale or conveyance of this lot shall be voted unless approved by a two-thirds vote of the Directors at a regular meeting of the Board.

IN WITNESS WHEREOF, The Belle Passi Cemetery Association, of Woodburn, has caused these presents to be executed in its corporate name by its President and its Clerk this 20th day of Feby. A.D. 1919.

Done in Presence of:

J. Geo. Crosby

N. A. Hoffard

STATE OF OREGON, ) (County of Marion, )

T. F. Hayes, President

E. P. Morcom, Clerk,



On this 20th day of Feby. 1919, before me, appeared T. F. Hayes to me personally known, who being duly sworn (or affirmed) did say that he is the President of the Belle Passi Cemetery Association, of Woodburn, and also appeared E. P. Morcom to me personally known, who being duly sworn (or affirmed) that he is the Clerk of the Belle Passi Cemetery Association, of Woodburn, who each signed and sealed the foregoing instrument in behalf of said Corporation by authority of its Board of Directors, and each acknowledged that he signed the said instrument as the free act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this my certificate written.

eal Notar

N. A. Hoffard Notary Public for Oregon

My Commission expires Nov. 8, 1920.

Recorded February 27, 1919 at 9:00 o'clock A.M. Mildred R.Brooks, Recorder by HS Deputy.

Val 148 Page 504

THIS INDENTURE WITNESSETH, That We, J. H. Gallagher and Belle Kellogg Gallagher, his wife for the consideration of the sum of Ten Dollars, to them paid, have bargained and sold and by these presents do bargain, sell and convey unto Oregon Gravel Company, an Oregon corporation the following described premises, to-wit:

Blocks Twenty-five (25) and Twenty-six (26) as shown by the recorded plat of North Salem,

74GE 505

OL.

Describes all land west of North Salem to the ordinary low water line

in a

description of Mcclain Island Marion County, Oregon, Also the following described tract of land, to-wit: Commencing at the Northwest corner of Block No. 28 as shown by the recorded plat of North Salem in Marion County, Oregon, and running thence Southwesterly following the west line of said recorded plat of North Salem to the Southwest corner of Block 24 of the aforesaid Townplat of North Salem; Thence West to the low water mark of the Willamette River; Thence Northerly following the meanderings of the low water mark of said river to a point due West of the Northwest corner of J. B. McClane and wife's D.LC. No.43; thence Easterly to the place of beginning. The foregoing description is intended to include all that piece and parcel of land known as McClane's Island in the Willamette River West of the aforesaid D.L.C. of J. B. McClane and wife, and also all derelictions, accretions, accessions, and alluvium to the tract of land last above described, by reason of changes in the bed of said Willamette River.

Also the following described tract of land, to-wit: Fractional Block No. 18 as shown by the recorded plat of Riverside Addition to Salem, in Marion County, State of Oregon.

Also the following described tract of land, to-wit: Beginning at a point 2.00 chains West of the Southwest corner of Samuel Penter's D. L.C. in Section 15 T. 7 S. R. 3 West of the Willamette Meridian in Marion County, State of Oregon, and running thence North 7° 30' East 2.64 chains; thence South 47° 15' West 3.06 chains; Thence South 73° 30' West 2.63 chains; Thence South 53° 15' West 3.81 chains; thence North 19° 15' East 6.46 chains; Thence North 10° West 1.92 chains; thence North 1° 45' West 5.40 chains; Thence South 18° 30' West 6.94 chains; thence South 3° 45' West 13.19 chains Thence South 16° 15' East 2.92 chains; thence South 10° 45' West 6.18 chains; thence South 25° East 5.07 chains; Thence South 72° East .87 chains; Thence North 20° 30' East 4.15 chains; Thence North 10° East 10 chains; Thence North 30° West 2.72 chains; Thence North 24° 30' East 5.56 chains; Thence North 29° 15' East 1.40 chains to the place of beginning and containing 13.34 acres of land, more or less.

Also the following described tract of land, to-wit: Commencing at the Southwest corner of Block 24 as shown by the recorded plat of North Salem, in Marion County, Oregon, and running thence in a Southwest direction to the center of Market Street; Thence in a Westerly direction following the center line of Market Street to the low water mark of the Willamette River; Thence in a Northerly direction following the low water mark of said River to a point opposite the point of beginning; Thence Easterly to the point of beginning.

All of the above described and premises lying and being in Marion County, State of Oregon.

\$12.00 U. S. Rev. Stamps cancelled 1/9/19 J. H. G.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Oregon Gravel Company, an Oregon corporation, the grantee its successors and assigns forever.

And the said J. H. Gallagher and Belle Kellogg Gallagher, his wife do hereby coverant to and with the said Oregon Gravel Company, an Oregon corporation its successors and Assigns that they are the owners in fee simple of said premises; that they are free from all encumbrances save and except two mortgages to A. N. Gilbert and I. L. Patterson on which there is unpaid \$5,000.00 and which the grantors herein agree to pay off and cause to be satisfied, and that they will warrant and defend the same from all lawful claims what-soever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 9th day of January 1919.

Done in Presence of:

A.T.Brown

Irene LeFebne

J. H.Gallagher

Belle Kellogg Gallagher



Seal

STATE OF OREGON, SS. County of Multnomah.

On the 9th day of January 1919, personally came before me, a Notary Public in and for said County and State, the within named J. H. Gallager and Belle Kellogg Gallagher, to me personally known to be the identical persons described in and who executed the within instrument, and who each personally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named and without fear or compulsion fromanyone.

WITNESS my hand and seal this 9th day of January 1919.

. Mary E. Watson

Notary Public for Oregon

My Commission expires March 5, 1921.

Recorded February 27, 1919 at 9:10 o'clock A.M. Mildred R.Brooks, Recorder by HS Deputy.

THIS INDENTURE WITNESSETH, That Riverview Land Company, Inc. a Corporation organized and existing under the laws of the State of Oregon, for and in consideration of the sum of Five Hundred and No/100 Dollars, to it paid, the receipt whereof is hereby acknowledged, has bargained and sold and by these presents does bargain, sell and convey unto E.T. Proshaw the following described premises, to-wit:

The West one-half of Lot 25 of Riverview Subdivision in Marion County, State of Oregon, consisting of five acres more or less according to the plat thereof on file in the county recorder's office of Marion County.

506 U. S. Rev. Stamp cancelled 2-27-19 R. L. C.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said grantee Heirs and Assigns forever.

And the said Riverview Land Company, Inc. does hereby covenant to and with the said grantee his heirs and assigns, that it is the owner in fee simple of said premises; that they are free from all incumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Riverview Land Company, Inc. has caused its Corporate Seal to be affixed and these presents to be subscribed by its President and Secretary this 25th day of February 1919.

Executed in the presence of;

Olga Gray

E.M. Page

STATE OF OREGON,

County of Marion, )

RIVERVIEW LAND COMPANY, INC. By E.M. Croisan, President Attest: T. C. Smith, Jr. Secretary.

On this 25th day of February 1919 before me appeared E. M. Croisan, to me personally known, who, being duly sworn, did say that he is the president of Riverview Land Company, Inc. and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority ofits board of directors, and said president acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this the day and year first in this, my certificate, written.

E.M.Page

Attachment G: Reel 78, Page 1726 Describing Land West of the Mill Addition

### BARGAIN AND SALS DEED

OREGON GRAVEL COMPANY, Grantor, conveys to TRUITT BROS., INC., Grantee, the following described real property, to wit:

The real property described in Exhibit A attached hereto and by this reference incorporated herein and made a part hereof.

The true and actual consideration for this conveyance is \$66,286.49.

Until a change is requested, all tax statements are to be sent to the following address:

> Truitt Bros., Inc. P.O. Box 309 Salem, Oregon 97308

Dated this XOTH day of April, 1977.

**ÖREGON GRAVEL COMPANY** 

ORE

STATE OF OREGON

County of Multnomah

On the |q day of April, 1977, personally appeared R. B. Pamplin and Gwen R. Torgler-- , who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the ---- secretary of !! OREGON GRAVEL COMPANY, a corporation, and that said instrument was signed in behalf of said corporation; and each of them acknowledged each instrument to be its voluntary act and deed. edged said instrument to be its voluntary act and deed.

