

AGENDA
CITY COUNCIL - CITY OF ONTARIO, OREGON
Monday, June 4, 2012, 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, May 30, 2012, and a study session was held on Thursday, May 31, 2012. 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 05/21/2012 1-3
- B) Meetings Calendar: July-December, 2012 4
- C) Ordinance #2665-2012: OMC 7-6-1, 2-Police Regulations (Child Protective Zones) Final Reading 5-8
- 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) Accept Warranty/Bargain & Sale/Quitclaim Deeds from Poole Real Estate Corp., Love's Travel Stop & Country Store, and Norm Poole Oil, Inc, re: NW Washington Relocation Project 9-45
- B) Resolution #2012-109: Transfer Funds for Transit Program Contribution 46-48

7) Discussion Items:

- A) Addition of Industrial Lands for Ontario
- B) Downtown Grant Application Proposal

8) Correspondence, Comments and Ex-Officio Reports

9) Executive Sessions:

- A) ORS 192.660(2)(e) - Real Property
- B) ORS 192.660(2)(h) - Litigation
- C) ORS 192.660(2)(d) - Labor

10) Adjourn

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

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made. T.D.D. available by calling 889-7266.

COUNCIL MEETING MINUTES

May 21, 2012

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, May 21, 2012, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Jackson Fox, Charlotte Fugate, Dan Jones, David Sullivan and Ronald Verini.

Members of staff present were Chuck Mickelson, Larry Sullivan, Suzanne Skerjanec, Bob Walker, and Mark Alexander. The meeting was recorded on tape, and the tapes are available at City Hall.

Jackson Fox led everyone in the Pledge of Allegiance.

AGENDA

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

CONSENT AGENDA

Norm Crume and Joe Dominick abstained due to a conflict as both had a payment to their businesses on the bills.

Charlotte Fugate moved, seconded by Ron Verini, to approve Consent Agenda Item A: Approval of the Regular Minutes of 05/07/2012; Item B: Appointment to Recreation Board: Kathy Pennington; Item C: Resolution #2012-111: Impose and Categorize Taxes for the Second Half of the 2011-13 Biennial Budget Period; and Item D: Approval of the Bills. Roll call vote: Crume-abstain; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-abstain. Motion carried 5/0/0/2.

OLD BUSINESS

Airport Commercial Lease Agreement - FBO Operations: Frazier Aviation

Alan Daniels, Airport Manager, stated the Council had a proposed FBO Contract before them, one for a 5-year lease, another for a 20-year lease. These were the latest revisions to the proposed FBO lease with Frazier Aviation previously discussed with the Council.

This was a commercial lease with Frazier Aviation, which bought out Merle Maine's Ontario Aviation. The purpose was for an FBO business. The lease included the main office, two hangars next to it, plus designated parking. In previous meetings to review the proposed lease, Councilors directed staff to expand the definition of FBO services; to prepare an alternative five year lease instead of a 20 year lease; and to identify the parking lot size being leased. Those changes were made, as well as other revisions that were intended to eliminate ambiguities, conflicts and redundancies in the previous drafts. Also, 1,520 square feet of designated parking was added to the lease. The five-year and 20-year versions of the lease were identical, except for the references on the first page of each lease to the length of the lease term. The lease would be \$1,557.78 per year (subject to annual adjustments of up to 6%) plus the annual \$1,000.00 commercial use fee.

Norm Crume moved, seconded by Ron Verini, that the City Council approve the 20 year commercial lease agreement with Frazier Aviation, Inc. for an FBO business, which includes the main office, two hangars at the airport and designated parking. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-yes; Sullivan-no; Verini-yes; Dominick-yes. Motion carried 5/2/0.

NEW BUSINESS

Contract Award: Skyline Farms SCADA Repairs for Pivot Meters (ACS)

Bob Walker, Public Works Director, stated an analysis of the Pivot Flow Meters and related Telemetry System at the Skyline Farm demonstrated several issues that needed to be addressed for proper operation in a manner consistent with the NPDES Reuse Permit requirements. This Permit required the city to report daily flow totals for each pivot separately as well as a total monthly flow. This report was provided to ODEQ each month and annually. False reporting could result in penalties and fines

for the City. Currently, the Pivots had reporting errors showing both higher and lower values than actual flows; the meters at Pivot 2 and Pivot 6 were both stuck at approximately 320gpm and were consequently not reporting accurate readings; and all Pivot meters required a radio system upgrade due to the non-supported telemetry (SCADA) being out of service and no longer supported by the manufacturer.

The proposal from ACS for \$9,000 would correct the above described issues and bring the city into compliance with the NPDES Reuse Permit requirements. The project was for \$9,000 and would be paid for from funds available in Project 11SEW-13, Parallel Force Main, which was complete and had an unexpended balance of \$43,933.09.

