

S-64838



First American Title Company of Oregon
National Commercial Services
200 SW Market Street, Suite 250
Portland, OR 97201
(503)795-7611
Fax - (866)678-0591

Oregon Water Resources Department
725 Summer Street NE Suite A
Salem, OR 97301-1266
Attn: Ownership Update

September 15, 2015

Escrow No.: NCS-744087-OR1 (RM)

Re: Seller: William B. Kenny
Buyer: City of Tigard, an Oregon municipal corporation
Property: 16147 Southwest Roy Rogers Road and, 17180 Southwest Lasich Lane
Sherwood, OR 97140

The closing of the above referenced transaction is now complete. For your records we enclose the following:

Certificate of Water Right Ownership Update

Keep these instruments secure as some of them **cannot** be replaced.

Should you have any questions or need further assistance, please contact the undersigned. Thank you for working with First American Title Company of Oregon National Commercial Services. We look forward to serving you in the future.

Sincerely,


Rene Moody
Escrow Officer
rmoody@firstam.com

RM/TH

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SEP 16 2015
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Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Certificate of Water Right Ownership Update

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department. *If for multiple rights, a separate form for each right will be required.*

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION

Applicant(s): William Kenny
First Last
 Mailing Address: 17180 SW Lasich Lane
Sherwood OR 97140
City State Zip
 Phone: _____
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): City of Tigard
First Last
 Mailing Address: 13125 SW Hall Blvd.
Tigard OR 97223
City State Zip
 Phone: _____
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Washington Township: 2S Range: 1W Section: 18

Tax Lot Number(s): 601

Street address of water right property: 17180 SW Lasich Lane, Sherwood, OR 97140

Water Right Information (attach copy of water right permit or certificate & final proof map):

Application #: S-64838 Permit #: S-47550 Certificate or Page #: 66052

Will all the lands associated with this water right be owned by the buyer? Yes No

Name of individual completing this form: William Kenny Phone: _____

Signature: *William Kenny* Date: 9/14/15

Please be sure to attach a copy of your property deed or legal description of the property.

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STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM B. KENNY
OREGON AZALEA'S, INCORPORATED
ROUTE 4, BOX 405K
SHERWOOD, OREGON 97140

confirms the right to use the waters of TUALATIN RIVER AND 45.0 ACRE-FEET STORED WATER FROM HENRY HAAG LAKE CONSTRUCTED UNDER PERMIT R-5777, a tributary of WILLAMETTE RIVER, for the purpose of GREENHOUSE USE.

The right has been perfected under Permit 47550. The date of priority is APRIL 28, 1983 FOR 100 GPM AND 30.0 ACRE-FEET AND JUNE 16, 1983 FOR 15 ACRE-FEET. The right is limited to not more than 100 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

HENRY HAAG LAKE - NE 1/4 NE 1/4, SECTION 20, T 1 S, R 4 W,
W.M. RE-DIVERSION - NW 1/4 NE 1/4, SECTION 18, T 2 S, R 1 W, W.M.; 5050
FEET NORTH AND 1460 FEET WEST FROM THE SW CORNER OF NE 1/4 NE 1/4,
SECTION 18.

No water shall be diverted except from storage during the period July 31 through September 15 of each year. The use of stored water shall be subject to the terms and conditions of a contract between the permittee and the Tualatin Valley Irrigation District, a copy of which is on file in the records of the Water Resources Department.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

NW 1/4 NE 1/4
SECTION 18
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed
JUNE 12, 1991.