Before me:

Thirping & Bollandin Notary Public for Oregon

My commission expires: July 31, 1977

HOTARY

Keturn Vo.

Truit Bros. P.O. Box 309 Salim. Ou 973

KEL 78 MGE 1727

### EXHIBIT A

Beginning at a point on the Easterly boundary line of Block 25, North Salem, said point bears South 19°25' West 108.00 feet from the Northeast corner of said Block 25 and running thence North 70°35' West, parallel to the Northerly boundary line of Block 25, to the low water line of the Willamette River; thence Southerly, along said low water line, to the Southerly line of that parcel of land described in the exception to Tract 2, said description being recorded in Reel 42, page 596, Marion County Records; thence South 70°35' East; along said Southerly boundary line, 80.00 feet, nore or less, to the Southeasterly corner of said exception; thence North 19°25' East 377.72 feet along the Westerly boundary lines of the aforementioned Tract 2 and Tract 3, said Tract 3 being described in Reel 42, page 597, Marion County Records; thence South 70°35' East 90.57 feet; along the Northerly boundary line of said Tract 3, to the Northeasterly corner of same; thence North 19°25' East 250.60 feet, along the aforementioned Westerly boundary line of Tract 2, said-Westerly-boundary-line-being-the-center-line-of vacated Water Street to the Northwesterly corner of said Tract 2; thence South 70°35' East 230.33 feet, along the Northerly boundary line being the center-line of vacated Gaines Street, to the Northerly corner of said Tract 2; thence North 19°25' East 190.60 feet along said Easterly boundary line of Block 25 and it's extension to the point of beginning.

11340 STATE OF OREGON

County of Marion

I hereby certify that the within was received and duly recorded by me in Marion County records:

Reel 78 Page 1726

APR 26 10 44 AX '77.

EDWIN'P, HORBAN

HARION COUNTY CLERK

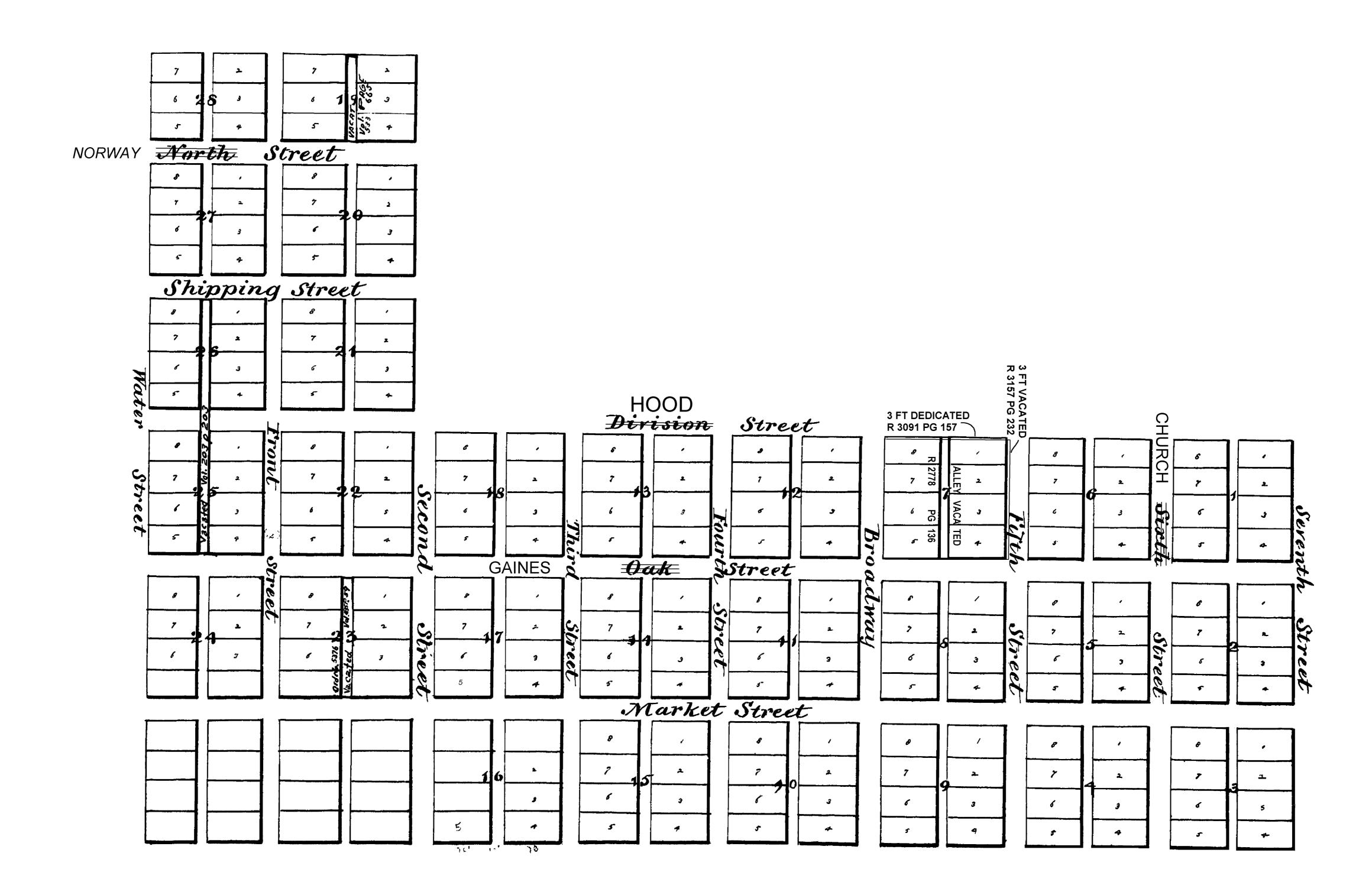
BY AND DEPUT

Attachment H: North Salem Plat (1871), Mill Addition Plat (1889), Willamette Landing Plat (1979)

# Town Plat of Authorith Salem

les-

1850



Commade Elicins of & to fundoons with description of Horth Sulum cofreid from Broke of flearent. Duntion Steerns Junger 3031.32 und 33. L. H. Judvein Claims land in Marion Sund. Sixilory of Oregon is follows towit - Commencing a stoke on the East Bunk of the Him Me Clien a little more than whalf wile North from North Saline miles Thence due in his Chains to we staked in the fireinie from which the Cregon Institute been muginatic South In South 19° Walong the West line of John Bakers claim to said Bakers & W Corner and a land the same convise in all 68,50 chains to a stake mar the right bank of Mill bruck ince ; Willing, the M. line of M. H. Wilson Chain, 59 chains to wherethe on the & Bank of the Vin. were being the sund ME Wilsons M. It Corner and L. H. Judsons & Orcorner there do the Lunders of the Co. Bank of the Williamette reder to the place of biginning being dent is chains containing about halfor little less than half a section of hand on the whom in cribed claim of 2 36 Judson the town of Harth Salum baid off in the month of February 100 by the said Judson as follows towit : 24 Blocks 19 of which contain 8 lots each which are hundred links in front and 185 links back with alleys running Through each block 24 and wide Block No 16 contains but 4 lots the size of the above mentioned lots fronting on the Street Block 17 contains but I lots the size of the above mentioned four of which fromt antimes. Astreet and 3 on Second Street Blocks Igand 23 contain but 6 Lots each the size of the 3 of each Block fronting on Second Street and 3 of each on Front Street Blocks 24 and 2.0 have b lots each 3 of each Block front on Front Street and threvol such Block on Water Street . The size of the Bast mentioned lots are us as follows Those fronting on Front Street are 100 mil. front and 150 links buck Those fronting on Water Street are 100 links front and 125 united into the remainder of this tier of blocks which are No 25.26 and 27 containing 8 lots each the lots in these blocks are the size of the last mentioned. that is those fronting on Water Street are 100 links sunt and 125 links buck those fronting on front street are 100, links front and 150 links back the street · in this town cross each other at right angles and are all 100. links wide except Front street ..... Broadway the two streets are 150 links wide This Town is laid off on as variation of 19°30' & The ut cito ure named us follows com, at the Viest side of the Jouen 1st Water Street 2nd Front Street in sin . and Street, Third Street Tourth Street Broadway, Fifth St. Sixth Street and Sweeth Street. named bringon the East side of the town as now laid out cross streets common the & side of are named Mill Street, Market It, Oak Street, Dursion Street, Shipping Street and Hist is, I be above described town is filed in the Clarks Office bearing date of this record showing Recorded February 15th, 80. J. n. Gilbert Blerk C. v.