Ron Verini moved, seconded by Charlotte Fugate, that the City Council authorize the Interim City Manager to enter into a Contract with ACS for the SCADA Repairs to the Pivot Meters at the Skyline Farms. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Ordinance #2665-2012: Amend OMC 7-6-1, 2 – Police Regulations re: Child Protection Zones (1st Reading)

Mark Alexander, Police Chief, stated the Police Department would like to amend Municipal Code Title 7, Chapter 6, Sections 1 and 2 relating to Child Protection Zones in order to be more effective. On April 21, 2003, Ordinance 2510-2003 was adopted by the Ontario City Council establishing Municipal Code Title 7, Chapter 6; on July 21, 2003, Ordinance 2519-2003 was adopted by the Ontario City Council to update the definition of Convicted Sex Offender; on August 4, 2003, Resolution 2003-142 was adopted by the Ontario City Council establishing thirteen Child Protection Zones within the City of Ontario; and on March 20, 2006, Resolution 2006-104 was adopted by the Ontario City Council reauthorizing the extension of Title 7, Chapter 6 and the identification of Child Protection Zones.

In 2003, the ordinance establishing Child Protection Zones was established. Public areas where children congregate and convicted sex offenders could have unsupervised access to those children would qualify to be designated as Child Protection Zones. Certain convicted sex offenders would then be banned from those locations upon receiving notice of their exclusion. Those in violation of being at those protection zones committed the crime of Trespass.

Thirteen locations were identified as Child Protection Zones and were established by Resolution.

Currently, only qualifying sex offenders receiving notice are those who were under the control of Malheur County Community Corrections. Notice was not being given to those not under the control of Community Corrections or who moved into the area. Internal procedures needed to be created to make these regulations viable.

The identification of qualifying sex offenders under ORS 163.175 and ORS 163.395 was problematic for those who provided notice to Convicted Sex Offenders. Staff was requesting changes in the language that defined a Convicted Sex Offender under these two laws. Additional laws for sex crimes against children had also evolved since the creation of the ordinance. Staff wanted to add ORS 163.432 and ORS 163.433 to the definition of Convicted Sex Offender.

The ordinance required review by the Council of the Child Protection Zones and possibly even the ordinance itself. The required review was approximately 14 months overdue. Staff was recommending changes in language to eliminate the review process and have it done internally by the Police Department on an as-needed basis.

Additional staff time and materials would be required to provide notice and maintain documentation identifying those notice has been provided to.

Charlotte Fugate moved, seconded by Jackson Fox, that the Council adopt Ordinance #2665-2012, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 7, CHAPTER 6, SECTIONS 1 AND 2, on first reading by title only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Resolution #2012-108: State Revenue Sharing

It being the date advertised for public hearing on the matter of Resolution #2012-108, the Mayor declared the hearing open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Chuck Mickelson, City Manager, stated staff was requesting approval from the Council declaring the City's election to receive State revenues for the State's 2012-2013 Fiscal Year. An Oregon Revised Statute required that municipalities formally declare their intention to receive State Revenue Sharing Funds on an annual basis. This election can be done by resolution action. Adoption of this resolution would allow the City to receive allotted funds during the second half of its biennial budget. The Council was asked to adopt a similar resolution during June of 2011 for the first year of the 2011-2013 biennial budget. It was

anticipated that the city would receive approximately \$95,000 in revenue sharing revenues during the second year of its biennial budget.

The Mayor opened the hearing for public testimony.

Opponents: None.

Proponents: None.

There being no Proponent and no Opponent testimony, the Mayor declared the hearing closed.

David Sullivan moved, seconded by Jackson Fox, that the Council adopt Resolution No. 2012-108, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

EXECUTIVE SESSION

An executive session was called at 7:51 p.m. under provisions of ORS 192.660(1)(e) real property. Council reconvened into regular session at 8:47 p.m.

REGULAR SESSION

Charlotte Fugate moved, seconded by Ron Verini, that the City Council authorize the City Manager to sign the Third Amended Purchase and Sale Agreement with Chris Hardin of CDH Consulting. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-no; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 5/2/0.

EXECUTIVE SESSION

An executive session was called at 8:55 p.m. under provisions of ORS 192.660(1)(e) real property. Council reconvened back into regular session at 9:45 p.m.

ADJOURN

Norm Crume moved, seconded by Ron Verini, 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.

APPROVED:

ATTEST:

