



## LAND USE APPLICATION

Application Type: PROPERTY LINE ADJUSTMENT #1

### APPLICANT INFORMATION

(Check one box below for designated contact person regarding this application)

☐ Applicant Name: M & T PARTNERS INC Daytime Phone: 503.629.6300

Mailing Address: 15350 SW SEQUOIA PARKWAY STE 300 Fax Number: \_\_\_\_\_

City/State: PORTLAND, OR Zip: 97224 Email: matto@pactrust.com

☒ Agent: W. JOSH WELLS - WESTECH ENGINEERING Daytime Phone: 503.585.2474

Mailing Address: 3841 FAIRVIEW IND. DR SE STE 100 Fax Number: \_\_\_\_\_

City/State: SALEM, OR Zip: 97302 Email: jwells@westech-eng.com

### PROPERTY INFORMATION

(E) OF BATTLE CREEK RD (S) KUEBLER (W) BOONE R. 7.57 AC

(Street Address or Location of Subject Property)

(Total Size of Subject Property)

(Assessor Tax Lot Numbers)

VACANT

(Existing Use, Structures, and/or Other Improvements On Site)

CO, CR  
(Zoning)

COMMERCIAL  
(Comp Plan Designation)

### PROPOSED PROJECT INFORMATION

ADJUST PROP. LINE BETWEEN TL 600 & TL 702

(Describe the Proposed Use or Development of Subject Property)

### NEIGHBORHOOD ASSOCIATION:

CONTACTED? ☐ Yes ☒ No

The City of Salem recognizes, values, and supports the involvement of residents in land use decisions affecting neighborhoods across the city and strongly encourages anyone requesting approval for any land use proposal to contact the affected neighborhood association(s) as early in the process as possible.

(Describe Contact with the Affected Neighborhood Association)

Date Contacted

**SALEM - KEIZER TRANSIT CONTACTED?** ☐ Yes ☒ No

(Describe Contact with Salem - Keizer Transit)

Date Contacted

### AUTHORIZATION BY PROPERTY OWNER(S) / APPLICANT

*\*If the applicant and/or property owner is a Limited Liability Company (LLC), please also provide a list of all members of the LLC with your land use application.*

(Property owners and contract purchasers are required to authorize the filing of this application and must sign below)

① All signatures represent that they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.

② I (we) hereby grant consent to the City of Salem and its officers, agents, employees, and/or independent contractors to enter the property identified above to conduct any and all inspections that are considered appropriate by the City to process this application.

③ I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property: \_\_\_\_\_

M&T Partners, Inc., a Delaware corporation

(Signature)

Scott D. Hodson, Vice President

(Print Name)

5/7/12

(Date)

15350 SW Sequoia Parkway, Suite 300, Portland, OR 97224

(Address - Include Zip)

STAFF USE ONLY - DO NOT WRITE BELOW - STAFF USE ONLY

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

Receipt No. \_\_\_\_\_

**After recording return to:**

M&T Partners, Inc.  
Attn: Real Estate Counsel  
15350 SW Sequoia Pkwy #300  
Portland, OR 97224

**Until a change is requested all tax  
statements shall be sent to the  
following address:**

M&T Partners, Inc.  
Attn: Accounting sal000  
15350 SW Sequoia Pkwy #300  
Portland, OR 97224

THIS SPACE RESERVED FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

**Pacific Realty Associates, L.P., a Delaware limited partnership**, Grantor, conveys and warrants to **M&T Partners, Inc., a Delaware corporation**, Grantee, the following described real property free of all encumbrances, except as specifically set forth herein:

The two parcels legally described on Exhibit A and as shown on Exhibit B, each of which exhibits are attached hereto and incorporated herein by this reference.

This conveyance is subject to: (i) easements, reservations, restrictions, covenants and conditions of record; (ii) taxes and assessments, general and special, not yet due and payable; (iii) rights of the public to parts of the real property, if any, lying in streets and rights of way; (iv) leases and tenancies; and (v) any liens or other matters which may appear in the public record, including those shown on any recorded plat or survey.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN

consideration: \$1,957,818.00

Chicago Title  
FEE

Chicago Title

VIOLOGATION 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true consideration for this conveyance is One Million Nine Hundred Fifty-Seven Thousand Eight Hundred Eighteen and No/100 Dollars (\$1,957,818).