Recorded May 13th 1871. a. B. Cosper Recorder By O. J. Carr Defecty-

# Dorth Salem with additions

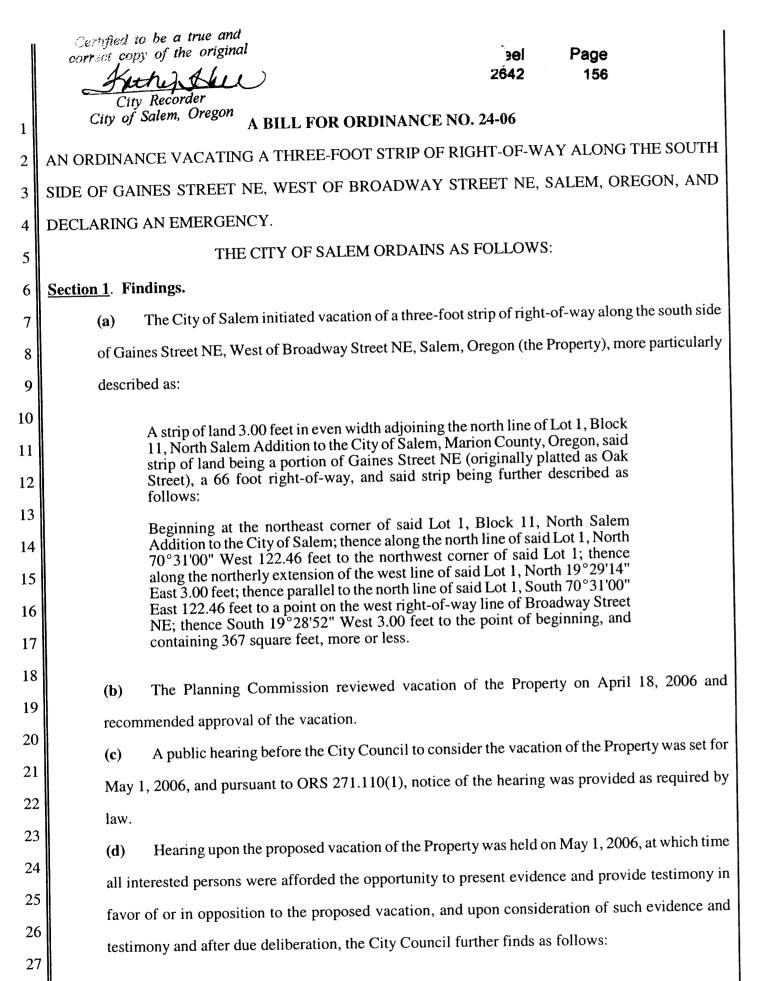
Latension of Summer Street from sold by J.B.McClains to Atom Stephens Extension of Winter Street from The blocks from 1 to 28 checked off in lots being the former recorded plat of North Salem have each an alley dividing them North to South the alleys are 24 links wide or 15 feet 10 enchos The remaining lots are not subdivided into lots all the streets between Front Street and Groadway are 66 feet, unde All between Broadway and Extension of Water are also to feet unde The extension of Winter St Summer St and Capitol Storare each 75 feet wide bounty of Marion 308 But remembered that on the 28" day of September al D 1870. personally applianed before me John BM blane and acknowledged the fore going to be a true and correct copy of the Plat of Moreh Salim and adde. Broadway -99feet Jiled Beptersber 28" 1870 a. Blosper Fourth Stre Recorded March 15. 1871.

Vol 25-35

Fast Line of J. B. Millian

ratension of Capitol Street





City of Salem Recorder's Office 555 Liberty St SE, Room 205 Salem, OR 97301-3503

28 | ORDINANCE - Page 1

(1) The Property contains approximately 367 square feet and abuts land zoned Retail Commercial, Broadway/High Overlay Zone, Area A. (2) The proposed vacation, in conjunction with a right-of-way dedication to the south on Market Street NE, will shift land available for development three feet to the north, facilitate future widening of Market Street NE and facilitate the construction of a significant City of Salem Urban Renewal Agency redevelopment project. (3) All utilities have been notified of these proceedings and it has been determined that no utilities are located within the area proposed for vacation. The proposed vacation complies with the City of Salem Comprehensive Plan. (5) The Property is not actively used for transportation, and the proposed vacation will in no way impair safe and convenient pedestrian, bicycle and vehicular circulation, or transportation system connectivity and complies with the "Transportation Planning Rule," OAR 660-120-00 (3). (6) The Property is not needed for future roadway purposes, and public interest will not be prejudiced if the Property is vacated. (7) Vacation of the Property will not substantially affect the market value of abutting 18 Section 2. Vacation. That certain Property more particularly described as follows is hereby vacated, subject 19 | to the condition set forth Section 3 of this ordinance: A strip of land 3.00 feet in even width adjoining the north line of Lot 1, Block 11, North Salem Addition to the City of Salem, Marion County, Oregon, said strip of land being a portion of Gaines Street NE (originally platted as Oak Street), a 66 foot right-of-way, and said strip being further described as follows: Beginning at the northeast corner of said Lot 1, Block 11, North Salem Addition to the City of Salem; thence along the north line of said Lot 1, North 70°31'00" West 122.46 feet to the northwest corner of said Lot 1; thence along the northerly extension of the west line of said Lot 1, North 19°29'14" East 3.00 feet; thence parallel to the north line of said Lot 1, South 70°31'00" East 122.46 feet to a point on the west right-of-way line of Broadway Street NE; thence South 19°28'52" West 3.00 feet to the point of beginning, and

containing 367 square feet, more or less.

28 ORDINANCE - Page 2

1				
1	Section 3. Assessment of Special Benefit. No special benefit shall be assessed upon and against the land			
2	abutting upon the area vacated hereby.			
3	Section 4. Vacation Effective Date. This vacation shall not be effective until the City Recorder has			
4	satisfied all requirements of SRC 76.144, and a certified copy of this ordinance vacating the Property is			
5	recorded by the City Recorder with the county clerk, assessor and surveyor. The City Recorder shall provide			
6	copies to the Marion County Assessor, the Marion County Surveyor and any affected public utility.			
7	Section 5. Emergency. This act being necessary for the immediate preservation of the public peace, health			
8	and safety, an emergency is declared to exist, and this ordinance shall be in full force and			
9	effect from and after the date of its passage.			
10	PASSED by the Council this 1st day of May, 2006.			
11	ATTEST:			
12	Lather Hall			
13	Sather How City Recorder			
14	Approved by City Attorney:			
15				
16	G:\Group\Legal1\Council\050106 Gaines Street Vacation Ord.wpd			
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28	ORDINANCE - Page 3			

**REEL:2642** 

**PAGE: 156** 

May 02, 2006, 02:54 pm.