Joe Dominick, Mayor

Tori Barnett, MMC, City Recorder

MEETINGS LIST JULY THROUGH DECEMBER, 2012

JUL	2	Council Meeting	7:00 pm	City Hall
	4	Police Board (Cancelled)	12 Noon	City Hall
	5	V&C Board	7:00 am	Holiday Inn
	9	Airport Committee	7:00 pm	Airport
	9	Planning Commission	7:00 pm	City Hall
	10	Golf Committee	5:30 pm	Golf Course
	12	Council Work Session	12:00 Noon	City Hall
	16	Council Meeting	7:00 pm	City Hall
	18	Recreation Board	3:30 pm	City Hall
19	Public Works Committee (Cancelled)	3:00 pm	City Hall	
AUG	1	Police Board	12 Noon	City Hall
	2	V&C Board	7:00 am	Holiday Inn
	2	Council Work Session	12 Noon	City Hall
	6	Council Meeting	7:00 pm	City Hall
	13	Airport Committee	7:00 pm	Airport
	13	Planning Commission	7:00 pm	City Hall
	14	Golf Committee	5:30 pm	Golf Course
	15	Recreation Board	3:30 pm	City Hall
	16	Council Work Session	12 Noon	City Hall
	16	Public Works Committee	3:00 pm	City Hall
	20	Council Meeting	7:00 pm	City Hall
	30	Council Work Session	12 Noon	City Hall
	SEP	4	(TUE) Council Meeting	7:00 pm
5		Police Board	12 Noon	City Hall
6		V&C Board	7:00 am	Holiday Inn
10		Airport Committee	7:00 pm	Airport
10		Planning Commission	7:00 pm	City Hall
11		Golf Committee	5:30 pm	Golf Course
13		Council Work Session	12 Noon	City Hall
17		Council Meeting	7:00 pm	City Hall
19		Recreation Board	3:30 pm	City Hall
20		Public Works Committee	3:00 pm	City Hall
27		Council Work Session	12 Noon	City Hall
OCT	1	Council Meeting	7:00 pm	City Hall
	3	Police Board	12 Noon	City Hall
	4	V&C Board	7:00 am	Holiday Inn
	8	Airport Committee	7:00 pm	Airport
	8	Planning Commission	7:00 pm	City Hall
	9	Golf Committee	5:30 pm	Golf Course
	11	Council Work Session	12 Noon	City Hall
	15	Council Meeting	7:00 pm	City Hall
	17	Recreation Board	3:00 pm	City Hall
	18	Public Works Committee	3:00 pm	City Hall
NOV	1	V&C Board	7:00 am	Holiday Inn
	1	Council Work Session	12 Noon	City Hall
	5	Council Meeting	7:00 pm	City Hall
	7	Police Board	12 Noon	City Hall
	13	Golf Committee	5:30 pm	Golf Course
	13	(TUE) Airport Committee	7:00 pm	Airport
	13	(TUE) Planning Commission	7:00 pm	City Hall
	15	Council Work Session	12 Noon	City Hall
	15	Public Works Committee	3:30 pm	City Hall
	19	Council Meeting	7:00 pm	City Hall
	21	Recreation Board	3:30 pm	City Hall
29	Council Work Session	12 Noon	City Hall	
DEC	3	Council Meeting	7:00 pm	City Hall
	5	Police Board	12 Noon	City Hall
	6	V&C Board	7:00 am	Holiday Inn
	10	Airport Committee	7:00 pm	Airport
	10	Planning Commission	7:00 pm	City Hall
	11	Golf Committee	5:30 pm	Golf Course
	13	Council Work Session	12 Noon	City Hall
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	19	Recreation Board	3:30 pm	City Hall
	20	Public Works Committee	3:00 pm	City Hall

CONSENT AGENDA REPORT

June 4, 2012

TO: Mayor and City Council

FROM: Mark Alexander, Chief of Police

Through: Chuck Mickelson, Interim City Manager

SUBJECT: ORDINANCE #2665-2012: AMENDING ONTARIO MUNICIPAL CODE TITLE 7, CHAPTER 6, SECTIONS 1 and 2, OF POLICE REGULATIONS (Final Reading)

DATE: May 23, 2012

SUMMARY:

Attached is the following document:

- Ordinance #2665-2012

The Police Department would like to amend Municipal Code Title 7, Chapter 6, Sections 1 and 2 relating to Child Protection Zones in order to be more effective.

PREVIOUS COUNCIL ACTION:

- May 21, 2012 Council Approved Ordinance #2665-2012 on First Reading.

BACKGROUND:

In 2003, an ordinance establishing Child Protection Zones was established. Public areas where children congregate and convicted sex offenders could have unsupervised access to those children would qualify to be designated as Child Protection Zones.

Certain convicted sex offenders would then be banned from those locations upon receiving notice of their exclusion. Those in violation of being at those protection zones commit the crime of Trespass.

Thirteen locations were identified as Child Protection Zones and were established by Resolution.

The identification of qualifying sex offenders under ORS 163.175 and ORS 163.395 is problematic for those who provide notice to Convicted Sex Offenders. Staff is requesting changes in the language that defines a Convicted Sex Offender under these two laws.

Additional laws for sex crimes against children have also evolved since the creation of this Ordinance. Staff is requesting to add ORS 163.432 and ORS 163.433 to the definition of Convicted Sex Offender.

FINANCIAL IMPLICATIONS:

Additional staff time and materials will be required to provide notice and maintain documentation identifying those notice has been provided to.

RECOMMENDATION:

Staff recommends the City Council adopt Ordinance #2665-2012.

