

BRAND

Responses to Letter of Incomplete Application

22-114284-PLN and 22-114285-NR
4120 Kurth Street S Salem, Oregon

Item 1: Current Title Report

A current title report is included with this incomplete response.

Item 2: Archaeological Review

The applicant made contact with Kimberli Fitzgerald prior to our application submission. That information is attached to the incomplete response.

Item 3: Legal Lot Status

The title information submitted should satisfy this issue.

Item 3: Tree Conservation Plan

The tree conservation plan has been revised and is included with this incomplete response.

Item 4: Public Works Comments

The applicant's engineer has provided a description of the proposed stormwater management system. The plan has been revised to include existing and proposed easements, including the missing city easement. The street classification has been updated to reflect that Kurth Street S is a collector street. This response shall serve as an amendment to the erroneous portions of the narrative labeling Kurth Street S as a local street. Please condition the decision to include street tree removal procedures. At the time of development, the applicant will follow all procedures for removal and replacement of street trees. The midblock pedestrian tract has been modified to an easement. The applicant's engineer has revised the utility plan in accordance with Public Works comment regarding the existing line in Mesa Street not having adequate fire flow.

Item 5: Additional Comments on Plans

The applicant has corrected Kurth Street to be a collector street as shown in the TSP. In accordance with the Public Works Design Standards, the applicant is proposing street widening and an access path along the property frontage for Kurth Street. This is an accepted improvement as an alternative street standard and is being presented because of the existing

topography and placement of utilities within the existing right-of-way. Requiring property line sidewalks along this frontage of Kurth Street would be a proportionality issue.

The applicant believes this additional information and the updated plans satisfies the items of completeness listed on the letter dated July 29, 2022. Please contact us with any questions.

Thank you,

Britany Randall

BRAND Land Use

britany@brandlanduse.com

Britany

From: Charles Weathers <orreoproperties@gmail.com>
Sent: Tuesday, August 2, 2022 3:09 PM
To: Britany
Subject: Fwd: Possible Archeological Review - Kurth St S
Attachments: Historic and Cultural Protection Zone FAQ.pdf; Salem IDP. 2021.pdf

----- Forwarded message -----

From: **Kimberli Fitzgerald** <KFitzgerald@cityofsalem.net>
Date: Mon, Nov 22, 2021 at 11:18 AM
Subject: RE: Possible Archeological Review - Kurth St S
To: Charles Weathers <orreoproperties@gmail.com>

Hi Charles!

Wow- you are busy!!

So while this is within our CRPZ (see attached FAQ)—no special review from me – unless public funding is being used... There are no known archaeological sites on the property- but it is in a high probability zone; so any ground disturbing activity would require the attached IDP be in place.

K-

Kimberli Fitzgerald, AICP/RPA (she/her)

Historic Preservation Program Manager

Historic Preservation Officer & City Archaeologist

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

kfitzgerald@cityofsalem.net | 503-540-2397

From: Charles Weathers <orreoproperties@gmail.com>
Sent: Saturday, November 20, 2021 10:05 PM
To: Kimberli Fitzgerald <KFitzgerald@cityofsalem.net>
Subject: Possible Archeological Review - Kurth St S

Hello,

I have so many irons in the fire!!

I am looking at doing a subdivision at the corner of Kurth and Browning. The owner had a pre-app a few years back and in reviewing it, I saw this:

"Archeological Review: In addition to the land use applications identified above, because of the proximity of the property to a creek located to the northwest of the subject property across Browning Avenue, archeological review for the project may be required."

When you have a moment, could you give me your thoughts as to the likelihood that development of this parcel would trigger a fancy review from you?

Property Address: 4120 Kurth Street S

Assessor's Map and Tax Lot Number: 083W09BB01600 & 300

Thanks, as always!

Charles

City of Salem - Protocol for coordination in the event of inadvertent discovery:

- ☐ In the event of an inadvertent discovery of possible cultural materials, including human remains, all work **will stop** immediately in the vicinity of the find. A 100 meter buffer will be placed around the discovery with work being able to proceed outside of this buffered area unless additional cultural materials are encountered.
- ☐ The area will be secured and protected.
- ☐ The project manager will be notified. The project manager will notify:
 - The City of Salem Historic Preservation Officer, Kimberli Fitzgerald at 503 540-2397 or 503 351-7578.
 - State Historic Preservation Office (SHPO) shall be notified -SHPO State Archaeologist: John Pouley – 503 480-9164.
- ☐ If possible human remains are encountered, **WORK MUST STOP**, do NOT call 911, secure the area; do NOT take photos or speak to the press; In addition to the notification above -the State Police and the Tribes must be notified as required under state law:
 - Oregon State Police: Craig Heuberger 503-508-0779
 - Legislative Commission on Indian Services (LCIS): Patrick Flanagan (Executive Director) 971 533-1555 or Adrienne Fischer, 503 986-1067
 - Tribal Notification Required:
 - Confederated Tribes of the Grand Ronde- Briece Edwards, 503 879-2084;
 - Confederated Tribes of Siletz-Peter Hatch; 541 444-8319 or Robert Kentta: 541 351-0148
 - Confederated Tribes of Warm Springs- Christian Nauer, 541 553-3464.
- ☐ No work may resume in the buffer area until consultation with the SHPO has occurred and a professional archaeologist is able to assess the discovery.
- ☐ If human remains are encountered, do not disturb them in any way. *Do not call 911.* Do not speak with the media. Secure the location. Do not take photos. The location should be secured and work will not resume in the area of discovery until all parties involved agree upon a course of action.
- ☐ If the discovery is determined to not be associated with a crime scene, a professional archaeologist will be needed to assess the discovery, following this assessment, they will consult with the SHPO and the appropriate Tribal Governments to determine an appropriate course of action.
- ☐ Archaeological excavations may be required. All such discoveries are handled on a case by case basis by the professional archaeologist and project manager, in consultation with SHPO and appropriate Tribes.

When in doubt, call it in!

Proceeding with Construction

- ☐ Construction can proceed only after the proper archaeological inspections have occurred and environmental clearances are obtained. This requires close coordination with SHPO and the Tribes.
- ☐ After an inadvertent discovery, some areas may be specified for close monitoring or ‘no work zones.’ All such areas will be identified by the professional archaeologist to the Project Manager, and appropriate Contractor personnel.
- ☐ In coordination with the SHPO, the Project Manager will verify these identified areas and be sure that the areas are clearly demarcated in the field, as needed.

When to stop work:

Work must stop when the following types of artifacts and/or features are encountered:

Native American artifacts may include (but are not limited to):



Flaked stone tools (arrowheads, knives scrapers etc.); Obsidian tools and waste flakes that resulted from the construction of flaked stone tools; beads



Ground stone tools like mortars and pestles; Layers (strata) of discolored earth resulting from fire hearths. May be black, red or mottled brown and often contain discolored cracked rocks or dark soil with broken shell;

Euro-American artifacts may include (but are not limited to):



Glass (from bottles, vessels.);



Ceramic (from dinnerware, vessels etc.);



Metal (drink/food cans, tobacco tins)



Building remains



Privy



Streetcar tracks

Salem Historic and Cultural Protection Zone

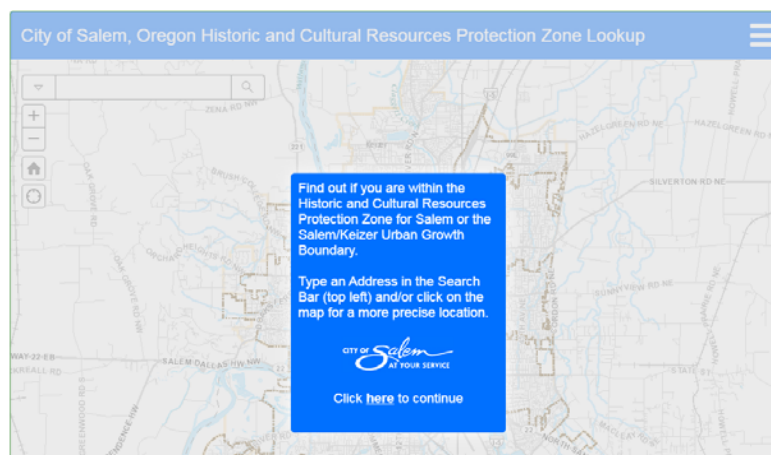
Frequently Asked Questions

What is Salem's Archaeological Compliance Program?

Archaeological resources below the surface of our buildings and urban environment are often the only source of knowledge about our city's prehistory and largely undocumented history and lives of our historically marginalized populations, immigrants and the poor. The purpose of the City of Salem's Archaeological compliance program is to assist both public and private property owners with the management of archaeological resources on their property by establishing processes to help these owners identify whether or not they have a high probability of encountering archaeological resources during development. If so, we work to assist with project planning by identifying where these resources are, to help avoid encountering these resources during construction. Further, if impacting these resources cannot be avoided, we then work with property owners and developers to ensure they are in compliance with applicable state and federal laws to protect archaeological resources by assessing their significance and assisting owners and developers with options to mitigate potential damage development may do to these resources.

How do I know if I might have Archaeological Resources on my property?

The City of Salem has worked with the Oregon State Historic Preservation Office and interested Tribes to identify areas where there is a high probability of encountering archaeological resources and have created a map known as the City of Salem **Historic and Cultural Protection Zone Map**. This map can be accessed: <https://www.cityofsalem.net/Pages/protecting-salem-historic-and-cultural-resources.aspx>



While the City of Salem has over 250 known archaeological sites within its boundaries, if your property is within this zone, it does not necessarily mean that there is a significant known archaeological site on your property. The City Archaeologist will be able to assist you with identifying what resources are on your site and determining next steps if you are planning on redeveloping your property

How will Archaeological Compliance impact my Project Budget and Construction Schedule?

