

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization Information

NAME PORT OF PORTLAND -- ATTN: MICHELLE HOLLIS		PHONE (503) 415-6832	FAX
ADDRESS 7200 NE AIRPORT WAY			CELL
CITY PORTLAND	STATE OR	ZIP 97218	E-MAIL * MICHELLE.HOLLIS@PORTOFPORTLAND.COM

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC. -- ATTN: BRUCE BRODY-HEINE		PHONE	FAX
ADDRESS 147 SW SHEVLIN HIXON DRIVE, SUITE 201			CELL
CITY BEND	STATE OR	ZIP 97702	E-MAIL * BBHEINE@GSIWS.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department **RECEIVED BY OWRD** electronically. (paper copies of the final order documents will also be mailed.)

By my signature below I confirm that I understand:

APR 28 2014

SALEM, OR

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I (we) affirm that the information contained in this application is true and accurate.

Applicant Signature

Applicant Signature

Vince Granato/Chief Operating Officer
Print Name and title if applicable

Print Name and title if applicable

Date

Date

4-23-14

App No. <u>8-87924</u>	For Department Use Permit No. _____	Date _____
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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

- Not Applicable -

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Salmon Creek

Tributary to: Columbia River

Source 2: _____

Tributary to: _____

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water - Not Applicable -

Do you, or will you, own the reservoir(s) described in item 3A above?

Yes.

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Salmon Creek	Wetland Enhancement*	Year-round	Up to 1.6 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please refer to the attached project description for a complete summary of the project and proposed water use.

For irrigation use only:
 Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: _____ Acres Supplemental: _____ Acres
 List the Permit or Certificate number of the underlying primary water right(s): _____
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

- If the use is **municipal or quasi-municipal**, attach **Form M - NA -**
- If the use is **domestic**, indicate the number of households: **- NA -**
- If the use is **mining**, describe what is being mined and the method(s) of extraction: **- NA -**

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): _____

Other means (describe): The diversion will consist of a graded water split

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

The project proposes to develop a new meandering channel (Sundial Channel) and associated wetland areas to the north of the existing engineered creek on the Port's property. The new channel will be designed to split a portion of the existing creek flow through the new channel and wetland area before returning this water to the Salmon Creek system prior to the drainage district's pumps. The diversion will be created by creating a new channel and then excavating the upland terrain that separates Salmon Creek from the newly created channel. The proposed creek diversion will allow for the existing flow to be split (including stormwater flows) between the existing Salmon Creek and the new Sundial Channel. Proposed elevations between Salmon Creek and Sundial Channel are the same at the graded water split, allowing for water to continue flowing through the existing channel and maintaining the currently developed hydrology and environment downstream of the diversion.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

The project and water use will create a naturally maintained new meandering channel (Sundial Channel) and associated wetland areas to the north of the existing engineered creek channel. Water will flow by gravity through the new channel until it rejoins and discharges back into Salmon Creek.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

This project is designed to create a new meandering channel and associated new wetlands. Once completed, the water use will be largely non-consumptive as diverted flows will be returned to Salmon Creek. As a largely non-consumptive project the project will have no waste. The diversion will be a graded split allowing water to go down both channels. Currently, the Port does not have plans to install a man-made measuring device, as the naturally-designed stream channel will be created to appear and function as native landscape. The amount of water requested by the diversion was based on the anticipated volume of naturally occurring streamflow conditions under a 100-year storm scenario. Typical split flows are anticipated to be much less than the 100-year scenario.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions- N/A – The goal of project is to develop new habitat in the new channel for wildlife.

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Excavation and bank manipulation will be kept to a minimum and will follow the strict conditions and requirements set forth in the project permits*.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: Operation of equipment in a water body will be managed and timed to prevent damage to aquatic life and will follow the strict conditions and requirements set forth in the project permits*.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: Water quality will be protected by preventing erosion following creation of the diversion and new channel and run-off from industrial sites. The project will follow all the conditions and requirements set forth in the project permits*.

***Project Permits**

- US Corps of Engineers Section 404 Permit
- DSL Removal/Fill Permit
- DEQ Section 401 Water Quality Certification
- NOAA Fisheries Biological Opinion

SECTION 7: PROJECT SCHEDULE

Date construction will begin: June 2015

Date construction will be completed: December 2017

Date beneficial water use will begin: Immediately following completion of construction.

SECTION 8: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name Multnomah County Drainage District's Sandy Drainage Improvement Company (SDIC)	Address 1880 NE Elrod Drive	
City Portland	State OR	Zip 97211

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.
Please refer to the attached project description for a complete summary of the project and proposed water use.

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Date _____

(For staff use only)



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____
- Land Use Information Form _____
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees _____

MAP

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other _____

**Attachment A
Project Description**

Application for a Permit to Use Surface Water – Port of Portland

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APR 28 2014

SALEM, OR

S-87974

**Port of Portland
TRIP Phase II and III Development
Project Description
Surface Water Application**

The Port of Portland (Port) is in the process of redeveloping the Troutdale Reynolds Industrial Park property (TRIP). The TRIP redevelopment project is located in the Salmon Creek watershed and is also within the Multnomah County Drainage District's Sandy Drainage Improvement Company (SDIC) boundaries. As part of redevelopment, the Port is planning on creating or improving approximately 88 acres of wetland habitat and developing a new side channel off of Salmon Creek. The Port has been working closely with various local, state, and federal stakeholders during the development of this project, and specifically with the SDIC's flood and drainage district management operations. The Port's goal is to obtain a water right by October 1, 2014.

Project Details. Adjacent to the TRIP property, Salmon Creek and its tributary Arata Creek are heavily urbanized streams that have been modified and channelized over the years to provide surface water and stormwater conveyance and flood control. The TRIP redevelopment project includes enhancing and developing new wetland areas near the end of Salmon Creek's highly manipulated/channelized flow path by creating a new 2,475 foot long meandering side channel within the TRIP property. The project will divert a portion of water from Salmon Creek (see application map) into the newly created low-flow channel that will contain wide wetland benches to enhance and create new wetlands and riparian areas. The flow in the new channel will rejoin the existing Salmon creek just prior to the SDIC levee and pump station at the edge of the TRIP property. This new side channel will also assist in more effectively managing floodwater flows through Salmon Creek's currently channelized path, which crosses multiple roadways.

The project's point of diversion (POD) is designed to create a graded water split, allowing water to continue to flow down the current downstream existing channel to also maintain the existing hydrology in that system. It is anticipated that once operational, the proposed project will largely be a non-consumptive use of the water. This is because the new channel rejoins the original system prior to the SDIC levee and is located near the end of the existing system where the water levels are controlled by SDIC's pumps located at the levee. It has been calculated that during peak flood events within the watershed the proposed POD will divert approximately 1.6 cfs into the new channel, with lower flow rates during normal flow conditions.

The TRIP Project's proposed wetland enhancement water use is a classified use under the Willamette Basin Program (Oregon Administrative Rule OAR 690-502-0150(3)), as the POD is located within the boundary of the SDIC.

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SALEM, OR

S-87874

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SALEM, OH

Attachment C
Land Use Forms

Application for a Permit to Use Surface Water – Port of Portland

S-87974

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Applicant: Port of Portland First Last Attn: Michelle Hollis

Mailing Address: 7200 NE Airport Way

Portland Oregon 97218 Daytime Phone: 503) 415 - 6832
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
T1N	R3E	22	see figure			<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Stream and wetland enhancement
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Troutdale, City of Fairview

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) Salmon Creek

Estimated quantity of water needed: up to 1.6 cfs
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other Stream and wetland enhancement

Briefly describe:

See attached project description and figure.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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SALEM, OR

S-0774

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____

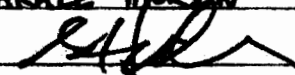
Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
NATURAL RESOURCE PERMIT		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

PRE 2012
45

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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APR 28 2014

Name: SARALE HICKSON Title: DEVELOPMENT ANALYST SALEM, OR
 Signature:  Phone: 503-874-6230 Date: 4/17/14
 Government Entity: CITY OF FAIRVIEW

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information



Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

8-87974

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Subdivision	Troutdale Development Code chapter 7 Land Division	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Flood Hazard Permit	Troutdale Development Code chapter 4.600 PLMA	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	Both obtained under file # SUUR 12-032 Findings of Fact and Final Order attached	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

The Port of Portland is conditioned to obtain a Conditional Letter of Map Revision-Fill from FEMA and then finalize a LOMR-F as part of the approval of the subdivision and Flood Hazard Permit to realign Salmon Creek as part of this subdivision development. Wetland fill/removal approval from Oregon Department of State Lands and US Army Corps of Engineers is also required where this work involves any fill in Waters of the State (wetlands).

Name: Elizabeth A. McCallum Title: Senior Planner, City of Troutdale
 Signature: *Elizabeth A. McCallum* Phone: 503-674-7228 Date: April 1, 2014
 Government Entity: City of Troutdale, Oregon

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with the Comprehensive Plan.

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Receipt for Request for Land Use Information

APR 28 2014

Applicant name: Port of Portland SALEM, OR
 City or County: Troutdale, Oregon Staff contact: Elizabeth A. McCallum
 Signature: _____ Phone: 503-674-7228 Date: April 1, 2014

S-87974



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

Mayor

Doug Daoust

City Council

Norm Thomas

Glenn White

David Ripma

Rich Allen

Eric Anderson

John L. Wilson

City Manager

Craig Ward

City Attorney

David J. Ross

October 22, 2013

Port of Portland
Attn: Tom Bouillion, Planning Manager
PO Box 3529
Portland, Oregon 97208

Re: Time Extension Request
TRIP Phase II Tentative Subdivision Plat, File 12-031
TRIP Phase III Tentative Subdivision Plat, File 12-032

Dear Mr. Bouillion:

I am in receipt of your September 19, 2013 letter requesting a six month time extension of the expiration date of the subject tentative subdivision plat approvals issued October 19, 2012.

In accordance with Troutdale Development Code 7.080 Tentative Plat Expiration Date, I find that the facts upon which the approvals were based have not changed to an extent sufficient to warrant refileing of the tentative plat and the expiration period for both tentative plats is hereby extended for six months until April 18, 2014. (Your requested extension period was to April 19, which is a Saturday, therefore, the closest working day, Friday April 18 was determined appropriate.) A subsequent extension of the expiration date of the tentative plats will require the Planning Commission's approval.