ORDINANCE NO. 2665-2012

**AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE
TITLE 7, CHAPTER 6, SECTIONS 1 AND 2**

- WHEREAS,** there are a number of persons in our community who have been convicted of committing crimes of molestation against children; and,
- WHEREAS,** many convicted child molesters will be repeat offenders; and,
- WHEREAS,** the City of Ontario has established protection zones to safeguard children who are in public places from offenders; and
- WHEREAS,** regulations relating to child protection zones in City Code Sections 7-6-1 and 2 need to be changed in order to be more effective.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Ontario, Oregon, as follows:

Section 7-6-1 of the Ontario City Code is hereby amended by eliminating those portions which are stricken and adding those underlined:

Definitions.

For the purposes of this Chapter the following words and phrases shall have the following meaning:

CHILD PROTECTION ZONE means an area identified by resolution of the Ontario City Council likely to contain children under the age of fourteen (14) during the days and times specified in the resolution from which the City Council desires to prohibit convicted sex offenders from entering.

CONVICTED SEX OFFENDER means a person convicted of any of the crimes listed in ORS 163.365, 163.375(1)(b), 163.395, 163.405(1)(b), 163.408, 163.411, 163.425, 163.427, 163.432, 163.433, 163.670, 163.684, 163.688 or any crime in the State of Oregon or another jurisdiction in which the victim was under fourteen (14) years of age and the person committing the crime, in the process of committing the crime, committed an act against the victim similar to the acts prohibited in the statutory provisions listed above. ~~when the victim was not related to the offender, the victim was a minor and when said person is serving the sentence for said conviction, including any probation period, or within the past ten (10) years has served a sentence for said conviction, including any probationary period.~~

TRAVEL means the movement on foot or within or upon a vehicle through an area designated a Child Protection Zone from one point to another without delay other than to obey traffic control devices.

Section 7-6-2 of the Ontario City Code is hereby amended by eliminating those portions which are stricken:

Designation of a child protection zone.

~~(A) When the Ontario City Council determines that an area is likely to contain children and that except for action on the part of the City Council, convicted sex offenders would be able to have unsupervised access to the children in the area, the Council may, by Council resolution, designate such area, up to and including a three hundred feet (300') radius around that area as a child protection zone, and shall set the day and times for which the exclusion applies.~~

~~(B) The designation shall be effective from the day following the date of the Council resolution for a period of five (5) years.~~

~~(C) The office of the Chief of Police of the Ontario Police Department is directed to report to City Council at least ninety (90) days before the end of the three (3) year period, as to whether there is a need to re-authorize or re-configure the child protection zones.~~

~~(D) The City Council may re-authorize any child protection zone for additional three (3) year periods by Council resolution.~~

APPROVED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2012, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED by the Mayor this _____ day of _____, 2012.

ATTEST:

Joe Dominick, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

June 4, 2012

TO: Mayor and City Council

FROM: Chuck Mickelson, City Manager Pro-Tem

SUBJECT: **ACCEPTANCE OF WARRANTY/BARGAIN AND SALE/QUITCLAIM DEEDS FROM POOLE REAL ESTATE CORP, LOVE'S TRAVEL STOPS & COUNTRY STORES, INC., AND NORM POOLE OIL, INC. NW WASHINGTON ROADWAY RELOCATION PROJECT**

DATE: May 29, 2012

SUMMARY:

Attached are the following documents:

- Signed Bargain & Sale Deed: Poole Real Estate Corp. to City of Ontario
- Signed Quitclaim Deed: Poole Real Estate Corp. to City of Ontario
- Signed Warranty Deed: Love's Travel Stops & Country Stores, Inc. to City of Ontario
- Signed Bargain & Sale Deed: Norm Poole Oil, Inc. to City of Ontario

PREVIOUS COUNCIL ACTION:

July 6, 2010 Council approved Agreement No. 26720 with ODOT accepting \$4.5 million for the relocation of NW Washington and constructing Park Blvd to NW 16th Avenue.

November 15, 2010 Council approved Agreement No. 26720-01 with ODOT which was an amendment authorizing the expenditure and reimbursement of funds for the above project.

March 7, 2011 Council approved Agreement No. 27027 with ODOT authorizing the ODOT right of way staff to proceed with appraisals and acquisition of properties for the NW Washington and Park Blvd roadway project.

July 18, 2011 Council approved Agreement No. 27027-01 with ODOT which was an amendment clarifying how funds will be paid by ODOT for the appraisals and acquisition costs.

BACKGROUND:

ODOT staff has prepared appraisals and conducted negotiations on many of the parcels that must be acquired for this roadway project. Various deeds for the above properties are attached and must be accepted by the city prior to recording or closing on the property.

STAFF RECOMMENDATION:

Staff recommends the Council authorize the City Manager to sign the various Deeds.

PROPOSED MOTION:

I move the City Council authorize the City Manager to sign the Warranty/Bargain and Sale/Quitclaim Deeds from Poole Real Estate Corp., Love's Travel Stops & Country Stores, Inc., and Norm Poole Oil, Inc. accepting the property for the NW Washington roadway project.

