

AGENDA
CITY COUNCIL - CITY OF ONTARIO, OREGON
March 7, 2011, 7:00 p.m., M.T.

- 1) **Call to order**
Roll Call: Norm Crume _____ Jackson Fox _____ Charlotte Fugate _____ Dan Jones _____
David Sullivan _____ Ron Verini _____ Mayor Joe Dominick _____

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, March 2, 2011, and a study session was held on Thursday, March 3, 2011. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) **Motion to adopt the entire agenda**

4) **Consent Agenda: Motion Action Approving Consent Agenda Items**

- A) Approval of Minutes of Regular Meeting of 2/22/2011 1-3
B) Appointment to Airport Committee: Kevin Thompson 4-5
C) Resolution #2011-106: Receive/Expend ODOT Grant for Speed Enforcement 6-7
D) Approval of the Bills

- 5) **Public Comments:** Citizens may address the Council on items not on the Agenda. Council may not be able to provide an immediate answer or response, but will direct staff to follow up within three days on any question raised. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

6) **New Business**

- A) Resolution #2011-105: Exercising the Power of Eminent Domain for ROW Services 8-63

7) **Public Hearing(s) 7:30 PM**

- A) Ordinance #2654-2011: Request for Street Vacation; Portion of SW 2nd Avenue between SW 4th Street and SW 6th Street as Proposed by Ontario 8C School District (1st Reading) 64-73
B) Ordinance #2655-2011: Annexation and Rezone of 12.54 Acres; UGA-Residential to RS-50 Single Family Residential, Including and Running South of Nadine Drive to SW 18th Avenue and East from Nadine Drive to Ontario City Limits (1st Reading) 74-79

8) **Topics for Discussion (Thursday):**

- A) Update: City Hall Renovations and Building Issues

9) **Correspondence, Comments and Ex-Officio Reports**

10) **Executive Sessions: Thursday**

- A) ORS 192.660(2)(e) Real Property
B) ORS 192.660(2)(d) Labor Negotiations

11) **Adjourn**

MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT, PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE

**COUNCIL MEETING MINUTES
February 22, 2011**

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Tuesday, February 22, 2011, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Jackson Fox, Charlotte Fugate, Dan Jones, Ronald Verini, and David Sullivan.

Members of staff present were Henry Lawrence, Tori Barnett, Chuck Mickelson, Mark Alexander, and camera operator Delaney Kee.

Jackson Fox led everyone in the Pledge of Allegiance.

AGENDA

Ron Verini moved, seconded by Charlotte Fugate, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

CONSENT AGENDA

Councilor Fox asked why the City was paying Lindsey Ecowater for water for staff at City Hall.

Mayor Dominick stated the pipes in City Hall were corroded and did not produce drinkable water.

Council consensus to have Facilities Maintenance Manager Yorick de Tassigny make a presentation on the regarding the City Hall water lines at the next study session where the condition of the pipes could be addressed. As it was most likely that Councilor Fox would be out of town on the next meeting (March 3, 2011), it was concluded that perhaps the study session of March 17th might be better.

David Sullivan moved, seconded by Jackson Fox, to approve Consent Agenda Item A: Approval of Minutes of regular meeting of 02/07/2011; Item B: Bid Award: Bodiford Construction, Inc., Parallel Force Main to WWTP Project; Item C: Resolution #2011-103: Accept/Expend Grant Funds for Child Protection Seating; Item D: Resolution #2011-104: Accept/Expend Grant Funds for Drug Forfeiture Funds; Item E: Asset Inventory and Valuation Agreement for Services; and Item F: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

NEW BUSINESS

Intergovernmental Agreement #27027 between the City of Ontario and ODOT for Right-of-Way Services for Washington Avenue Realignment

Chuck Mickelson, Public Works Director stated this agreement provided for right of way acquisition (appraisal, negotiations, etc.) by the Oregon Department of Transportation right of way section for the NW Washington and North Park Boulevard project. Funds were being provided by the State of Oregon in the amount of \$4.875 million for the completion of design, acquisition of right of way and construction of a realigned NW Washington to North Oregon and the extension of Park Boulevard to the recently acquired city property. Right of way acquisition costs were estimated at \$1.6 million.

In 2001, ODOT and Ontario entered into agreement No. 697 where Ontario accepted maintenance responsibility for West Idaho, including the underpass, SW 2nd Street, SW 4th Avenue and North Oregon Street. ODOT agreed to pay the City \$490,000 for future maintenance of these facilities, and the agreement superseded prior agreements made in 1975 and 1979. All right, title and interest in the above mentioned streets would be transferred to Ontario upon completion of the Yturri Beltline. In 2006-07, the Council approved a project to realign NW Washington to North Oregon. Also in 2007, the City hired the firm of CH2M Hill to prepare plans and specifications for this project. Funding for the acquisition of right of way and construction of the realignment was not clearly identified at that time. In October, 2009, the City approved Resolution 2009-126 Amendment No. 1 with ODOT to the Miscellaneous Agreement No. 23255 also known as Cooperative Agreement OR 201 North Ontario Interchange Bridge # 08635, an agreement transferring NW Washington to the City of Ontario. In return, ODOT paid the City of Ontario \$375,200 for the realignment of the intersection of NW Washington and North Oregon and the construction of curb, gutter and sidewalks along NW Washington. In July, 2010, the Council adopted Resolution #2010-136 approving a local agency agreement for fund distribution for the NW Washington Avenue realignment between the City of Ontario and the State of Oregon, acting by and through its Department of Transportation, and as authorized by the Oregon Jobs and Transportation Act of 2009, also known as HB2001. In November, 2010, the City approved Amendment No. 1 to Misc. Contracts and Agreements (#26720) between ODOT and City for Fund Distribution for NW Washington Avenue Realignment (Funds from HB 2001).

Since the early 1990's, ODOT and Ontario have been discussing various transportation related issues, within and adjacent to the City. During this period of time, ODOT had reconstructed East Idaho, rebuilt the overpass over I-84, reconstructed the freeway ramps leading to East Idaho, constructed the Yturri Beltline bypass around the City, reconstructed the North Oregon overpass and ramps, constructed an overpass over the railroad on SW 18th Avenue and other miscellaneous projects. Funding for this project includes \$4.5 million authorized by HB 2001 and \$375,200 cash paid to the City for the project. The \$4.5 million will be released as the city bills ODOT.

This agreement would allow ODOT to begin the right of way acquisition phase of the project. If the City chose not to approve the proposed agreement, either the project would not go forward or the City could seek outside consultants to conduct the acquisition.

Norm Crume moved, seconded by Ron Verini, to approve Intergovernmental Agreement #27027 for right-of-way services for the NW Washington Avenue realignment between the City of Ontario and the State of Oregon acting by and through its Department of Transportation, and authorize the City Manager to sign the Agreement on behalf of the City of Ontario. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Dominick reminded everyone the exchange students from Osakasayama, Japan, would be arriving on Sunday, March 13th, and an open house would be held in at TVCC in Weese 10 to welcome them. The students would be here for two weeks, filled with fun activities and events.
- Mayor Dominick stated he, Henry Lawrence, and Chuck Mickelson had participated in a telephone conference with DEQ regarding the new rules for our community
- Mayor Dominick asked if there had been any further interest in the concessionaire position at the golf course.

Mr. Lawrence indicted not at this time.

- Councilor Fox stated he thought that a representative from SREDA was supposed to be at the meeting to provide an update on an issue raised by Councilor Fugate at a prior meeting.

It was unclear as to what meeting they wanted them to appear, but staff would look into it and set that up.

- Mayor Dominick stated that Representative Waldon had just visited Ontario, providing an update on the happenings in Washington

ADJOURN

David Sullivan moved, seconded by Jackson Fox, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

ATTEST:

Joe Dominick, Mayor

Tori Barnett, MMC, City Recorder

CONSENT AGENDA
March 7, 2011

TO: Mayor and City Council
FROM: Tori Barnett, MMC, City Recorder
SUBJECT: **APPOINTMENT TO AIRPORT COMMITTEE: KEVIN THOMPSON**
DATE: February 28, 2011

SUMMARY:

Attached is the following document:

- Letter of Interest for Appointment: Kevin Thompson

There are currently two vacancies on the Airport Committee – one regular position, and the position of Alternate.

Kevin Thompson, Ontario, has submitted a letter requesting appointment to fill the regular position on the Airport Committee.

RECOMMENDED MOTION:

Staff recommends appointment of Kevin Thompson to the Airport Committee, effective immediately, with a term of service terminating December 31, 2014.

From: Kevin Thompson <thompsonaviation@gmail.com>
To: <tori.barnett@ontariooregon.org>
Date: 2/24/2011 9:41 AM
Subject: Airport

Hello my name is Kevin Thompson and I am responding to a request by Cheryl Cruson and asking that I fill the open seat on the Airport Board. I own two companies in the Treasure Valley area as well as being a Instrument rated Commercial Helicopter Pilot with over six years flying nationally, with more than a few landings at KONO (Ontario), and internationally. I am well aware of the needs of the airport as it moves into the future. I would like to see a revitalised FBO, some where that give a good first impression. I would like to see a flight school at the airport, encouraging the next generations and fostering their passion to fly.

--

O4 Group Inc.
General Manager
Kevin Thompson
208-867-9340

CONSENT AGENDA REPORT

March 7, 2011

TO: Mayor and City Council

FROM: Mark Alexander, Interim Chief of Police

THROUGH: Henry Lawrence, City Manager

SUBJECT: **RESOLUTION NO. 2011-106: ACKNOWLEDGING RECEIPT OF ODOT GRANT FUNDS FOR SPEED ENFORCEMENT AND APPROPRIATING EXPENDITURES WITHIN THE GRANT FUND**

DATE: February 28, 2011

SUMMARY:

Attached is the following document:

- Resolution 2011-106

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

Oregon crash data from 2005 to 2009 shows Malheur County had 81 serious injuries and 26 fatalities resulting from speed-related motor vehicle crashes. Speeding is one of the most common traffic related complaints the police department receives.

The Oregon Department of Transportation offers grants for the purchase of speed enforcement equipment. The Police Department applied for a grant to purchase this equipment. The Oregon Department of Transportation has awarded a grant in the amount of \$1,700 to purchase radar equipment.

ALTERNATIVE:

The Council could decline the grant award.

FINANCIAL IMPLICATIONS:

Grant revenues and expenditures would be budgeted within the City's Grant Fund. No match is required.

RECOMMENDATION:

Staff recommends the Council adopt Resolution 2011-106.

PROPOSED MOTION:

I move that the Council adopt Resolution 2011-106, A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT GRANT FUNDS FOR SPEED ENFORCEMENT AND APPROPRIATING EXPENDITURES WITHIN THE GRANT FUND.

RESOLUTION NO. 2011-106

A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT GRANT FUNDS FOR SPEED ENFORCEMENT AND APPROPRIATING EXPENDITURES WITHIN THE GRANT FUND

WHEREAS, the 2009-2011 Biennial Budget was adopted without the knowledge of funding for a speed enforcement grant; and

WHEREAS, the City was awarded an Oregon Department of Transportation grant thru its Police Department for the purchase of speed enforcement equipment; and

WHEREAS, the City desires to modify the 2009-2011 Budget, acknowledging new grant revenue of \$1,700 and appropriating expenditures within the Grant Fund to complete the project.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council to approve the following adjustments to the 2009-2011 Biennial Budget:

Line Item	Item Description	FY 09-11 Budget	Amount of Change	Adjusted Budget
GRANT FUND				
Revenue				
010-000-456184	Police Speed Enforcement Grant	\$5,000	\$1,700	\$6,700
Expenses				
010-038-714184	Police Speed Enforcement Equip	\$5,000	\$1,700	\$6,700

Effective Date: Upon adoption

Passed and adopted by the Ontario City Council this _____ day of March 2011.

Ayes:

Nays:

Absent:

Approved by the Mayor this _____ day of March 2011.

Joe Dominick, Mayor

ATTEST:

Tori Barnett, City Recorder

AGENDA REPORT

March 7, 2011

TO: Mayor and City Council

FROM: Chuck Mickelson, Public Works Director

THROUGH: Henry Lawrence, City Manager

SUBJECT: **RESOLUTION #2011-105: EXERCISING THE POWER OF EMINENT DOMAIN FOR RIGHT-OF-WAY SERVICES**

DATE: February 28, 2011

SUMMARY:

Attached is the following document:

- Resolution 2011-105

This resolution authorizes the city to proceed with eminent domain in the event that ODOT is unsuccessful in negotiating right of way on the NW Washington project. This resolution must be passed in order for ODOT to proceed with the appraisal and negotiation process. Before proceeding with any eminent domain action, the city council will be apprised of the particular situation.

PREVIOUS COUNCIL ACTION:

- 2001 ODOT and Ontario entered into agreement No. 697 where Ontario accepted maintenance responsibility for West Idaho, including the underpass, SW 2nd Street, SW 4th Avenue and North Oregon Street. ODOT agreed to pay the City \$490,000 for future maintenance of these facilities, and the agreement superseded prior agreements made in 1975 and 1979. All right, title and interest in the above mentioned streets would be transferred to Ontario upon completion of the Yturri Beltline.
- 2006-07 Ontario City Council approved a project to realign NW Washington to North Oregon.
- 2007 Ontario hired the firm of CH2M Hill to prepare plans and specifications for this project. Funding for the acquisition of right of way and construction of the realignment was not clearly identified at that time.

- 10/2009 The City approved Resolution 2009-126 Amendment No. 1 with ODOT to the Miscellaneous Agreement No. 23255 also known as Cooperative Agreement OR 201 North Ontario Interchange Bridge # 08635, an agreement transferring NW Washington to the City of Ontario. In return, ODOT paid the City of Ontario \$375,200 for the realignment of the intersection of NW Washington and North Oregon and the construction of curb, gutter and sidewalks along NW Washington.
- 07/2010 Resolution #2010-136, a resolution approving a local agency agreement for fund distribution for the NW Washington Avenue realignment between the City of Ontario and the State of Oregon, acting by and through its Department of Transportation, and as authorized by the Oregon Jobs and Transportation Act of 2009 (HB 2001).
- 11/2010 2010 The City approved Amendment No. 1 to Misc. Contracts and Agreements (#26720) between ODOT and City for Fund Distribution for NW Washington Avenue Realignment (Funds from HB 2001).
- 02//2011 The City approved Intergovernmental Agreement for Right of Way Services Number 27027 for ODOT to acquire right of way for the NW Washington project.

BACKGROUND:

Since the early 1990's ODOT and Ontario have been discussing various transportation related issues within and adjacent to the City. During this period of time, ODOT has reconstructed East Idaho, rebuilt the overpass over I-84, reconstructed the freeway ramps leading to East Idaho, constructed the Yturri Beltline bypass around the City, reconstructed the North Oregon overpass and ramps, constructed an overpass over the railroad on SW 18th Avenue and other miscellaneous projects.

Funding for this project includes \$4.5 million authorized by HB 2001 and \$375,200 cash paid to the City for the project.

ALTERNATIVE:

If the City does not approve this resolution, ODOT will not proceed with the right of way acquisition process.

FINANCIAL IMPLICATIONS:

If condemnation is required, costs will be estimated at that time.

RECOMMENDATION:

Staff recommends approval of Resolution 2011-105.

PROPOSED MOTION:

I move that the City Council approve Resolution 2011-105, **A RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN FOR RIGHT-OF-WAY SERVICES FOR THE NW WASHINGTON PROJECT.**

RESOLUTION #2011-105

**A RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN
RIGHT-OF-WAY SERVICES**

WHEREAS, the City of Ontario may exercise the power of eminent domain pursuant to the City's charter and the Law of the State of Oregon general when the exercise of such power is deemed necessary by the City of Ontario's governing body to accomplish public purposes for which City of Ontario has responsibility; and

WHEREAS, the City of Ontario has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public; and

WHEREAS, the project or projects known as NW Washington Avenue and Park Boulevard have been planned in accordance with appropriate engineering standards for the construction, maintenance, or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, travel safeguarded; and

WHEREAS, to accomplish the project or projects set forth above, it is necessary to acquire the interests in the property described in Exhibit "A", attached to this resolution and, by this reference, incorporated herein.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, that

1. The foregoing statements of authority and need are, in fact, the case. The project or projects for which the property is required and is being acquired are necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury.
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in Exhibit "A". Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon Law.

3. The City of Ontario's staff and the Oregon Department of Transportation and the Attorney General are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City of Ontario City Council.

4. The City of Ontario expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this _____ day of _____ 2011, by the following vote:

AYES:

NAYES:

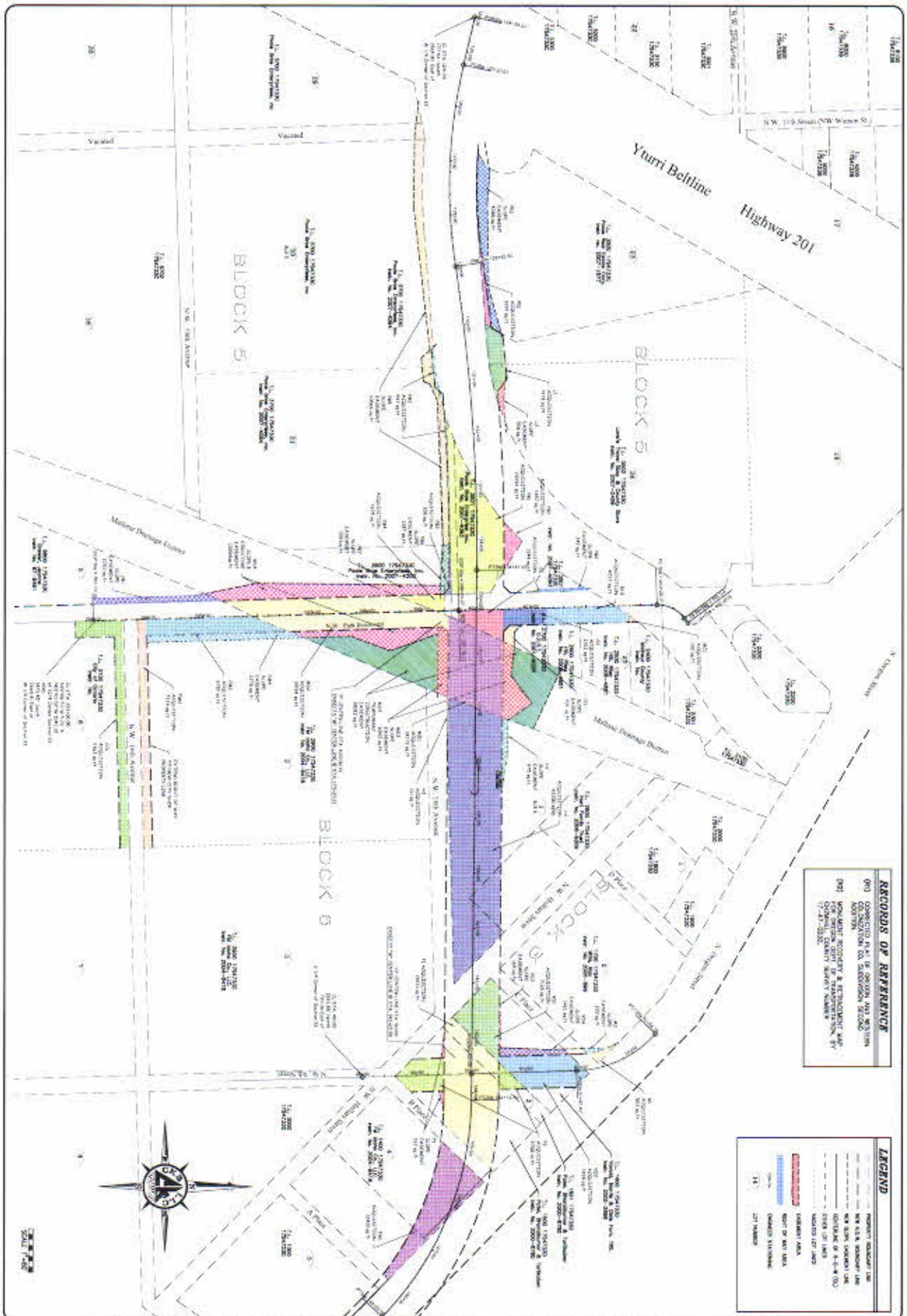
ABSENT:

APPROVED by the Mayor this _____ day of _____, 2011.