CONTROL #: 166363

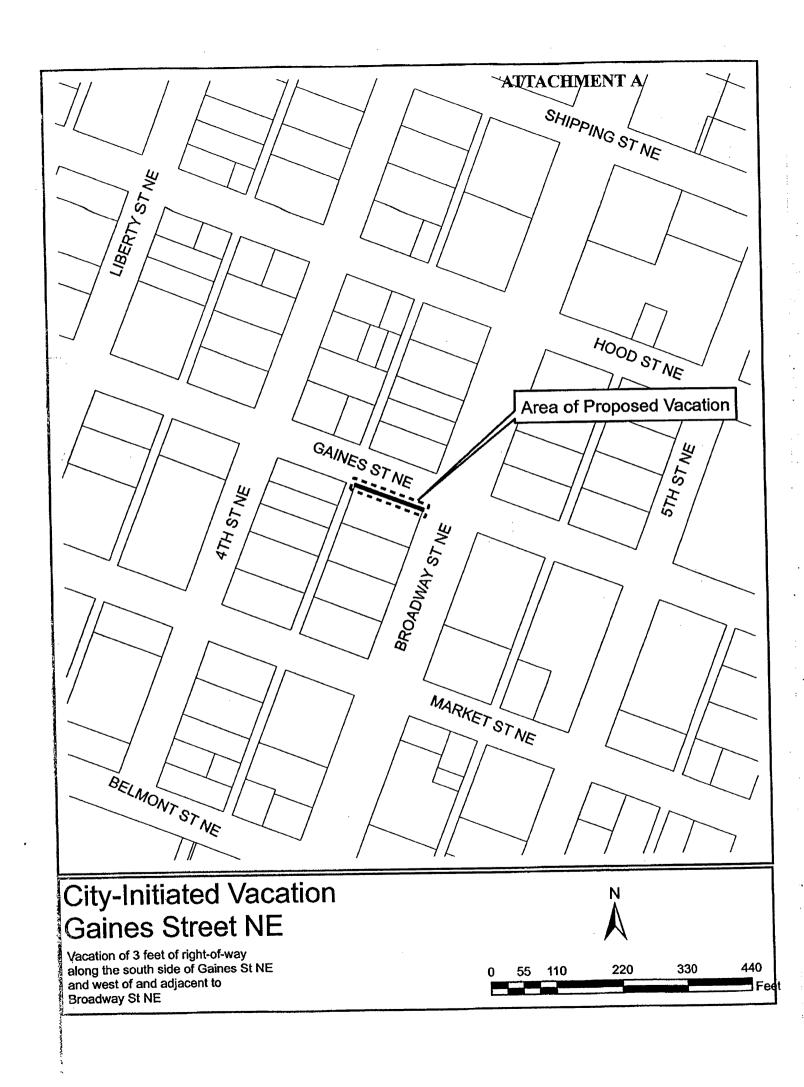
State of Oregon County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 111.00

BILL BURGESS COUNTY CLERK

THIS IS NOT AN INVOICE.



Certified to be a true and correct copy of the original Page Reel 339 2755 City of Salem, Oregon **ORDINANCE NO. 53-06** AN ORDINANCE VACATING A SECTION OF 4<sup>TH</sup> STREET NE AND THE PARALLEL ALLEY TO THE EAST, BETWEEN MARKET STREET NE AND BELMONT STREET NE, SALEM, OREGON. The City of Salem ordains as follows: Section 1. Findings. The City of Salem initiated vacation of a section of 4<sup>th</sup> Street NE and the parallel alley to the east, between Market Street NE and Belmont Street NE, Salem, Oregon (the Property), more particularly described as follows: Fourth Street Northeast between Blocks 10 and 15, North Salem, a subdivision recorded March 15, 1871 in Volume 1, at Page 34, Plat Records of Marion County, Oregon, being more particularly described as bounded on the North by the South right-of-way of Market Street Northeast, on the East by the West boundary of aforesaid Block 10, on the South by the North right-of-way of Belmont Street Northeast, and on the West by the East boundary of aforesaid Block 15, containing 17,424 square feet more or less. An alley, 16 feet in width, entirely within Block 10, North Salem, a subdivision recorded March 15, 1871 in Volume 1 at Page 34, Plat Records of Marion County, Oregon, being more particularly described as bounded on the North by the South right-of-way of Market Street Northeast, on the East by the West boundary of Lots 1 through 4 of aforesaid Block 10, on the South by the North right-of-way of Belmont Street Northeast, and on the West by the East boundary of Lots 5 through 8 of aforesaid Block 10, containing 4,224 square feet more or less. The Planning Commission reviewed the proposed vacation of the Property on October 17, 2006 and recommended approval of the vacation, subject to the condition reserving two public utility easements for maintenance of existing utilities.

- (c) A public hearing before the City Council to consider the vacation of the Property was set for November 13, 2006, and notice of the hearing was provided as required by ORS 271.110(1) and (2).
- (d) Hearing upon the proposed vacation of the Property was held on November 13, 2006, at which time all interested persons were afforded the opportunity to present evidence and provide

ORDINANCE - Page 1

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COUNCIL OF THE CITY OF SALEM, OREGON

Return to: City of Salem Recorder's Office 555 Liberty St SE, Room 205 Salem. OR 97301-3503

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testimony in favor of, or in opposition to, the proposed vacation, and upon consideration of such evidence and testimony and after due deliberation, the City Council finds as follows:

- (1) The combined Property contains approximately 21,648 square feet and is located in an area that is partially zoned Multi-Family High-Rise Residential and Retail Commercial with Broadway/High Street Overlay.
- (2) The proposed vacation should have almost no impact on traffic circulation in the vicinity, based upon the existing circulation options available. The 4<sup>th</sup> Street NE right-of-way proposed for vacation is currently actively used for transportation purposes. It is a one-block long street segment connecting Market Street NE with Belmont Street NE. Fourth Street NE continues to north of Market Street NE, but does not continue south beyond Belmont Street NE. Currently this street functions primarily to give access to the adjacent properties, all of which are included in the proposed development project.
- (3) All utilities have been notified of these proceedings to allow protection of their facilities. A public utility easement should be reserved to accommodate existing and future municipal utilities, public utilities as defined by ORS 757.005, and telecommunications carriers as defined by ORS 133.721 (collectively, "municipal and public utilities").
- (4) The proposed vacation complies with the Salem Area Comprehensive Plan.
- (5) The Property is currently actively used for transportation purposes. However, the proposed vacation will in no way impair safe and convenient pedestrian, bicycle and vehicular circulation, or transportation system connectivity and complies with the "Transportation Planning Rule," OAR 660-012-0000 through OAR 660-012-0070.
- (6) The Property is not needed for future roadway purposes, and public interest will not be prejudiced if the Property is vacated.

ORDINANCE - Page 2

COUNCIL OF THE CITY OF SALEM, OREGON

COUNCIL OF THE CITY OF SALEM, OREGON

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Section 4. Vacation Effective Date. This vacation shall not be effective until the City Recorder has satisfied all requirements of SRC 76.144, and a certified copy of this ordinance vacating the Property is recorded by the City Recorder with the county clerk, assessor and surveyor. The City Recorder shall provide copies to the Marion County Assessor, the Marion County Surveyor and any affected public utility.

PASSED by the Council this 4th day of December, 2006.

ATTEST:

DEPUTY City Recorder

Approved by City Attorney:

Checked by: J. Warncke/sw

G:\Group\LEGAL1\Council\112706 4th street and parallel alley vacation ord.wpd

ORDINANCE - Page 4

COUNCIL OF THE CITY OF SALEM, OREGON

ORDINANCE - Page 3

T. 7 S., R. 3 W., NE1/4 SEC. 22, W.M. MARION COUNTY, OREGON *23<sub>00</sub>* MARKET STREET -VACATED RIGHT OF WAY 2400 AREA = 17,424 SF 3400 !22.5° 3500 65.97. 33<sub>00</sub> 122.5° BROADWAY STREET 3200 74.50,22.5 ¥3100 <sup>3600</sup> BELMONT STREET 3000 2900 3700 3800 VACATED ALLEY AREA=4,224 SF REGISTERED PROFESSIONAL LAND SURVEYOR **LEGEND GRAPHIC SCALE** OREGON O MUY 21, 1998 MARCUS T. REEDY 2871 100 VACATED RIGHT OF WAY RENEWAL 12/31/2006 1 inch = 100 ft.



### DAVID EVANS AND ASSOCIATES INC

530 Center Street N.E., Suite 605 Salem Oregon 97301 Phone: 503.361.8635

### **URBAN RENEWAL AGENCY-SITE A** CITY OF SALEM

STREET VACATION BLOCKS 10 and 15, NORTH SALEM ADDITION

FILE NO. DRAWN BY CTYX000044

**AVS** 

DESIGN BY MTR SCALE 1" = 100" DATE 8-14-06 Certified to be a true and correct copy of the original Reel Page 2778 136

1 Deports City Recorder City of Salem, Oregon ORDINANCE BILL NO. 79-07

2 AN ORDINANCE VACATING AN ALLEY THAT RUNS FROM GAINES STREET NE TO HOOD STREET NE BETWEEN BROADWAY STREET NE AND 5TH STREET NE, SALEM, OREGON, AND DECLARING AN EMERGENCY.