There are many levels of archaeological compliance which range from an archaeologist being present prior to work beginning to complete archaeological testing and excavation and remaining on site for all ground disturbing activities; to having one available on call in the event of an inadvertent discovery. The level of archaeological compliance required will depend upon the nature of the project and the site, the source of funding and type of property ownership, the significance of the resource and the potential of the construction project to impact this resource. It is important to know that if you are utilizing public funds or if the property is owned by a public agency, then additional archaeological compliance may be required which could include archaeological testing, excavation/resource recovery and monitoring. If you discover that you have a significant archaeological site on your property, development of an archaeological compliance plan with the assistance of a qualified archaeologist based upon archival research and initial field survey and testing can provide a good foundation which will assist in managing potential costs and impacts to the budget and schedule. Like with all contracting work, we encourage you to seek multiple bids from professional archaeologists.

At a minimum, if your property is within Salem's Historic and Cultural Protection Zone, you will be required to have an Inadvertent Discovery Plan (IDP) in place during all ground disturbing activity. This IDP provides instructions to your contractors regarding what to do should any archaeological resources be inadvertently discovered during construction.

If archaeological deposits or features are present or discovered on your site and the deposits are diagnostic or significant, consultation with the Oregon State Historic Preservation Office (SHPO) and any interested Tribes will be needed to discuss how to avoid the resource during construction or treat the deposit or feature. SHPO may require that an archaeological permit be obtained. Once a treatment plan has been agreed upon, the project can move forward.

The City of Salem offers assistance with **Historic and Cultural Compliance Coordination** through the Historic Preservation Program within the Community Development Department. Please contact Kimberli Fitzgerald, Salem's Historic Preservation Program Manager and City Archaeologist at kfitzgerald@cityofsalem.net or 503 540-2397



60222201297

Remit Payment To:

Fidelity National Title Company of Oregon
10151 SE Sunnyside Rd, Suite 300
Clackamas, OR 97015
Phone: (503)646-4444 Fax: (877)334-2996

INVOICE

Due upon receipt

ORREO 1, LLC
ATTN: Charles Weathers
PO Box 2717
Salem, OR 97308

Order Number: 60222201297
Customer Reference No.: 4120 Kurth St

Invoice Date: 2/16/2022
Invoice Number: 60222201297-1
Operation: 01520.473025

Buyer/Borrower(s): JPRE, LLC
Title Officer: Sarah Cutler

Property Description (1):

4120 Kurth Street S, Salem, OR 97302

Bill Code	Description	Amount
MIS	OLTA Report	500.00

Invoice total amount due: \$500.00

**Thank you for the opportunity to serve you.
Please return a copy of this invoice with your payment**

RECORDING REQUESTED BY

JPRE, LLC
6125 Belle Pond Way S
Salem, OR 97306

REEL 4586 PAGE 434

MARION COUNTY
BILL BURGESS, COUNTY CLERK
01-20-2022 01:48 pm.
Control Number 691109 \$ 91.00
Instrument 2022 00003069

**AFTER RECORDING RETURN TO
AND SEND TAX STATEMENTS TO:**

MMH, LLC
PO Box 2717
Salem, OR 97308

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that JPRE, LLC, an Oregon Limited Liability Company (Grantors) do hereby grant, bargain, sell and convey to MMH, LLC (Grantee) all of the Grantors' rights, title and interests in and to that certain real property, more particularly described as follows (the "Property"),

Beginning at a point on the West line of Lot 6, SUNNYSIDE FRUIT FARMS, in County of Marion and State Oregon, with its intersection of the center-line of Browning Avenue; thence South 0°02' West 336.00 feet to a point which is North 0°02' East 468.00 feet from the Southwest corner of said Lot 6; thence South 89°12' East, parallel with the South line of said Lot, 165.00 feet; thence North 0°02' East, parallel with the West line of said Lot, 143.00 feet; thence North 14°08' West 200.50 feet to a point which is North 89°19' West from the East line of said Lot 6; thence North 89°19' West, along the center-line of Browning Avenue, 115.90 feet to the place of beginning.

ALSO: Beginning at an iron pipe on the Easterly line of Lot 6 of SUNNYSIDE FRUIT FARMS, Marion County and said iron pipe being 403.50 feet North 0°05' East from the Southeast corner of said Lot 6; thence North 89°10' West 153.0 feet; parallel with the South line of said Lot 6, to an iron pipe; thence North 0°05' West 64.50 feet, parallel with the East line of said Lot 6, to an iron pipe; thence South 89°10' East 52.65 feet to an iron pipe; thence North 0°05' West 92.12 feet, parallel with the East line of said Lot 6, to an iron pipe; thence South 89°10' East 100.35 feet; parallel with the South line of said Lot 6, to an iron pipe in the East line of said Lot 6; thence South 0°05' East 156.62 feet, along said East line, to the place of beginning.

Commonly known as: 4120 Kurth Street S, Salem OR 97302
APNs: 083W09BB01600 & 083W09BB00300

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FOUR HUNDRED THOUSAND AND NO/100 DOLLARS [\$400,000] (See ORS 93.030).

The conveyance is subject to the following:

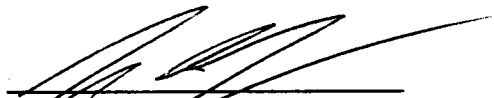
1. All easements, covenants, restrictions, conditions and encumbrances of record.

In construing this instrument and whenever the context so requires, the singular becomes the plural.

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

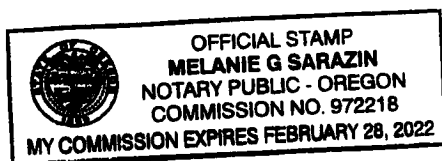
5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING 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 OF 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 195.030, 195.031 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.

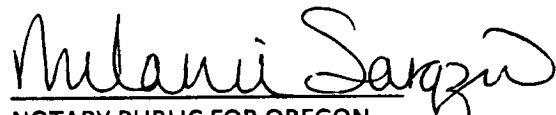
Dated this 20 day of January, 2022.


John Wulf, Member of JPRE LLC

STATE OF OREGON)
)ss.
COUNTY OF MARION)

This instrument was acknowledged before me on the 20th day of January, 2022 by John Wulf, member OF JPRE, LLC, who appeared before me having given satisfactory evidence of identification and executed this instrument of their own free will.




NOTARY PUBLIC FOR OREGON
My Commission Expires: 2/28/2022

REEL: 4586

PAGE: 434

January 20, 2022, 01:48 pm.

CONTROL #: 691109

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: \$ 91.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.



This map/plot 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.

Preliminary Report

Fidelity National Title - Oregon

File No.: 60222201297

Introducing LiveLOOK

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Effortless, Efficient, Compliant, and Accessible



THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF THE FOLLOWING CUSTOMER:

Fidelity National Title
Phone No.: (503)585-7219

Date Prepared: February 16, 2022
Effective Date: February 11, 2022 / 08:00 AM
Charge: \$500.00
Order No.: 60222201297
Reference: 60222112663

The information contained in this report is furnished to the Customer 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 report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report ("the Report"). 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 is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Marion, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently [vested in:](#)

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "D" attached hereto and by this reference made a part hereof.

EXHIBIT "A"
(Land Description)

Beginning at a point on the West line of Lot 6, SUNNYSIDE FRUIT FARMS NO. 1, in Marion County, Oregon, with its intersection of the center-line of Browning Avenue; thence South 0°02' West 336.00 feet to a point which is North 0°02' East 468.00 feet from the Southwest corner of said Lot 6; thence South 89°12' East, parallel with the South line of said Lot, 165.00 feet; thence North 0°02' East, parallel with the West line of said Lot, 143.00 feet; thence North 14°08' West 200.50 feet to a point which is North 89°19' West from the East line of said Lot 6; thence North 89°19' West, along the center-line of Browning Avenue, 115.90 feet to the place of beginning.

ALSO: Beginning at an iron pipe on the Easterly line of Lot 6 of SUNNYSIDE FRUIT FARMS NO. 1, Marion County and said iron pipe being 403.50 feet North 0°05' East from the Southeast corner of said Lot 6; thence North 89°10' West 153.0 feet; parallel with the South line of said Lot 6, to an iron pipe; thence North 0°05' West 64.50 feet, parallel with the East line of said Lot 6, to an iron pipe; thence South 89°10' East 52.65 feet to an iron pipe; thence North 0°05' West 92.12 feet, parallel with the East line of said Lot 6, to an iron pipe; thence South 89°10' East 100.35 feet; parallel with the South line of said Lot 6, to an iron pipe in the East line of said Lot 6; thence South 0°05' East 156.62 feet, along said East line, to the place of beginning.

Fidelity National Title Company of Oregon
Public Record Report for New Subdivision or Land Partition
Order No. 60222201297

EXHIBIT "B"
(Tax Account and Map)

[APN/Parcel ID\(s\) 593359 and 593361 as well as Tax/Map ID\(s\) 083W09BB01600 and 083W09BB00300](#)

Fidelity National Title Company of Oregon
Public Record Report for New Subdivision or Land Partition
Order No. 60222201297

EXHIBIT "C"
(Vesting)

MMH LLC, an Oregon limited liability company, which acquired title as MMH, LLC

EXHIBIT "D"
(Liens and Encumbrances)

1. Unpaid Property Taxes are as follows:

Fiscal Year: 2021-2022
Amount: \$971.44, plus interest, if any
Levy Code: 24010
Account No.: [593361](#)
Map No.: 083W09BB00300

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

3. The Land is within, and is subject to the statutory powers, including the power of assessment, of the East Salem Sewer and Drainage District.

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

Granted to: City of Salem
Purpose: Right of way
Recording Date: May 10, 1965
Recording No: [Book 600, Page 647](#)
Affects: Reference is hereby made to said document for full particulars

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

Granted to: City of Salem
Purpose: Right of way
Recording Date: May 10, 1965
Recording No: [Book 600, Page 649](#)
Affects: Reference is hereby made to said document for full particulars

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

Granted to: City of Salem
Purpose: Right of way
Recording Date: June 9, 1965
Recording No: [Book 602, Page 216](#)
Affects: Reference is hereby made to said document for full particulars

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

Granted to: Comcast of Oregon I, inc.
Purpose: Broadband Communication system
Recording Date: July 25, 2008
Recording No: [Reel 2978, Page 32](#)
Affects: Reference is hereby made to said document for full particulars

8. Form of Memorandum of License

Recording Date: February 6, 2013
Recording No.: [Reel 3470, Page 304](#)

EXHIBIT "D"
(Liens and Encumbrances)
(continued)

9. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review.