Joe Dominick, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



RECORDS OF REFERENCE

070 CONSULTING AND DESIGN AND ARCHITECT
 081 MONSIEUR ROBERTY & RETENANT INC.
 CONSULTING ENGINEERING ARCHITECTURE
 11-21-2022

LEGEND

PROPERTY BOUNDARY LINE	SOLID LINE
EXISTING EASEMENT	DASHED LINE
EXISTING RIGHT OF WAY	DASHED LINE WITH DOTS
EXISTING UTILITY	DASHED LINE WITH X'S
EXISTING LOT	SOLID LINE WITH DOTS
EXISTING LOT NUMBER	NUMBER
EXISTING EASEMENT AREA	YELLOW HATCH
RIGHT OF WAY AREA	GREEN HATCH
CONCRETE SIDEWALK	PINK HATCH
ASPHALT DRIVE	BLUE HATCH
ASPHALT DRIVE	PURPLE HATCH
ASPHALT DRIVE	PINK HATCH
ASPHALT DRIVE	GREEN HATCH
ASPHALT DRIVE	YELLOW HATCH

	<p>CKS, LLC CIVIL-STRUCTURAL-ELECTRICAL ENGINEERS, SURVEYORS & PLANNERS 368 S.W. 5th Avenue Corvallis, Oregon 97334 PH: (541) 896-5411 FAX: (541) 896-1074 EMAIL: CKS@cksfork.com</p>	<p>CONTROL 12 N.W. WASHINGTON AVENUE RE-ALIGNMENT RIGHT OF WAY ONTARIO, OREGON CHEM HILL 522 East front Street Boise, Idaho 83702-7359</p>	<p>CONTRACT NO. 2022-001</p>	<table border="1"> <thead> <tr> <th>REVISION</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISION	DESCRIPTION	DATE										<table border="1"> <tr> <td>DESIGNED BY</td> <td> </td> </tr> <tr> <td>DRAWN BY</td> <td> </td> </tr> <tr> <td>APPROVED BY</td> <td> </td> </tr> <tr> <td>PRINT DATE</td> <td>05/25/2023</td> </tr> <tr> <td>FILE NO.</td> <td> </td> </tr> <tr> <td>BOOK & PAGE</td> <td> </td> </tr> </table>	DESIGNED BY		DRAWN BY		APPROVED BY		PRINT DATE	05/25/2023	FILE NO.		BOOK & PAGE	
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Serving the Greater Northwest
since 1972

CK3, LLC

CIVIL-STRUCTURAL-ELECTRICAL
ENGINEERING-SURVEYING & PLANNING
368 SW 5TH AVENUE, ONTARIO, OR 97914

PROPERTY OWNER LIST NW WASHINGTON AVENUE REALIGNMENT RIGHT OF WAY

<u>NAME</u>	<u>REF. No.</u>	<u>TAX LOT</u>	<u>MAP No.</u>	<u>No. Parcels</u>
Poole Real Estate Corp 1067 SW 7 th Avenue Ontario, OR 97914-3544	7396	3500	17S4733C	2
Poole Bros Enterprises Inc. 1067 SW 7 th Avenue Ontario, OR 97914-3544	7339 7397 7398	3501 3600 3700	17S4733C	9
Love's Travel Stop & County Stores 10601 N. Pennsylvania Avenue Oklahoma City, OK 73120-4108	7343	3502	17S4733C	2
Jeanne Brewer P.O. Box 5 Ontario, OR 97914-3544	7424	6800	17S4733C	1
FM Idaho Co., LLC C/O Wendell Starke 4038 Chestatee Road Gainesville, GA 30506-3482	16 26	1400 2900	17S4733D	4
Bharatkumar C. Patel & Tarlikaben B. Patel 13621 SE Eastridge Street Portland, OR 97236-6625	18 20	1500 1601	17S4733D	3
The Morris & Dixie Vavold Family Trust, U/T/A dated March 8, 2002 24191 Ranch Road Caldwell, ID 83607-7622	19	1600	17S4733	4
Max Mills 1141 SW 3 rd Avenue Ontario, OR 97914-3544	21	1700	17S4733D	2

PERMANENT EASEMENT

JEANNE BREWER
P.O. Box 5
Ontario, OR 97914-3544

Reference Numbers: 7424
Map & Tax Lot Numbers: 17S4733C 6800
Deeds: 87-9481

Grantor grants to Grantee, its successors and assigns, permanent easements to construct and maintain slopes upon the following described property:

PARCEL 1 (6800) – Permanent Easement For Slopes (JB1)

A parcel of land lying in Lot 5, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded March 26, 1987, Instrument No. 87-9491, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the West side of the "P" center line of the North Park Boulevard which center line is described as follow:

Beginning at Engineer's center line Station "P" 396+00.00, said station being South 89° 48' 53" West 5.79 feet and North 01° 43' 02" West of the South 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 87° 48' 53" West 2628.06 feet from said 1/4 corner); thence North 01° 43' 02" West 668.27 feet to centerline Station "P" EOP 399+68.27; thence North 88° 19' 03" East 0.73 feet to center line Station "P" BOP 399+68.27; thence North 01° 44' 09" West 331.73 feet to Engineer's center line Station "P" 403+00.00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on West Side of Center Line
"P" 393+00		"P" 394+86	40
"P" 394+86		"P" 396+00	40 in a straight line to 60

EXCEPTING THEREFROM the existing 30 feet right of way according to the Plat of Oregon Western Colonization Co. Subdivision Second Addition.

The Parcel of land to which this description applies contains 2,283 square feet, more or less

IT IS UNDERSTOOD that the easement herein granted do not convey any right or interest in the above described Parcel 1, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed upon said property, nor shall Grantee be subject to any damages to Grantor, grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting said property.

T.L. 3700 17S4733C
 Poole Bros Enterprises, Inc.
 Instr. No. 2007-4094

Malheur Drainage
 District

17S4733C & 17S4733D
 Malheur Drainage District
 Drain Ditch R.O.W.

BLOCK 5

2

T.L. 2900 17S4733D
 FM Idaho Co., LLC
 Instr. No. 2004-6418

N. Park Boulevard

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JAN. 21, 1988
 DANNY K. CUMMINGS
 2316

RENEWAL DATE: DEC. 31, 2011

JB1 SLOPE
 EASEMENT
 2283 sq.ft.

5

T.L. 6800 17S4733C
 Brewer, Jeanne
 Instr. No. 87-9491

BOP Sta 393+00.00
 40.00'

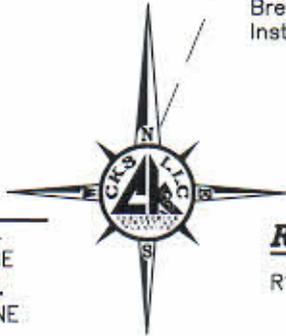
"P" CENTER LINE

BLOCK 6

6

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)



RECORDS OF REFERENCE

- R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.

SCALE 1"=50'

JB1 EASEMENT AREA
 124+34
 ENGINEER STATIONING
 14
 LOT NUMBER

CK3, LLC
 CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
 SURVEYING & PLANNING
 368 S.W. 5TH AVENUE
 ONTARIO, OREGON 97914
 E-MAIL: CK3@CK3LLC.net
 TEL: 541-889-5411 ~ FAX: 541-889-2074

Jeanne Brewer
 Right of Way-Easement Exhibit
 of Section 33, Township 17 South,
 Range 47 East, Willamette Meridian,
 City of Ontario, Malheur County, Oregon

CHECKED BY: DKC	FIELDBOOK No.:	PAGE(S):
DRAWN BY: AMC	FILENAME:	
APPROVED BY: DKC	CO09017 CONTROL.dwg	JOB No.:CO-09017
DATE: 2/05/2010	REVISED:	-- SHEET: 1 of 1

RIGHT OF WAYS & PERMANENT EASEMENTS

FM IDAHO CO., LLC
C/O Wendell Starke
4038 Chestatee Road
Gainesville, GA 30506-3482

Reference Numbers: 16 and 26
Map & Tax Lot Numbers: 17S4733D 1400 and 2900
Deeds: 2004-6418

PARCEL 1 (1400) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (FM1)

A parcel of land lying in Lot 4, Block 3, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded September 13, 2004, Instrument No. 2004-6418, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Both sides of the "W" center line of the Re-aligned NW Washington Avenue which center line is described as follows:

Beginning at Engineer's center line Station "W" 124+34.03, said station being 777.43 feet South and 1564.00 feet East of the West 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 01° 38' 56" East 2616.15 feet from said 1/4 corner); thence South 76° 57' 05" East 89.04 feet; thence on a 980.00 feet radius curve left (the long chord of which bears South 87° 45' 47" East 367.66 feet) 369.85 feet; thence on a 3500.00 feet radius curve to the right (the long chord of which bears North 89° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.86 feet; thence on a 580.00 feet radius curve to the right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1038.27 feet to Engineer's center line Station "W" 158+92.22.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northeasterly Side of Center Line
"W" 145+25		"W" 146+50	50
Station	to	Station	Width on Southwesterly Side of Center Line
"W" 144+80		"W" 148+00	50

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 12,410 square feet, more or less.

PARCEL 2 (2900) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (FM2)

A parcel of land lying in Lot 2, Block 6, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded September 13, 2004, Instrument No. 2004-6418, Malheur County Deed Records, the said parcel being the South 17.50 feet of said Lot 2, Block 6.

The Parcel of land to which this description applies contains 7,224 square feet, more or less

PARCEL 3 (2900) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (FM3)

A parcel of land lying in Lot 2, Block 6, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded September 13, 2004, Instrument No. 2004-6418, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the East side of the "P" center line of the North Park Boulevard which center line is described as follows:

Beginning at Engineer's center line Station "P" 396+00.00, said station being South 89° 48' 53" West 5.79 feet and North 01° 43' 02" West of the South 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 87° 48' 53" West 2628.06 feet from said 1/4 corner); thence North 01° 43' 02" West 668.27 feet to centerline Station "P" EOP 399+68.27; thence North 88° 19' 03" East 0.73 feet to center line Station "P" BOP 399+68.27; thence North 01° 44' 09" West 331.73 feet to Engineer's center line Station "P" 403+00.00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on East Side of Center Line
"P" 393+90		"P" 396+60	30

EXCEPTING THEREFROM Parcel 2 described above.

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 6,781 square feet, more or less

Grantor also grants to Grantee, its successors and assigns, permanent easement to construct and maintain slopes upon the following described property:

PARCEL 4 (2900) – Permanent Easement For Slopes (FM4)

A parcel of land lying in Lot 2, Block 6, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded September 13, 2004, Instrument No. 2004-6418, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the East side of the "P" center line of the North Park Boulevard which center line is described in Parcel 3.

The widths in feet of the strip of land above referred to are as follows:

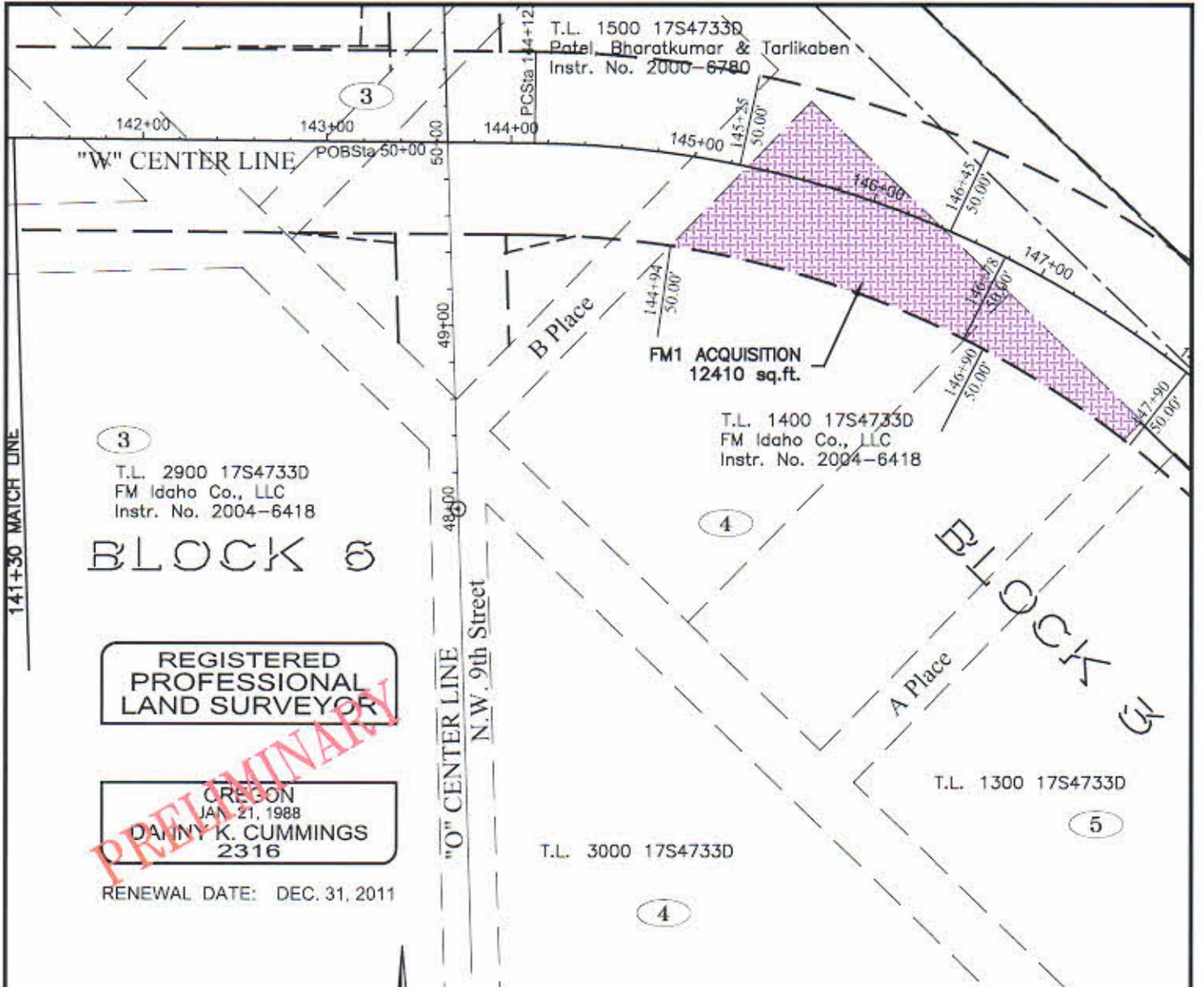
Station	to	Station	Width on West Side of Center Line
"P" 393+95		"P" 396+90	42

EXCEPTING THEREFROM Parcel 2 and 3 described above.

The Parcel of land to which this description applies contains 3,278 square feet, more or less.

IT IS UNDERSTOOD that the easement herein granted do not convey any right or interest in the above described Parcel 4, except as stated herein, nor prevent Grantor from the use of said property; provided,

however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed upon said property, nor shall Grantee be subject to any damages to Grantor, grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting said property.



3
 T.L. 2900 17S4733D
 FM Idaho Co., LLC
 Instr. No. 2004-6418

BLOCK 6

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

OREGON
 JAN. 21, 1988
DANNY K. CUMMINGS
 2316

RENEWAL DATE: DEC. 31, 2011

FM1 ACQUISITION
 12410 sq.ft.
 T.L. 1400 17S4733D
 FM Idaho Co., LLC
 Instr. No. 2004-6418

T.L. 1300 17S4733D

T.L. 3000 17S4733D

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)

FM1 R.O.W. AREA
 124+34
 ENGINEER STATIONING
 14
 LOT NUMBER



SCALE 1"=80'

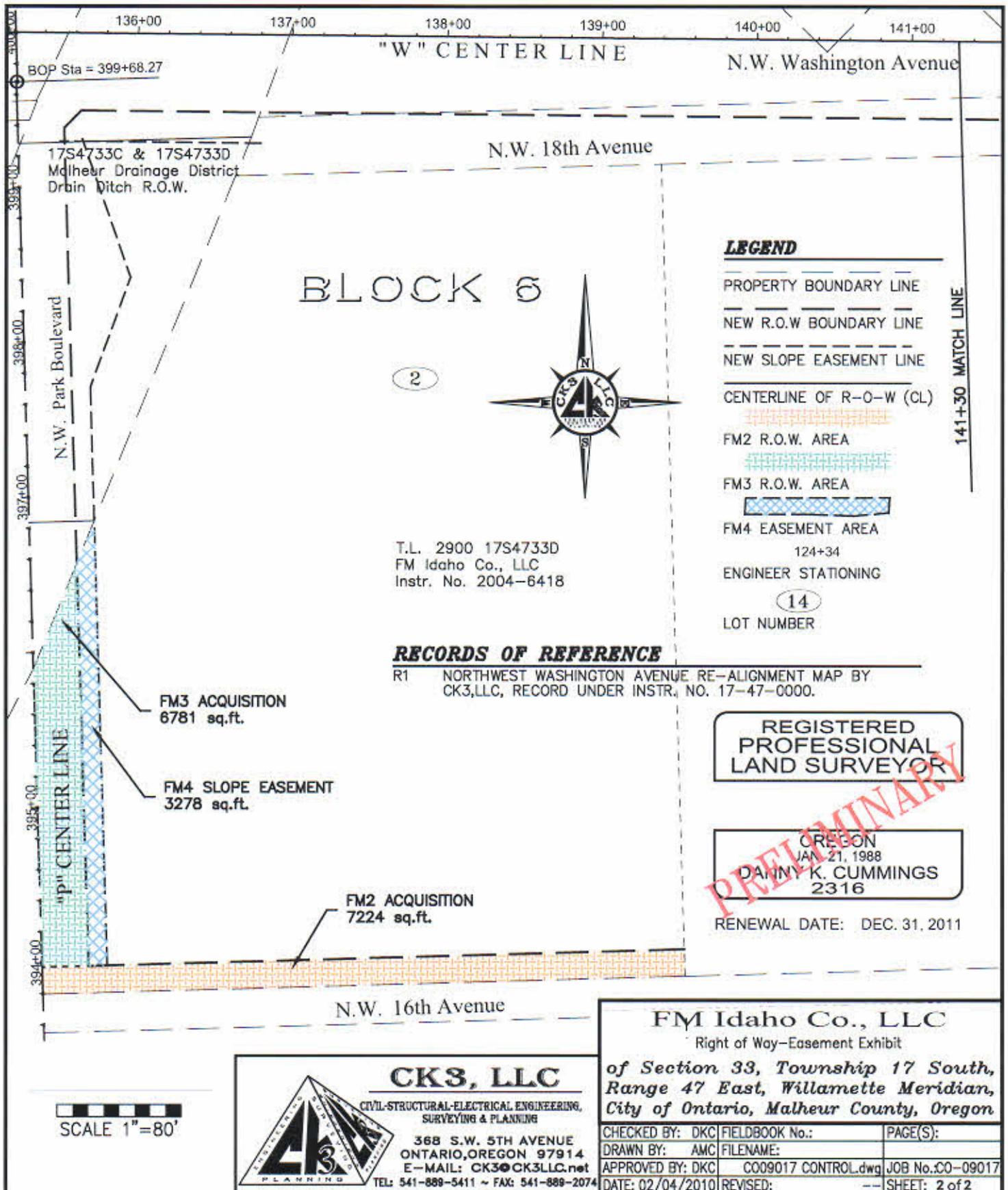
RECORDS OF REFERENCE

R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.