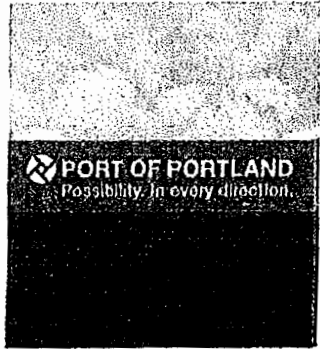
Sincerely,

A handwritten signature in black ink, appearing to read "Craig Ward".

Craig Ward

City Manager / Acting Community Development Director

C: Elizabeth McCallum, Senior Planner



RECEIVED

SEP 23 2013

September 19, 2013

City of Troutdale
Community Development Dept.

Craig Ward, City Manager
City of Troutdale
219 E. Historic Columbia River Highway
Troutdale, OR 97060

Dear Mr. Ward:

In your role as acting Community Development Director for the City of Troutdale, we respectfully request an extension of the expiration date for two tentative plats: TRIP Phase II Subdivision (Case File 12-031) and TRIP Phase III Subdivision (Case File 12-032).

The tentative plat approval for both subdivisions was issued through a Notice of Decision from the Troutdale Planning Commission on October 19, 2012 making the normal tentative plat expiration date October 19, 2013.

The process for extending the expiration date is described below in Troutdale Development Code 7.080:

7.080 Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within one year following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request by the subdivider, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plat. [Adopted by Ord. 550, ef. 9/25/90]

Because there have been no changes to the design of either the TRIP II or TRIP III Subdivisions, nor to the Troutdale Development Code that was in effect at the time of tentative plat approval on October 19, 2012, we request that the tentative plat approval period be extended an additional six months, from October 19, 2013 to April 19, 2014.

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APR 28 2014

SALEM, OR

S-87774

7200 NE Airport Way Portland OR 97218
Box 3529 Portland OR 97208
503-415-6000

Please let me know if you have questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Tom Bouillon".

Tom Bouillon, AICP
Planning Manager

cc: Elizabeth McCallum, City of Troutdale
Ryan Parker, Port of Portland
Steve Bloomquist, Port of Portland



**COMMUNITY
DEVELOPMENT
DEPARTMENT**
Fax: (503) 667-0524
Planning Division
(503) 674-7228

CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

NOTICE OF DECISION

October 19, 2012

Port of Portland
Attn: Steve Bloomquist
Po Box 3529
Portland, Oregon 97208

RE: TRIP Phase III, Case File 12-032

Dear Mr. Bloomquist:

The Troutdale Planning Commission met on October 17, 2012 and approved your application for a six lot subdivision (three buildable lots and three open space tracts) with concurrent variances from the VECO width, installation of related infrastructure, utilities, excavation, grading, tree removal, wetland fill/removal and fill within the Special Flood Hazard Areas.

This decision may be appealed to the Troutdale City Council by 5:00 p.m. October 29, 2012 pursuant to section 16.280 of the Troutdale Development Code (TDC). The notice of appeal must indicate the basis for the appeal pursuant to section 16.290 of the TDC. A filing fee of plus \$1,780.00 must be included with the notice of appeal. All affected parties have the right to file a notice of appeal prior to the closing of the appeal period.

If you have questions please do not hesitate to contact me at (503) 674-7228.

Sincerely,

Elizabeth A. McCallum
Senior Planner

cc: w/ enc.

Tom Bouillion, Port of Portland
SDIC Attn: Mandy O'Hara, BIT
Multnomah County Transportation Attn: Joanna Valencia
GFES Attn: Shawn Durham Deputy Fire Marshal
City of Troutdale Chief Engineer Travis Hultin
Oregon DSL / Attn: Mike McCabe
James Holm, US Army Corps of Engineers
SHPO Attn: Dennis Griffin

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Fax (503) 667-0524 • TDD/TEX Telephone Only (503) 666-7470

2-27974

Public Works, Travis Hultin

GFES

Joanna Valencia

Steve Bloomquist, Port of Portland
PO Box 3529
Portland, Oregon 97208

Tom Bouillion, Port of Portland
PO Box 3529
Portland, Oregon 97208

Oregon Parks and Recreation Dept.
Attn: Dennis Griffin
State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, Oregon 97301

Oregon Dept of State Lands
Attn: Mike McCabe
775 Summer St NE, Ste 100
Salem, OR 97301-1279

US Army Corps of Engineers
Attn: ~~James Holm~~ *Tom Taylor*
U. S. Army Corps of Engineers
P.O. Box 2946
Portland, OR 97208-2946

Sandy Drainage Improvement Co.
Attn: Mandy O'Hara, EIT
1880 NE Elrod Dr.
Portland, Oregon 97211





**BEFORE THE PLANNING COMMISSION
of the
CITY OF TROUTDALE
ADOPTION OF FINDINGS OF FACT & FINAL ORDER
TROUTDALE REYNOLDS INDUSTRIAL PARK
SUBDIVISION PHASE III
FILE NUMBER 12-032**

NAME OF PROJECT: Troutdale Reynolds Industrial Park (TRIP) Phase III

FILE NUMBER: 12-032

APPLICANT: Port of Portland, Steve Bloomquist, Planner

OWNER: Port of Portland

STAFF: Elizabeth A. McCallum, Senior Planner

STAFF REPORT DATE: October 10, 2012

REQUEST: Six lot subdivision (three buildable lots and three open space tracts) with concurrent variances from the VECO width, installation of related infrastructure, utilities, excavation, grading, tree removal, wetland fill/removal and fill within the Special Flood Hazard Areas.

LOCATION: West of NW Sundial Road, north of the Union Pacific Railroad spur and south of the flood control levee.

TAX MAP AND TAX LOT: 1N3E22-00200 and -00302; 1N3E23B-00200

PLAN DESIGNATION: I-Industrial

ZONE DESIGNATION: GI-General Industrial

OVERLAY DISTRICTS: Vegetation Corridor and Slope District
Flood Management Area

APPLICABLE CRITERIA:
Troutdale Development Code (TDC)
Chapter 3 General Industrial; TDC 4.300 Vegetation Corridor and Slope Overlay District;
TDC 4.600 Flood Management Area; TDC 5.600 Erosion Control and Water quality

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Standards; TDC 5.800 Stormwater Management; TDC 6.300 Variance; TDC 7.000 Land Division.

Troutdale Comprehensive Land Use Plan

Troutdale Municipal Code: Chapter 8.26 Outdoor Lighting; Chapter 13.10 Trees

City of Troutdale Construction Standards for Public Works Facilities

Building and Fire Codes

Applicable federal and state codes

Multnomah County Road Rules

FAA and ODA regulations

Sandy Drainage Improvement Company

Conditions of approval TRIP Plat File 07-064 and related documents

FINDINGS OF FACT:

The staff report dated October 10, 2012, with attachments, and the following facts raised at the public hearing not previously raised in any written comments are hereby adopted as the findings in this matter:

1. Written comments dated October 16, 2012, were received from Multnomah County Transportation Planner, Joanna Valencia, via e-mail on October 16.
2. Written comments dated October 16, 2012, were received from the Mandy O'Hara, EIT Engineer I of the Sandy Drainage Improvement Company via e-mail on October 16.

ORDER:

Based upon the foregoing, the Planning Commission approves the following subject to compliance with the conditions of approval:

- A six-lot subdivision with three buildable lots and three open space tracts.
- Partial fill of wetland "M" to create Lots 10 and 11.
- Variances to reduce the 50 foot vegetation corridor width to:
 - a variable width of 13-18 feet on the westerly boundary of Lot 11 where it abuts wetland M

- a variable width of 10-23 feet on the southern boundary of Lot 11 where it abuts Salmon Creek.
- 37 feet on the NE boundary of Lot 11 where it abuts wetland O.
- 22 feet on the northern boundary of Lot 10 where it abuts wetland O.
- 5 feet on Lot 10 where it abuts the newly created wetlands.
- 6 feet on Lot 11 where it abuts the newly created wetlands.
- Re-grading, benching and realignment of Salmon Creek.
- Removal of 10 trees six inches in diameter or greater in order to create additional wetland areas on the site.
- Construction of 20-foot wide utility access roads to provide access for maintenance purposes to existing and future anticipated utility infrastructure within Tracts I and J.

CONDITIONS OF APPROVAL:

The tentative plat for TRIP Phase III shall be modified as necessary to comply with the following conditions:

1. Fill/removal of wetlands, fill within the Special Flood Hazard Areas, and realignment of Salmon Creek:
 - a. The Port must obtain a Conditional Letter of Map Revision – Fill (CLOMR-F) prior to the issuance of the NPDES 1200-C permit.
 - 1) As-built topographic elevations must be provided to FEMA and a copy to the City of Troutdale before the LOMR-F is issued. Prior to issuance of building permits on the finished lots, FEMA must issue the LOMR-F.
 - b. The Port shall submit to the City Community Development Department a copy of Oregon DSL and Army Corps of Engineer (if applicable) fill / removal permits prior to issuance of the NPDES 1200-C permit.
 - c. The Port shall obtain any permit required from the US Army Corps of Engineers and the Oregon Department of Fish and Wildlife Service prior to the realignment of Salmon Creek and submit a copy of the permit to the City Community Development Department prior to issuance of the NPDES 1200-C permit. If permits from the Corps and the state FWS are not required, provide written comments from the agencies to the City of Troutdale.
2. Gresham Fire and Emergency Service Requirements:
 - a. Provide fire flow per Oregon Fire Code Appendix B. Fire flow for commercial buildings varies based on construction and square footage; OFC App B Table B105.1.