****End of Liens & Encumbrances****

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

Fiscal Year: 2021-2022
Amount: \$3,604.18
Levy Code: 24010
Account No.: [593359](#)
Map No.: 083W09BB01600

NOTE: Boundary Deeds

4519-374
683-585
3948-268
4238-292
Plat~Oakman Heights Annex #3

EXHIBIT "D"
(Liens and Encumbrances)
(continued)

Note: Chain of Title Deeds

347-308
540-765
554-223
555-610
715-69
135-1933
180-358
180-362
180-365
435-3
437-60
437-61
556-57
558-446
558-447
1423-78
2840-144
3693-78
3693-79
4235-97
4586-434

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. **Liability of Company.**
 - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
 - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
 - (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

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 OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND 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

DRAWINGS FOR:

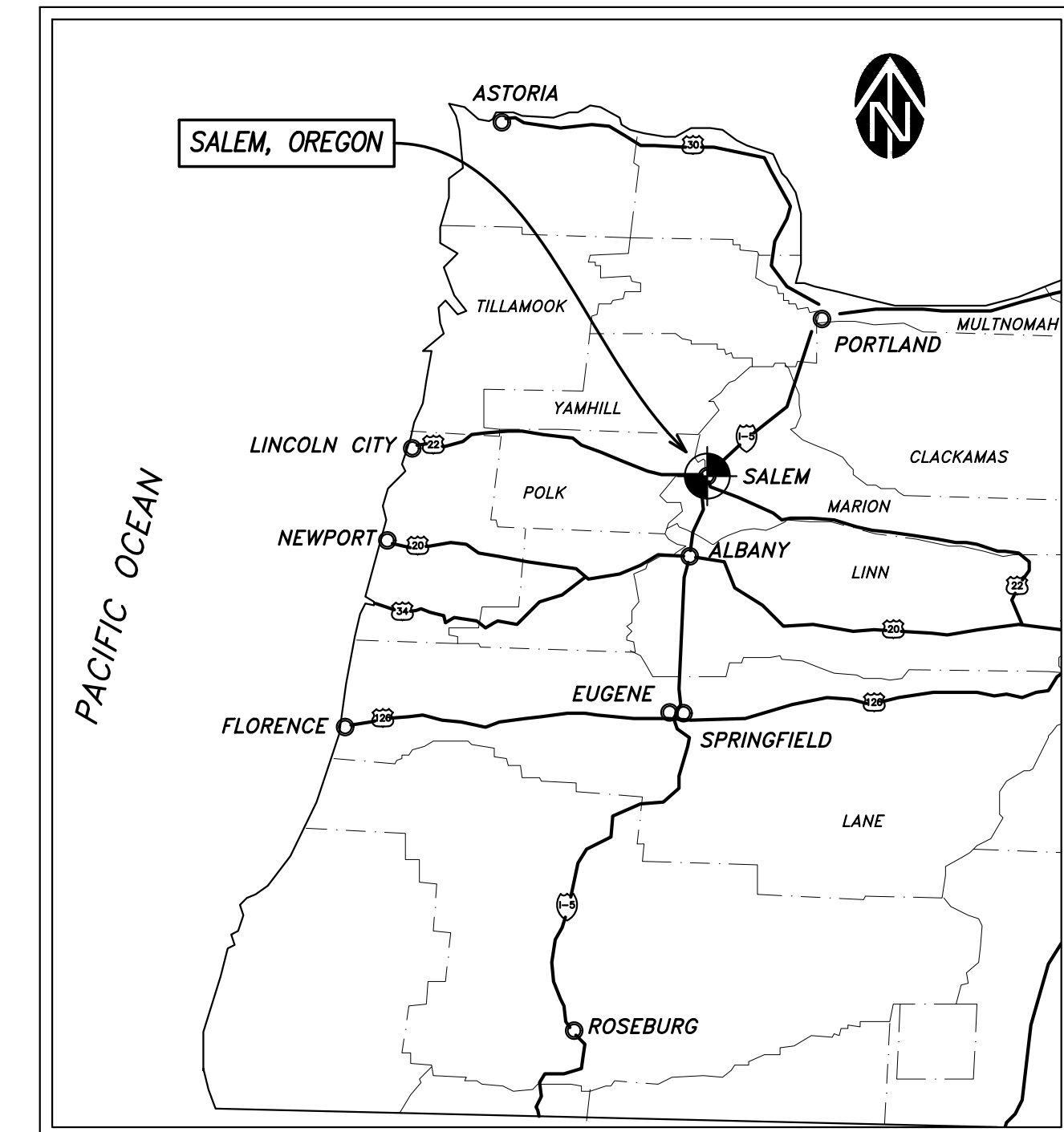
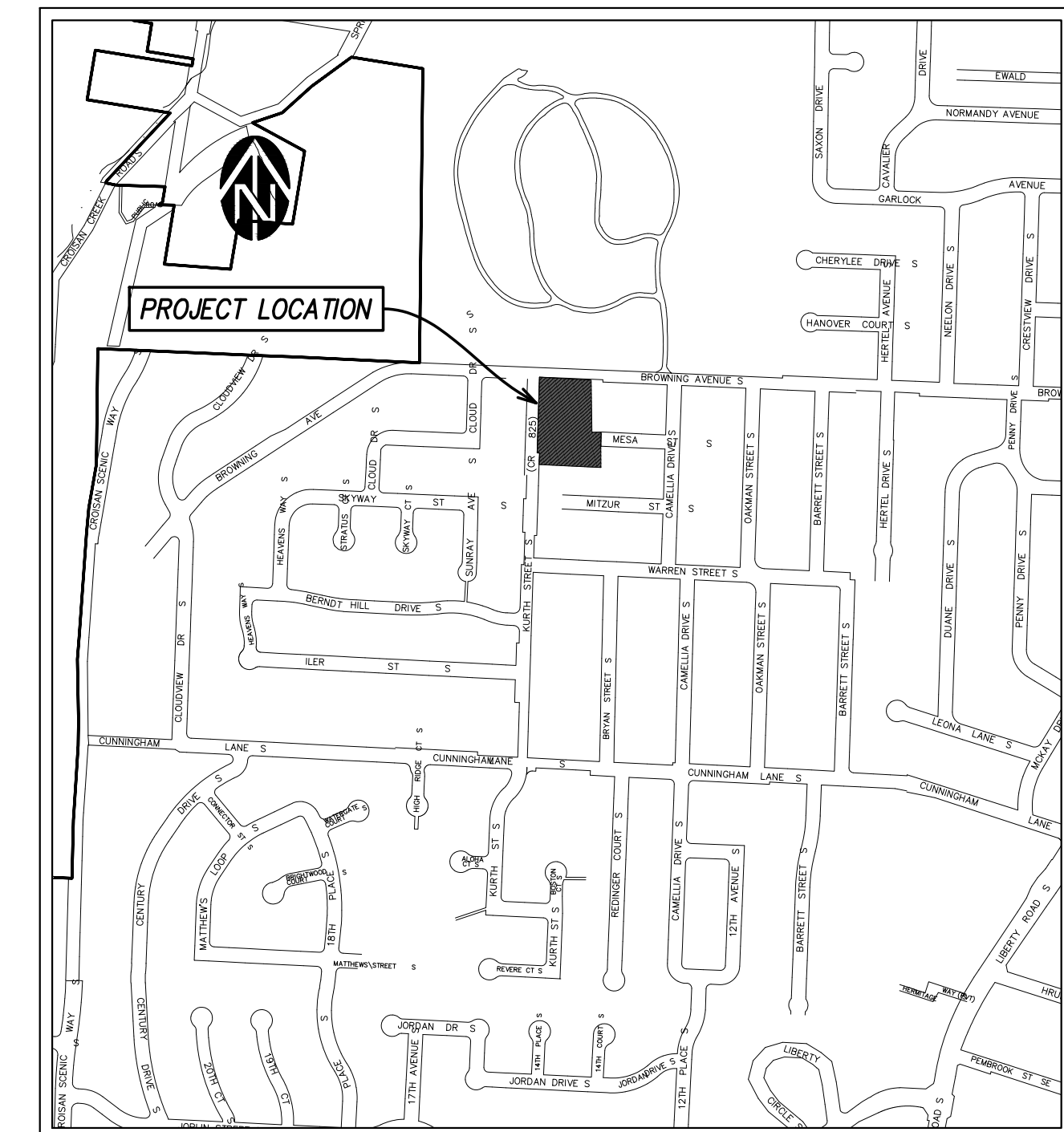
KURTH STREET SUBDIVISION SALEM, OREGON

FOR:

CHARLES WEATHERS
MMH, LLC
P.O. BOX 2717
SALEM, OR 97308
503.510.8834



Know what's **below**.
Call before you dig.