5 The City of Salem ordains as follows:

6 Section 1. Findings.

7 (a) The City of Salem initiated vacation of an alley that runs from Gaines Street NE to

(a) The City of Salem initiated vacation of an alley that runs from Gaines Street NE to Hood Street NE between Broadway Street NE and 5th Street NE, Salem, Oregon (the Property), more particularly described as follows:

A 16.00-foot wide alley within Block 7, Plat of North Salem, with additions, in the Northwest one-quarter of Section 23, Township 7 South, Range 3 West, Willamette Meridian, in the City of Salem, County of Marion, State of Oregon, said alley being more particularly described as follows, to wit:

Beginning at the Northwest corner of Lot 1, Block 7, Plat of North Salem, with additions, recorded March 15, 1871, in Book 1 at Page 34, Plat Records of Marion County; thence South 19°30' West along the westerly boundary of Lots 1 through 4 within said Block 7, a distance of 265.6 feet to the Southwest corner of Lot 4, Block 7 and the northerly right-of-way of Gaines Street NE (originally platted as Oak Street); thence North 70°30' West along the northerly right-of-way of Gaines Street NE, a distance of 16.0 feet to the Southeast corner of Lot 5, Block 7; thence North 19°30' East along the easterly boundary of Lots 5 through 8, within said Block 7, a distance of 265.6 to the Northeast corner of Lot 8, Block 7 and the southerly right-of-way of Hood Street NE; thence South 70°30' East along the southerly right-of-way of Hood Street NE, a distance of 16.0 feet to the Northwest corner of Lot 1 and the point of beginning, and containing 4,250 square feet, more or less.

- (b) The Planning Commission reviewed the proposed vacation of the Property on January 9, 2007 and recommended approval of the vacation, subject to the condition reserving public utility easements for maintenance of existing utilities.
- (c) A public hearing before the City Council to consider the vacation of the Property was set for February 5, 2007, and notice of the hearing was provided as required by ORS 271.110(1) and (2).
- (d) Hearing upon the proposed vacation of the Property was held on February 5, 2007, at which time all interested persons were afforded the opportunity to present evidence and provide testimony in favor of, or in opposition to, the proposed vacation, and upon

ORDINANCE - Page 1

COUNCIL OF THE CITY OF SALEM, OREGON

consideration of such evidence and testimony and after due deliberation, the City Council finds as follows:

- (1) The combined Property contains approximately 4,250 square feet and is located in an area that is zoned Retail/Commercial within the Broadway/High Street Overlay Zone.
- (2) The proposed vacation will not degrade transportation services or accessibility in the surrounding neighborhood. The alley proposed for vacation is currently open but provides access only to those properties that are a part of the proposed development project.
- (3) All utilities have been notified of these proceedings to allow protection of their facilities. A public utility easement should be reserved to accommodate existing and future municipal utilities, public utilities as defined by ORS 757.005, and telecommunications carriers as defined by ORS 133.721 (collectively, "municipal and public utilities").
- (4) The proposed vacation complies with the Salem Area Comprehensive Plan.
- (5) The proposed vacation will in no way impair safe and convenient pedestrian, bicycle and vehicular circulation, or transportation system connectivity and complies with the "Transportation Planning Rule," OAR 660-012-0000 through OAR 660-012-0070.
- (6) The Property is not needed for future roadway purposes, and public interest will not be prejudiced if the Property is vacated.
- (7) The vacation will not substantially impact the market value of abutting properties such that damages would be required to be paid pursuant to ORS 271.130(1); any impact would be to increase the market value of abutting properties.
- (8) The alley is paved but there are no curbs, gutters, or sidewalks along the alley. The loss of this alley is balanced by the proposed project, which accomplishes the goals of the Urban Renewal Agency for this tract of land, including incorporating a vacated alley into the project.

ORDINANCE - Page 2

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COUNCIL OF THE CITY OF SALEM, OREGON

1 | Section 2. Vacation. That certain Property more particularly described in Section 1(a) of this 2 Ordinance is hereby vacated, subject to the condition set forth in Section 3 of this Ordinance. 3 Section 3. Public Utility Easement Reserved. There is hereby reserved, under, over, upon and across the entire Property described in Section 1(a) of this Ordinance, a non-exclusive, perpetual, 5 | public utility easement, for the construction, maintenance, repair and replacement of municipal and 6 public utility facilities, including, but not limited to, lines and mains for water, sewer, 7 | telecommunications, electrical and natural gas. 8 Section 4. Emergency Clause. This act being necessary for the immediate preservation of the 9 public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full 10 force and effect from and after the date of its passage. 11 Section 5. Vacation Effective Date. This vacation shall not be effective until the City Recorder has 12 satisfied all requirements of SRC 76.144, and a certified copy of this ordinance vacating the Property 13 is recorded by the City Recorder with the county clerk, assessor and surveyor. The City Recorder shall provide copies to the Marion County Assessor, the Marion County Surveyor and any affected 15 public utility. PASSED by the Council this 26th day of February \_\_\_\_\_, 2007. ATTEST: Checked by: D. Baltz i:\Group\LEGAL1\Council\021207 Alley Gaines St vacation ord.wpd COUNCIL OF THE CITY OF SALEM, OREGON ORDINANCE - Page 3

DAVID EVANS
AND ASSOCIATES INC.

530 Center Street N.E., Suite 605
Salem Oregon 97301
Phone: 503.361.8635

REGISTERED PROFESSIONAL

Marcas T. Roade

OREGON

MARCUS T. REEDY

RENEWAL 12/31/2006

LAND SURVEYOR

URBAN RENEWAL AGENCY-SITE C
CITY OF SALEM
ALLEY VACATION
BLOCK 7, NORTH SALEM ADDITION

SUBJECT ALLEY

AREA=4,250 SF

**ATTACHMENT A** 

T. 7 S., R. 3 W., NW1/4 SEC. 23, W.M.

MARION COUNTY, OREGON

**LEGEND** 

SUBJECT ALLEY

**REEL:2778** 

**PAGE: 136** 

February 27, 2007, 08:41 am.

CONTROL #: 189608

State of Oregon County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 111.00

BILL BURGESS COUNTY CLERK

THIS IS NOT AN INVOICE.

set for June 25, 2007, and notice of the hearing was provided as required by ORS 271.110(1)

(d) Hearing upon the proposed vacation of the Property was held on June 25, 2007, at

which time all interested persons were afforded the opportunity to present evidence and

provide testimony in favor of, or in opposition to, the proposed vacation, and upon

Page

298

Reel

2862

consideration of such evidence and testimony and after due deliberation, the City Council finds as follows:

- (1) The combined Property contains approximately 1,348 square feet and is located in an area that is zoned Multifamily High-Rise Residential, Single Family Residential, and Retail Commercial. A portion of the abutting property is located within the Broadway/High Street Overlay Zone.
- The proposed vacation will not degrade transportation services or accessibility in the surrounding neighborhood. The three-foot strip of right-of-way proposed for vacation is not part of the developed right-of-way and is not used for transportation. No additional roadway improvements are planned for this section of Belmont Street
- All utilities have been notified of these proceedings to allow protection of their facilities. A public utility easement should be reserved to accommodate existing and future municipal utilities, public utilities as defined by ORS 757.005, and telecommunications carriers as defined by ORS 133.721 (collectively, "municipal and public utilities").
- The proposed vacation complies with the Salem Area Comprehensive Plan.
- The proposed vacation will in no way impair safe and convenient pedestrian, bicycle and vehicular circulation, or transportation system connectivity and complies with the "Transportation Planning Rule," OAR 660-012-0000 through OAR 660-012-0070.
- The Property is not needed for future roadway purposes, and public interest will not be prejudiced if the Property is vacated.
- The vacation will not substantially impact the market value of abutting properties such that damages would be required to be paid pursuant to ORS 271.130(1); any impact would be to increase the market value of abutting properties.