Dated this 29 day of September, 2011.

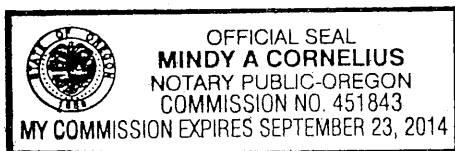
PACIFIC REALTY ASSOCIATES, L.P.,  
a Delaware limited partnership

By PacTrust Realty, Inc.,  
a Delaware corporation, its general partner

By Andrew R. Jones  
Andrew R. Jones, Vice President

STATE OF OREGON                    )  
  ) ss.  
County of Washington            )

This instrument was acknowledged before me on this 29<sup>th</sup> day of September, 2011 by Andrew R. Jones, as Vice President of PacTrust Realty, Inc., a Delaware corporation and general partner of Pacific Realty Associates, L.P., a Delaware limited partnership.



Mindy A. Cornelius  
Notary Public for Oregon  
My commission expires: 9/23/14

## Exhibit "A"

**LEGAL DESCRIPTION**  
**PAC TRUST (PTR4593.01)**  
**TAX LOT 600 AND TAX LOT 702**  
September 22, 2011  
Page 1

### PARCEL I

THAT TRACT OF LAND CONVEYED TO PACIFIC REALTY ASSOCIATES, L.P., A DELAWARE LIMITED PARTNERSHIP DESCRIBED AS PARCEL I IN REEL 2846, PAGE 493, MARION COUNTY DEED RECORDS, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CORNER COMMON TO SECTIONS 11, 12, 13 AND 14 IN TOWNSHIP 8 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF SALEM, COUNTY OF MARION AND STATE OF OREGON; THENCE NORTH 00°05'46" EAST, 30.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SE BOONE ROAD (VARIABLE WIDTH) SOUTH 89°35'40" WEST, 115.71 FEET TO A 5/8" IRON ROD WITH 2" ALUMINUM CAP MARKED "CITY OF SALEM"; THENCE NORTH 88°06'11" WEST, 100.03 FEET TO A 5/8" IRON ROD WITH 2" ALUMINUM CAP MARKED "CITY OF SALEM"; THENCE SOUTH 89°36'14" WEST, 50.00 FEET TO A 5/8" IRON ROD WITH 2" ALUMINUM CAP MARKED "CITY OF SALEM"; THENCE NORTH 47°33'05" WEST, 51.30 FEET TO A 5/8" IRON ROD WITH 2" ALUMINUM CAP MARKED "CITY OF SALEM", BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SE BATTLE CREEK ROAD (38 FEET MEASURED PERPENDICULAR TO THE CENTERLINE); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 23°06'16" WEST, 335.42 FEET TO A 5/8" IRON ROD WITH 2" ALUMINUM CAP MARKED "CITY OF SALEM"; THENCE NORTH 11°40'57" EAST, 47.90 FEET TO A 5/8" IRON ROD WITH 2" ALUMINUM CAP MARKED "CITY OF SALEM", BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SE KUEBLER BOULEVARD (VARIABLE WIDTH); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 54°36'48" EAST, 87.53 FEET TO A 5/8" IRON ROD WITH 2" ALUMINUM CAP MARKED "CITY OF SALEM"; THENCE NORTH 63°13'11" EAST, 397.80 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 00°05'46" WEST, 622.12 FEET TO THE POINT OF BEGINNING.

CONTAINS 196,127 SQUARE FEET OR 4.503 ACRES, MORE OR LESS.