BARGAIN and SALE DEED

POOLE REAL ESTATE CORP, an Oregon corporation, Grantor, for the true and actual consideration of \$ 19,000.⁰⁰ does convey unto the **CITY OF ONTARIO**, a municipal corporation of the State of Oregon, Grantee, fee title to the property described as **Parcel 1 on Exhibit "A" dated 9/30/11**, attached hereto and by this reference made a part hereof.

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, to construct, reconstruct, operate, maintain, inspect and repair drainage facilities and/or underground sewer line facilities and appurtenances, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property described as **Parcel 2 on Exhibit "A" dated 9/30/11**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described Parcel 2, except for the purposes 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, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 17S4733C 3500
Property Address: 1021 NW Washington Avenue
Ontario, OR 97914

TAXES TO: CITY OF ONTARIO
444 SW 4th Street
Ontario, OR 97914

IT IS ALSO UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor and grantor's heirs, successors and assigns, by reason thereof, or by reason of any change of grade of the public way abutting on said property.

IT IS ALSO UNDERSTOOD that this easement shall be subject to the same conditions, terms and restrictions contained in the easements, licenses and/or permits granted to the owner of any facilities being relocated.

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of Grantee.

IT IS FURTHER UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the property described as **Parcel 3 on Exhibit "A" dated 9/30/11**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does 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 does not interfere with the rights herein granted.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (9) (d) or (e).

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the City of Ontario, a municipal corporation of the State of Oregon, unless and until accepted and approved by the recording of this document.

Dated this 21 day of May, 2012.

POOLE REAL ESTATE CORP, an Oregon corporation

By Norman Poole
President

By Carolyn R Poole
Secretary

STATE OF OREGON, County of Malheur

Dated May 21, 2012. Personally appeared Norman Poole and Marolyn B. Poole, who, being sworn, stated that they are the President and Secretary of Poole Real Estate Corp, an Oregon corporation, and that this instrument was voluntarily signed on behalf of the corporation by authority of its Board of Directors. Before me:



Marisela F. Flores
Notary Public for Oregon
My Commission expires June 30, 2012

Accepted on behalf of the City of Ontario, a municipal Corporation of the State of Oregon

FEE & 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 (3500) – FEE (PR1)

A parcel of land lying in Lot 23, Block 5, of the 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 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" 125+23.07, said station being 797.53 feet South and 1650.74 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 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 85° 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 1350 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 (3500) – Permanent Easement for Slopes, Sewers, Water, Gas, Electric and Communication services lines, Fixtures and Facilities (PR2)

A parcel of land lying in Lot 23, Block 5, of the 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 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+25	54 in a straight line to 67.21

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 4306 square feet, more or less.

PARCEL 3 (3500) – Temporary Easement For Work Area (3 year or duration of Project, whichever is sooner) (PR3).

A parcel of land lying in Lot 23, Block 5, of the 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 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" 130+17.06		"W" 130+32	65.88 in a straight line to 86.09
"W" 130+32		"W" 130+30.33	86.09 in a straight line to 102.94
"W" 130+30.33		"W" 130+40	102.94 in a straight line to 103.96

EXCEPTING THEREFROM Parcel 1 and 2 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 286 square feet, more or less.

CORPORATE RESOLUTION

I, the undersigned, President of Poole Real Estate Corp., a Corporation organized under the laws of the state of Oregon, do hereby certify that a meeting of the Board of Directors of said corporation was duly convened and held on the 3rd day of May, 2012 at which a quorum was present, and at said meeting the following resolution was duly and unanimously adopted and has been entered upon the minutes of said meeting.

RESOLVED, That the Corporation may purchase or sell real estate or personal property located in any state within the United States.

BE IT FURTHER RESOLVED, That the President of the Corporation, Norman Poole is hereby authorized to act on behalf of the Corporation and to execute any and all necessary documents required to consummate any such transaction.

BE IT FURTHER RESOLVED, That the Corporation's President should sign a Warranty Deed granting fee title and a permanent easement to a portion of property owned by the Corporation and located at 1021 N W Washington Ave in Ontario, OR. 97914 for the sum of \$19,000.00.

BE IT FURTHER RESOLVED, That the President of the Corporation shall take all actions necessary to complete this sale.

The within and foregoing Resolution is in conformity with the Articles of Incorporation and Bylaws of the Corporation, and has never been modified or revoked, and is now in full force and effect.

 5/3/12

Norman Poole, President

**Request for Taxpayer
 Identification Number and Certification**

Give Form to the
 requester. Do not
 send to the IRS.