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- b. Temporary addresses of 6" shall be provided at EACH construction entrance prior to ANY construction materials arriving on site. Prior to the building final permanent 10" address numbers will be required per GFES addressing policy. I can email the policy to you. OFC 505 & 1401
- c. Required fire hydrants and access road shall be installed and approved PRIOR to any construction material arriving on site. OFC 1412.1
- d. All Fire Dept. Access Roads [including the flag lot roads to Lots 11 and 12] shall be drawn to scale and shown clearly on plans. The access roads shall be constructed and maintained prior to and during construction. The minimum width is 20' for buildings under 30' in height and 26' wide for locations where buildings are over 30' in height. Access roads in areas where fire hydrants are located are required to be a minimum width is 26' for a length of 20'. OFC 1410, 503.2.1 & D103.1
- e. Buildings of 62,000 square feet OR over 30 feet in height require (2) fire access entrance/exits from the site. OFC App D
- f. Required Fire Dept. Access Roads on site shall be designed to support an apparatus weighing 75,000 lb. gross vehicle weight. Provide an engineer's letter stating the access road meets those requirements at time of building permit submittal. OFC, Appendix D, Section D102.1
- g. The turning radius for all emergency apparatus roads shall be: 28' inside and 48' outside radius. OFC 503.2.4
- h. Each building may be required to be provided with fire sprinklers due to construction type, size, occupancy, lack of water supply. OFC 507, 903
- i. No Parking Fire Lane signage or curb marking will be required. Fire access roads 20' – 26' wide require the marking on both sides. Indicate on the building permit plans. I can email you our policy. OFC D 103.6
- j. [At the time construction is proposed on the lots] Each building may be required to be provided with fire sprinklers due to construction type, size, occupancy, lack of water supply. OFC 507, 903
- k. A fire alarm system may be required. OFC 903.4 and 907
- l. Prior to applying for a building permit provide a fire flow test and report. The fire flow report will verify that the correct fire flow is available and will be required to have been conducted within the last 12 months. OFC 507.3 & B-101.1

- m. If a gate is installed on a fire access road, it must meet the requirements of the Gresham Fire Gate Policy. This policy can be faxed to you if requested. OFC 506.1
 - n. Fire access roads shall be provided with fire hydrants leading to all building (s). Spacing will be required to be indicated on plans per OFC Appendix C and 507.
 - o. Each public or private fire hydrant used for fire flow for this property shall have a 5-inch Storz adapter with National Standard Threads installed on the 4 ½ -inch fire hydrant outlet. The adapter shall be constructed of high-strength aluminum alloy, have a Teflon coating on the seat and threads, and use a rubber gasket and two (2) set screws to secure it in place. The adapter shall be provided with an aluminum alloy pressure cap. The cap shall be attached to the hydrant barrel or Storz adapter with a cable to prevent theft of the cap. Adapter shall be Harrington HPHA50-45NHWCAP or equal approved by Gresham Fire.
 - p. For private (on site) fire hydrants the connectors will be inspected under permit by Gresham Fire. OFC 507 & NFPA 24-7.1.3
 - q. Without knowing the building construction types or sizes, a fire hydrant is required to be within [to be determined distance] feet of the main entrance driveway AND the furthest point on each building shall be no more than 400 feet from a hydrant. Show on the building plans where the nearest existing and new hydrants are located. OFC Appendix C and 507
 - r. A fire hydrant shall be within 50 feet of the fire sprinkler system "FDC". OFC Appendix C 102.2 & NFPA 13E
 - s. Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be BLUE. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the marker accordingly. OFC 508.5.4
3. Extreme caution is recommended during future ground disturbing activities. If any cultural material is discovered during construction activities, all work should cease immediately until a professional archaeologist can assess the discovery. If the project has a federal nexus (i.e., federal funding, permitting, or oversight), the Port shall coordinate with a federal agency representative to ensure that [work is done] in compliance with Section 106 of the NHPA.

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4. Public Works Requirements:

- a. The developer is relieved from the requirement to extend the water main in Sundial Road to the north beyond the extent necessary to serve lots 10 and 11.
- b. The developer is relieved from the requirement to extend the sanitary sewer main in Sundial Road to the north beyond the extent necessary to serve lots 10 and 11.
- c. Developer shall revise the submitted stormwater analysis report and preliminary design as needed to conform to the 2008 edition of the Portland Storm Water Management Manual and shall demonstrate that each lot will be able to drain to an appropriate receiving body and integrate water quality systems. The revised and finalized Stormwater Management Report (SMR) shall be submitted with the construction drawings for review by Public Works during the plan review phase. The SMR shall include a narrative addressing the stormwater hierarchy as required by the PSWMM and be in general conformance to the report format specified in the PSWMM.
- d. The applicant shall perform all construction activity within the Brownfield site in accordance with the Consent Decree, Consent Judgment, Easement and Equitable Servitudes and the Contaminated Media Management Plan.
- e. The applicant shall prepare a Site Specific Health and Safety Plan (HASP) and provide it to all applicable City personnel that will be operating on the site during construction. The applicant will additionally provide training on the HASP, as needed.
- f. The applicant shall provide any specialized training associated with the Brownfield conditions (e.g. HAZWOPER). This is required for City personnel that will be operating on the site during construction.
- g. Prior to receiving a Certificate of Completion for the subdivision, the applicant shall provide the City with a HASP and an Operation and Maintenance Plan for ongoing maintenance activities associated with subsurface utilities within the Brownfield site. These shall be provided as an update or addendum to the Phase I HASP and O/M plan.
- h. Prior to commencing construction, the applicant must execute any needed update or addendum to incorporate Phase 3, as determined by the City's and Applicant's attorneys, to the Phase I intergovernmental agreement with the City. Should the proposed plat include transfer of any easement or real property interest to the City, the IGA update/addendum must be executed prior to recording of the final plat. It may further require legal filings to establish Bona-Fide Prospective Purchaser Agreement (BPPA) protection for the City prior to recording the plat.

The IGA and/or BPPA may require additional investigation and characterization of soil and groundwater contamination in the subject areas and/or a Ph1/Ph2 Environmental Site Assessment which shall be provided by the applicant. Any extra-ordinary legal costs to the City in amending the IGA or establishing the BPPA shall be reimbursed by the applicant.

- i. No clearing, grading, demolition or construction may commence until the Public Works department has approved plans for the public improvements, the developer and City have conducted a preconstruction conference, and the City has issued an "Authorization to Commence Construction".
 - j. The developer shall obtain an NPDES 1200-C erosion control permit through the City, install required erosion control measures, and pass an erosion control inspection prior to commencing construction on the site.
 - k. Applicant shall underground existing overhead utilities on the subdivision frontages, except for those lines and equipment exempted by the Troutdale Municipal Code and/or Troutdale Development Code.
5. Modify the plat and construction plans as necessary to comply with Sandy Drainage Improvement Company (SDIC) requirements:
- a. Revise all references on the face of the plat to the Sandy Drainage District to Sandy Drainage Improvement Company.
 - b. Record all necessary deed documents for easements to SDIC and include them on the face of the plat. Provide the City Community Development Department with copies of all recorded deed documents.
 - c. Modify the plat to include an easement to the SDIC (width to be determined by SDIC) in Tract H and abutting Tract I and Lot 12 (if necessary) for access and maintenance of the levee by the SDIC.
 - d. Approval from the Sandy Drainage Improvement Company is required for all development within the levee easement area. All mitigation plantings must be outside of projected slope boundaries for the levee.
6. NW Sundial Road Conditions.
- a. A 6-foot paved shoulder shall be provided on both the east and west sides of Sundial Road to provide for bicycle and pedestrian connectivity.

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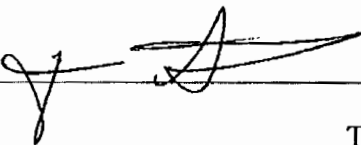
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- b. For the west side of Sundial the shoulder should be constructed from the north property line of the proposed Lot 10 bordering the PGE property to the connection of the proposed 40 Mile Loop trail.
 - c. For the east side of Sundial Road, shoulders shall be constructed from the existing improvements ending at the northern most driveway to the Fed-Ex property north to the connection with the 40-mile loop trail.
 - d. The improvements shall be constructed with the half-street improvements triggered by sale of the proposed Lot 10 or Lot 11, within 5 years from the date of the subdivision approval, or funding is secured for the project, whichever occurs first.
 - e. Half-street improvements adjacent to Lots 10 and 11 can be deferred to the earlier of: 5 years from subdivision approval, sale of one of the lots, or outside funding is approved for the work. The obligation can be secured by a performance guarantee in several forms, including a guarantee from the Port in lieu of bond.
 - f. Any work within the right-of-way, including the removal of trees, or any increase in storm-water drainage from the site to the right-of-way will require review and a permit from Multnomah County.
 - g. Access permits will be required for created lots as they are developed.
 - h. Any deviation from the County Standards, as set forth in the Road Rules or the County's Design and Construction Manual, shall be reviewed through the variance process as described under Road Rules Section 16.000.
7. Provide a minimum utility easement of 6-feet to PGE along the NW Sundial Road frontages and within the private flag driveways (if required). If during construction plan or final plat review PGE requests a wider utility easement, this may be negotiated by the Port and PGE but in no instance shall it be less than 6-feet in width.
8. Street lighting. A complete street light system including, but not limited to, conduits, wiring, junction boxes, transformers, controls, bases, poles, mast arms, and luminaires shall be designed and installed by the subdivider at his/her expense on all streets within or abutting the subdivision. Details shall be included on the construction plans.
- a. Lighting within the public streets shall comply with the standards of the Troutdale Development Code and the Troutdale Municipal Code 8.26 Outdoor Lighting.
 - b. Lighting within the private flag lot streets shall comply with TMC 8.26 Outdoor Lighting standards as follows: provide details with the electrical or construction plans, as applicable.

9. The Port shall plant street trees within the NW Sundial Road right-of-way in accordance with the City of Troutdale tree regulations for non-residential subdivisions. The species and spacing shall be determined during construction plan review. The species shall be compliant with the Port of Portland landscaping standards. Obtain any required County permit for work within the County right-of-way.
10. The plat shall be modified to include easements for the 20-foot wide utility access roads. The construction details for these roads shall be submitted to the City for review as a Type I Site and Design Review procedure.
11. The final plat shall be delivered to the Community Development Department for approval within one year following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request by the subdivider, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plat.
 - a. Submit five copies of the final plat drawings and proposed easement documents intended to be filed simultaneously with the plat.
 - b. The final plat fee shall be submitted with the final plat drawings.
12. After the City and Multnomah County Surveyor have issued the final redlines on the final plat, submit to the City three originals (drawn on 7-10 mil double-matted polyester drafting film or equivalent) together with any other supplementary material as may be required to indicate the general program and objectives of the project.
13. Any other conditions or regulations required by Multnomah County, Gresham Fire and Emergency Services, or other state or federal agencies are hereby made a part of this decision.