The proposed vacation is being pursued in conjunction with an Urban Renewal Agency redevelopment project within the Riverfront Downtown Urban Renewal District. The proposed vacation will help facilitate this redevelopment.

Section 2. Vacation. That certain Property more particularly described in Section 1(a) of this 5 Ordinance is hereby vacated, subject to the condition set forth in Section 3 of this Ordinance.

6 | Section 3. Public Utility Easement Reserved. There is hereby reserved, under, over, upon and 7 | across the entire Property described in Section 1(a) of this Ordinance, a non-exclusive, perpetual, 8 public utility easement, for the construction, maintenance, repair and replacement of municipal and public utility facilities, including, but not limited to, lines and mains for water, sewer,

10 | telecommunications, electrical and natural gas.

Section 4. Emergency Clause. This act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after the date of its passage.

14 | Section 5. Vacation Effective Date. This vacation shall not be effective until the City Recorder has satisfied all requirements of SRC 76.144, and a certified copy of this ordinance vacating the Property 16 is recorded by the City Recorder with the county clerk, assessor and surveyor. The City Recorder 17 | shall provide copies to the Marion County Assessor, the Marion County Surveyor and any affected 18 public utility.

PASSED by the Council this 27th day of August

24 | Checked by: J. Warncke

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G'\Group\LEGAL1\Council\081307 Belmont St vacation ord.wpd

COUNCIL OF THE CITY OF SALEM, OREGON

ORDINANCE - Page 1

and (2).

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COUNCIL OF THE CITY OF SALEM, OREGON

ORDINANCE - Page 2

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COUNCIL OF THE CITY OF SALEM, OREGON

1915 SE Stone Street

Corvalle, OR 87835

541-762-7515 Projects 0711 March 26, 2007

**REEL:2862** 

Certified to be a true and

correct copy of the original

**PAGE: 298** 

September 06, 2007, 11:03 am.

CONTROL #: 205080

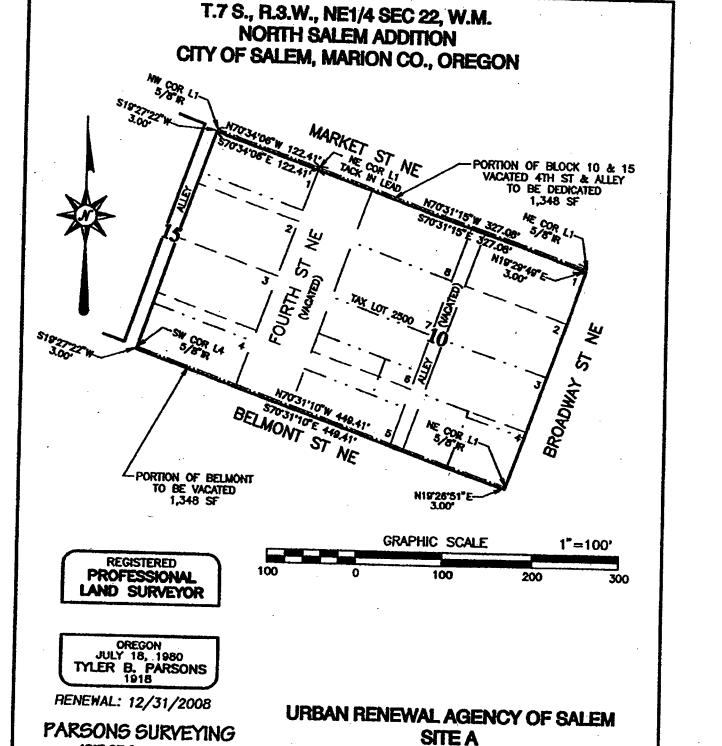
State of Oregon County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 36.00

BILL BURGESS COUNTY CLERK

THIS IS NOT AN INVOICE.



STREET DEDICATION - MARKET ST. NE

STREET VACATION - BELMONT ST. NE

Blocks 10 & 15, North Salem Addition

ATTACHMENT A

ORDINANCE - Page 3

# MILL ADDITION SALEM 20

# Mill Laddition to Salem

Of which the plat herewish attached and made a part of this description is described as follows commencing at the most Hortherly corner of the Dination Land Claim of Mit. The mand wife, the same being the most Horthirty comer of the bity of Salem. we the bounty of Marion and Alate of Oregon, running thence along the East bank of the Hillamette River down's Stream, Dix tomidred and thirty feet more or least to the center of Market Street in the who Same chiece Easterlij along the center of said. Must 240 feet more or less, to the History line of Front Street, Month Salow thence Southerly along line, thirty feet to a point in the Southerly line of Market Street, there Easterly along raid Southerly line of Market Street 363 feet more or less, the Westerly line of Second Street in book Salum, thence Southerly along said Westerly line of Decoud Street 462 July thence d. 71° 6. 450 Jul, thence & 19° %. 163/2 Jul. Thunce S. 71,° 6. 153/2 Jul, thence S. 49° 40° M. 42 7/2 Jul to la boundary line of the said It. Hels vis Land Claim thence along said (boundary line 50 feet more or less to a former in the Rame, thence along Raid line 49° th, to the place of beginning This Hoddition is devided note the block Block No. 1, contains & lote besides 210 feet in the South end mostly in the bed of Mill breek, the lots front 50 feet on Front Street and 240 back to the Willamette River, "Slock & portains 20 lots 11 of which front on Decond Steet 50 feet front, and sunning back to the alley 143 feet; and nine fronting 50 feet on Front Street and running back 143 feet to the alley; remainder of the block on he Front end and mostly in the bed of Mill Creek. The alley is 16 feet wide and runs through the center of the Block from Hiret to South, also on the East side alley 16 feet wide and adjoining lot 8 w the South and connecting with the center alley, Block 3 is not divided and contains all that part of this addition lying East of Second Street, in Thitries whereof I have hereto set my hand and seal this 11" day of March 1889 The Halds Esial 3

. State of Oregon. County of Marion

On this stie!" day of March As. D. 1889 personally came before me a County blerk in and for said bounty, the within named William Hald o to me personally known to be the ridutical described in and who executed the within instrum-Tout and acknowledged to me that he executed the same freely for the uses and purposes

Themes my hand and Seal this 11" day of March 1889 F. J. Dabcock Ascorded March 11" 1889 Harrison Stans
Becarde Comity Clark

# WILLAMETTE LANDING



A RE-SUBDIVISION OF BLOCK 26, NORTH SALEM ADDITION AND ADJACENT UNPLATTED LAND IN S. 1/2, S.E. 1/4, SEC. 15 AND N. 1/2, N.E. 1/4, SEC. 22, T.7S., R.3W., W.M.

MARION COUNTY, OREGON WITHIN THE CITY OF SALEM

### SURVEYOR'S CERTIFICATE

STATE OF OREGON COUNTY OF MARION S.S.

I, Edward L. Query, being first duly sworn, depose and say that I have surveyed and marked with proper monuments the land hereon shown as WILLAMETTE LANDING which is described as follows: Beginning at the initial corner of this subdivision which is a section of galvanized iron pipe 2 inches in diameter and 36 inches in length and set 6 inches below the surface of the ground at the Northeasterly corner of Block 26, North Salem Addition as the same is platted and recorded in Volume I, Page 34, Book of Town Plats for Marion County, Oregon, said point being 642.36 feet South 06°49'20"East from the Southeast corner of Block 18 of Riverside Addition (Volume 1, Page 92, Book of Town Plats ) in Township 7 South, Range 3 West of the Willamette Meridian in said County and State; thence South 19° 25' West, along the Easterly line of said Block 26, 298.55 feet to a point on the center-line of vacated Hood Street; thence North 70°37 West, along said center-line and the Westerly extension thereof, 482.50 feet, more or less, to the low water line of the Willamette River; thence Northerly, along said low water line, 742 feet, more or less, to a point on the Westerly extension of the South right-of-way line of South Street; thence North 89°51 East, along said right-of-way line, 381 feet, more or less, to a point on the Westerly right-of-way line of Water Street; thence South 19°25' West, along said Westerly line of Water Street, 225.66 feet to a point on the Westerly extension of the Southerly right-of-way line of Norway Street; thence South 70° 37' East, along said Westerly extension, 33.00 feet to the center-line of Water Street; thence South 19°25' West, along the center-line of said Water Street, 298.45 feet to a point on the center-line of Shipping Street; thence South 70°37 East, along said center-line, 33.00 feet; thence South 19°25' West, parallel with the center-line of said Water Street, 33.00 feet to the Northwesterly corner of Block 26 of said North Salem Addition; thence South 70°37' East 197.50 feet to the point of beginning and containing 7.30 acres of land.