Name (as shown on your income tax return) *Pool Real Estate Corp*

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification:
 Individual/sole proprietor C Corporation S Corporation Partnership Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ Exempt payee

Other (see instructions) ▶ _____

Address (number, street, and apt. or suite no.) *P.O. Box 309*

City, state, and ZIP code *Ontario, Or. 97914*

List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

		-		-		
--	--	---	--	---	--	--

Employer identification number

9	3	-	1	1	2	1	9	0	9
---	---	---	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here Signature of U.S. person ▶ *Norman Poole, President* Date ▶ *5-4-12*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

QUITCLAIM DEED

POOLE REAL ESTATE CORP., an Oregon corporation, Grantor, being the holder of a interest in the hereinafter described property as evidenced by that certain Declaration of Covenants and Restrictions, recorded April 2, 2007, in Document No. 2007-2461, and that Non-Exclusive Cross Access Easement, recorded April 2, 2007, in Document No. 2007-2462, and that Non-Exclusive Ingress/Egress Easement Agreement, recorded April 2, 2007, in Document No. 2007-2463, Records of Malheur County, Oregon, for no monetary consideration does relinquish and forever quitclaim unto the **CITY OF ONTARIO, a municipal corporation of the State of Oregon**, Grantee, all of Grantor's right, title, and interest in and to the property described as **Parcel 1 on Exhibit "A" dated 9/22/11**, attached hereto and by this reference made a part hereof.

And subordinates all Grantor's right, title, and interest in and to the real property described in that certain permanent easement for slopes, drainage and/or underground sewer line, water, gas, electric and communication services lines, fixtures and facilities, and those temporary easements for work area, heretofore granted by Love's Travel Stops & Country Stores, Inc., an Oklahoma corporation, to the City of Ontario, a municipal corporation of the State of Oregon, the property described as **Parcels 2, 3 and 4 on Exhibit "A" dated 9/22/11**, attached hereto and by this reference made a part hereof.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

SEND TAX STATEMENT TO: NO CHANGE

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 17S4733C 3502

Property Address: 1041 NW Washington Ave
Ontario, OR 97914

Grantor Address: PO Box 309
Ontario, OR 97914

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the City of Ontario, a municipal corporation of the State of Oregon, unless and until accepted and approved by the recording of this document.

Dated this 23 day of March, 2012.

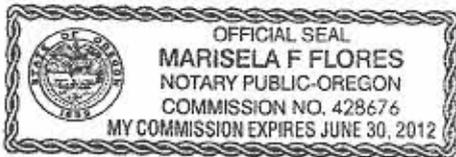
POOLE REAL ESTATE CORP., an Oregon corporation

By Norman Poole
President

By Maralyn Poole
Secretary

STATE OF OREGON, County of Malheur

Dated March 23, 2012. Personally appeared Norman Poole and Maralyn R. Poole, who, being sworn, stated that they are the President and Secretary of Poole Real Estate Corp., an Oregon corporation, and that this instrument was voluntarily signed on behalf of the corporation by authority of its Board of Directors. Before me:



Marisela F. Flores
Notary Public for Oregon
My Commission expires June 30, 2012

Accepted on behalf of the City of Ontario, a municipal corporation of the State of Oregon

FEE & EASEMENTS

LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.

c/o Burke & Nickel
3336 E. 32nd St STE 217
Tulsa, Ok 74135-4442

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

PARCEL 1 (3502) – FEE (L1)

A parcel of land lying in Lots 23 and 24, Block 5, of the 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 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 Northwesternly 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" PC125+23.07, said station being 797.53 feet South and 1650.74 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 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 85° 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 Northwesternly Side of Center Line
"W" 129+80		"W" 130+11.34	50
"W" 130+11.34		"W" 130+25.5	50 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.

PARCEL 2 (3502) – Permanent Easement for Slopes, Sewers, Water, Gas, Electric and Communication services lines, Fixtures and Facilities (L2)

A parcel of land lying in Lot 24, Block 5, of the 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 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 Northwestern 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 Northwestern 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.

PARCEL 3 (3502) – Temporary Easement For Work Area (3 year or duration of Project, whichever is sooner) (L3).

A parcel of land lying in Lot 24, Block 5, of the 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 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 Northwestern 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 Northwestern Side of Center Line
"W" 130+17.06		"W" 130+32	65.88 in a straight line to 86.09
"W" 130+32		"W" 130+30.33	86.09 in a straight line to 102.94
"W" 130+30.33		"W" 130+97.84	102.94 in a straight line to 110.75
"W" 130+97.84		"W" 131+82.97	110.75 in a straight line to 59.89

EXCEPTING THEREFROM Parcel 1 and 2 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 4405 square feet, more or less.

PARCEL 4 (3502) – Temporary Easement For Work Area (3 year or duration of Project, whichever is sooner) (L4).

A parcel of land lying in Lot 24, Block 5, of the 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 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 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" 392+00.00, said station being South 87° 48' 53" West 5.79 feet and North 01° 43' 02" West 942.32 feet from 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 800.00 feet to centerline Station "P" 400+00; thence North 11° 31' 11" West 187.24 feet to center line Station "P" PC 401+87.24; thence on a 198.00 feet radius curve to the right (the long chord of which bears North 21° 05' 26" East 213.41 feet) 225.39 feet to Engineer's center line Station "P" PT 404+12.63.