APPROVED THIS 17th DAY OF OCTOBER 2012



Tanney Staffenson, Chair
Troutdale Planning Commission

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S-87974

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Attachment D
Legal Description

Application for a Permit to Use Surface Water – Port of Portland

S-87974

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
A37 29 ATMCS
Total : 161.00

2007-216750 12/21/2007 10:56:19am

After Recording, Return Document To:
The Port of Portland
121 N.W. Everett St.
Portland, Oregon 97209
Attn.: Corporate Real Estate Manager

Send Tax Statements To:
The Port of Portland
121 N.W. Everett St.
Portland, Oregon 97209
Attn.: Corporate Real Estate Manager

SPECIAL WARRANTY DEED

REYNOLDS METALS COMPANY, a Delaware corporation, (hereinafter "Grantor"), conveys and specially warrants to THE PORT OF PORTLAND, a port district of the state of Oregon (hereinafter "Grantee"), the real property described on Exhibit "A," attached hereto and incorporated herein (hereinafter the "Property"), which Property is free of encumbrances created or suffered by Grantor except as specifically set forth herein.

The true, actual, and whole consideration for the transfer is SEVENTEEN MILLION THREE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$17,375,000.00) and other good and valuable consideration.

The above-described Property is conveyed subject only to the exceptions, exclusions, encumbrances, and stipulations which are ordinarily part of an owner's extended policy of title insurance and subject only to the special exceptions shown in the attached **Exhibit B** (collectively referred to as "Permitted Encumbrances").

Grantor shall retain a right of access to the Property for as long as is required in order for Grantor to comply with its obligations with respect to the Property pursuant to its agreements with the United States of America and the State of Oregon relating to the environmental condition of the Property. Such access shall be without charge to Grantor and Grantor agrees that such entry by Grantor shall be governed by the requirements for entry set forth in Section 9(d) of the Agreement to Purchase and Sell Real Estate entered into between Grantor and Grantee dated September 8, 2004, which requirements are set forth in **Exhibit C** attached hereto. References therein to "Buyer" shall mean "Grantor" and references to Reynolds shall mean "Grantee" for purposes of this access right. Grantor agrees to execute the document required in order to remove this access right from the Property at such time as Grantor no longer needs the right of access for the purpose described herein.

1 - Special Warranty Deed

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SDD016403 CE
262 054

Chicago Title

29

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)). 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 SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)).

IN WITNESS HEREOF, Grantor has caused this Deed to be signed by MARK A. STIFFLER, its ATTORNEY-IN-FACT, who by signing below is representing and warranting that he/she is authorized to sign this Special Warranty Deed on behalf of Reynolds Metals Company and that Reynolds Metals Company shall be bound hereby.

EFFECTIVE DATE: December 21, 2007

GRANTOR: REYNOLDS METALS COMPANY

By: 

As Its: ATTORNEY-IN-FACT

ACCEPTED BY GRANTEE:

PORT OF PORTLAND

By: 

As Its: Executive Director

[acknowledgments on following page]

2 - Special Warranty Deed

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STATE OF Oregon)
County of Multnomah) ss.

This instrument was acknowledged before me on this 19 day of December, 2007, by Mark Stiffler as the Attorney-In-Fact of Reynolds Metals Company.



Shawn Warren
Notary Public for the state of Oregon
My Commission Expires April 17, 2008

STATE OF Oregon)
County of Multnomah) ss.

This instrument was acknowledged before me on this 19 day of December, 2007, by Bill Wyatt as the Executive Director of the Port of Portland.



Shawn Warren
Notary Public for the state of Oregon
My Commission Expires April 17, 2008

3 - Special Warranty Deed

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EXHIBIT A
Property Description – Tract A, Tract B and Tract C

TRACT A

A TRACT OF LAND LOCATED IN SECTIONS 22 AND 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON. SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE FEZETT DONATION LAND CLAIM NO. 47 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID DLC SOUTH 89°53'17" EAST, 1,320.38 FEET TO THE WEST LINE OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF SAID DLC;

THENCE SOUTHERLY ALONG SAID DIVISION LINE SOUTH 00°11'29" EAST, 218.52 FEET TO THE NORTHERN RIGHT-OF-WAY OF THE OREGON WASHINGTON RAILROAD & NAVIGATION SPUR AND A POINT OF NON-TANGENT CURVATURE WITH A 766.34 FEET RADIUS CURVE FROM WHICH A RADIAL LINE BEARS SOUTH 23°54'11" EAST;

THENCE ALONG SAID RIGHT-OF-WAY CURVE, BEING 50.00 FEET NORTHERLY OF CENTERLINE WHEN MEASURED AT RIGHT-ANGLES THERETO, THROUGH A CENTRAL ANGLE OF 23°38'43" (THE CHORD BEARS NORTH 77°55'11" EAST, 314.02 FEET) AN ARC DISTANCE OF 316.26 FEET TO A POINT OF TANGENCY;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE NORTH 89°44'32" EAST, 2,285.62 FEET TO THE WESTERN RIGHT-OF-WAY LINE OF NW SUNDIAL ROAD BEING 25.00 FEET WESTERLY OF THE CENTERLINE WHEN MEASURED AT RIGHT-ANGLES THERETO;

THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE NORTH 00°16'42" WEST, 749.18 FEET TO THE SOUTHERN LINE OF THAT PROPERTY DEEDED TO PORTLAND GENERAL ELECTRIC (PGE) DATED MAY 17, 1948 AS RECORDED ON BOOK 1265, PAGE 229 DEED RECORDS OF MULTNOMAH COUNTY;

THENCE ALONG SAID SOUTHERN LINE SOUTH 89°43'17" WEST, 250.00 FEET;

THENCE ALONG THE WESTERN LINE OF SAID PGE PROPERTY AND ITS EXTENSION NORTH 00°16'42" WEST, 450.00 FEET TO THE SOUTHWESTERN LINE OF THAT PROPERTY DEEDED TO PACIFIC POWER AND LIGHT (PP&L) ON BOOK 637 PAGE 1597 DEED RECORDS OF MULTNOMAH COUNTY;

THENCE ALONG SAID SOUTHWESTERN LINE NORTH 43°16'43" WEST, 540.76 FEET;

THENCE ALONG THE WESTERN LINE OF SAID PP&L PROPERTY NORTH 02°14'57" EAST, 62.63 FEET TO A POINT 62.50 FEET NORTHERLY, WHEN MEASURED AT RIGHT-ANGLES THERETO, OF THE CENTERLINE OF THAT TRANSMISSION LINE EASEMENT RECORDED ON BOOK 1960, PAGE 517, DEED RECORDS OF MULTNOMAH COUNTY, OREGON;

THENCE PERPENDICULAR TO THE SOUTHERN LINE OF THAT BONNEVILLE POWER ADMINISTRATION TRANSMISSION LINE EASEMENT RECORDED ON BOOK 704, PAGE 367, DEED RECORDS OF MULTNOMAH COUNTY, OREGON, NORTH 07°06'03" EAST, 80.40 FEET TO A POINT ON SAID LINE BEING 107.45 SOUTHEASTERLY FROM AN ANGLE POINT ON SAID LINE;

Exhibit A, Page 1

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SALEM, OR

THENCE ALONG SAID EASEMENT LINE SOUTH 82°53'57" EAST, 615.73 FEET TO THE SAID WESTERN RIGHT-OF-WAY LINE OF NW SUNDIAL ROAD;

THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 00°16'42" WEST, 380.98 FEET TO THE CENTERLINE OF A DRAINAGE DIKE;

THENCE ALONG THE CENTERLINE OF SAID DRAINAGE DIKE THE FOLLOWING COURSES;

THENCE NORTH 89°07'07" WEST, 157.40 FEET;

THENCE SOUTH 83°52'53" WEST, 544.17 FEET;

THENCE SOUTH 88°11'56" WEST, 649.79 FEET;

THENCE SOUTH 88°13'17" WEST, 706.60 FEET;

THENCE SOUTH 88°21'34" WEST, 392.14 FEET;

THENCE SOUTH 85°14'34" WEST, 334.20 FEET;

THENCE SOUTH 81°40'34" WEST, 299.90 FEET;

THENCE SOUTH 84°22'04" WEST, 529.10 FEET;

THENCE SOUTH 80°43'34" WEST, 599.51 FEET;

THENCE SOUTH 87°25'04" WEST, 301.36 FEET;

THENCE SOUTH 88°52'34" WEST, 326.20 FEET;

THENCE SOUTH 79°34'34" WEST, 699.00 FEET;

THENCE SOUTH 83°22'34" WEST, 819.52 FEET TO THE CENTERLINE OF VACATED NW CAMPBELL ROAD;

THENCE LEAVING THE SAID DIKE ALONG THE CENTERLINE OF CAMPBELL ROAD SOUTH 00°10'23" EAST, 1,755.02 FEET TO A POINT IN A DRAINAGE FEATURE;

THENCE CONTINUING IN SAID DRAINAGE FEATURE NORTH 89°49'27" EAST, 291.16 FEET;

THENCE CONTINUING IN SAID DRAINAGE FEATURE NORTH 68°41'27" EAST, 300.00 FEET TO A POINT IN THE CENTER OF SALMON CREEK;

THENCE ALONG THE CENTERLINE OF SALMON CREEK THE FOLLOWING COURSES;

THENCE NORTH 69°15'27" EAST, 92.00 FEET;

THENCE NORTH 65°49'27" EAST, 100.00 FEET;

THENCE NORTH 72°07'27" EAST, 200.00 FEET;

THENCE NORTH 82°49'27" EAST, 252.00 FEET;

THENCE SOUTH 89°23'33" EAST, 102.00 FEET;

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THENCE SOUTH 83°46'33" EAST, 102.00 FEET;
THENCE SOUTH 86°36'33" EAST, 100.00 FEET;
THENCE SOUTH 70°06'33" EAST, 100.00 FEET;
THENCE SOUTH 75°11'33" EAST, 100.00 FEET;
THENCE SOUTH 80°54'33" EAST, 100.00 FEET;
THENCE SOUTH 84°54'33" EAST, 100.00 FEET;
THENCE SOUTH 82°20'33" EAST, 87.00 FEET;
THENCE SOUTH 84°52'33" EAST, 200.00 FEET;
THENCE SOUTH 79°09'33" EAST, 100.00 FEET;
THENCE SOUTH 83°09'33" EAST, 100.00 FEET;
THENCE NORTH 87°09'27" EAST, 100.00 FEET;
THENCE NORTH 71°51'27" EAST, 110.00 FEET;
THENCE NORTH 53°49'27" EAST, 58.00 FEET TO THE WESTERN LINE OF THE EAST ONE-HALF OF THE FEZETT DLC LINE;

THENCE ALONG SAID WESTERN LINE NORTH 00°15'03" WEST, 249.50 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE FEZETT DONATION LAND CLAIM NO. 47 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID DLC SOUTH 89°53'17" EAST, 1,320.38 FEET TO THE WEST LINE OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF SAID DLC;

THENCE NORTH 45°38'31" EAST, 2,393.77 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 05°41'05" WEST, 65.00 FEET;

THENCE NORTH 84°18'55" EAST, 65.00 FEET;

THENCE SOUTH 05°41'05" EAST, 65.00 FEET;

THENCE SOUTH 84°18'55" WEST, 65.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ALL OF THAT LAND FALLING WITHIN THE RIGHT-OF-WAY OF NORTH MARINE DRIVE.