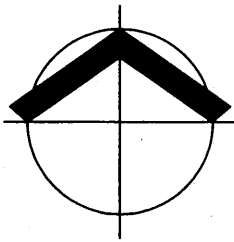
**LEGAL DESCRIPTION**  
**PAC TRUST (PTR4593.01)**  
**TAX LOT 600 AND TAX LOT 702**  
September 22, 2011  
Page 2

**PARCEL II**

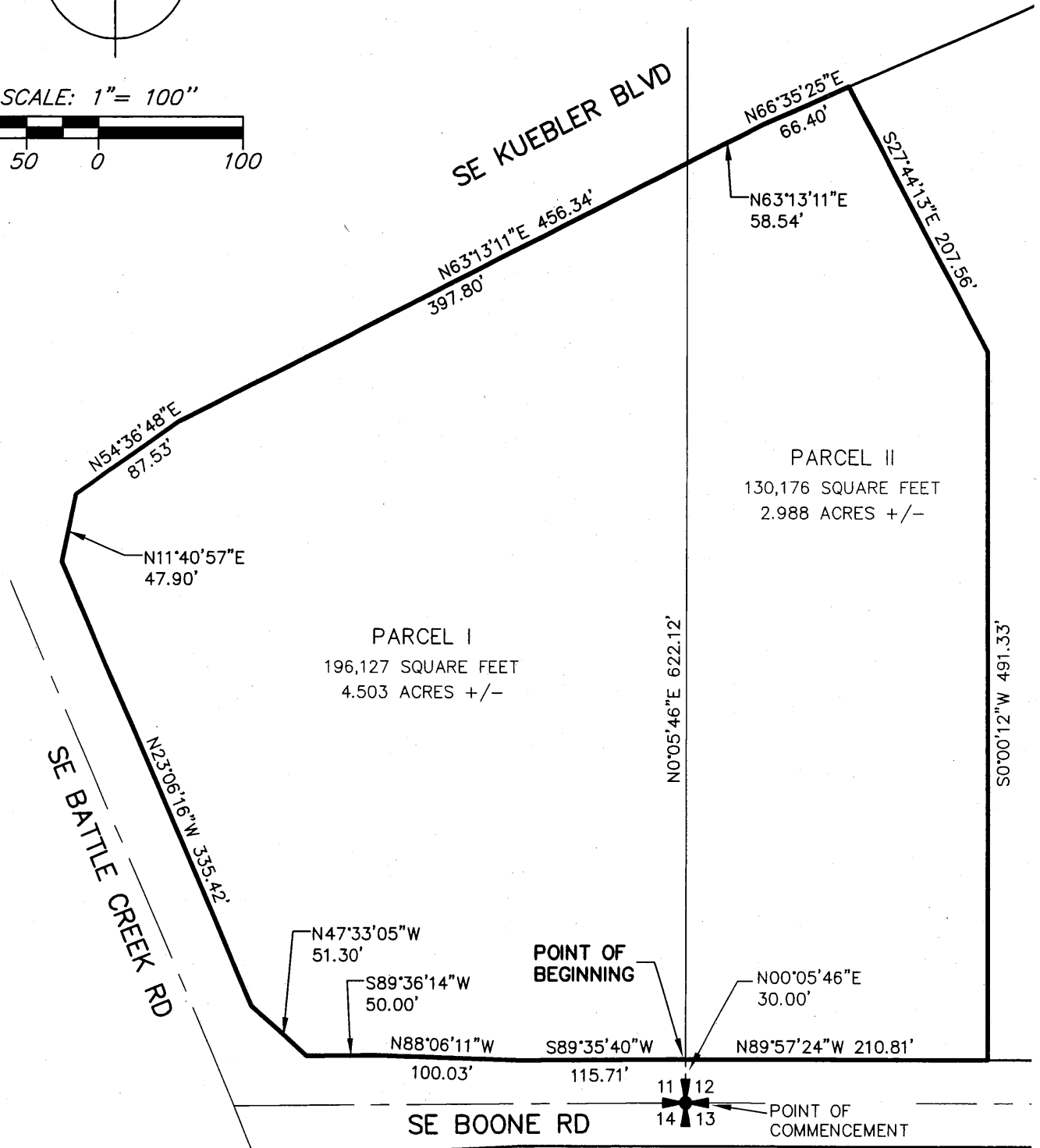
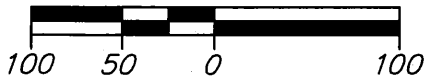
THAT TRACT OF LAND DESCRIBED AS EXHIBIT 'C' IN REEL 3196, PAGE 169, MARION COUNTY DEED RECORDS, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CORNER COMMON TO SECTIONS 11, 12, 13 AND 14 IN TOWNSHIP 8 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF SALEM, COUNTY OF MARION AND STATE OF OREGON; THENCE NORTH 00°05'46" EAST, 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°05'46" EAST, 622.12 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SE KUEBLER BOULEVARD (VARIABLE WIDTH); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 63°13'11" EAST, 58.54 FEET TO A 5/8" IRON ROD WITH 2" ALUMINUM CAP MARKED "CITY OF SALEM"; THENCE NORTH 66°35'25" EAST, 66.40 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 27°44'13" EAST, 207.56 FEET; THENCE SOUTH 00°00'12" WEST, 491.33 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SE BOONE ROAD (VARIABLE WIDTH); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 89°57'24" WEST, 210.81 FEET TO THE POINT OF BEGINNING.