VICINITY MAP

LOCATION MAP

DRAWING INDEX	
DRAWING NO.	DRAWING TITLE
C-0	COVER SHEET, VICINITY MAP, LOCATION MAP, & DRAWING INDEX
C-1	EXISTING CONDITIONS PLAN
C-2	SITE TREE CONSERVATION PLAN
C-3	DEMOLITION PLAN
C-4	OVERALL UTILITY PLAN
C-5	PRELIMINARY SUBDIVISION PLAN
C-6	OVERALL GRADING PLAN
ST-1	BROWNING & KURTH - GUTTER & ADA RAMP - PLAN & PROFILE
ST-2	MESA ST. - PLAN & PROFILE
ST-3	MESA ST. - CUL-DE-SAC - PLAN & PROFILE

VERIFY SCALE									
BAR IS ONE INCH ON ORIGINAL DRAWING									
D									
1"									
IF NOT ONE INCH ON ORIGINAL DRAWING, SCALE ACCORDINGLY									
DSN: JW									
DRN: RS									
CD: JW									
DATE: 08/2022									
	NO.	DATE	DESCRIPTION	BY					
			REVISIONS						



WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

8841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westtech@westtech-eng.com

CHARLES WEATHERS
KURTH STREET SUBDIVISION
COVER SHEET, VICINITY MAP,
LOCATION MAP, & DRAWING
INDEX

DRAWING
C-0

JOB NUMBER
3362.0000

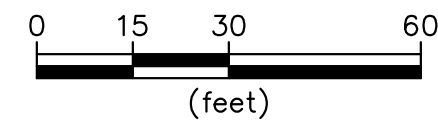
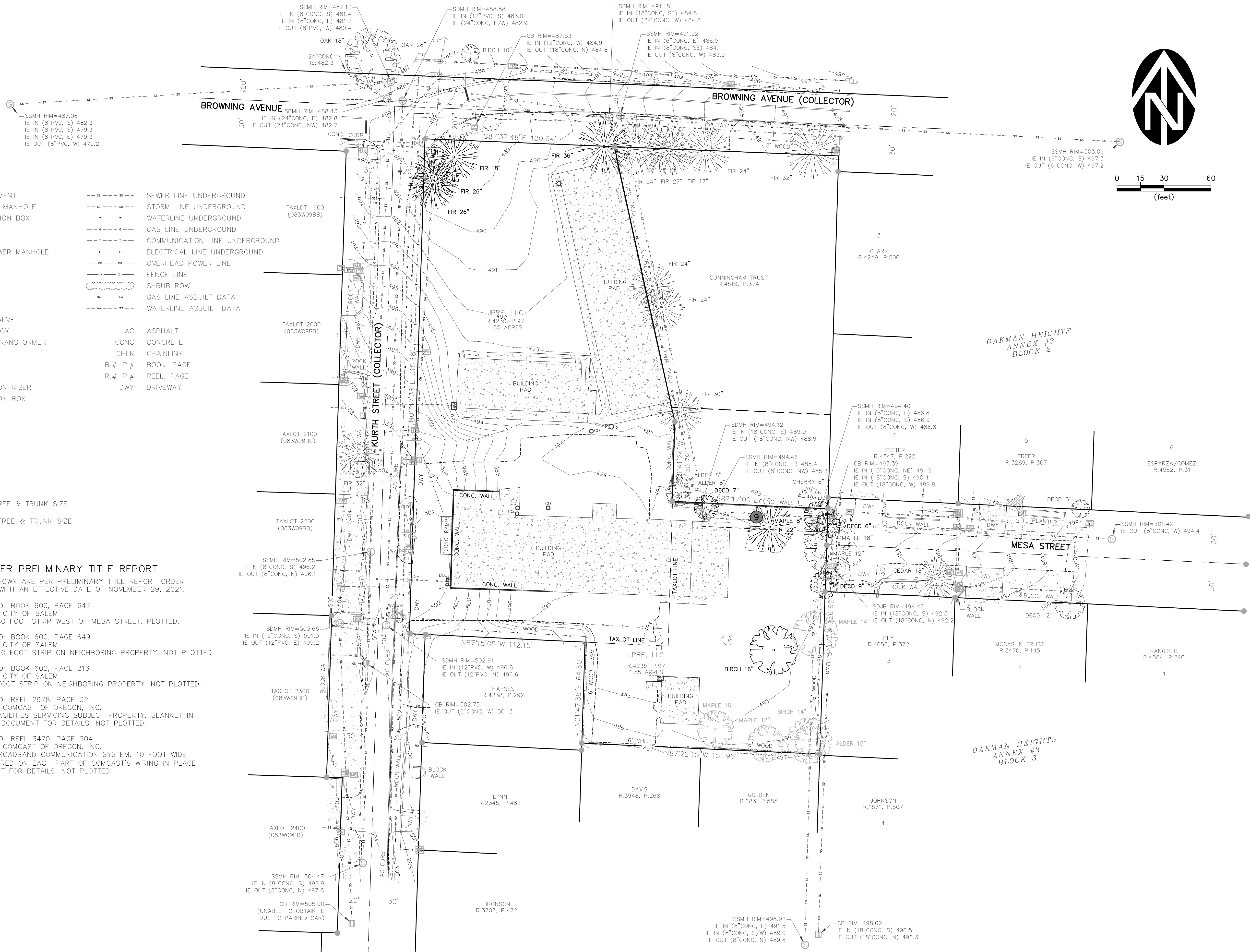
LEGEND

FOUND MONUMENT	SEWER LINE UNDERGROUND
STORM DRAIN MANHOLE	STORM LINE UNDERGROUND
STORM JUNCTION BOX	WATERLINE UNDERGROUND
CATCH BASIN	GAS LINE UNDERGROUND
CULVERT	COMMUNICATION LINE UNDERGROUND
SANITARY SEWER MANHOLE	ELECTRICAL LINE UNDERGROUND
CLEANOUT	OVERHEAD POWER LINE
WATER METER	FENCE LINE
WATER VALVE	SHRUB ROW
WATER VAULT	GAS LINE ASBLUT DATA
FIRE HYDRANT	WATERLINE ASBLUT DATA
IRRIGATION VALVE	AC ASPHALT
ELECTRICAL BOX	CONC CONCRETE
ELECTRICAL TRANSFORMER	CHLK CHAINLINK
LIGHT POLE	B.#, P.# BOOK, PAGE
UTILITY POLE	R.#, P.# REEL, PAGE
GUY WIRE	DWY DRIVEWAY
COMMUNICATION RISER	
COMMUNICATION BOX	
GAS RISER	
GAS VALVE	
BOLLARD	
SIGN	
MAILBOX	
CONCRETE	
GRAVEL	
ASPHALT	
DECIDUOUS TREE & TRUNK SIZE	
CONIFEROUS TREE & TRUNK SIZE	

EASEMENTS PER PRELIMINARY TITLE REPORT

ALL EASEMENTS SHOWN ARE PER PRELIMINARY TITLE REPORT ORDER NO. 60222112663 WITH AN EFFECTIVE DATE OF NOVEMBER 29, 2021.

- RECORDING NO: BOOK 600, PAGE 647
GRANTED TO: CITY OF SALEM
NOTE: A 15x80 FOOT STRIP WEST OF MESA STREET. PLOTTED.
- RECORDING NO: BOOK 600, PAGE 649
GRANTED TO: CITY OF SALEM
NOTE: A 10x20 FOOT STRIP ON NEIGHBORING PROPERTY. NOT PLOTTED
- RECORDING NO: BOOK 602, PAGE 216
GRANTED TO: CITY OF SALEM
NOTE: A 10 FOOT STRIP ON NEIGHBORING PROPERTY. NOT PLOTTED.
- RECORDING NO: REEL 2978, PAGE 32
GRANTED TO: COMCAST OF OREGON, INC.
NOTE: FOR FACILITIES SERVICING SUBJECT PROPERTY. BLANKET IN NATURE. SEE DOCUMENT FOR DETAILS. NOT PLOTTED.
- RECORDING NO: REEL 3470, PAGE 304
GRANTED TO: COMCAST OF OREGON, INC.
NOTE: FOR BROADBAND COMMUNICATION SYSTEM. 10 FOOT WIDE STRIPS CENTERED ON EACH PART OF COMCAST'S WIRING IN PLACE. SEE DOCUMENT FOR DETAILS. NOT PLOTTED.



NO.	DATE	DESCRIPTION	BY
1	08/2022	REVISIONS	

VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON SHEET, SCALE ACCORDINGLY	1"	0
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DSN.	JW	RS	1	DATE	08/2022
DRN.	JW	CKD.			