SAID TRACT CONTAINS 258.592 ACRES MORE OR LESS.

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S-8774

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SALEM, OR

TRACT B

A TRACT OF LAND LOCATED IN SECTIONS 14 AND 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON. SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE FEZETT DONATION LAND CLAIM NO. 47 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID DLC AND ITS EXTENSION SOUTH 89°53'17" EAST, 3,938.11 FEET TO THE CENTERLINE OF NW SUNDIAL ROAD;

THENCE NORTHERLY ALONG SAID CENTERLINE NORTH 00°16'42" WEST, 1,901.10 FEET TO THE TRUE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY EXTENSION OF SAID CENTERLINE NORTH 00°16'42" WEST, 1,655.39 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE LEFT BANK OF THE COLUMBIA RIVER;

THENCE ALONG THE MEAN HIGH WATER LINE OF THE LEFT BANK OF THE COLUMBIA AND SANDY RIVERS FOLLOWING COURSES;

THENCE SOUTH 78°23'17" EAST, 191.56 FEET;

THENCE SOUTH 70°23'26" EAST, 97.42 FEET;

THENCE NORTH 89°07'37" EAST, 103.02 FEET;

THENCE SOUTH 75°51'20" EAST, 148.58 FEET;

THENCE SOUTH 78°14'13" EAST, 157.43 FEET;

THENCE SOUTH 74°18'33" EAST, 104.34 FEET;

THENCE NORTH 63°01'48" EAST, 153.81 FEET;

THENCE SOUTH 68°54'19" EAST, 116.32 FEET;

THENCE SOUTH 85°06'24" EAST, 127.65 FEET;

THENCE SOUTH 80°10'53" EAST, 111.57 FEET;

THENCE SOUTH 83°31'21" EAST, 140.91 FEET;

THENCE SOUTH 75°45'30" EAST, 125.40 FEET;

THENCE SOUTH 77°57'29" EAST, 164.44 FEET;

THENCE SOUTH 83°59'15" EAST, 169.31 FEET;

THENCE SOUTH 75°53'29" EAST, 253.98 FEET;

THENCE SOUTH 79°45'27" EAST, 157.48 FEET;

THENCE SOUTH 74°49'55" EAST, 126.98 FEET;
THENCE SOUTH 72°25'31" EAST, 138.38 FEET;
THENCE SOUTH 61°31'41" EAST, 55.35 FEET;
THENCE SOUTH 55°10'27" EAST, 314.18 FEET;
THENCE SOUTH 29°33'26" EAST, 94.23 FEET;
THENCE SOUTH 36°03'27" EAST, 93.83 FEET;
THENCE SOUTH 31°16'02" EAST, 82.56 FEET;
THENCE SOUTH 31°19'16" EAST, 110.34 FEET;
THENCE SOUTH 26°25'50" EAST, 119.34 FEET;
THENCE SOUTH 30°58'43" EAST, 159.29 FEET;
THENCE SOUTH 23°31'40" EAST, 74.72 FEET;
THENCE SOUTH 23°58'13" EAST, 107.25 FEET;
THENCE SOUTH 40°37'19" EAST, 144.39 FEET;
THENCE SOUTH 31°45'00" EAST, 127.55 FEET;
THENCE SOUTH 34°34'58" EAST, 184.20 FEET;
THENCE SOUTH 49°50'19" EAST, 78.77 FEET;
THENCE SOUTH 23°31'12" EAST, 91.68 FEET;
THENCE SOUTH 19°57'32" EAST, 90.48 FEET;
THENCE SOUTH 44°44'38" EAST, 114.57 FEET;
THENCE SOUTH 41°25'49" EAST, 181.78 FEET;
THENCE SOUTH 58°31'02" EAST, 133.94 FEET;
THENCE SOUTH 60°44'50" EAST, 114.64 FEET;
THENCE SOUTH 61°04'38" EAST, 128.57 FEET;
THENCE SOUTH 59°36'02" EAST, 104.04 FEET;
THENCE SOUTH 64°38'22" EAST, 119.90 FEET;
THENCE SOUTH 22°24'10" EAST, 14.71 FEET;
THENCE SOUTH 73°00'27" EAST, 133.20 FEET;
THENCE SOUTH 69°02'00" EAST, 101.69 FEET;

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SALEM, OR

THENCE SOUTH 73°30'35" EAST, 113.77 FEET;
THENCE SOUTH 69°40'45" EAST, 88.85 FEET;
THENCE SOUTH 62°00'47" EAST, 111.76 FEET;
THENCE SOUTH 66°48'46" EAST, 66.04 FEET;
THENCE SOUTH 48°29'12" EAST, 47.31 FEET;
THENCE SOUTH 66°43'55" EAST, 73.06 FEET;
THENCE SOUTH 66°21'47" EAST, 105.58 FEET;
THENCE SOUTH 75°27'39" EAST, 104.66 FEET;
THENCE SOUTH 65°51'52" EAST, 108.50 FEET;
THENCE SOUTH 61°33'26" EAST, 74.21 FEET;
THENCE SOUTH 79°00'30" EAST, 263.47 FEET;
THENCE SOUTH 71°58'26" EAST, 105.86 FEET;
THENCE SOUTH 63°15'46" EAST, 119.41 FEET;
THENCE SOUTH 63°14'28" EAST, 113.60 FEET;
THENCE SOUTH 61°44'34" EAST, 95.56 FEET;
THENCE SOUTH 52°45'12" EAST, 77.18 FEET;
THENCE SOUTH 39°24'54" EAST, 68.91 FEET;
THENCE SOUTH 11°20'39" EAST, 71.86 FEET;
THENCE SOUTH 23°55'47" EAST, 188.62 FEET;
THENCE SOUTH 20°58'08" EAST, 76.12 FEET;
THENCE SOUTH 27°34'57" EAST, 92.61 FEET;
THENCE SOUTH 31°02'32" EAST, 106.73 FEET;
THENCE SOUTH 16°10'57" EAST, 123.86 FEET;
THENCE SOUTH 02°48'42" EAST, 9.82 FEET;
THENCE SOUTH 01°31'27" WEST, 116.76 FEET;
THENCE SOUTH 10°16'14" WEST, 117.10 FEET;
THENCE SOUTH 07°25'59" WEST, 120.94 FEET;

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THENCE SOUTH 23°48'28" WEST, 110.89 FEET;
THENCE SOUTH 29°28'12" WEST, 86.70 FEET;
THENCE SOUTH 27°49'21" WEST, 90.37 FEET;
THENCE SOUTH 36°07'42" WEST, 79.98 FEET;
THENCE SOUTH 58°17'25" WEST, 154.28 FEET;
THENCE SOUTH 56°34'39" WEST, 87.36 FEET;
THENCE SOUTH 46°58'28" WEST, 174.77 FEET;
THENCE SOUTH 37°12'56" WEST, 205.06 FEET;
THENCE SOUTH 25°54'58" WEST, 126.21 FEET;
THENCE SOUTH 18°38'11" WEST, 106.49 FEET;
THENCE SOUTH 27°44'12" WEST, 105.77 FEET;
THENCE SOUTH 22°48'50" WEST, 111.04 FEET;

THENCE SOUTH 21°51'20" WEST, 154.55 FEET TO THE NORTHERN LINE OF THAT PROPERTY DEEDED TO THE PORT OF PORTLAND ON BOOK 2192, PAGE 268 DEED RECORDS OF MULTNOMAH COUNTY;

THENCE LEAVING SAID MEAN HIGH WATER ALONG SAID NORTHERN LINE SOUTH 89°51'07" WEST, 534.10 FEET TO THE SOUTHERN EXTENSION OF THE EASTERN RIGHT-OF-WAY LINE OF NW GRAHAM ROAD;

THENCE ALONG SAID EXTENSION NORTH 00°14'57" WEST, 159.96 FEET TO THE SOUTHWEST CORNER OF PARCEL 1, PARTITION PLAT 1990-23;

THENCE ALONG THE SOUTHERN LINE OF SAID PARCEL 1 NORTH 89°38'49" EAST, 144.95 FEET;

THENCE ALONG THE SOUTHEASTERN LINE OF SAID PARCEL 1 NORTH 36°49'23" EAST, 271.82 FEET;

THENCE ALONG THE EASTERN LINE OF SAID PARCEL 1 NORTH 00°17'05" WEST, 303.16 FEET TO THE NORTH LINE OF SAID PARTITION PLAT;

THENCE NORTH 89°45'27" EAST, 256.74 FEET TO A FOUND BRASS CAP MONUMENT AT THE SOUTHEAST CORNER OF TRACT 2 OF THAT PROPERTY LINE ADJUSTMENT DEPICTED ON RECORD OF SURVEY 57,142, MULTNOMAH COUNTY SURVEYOR'S RECORDS;

THENCE ALONG THE EASTERN LINE OF SAID TRACT 2 NORTH 36°48'24" EAST, 252.79 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 820.00 FEET RADIUS CURVE CONCAVE TO THE WEST THROUGH A CENTRAL ANGLE OF 37°01'30" (THE CHORD BEARS NORTH 18°17'39" EAST, 520.72 FEET) AN ARC DISTANCE OF 529.89 FEET;

THENCE ALONG THE NORTH LINE OF SAID TRACT 2 SOUTH 88°28'25" WEST, 943.52 FEET;

THENCE ALONG THE WEST LINE OF SAID TRACT 2 SOUTH 00°14'57" EAST, 96.07 FEET TO THE

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EASTERLY EXTENSION THE NORTHERN LINE OF PARCEL 1 OF THAT PROPERTY DEEDED TO REYNOLDS METALS ON BOOK 2358, PAGE 846 DEED RECORDS OF MULTNOMAH COUNTY;