/s/ WILLIAM H. YOUNG
William H. Young

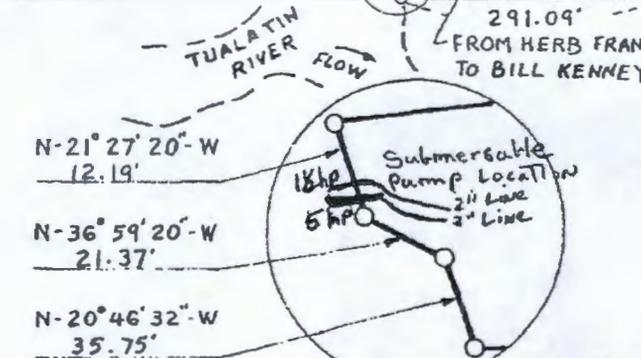
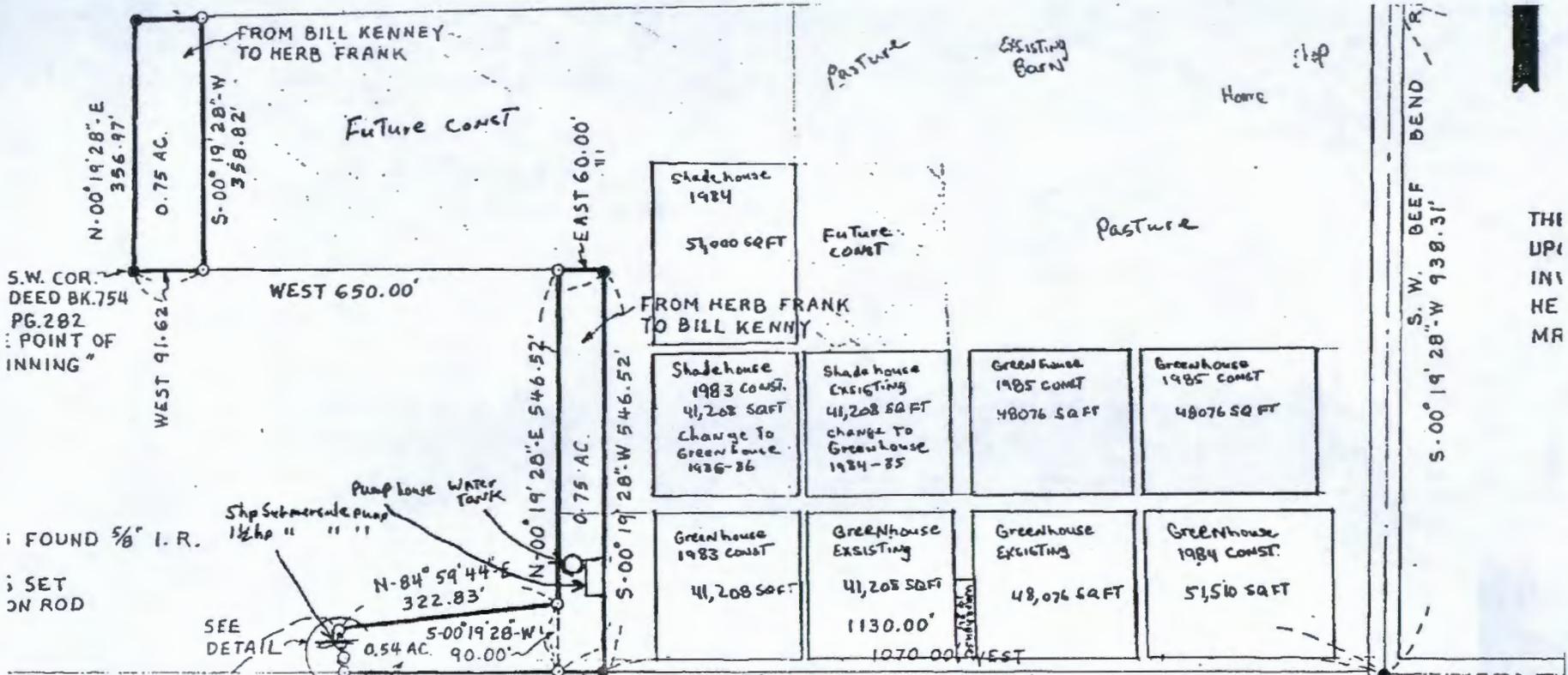
Recorded in State Record of Water Right Certificates numbered 66052.

64838.DLM

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REGISTERED PROFESSIONAL LAND SURVEYOR

William L. McMonagle

OREGON

JULY 14, 1972

WILLIAM L. McMONAGLE

M.G.S.