Edward L. Query Registered Land Surveyor

Subscribed and sworn to before me this 9th day \_\_FEBRUARY\_\_\_\_, 1979.

Notary Public for Oregon

My commission expires June 16, 1981.



APPROVALS

Planning Administrator, City of Salem

ing Administrator, City of Salem Date

Mull Company

County Commissioner

5-8-79

County Commissioner

5-8-79 Date

Lat Mc (varthy)
County Commissioner

5-8-79 Date

J.B. Se Cain, by: 6. Crester County Assessor Seprity

Date 8, 1979

county Clerk mangaret mentioning

Date 9 1979

The controls

REGISTERED PROFESSIONAL LAND SURVEYOR

Edward L. Query OREGON

EDWARD L. QUERY

Taxes have been paid to June 30,1980

Delous Glemmie by M.S. Hing County Tax Collector Deputy

5-7-79 Date

### **DEDICATION**

KNOW ALL PERSONS BY THESE PRESENTS

That we, Continental Enterprises, Inc., an Oregon corporation duly incorporated and existing under the laws of the State of Oregon, and its officers, W.E. Gladow, president and Roy Harland, secretary, being the owners of the land described in the Surveyor's Certificate hereon and desiring to dispose of the same in lots and blocks, have caused the same to be surveyed and platted, the name to be known as WILLAMETTE LANDING.

We hereby dedicate to the public use forever the streets and easements laid out through and upon said land as shown on the within plat.

We hereby certify that all taxes and assessments levied against said land have been paid

In witness whereof we have hereunto set our hands and seals this 8th day of \_\_\_\_\_\_, 1979.

Continental Enterprises, Inc.

W.E. Gladow, president

Roy Harland, secretary

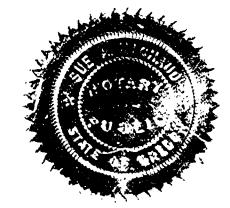
STATE OF OREGON S.S.

On this 8th day of Warch, 1979, personally appeared before me, a Notary Public for said County and State, the within named officers of Continental Enterprises, Inc, W. E. Gladow, president and Roy Harland, secretary, to me personally known to be the identical persons described in and who executed the above instruments and who personally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named without fear or compulsion from anyone.

Witness my hand and seal this 8th day of March, 1979.

Suc a. Wichaud Notary Public for Oregon

My commission expires 5-18-79

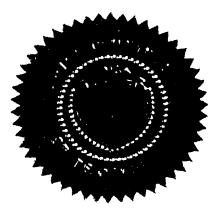


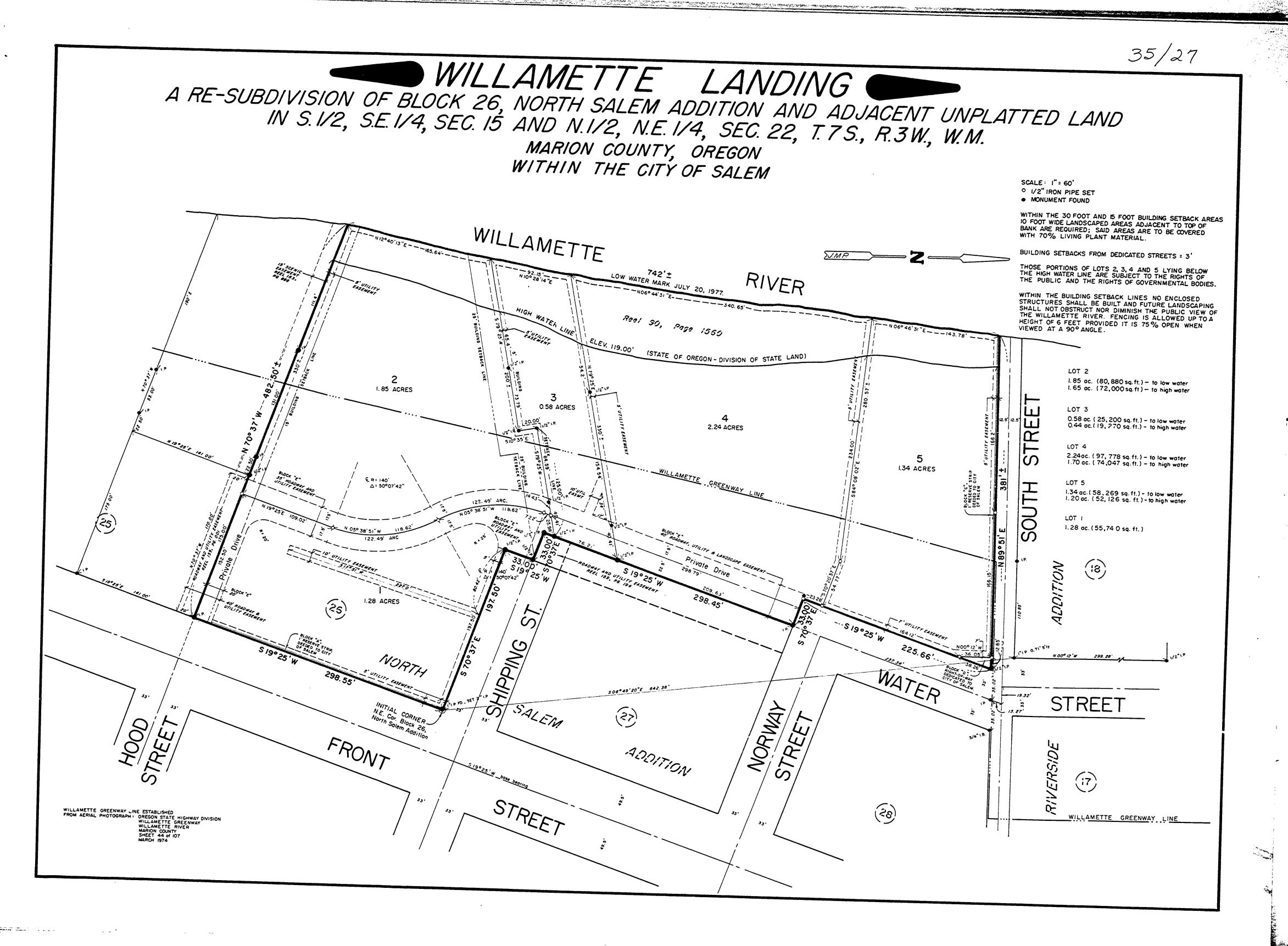
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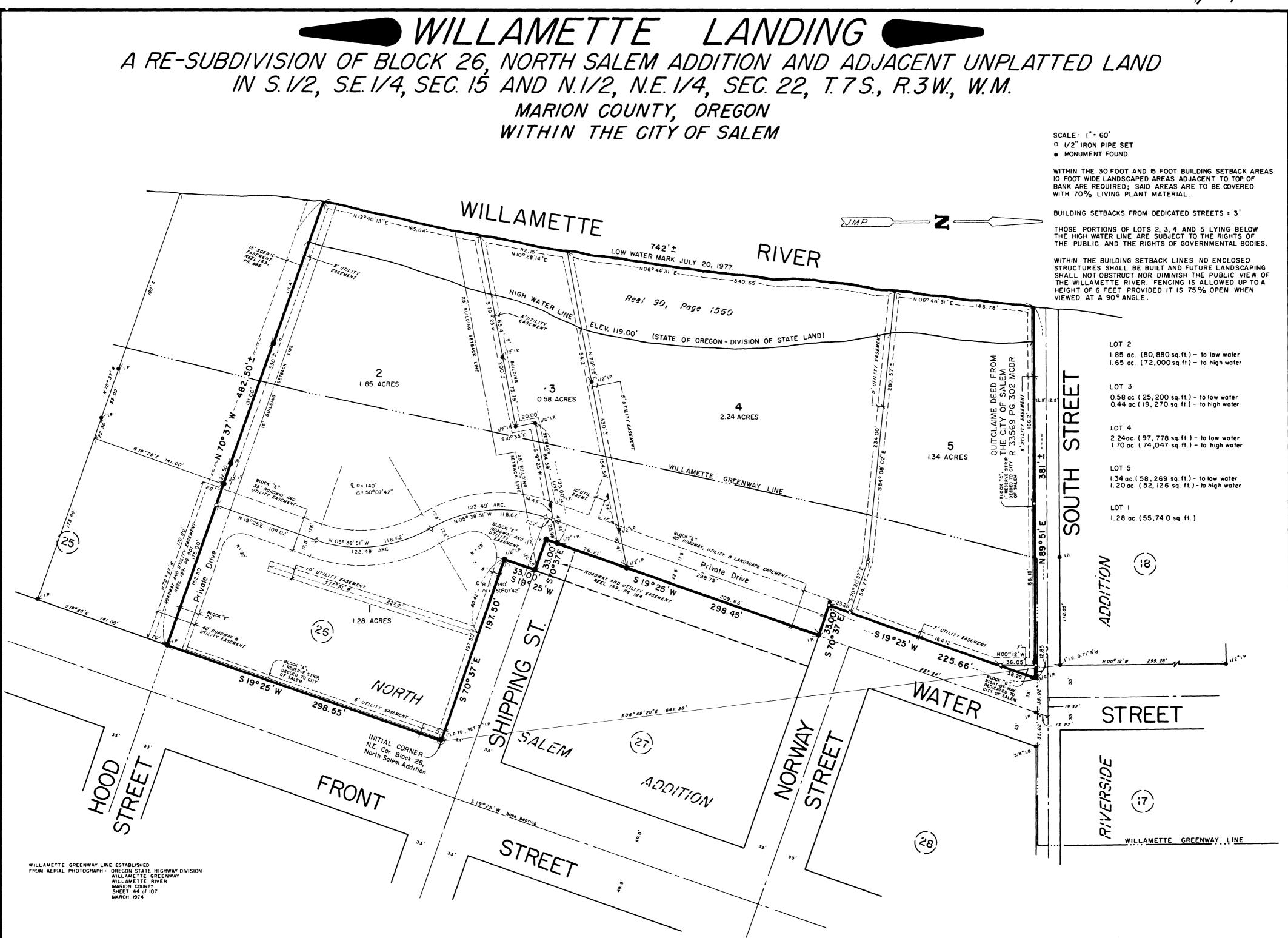
STATE OF OREGON COUNTY OF MARION S.S.