THENCE ALONG SAID NORTHERN LINE PARALLEL TO THE CENTERLINE OF GRAHAM ROAD SOUTH 89°44'17" WEST, 257.51 FEET;

THENCE ALONG SAID EASTERN LINE OF SAID REYNOLDS PROPERTY SOUTH 00°14'57" EAST, 401.33 FEET TO THE NORTHERN RIGHT-OF-WAY LINE OF NW GRAHAM ROAD;

THENCE ALONG SAID NORTHERN RIGHT-OF-WAY LINE, BEING NORTH 30.00 FEET NORTHERLY OF CENTERLINE WHEN MEASURED AT RIGHT ANGLES THERETO, SOUTH 89°44'17" WEST, 931.81 FEET;

THENCE SOUTH 89°45'15" WEST, 3,087.24 FEET TO THE WESTERN LINE OF TRACT 2 OF THAT PROPERTY LINE ADJUSTMENT DEPICTED ON RECORD OF SURVEY 57,530, MULTNOMAH COUNTY SURVEYOR'S RECORDS;

THENCE ALONG SAID WESTERN LINE NORTH 00°16'37" WEST, 185.00 FEET;

THENCE ALONG THE NORTHERN LINE OF TRACTS 2 AND 1 OF SAID PROPERTY LINE ADJUSTMENT SOUTH 89°45'15" WEST, 572.88 FEET TO THE EASTERN RIGHT-OF-WAY LINE OF NW SUNDIAL ROAD, BEING A POINT OF NON-TANGENT CURVATURE WITH A 830.00 FEET RADIUS CURVE FROM WHICH A RADIAL LINE BEARS NORTH 80°15'58" WEST;

THENCE ALONG SAID RIGHT-OF-WAY CURVE, BEING 30.00 FEET EASTERLY OF CENTERLINE WHEN MEASURED AT RIGHT-ANGLES THERETO, THROUGH A CENTRAL ANGLE OF 10°00'44" (THE CHORD BEARS NORTH 04°43'40" EAST, 144.86 FEET) AN ARC DISTANCE OF 145.04 FEET;

THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 89°43'18" WEST, 5.00 FEET TO A POINT 25.00 FEET EASTERLY OF CENTERLINE WHEN MEASURED AT RIGHT-ANGLES THERETO;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 00°16'42" WEST, 1,636.60 FEET TO THE SOUTHERN LINE OF THE BONNEVILLE POWER ADMINISTRATION (BPA) SUBSTATION AS DEPICTED ON BPA DRAWING 166-01340-02;

THENCE ALONG SAID SOUTHERN LINE NORTH 89°43'18" EAST, 1585.97 FEET TO THE EASTERN LINE;

THENCE ALONG SAID EASTERN LINE NORTH 00°16'42" WEST, 431.52 FEET TO THE NORTHERN LINE;

THENCE ALONG SAID NORTHERN LINE NORTH 82°53'57" EAST, 455.29 FEET TO AN ANGLE POINT;

THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89°43'18" WEST, 1134.45 FEET TO THE RIGHT-OF-WAY LINE OF SAID NW SUNDIAL ROAD;

THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 00°16'42" WEST, 551.51 FEET;

THENCE SOUTH 89°43'18" WEST, 25.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE FEZETT DONATION LAND CLAIM NO. 47 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID DLC AND ITS EXTENSION SOUTH 89°53'17" EAST, 3,938.11 FEET TO THE CENTERLINE OF NW SUNDIAL ROAD;

THENCE NORTHERLY ALONG SAID CENTERLINE NORTH 00°16'42" WEST, 804.59 FEET;
THENCE NORTH 89°43'18" EAST, 2,020.97 FEET TO THE BONNEVILLE POWER ADMINISTRATION
BASELINE ORIGIN, A FOUND BOLT IN CONCRETE ENCLOSED IN A MONUMENT WELL;
THENCE NORTH 35°24'47" WEST, 664.70 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 82°54'22" WEST, 240.00 FEET;
THENCE NORTH 07°05'38" EAST, 160.00 FEET;
THENCE SOUTH 82°54'22" EAST, 240.00 FEET;
THENCE SOUTH 07°05'38" WEST, 160.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE FEZETT DONATION
LAND CLAIM NO. 47 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;
THENCE EASTERLY ALONG THE NORTH LINE OF SAID DLC AND ITS EXTENSION SOUTH 89°53'17"
EAST, 3,938.11 FEET TO THE CENTERLINE OF NW SUNDIAL ROAD;
THENCE NORTHERLY ALONG SAID CENTERLINE NORTH 00°16'42" WEST, 804.59 FEET;
THENCE NORTH 89°43'18" EAST, 2,020.97 FEET TO THE BONNEVILLE POWER ADMINISTRATION
BASELINE ORIGIN, A FOUND BOLT IN CONCRETE ENCLOSED IN A MONUMENT WELL;
THENCE NORTH 62°06'07" WEST, 1,277.17 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 89°43'18" WEST, 200.00 FEET;
THENCE NORTH 00°16'42" WEST, 150.00 FEET;
THENCE NORTH 89°43'18" EAST, 200.00 FEET;
THENCE SOUTH 00°16'42" EAST, 150.00 FEET TO THE POINT OF BEGINNING.
SAID TRACT CONTAINS 438.920 ACRES MORE OR LESS.

S-87874

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SALEM, OR

TRACT C

A TRACT OF LAND LOCATED IN SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON. SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE NORTH 89°44'45" EAST, 1,331.08 FEET TO THE NORTHERLY NORTHEAST CORNER OF THE BUXTON DLC NO. 59;

THENCE NORTH 00°15'15" WEST, 45.00 FEET TO THE NORTHERN RIGHT-OF-WAY OF HARLOW ROAD AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT-OF-WAY, BEING 25.00 FEET NORTHERLY OF CENTERLINE WHEN MEASURED AT RIGHT-ANGLES THERETO, SOUTH 89°44'45" WEST, 83.24 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 235.50 FEET RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 26°47'15" (THE CHORD BEARS NORTH 76°51'38" WEST, 109.10 FEET) AN ARC DISTANCE OF 110.10 FEET TO THE SOUTHERLY EXTENSION OF THE EASTERN RIGHT-OF-WAY OF GRAHAM ROAD;

THENCE ALONG SAID SOUTHERLY EXTENSION NORTH 00°15'15" WEST, 230.37 FEET TO THE SOUTHERN LINE OF THAT PROPERTY DEEDED TO THE PORT OF PORTLAND ON BOOK 2192, PAGE 268 DEED RECORDS OF MULTNOMAH COUNTY;

THENCE ALONG SAID SOUTHERN LINE NORTH 89°51'07" EAST, 446.93 FEET TO THE MEAN HIGH WATER LINE OF THE LEFT BANK OF THE SANDY RIVER;

THENCE ALONG SAID MEAN HIGH WATER LINE SOUTH 14°02'26" WEST, 87.20 FEET;

THENCE ALONG SAID MEAN HIGH WATER LINE SOUTH 13°58'53" WEST, 81.20 FEET;

THENCE ALONG SAID MEAN HIGH WATER LINE SOUTH 04°34'48" EAST, 113.48 FEET;

THENCE SOUTH 89°46'17" WEST, 93.31 FEET TO THE NORTHERN RIGHT-OF-WAY LINE OF SAID HARLOW ROAD BEING A POINT OF NON-TANGENT CURVATURE WITH A 120.50 FEET RADIUS CURVE FROM WHICH A RADIAL LINE BEARS SOUTH 34°30'31" WEST;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°45'45" (THE CHORD BEARS NORTH 72°52'22" WEST, 71.99 FEET) AN ARC DISTANCE OF 73.11 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 89°44'45" WEST, 62.60 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.50 ACRES MORE OR LESS.

**EXHIBIT B
PERMITTED ENCUMBRANCES**

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.
(Affects 1N3E22-00200; 1N3E22-00300; 1N3E22-00301; 1N3E22-00302; 1N3E23-00100; 1N3E23B-00200; 1N3E24-00300; 1N3E24C-01200; 1N3E24C-01400; and 1N3E24C-01602.)
2. Regulations, including levies, liens, assessments, rights of way, and easements of Multnomah Drainage District #1.
3. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of the Columbia River, the Columbia River Slough or the Sandy River.
4. Any adverse claims based upon the assertion that the Columbia River, the Columbia River Slough or the Sandy River has changed in location.
5. Any adverse claim based on the assertion that any portion of said land has been created by artificial means or has accreted to such portions so created.
6. Rights established pursuant to ORS 274.905, et seq to all or any portion of the herein described premises created by artificial means.
7. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
8. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Salmon Creek.
9. Any adverse claims based upon the assertion that Salmon Creek has changed in location.
10. An easement created by instrument, including terms and provisions thereof;
Dated: December 30, 1912
Recorded: February 11, 1913
Book: 608
Page: 297
In Favor Of: Northwestern Electric Company
For: Transmission Lines
Affects: Tax Lots 200, 300 and 302 in Section 22 and Tax Lot 200 in Section 23
(Tract A)

Said interest was assigned by instrument;
Recorded: May 15, 1989
Book: 2203
Page: 4

Exhibit B, Page 1

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SALEM, OR

To: Crown Zellerbach Corporation

11. An easement created by instrument, including terms and provisions thereof;

Dated: August 4, 1932
Recorded: November 2, 1933
Book: 229
Page: 403
In Favor Of: Game Commission of the State of Oregon
For: Right-of-way
Affects: Tract B, exact location not disclosed

12. An easement created by instrument, including terms and provisions thereof;

Dated: June 20, 1939
Recorded: July 24, 1939
Book: 506
Page: 95
In Favor Of: Portland General Electric Company
For: Right-of-way
Affects: Westerly portion of Tax Lot 1200 in Section 24 (Tract C)

13. An easement created by instrument, including terms and provisions thereof;

Dated: June 19, 1940
Recorded: August 6, 1940
Book: 561
Page: 301
In Favor Of: Sandy Drainage District
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes
Affects: Tax Lots 200, 300 and 400 in Section 24 (Tract B)

Said interest was assigned by instrument;

Recorded: October 18, 1940
Book: 572
Page: 326
To: United States of America

14. An easement created by instrument, including terms and provisions thereof;

Dated: June 19, 1940
Recorded: August 6, 1940
Book: 561
Page: 304
In Favor Of: Sandy Drainage District
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes
Affects: Tax Lots 200, 300 and 400 in Section 24 (Tract B)