CK3, LLC
 CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
 SURVEYING & PLANNING
 368 S.W. 5TH AVENUE
 ONTARIO, OREGON 97914
 E-MAIL: CK3@CK3LLC.net
 TEL: 541-889-5411 ~ FAX: 541-889-2074

FM Idaho Co., LLC
 Right of Way-Easement Exhibit
*of Section 33, Township 17 South,
 Range 47 East, Willamette Meridian,
 City of Ontario, Malheur County, Oregon*

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DATE: 02/04/2010	REVISED:	SHEET: 1 of 2



BLOCK 6

(2)



T.L. 2900 17S4733D
 FM Idaho Co., LLC
 Instr. No. 2004-6418

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)
- FM2 R.O.W. AREA
- FM3 R.O.W. AREA
- FM4 EASEMENT AREA
124+34
- ENGINEER STATIONING
(14)
- LOT NUMBER

RECORDS OF REFERENCE

R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-C000.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 JAN. 21, 1988
 DANNY K. CUMMINGS
 2316

RENEWAL DATE: DEC. 31, 2011

FM3 ACQUISITION
 6781 sq.ft.

FM4 SLOPE EASEMENT
 3278 sq.ft.

FM2 ACQUISITION
 7224 sq.ft.

SCALE 1"=80'

CK3, LLC
 CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
 SURVEYING & PLANNING
 368 S.W. 5TH AVENUE
 ONTARIO, OREGON 97914
 E-MAIL: CK3@CK3LLC.net
 TEL: 541-889-5411 ~ FAX: 541-889-2074

FM Idaho Co., LLC
 Right of Way-Easement Exhibit
*of Section 33, Township 17 South,
 Range 47 East, Willamette Meridian,
 City of Ontario, Malheur County, Oregon*

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RIGHT OF WAYS & PERMANENT EASEMENTS

DENNIS RAEBURN HART and MARGARET ANN HART
Co-Trustees of the HART FAMILY TRUST, u/t/a/ dated December 13, 1997
1026 SW 9th Avenue
Ontario, OR 97914-3544

Reference Numbers: 25
Map & Tax Lot Numbers: 17S4733D 2800
Deeds: 97-9915

PARCEL 1 (2800) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (H1)

A parcel of land lying in Lot 1, Block 6, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded December 22, 1997, Instrument No. 97-9915 as Parcel 3, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Both sides of the "W" center line of the Re-aligned NW Washington Avenue which center line is described as follows:

Beginning at Engineer's center line Station "W" 124+34.03, said station being 777.43 feet South and 1564.00 feet East of the West 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 01° 38' 56" East 2616.15 feet from said 1/4 corner); thence South 76° 57' 05" East 89.04 feet; thence on a 980.00 feet radius curve left (the long chord of which bears South 87° 45' 47" East 367.66 feet) 369.85 feet; thence on a 3500.00 feet radius curve to the right (the long chord of which bears North 89° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.86 feet; thence on a 580.00 feet radius curve to the right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1038.27 feet to Engineer's center line Station "W" 158+92.22.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
"W" 136+95		"W" 141+50	50
Station	to	Station	Width on Southerly Side of Center Line
"W" 136+75		"W" 142+10	50

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 43,200 square feet, more or less.

Grantor also grants to Grantee, its successors and assigns, permanent easements to construct and maintain slopes upon the following described property:

PARCEL 2 (2800) – Permanent Easement For Slopes (H2)

A parcel of land lying in Lot 1, Block 6, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded December 22, 1997, Instrument No. 97-9915 as Parcel 3, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the

Northerly side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
"W" 137+15		"W" 137+80	60
"W" 137+80		"W" 138+50	60 in a straight line to 50

EXCEPTING THEREFROM Parcel 1 described above.

The Parcel of land to which this description applies contains 975 square feet, more or less.

IT IS UNDERSTOOD that the easement herein granted do not convey any right or interest in the above described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed upon said property, nor shall Grantee be subject to any damages to Grantor, grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting said property.

PARCEL 3 (2800) – FEE (Remainder Parcel of a portion of 2800) (H3)

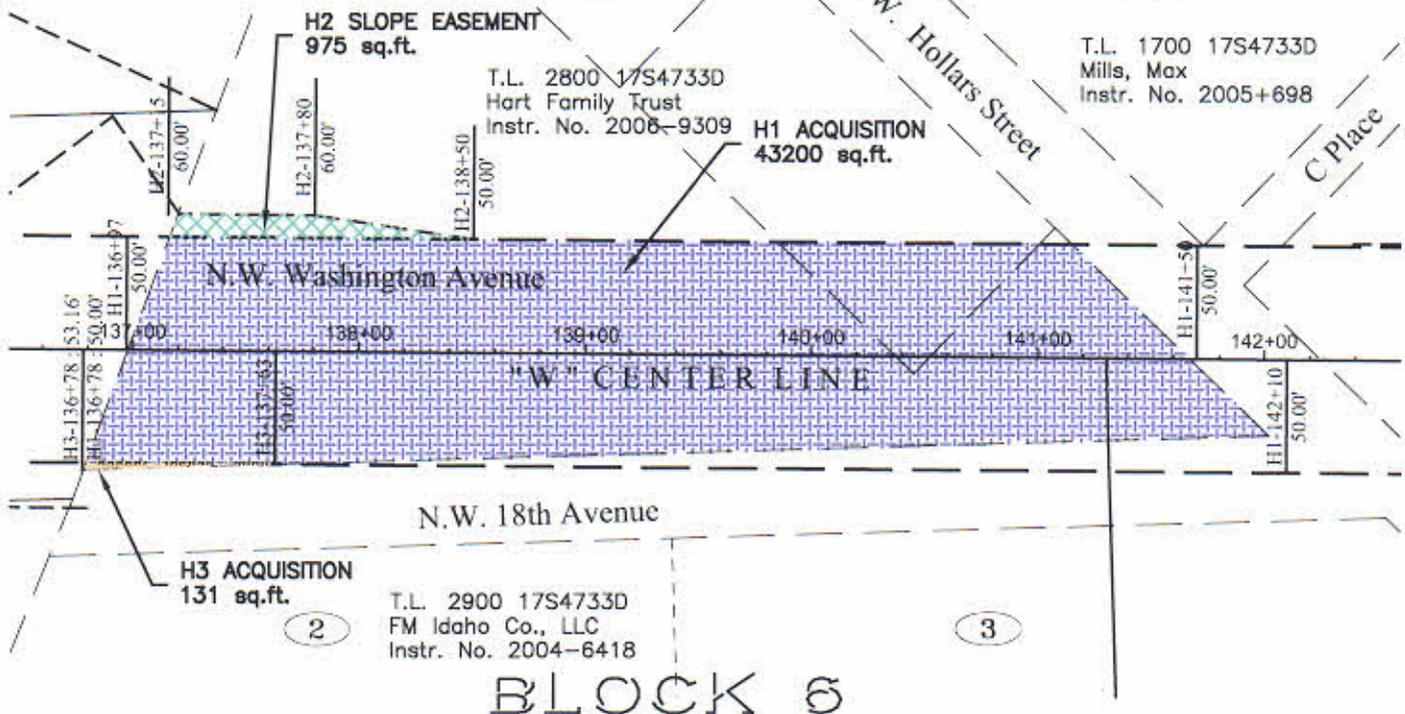
A parcel of land lying in Lot 1, Block 6, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded December 22, 1997, Instrument No. 97-9915 as Parcel 3, Malheur County Deed Records; the said parcel being all that portion of said property, lying South of Parcel 1 described above.

The Parcel of land to which this description applies contains 131 square feet, more or less.

17S4733C & 17S4733D
 Malheur Drainage District
 Drain Ditch R.O.W.

BLOCK 6

BLOCK 3



RECORDS OF REFERENCE

R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP
 BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)

- H1 R.O.W. AREA
- H2 EASEMENT AREA
- H3 R.O.W. AREA
- 124+34
- ENGINEER STATIONING
- 14
- LOT NUMBER

SCALE 1"=80'



CK3, LLC

CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
 SURVEYING & PLANNING

368 S.W. 5TH AVENUE
 ONTARIO, OREGON 97914
 E-MAIL: CK3@CK3LLC.NET
 TEL: 541-889-5411 ~ FAX: 541-889-2074

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR



OREGON
 JAN. 21, 1988
 DANNY K. CUMMINGS
 2316

RENEWAL DATE: DEC. 31, 2011

Hart Family Trust

Right of Way-Easement Exhibit

of Section 33, Township 17 South,
 Range 47 East, Willamette Meridian,
 City of Ontario, Malheur County, Oregon

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DATE: 02/04/2010	REVISED:	SHEET: 1 of 1

RIGHT OF WAYS & PERMANENT EASEMENTS

RILEY J. HILL
P.O. Box 428
Ontario, OR 97914-3544

Reference Numbers: 7430 and 7431
Map & Tax Lot Numbers: 17S4733D 2500 and 2600
Deeds: 2006-4851

PARCEL 1 (2500 & 2600)– RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (RH1)

A parcel of land lying in Lot 25, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded June 30, 2006, Instrument No. 2006-4851, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the East side of the "P" center line of the North Park Boulevard which center line is described as follows:

Beginning at Engineer's center line Station "P" 396+00.00, said station being South 89° 48' 53" West 5.79 feet and North 01° 43' 02" West of the South 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 87° 48' 53" West 2628.06 feet from said 1/4 corner); thence North 01° 43' 02" West 668.27 feet to centerline Station "P" EOP 399+68.27; thence North 88° 19' 03" East 0.73 feet to center line Station "P" BOP 399+68.27; thence North 01° 44' 09" West 331.73 feet to Engineer's center line Station "P" 403+00.00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on East Side of Center Line
"P" 401+25		"P" 402+80	30

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 4,297 square feet, more or less

Grantor also grants to Grantee, its successors and assigns, permanent easement to construct and maintain slopes upon the following described property:

PARCEL 2 (2500 & 2600) – Permanent Easement For Slopes (RH2)

NOT SURE IF ONE IS NEEDED UNTIL DESIGN IS DONE????

T.L. 2400 17S4733C
 Malheur County
 Instr. No. 2001-9022

BLOCK 5

RH1 ACQUISITION
 4297 sq.ft. (25)

T.L. 2500 17S4733C
 Hill, Riley
 Instr. No. 2006-4851

T.L. 2600 17S4733C
 Hill, Riley
 Instr. No. 2006-4851

T.L. 2700 17S4733C
 O.D.O.T.
 Instr. No. 2001-9026

17S4733C & 17S4733D
 Malheur Drainage District
 Drain Ditch R.O.W.

T.L. 3501 17S4733C
 Poole Bros Enterprises Inc.
 Instr. No. 2007-4093

403+00
 402+80
 30.00'
 402+00
 "p" CENTER LINE
 401+25 : 30.00'
 401+00

N Park Boulevard

RECORDS OF REFERENCE

R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP
 BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)



HR1 R.O.W. AREA
 124+34
 ENGINEER STATIONING
 (2)
 LOT NUMBER

SCALE 1"=40'



CK3, LLC

CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
 SURVEYING & PLANNING

368 S.W. 5TH AVENUE
 ONTARIO, OREGON 97914
 E-MAIL: CK3@CK3LLC.NET
 TEL: 541-889-5411 ~ FAX: 541-889-2074

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR



OREGON
 JAN 21, 1988
 DANNY K. CUMMINGS
 2316

RENEWAL DATE: DEC. 31, 2011

Riley Hill

Right of Way-Easement Exhibit

of Section 33, Township 17 South,
 Range 47 East, Willamette Meridian,
 City of Ontario, Malheur County, Oregon

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RIGHT OF WAYS & PERMANENT EASEMENTS

LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.

c/o Greg Love
10601 N. Pennsylvania Ave.
Oklahoma City, Ok 73120-4108

Reference Numbers: 7343
Map & Tax Lot Numbers: 17S4733C 3502
Deeds: 2007-2459

PARCEL 1 – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (L1)

A parcel of land lying in Lots 23 and 24, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded April 2, 2007, Instrument No. 2007-2459, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northwesterly side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described as follows:

Beginning at Engineer's center line Station "W" 124+34.03, said station being 777.43 feet South and 1564.00 feet East of the West 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 01° 38' 56" East 2616.15 feet from said 1/4 corner); thence South 76° 57' 05" East 89.04 feet; thence on a 980.00 feet radius curve left (the long chord of which bears South 87° 45' 47" East 367.66 feet) 369.85 feet; thence on a 3500.00 feet radius curve to the right (the long chord of which bears North 89° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.86 feet; thence on a 580.00 feet radius curve to the right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1038.27 feet to Engineer's center line Station "W" 158+92.22.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northwesterly Side of Center Line
"W" 130+00		"W" 130+25.5	35.03 in a straight line to 69
"W" 130+25.5		"W" 131+05	69
"W" 131+05		"W" 131+26	69 in a straight line to 50
"W" 131+26		"W" 131+60	50

EXCEPTING THEREFROM the lands as deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201.

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 3178 square feet, more or less, outside of the existing right of way deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201.

Grantor also grants to Grantee, its successors and assigns, permanent easements to construct and maintain slopes upon the following described property:

PARCEL 2 – Permanent Easement For Slopes (L2)

A parcel of land lying in Lot 24, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded April 2, 2007, Instrument No. 2007-2459, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northwesterly side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northwesterly Side of Center Line
"W" 131+00		"W" 131+40	68 in a straight line to 60
"W" 131+40		"W" 132+00	60 in a straight line to 60

EXCEPTING THEREFROM Parcel 1 and the lands as deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201.

The Parcel of land to which this description applies contains 558 square feet, more or less.

IT IS UNDERSTOOD that the easement herein granted do not convey any right or interest in the above described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed upon said property, nor shall Grantee be subject to any damages to Grantor, grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting said property.

23

24

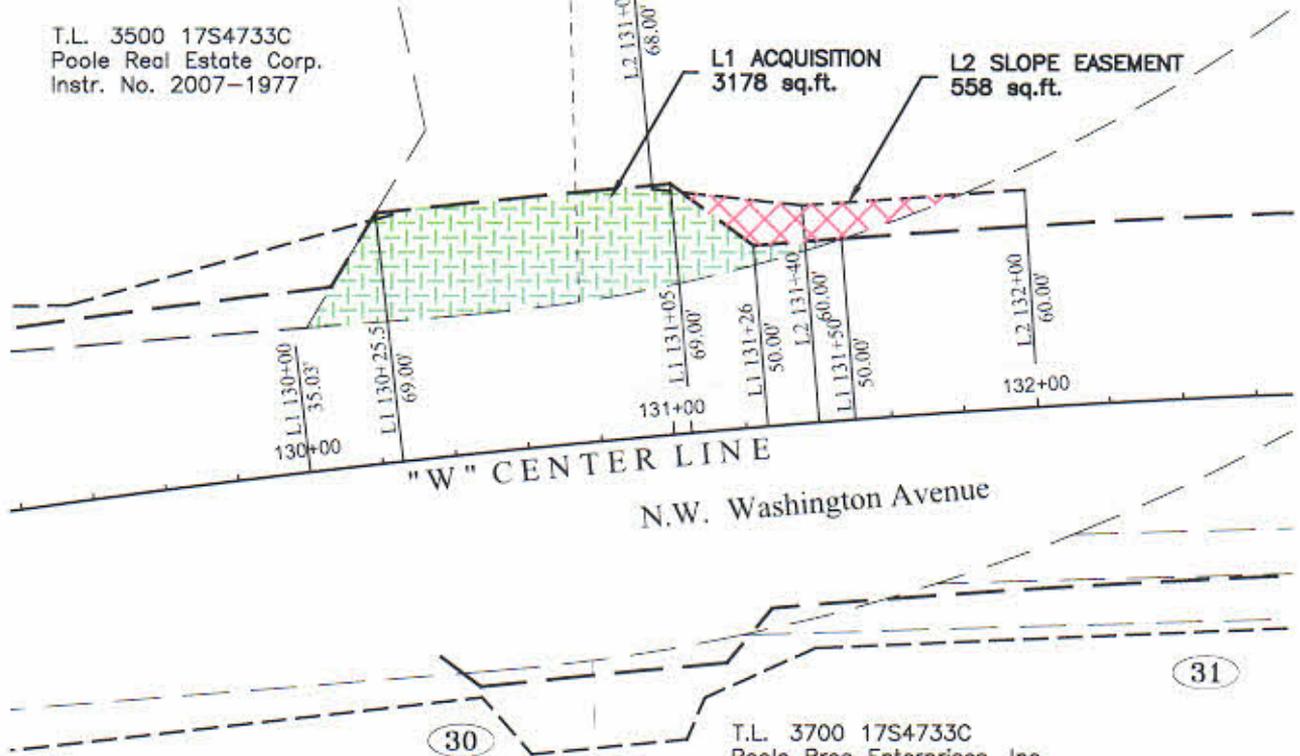
BLOCK 5

T.L. 3500 17S4733C
Poole Real Estate Corp.
Instr. No. 2007-1977

T.L. 3502 17S4733C
Love's Travel Stop & County Store
Instr. No. 2007-2459

L1 ACQUISITION
3178 sq.ft.

L2 SLOPE EASEMENT
558 sq.ft.