REVIEW

PROFESSIONAL ENGINEER
WILLIAM J. KELLS
REV. 12/2021

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

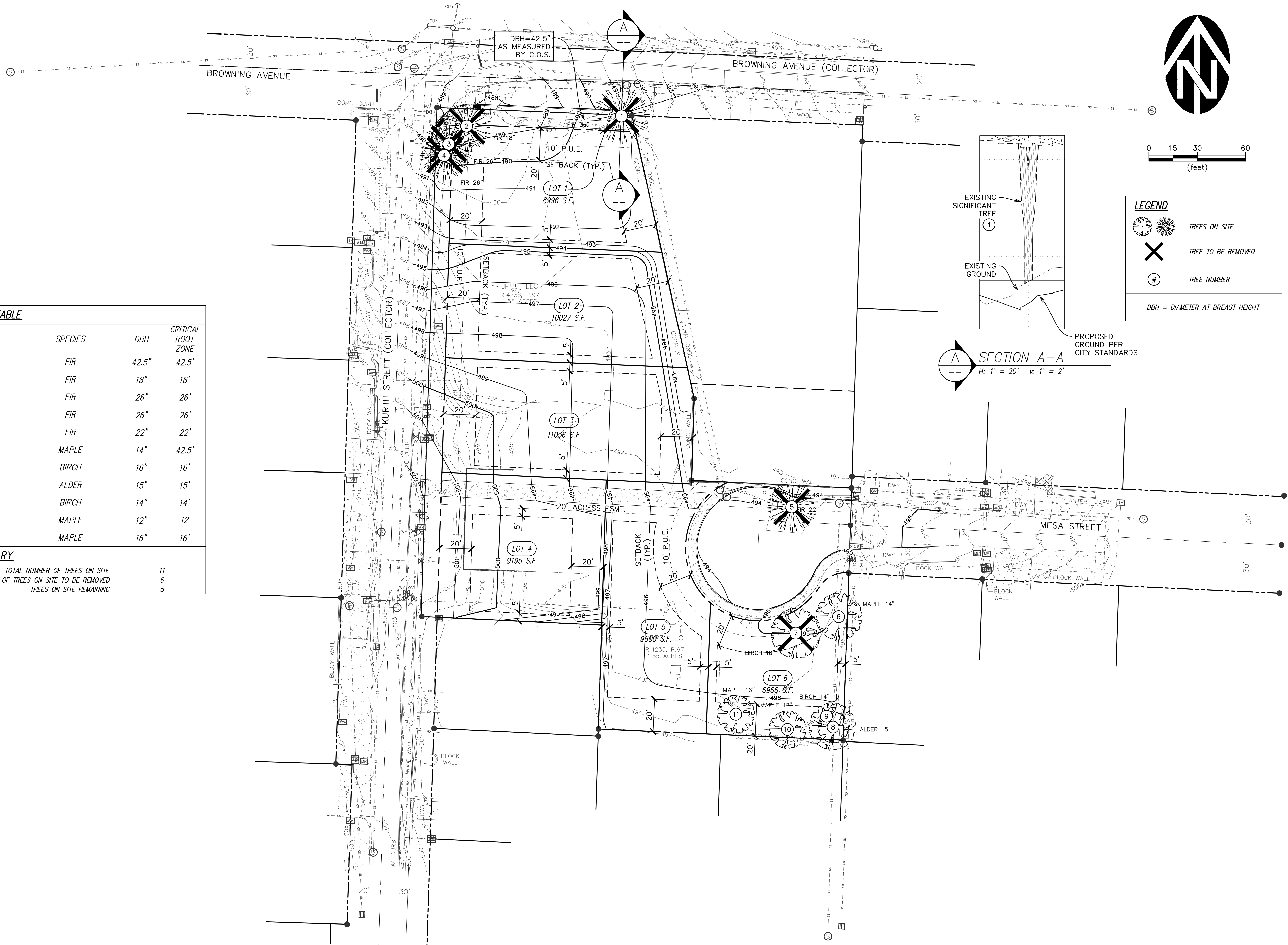
CHARLES WEATHERS
KURTH STREET SUBDIVISION

EXISTING CONDITIONS PLAN

DRAWING
C-1

JOB NUMBER
3362.0000

TREE TABLE			
NO.	SPECIES	DBH	CRITICAL ROOT ZONE
1	FIR	42.5"	42.5'
2	FIR	18"	18'
3	FIR	26"	26'
4	FIR	26"	26'
5	FIR	22"	22'
6	MAPLE	14"	42.5'
7	BIRCH	16"	16'
8	ALDER	15"	15'
9	BIRCH	14"	14'
10	MAPLE	12"	12'
11	MAPLE	16"	16'
SUMMARY			
TOTAL NUMBER OF TREES ON SITE		11	
NUMBER OF TREES ON SITE TO BE REMOVED		6	
TREES ON SITE REMAINING		5	



VERIFIED SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
SCALE, SCALE
ACCORDINGLY

DATE: 08/2022

NO. 1

DATE

DESCRIPTION

BY

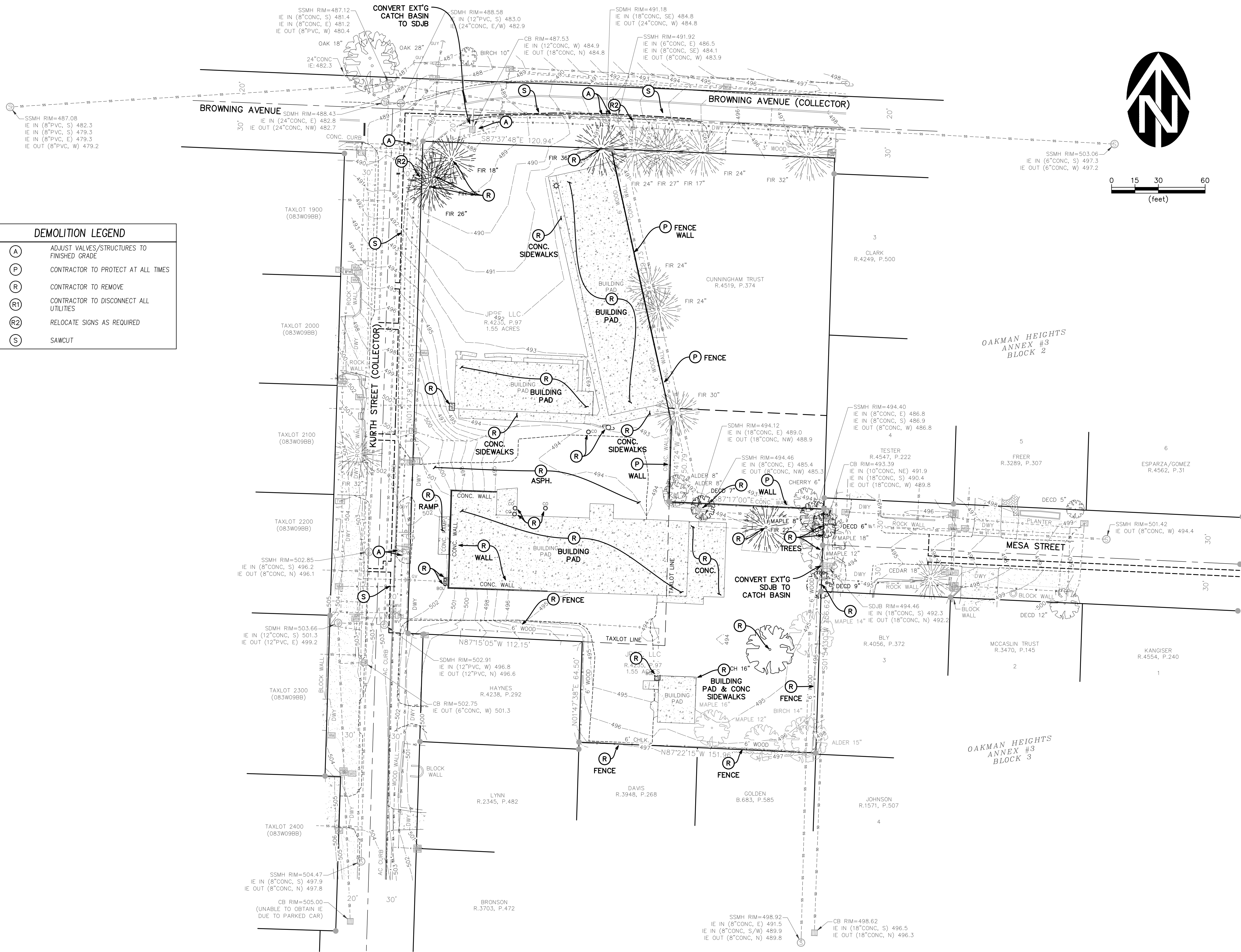
PROFESSIONAL
ENGINEER
REVIEW
REV. 12/2023
WILLIAM J. KELLS
REVISIONS: 6/30/2024

WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
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CHARLES WEATHERS
KURTH STREET SUBDIVISION
SITE TREE CONSERVATION
PLAN

DRAWING
C-2

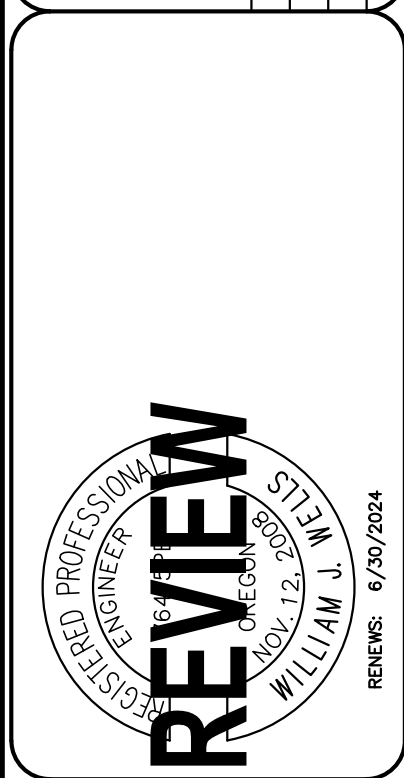
JOB NUMBER
3362.0000



DEMOLITION LEGEND	
(A)	ADJUST VALVES/STRUCTURES TO FINISHED GRADE
(P)	CONTRACTOR TO PROTECT AT ALL TIMES
(R)	CONTRACTOR TO REMOVE
(R1)	CONTRACTOR TO DISCONNECT ALL UTILITIES
(R2)	RELOCATE SIGNS AS REQUIRED
(S)	SAWCUT

REVISIONS	
NO.	DESCRIPTION
1	

VERIFY SCALE	DATE: 08/2022
BAR IS ONE INCH ON ORIGINAL DRAWING	
IF NOT ONE INCH ON ORIGINAL DRAWING, SCALES ACCORDINGLY	
DRN. JW	NO. 1
CKD. RS	
DATE: 08/2022	



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CONSULTING ENGINEERS AND PLANNERS