Said interest was assigned by instrument;

Recorded: October 18, 1940
Book: 572
Page: 326

To: United States of America

15. An easement created by instrument, including terms and provisions thereof;

Dated: June 22, 1940
Recorded: August 6, 1940
Book: 561
Page: 307
In Favor Of: Sandy Drainage District
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes
Affects: Tax Lots 300, 301 and 302 in Section 22 and Tax Lot 400 in Section 23 (Tract A)

Said interest was assigned by instrument;

Recorded: October 18, 1940
Book: 572
Page: 326
To: United States of America

16. An easement created by instrument, including terms and provisions thereof;

Dated: July 18, 1940
Recorded: August 6, 1940
Book: 561
Page: 311
In Favor Of: Sandy Drainage District
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes
Affects: Tax Lot 200 in Section 22 and Tax Lot 200 in Section 23 (Tract A)

Said interest was assigned by instrument;

Recorded: October 18, 1940
Book: 572
Page: 326
To: United States of America

17. An easement created by instrument, including terms and provisions thereof;

Dated: June 19, 1940
Recorded: August 6, 1940
Book: 561
Page: 320
In Favor Of: Sandy Drainage District
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes
Affects: Tax Lot 100 in Section 14 and Tax Lots 100 and 400 in Section 23 (Tract B)

Said interest was assigned by instrument;

Recorded: October 18, 1940
Book: 572
Page: 326

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To: United States of America

18. An easement created by instrument, including terms and provisions thereof;

Dated: June 26, 1940
Recorded: August 6, 1940
Book: 561
Page: 323
In Favor Of: Sandy Drainage District
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes
Affects: Tax Lot 100 in Section 14 and Tax Lots 100, 400 and 500 in Section 23 (Tract B)

Said interest was assigned by instrument;

Recorded: October 18, 1940
Book: 572
Page: 326
To: United States of America

19. An easement created by instrument, including terms and provisions thereof;

Dated: July 9, 1940
Recorded: August 16, 1940
Book: 562
Page: 588
In Favor Of: Sandy Drainage District
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes
Affects: Tax Lots 1200, 1400 and 1602 in Section 24 (Tracts B and C)

Said interest was assigned by instrument;

Recorded: October 18, 1940
Book: 572
Page: 326
To: United States of America

20. An easement created by instrument, including terms and provisions thereof;

Dated: October 2, 1940
Recorded: October 18, 1940
Book: 572
Page: 280
In Favor Of: Sandy Drainage District
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes
Affects: Tax Lots 1200, 1400 and 1602 in Section 24 (Tracts B and C)

Said interest was assigned by instrument;

Recorded: October 18, 1940
Book: 572
Page: 326
To: United States of America

21. An easement created by instrument, including terms and provisions thereof;
 Dated: July 29, 1942
 Recorded: September 2, 1942
 Book: 704
 Page: 367
 In Favor Of: Defense Plant Corporation
 For: Right-of-way
 Affects: 250 foot wide strip through Tax Lots 100 and 200 in Section 23 (Tract A)
22. An easement created by instrument, including terms and provisions thereof;
 Dated: June 19, 1945
 Recorded: July 17, 1945
 Book: 950
 Page: 168
 In Favor Of: Portland General Electric Company
 For: Right-of-way
 Affects: Easterly portion of Tax Lot 1602 in Section 24 (Tract B)
23. An easement created by instrument, including terms and provisions thereof;
 Dated: July 29, 1946
 Recorded: July 31, 1946
 Book: 1083
 Page: 418
 In Favor Of: Northwestern Electric Company
 For: Right-of-way
 Affects: Tax Lot 200 in Section 22 and Tax Lot 200 in Section 23 (Tract A)
24. An easement created by instrument, including terms and provisions thereof;
 Dated: September 12, 1946
 Recorded: October 10, 1946
 Book: 1109
 Page: 11
 In Favor Of: Northwestern Electric Company
 For: Right-of-way
 Affects: Tax Lots 300 and 302 of Section 22 (Tract A)
25. An easement created by instrument, including terms and provisions thereof;
 Dated: October 25, 1947
 Recorded: December 4, 1947
 Book: 1226
 Page: 36
 In Favor Of: Adjoining property owners
 For: Roadway
 Affects: 16 foot wide strip through the Westerly portions of Tax Lots 300 and 301 of Section 22 (Tract A)

And also disclosed by instrument;
 Dated: October 25, 1947

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Recorded: December 22, 1947
Book: 1230
Page: 400

26. An easement created by instrument, including terms and provisions thereof;

Dated: May 17, 1948
Recorded: May 19, 1948
Book: 1265
Page: 255
In Favor Of: Portland General Electric Company
For: Right-of-way
Affects: 100 foot wide strip through the Northerly portion of Tax Lot 200 and the Easterly portion of Tax Lot 300 (Tract A)

27. An easement created by instrument, including terms and provisions thereof;

Dated: February 10, 1949
Recorded: February 15, 1949
Book: 1319
Page: 403
In Favor Of: Portland General Electric Company
For: Right-of-way
Affects: 100 foot wide strip running east-west through the central portion of Tax Lot 200 in Section 23 (Tract A)

28. An easement created by instrument, including terms and provisions thereof;

Dated: February 10, 1949
Recorded: February 15, 1949
Book: 1319
Page: 409
In Favor Of: Portland General Electric Company
For: Right-of-way
Affects: 100 foot wide strip running east-west through the central portions of Tax Lots 300 and 302 in Section 22 (Tract A)

29. An easement created by instrument, including terms and provisions thereof;

Dated: June 9, 1949
Recorded: June 14, 1949
Book: 1341
Page: 439
In Favor Of: Pacific Power and Light Company
For: Right-of-way
Affects: Tax Lot 200 in Section 22 and Tax Lot 200 in Section 23 (Tract A)

30. An easement created by instrument, including terms and provisions thereof;

Dated: September 30, 1952
Recorded: October 2, 1952
Book: 1561
Page: 434
In Favor Of: United States of America
For: Transmission line

Affects: 250 foot wide strip through a northerly portion of Tract B

31. An easement created by instrument, including terms and provisions thereof;

Dated: April 22, 1954
Recorded: May 12, 1954
Book: 1658
Page: 578
In Favor Of: Portland General Electric Company
For: Electric power lines
Affects: Strips of land 10 feet in width in the southeasterly portion of Tract A

32. An easement created by instrument, including terms and provisions thereof;

Dated: June 4, 1958
Recorded: June 10, 1958
Book: 1901
Page: 442
In Favor Of: Pacific Power and Light Company
For: Right-of-way
Affects: 125 foot wide strip through Tax Lots 200 and 300 in Section 22 and through Tax Lot 200 in Section 23 (Tract A)

33. An easement created by Judgment of the Declaration of Taking and Order of Immediate Possession, including terms and provisions thereof;

Recorded: May 27, 1959
Book: 1957
Page: 161
In Favor Of: United States of America
For: Electric power transmission structures
Affects: 325 foot wide strip through Tax Lot 100 in Section 23 (Tract B)

34. An easement created by instrument, including terms and provisions thereof;

Dated: June 10, 1959
Recorded: June 18, 1959
Book: 1960
Page: 517
In Favor Of: Pacific Power and Light Company
For: Right-of-way
Affects: 125 foot wide strip through Tax Lot 200 of Section 23 (Tract A)

35. Right-of-Way Agreement, including the terms and provisions thereof;

Dated: March 8, 1960
Recorded: March 24, 1960
Book: 2001
Page: 40
By and Between: James H. and Daisy E. Graham and El Paso Natural Gas Company
For: Pipe line and appurtenances
Affects: A strip of land 50 feet in width across Tax Lot 300 in Section 24 (Tract B)

The terms and provisions of said Agreement were modified by instrument;

Dated: June 25, 1992
Recorded: August 3, 1992
Book: 2572
Page: 492

36. Right-of-Way Agreement, including the terms and provisions thereof;

Dated: March 29, 1960
Recorded: April 4, 1960
Book: 2002
Page: 582
By and Between: Reynolds Metals Co. and El Paso Natural Gas Company
For: Pipe line and appurtenances
Affects (as amended): A strip of land 50 feet in width across Tax Lot 500 in Section 23 and Tax Lot 400 in Section 24 (Tract B)

The terms and provisions of said Agreement were modified by instrument;

Dated: June 2, 1960
Recorded: June 13, 1960
Book: 2013
Page: 438

The terms and provisions of said Agreement were modified by instrument;

Dated: June 25, 1992
Recorded: August 3, 1992
Book: 2572
Page: 490

37. An easement created by Judgment in Condemnation on Declaration of Taking No. 2, including terms and provisions thereof;

Filed: November 30, 1960
Suit No.: Civil No. 146-59, United States District Court for the District of Oregon
In Favor Of: United States of America
For: Discharge Pipe
Affects: Tract B

For: Sanitary Sewer
Affects: Tract B

For: Electric power transmission structures and appurtenances and the right to clear "danger trees"
Affects: Tract B

38. An easement created by instrument, including terms and provisions thereof;

Dated: March 15, 1962
Recorded: June 4, 1962
Book: 2119
Page: 29
In Favor Of: United States of America
For: Right-of-way
Affects: 14 foot wide strips through Tax Lot 100 in Section 23 (Tract B)

39. An easement created by instrument, including terms and provisions thereof;

Dated: November 5, 1963
Recorded: December 6, 1963
Book: 2198
Page: 254
In Favor Of: Multnomah County
For: Drainage facilities
Affects: Easterly portion of Tax Lot 301 in Section 22 (Tract A)

40. Easements for existing public utilities in vacated street area and the conditions imposed thereby,
Disclosed by Ordinance No.: 3825

Entered: August 23, 1966
Recorded: September 1, 1966
Book: 524
Page: 434
Affects: Westerly portions of Tax Lots 300 and 301 in Section 23 (Tract A)

41. An easement created by instrument, including terms and provisions thereof;

Dated: September 9, 1966
Recorded: November 22, 1966
Book: 535
Page: 1464
In Favor Of: Pacific Power and Light Company
For: Transmission lines
Affects: Northerly portion of Tax Lot 200 of Section 23 (Tract A)

Said interest was assigned by instrument;