"W" CENTER LINE
N.W. Washington Avenue

30

31

T.L. 3700 17S4733C
Poole Bros Enterprises, Inc.
Instr. No. 2007-4094

RECORDS OF REFERENCE

R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)

- L1 R.O.W. AREA
- L2 EASEMENT AREA
- 124+34
- ENGINEER STATIONING
- 14
- LOT NUMBER

SCALE 1"=50'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 21, 1988
DANNY K. CUMMINGS
2316

RENEWAL DATE: DEC. 31, 2011

CK3, LLC
CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
SURVEYING & PLANNING
368 S.W. 5TH AVENUE
ONTARIO, OREGON 97914
E-MAIL: CK3@CK3LLC.net
TEL: 541-889-5411 ~ FAX: 541-889-2074

Love's Travel Stop & County Stores
Right of Way-Easement Exhibit
of Section 33, Township 17 South,
Range 47 East, Willamette Meridian,
City of Ontario, Malheur County, Oregon

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RIGHT OF WAYS & PERMANENT EASEMENTS

MALHEUR COUNTY
C/O Stephanie Williams
County Council
251 B St. West
Vale, OR 97914-1380

Reference Numbers: 7429
Map & Tax Lot Numbers: 17S4733D 2400
Deeds: 2001-9022

PARCEL 1 (2500 & 2600)–RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (MC1)

A parcel of land lying in Lot 25, Block 5, CORRECTED PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded December 19, 2001, Instrument No. 2001-9022, being all of Parcel 1 and a portion of Parcel 3, Malheur County Deed Records; the said portion of parcel 3 being that portion of said property included in a strip of land variable in width, lying on the East side of the "P" center line of the North Park Boulevard which center line is described as follows:

Beginning at Engineer's center line Station "P" 396+00.00, said station being South 89° 48' 53" West 5.79 feet and North 01° 43' 02" West of the South 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 87° 48' 53" West 2628.06 feet from said 1/4 corner); thence North 01° 43' 02" West 668.27 feet to centerline Station "P" EOP 399+68.27; thence North 88° 19' 03" East 0.73 feet to center line Station "P" BOP 399+68.27; thence North 01° 44' 09" West 331.73 feet to Engineer's center line Station "P" 403+00.00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on East Side of Center Line
"P" 402+75		"P" 402+95	30

EXCEPTING THEREFROM that portion of Parcel 1 of Instrument No. 2001-9022

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 102 square feet, more or less

Grantor also grants to Grantee, its successors and assigns, permanent easement to construct and maintain slopes upon the following described property:

PARCEL 2 (2500 & 2600) – Permanent Easement For Slopes (MC2)

NOT SURE IF ONE IS NEEDED UNTIL DESIGN IS DONE???

RIGHT OF WAYS & PERMANENT EASEMENTS

MALHEUR DRAINAGE DISTRICT

C/O Mike Blackaby
280 S. Oregon Street
Ontario, OR 97914-3544

Reference Numbers: None
Map & Tax Lot Numbers: 17S4733C and 17S4733D no tax Lots
Deeds: None found – Easement ? **NOT FEE OWNERS?**

PARCEL 1 – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (MD1)

A parcel of land lying in the South half (S1/2) of Section 33, Township 17 South, Range 47 East, W.M., Malheur County Oregon, the said parcel being bounded on Easterly side by Lots 1 and 2 of Block 6 and on the Westerly side by Lots 25 and 31 of Block 5, and being shown as a Drain Ditch on the PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being that portion of said property included in a strip of land variable in width, lying on the Both sides of the "W" center line of the Re-aligned NW Washington Avenue which center line is described as follows:

Beginning at Engineer's center line Station "W" 124+34.03, said station being 777.43 feet South and 1564.00 feet East of the West 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 01° 38' 56" East 2616.15 feet from said 1/4 corner); thence South 76° 57' 05" East 89.04 feet; thence on a 980.00 feet radius curve left (the long chord of which bears South 87° 45' 47" East 367.66 feet) 369.85 feet; thence on a 3500.00 feet radius curve to the right (the long chord of which bears North 89° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.86 feet; thence on a 580.00 feet radius curve to the right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1038.27 feet to Engineer's center line Station "W" 158+92.22.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
"W" 135+50		"W" 137+20	50
Station	to	Station	Width on Southerly Side of Center Line
"W" 135+30		"W" 137+20	50

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 14,279 square feet, more or less.

PARCEL 2 – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (MD2)

A parcel of land lying in the South half (S1/2) of Section 33, Township 17 South, Range 47 East, W.M., Malheur County Oregon, the said parcel being bounded on Easterly side by Lots 1 and 2 of Block 6 and on the Westerly side by Lots 25 and 31 of Block 5, and being shown as a Drain Ditch on the PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being that portion of said property included in a strip of land variable in width, lying on the Both sides of the "P" center line of the North Park Boulevard which center line is described as follows:

Beginning at Engineer's center line Station "P" 396+00.00, said station being South 89° 48' 53" West 5.79 feet and North 01° 43' 02" West of the South 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 87° 48' 53" West 2628.06 feet from said 1/4 corner); thence North 01° 43' 02" West 668.27 feet to centerline Station "P" EOP 399+68.27; thence North 88° 19' 03" East 0.73 feet to center line Station "P" BOP 399+68.27; thence North 01° 44' 09" West 331.73 feet to Engineer's center line Station "P" 403+00.00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on East Side of Center Line
"P" 395+85		"P" 399+40	30
"P" 399+40		"P" 399+51	30 in a straight line to 42
Station	to	Station	Width on West Side of Center Line
"P" 395+15		"P" 399+30	30

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 19,554 square feet, more or less.

Grantor also grants to Grantee, its successors and assigns, permanent easements to construct and maintain slopes upon the following described property:

PARCEL 3 – Permanent Easement For Slopes (MD3)

A parcel of land lying in the South half (S1/2) of Section 33, Township 17 South, Range 47 East, W.M., Malheur County Oregon, the said parcel being bounded on Easterly side by Lots 1 and 2 of Block 6 and on the Westerly side by Lots 25 and 31 of Block 5, and being shown as a Drain Ditch on the PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being that portion of said property included in a strip of land variable in width, lying on the Both sides of the "W" center line of the Re-aligned NW Washington Avenue which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
"W" 135+60		"W" 135+88	70
"W" 135+88		"W" 136+40	70 in a straight line to 65
"W" 136+40		"W" 136+90	65 in a straight line to 103
"W" 136+90		"W" 137+20	103 in a straight line to 60
"W" 137+20		"W" 137+40	60
Station	to	Station	Width on Southerly Side of Center Line
"W" 135+50		"W" 136+85	70

EXCEPTING THEREFROM Parcel 1 and 2 described above.

The Parcel of land to which this description applies contains 6,042 square feet, more or less.

PARCEL 4 Permanent Easement For Slopes (MD4)

A parcel of land lying in the South half (S1/2) of Section 33, Township 17 South, Range 47 East, W.M., Malheur County Oregon, the said parcel being bounded on Easterly side by Lots 1 and 2 of Block 6 and on the Westerly side by Lots 25 and 31 of Block 5, and being shown as a Drain Ditch on the PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being that portion of said property included in a strip of land variable in width, lying on the Both sides of the "P" center line of the North Park Boulevard which center line is described in Parcel 2.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on East Side of Center Line
"P" 396+45		"P" 397+50	42
"P" 397+50		"P" 398+40	42 in a straight line to 70
"P" 398+40		"P" 399+30	70 in a straight line to 41.5
Station	to	Station	Width on West Side of Center Line
"P" 394+86		"P" 396+00	40 in a straight line to 60
"P" 396+00		"P" 398+00	60 in a straight line to 52
"P" 398+00		"P" 398+60	52 in a straight line to 49.5

EXCEPTING THEREFROM Parcel 2 and 3 described above.

The Parcel of land to which this description applies contains 13,004 square feet, more or less.

Grantor also grants to Grantee, its successors and assigns, temporary easement for the construction of the crossing and roads within this project and being within the following described property:

PARCEL 5 Temporary Easement For Slopes (MD5)

A parcel of land lying in the South half (S1/2) of Section 33, Township 17 South, Range 47 East, W.M., Malheur County Oregon, the said parcel being bounded on Easterly side by Lots 1 and 2 of Block 6 and on the Westerly side by Lots 25 and 31 of Block 5, and being shown as a Drain Ditch on the PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being all that portion of said property included in a strip of land variable in width, lying on the East side of the "P" center line of the North Park Boulevard which center line is described in Parcel 2.

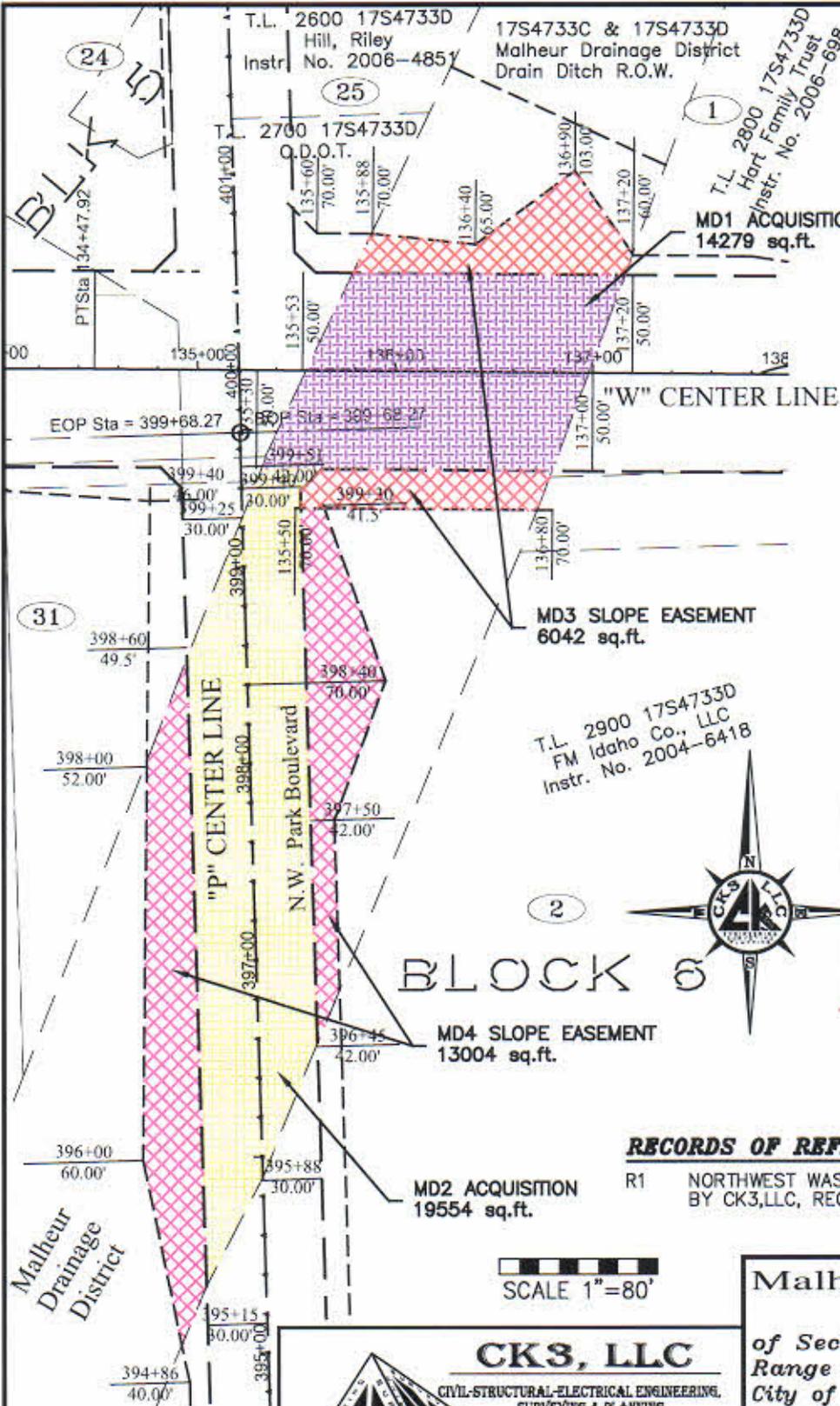
The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on East Side of Center Line
"P" 396+83.7		"P" 399+28.4	42 in a straight line to 151
"P" 399+28.4		"P" 400+97.8	151 in a straight line to 219
"P" 400+97.8		"P" 401+51	219 in a straight line to 112

EXCEPTING THEREFROM Parcels 1, 2, 3 and 4 described above.

The Parcel of land to which this description applies contains 18,083 square feet, more or less

IT IS UNDERSTOOD that the easements herein granted do not convey any right or interest in the above described Parcels 3, 4, and 5, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed upon said property, nor shall Grantee be subject to any damages to Grantor, grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting said property.



LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL) 124+34
- ENGINEER STATIONING
- MD1 R.O.W. AREA
- MD2 R.O.W. AREA
- MD3 EASEMENT AREA
- MD4 EASEMENT AREA 124+34
- ENGINEER STATIONING
- 14
- LOT NUMBER

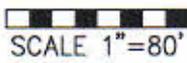
REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JAN. 21, 1988
DANNY K. CUMMINGS
2316

RENEWAL DATE: DEC. 31, 2011

RECORDS OF REFERENCE

- R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.



CK3, LLC
CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING, SURVEYING & PLANNING
368 S.W. 5TH AVENUE
ONTARIO, OREGON 97914
E-MAIL: CK3@CK3LLC.net
TEL: 541-889-5411 ~ FAX: 541-889-2074

Malheur Drainage District
Right of Way-Easement Exhibit
of Section 33, Township 17 South, Range 47 East, Willamette Meridian, City of Ontario, Malheur County, Oregon

CHECKED BY: DKC	FIELDBOOK No.:	PAGE(S):
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APPROVED BY: DKC	CO09017 CONTROL.dwg	JOB No.: CO-09017
DATE: 02/04/2010	REVISED:	SHEET: 1 of 2

RIGHT OF WAYS & PERMANENT EASEMENTS

MAX MILLS
1141 SW 3rd Avenue
Ontario, OR 97914-3544

Reference Numbers: 21
Map & Tax Lot Numbers: 17S4733D 1700
Deeds: 2005-698

PARCEL 1 (1700) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (M1)

A parcel of land lying in Lot 2, Block 3, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded January 31, 2005, Instrument No. 2005-698, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the "O" center line of the NW 9th Street which center line is described as follows:

Beginning at Engineer's center line Station "O" 48+00.00, said station being 1533.88 feet North and 793.36 feet East of the South 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 87° 48' 53" West 2628.06 feet from said 1/4 corner); thence North 01° 43' 03" West 200.00 feet to centerline Station "O" 50+00.00 being the Intersection with NW Washington Street at centerline Station "W" 143+65.58; thence continuing North 01° 43' 03" West 191.42; thence on a 200.00 feet radius curve to the left (the long chord of which bears North 25° 02' 18" West 158.35 feet) 162.81 feet to PCC centerline Station "O" 53+54.23.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Westerly Side of Center Line
"O" 52+15		"O" 52+90	30

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 593 square feet, more or less.

Grantor also grants to Grantee, its successors and assigns, permanent easement to construct and maintain slopes upon the following described property:

PARCEL 2 (1700) – Permanent Easement For Slopes (M2)

A parcel of land lying in Lot 3, Block 3, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded April 5, 2002, Instrument No. 2002-2696, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the "O" center line of the NW 9th Street which center line is described in Parcel 1 above.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Westerly Side of Center Line
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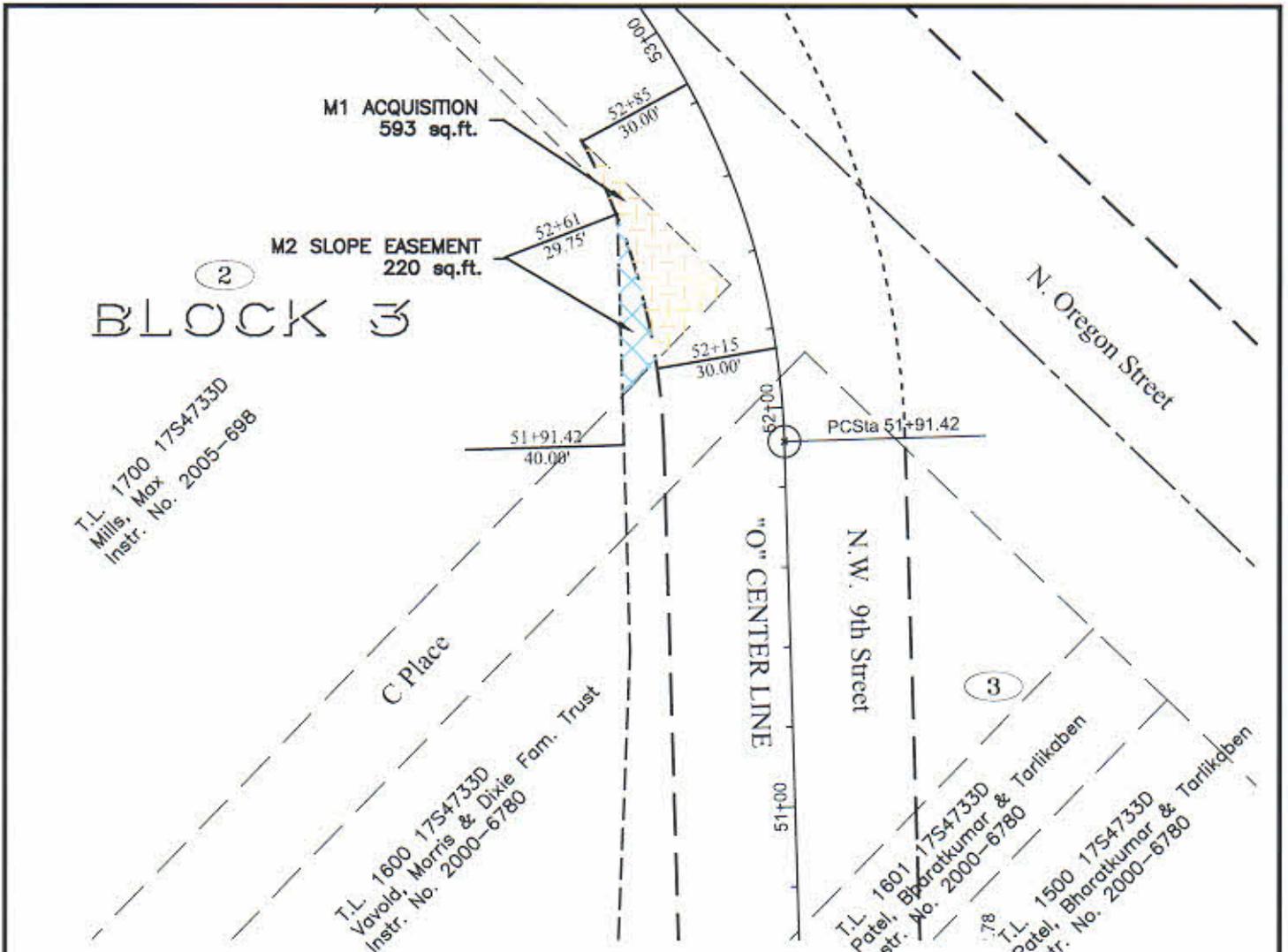
"O" 51+91.42

"O" 52+61

40 in a straight line to 29.75

The Parcel of land to which this description applies contains 220 square feet, more or less.

IT IS UNDERSTOOD that the easement herein granted do not convey any right or interest in the above described Parcels 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed upon said property, nor shall Grantee be subject to any damages to Grantor, grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting said property.