CONTAINS 130,176 SQUARE FEET OR 2.988 ACRES, MORE OR LESS.



SCALE: 1" = 100'



PORTLAND  
5415 SW WESTGATE DR, STE 100, PORTLAND, OR 97221  
TEL: (503) 419-2500 FAX: (503) 419-2600  
www.cardnowrg.com  
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

EXHIBIT "B"  
TAX LOTS 600 AND 702

S 11 & 12, T. 8 S., R. 3 W., W.M.  
MARION COUNTY, OREGON

PROJECT NO. PTR4593.01  
DATE: 09/22/2011  
BY: SRB  
SCALE: 1" = 50'  
PAGE NO. 3 OF 3

**REEL: 3337**

**PAGE: 174**

**November 29, 2011, 11:35 am.**

CONTROL #: 305583

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: \$ 61.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

**M&T PARTNERS, INC.,  
a Delaware corporation**

RESOLVED, that the President, any Vice President or any other officer of M&T Partners, Inc., a Delaware corporation ("Corporation") are, and each of them acting alone hereby is, authorized to purchase, sell, transfer, or lease real or personal property, or any interest therein, in the name of, for, and on behalf of, and as the act and deed of this Corporation; and


RESOLVED FURTHER, that the President, any Vice President and any other officer of this Corporation are, and each of them acting alone hereby is, authorized to execute and deliver in the name of, for, and on behalf of, and as the act and deed of this Corporation, any and all deeds, covenants, leases, subleases, contracts, promissory notes, mortgages, deeds of trust, agreements, indemnity agreements, or other instruments reasonably required for the consummation or completion of the purchase, sale, transfer, or lease of real or personal property or any interest therein by this Corporation; and

RESOLVED FURTHER, that the Secretary or Assistant Secretary be and each of them is hereby authorized to affix the corporate seal of this Corporation to, and to attest the execution of all deeds, covenants, leases, subleases, indemnity agreements or other instruments which are executed by the President, any Vice President, and any other officer of this Corporation in connection with the purchase, sale, transfer, or lease of real or personal property or any interest therein by this Corporation acting on its own behalf.

**CERTIFICATE**

I, Terry L. O'Toole, Secretary of M&T Partners, Inc., a Delaware corporation, hereby CERTIFY that (1) the foregoing is a true and correct copy of resolutions approved and adopted by the Board of Directors of said Corporation by unanimous written consent without a meeting on August 8, 1988 that; (2) said resolutions are in full force and effect on the date hereof and have not been amended or rescinded; and that (3) the officers of said Corporation are herein authorized to act on behalf of the Corporation.

Dated: April 25, 2012

  
\_\_\_\_\_  
Terry L. O'Toole, Secretary



**M&T PARTNERS, INC.**

**Incumbency Certificate**


The undersigned, Terry L. O'Toole, certifies that she is the duly elected and qualified Secretary of M&T Partners, Inc., a Delaware corporation ("Company"), and that, as such, she is authorized to execute this Certificate on behalf of the Company, and she further certifies that the persons named below are duly elected, qualified and acting officers of the Company, holding on the date hereof the respective office set forth opposite each name below:

Peter F. Bechen  
David W. Ramus

President & Chief Executive Officer  
Vice President, Chief Operating Officer,  
Assistant Secretary & Treasurer  
Chief Financial Officer  
Vice President  
Vice President

John C. Hart  
Scott D. Hodson  
Andrew R. Jones

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 25<sup>th</sup> day of April 2012.

  
\_\_\_\_\_  
Terry L. O'Toole  
Secretary