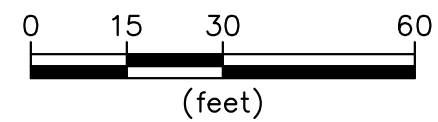
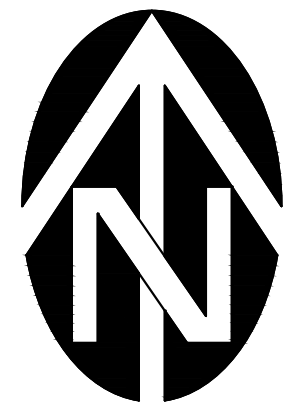
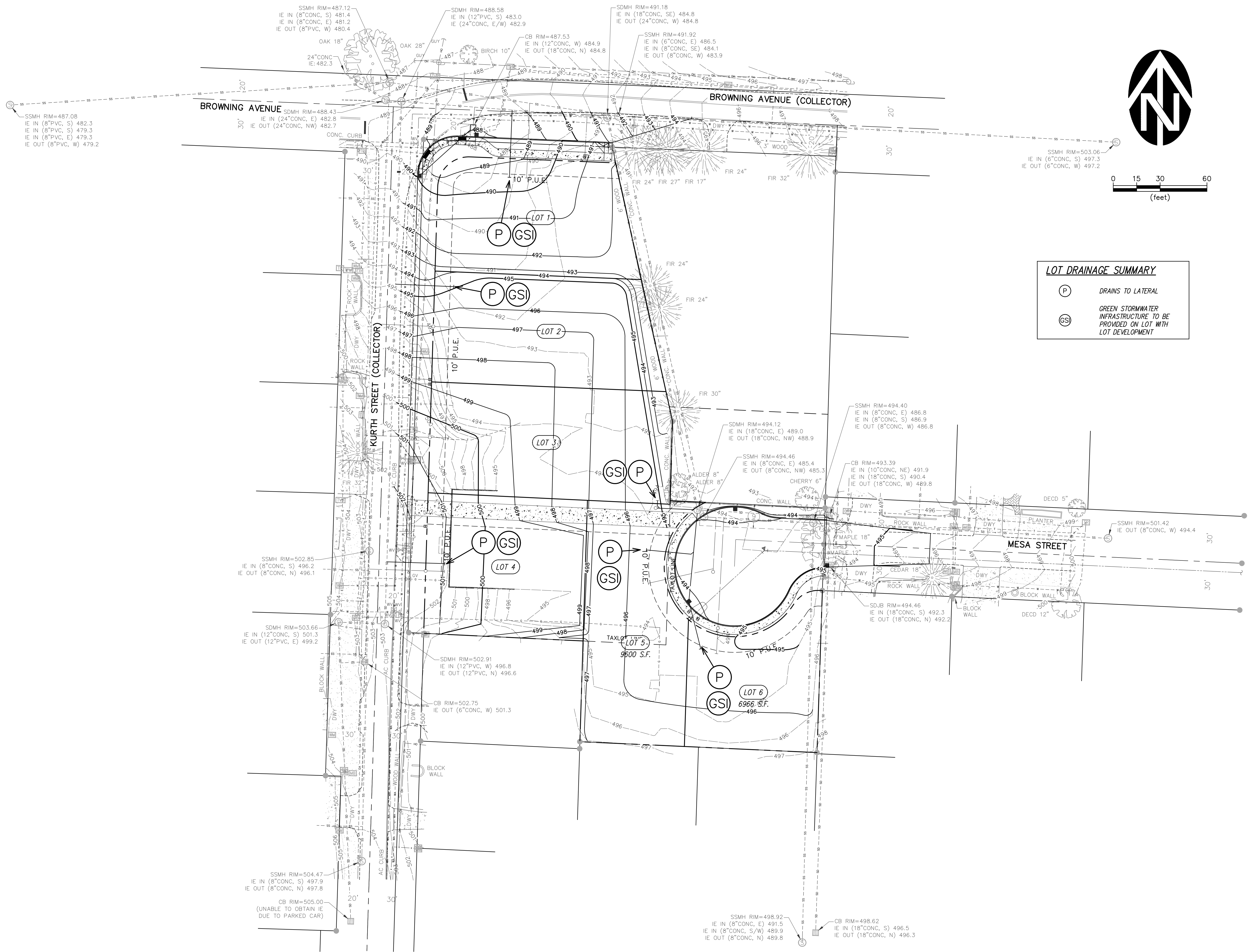
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Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

CHARLES WEATHERS
KURTH STREET SUBDIVISION

DEMOLITION PLAN

DRAWING
C-3

JOB NUMBER
3362.0000



NO.	DATE	DESCRIPTION	BY
1	08/2022	REVISIONS	
2			
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VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
SCALE, SCALE
ACCORDINGLY

DRN. JW
SSMH. RS
CKD. JW

DATE: 08/2022

PROFESSIONAL
ENGINEER
REVIEW
WILLIAM J. KELLS
REV. 12/2023

REVISIONS: 6/30/2024

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

WE

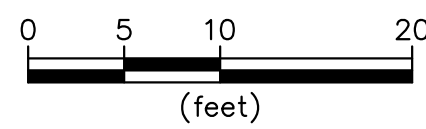
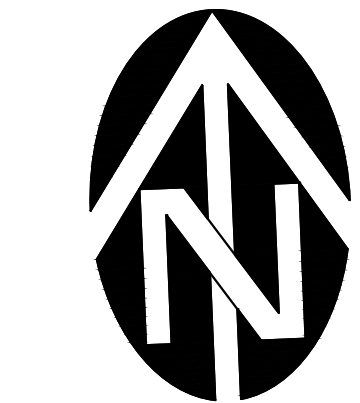
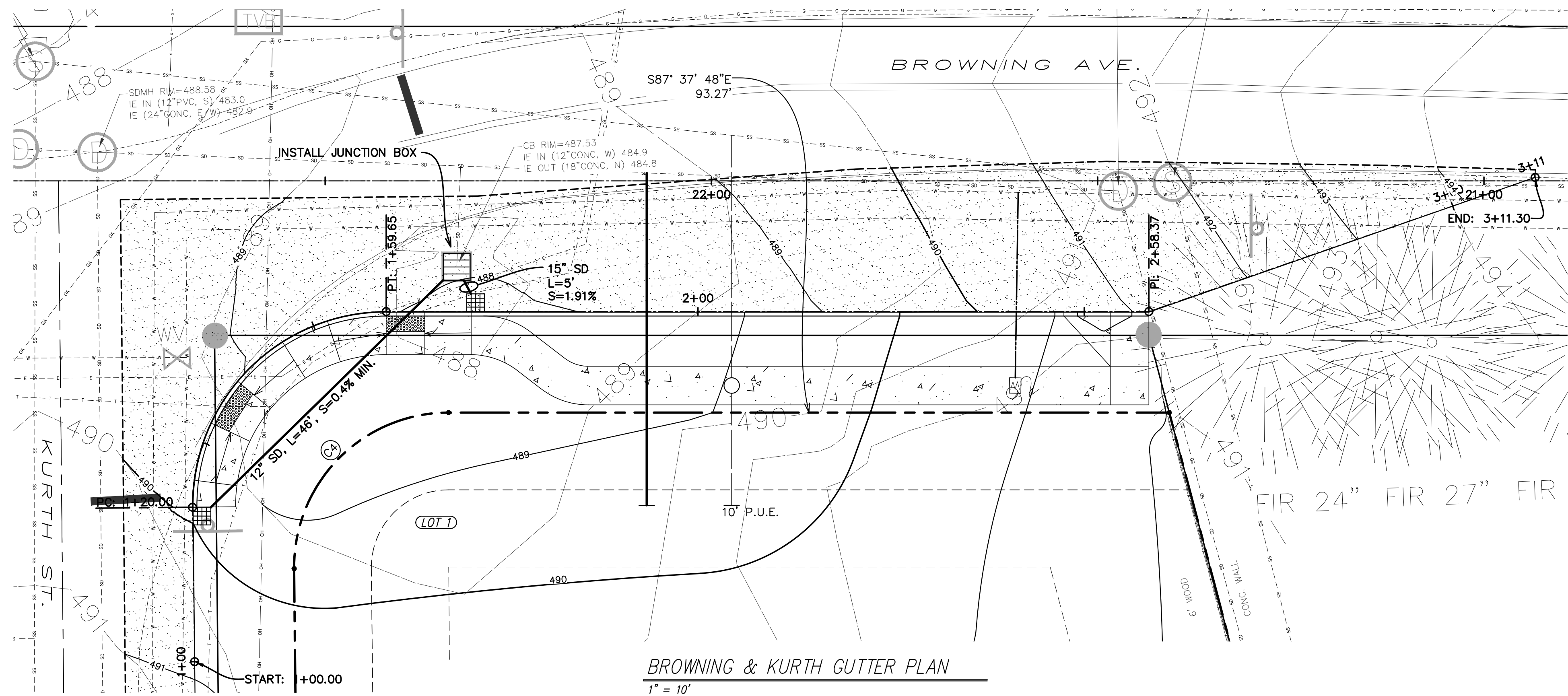
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