T.L. 1700 1754733D
Mills, Max
Instr. No. 2005-698

T.L. 1600 1754733D
Vovold, Morris & Dixie Fam. Trust
Instr. No. 2000-6780

T.L. 1601 1754733D
Patel, Bharatkumar & Tarlikaben
Instr. No. 2000-6780

T.L. 1500 1754733D
Patel, Bharatkumar & Tarlikaben
Instr. No. 2000-6780

RECORDS OF REFERENCE

R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)

M1 R.O.W. AREA



M2 EASEMENT AREA



124+34
ENGINEER STATIONING

14

LOT NUMBER



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

OREGON
JAN 21, 1988
DANNY K. CUMMINGS
2316

RENEWAL DATE: DEC. 31, 2011

CK3, LLC
CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
SURVEYING & PLANNING

368 S.W. 5TH AVENUE
ONTARIO, OREGON 97914
E-MAIL: CK3@CK3LLC.net
TEL: 541-889-5411 ~ FAX: 541-889-2074

Max Mills
Right of Way-Easement Exhibit

*of Section 33, Township 17 South,
Range 47 East, Willamette Meridian,
City of Ontario, Malheur County, Oregon*

CHECKED BY: DKC	FIELDBOOK No.:	PAGE(S):
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APPROVED BY: DKC	CO09017 CONTROL.dwg	JOB No.: CO-09017
DATE: 02/04/2010	REVISED:	SHEET: 1 of 1

RIGHT OF WAY

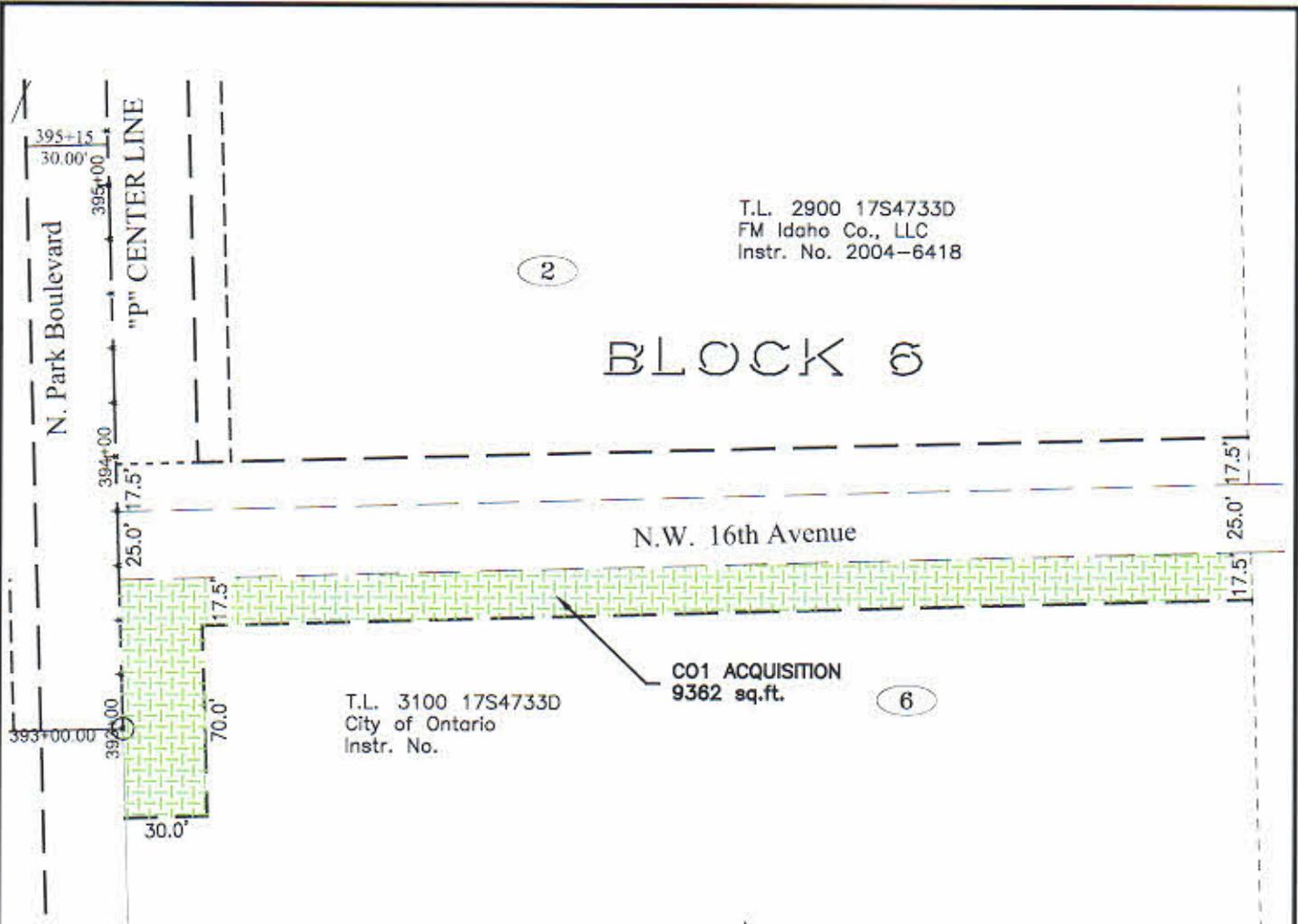
CITY OF ONTARIO
444 SW 4th Avenue
Ontario, OR 97914-3544

Reference Numbers: 7433
Map & Tax Lot Numbers: 17S4733D 3100
Deeds: 2009-6303

PARCEL 1 (3100) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (CO1)

A parcel of land lying in Lot 6, Block 6, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded August 26, 2009, Instrument No. 2009-6303, Malheur County Deed Records, the said parcel being the West 30 feet of the North 87.50 feet and the North 17.50 feet of said Lot 6, Block 6.

The Parcel of land to which this description applies contains 9,362 square feet, more or less.



RECORDS OF REFERENCE

R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)

CO1 R.O.W. AREA
124+34
ENGINEER STATIONING
14
LOT NUMBER



SCALE 1"=60'

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JAN 21, 1988
DANNY K. CUMMINGS
2316

RENEWAL DATE: DEC. 31, 2011

PRELIMINARY

CK3, LLC
CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING, SURVEYING & PLANNING
368 S.W. 5TH AVENUE
ONTARIO, OREGON 97914
E-MAIL: CK3@CK3LLC.net
TEL: 541-889-5411 ~ FAX: 541-889-2074

City of Ontario
Right of Way-Easement Exhibit
of Section 33, Township 17 South, Range 47 East, Willamette Meridian, City of Ontario, Malheur County, Oregon

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APPROVED BY: DKC	CO09017 CONTROL.dwg	JOB No.: CO-09017
DATE: 02/05/2010	REVISED:	SHEET: 1 of 1

RIGHT OF WAYS & PERMANENT EASEMENTS

BHARATKUMAR C. & TARLIKABEN B. PATEL

13621 SE Eastridge Street
Portland, OR 97236-6625

Reference Numbers: 18 and 20
Map & Tax Lot Numbers: 17S4733D 1500 and 1601
Deeds: 2004-6418

PARCEL 1 (1500 & 1601) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (P1)

A parcel of land lying in Lot 3, Block 3, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded September 25, 2000, Instrument No. 2000-6780, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Both sides of the "W" center line of the Re-aligned NW Washington Avenue which center line is described as follows:

Beginning at Engineer's center line Station "W" 124+34.03, said station being 777.43 feet South and 1564.00 feet East of the West 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 01° 38' 56" East 2616.15 feet from said 1/4 corner); thence South 76° 57' 05" East 89.04 feet; thence on a 980.00 feet radius curve left (the long chord of which bears South 87° 45' 47" East 367.66 feet) 369.85 feet; thence on a 3500.00 feet radius curve to the right (the long chord of which bears North 89° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.86 feet; thence on a 580.00 feet radius curve to the right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1038.27 feet to Engineer's center line Station "W" 158+92.22.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
"W" 142+95		"W" 145+35	50
Station	to	Station	Width on Southerly Side of Center Line
"W" 142+60		"W" 145+10	50

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 19,971 square feet, more or less.

PARCEL 2 (1500 & 1601) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (P2)

A parcel of land lying in Lot 3, Block 3, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded September 25, 2000, Instrument No. 2000-6780, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Both side of the "O" center line of the NW 9th Street which center line is described as follows:

Beginning at Engineer's center line Station "O" 48+00.00, said station being 1533.88 feet North and 793.36 feet East of the South 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which

the SW corner of said Section 33 bears South 87° 48' 53" West 2628.06 feet from said 1/4 corner); thence North 01° 43' 03" West 200.00 feet to centerline Station "O" 50+00.00 being the Intersection with NW Washington Street at centerline Station "W" 143+65.58; thence continuing North 01° 43' 03" West 191.42; thence on a 200.00 feet radius curve to the left (the long chord of which bears North 25° 02' 18" West 158.35 feet) 162.81 feet to PCC centerline Station "O" 53+54.23.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on East Side of Center Line
"O" 48+45		"O" 51+00	30
Station	to	Station	Width on West Side of Center Line
"O" 48+45		"O" 50+70	30

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

EXCEPTING THEREFROM Parcel 1 described above.

The Parcel of land to which this description applies contains 5,700 square feet, more or less

Grantor also grants to Grantee, its successors and assigns, permanent easement to construct and maintain slopes upon the following described property:

PARCEL 3 (1500 & 1601) – Permanent Easement For Slopes (P3)

A parcel of land lying in Lot 3, Block 3, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded September 25, 2000, Instrument No. 2000-6780, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the South side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described in Parcel 1 above.

The widths in feet of the strip of land above referred to are as follows:

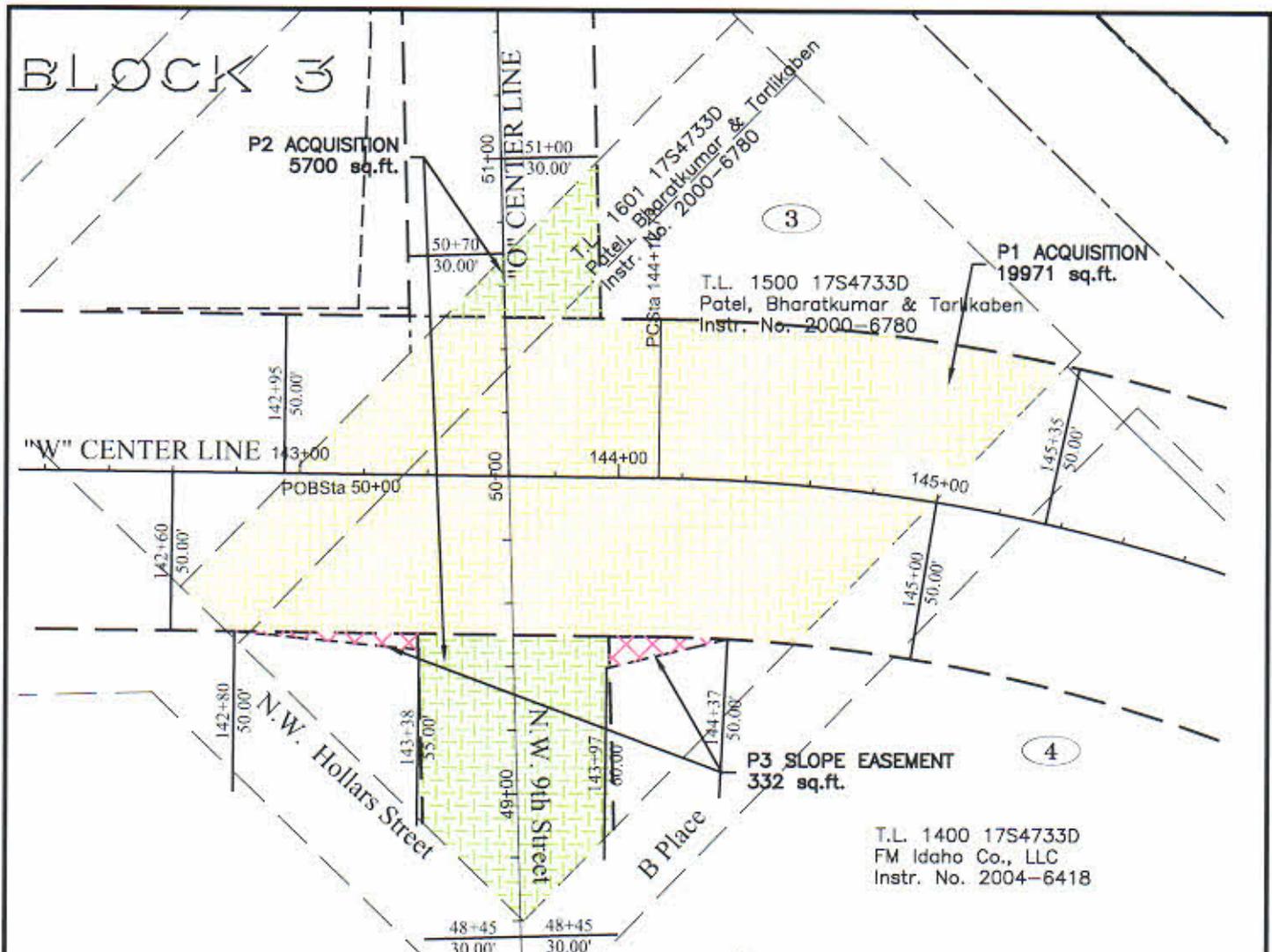
Station	to	Station	Width on Southerly Side of Center Line
"W" 142+80		"W" 143+38	50 in a straight line to 55
"W" 143+38		"W" 143+97	55 in a straight line to 60
"W" 143+97		"W" 144+37	60 in a straight line to 50

EXCEPTING THEREFROM Parcel 1 and 2 described above.

The Parcel of land to which this description applies contains 332 square feet, more or less.

IT IS UNDERSTOOD that the easement herein granted do not convey any right or interest in the above described Parcel 3, except as stated herein, nor prevent Grantor from the use of said property; provided,

however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed upon said property, nor shall Grantee be subject to any damages to Grantor, grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting said property.



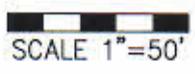
RECORDS OF REFERENCE

R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.

LEGEND

- 124+34 ENGINEER STATIONING
- - - NEW R.O.W BOUNDARY LINE
- - - NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)
- ⑭ LOT NUMBER

- P1 R.O.W. AREA
- P2 R.O.W. AREA
- P3 EASEMENT AREA



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JAN 21, 1988
DANNY K. CUMMINGS
2316

RENEWAL DATE: DEC. 31, 2011

CK3, LLC
CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
SURVEYING & PLANNING
368 S.W. 5TH AVENUE
ONTARIO, OREGON 97914
E-MAIL: CK3@CK3LLC.net
TEL: 541-889-5411 ~ FAX: 541-889-2074

Bharatkumar C. & Tarlikaben B. Patel
Right of Way-Easement Exhibit
of Section 33, Township 17 South,
Range 47 East, Willamette Meridian,
City of Ontario, Malheur County, Oregon

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APPROVED BY: DKC	CO09017 CONTROL.dwg	JOB No.:CO-09017
DATE: 02/04/2010	REVISED:	SHEET: 1 of 1

RIGHT OF WAYS & PERMANENT EASEMENTS

POOLE BROS. ENTERPRISES, INC.

1067 SW 7th Avenue
Ontario, OR 97914-3544

Reference Numbers: 7339, 7397, and 7398
Map & Tax Lot Numbers: 17S4733C 3501, 3600, and 3700
Deeds: 2007-4093, 2007-4200, and 2007-4094

PARCEL 1 (3501) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (PB1)

A parcel of land lying in Lot 24 and vacated NW 18th Avenue, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded May 31, 2007, Instrument No. 2007-4093, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Both sides of the "W" center line of the Re-aligned NW Washington Avenue which center line is described as follows:

Beginning at Engineer's center line Station "W" 124+34.03, said station being 777.43 feet South and 1564.00 feet East of the West 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 01° 38' 56" East 2616.15 feet from said 1/4 corner); thence South 76° 57' 05" East 89.04 feet; thence on a 980.00 feet radius curve left (the long chord of which bears South 87° 45' 47" East 367.66 feet) 369.85 feet; thence on a 3500.00 feet radius curve to the right (the long chord of which bears North 89° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.86 feet; thence on a 580.00 feet radius curve to the right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1038.27 feet to Engineer's center line Station "W" 158+92.22.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northwesterly Side of Center Line
"W" 132+80		"W" 135+00	50
Station	to	Station	Width on Southeasterly Side of Center Line
"W" 131+50		"W" 135+00	50

EXCEPTING THEREFROM the lands as deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201.

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 20,096 square feet, more or less, outside of the existing right of way deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201.

PARCEL 2 (3700) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (PB2)

A parcel of land lying in Lots 30, 31 and vacated NW 18th Avenue, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded May 31, 2007, Instrument No. 2007-4094, Malheur

County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southeasterly side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southeasterly Side of Center Line
"W" 130+30		"W" 130+40	54.77 in a straight line to 64
"W" 130+40		"W" 131+09	64
"W" 131+09		"W" 131+23	64 in a straight line to 50
"W" 131+23		"W" 134+03	50

EXCEPTING THEREFROM the lands as deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201.

The Parcel of land to which this description applies contains 597 square feet, more or less, outside of the existing right of way deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201.

PARCEL 3 (3600) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (PB3)

A parcel of land lying in Lot 31 and vacated NW 18th Avenue, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded June 4, 2007, Instrument No. 2007-4200, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southeasterly side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southeasterly Side of Center Line
"W" 134+01		"W" 134+81.72	50
"W" 134+81.72		"W" 134+92.5	50 in a straight line to 60.4

The Parcel of land to which this description applies contains 308 square feet, more or less.

PARCEL 4 (3600) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (PB4)

A parcel of land lying in Lot 31, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded June 4, 2007, Instrument No. 2007-4200, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the both sides of the "P" center line of the North Park Boulevard which center line is described as follows:

Beginning at Engineer's center line Station "P" 396+00.00, said station being South 89° 48' 53" West 5.79 feet and North 01° 43' 02" West of the South 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 87° 48' 53" West 2628.06 feet from said 1/4 corner); thence North 01° 43' 02" West 668.27 feet to centerline Station "P" EOP 399+68.27; thence North 88° 19' 03" East 0.73 feet to center line Station "P" BOP 399+68.27; thence North 01° 44' 09" West 331.73 feet to Engineer's center line Station "P" 403+00.00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on East Side of Center Line
"P" 399+20		"P" 399+45	30
Station	to	Station	Width on West Side of Center Line
"P" 398+50		"P" 399+41	30
"P" 399+41		"P" 399+43.28	30 in a straight line to 32.24

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 1,675 square feet, more or less

Grantor also grants to Grantee, its successors and assigns, permanent easements to construct and maintain slopes upon the following described property:

PARCEL 5 (3700) – Permanent Easement For Slopes (PB5)

A parcel of land lying in Lots 30, 31 and vacated NW 18th Avenue, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded May 31, 2007, Instrument No. 2007-4094, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southeasterly side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southerly Side of Center Line
"W" 126+00		"W" 126+60	69 in a straight line to 69
"W" 126+60		"W" 127+20	69 in a straight line to 65
"W" 127+20		"W" 129+80	65 in a straight line to 67
"W" 129+80		"W" 130+40	67 in a straight line to 67
"W" 130+40		"W" 130+48	67 in a straight line to 84
"W" 130+48		"W" 130+96	84 in a straight line to 84
"W" 130+96		"W" 131+02	84 in a straight line to 73
"W" 131+02		"W" 131+34	73 in a straight line to 62
"W" 131+34		"W" 134+00	62 in a straight line to 62
"W" 134+00		"W" 134+76.5	62 in a straight line to 67

EXCEPTING THEREFROM Parcel 1 and 2 described above.