Recorded: July 25, 1983
Book: 1679
Page: 847
To: Crown Zellerbach Corporation

42. An easement created by instrument, including terms and provisions thereof;

Dated: September 11, 1968
Recorded: September 19, 1968
Book: 641
Page: 48
In Favor Of: Pacific Power and Light Company
For: Transmission lines
Affects: 40 foot wide strip through the Westerly portion of Tax Lot 100 in Section 23 (Tract B)

43. An easement created by instrument, including terms and provisions thereof;

Dated: August 3, 1970
Recorded: August 7, 1970
Book: 746
Page: 284
In Favor Of: United States of America
For: Transmission line

- Affects: Tax Lot 300 in Section 24 (Tract B)
44. An easement created by instrument, including terms and provisions thereof;
Dated: October 1, 1970
Recorded: April 18, 1972
Book: 851
Page: 554
In Favor Of: United States of America
For: Transmission line
Affects: Tax Lot 100 in Section 23 (Tract B)
45. An easement created by instrument, including terms and provisions thereof;
Dated: June 11, 1974
Recorded: June 21, 1974
Book: 992
Page: 1637
In Favor Of: United States of America
For: Transmission line
Affects: Strip through the Westerly portion of Tax Lot 100 (Tract B) and the
Northeasterly portion of Tax Lot 300 (Tract A) in Section 23
46. An easement created by instrument, including terms and provisions thereof;
Dated: February 27, 1975
Recorded: July 1, 1975
Book: 1048
Page: 1823
In Favor Of: Portland General Electric Company
For: Right-of-way
Affects: Strips of land through Tract A
47. An easement created by instrument, including terms and provisions thereof;
Dated: January 5, 1976
Recorded: February 5, 1976
Book: 1086
Page: 1173
In Favor Of: Northwest Natural Gas Company, an Oregon corporation
For: Gas pipe line and appurtenances
Affects: Tract B
48. An easement created by instrument, including terms and provisions thereof;
Dated: May 28, 1985
Recorded: August 8, 1985
Book: 1842
Page: 1030
In Favor Of: Portland General Electric Company
For: Underground distribution line
Affects: 6 foot wide strip through the Northwesterly portion of Tax Lot 200 in
Section 23 (Tract A)

49. Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in Quitclaim Deed

Recorded: February 2, 1987
Book: 1977
Page: 904 (Affects Tax Lot 200 in Section 24 - Tract B)

50. An easement created by instrument, including terms and provisions thereof;

Dated: March 8, 1988
Recorded: April 21, 1988
Book: 2096
Page: 2369
In Favor Of: Port of Portland
For: Storm drainage ditch
Affects: Westerly portion of Tax Lot 500 in Section 23 (Tract B)

51. An easement created by instrument, including terms and provisions thereof;

Dated: February 15, 1989
Recorded: April 12, 1989
Book: 2193
Page: 457
In Favor Of: Northwest Pipeline Corporation
For: Right-of-way and facilities
Affects: A 50 foot by 200 foot strip through the Southeasterly portion of Tax Lot 500 in Section 23 (Tract B)

52. An easement created by instrument, including terms and provisions thereof;

Dated: June 1, 1994
Recorded: November 9, 1995
Recorder's Fee No.: 95-139867
In Favor Of: Multnomah County
For: Storm sewer pipeline
Affects: Two 15 foot by 33 foot sites in the Southwesterly portion of Tax Lot 400 in Section 23 (Tract B)

53. An easement created by instrument, including terms and provisions thereof;

Recorded: June 6, 1996
Recorder's Fee No.: 96-086410
In Favor Of: Portland General Electric Company
For: Electric powerline
Affects: Southwesterly portion of Tax Lot 301 in Section 22 (Tract A)

54. An easement created by instrument, including terms and provisions thereof;

Dated: August 30, 1996
Recorded: September 24, 1996
Recorder's Fee No.: 96-145080
In Favor Of: PacifiCorp
For: Electric powerline
Affects: Northerly portions of Tax Lot 200 in Section 23 (Tract A)

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55. An easement created by instrument, including terms and provisions thereof;
Dated: August 19, 1998
Recorded: October 2, 1998
Recorder's Fee No.: 98-177997
In Favor Of: Portland General Electric Company
For: Electric transmission line
Affects: 100 foot wide strip through the Southerly portion of Tax Lot 300 in Section 22 (Tract A)
56. An easement created by instrument, including terms and provisions thereof;
Dated: August 19, 1998
Recorded: October 2, 1998
Recorder's Fee No.: 98-177998
In Favor Of: Portland General Electric Company
For: Electric transmission line
Affects: 75 foot wide strip through the Northeasterly portion of Tax Lot 200 (Tract A) and the Westerly portion of Tax Lot 100 (Tract B) in Section 23
57. An easement created by instrument, including terms and provisions thereof;
Dated: February 17, 2000
Recorded: June 5, 2000
Recorder's Fee No.: 2000-077519
In Favor Of: Metro
For: Ingress and egress
Affects: North 7.5 feet of Tax Lot 300 in Section 22 (Tract A)
58. An easement created by instrument, including terms and provisions thereof;
Dated: June 29, 2000
Recorded: August 3, 2000
Recorder's Fee No.: 2000-106820
In Favor Of: City of Troutdale
For: Pipeline
Affects: 10 foot wide strip through the Southwesterly portion of Tax Lot 1200 in Section 24 (Tract C)
59. State of Oregon Well Ownership Information Form, including the terms and provisions thereof;
Recorded: December 18, 2000
Recorder's Fee No.: 2000-171685
(Affects Tax Lot 100 in Section 14, Tax Lots 100, 400 and 500 in Section 23 and Tax Lot 400 in Section 24 - Tract B)
60. An easement created by instrument, including terms and provisions thereof;
Dated: September 16, 2002
Recorded: November 15, 2002
Recorder's Fee No.: 2002-208845
In Favor Of: Sandy Drainage Improvement Company
For: Pump station, pipes and lines
Affects: Northwesterly portion of Tax Lot 300 in Section 22 (Tract A)

61. Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in Unilateral Administrative Order for Remedial Design and Remedial Action U.S. EPA Docket No. CERCLA 10-2003-0115

Recorded: August 15, 2003
Recorder's Fee No.: 2003-191152

62. State of Oregon Well Information Form, including the terms and provisions thereof;

Recorded: August 15, 2003
Recorder's Fee No.: 2003-191153

(Affects Tax Lots 100, 400 and 500 in Section 23 and Tax Lot 400 in Section 24 - Tract B)

The above document was re-recorded by instrument,

Recorded: February 20, 2004
Recorder's Fee No.: 2004-026306

63. State of Oregon Well Information Form, including the terms and provisions thereof;

Recorded: November 19, 2004
Recorder's Fee No.: 2004-210177

(Affects Tax Lots 100, 400 and 500 in Section 23 and Tax Lot 400 in Section 24 - Tract B)

64. Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in Unilateral Administrative Order for Remedial Design and Remedial Action U.S. EPA Docket No. CERCLA 10-2005-0217

Recorded: September 20, 2005
Recorder's Fee No.: 2005-179932

65. Notice to Successors in Title, including the terms and provisions thereof;

Recorded: December 11, 2007
Recorder's Fee No.: 2007-211249

66. Easement and Equitable Servitudes, including the terms and provisions thereof;

Recorded: December 21, 2007
Recorder's Fee No.: 2007-216745

67. Conservation Easement, including the terms and provisions thereof;

Recorded: December 21, 2007
Recorder's Fee No.: 2007-216746

68. Agreement to Terminate and Release Easement, including the terms and provisions thereof;

Recorded: December 21, 2007
Recorder's Fee No.: 2007-216747

69. Amendment to Right-of-Way and Easement Facility, including the terms and provisions thereof;

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Recorded: December 21, 2007
Recorder's Fee No.: 2007- 216749

~~70. Amendment to Right-of-Way and Easement Contract, including the terms and provisions thereof;~~

~~Recorded: _____, 2007
Recorder's Fee No.: 2007~~

EXHIBIT C

Grantor's right to enter the Property to comply with its obligations with respect to the Property pursuant to its agreements with the United States of America and the State of Oregon is subject to the following restrictions:

- (i) Grantor's or its representative's activities may not unreasonably interfere with normal operation of the Property;
- (ii) Grantor shall notify Grantee at least 48 hours prior to entry onto the Property to conduct such activity;
- (iii) All activities undertaken by Grantor must fully comply with any applicable law, including laws relating to worker safety and to proper disposal of any wastes generated, samples taken, and any soil or water generated during the investigations or in the process of taking the samples, and Grantor will provide Grantee the opportunity to collect split samples of all soil, air or water samples so taken;
- (iv) Grantee is permitted to have a representative present during all such investigations, and may receive, upon request, a copy of the results of on-site testing and visual inspections, and will have access to all sample test results, and boring records;
- (v) Grantor shall take all actions and implement all protections necessary to ensure that actions taken hereunder and equipment, materials, and substances generated, used or brought onto the Property pose no threat to the safety or health of persons or the environment, and cause no damage to the property of Grantee, or of any other person, and Grantor is solely responsible for the proper disposal of all substances generated by Grantor's activities consistent with all applicable laws;
- (vi) Grantor is solely responsible for the security of the activities that Grantor conducts on the Property and for equipment and materials brought on the Property by Grantor;
- (vii) Grantor for itself, its agents, successors and assigns, covenants and agrees that, except for situations contributed to by Grantee's non-disclosure of a hazardous substance release, it shall, to the extent permitted by Oregon law, indemnify and save harmless Grantee, its successors and assigns, from and against any and all loss or liability, and all claims, damages, fees, costs, expenses and environmental costs resulting from, incident to or in any way arising out of the entry onto the Property, or any other act done pursuant to the rights, privileges and authority hereby granted. Grantor shall reimburse Grantee for actual damage to the Property resulting from said activities;

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- (viii) Without limiting the effect of the last clause, Grantor shall require that any party performing services hereunder waive all rights to assert any lien or claim against Grantee or the Property arising out of services performed hereunder and provide insurance against injury and damage to Grantee or any other person, in coverage amounts and terms satisfactory to Grantee, and must obtain Grantee's written approval of such coverage prior to that party's first entry onto the Property; and
- (ix) Grantor, and its representatives, shall comply with all governmental laws and regulations and all policies and regulations of Grantee in effect at such time, including, but not limited to, those relating to health and safety and the taking of pictures, and with such special regulations, rules or policies as may be considered appropriate by Grantee under the circumstances, and Grantee has the right to refuse initial or continued access to the Property to any person when it determines that such action is necessary or desirable.