CHARLES WEATHERS
KURTH STREET SUBDIVISION

OVERALL GRADING PLAN

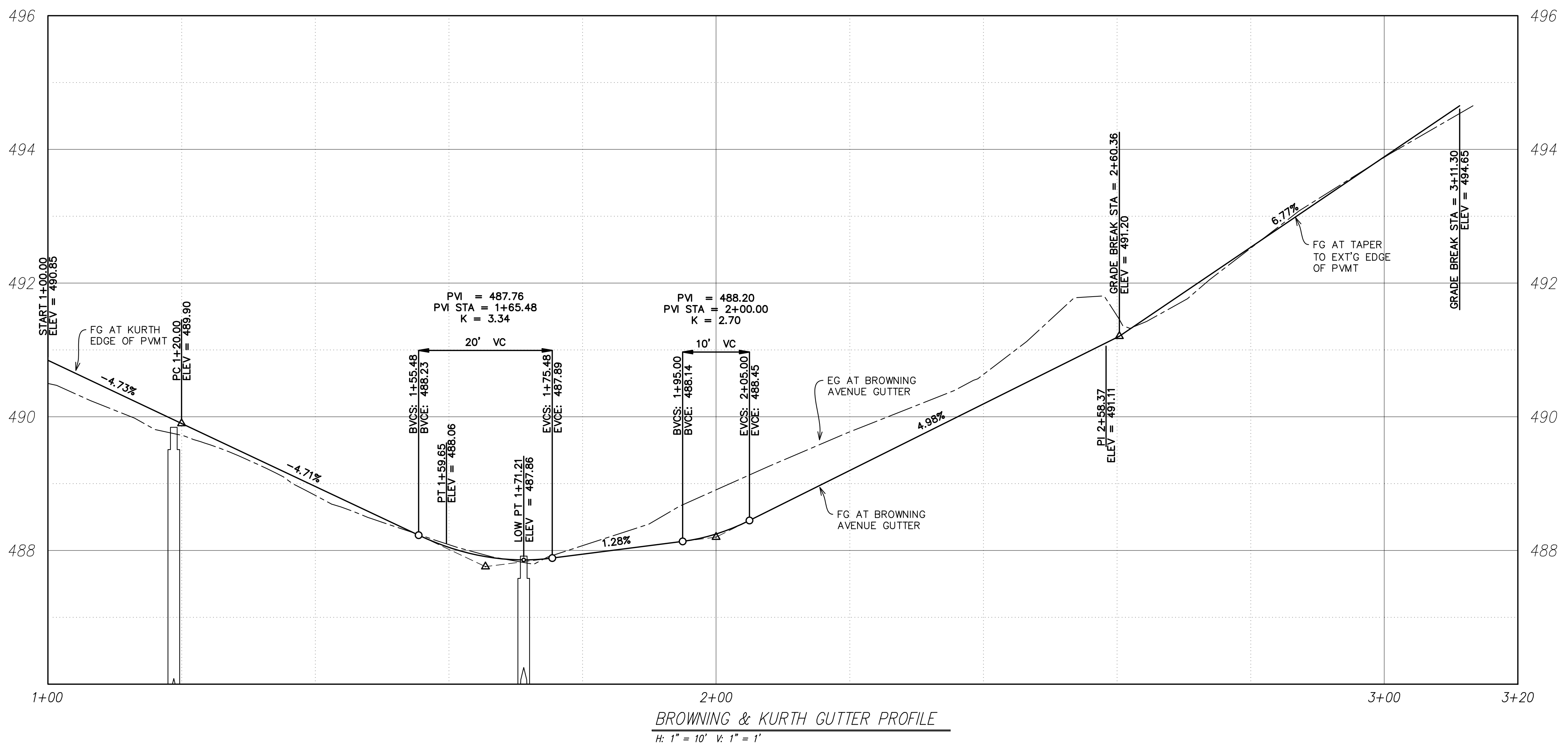
DRAWING
C-6

JOB NUMBER
3362.0000



CALLOUT KEY & LEGEND

	CONCRETE LANDING, SLOPES NOT TO EXCEED 2.0% IN ANY DIRECTION
	TRUNCATED DOMES
	RAMP
	END CURB AT RAMP
	CONTRACTOR TO PROTECT
	PROTECT TO REMOVE
	CONTRACTOR TO RELOCATE



VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON SCALES ACCORDINGLY		DATE: 08/2022
DSN. JW	DRN. RS	NO. 1
CKD. JW	DESCRIPTION	REVISIONS
BY		

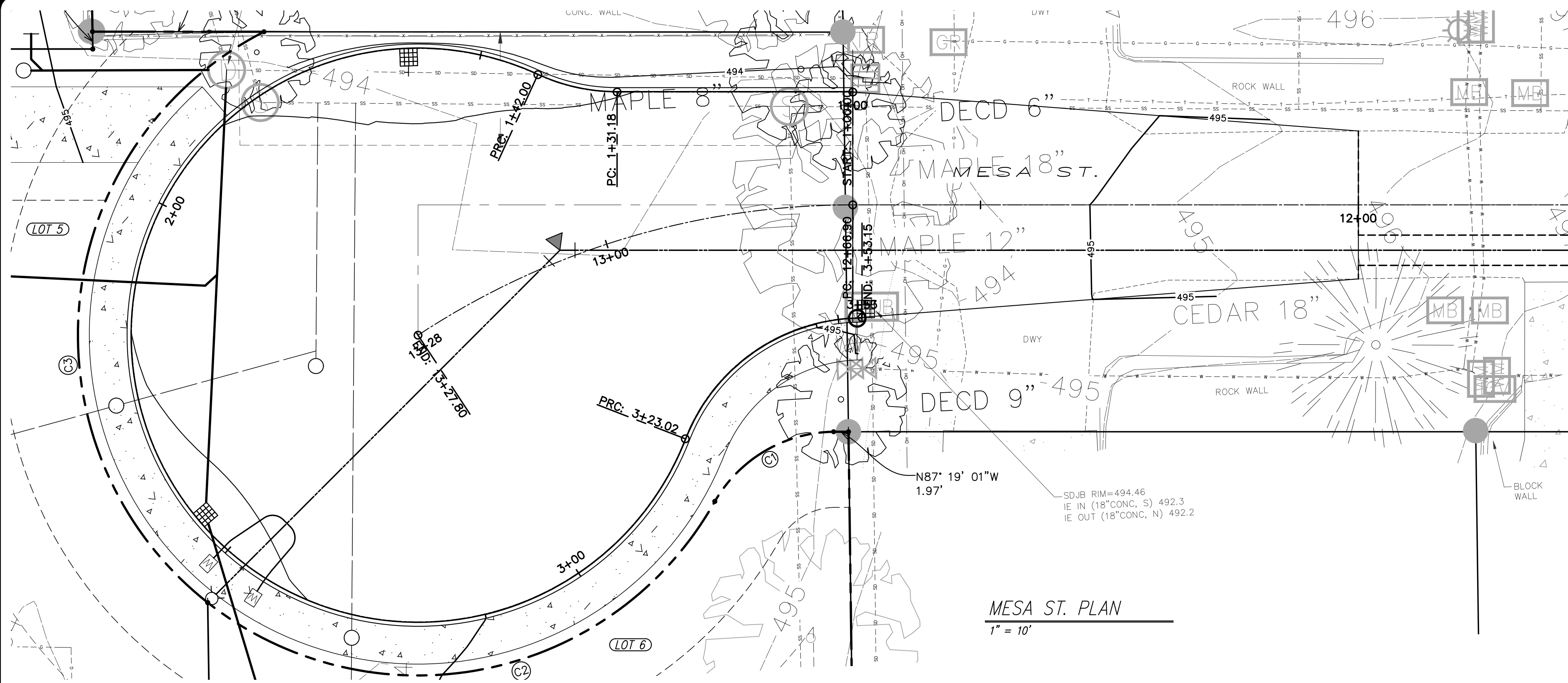
REGISTERED PROFESSIONAL ENGINEER
REVIEW
WILLIAM J. WELLS
REV. 12/2023
RENEW: 6/30/2024

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
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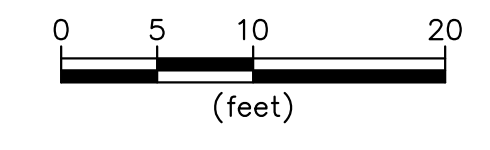
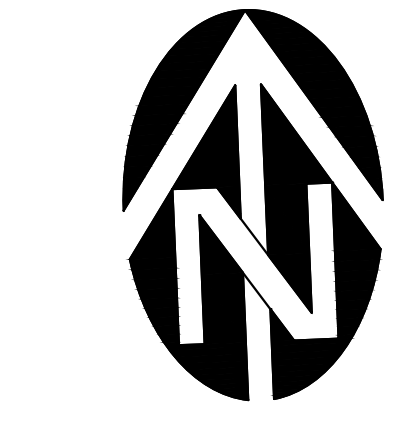
CHARLES WEATHERS
KURTH STREET SUBDIVISION
**BROWNING & KURTH – PLAN
GUTTER & ADA RAMP – PLAN
& PROFILE**

DRAWING
ST-1

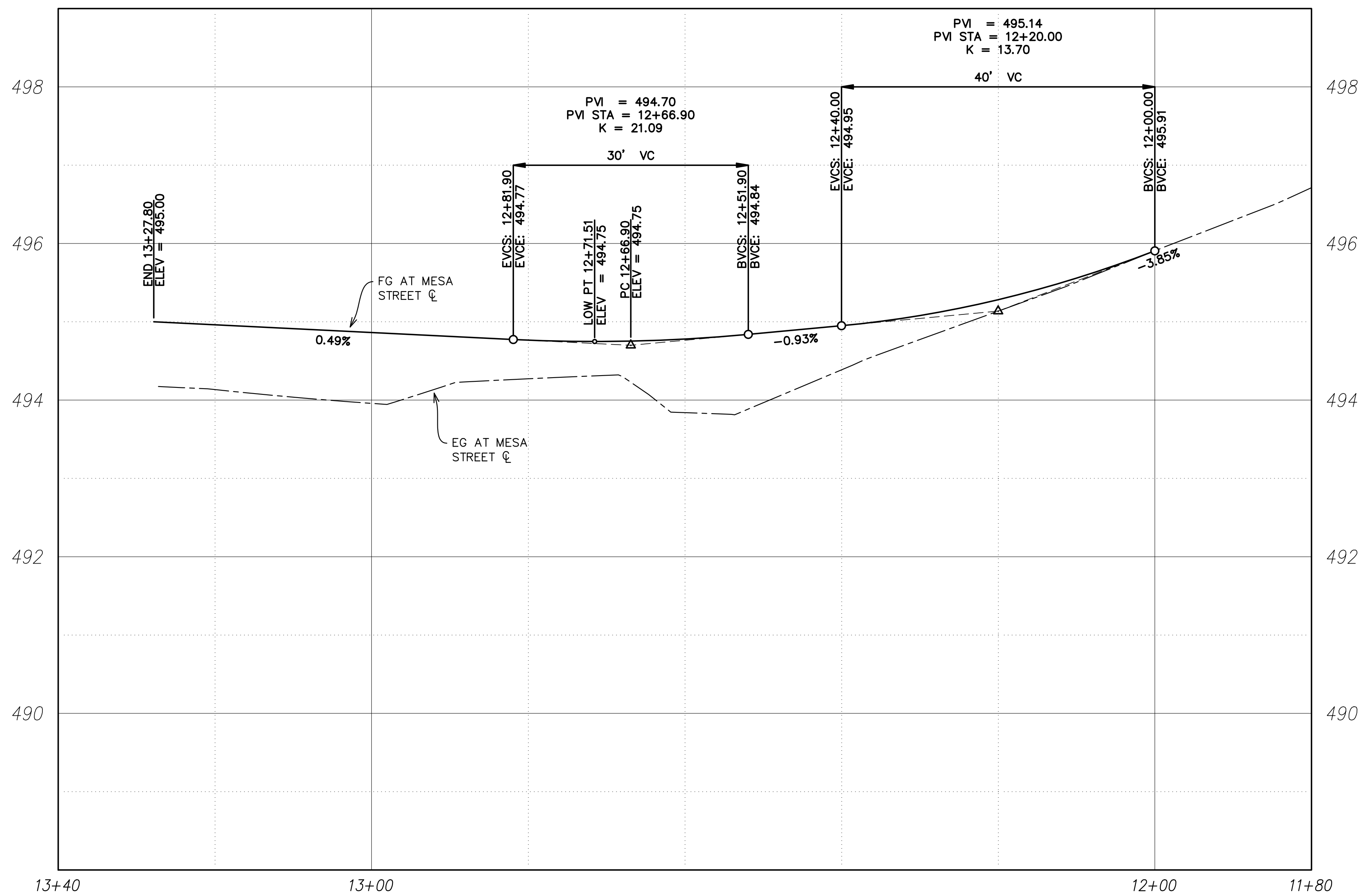
JOB NUMBER
3362.0000



MESA ST. PLAN
1" = 10'