The Parcel of land to which this description applies contains 10,566 square feet, more or less.

PARCEL 6 (3600) – Permanent Easement For Slopes (PB6)

A parcel of land lying in Lot 31 and vacated NW 18th Avenue, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded June 4, 2007, Instrument No. 2007-4200, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southeasterly side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on southerly Side of Center Line
"W" 134+00		"W" 134+76.5	62 in a straight line to 67
"W" 131+76.6		"W" 135+00	67 in a straight line to 66.07

EXCEPTING THEREFROM Parcel 3 described above.

The Parcel of land to which this description applies contains 1,287 square feet, more or less.

PARCEL 7 (3600) – Permanent Easement For Slopes (PB7)

A parcel of land lying in Lot 31, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded June 4, 2007, Instrument No. 2007-4200, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the West side of the "P" center line of the North Park Boulevard which center line is described in Parcel 4.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on West Side of Center Line
"P" 398+00		"P" 399+35	51.6 in a straight line to 46.25

EXCEPTING THEREFROM Parcel 4 and 6 described above.

The Parcel of land to which this description applies contains 1,953 square feet, more or less

PARCEL 8 (3501) – Permanent Easement For Slopes (PB8)

A parcel of land lying in Lot 24, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded May 31, 2007, Instrument No. 2007-4093, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the West side of the "P" center line of the North Park Boulevard which center line is described in Parcel 4.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on West Side of Center Line
"P" 401+10		"P" 402+10	34

EXCEPTING THEREFROM the existing 30 feet right of way as per said Corrected Plat of Oregon Western Colonization Co. Subdivision Second Addition

The Parcel of land to which this description applies contains 349 square feet, more or less

IT IS UNDERSTOOD that the easement herein granted do not convey any right or interest in the above described Parcels 5, 6, and 7, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed upon said property, nor shall Grantee be subject to any damages to Grantor, grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting said property.

PARCEL 9 (3501) – FEE (Remainder Parcel of a portion of 3501) (PB9)

A parcel of land lying in Lot 24, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded May 31, 2007, Instrument No. 2007-4093, Malheur County Deed Records; the said parcel being that portion of said property being irregular in shape, lying Southeasterly of Parcel 1 and Southwesterly of Parcel 2 of the lands as deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201 and Northerly of the North right of way line of the Re-aligned NW Washington Avenue which center line is described as follows:

Beginning at Engineer's center line Station "W" 124+34.03, said station being 777.43 feet South and 1564.00 feet East of the West 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 01° 38' 56" East 2616.15 feet from said 1/4 corner); thence South 76° 57' 05" East 89.04 feet; thence on a 980.00 feet radius curve left (the long chord of which bears South 87° 45' 47" East 367.66 feet) 369.85 feet; thence on a 3500.00 feet radius curve to the right (the long chord of which bears North 89° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.80 feet; thence on a 580.00 feet radius curve to the right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1038.31 feet to Engineer's center line Station "W" 158+92.20.

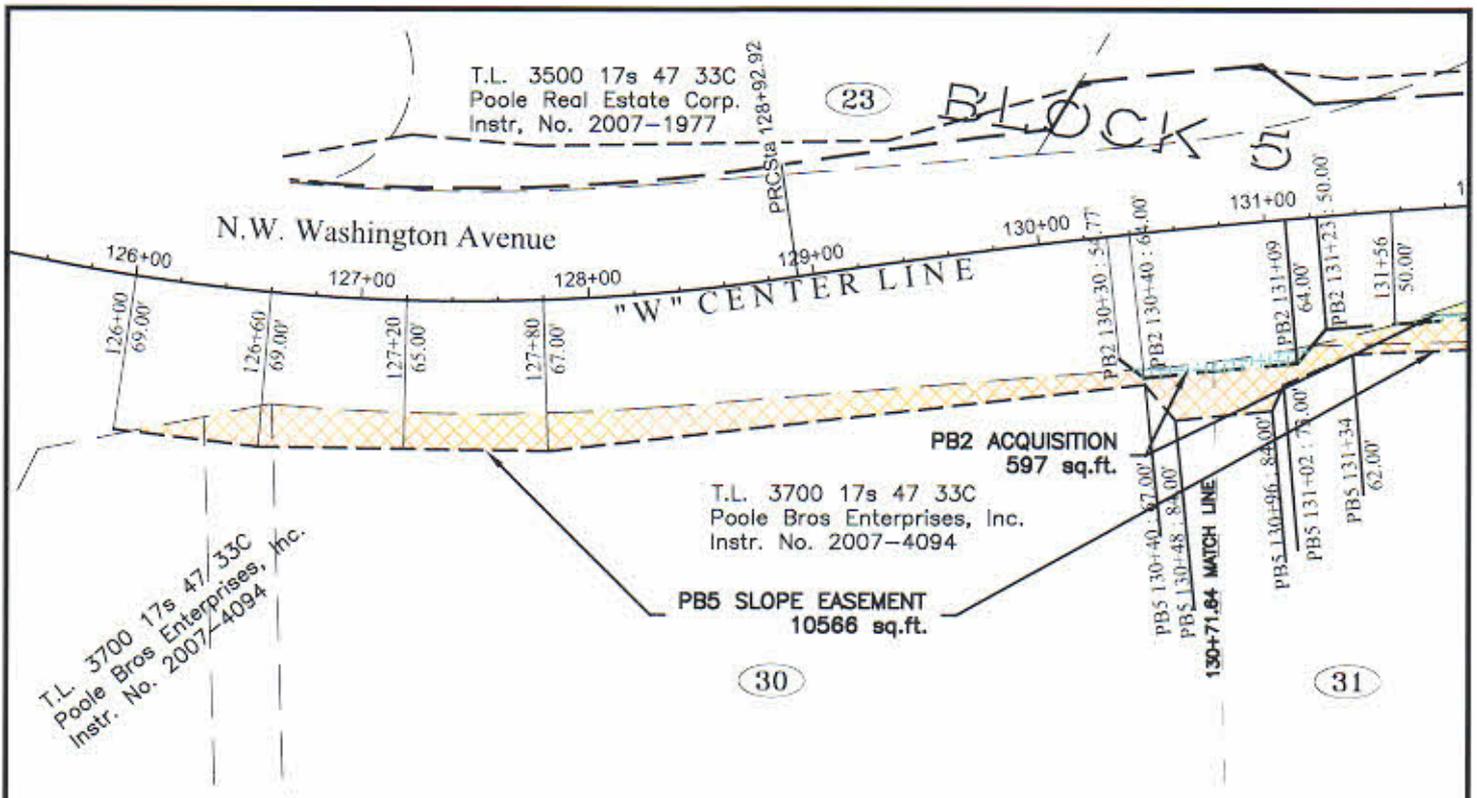
The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northwesterly Side of Center Line
"W" 133+45		"W" 134+60	50

EXCEPTING THEREFROM the lands as deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201.

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 1,441 square feet.



RECORDS OF REFERENCE

R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)
- PB2 R.O.W. AREA
- PB5 EASEMENT AREA
- 124+34
- ENGINEER STATIONING
- 14
- LOT NUMBER



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN 21, 1988
DANNY K. CUMMINGS
2316

RENEWAL DATE: DEC. 31, 2011

SCALE 1"=80'

CK3, LLC
CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
SURVEYING & PLANNING
368 S.W. 5TH AVENUE
ONTARIO, OREGON 97914
E-MAIL: CK3@CK3LLC.NET
TEL: 541-889-5411 ~ FAX: 541-889-2074

Poole Bros Enterprises, Inc.
Right of Way-Easement Exhibit
*of Section 33, Township 17 South,
Range 47 East, Willamette Meridian,
City of Ontario, Malheur County, Oregon*

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**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

OREGON
JAN 21, 1988
DANNY K. CUMMINGS
2316

RENEWAL DATE: DEC. 31, 2011

SCALE 1"=60'

T.L. 3502 17S4733C
Love's Travel Stop & Country Store
Instr. No. 2007-2459



(24)

PB8 SLOPE EASEMENT
349 sq.ft.

T.L. 3501 17S4733C
Poole Bros Enterprises Inc.
Instr. No. 2007-4093

PB9 ACQUISITION
1457 sq.ft.

PB1 ACQUISITION
20096 sq.ft.

BLOCK 5

N.W. Washington Avenue

"W" CENTER LINE

T.L. 3501 17S4733C
Poole Bros Enterprises Inc.
Instr. No. 2007-4093

EOP Sta = 399+68.27 BOP

PB6 SLOPE EASEMENT
1287 sq.ft.

PB3 ACQUISITION
308 sq.ft.

PB2 ACQUISITION
597 sq.ft.

PB5 SLOPE EASEMENT
10566 sq.ft.

T.L. 3700 17S4733C
Poole Bros Enterprises, Inc.
Instr. No. 2007-4094

PB4 ACQUISITION
1675 sq.ft.

PB7 SLOPE EASEMENT
1953 sq.ft.

RECORDS OF REFERENCE

R1 NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP
BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.

130+71.84 MATCH LINE

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)
124+34
- ENGINEER STATIONING

- PB5 EASEMENT AREA
- PB6 EASEMENT AREA
- PB7 EASEMENT AREA
- PB8 EASEMENT AREA
- PB9 R.O.W. AREA

- PB1 R.O.W. AREA
- PB2 R.O.W. AREA
- PB3 R.O.W. AREA
- PB4 R.O.W. AREA

(14)
LOT NUMBER



CK3, LLC

CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
SURVEYING & PLANNING

368 S.W. 5TH AVENUE
ONTARIO, OREGON 97914
E-MAIL: CK3@CK3LLC.net
TEL: 541-889-5411 ~ FAX: 541-889-2074

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Right of Way-Easement Exhibit
of Section 33, Township 17 South,
Range 47 East, Willamette Meridian,
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RIGHT OF WAYS & PERMANENT EASEMENTS

POOLE REAL ESTATE CORPORATION

1067 SW 7th Avenue
Ontario, OR 97914-3544

Reference Numbers: 7396
Map & Tax Lot Numbers: 17S4733C 3500
Deeds: 2007-1977

PARCEL 1 – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (PR1)

A parcel of land lying in Lot 23, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded March 16, 2007, Instrument No. 2007-1977, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northwesterly side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described as follows:

Beginning at Engineer's center line Station "W" 124+34.03, said station being 777.43 feet South and 1564.00 feet East of the West 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 01° 38' 56" East 2616.15 feet from said 1/4 corner); thence South 76° 57' 05" East 89.04 feet; thence on a 980.00 feet radius curve left (the long chord of which bears South 87° 45' 47" East 367.66 feet) 369.85 feet; thence on a 3500.00 feet radius curve to the right (the long chord of which bears North 89° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.86 feet; thence on a 580.00 feet radius curve to the right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1038.27 feet to Engineer's center line Station "W" 158+92.22.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northwesterly Side of Center Line
"W" 126+60		"W" 130+10.62	50
"W" 130+10.62		"W" 130+25.52	50 in a straight line to 69

EXCEPTING THEREFROM the lands as deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201.

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 1297 square feet, more or less, outside of the existing right of way deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201.

Grantor also grants to Grantee, its successors and assigns, permanent easements to construct and maintain slopes upon the following described property:

PARCEL 2 – Permanent Easement For Slopes (PR2)

A parcel of land lying in Lot 23, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded March 16, 2007, Instrument No. 2007-1977, Malheur County Deed Records; the said parcel

being that portion of said property included in a strip of land variable in width, lying on the Northwesterly side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described in Parcel 1.

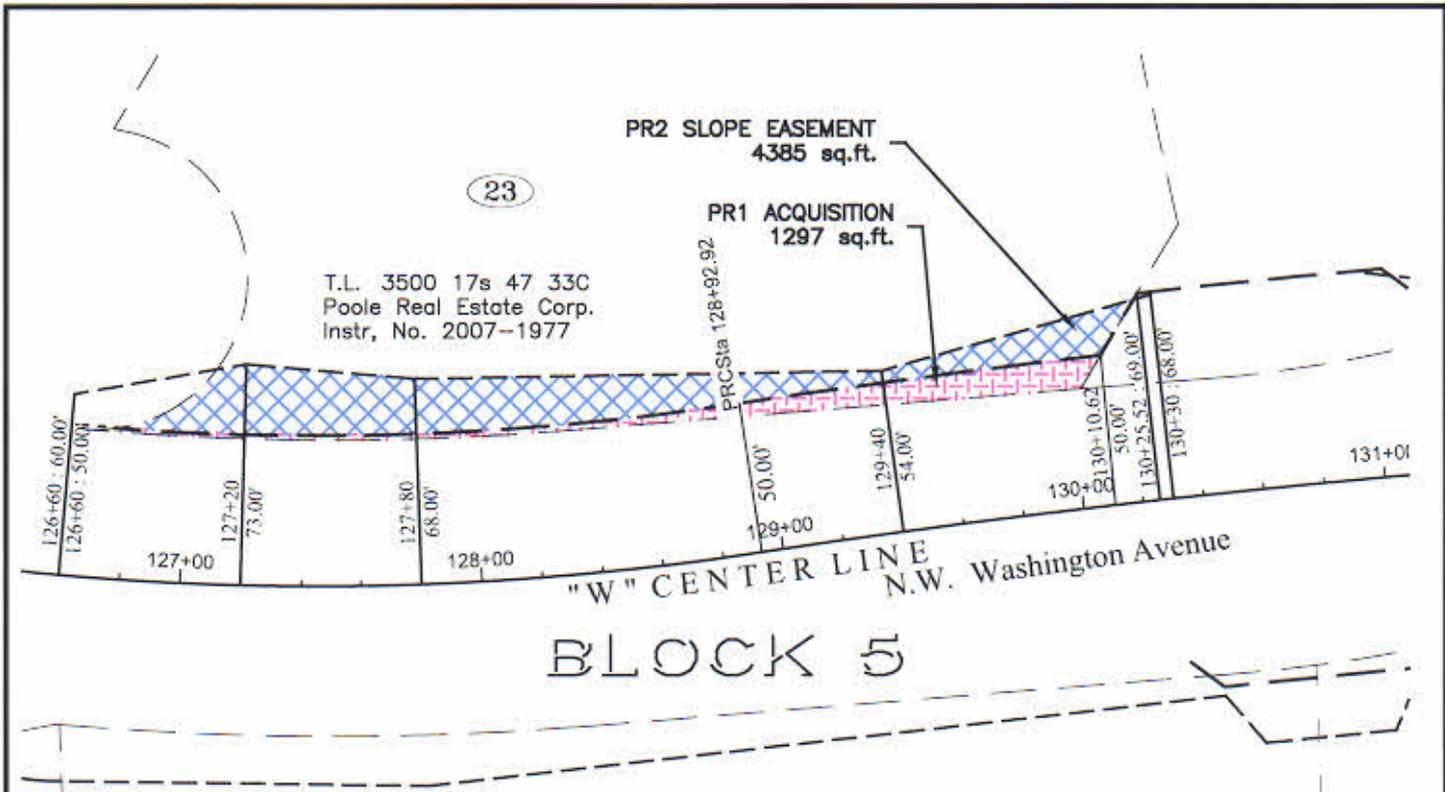
The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northwesterly Side of Center Line
"W" 126+60		"W" 127+20	60 in a straight line to 73
"W" 127+20		"W" 127+80	73 in a straight line to 68
"W" 127+80		"W" 129+40	68 in a straight line to 54
"W" 129+40		"W" 130+30	54 in a straight line to 68

EXCEPTING THEREFROM Parcel 1 and the lands as deeded to the State of Oregon, by and through its Department of Transportation recorded as Instrument No. 2002-4201.

The Parcel of land to which this description applies contains 4385 square feet, more or less.

IT IS UNDERSTOOD that the easement herein granted do not convey any right or interest in the above described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed upon said property, nor shall Grantee be subject to any damages to Grantor, grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting said property.



"W" CENTER LINE
N.W. Washington Avenue
BLOCK 5

(23)

T.L. 3500 17s 47 33C
Poole Real Estate Corp.
Instr. No. 2007-1977

PR2 SLOPE EASEMENT
4385 sq.ft.

PR1 ACQUISITION
1297 sq.ft.

PRCSta 128+92.92

(31)

T.L. 3700 17s 47 33C
Poole Bros Enterprises, Inc.
Instr. No. 2007-4094

(30)

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

OREGON
JAN 21, 1988
DANNY K. CUMMINGS
2316

RENEWAL DATE: DEC. 31, 2011

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)
- EASEMENT AREA
- R.O.W. AREA
- ENGINEER STATIONING
- LOT NUMBER

RECORDS OF REFERENCE

- R1 NORTHWEST WASHINGTON AVENUE
RE-ALIGNMENT MAP BY CK3,LLC,
RECORD UNDER INSTR. NO.
17-47-0000.



SCALE 1"=60'

CK3, LLC
CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
SURVEYING & PLANNING
368 S.W. 5TH AVENUE
ONTARIO, OREGON 97914
E-MAIL: CK3@CK3LLC.net
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Poole Real Estate Corp.
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RIGHT OF WAYS & PERMANENT EASEMENTS

STATE OF OREGON

by and through its Dept. of Transportation
355 Capitol St. NE RM 420
Salem, OR 97301-3871

Reference Numbers: 7432
Map & Tax Lot Numbers: 17S4733D 2700
Deeds: 2001-9026

PARCEL 1 (2700) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (O1)

A parcel of land lying in Lot 25, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded December 19, 2001, Instrument No. 2001-9026 as Parcel 7, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Both sides of the "W" center line of the Re-aligned NW Washington Avenue which center line is described as follows:

Beginning at Engineer's center line Station "W" 124+34.03, said station being 777.43 feet South and 1564.00 feet East of the West 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 01° 38' 56" East 2616.15 feet from said 1/4 corner); thence South 76° 57' 05" East 89.04 feet; thence on a 980.00 feet radius curve left (the long chord of which bears South 87° 45' 47" East 367.66 feet) 369.85 feet; thence on a 3500.00 feet radius curve to the right (the long chord of which bears North 89° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.86 feet; thence on a 580.00 feet radius curve to the right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1038.27 feet to Engineer's center line Station "W" 158+92.22.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
"W" 135+15		"W" 135+80	50
Station	to	Station	Width on Southwesterly Side of Center Line
"W" 135+15		"W" 135+60	50

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 3,370 square feet, more or less.

PARCEL 2 (2700) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (O2)

A parcel of land lying in Lot 25, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded December 19, 2001, Instrument No. 2001-9026 as Parcel 7, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the East side of the "P" center line of the North Park Boulevard which center line is described as follows:

Beginning at Engineer's center line Station "P" 396+00.00, said station being South 89° 48' 53" West 5.79 feet and North 01° 43' 02" West of the South 1/4 corner of Section 33, Township 17 South, Range 47 east,

W.M. (from which the SW corner of said Section 33 bears South 87° 48' 53" West 2628.06 feet from said 1/4 corner); thence North 01° 43' 02" West 668.27 feet to centerline Station "P" EOP 399+68.27; thence North 88° 19' 03" East 0.73 feet to center line Station "P" BOP 399+68.27; thence North 01° 44' 09" West 331.73 feet to Engineer's center line Station "P" 403+00.00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on East Side of Center Line
"P" 400+45		"P" 400+59	43.90 in a straight line to 30
"P" 400+59		"P" 401+30	30

EXCEPTING THEREFROM Parcel 1 described above.