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FEB 10 1983

W. L. McMONAGLE - ASST.
S. W. COMMERCIAL
TIGARD ORE. PH. 519-3453

RECORD OF SURVEY
FOR MR. BILL KENNEY
IN N.W. & N.E. 1/4 SEC. 18, T-2S
WASHINGTON COUNTY, ORE.
DATE: 5-18-81
SCALE: 1" = 200'
JOB NO. 81-11-8 (SEE HERB F
BASIS OF BEARINGS: C.S. # 519

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Application No. 64838
Permit No. 47550

WATER RESOURCES DEPARTMENT
SALEM, OREGON

NW & NE 1/4 Sec 18 T-2S R-1w W-1m

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UP
IN
HE
MR

Exhibit "A"

Real property in the County of Washington , State of Oregon, described as follows:

PARCEL I:

A portion of that tract of land in Section 18, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon, described in patent to Linus A. Ross, et ux, recorded July 26, 1890 in Book 28, Page 371, Washington County, Oregon, Deed Records, more particularly described as follows:

Beginning at the Southeast corner of that tract of land conveyed to John Lasich, et ux, by Deed recorded October 22, 1931 in Book 148, Page 116, said Deed Records; thence West along the South line of said Lasich Tract, a distance of 1070 feet; thence North parallel with the East line of said Lasich Tract a distance of 560 feet, more or less, to a point which is 420 feet South of the North line of said Lasich Tract when measured perpendicular thereto; thence West parallel with the North line of said Lasich Tract, a distance of 650 feet; thence North parallel with the East line of said Lasich Tract, a distance of 370 feet to a point which is 50 feet South of the North line of said Lasich Tract when measured perpendicular thereto; thence East parallel with the North line of said Lasich Tract, a distance of 1720 feet to the East line of said Lasich Tract; thence South along the East line of said Lasich Tract, a distance of 930 feet, more or less, to the point of beginning.

EXCEPT the following described tract of land being situated in the Northwest one-quarter of Section 18, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon:

Commencing at the true point of beginning, located as follows from a stone on the centerline of S.W. Beef Bend Road being the 1/16 corner at the Southwest corner of the Northeast one-quarter of the Northeast one-quarter of said Section 18; thence West 1070.00 feet along the North line of the Henry Hicklin Donation Land Claim No. 42; thence North 00° 19' 28" East, 546.52 feet; thence West 650.00 feet to the true point of beginning, being the most Westerly Southwest corner of that tract described in Deed Book 754, Page 282, Washington County, Deed Records; thence North 00° 19' 28" East, 356.97 feet; thence North 88° 50' 25" East, 91.65 feet; thence South 00° 19' 28" West, 358.82 feet; thence West 91.62 feet to the true point of beginning.

PARCEL II:

The following described tract of land being situated in the Northeast one-quarter of Section 18, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon:

Beginning at a point on the North line of the Henry Hicklin Donation Land Claim No. 42 at the Southwest corner as described in Deed Book 754, Page 282, West 1070.00 feet from a stone marking the 1/16 corner being the Southwest corner of the Northeast one-quarter of the Northeast one-quarter of said Section 18 on the centerline of S. W. Beef Bend Road; thence West 60.00 feet; thence North 0°19' 28" East, 546.52 feet; thence East 60.00 feet; thence South 00° 19' 28" West, 546.52 feet to the point of beginning.

PARCEL III:

The following described tract of land being situated in the Northwest one-quarter and the Northeast one-quarter of Section 18, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon:

Beginning at a point on the North line of the Henry Hicklin Donation Land Claim No. 42 West 1130.00 feet from a stone marking the 1/16 corner being the Southwest corner of the Northeast one-quarter of the Northeast one-quarter of said Section 18 on the centerline of S.W. Beef Bend Road; thence continuing West 291.09 feet to the top of the bank of the Tualatin River; thence along the top of the bank North 20° 46' 32" West, 35.75 feet; thence North 36° 59' 20" West, 21.37 feet; thence North 21° 27' 20" West, 12.19 feet; thence leaving said top of bank, North 84°59' 44" East, 322.83 feet; thence South 00° 19' 28" West, 90.00 feet to the point of beginning.