CALLOUT KEY & LEGEND	
	CONTRACTOR TO PROTECT
	PROTECT TO REMOVE
	CONTRACTOR TO RELOCATE



MESA ST. PROFILE
H: 1" = 10' V: 1" = 1'

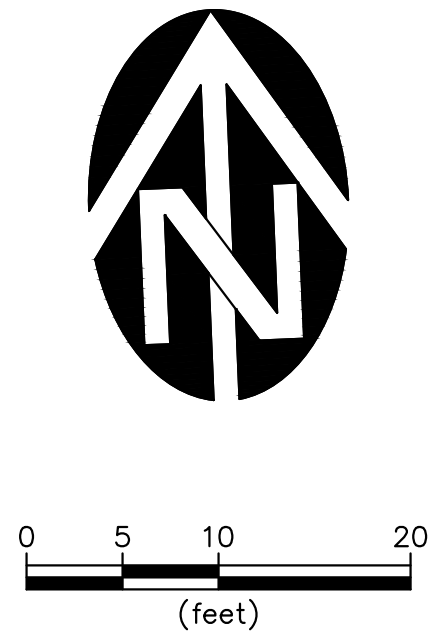
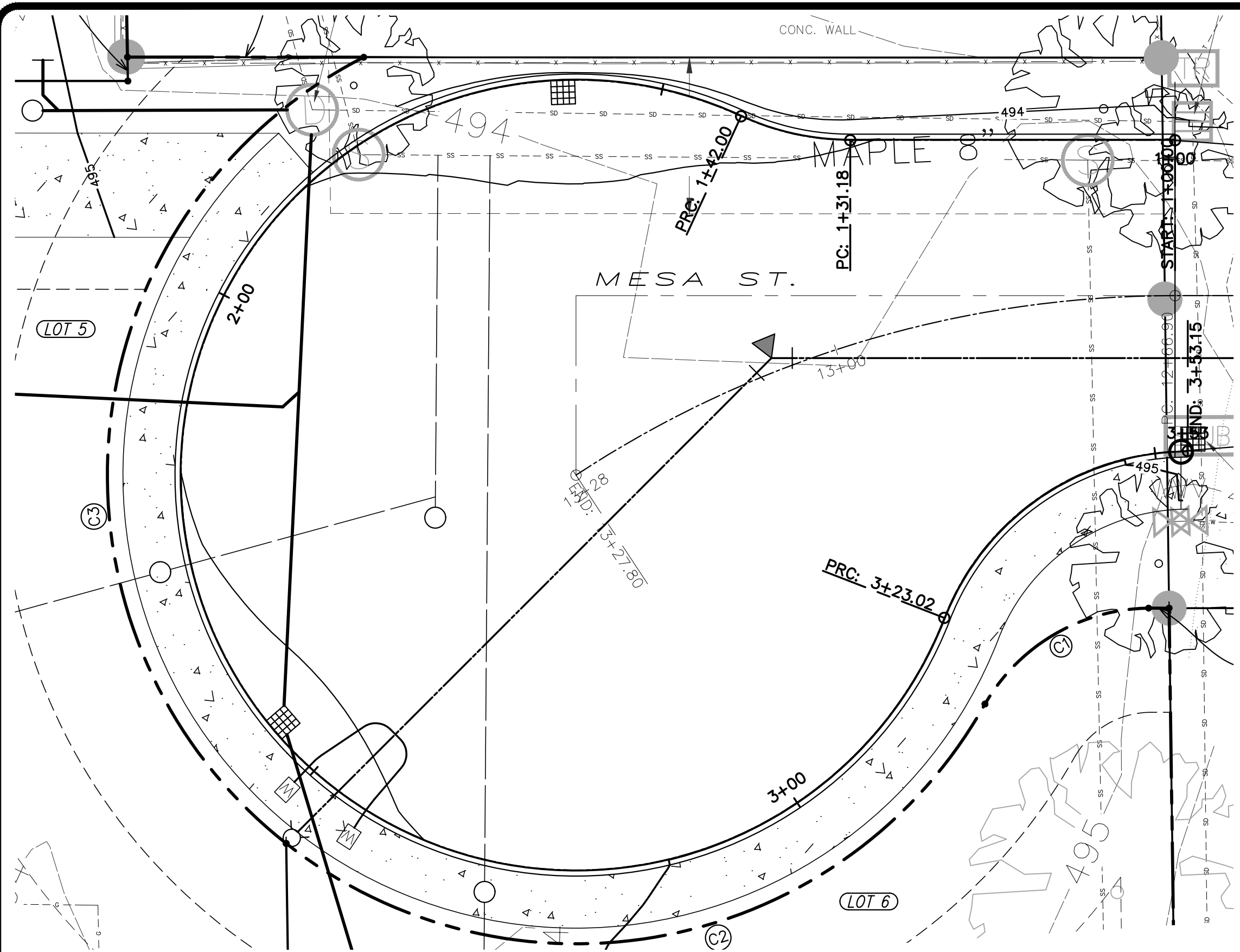
CHARLES WEATHERS
KURTH STREET SUBDIVISION
MESA ST. - PLAN & PROFILE
DRAWING
ST-2
JOB NUMBER
3362.0000

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REVIEW
WILLIAM J. MILLS
RENEW: 6/30/2024

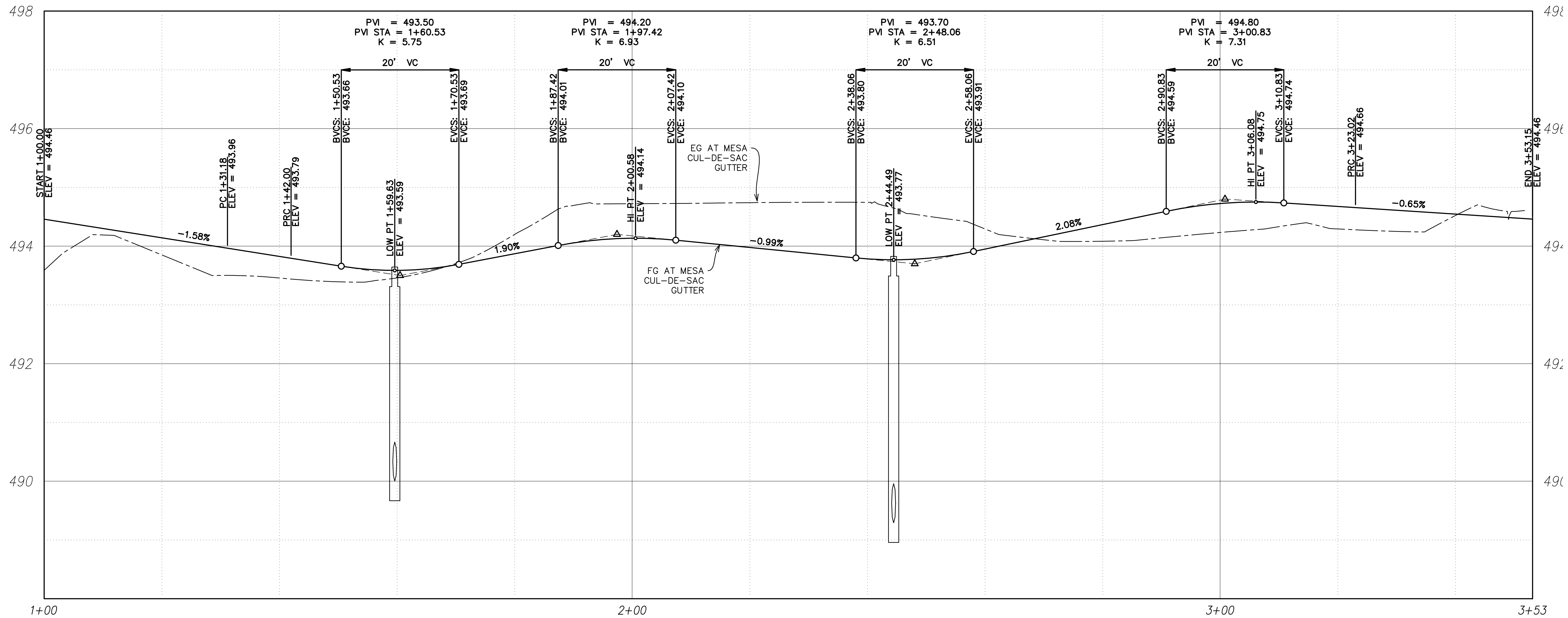
NO.	DATE	DESCRIPTION	BY
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VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS DRAWING, USE
SCALES ACCORDINGLY
0 1"
DSN. JW
DRN. RS
CKD. JW
DATE: 08/2022



CALLOUT KEY & LEGEND	
	CONTRACTOR TO PROTECT
	PROTECT TO REMOVE
	CONTRACTOR TO RELOCATE

MESA CUL-DE-SAC PLAN
1" = 10'



MESA CUL-DE-SAC PROFILE
H: 1" = 10' V: 1" = 1'

VERIFIED PROFESSIONAL ENGINEER
REVIEW
WILLIAM J. WELLS
REV. 12/2023

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CONSULTING ENGINEERS AND PLANNERS
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CHARLES WEATHERS
KURTH STREET SUBDIVISION

MESA ST. - CUL-DE-SAC -
PLAN & PROFILE

DRAWING
ST-3

JOB NUMBER
3362.0000

VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
ORIGINAL DRAWING
SCALE ACCURACIES
0 1"

DSN. JW
DRN. RS
CKD. JW

DATE: 08/2022

NO.	DATE	DESCRIPTION	BY
1		REVISIONS	