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 2,412 square feet, more or less

Grantor also grants to Grantee, its successors and assigns, permanent easement to construct and maintain slopes upon the following described property:

PARCEL 3 (2700) – Permanent Easement For Slopes (O4)

A parcel of land lying in Lot 25, Block 5, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded December 19, 2001, Instrument No. 2001-9026 as Parcel 7, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described in Parcel 1.

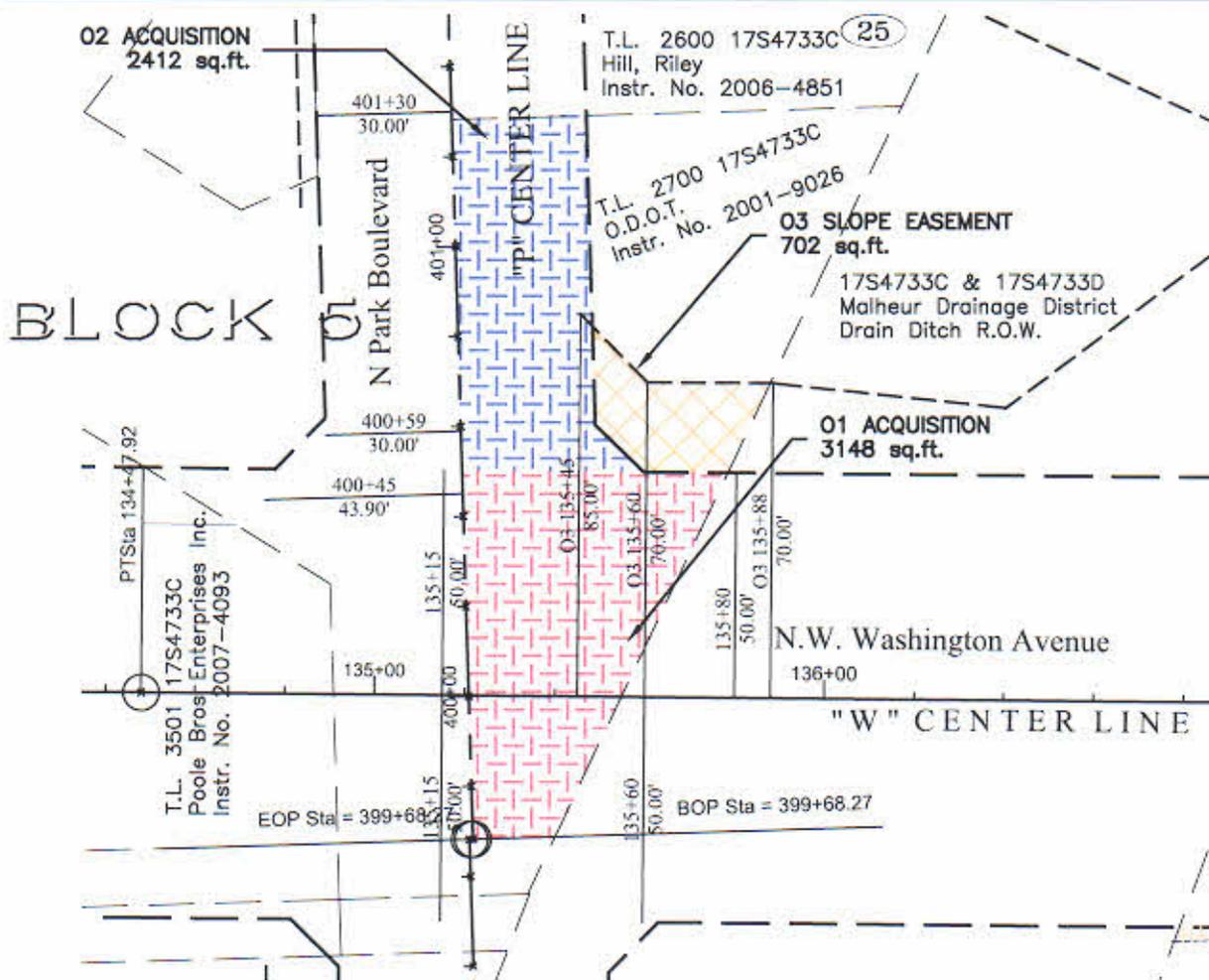
The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
"O" 135+45		"P" 135+60	85 in a straight line to 70
"O" 135+60		"O" 135+88	70

EXCEPTING THEREFROM Parcel 1 and 2 described above.

The Parcel of land to which this description applies contains 702 square feet, more or less.

IT IS UNDERSTOOD that the easement herein granted do not convey any right or interest in the above described Parcel 3, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed upon said property, nor shall Grantee be subject to any damages to Grantor, grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting said property.



RECORDS OF REFERENCE

R1. NORTHWEST WASHINGTON AVENUE RE-ALIGNMENT MAP BY CK3,LLC, RECORD UNDER INSTR. NO. 17-47-0000.

LEGEND

- PROPERTY BOUNDARY LINE
- NEW R.O.W BOUNDARY LINE
- NEW SLOPE EASEMENT LINE
- CENTERLINE OF R-O-W (CL)

- 01 R.O.W. AREA
- 02 R.O.W. AREA
- 03 EASEMENT AREA
- 124+34
- ENGINEER STATIONING
- (14)
- LOT NUMBER

SCALE 1"=40'

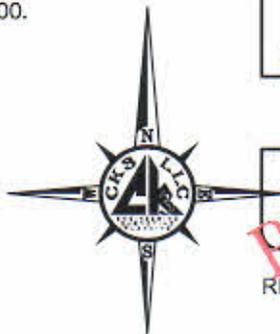


CK3, LLC

CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING, SURVEYING & PLANNING

368 S.W. 5TH AVENUE
ONTARIO, OREGON 97914
E-MAIL: CK3@CK3LLC.NET
TEL: 541-889-5411 ~ FAX: 541-889-2074

REGISTERED PROFESSIONAL LAND SURVEYOR



OREGON
JAN 21, 1988
DANNY K. CUMMINGS
2316

RENEWAL DATE: DEC. 31, 2011

O.D.O.T

Right of Way-Easement Exhibit

of Section 33, Township 17 South, Range 47 East, Willamette Meridian, City of Ontario, Malheur County, Oregon

CHECKED BY: DKC	FIELDBOOK No.:	PAGE(S):
DRAWN BY: AMC	FILENAME:	
APPROVED BY: DKC	CO09017 CONTROL.dwg	JOB No.:CO-09017
DATE: 02/05/2010	REVISED:	SHEET: 1 of 1

RIGHT OF WAYS & PERMANENT EASEMENTS

THE MORRIS AND DIXIE VAVOLD FAMILY TRUST,
U/T/A dated March 8, 2002,
Morris E. Vavold, Jr. and Dixie L. Vavold, Trustees
24191 Ranch Road
Caldwell, ID 83607-7622

Reference Numbers: 19
Map & Tax Lot Numbers: 17S4733D 1600
Deeds: 2002-2696

PARCEL 1 (1600) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (VD1)

A parcel of land lying in Lot 3, Block 3, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded April 5, 2002, Instrument No. 2002-2696, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Both sides of the "W" center line of the Re-aligned NW Washington Avenue which center line is described as follows:

Beginning at Engineer's center line Station "W" 124+34.03, said station being 777.43 feet South and 1564.00 feet East of the West 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 01° 38' 56" East 2616.15 feet from said 1/4 corner); thence South 76° 57' 05" East 89.04 feet; thence on a 980.00 feet radius curve left (the long chord of which bears South 87° 45' 47" East 367.66 feet) 369.85 feet; thence on a 3500.00 feet radius curve to the right (the long chord of which bears North 89° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.86 feet; thence on a 580.00 feet radius curve to the right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1038.27 feet to Engineer's center line Station "W" 158+92.22.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
"W" 141+85		"W" 143+50	50
Station	to	Station	Width on Southerly Side of Center Line
"W" 142+10		"W" 143+10	50

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

The Parcel of land to which this description applies contains 7,125 square feet, more or less.

PARCEL 2 (1600) – RIGHT OF WAY (FEE OR NON-FEE DEPENDING ON FUNDING) (VD2)

A parcel of land lying in Lot 3, Block 3, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded April 5, 2002, Instrument No. 2002-2696, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Both side of the "O" center line of the NW 9th Street which center line is described as follows:

Beginning at Engineer's center line Station "O" 48+00.00, said station being 1533.88 feet North and 793.36 feet East of the South 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 87° 48' 53" West 2628.06 feet from said 1/4 corner); thence North 01° 43' 03" West 200.00 feet to centerline Station "O" 50+00.00 being the Intersection with NW Washington Street at centerline Station "W" 143+65.58; thence continuing North 01° 43' 03" West 191.42; thence on a 200.00 feet radius curve to the left (the long chord of which bears North 25° 02' 18" West 158.35 feet) 162.81 feet to PCC centerline Station "O" 53+54.23.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on East Side of Center Line
"O" 50+65		"O" 52+15	30
Station	to	Station	Width on West Side of Center Line
"O" 50+45		"O" 52+10	30

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

EXCEPTING THEREFROM Parcel 1 described above.

The Parcel of land to which this description applies contains 7,698 square feet, more or less.

Grantor also grants to Grantee, its successors and assigns, permanent easement to construct and maintain slopes upon the following described property:

PARCEL 3 (1600) – Permanent Easement For Slopes (VD3)

A parcel of land lying in Lot 3, Block 3, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded April 5, 2002, Instrument No. 2002-2696, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the North side of the "W" center line of the Re-aligned NW Washington Avenue which center line is described in Parcel 1 above.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on North Side of Center Line
"W" 142+39		"W" 143+34	51 in a straight line to 52.5

EXCEPTING THEREFROM Parcel 1 and 2 described above.

The Parcel of land to which this description applies contains 165 square feet, more or less.

PARCEL 4 (1600) – Permanent Easement For Slopes (VD4)

A parcel of land lying in Lot 3, Block 3, PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded April 5, 2002, Instrument No. 2002-2696, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the West side of the "O" center line of the NW 9th Street which center line is described in Parcel 2 above.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on North Side of Center Line
"O" 50+54		"O" 51+40	46 in a straight line to 40
"O" 51+40		"O" 51+91.42	40

The Parcel of land to which this description applies contains 1,462 square feet, more or less.

IT IS UNDERSTOOD that the easement herein granted do not convey any right or interest in the above described Parcels 3 and 4, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed upon said property, nor shall Grantee be subject to any damages to Grantor, grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting said property.

RECORDS OF REFERENCE

R1 NORTHWEST WASHINGTON AVENUE
RE-ALIGNMENT MAP BY CK3,LLC, RECORD
UNDER INSTR. NO. 17-47-0000.

VD2 ACQUISITION
7698 sq.ft.

VD4 SLOPE EASEMENT
1461 sq.ft.

VD3 SLOPE EASEMENT
165 sq.ft.

VD1 ACQUISITION
7125 sq.ft.

BLOCK 3

T.L. 1600 1754733D
Vavold, Morris & Dixie Fam. Trust
Instr. No. 2000-6780

3

SCALE 1"=40'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

LEGEND

PROPERTY BOUNDARY LINE

NEW R.O.W BOUNDARY LINE

NEW SLOPE EASEMENT LINE

CENTERLINE OF R-O-W (CL)

VD1 R.O.W. AREA

VD2 R.O.W. AREA

VD3 EASEMENT AREA



VD4 EASEMENT AREA
124+34

ENGINEER STATIONING

14
LOT NUMBER



CK3, LLC

CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
SURVEYING & PLANNING

368 S.W. 5TH AVENUE
ONTARIO, OREGON 97914
E-MAIL: CK3@CK3LLC.NET
TEL: 541-889-5411 ~ FAX: 541-889-2074



OREGON
JAN. 21, 1988
DANNY K. CUMMINGS
2316

RENEWAL DATE: DEC. 31, 2011

The Vavold & Dixie Family Trust
Right of Way-Easement Exhibit
of Section 33, Township 17 South,
Range 47 East, Willamette Meridian,
City of Ontario, Malheur County, Oregon

CHECKED BY: DKC	FIELDBOOK No.:	PAGE(S):
DRAWN BY: AMC	FILENAME:	
APPROVED BY: DKC	C009017 CONTROL.dwg	JOB No.:CO-09017
DATE: 02/04/2010	REVISED:	SHEET: 1 of 1

PUBLIC HEARING - AGENDA REPORT

March 7, 2011

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Henry Lawrence, City Manager

SUBJECT: **ORDINANCE #2654-2011: ONTARIO SCHOOL DISTRICT 8C REQUEST FOR VACATION OF THAT PORTION OF SW 2ND AVENUE BETWEEN SW 4TH STREET AND SW 6TH STREET (1ST READING)**

DATE: March 2, 2011

SUMMARY:

Attached are the following documents:

- Ordinance #2654-2011
- Road Vacation Petition from Ontario School District 8C
- List of Affected Property Owners

Ontario School District 8C ("Ontario 8C") has filed a petition to formally vacate the portion of SW 2nd Avenue that the Council previously closed. A public hearing is legally required as part of the vacation process.

PREVIOUS COUNCIL ACTION:

August 18, 2008 Council passed Resolution 2008-142 for the indefinite closure of SW 2nd Avenue between SW 6th Street and SW 4th Street.

BACKGROUND:

ORS 271.080 sets out the procedure for a property owner to petition a city to vacate a right of way. The landowner must file a petition along with consents signed by the following: 1) all abutting property owners; and 2) two-thirds (2/3) of the property owners within a statutorily defined rectangle of land surrounding the road proposed to be vacated. The boundaries of the rectangle are a distance of four hundred (400) feet from the ends of the road and a distance of two hundred (200) feet from the road along its length.

Ontario 8C did not file any property owner consents with its petition, but it was not legally required to do so, because Ontario 8C owns all the land abutting the portion of SW 2nd Avenue to be vacated, as well as more than two-thirds of the area within the statutorily defined rectangle surrounding the road.

Once a petition has been filed with the necessary consents, ORS 271.090 and 271.100 provide that the City recorder is to review it for completeness, then give it to the Council to review at a public meeting of which the petitioner has been given notice. The purpose of the meeting is to allow the Council to determine whether to schedule a public hearing on the petition or to reject it without a hearing.

This step was not followed in this case. The City Recorder was not given the opportunity review the petition, nor was the Council. In this case, staff scheduled the public hearing without having the Council review the petition. However, prior to filing the petition, at the December 30, 2010, work session, Ontario 8C's architects made a presentation to the Council showing their architectural plans and describing the reasons for wanting to vacate the road. The Council consensus in that work session appeared to favor the vacation. Arguably this presentation served the same informational purpose as a meeting allowing the Council to review the petition. This presentation was held prior to the time two of the current Council members were sworn in, but they were present as observers.

If the Council has concerns about the failure to comply with ORS 271.090 and 271.100, the Council retains the option of cancelling or postponing the public hearing in order to give the Council the opportunity to review the petition first. The City attorney has determined that Ontario 8C's petition is legally sufficient and complies with ORS 271.080, and that the Council may legally proceed with the public hearing if it chooses to do so.

DISCUSSION:

School District 8C is proposing that the City vacate SW 2nd Avenue between SW 4th Street and SW 6th Street for the purpose of locating a new middle school building across that right-of-way. This section of SW 2nd Avenue has been closed for more than two years pursuant to the indefinite closure resolution 2008-142 passed by the Council in 2008.

The central question before the Council is whether making the road closure permanent will prejudice the public interest. The effect of a road vacation is to convey the land underlying the road to Ontario 8C. This will deprive the City of any further control of the real property except for a utility easement for City utilities that Ontario 8C will relocate at its expense. The utility reservation is included in proposed Ordinance #2654-2011.

The City's permanent loss of control of the right of way could have long term ramifications for traffic flow in this area of the City. This area is located in the City core next to the library, and within two blocks of commercial buildings on SW 4th Avenue as well as City Hall and the fire station.

In the core area of the City, the east-west traffic pattern is restricted. There are only three streets that permit a vehicle to cross from the business core to the hospital and beyond, namely SW 4th Avenue, SW 2nd Avenue and West Idaho Avenue. SW 5th Avenue may be a fourth route but does not go further west than the hospital except in segments that are

not aligned with one another. NW 4th Avenue goes all the way west to Highway 201 parallel to SW 4th Avenue, but does not directly connect to the downtown core.

In order to give the Council the widest range of viewpoints about the proposed road vacation, staff sent out 187 notices of the public hearing to property owners. In addition to providing the legally required published notice of the public hearing, staff mailed out individual notices of the public hearing not only to those property owners in the statutorily defined rectangle described above, but all property owners of land fronting within 200 feet of SW 2nd Avenue, from the alley east of South Oregon Street to the west side of SW 13th Street.

After the public hearing, ORS 271.120 requires the Council to determine whether "... the public interest will be prejudiced by the vacation of such plat or street or parts thereof." The Council has the option of approving the road vacation petition in full by enacting Ordinance #2654-2011; denying the petition; granting a portion of the vacation request; imposing additional conditions or reservations on the vacation; or tabling the matter for further review.

RECOMMENDATION:

Staff recommends approval of Ontario 8C's vacation petition and the enactment of Ordinance #2654-2011. After this portion of SW 2nd Avenue was closed by the Council in 2008, City staff has received very few complaints from residents about the closure. Balancing Ontario 8C's immediate need for the road vacation against a theoretical long term impact on traffic, it appears that the public interest will not be prejudiced by the proposed vacation.

PROPOSED MOTION:

I move that the City Council enact Ordinance #2654-2011, AN ORDINANCE VACATING THAT PORTION OF SW 2ND AVENUE BETWEEN THE WEST EDGE OF SW 4TH STREET AND THE EAST EDGE OF SW 6TH STREET, AND RESERVING A UTILITY EASEMENT FOR THE CITY, on First Reading by Title Only.

ORDINANCE # 2654-2011

AN ORDINANCE VACATING THAT PORTION OF SW 2ND AVENUE BETWEEN THE WEST EDGE OF SW 4TH STREET AND THE EAST EDGE OF SW 6TH STREET, AND RESERVING A UTILITY EASEMENT FOR THE CITY

- Whereas,** The City has received a petition from Ontario School District 8C for vacation of that portion of SW 2nd Avenue between SW 4th Street and SW 6th Street, which bisects its middle school campus; and
- Whereas,** That portion of SW 2nd Avenue was indefinitely closed to public access after the City Council approved Resolution 2008-142 on August 18, 2008;
- Whereas,** The school district has prepared plans for expansion and redesign of its facilities at its SW 2nd Avenue campus to include construction of a new building on land currently occupied by SW 2nd Avenue; and
- Whereas,** The implementation of the school district's plans require the permanent vacation of that portion of SW 2nd Avenue; and
- Whereas,** City utilities are located in SW 2nd Avenue right of way, which the school district has agreed to relocate at the school district's expense, and to grant the City a utility easement for current and the relocated utilities; and
- Whereas,** The City Council recognizes the need for, and shall therefore retain easements for all public utilities in the affected, with the specific size to be determined by City Staff or relocation of those utilities at the expense of School District 8C; and
- Whereas,** A public hearing was held on March 7, 2011, at 7:30 p.m. at City Council chambers upon the school district's road vacation petition; and
- Whereas,** The City staff has provided the public notices of the public hearing as required by ORS 271.120; and
- Whereas,** After the public hearing, the Council found that notice of the public hearing was duly given; that the owners of the abutting property consented in writing to the proposed street vacation; that none of the property owners in the area affected by the proposed vacation filed objections to the proposed vacation; that the vacation of said property will not prejudice the public interest; and that there was no reason to deny the requested street vacation, subject to the reservation of a utility easement for current City utilities and any utilities relocated by the school district.