AFTER RECORDING RETURN TO:

City of Tigard
Attn: City Manager
City Hall
13125 SW Hall Blvd
Tigard OR 97223

UNTIL A CHANGE IS REQUESTED
SEND TAX STATEMENTS TO:

City of Tigard
Attn: City Manager
City Hall
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Washington County, Oregon	2015-077869
D-C	
Stn=8 A DUJYCK	09/14/2015 01:50:45 PM
\$20.00 \$11.00 \$5.00 \$20.00	\$56.00
I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.	
Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio	

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MEMORANDUM OF CONTRACT OF SALE

This Memorandum of Contract of Sale (this "Memorandum") is made as of September 10, 2015 between William B. Kenny ("Seller") whose address is 17180 SW Lasich Lane, Sherwood OR 97140 and the City of Tigard, an Oregon Municipal corporation ("Purchaser") whose address is 13125 SW Hall Blvd, Tigard, Oregon 97223.

Pursuant to a Contract of Sale dated August 12, 2015 ("Contract"), Seller sold to Purchaser, Seller's interest in that certain property in Washington County, Oregon, more particularly described in the attached Exhibit A, except the Retained Property as defined in the Contract of Sale. The terms upon which Seller has sold the Property to Purchaser are set forth in the Contract, to which reference is made for all purposes.

The true and actual consideration for this conveyance is \$1,400,000. Purchaser will pay such amount, with interest, according to the terms of the Contract, under which the final payment of principal and interest is due on September 10, 2018 (the Maturity Date, as defined in the Contract).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, ORS 195.301 AND ORS 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR ORS 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

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ID: 2015-077869

County: Washington

Date: 09/14/15 Time: 1:50 PM

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ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, ORS 195.301 AND ORS 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Property Tax Account No. R528389

This Memorandum must be recorded in the Official Records of Washington County, Oregon in order to give notice of the existence of the Contract. This Memorandum will not be deemed or construed to define, limit, or modify the Contract, or any provision thereof, in any manner.

IN WITNESS WHEREOF, the parties have caused this Memorandum to be executed as of the day and year first above written.

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Purchaser:

Seller:

By: Martha L. Wine
Name: Martha L. Wine
Its: City Manager

By: William B. Kenny

STATE OF OREGON)
County of Washington) ss.

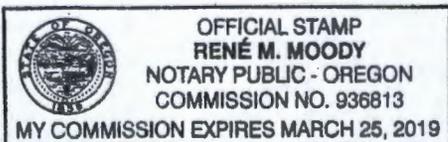


This instrument was acknowledged before me on September 10, 2015, by Martha L. Wine as City Manager of City of Tigard.

Norma I. Alley
NOTARY PUBLIC FOR OREGON
My Commission Expires: March 23, 2016

STATE OF OREGON)
County of Multnomah) ss.

This instrument was acknowledged before me on Sept. 14, 2015, by William B. Kenny



René M. Moody
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3/25/19

Exhibit "A"

Real property in the County of Washington , State of Oregon, described as follows:

PARCEL I:

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First American Title

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Washington County, Oregon **2015-077869**
D-C **09/14/2015 01:50:45 PM**
Stn=8 A DUYCK **\$20.00 \$11.00 \$5.00 \$20.00**
\$56.00

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

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ID: 2015-077869

County: Washington

Date: 09/14/15 Time: 1:50 PM

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Property Tax Account No. R528389

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IN WITNESS WHEREOF, the parties have caused this Memorandum to be executed as of the day and year first above written.

Purchaser:

Seller:

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SEP 16 2015
OWRD

By: Martha L. Wine
Name: Martha L. Wine
Its: City Manager

By: Wine P L

STATE OF OREGON)
County of Washington) ss.