I, Edwin P. Morgan, County Clerk, certify that the within plat was received and duly recorded by me in the Marion County records in the Book of Town Plats in Volume 35, Page 27, on the 85 day of may, 1979 at 200 o'clock pm.

County Clerk by Attornee & Garner Lysuty







REEL 3569 PAGE 302

MARION COUNTY

BILL BURGESS, COUNTY CLERK
12-17-2013 10:01 am.

Control Number 352604 \$ 56.00

Instrument 2013 00055019

After recording return to:
City of Salem
City Recorder's Office
555 Liberty Street SE, Room 205
Salem, OR 97301

QUITCLAIM DEED

Send tax statements to: Willamette Landing Apartments-89, LLC PO Box 661087 Arcadia CA 91066

The CITY OF SALEM, OREGON, an Oregon municipal corporation, organized and existing under and by virtue of the laws of the State of Oregon (Grantor), 555 Liberty Street SE, Salem, Oregon 97301-3513, releases and quitclaims to Willamette Landing Apartments-89, LLC (Grantee), PO Box 661087, Arcadia, California 91066, all right, title, and interest in all that property situated in Marion County, State of Oregon, described as follows:

See Exhibit A attached and as shown on Exhibit B attached.

"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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

lb	e true consider	ation for the	us conveyance is no moi	ney, but for other valuat	me consideration.
Dated this	Ind	_ day of	December	, 20/3.	

QUITCLAIM DEED - Page 1 of 2 SKS:G:\Group\clerical\Misc Corresp\2013\Quitclaim Deed\_20131107\_Willamette Landing.doc

CITY OF SALEM, OREGON, AN OREGON MUNICIPAL CORPORATION	
	•
By: Kaker Wangar	
1). a. 4 8 ity Manager	

STATE OF OREGON			
County of	Morin		

OFFICIAL SEAL
JULIE K DEUCHARS
NOTARY PUBLIC · OREGON
COMMISSION NO. 460821
MY COMMISSION EXPIRES SEPTEMBER 16, 2018

Notary Public - State of Oregon
My commission expires:

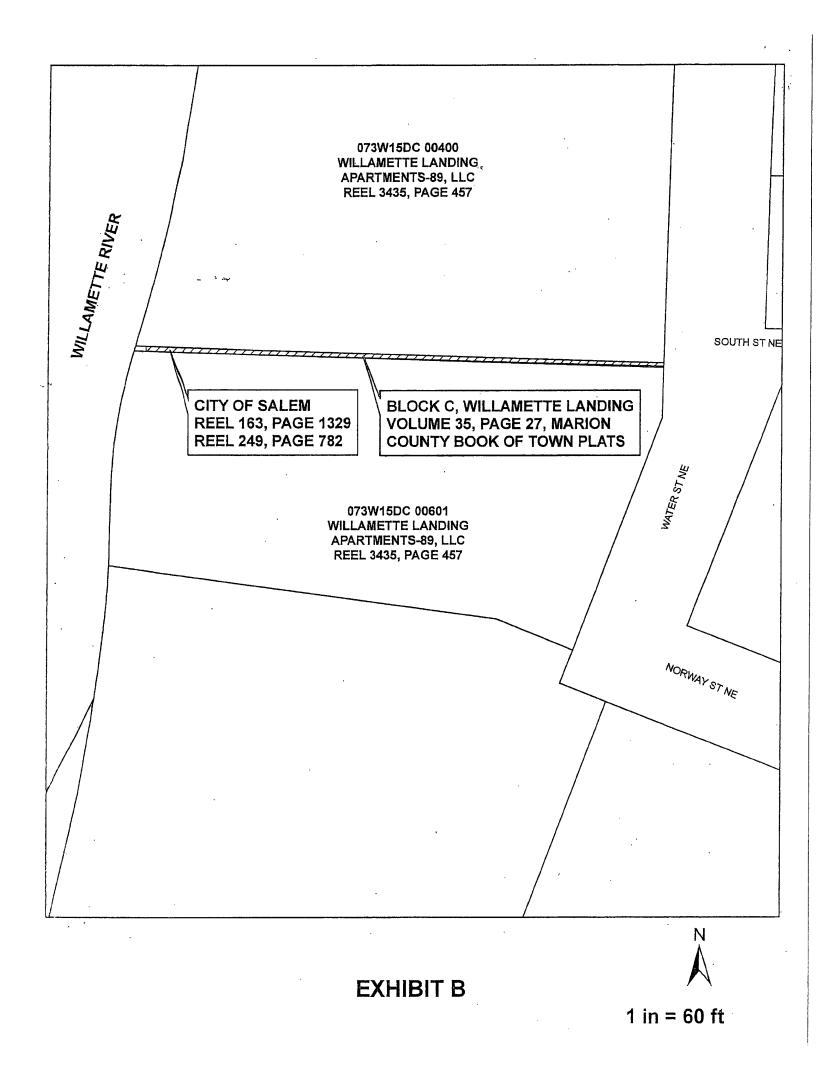
Checked By:
November 7, 2013

### **EXHIBIT A**

Block C, Willamette Landing recorded in Volume 35, Page 27 of the Marion County Book of Town Plats.

QUITCLAIM DEED - Page 2 of 2

:G:\Group\clerical\Misc Corresp\2013\Quitclaim Deed\_20131107\_Willamette Landing.doc



REEL: 3569

**PAGE: 302** 

December 17, 2013, 10:01 am.

CONTROL #: 352604

State of Oregon County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 56.00

BILL BURGESS COUNTY CLERK

THIS IS NOT AN INVOICE.