NOW THEREFORE, THE CITY COUNCIL OF ONTARIO ORDAINS AS FOLLOWS:

SECTION 1. The following described street right-of-way is hereby vacated:

That portion of SW 2nd Avenue between the west edge of SW 4th Street and the east edge of SW 6th Street in the City of Ontario.

Section 2. The street vacation is subject to reservations by the City of Ontario of: 1) a 20-foot wide utility easement for public utilities; and 2) an easement for free and unhindered ingress and egress necessary for the operation, inspection, repair or replacement, alteration, and protection of public utilities in the utility easement. No structure other than for utility purposes shall be erected within the limits of the utility easement; and the property owner shall be responsible for the removal and replacement of any fence, asphalt, concrete, landscaping irrigation or other ancillary improvements associated with the reserved easements set forth above. No utilities shall be relocated by Ontario School District 8C without the written permission of the City of Ontario in advance of the relocation, and under the supervision of the City of Ontario. Ontario School District 8C shall execute and convey to the City of Ontario a permanent utility easement describing the location of any relocated utilities on the same terms as provided in this Ordinance.

Section 3. As provided in ORS 271.150, a certified copy of this Ordinance shall be filed and recorded with the Malheur County Clerk, and certified copies shall be filed with the Malheur County Assessor and the Malheur County Surveyor.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2011 by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2011.

Joe Dominick, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

The Ontario School District 8C, 195 SW 3rd Avenue, Ontario, Oregon 97914, hereby petitions the City of Ontario to vacate the portion of SW 2nd Avenue located between SW 6th Street and SW 4th Street for street purposes. This portion of SW 2nd Avenue is located in the center of the Ontario Middle School campus as shown in Exhibit "A" and is more specifically described as follows:

Land in the City of Ontario according to the Official Plat of SCHOOL DIST #8C to the City of Ontario, Oregon being that portion of Southwest 2nd Avenue that lies East of the intersection of Southwest 6th Street and Southwest 2nd Avenue, West of the intersection of Southwest 4th Street and Southwest 2nd Avenue, South of the South Line of Lot 2500, and North of the North Line of Lot 6300 as recorded on Tax Map 18S47E04DD being shown on Exhibit "A" attached herewith.

The Ontario School District 8C is requesting vacation of this street right-of-way to allow the construction of a new 7th and 8th grade building, site improvements within the current street location for a safer campus, and fire truck access to the inner campus area. The District agrees to pay for the relocation of the existing City water and sewer utilities located on current school district property and within the area of the vacation request.

Dated this 12 day of January 2011.

Petitioner Representative: Linda Florence 1-12-11
Petitioner Representative Signature Date

By: LINDA FLORENCE Superintendent
Name (printed) Title

STATE OF Oregon)
COUNTY OF Malheur) SS

On this 12 day of January in the year 2011, before me Kimela Milton personally appeared Linda Florence and provided to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

Kimela D. Milton
Notary Public-Oregon
My commission expires: 9-27-14



EXHIBIT "A"



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY



S.W. 1/4 S.E. 1/4 SEC. 4 T.18S. R.47E. W.M.
MALHEUR COUNTY
IDAHO
1" = 100'

18S47E04DC
ONTARIO
CANCELED
400
2000
2500
3000
3500

FOR SALE BY
SILVERCROSS
ONTARIO
18S47E04DC

EXHIBIT "B"

SW 2ND AVENUE VACATION PETITION
AFFECTED PROPERTY OWNER LIST

OWNER/ADDRESS	TAX MAP	TAX LOT(S)	PROPERTY ADDRESS
Ontario School Distric 8C Ontario Middle School 195 SW 3 rd Ave Ontario , OR 97914 541-889-5374	18S47E04DD	2500, 6300	573 SW 2 nd Ave Ontario , OR 97914
Ontario School Distric 8C Ontario Middle School 195 SW 3 rd Ave Ontario , OR 97914 541-889-5374	18S47E04DC	600	573 SW 2 nd Ave Ontario , OR 97914
Lee Family Trust 515 Noble Rd Ontario, OR 97914	18S47E04DD	6101	380 SW 1 st Ave Ontario, OR 97914
Lee Family Trust 515 Noble Rd Ontario, OR 97914	18S47E04DD	6100	372 SW 1 st Ave Ontario, OR 97914
Ray L & Tammie May 113 SW 3 rd St Ontario, OR 97914	18S47E04DD	5700	113 SW 3 rd St Ontario, OR 97914
Weston L Wettstein 141 SW 3 rd St Ontario, OR 97914	18S47E04DD	5800	141 SW 3 rd St Ontario, OR 97914
State of Oregon GEN DEL Salem, OR 97310	18S47E04DD	6200	375 SW 2 nd Ave Ontario, OR 97914
Ashlee Captain 153 SW 3 rd St Ontario, OR 97914	18S47E04DD	5900	153 SW 3 rd St Ontario, OR 97914
Frank & Maria A Garcia 183 SW 3 rd St Ontario, OR 97914	18S47E04DD	6000	183 SW 3 rd St Ontario, OR 97914
Ontario Library District 388 SW 2 nd Ave Ontario, OR 97914	18S47E04DD	6400, 6500	388 SW 2 nd Ave Ontario, OR 97914

OWNER/ADDRESS	TAX MAP	TAX LOT(S)	PROPERTY ADDRESS
Allen D & Larissa D Barto 582 Three Rivers Way Fruitland, ID 83619	18S47E04DD	6700	355 #1 SW 3 rd Ave Ontario, OR 97914
Seventh-Day Adventist Inc PO Box 131 Ontario, OR 97914	18S47E04DD	7000, 6900	229 SW 3 rd Ave Ontario, OR 97914
Rebecca E Amaya 255 SW 3 rd St Ontario, OR 97914	18S47E04DD	6901	255 SW 3 rd St Ontario, OR 97914
Glen Schoeneman 285 SW 3 rd St Ontario, OR 97914	18S47E04DD	6800	285 SW 3 rd St Ontario, OR 97914
Manuel & Marguerite Alvarado 676 SW 2 nd Ave Ontario, OR 97914	18S47E04DC	3800	676 SW 2 nd Ave Ontario, OR 97914
Reuben Goldenstein 760 Caffee Rd Dahlgren, VA 22448-3030	18S47E04DC	3700	244 SW 7 th St Ontario, OR 97914
Joseph H & Juli B Recla 1019 SW 6 th Ave Ontario, OR 97914	18S47E04DC	3600	254 SW 7 th St Ontario, OR 97914
Dan J & Lana M Andrews 4661 N Rd F Vale, OR 97918	18S47E04DC	3500	260 SW 7 th St Ontario, OR 97914
William J & Barbara Harden 4912 N Lexington St Tacoma, WA 98407-1326	18S47E04DC	3900	640 SW 2 nd Ave Ontario, OR 97914
Natalio Diaz 257 SW 6 th St Ontario, OR 97914	18S47E04DC	4000	257 SW 6 th St Ontario, OR 97914
Mills Loving Trust 1141 SW 3 rd Ave Ontario, OR 97914	18S47E04DC	4100	267 SW 6 th St Ontario, OR 97914

PUBLIC HEARING - AGENDA REPORT

March 7, 2011

TO: Mayor and City Council

FROM: David Richey, Planning & Zoning Administrator

THROUGH: Henry Lawrence, City Manager

SUBJECT: **ORDINANCE #2655-2011: ANNEXATION AND REZONE OF 12.54 NET ACRES OF PROPERTY INTO THE CITY OF ONTARIO; REZONE PROPERTY FROM UGA-RESIDENTIAL TO THE CITY RS-50 SINGLE FAMILY RESIDENTIAL CLASSIFICATION. THE PROPERTIES ARE GENERALLY IDENTIFIED AS INCLUDING AND THEN RUNNING SOUTH OF THE NADINE DRIVE NEIGHBORHOOD TO SW 18TH AVENUE AND EAST FROM THE NADINE DRIVE NEIGHBORHOOD TO THE ONTARIO CITY LIMITS (FIRST READING)**

DATE: February 22, 2011

SUMMARY:

Attached are the following documents:

- Ordinance # 2655-2011
- Comprehensive Plan/Zoning "Before & After"
- Aerial photo

At the February 14, 2011 Planning Commission meeting, they heard the annexation and rezone proposal contained in Planning File 2011-01-01 AZ, which was applicable to property generally known as the Nadine Drive Neighborhood, located north of 18th Avenue along Alameda Drive and found on Assessor's Map 18S 47E -09C.

BACKGROUND:

The applicant, a combination of property owners and the City, in response to a public health hazard from domestic wells and septic systems, are proposing the annexation to facilitate a local improvement district to extend City services into the area.

RECOMMENDATION:

The Planning Commission recommends the rezone from Urban Growth Area Residential to a City Zone classification of RS-50 Single Family.

PROPOSED MOTIONS:

- 1) I move that the City Council accept the Findings of Fact as presented (or amended).
- 2) I move that the City Council adopt Ordinance # 2655-2011, AN ORDINANCE ADDRESSING THE FINAL ORDER AND FINDINGS OF FACT FOR THE ANNEXATION OF 12.54 NET ACRES OF PROPERTY INTO THE CITY OF ONTARIO INCLUDING ASSOCIATED STREET RIGHTS-OF-WAY, on First Reading by Title only.

ORDINANCE # 2655-2011

FINAL ORDER AND FINDINGS OF FACT IN THE MATTER OF PLANNING FILE 2011-01-01 AZ, THE ANNEXATION OF 12.54 NET ACRES OF PROPERTY AND ASSOCIATED STREET RIGHTS-OF-WAY INTO THE CITY OF ONTARIO AND TO REZONE SAID PROPERTY FROM UGA-RESIDENTIAL TO THE CITY RS-50 SINGLE FAMILY RESIDENTIAL. THE PROPERTY IS GENERALLY KNOWN AS THE NADINE DRIVE NEIGHBORHOOD, A GEOGRAPHIC AREA WITHIN THE ASSESSORS MAP 18S 47E-09 C, LOCATED ALONG ALAMEDA DRIVE NORTH OF SW 18TH AVENUE, ONTARIO.

FINDINGS OF FACT:

- Whereas:** The proposal complies with applicable provisions of the Ontario Comprehensive Plan, Title 10 and its zone and administrative sections 10A and 10B, and;
- Whereas:** Notice has been sent to the Department of Land Conservation and Development a minimum of 45 days prior to this formal procedure to annex and in particular, rezone the subject property in accord with State Administrative Rules, and;
- Whereas:** The subject site is within the City of Ontario Urban Growth Area and thus approved under the rules and regulations of the State of Oregon for annexation to the City, and;
- Whereas:** The subject Urban Growth Area is classified as Residential and the proposed zone is RS-50 Single Family Residential which is consistent with the UGA classification, and;
- Whereas:** The subject area is immediately adjacent to the City boundary, and;
- Whereas:** The purpose behind this annexation proposal is to extend City utilities into the area to protect the public health from the effects of domestic wells and failing septic systems;
- Whereas:** City emergency services are available to this site in a manner similar to other land in the City, and;
- Whereas:** All appropriate local notices have been given for this proposal and the public hearings it requires, and;
- Whereas:** The net private property included is 12.54 acres. The annexation also includes associated street rights-of-way, and;

Whereas: Pursuant to the formal proposal, the Ontario Planning Commission held a properly noticed public hearing on February 14, 2011 and made a recommendation to City Council supporting the annexation and the rezone to RS-50 Single Family Residential, and;

Whereas: The City Council held a properly noticed public hearing on March 7, 2011, and reviewed all evidence and testimony submitted at the City of Ontario hearings.

NOW THEREFORE, THE CITY COUNCIL OF ONTARIO ORDAINS AS FOLLOWS:

Based upon the Comprehensive Plan, the procedures and regulations provided in Title 10, of the Comprehensive Plan and Zoning Ordinance, and the above listed Findings, the Ontario City Council approves and adopts Ordinance # 2655-2011 annexing and rezoning the 12.54 of property plus the associated street rights-of-way as specifically described in the attached annexation area description. This annexation is for the purpose of furthering good public health by enabling the creation and execution of a City local improvement district to extend City utilities to the subject area and to apply the City RS-50 Single Family Residential zone to that same area.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2011 by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2011.

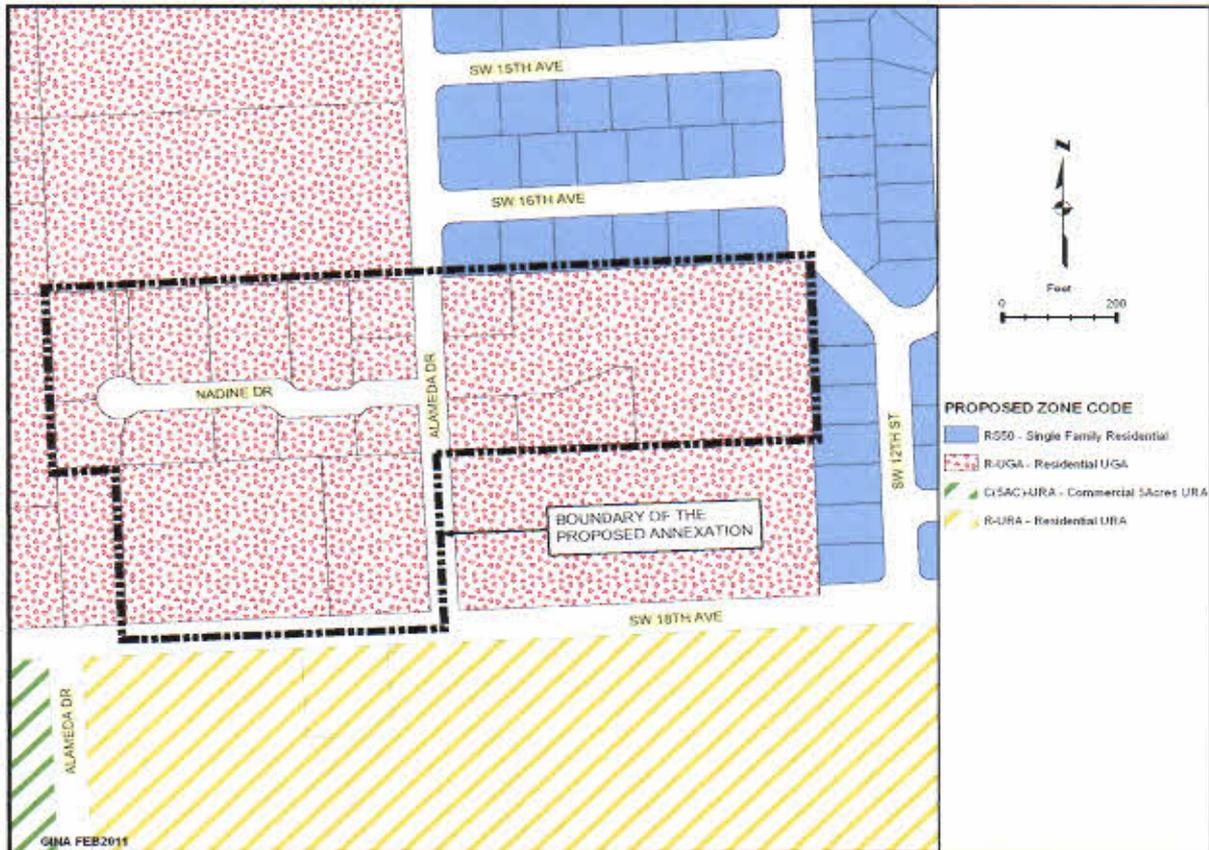
Joe Dominick, Mayor

ATTEST:

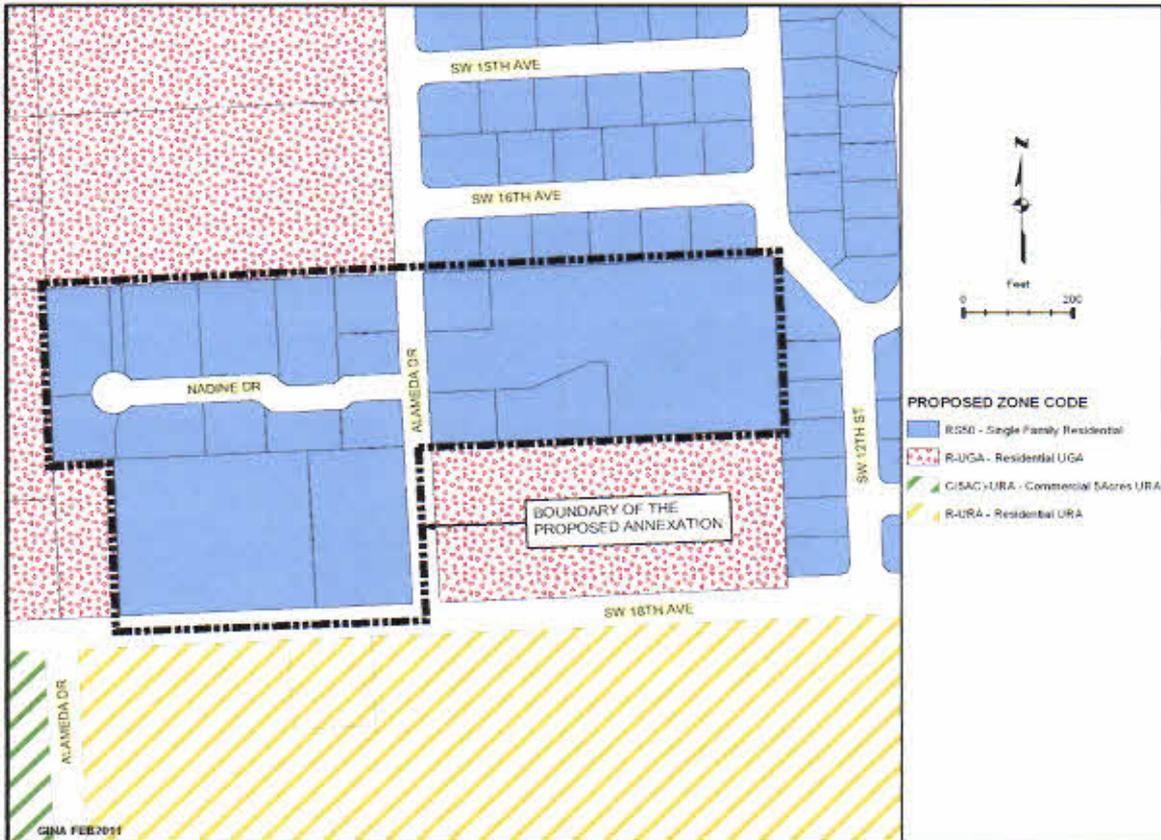
Tori Barnett, City Recorder

BEFORE REZONE VICINITY MAP

Plan & Zone Map Change From R-UGA



AFTER REZONE VICINITY MAP
Plan & Zone Map Change To RS-50



AERIAL PHOTO