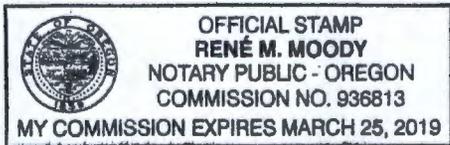


This instrument was acknowledged before me on September 10, 2015, by Martha L. Wine as City Manager of City of Tigard.

Norma I. Alley
NOTARY PUBLIC FOR OREGON
My Commission Expires: March 23, 2016

STATE OF OREGON)
County of Multnomah) ss.

This instrument was acknowledged before me on Sept. 14, 2015, by William B. Kenny



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 03/25/19

Exhibit "A"

Real property in the County of Washington , State of Oregon, described as follows:

PARCEL I:

A portion of that tract of land in Section 18, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon, described in patent to Linus A. Ross, et ux, recorded July 26, 1890 in Book 28, Page 371, Washington County, Oregon, Deed Records, more particularly described as follows:

Beginning at the Southeast corner of that tract of land conveyed to John Lasich, et ux, by Deed recorded October 22, 1931 in Book 148, Page 116, said Deed Records; thence West along the South line of said Lasich Tract, a distance of 1070 feet; thence North parallel with the East line of said Lasich Tract a distance of 560 feet, more or less, to a point which is 420 feet South of the North line of said Lasich Tract when measured perpendicular thereto; thence West parallel with the North line of said Lasich Tract, a distance of 650 feet; thence North parallel with the East line of said Lasich Tract, a distance of 370 feet to a point which is 50 feet South of the North line of said Lasich Tract when measured perpendicular thereto; thence East parallel with the North line of said Lasich Tract, a distance of 1720 feet to the East line of said Lasich Tract; thence South along the East line of said Lasich Tract, a distance of 930 feet, more or less, to the point of beginning.

EXCEPT the following described tract of land being situated in the Northwest one-quarter of Section 18, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon:

Commencing at the true point of beginning, located as follows from a stone on the centerline of S.W. Beef Bend Road being the 1/16 corner at the Southwest corner of the Northeast one-quarter of the Northeast one-quarter of said Section 18; thence West 1070.00 feet along the North line of the Henry Hicklin Donation Land Claim No. 42; thence North 00° 19' 28" East, 546.52 feet; thence West 650.00 feet to the true point of beginning, being the most Westerly Southwest corner of that tract described in Deed Book 754, Page 282, Washington County, Deed Records; thence North 00° 19' 28" East, 356.97 feet; thence North 88° 50' 25" East, 91.65 feet; thence South 00° 19' 28" West, 358.82 feet; thence West 91.62 feet to the true point of beginning.

PARCEL II:

The following described tract of land being situated in the Northeast one-quarter of Section 18, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon:

Beginning at a point on the North line of the Henry Hicklin Donation Land Claim No. 42 at the Southwest corner as described in Deed Book 754, Page 282, West 1070.00 feet from a stone marking the 1/16 corner being the Southwest corner of the Northeast one-quarter of the Northeast one-quarter of said Section 18 on the centerline of S. W. Beef Bend Road; thence West 60.00 feet; thence North 0°19' 28" East, 546.52 feet; thence East 60.00 feet; thence South 00° 19' 28" West, 546.52 feet to the point of beginning.

PARCEL III:

The following described tract of land being situated in the Northwest one-quarter and the Northeast one-quarter of Section 18, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon:

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Beginning at a point on the North line of the Henry Hicklin Donation Land Claim No. 42 West 1130.00 feet from a stone marking the 1/16 corner being the Southwest corner of the Northeast one-quarter of the Northeast one-quarter of said Section 18 on the centerline of S.W. Beef Bend Road; thence continuing West 291.09 feet to the top of the bank of the Tualatin River; thence along the top of the bank North 20° 46' 32" West, 35.75 feet; thence North 36° 59' 20" West, 21.37 feet; thence North 21° 27' 20" West, 12.19 feet; thence leaving said top of bank, North 84°59' 44" East, 322.83 feet; thence South 00° 19' 28" West, 90.00 feet to the point of beginning.

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