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" 402+21.44		"P" 402+28.22	103.86 in a straight line to 119.31
"P" 402+28.22		"P" 402+68.77	119.31 in a straight line to 108.69
"P" 402+68.77		"P" 402+71.29	108.69 in a straight line to 69.81

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

The Parcel of land to which this description applies contains 2013 square feet, more or less

WARRANTY DEED

LOVE'S TRAVEL STOPS & COUNTRY STORES, INC., an Oklahoma corporation, Grantor, for the true and actual consideration of \$28,000.00, does convey unto the CITY OF ONTARIO, a municipal corporation of the State of Oregon, Grantee, fee title to the property described as Parcel 1 on Exhibit "A" dated 9/22/11, attached hereto and by this reference made a part hereof.

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, to construct, reconstruct, operate, maintain, inspect and repair drainage facilities and/or underground sewer line facilities and appurtenances, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances upon, over, under, and across the property described as Parcel 2 on Exhibit "A" dated 9/22/11, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described Parcel 2, except for the purposes 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, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 17S4733C 3502

Property Address: 1041 NW Washington Ave.
Ontario, OR 97914

TAXES TO: CITY OF ONTARIO
444 SW 4th Street
Ontario, OR 97914

Grantor Address: 3336 E 32nd Street, Suite 217
Tulsa, OK 74135-4442

IT IS ALSO UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor and grantor's heirs, successors and assigns, by reason thereof, or by reason of any change of grade of the public way abutting on said property.

IT IS ALSO UNDERSTOOD that this easement shall be subject to the same conditions, terms and restrictions contained in the easements, licenses and/or permits granted to the owner of any facilities being relocated.

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of Grantee.

IT IS FURTHER UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the property described as **Parcels 3 and 4 on Exhibit "A" dated 9/22/11**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does 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 does not interfere with the rights herein granted.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (9) (d) or (e).

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the City of Ontario, a municipal corporation of the State of Oregon, unless and until accepted and approved by the recording of this document.

Dated this 18th day of May, 20 12.

LOVE'S TRAVEL STOPS & COUNTRY STORES, INC., an Oklahoma corporation

By Meg Lou
President

By Gonda K. Jellinghaus
and Secretary



STATE OF OKLAHOMA, County of Oklahoma

Dated May 18, 2012. Personally appeared Greg Love and Linda Tillinghast, who, being sworn, stated that they are the President and Secretary

of Love's Travel Stops & Country Stores, Inc., an Oklahoma corporation, and that this instrument was voluntarily signed on behalf of the corporation by authority of its Board of Directors. Before me:



Britney Brucker
Notary Public for Oklahoma
My Commission expires 04/24/16

Accepted on behalf of the City of Ontario, a municipal corporation of the State of Oregon

FEE & EASEMENTS

LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.

c/o Burke & Nickel
 3336 E. 32nd St STE 217
 Tulsa, Ok 74135-4442

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

PARCEL 1 (3502) – FEE (L1)

A parcel of land lying in Lots 23 and 24, Block 5, of the 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 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" PC125+23.07, said station being 797.53 feet South and 1650.74 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 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 85° 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" 129+80		"W" 130+11.34	50
"W" 130+11.34		"W" 130+25.5	50 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.

PARCEL 2 (3502) – Permanent Easement for Slopes, Sewers, Water, Gas, Electric and Communication services lines, Fixtures and Facilities (L2)

A parcel of land lying in Lot 24, Block 5, of the 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 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 Northwestern 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 Northwestern 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.

PARCEL 3 (3502) – Temporary Easement For Work Area (3 year or duration of Project, whichever is sooner) (L3).

A parcel of land lying in Lot 24, Block 5, of the 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 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 Northwestern 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 Northwestern Side of Center Line
"W" 130+17.06		"W" 130+32	65.88 in a straight line to 86.09
"W" 130+32		"W" 130+30.33	86.09 in a straight line to 102.94
"W" 130+30.33		"W" 130+97.84	102.94 in a straight line to 110.75
"W" 130+97.84		"W" 131+82.97	110.75 in a straight line to 59.89

EXCEPTING THEREFROM Parcel 1 and 2 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 4405 square feet, more or less.

PARCEL 4 (3502) – Temporary Easement For Work Area (3 year or duration of Project, whichever is sooner) (L4).

A parcel of land lying in Lot 24, Block 5, of the 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 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 East side of the "P" center line of the North Park Boulevard which center line is described as follows:

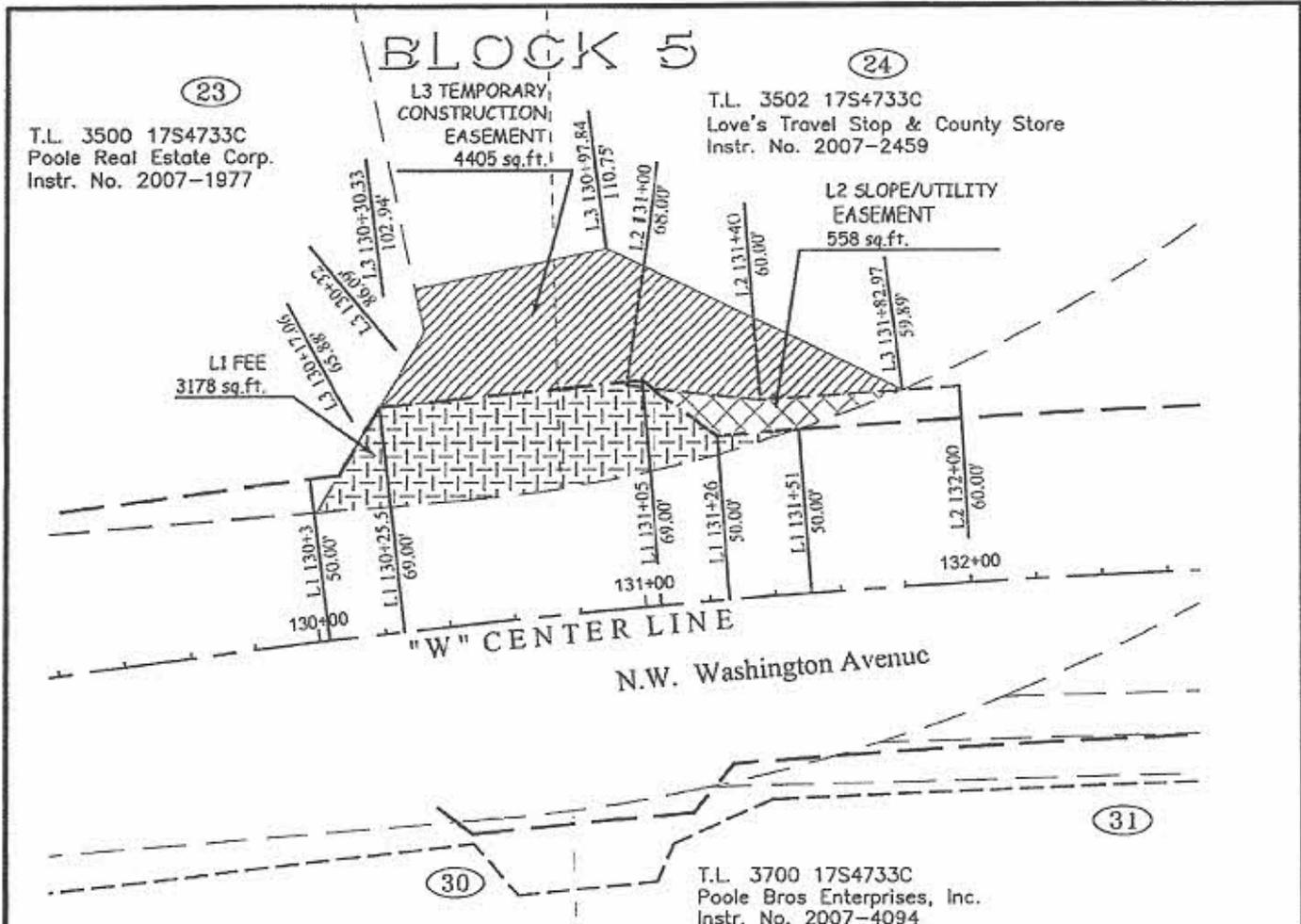
Beginning at Engineer's center line Station "P" 392+00.00, said station being South 87° 48' 53" West 5.79 feet and North 01° 43' 02" West 942.32 feet from the South 1/4 corner of Section 33, Township 17 South, Range 47 east, W.M. (from which the SW corner of said Section 33 bears South 87° 48' 53" West 2628.06 feet from said 1/4 corner); thence North 01° 43' 02" West 800.00 feet to centerline Station "P" 400+00; thence North 11° 31' 11" West 187.24 feet to center line Station "P" PC 401+87.24; thence on a 198.00 feet radius curve to the right (the long chord of which bears North 21° 05' 26" East 213.41 feet) 225.39 feet to Engineer's center line Station "P" PT 404+12.63.

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" 402+21.44		"P" 402+28.22	103.86 in a straight line to 119.31
"P" 402+28.22		"P" 402+68.77	119.31 in a straight line to 108.69
"P" 402+68.77		"P" 402+71.29	108.69 in a straight line to 69.81

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

The Parcel of land to which this description applies contains 2013 square feet, more or less

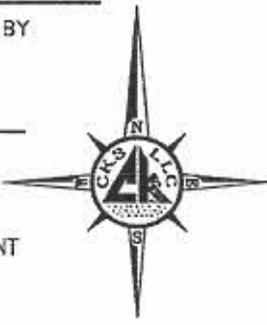


RECORDS OF REFERENCE

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)
- L1 FEE AREA
- L2 SLOPE/UTILITY EASEMENT
- L3&4 TEMP. CONST. AREA



REGISTERED PROFESSIONAL LAND SURVEYOR
Danny K. Cummings
9/22/11
OREGON
JAN. 21, 1988
DANNY K. CUMMINGS
2316

RENEWAL DATE: DEC. 31, 2011

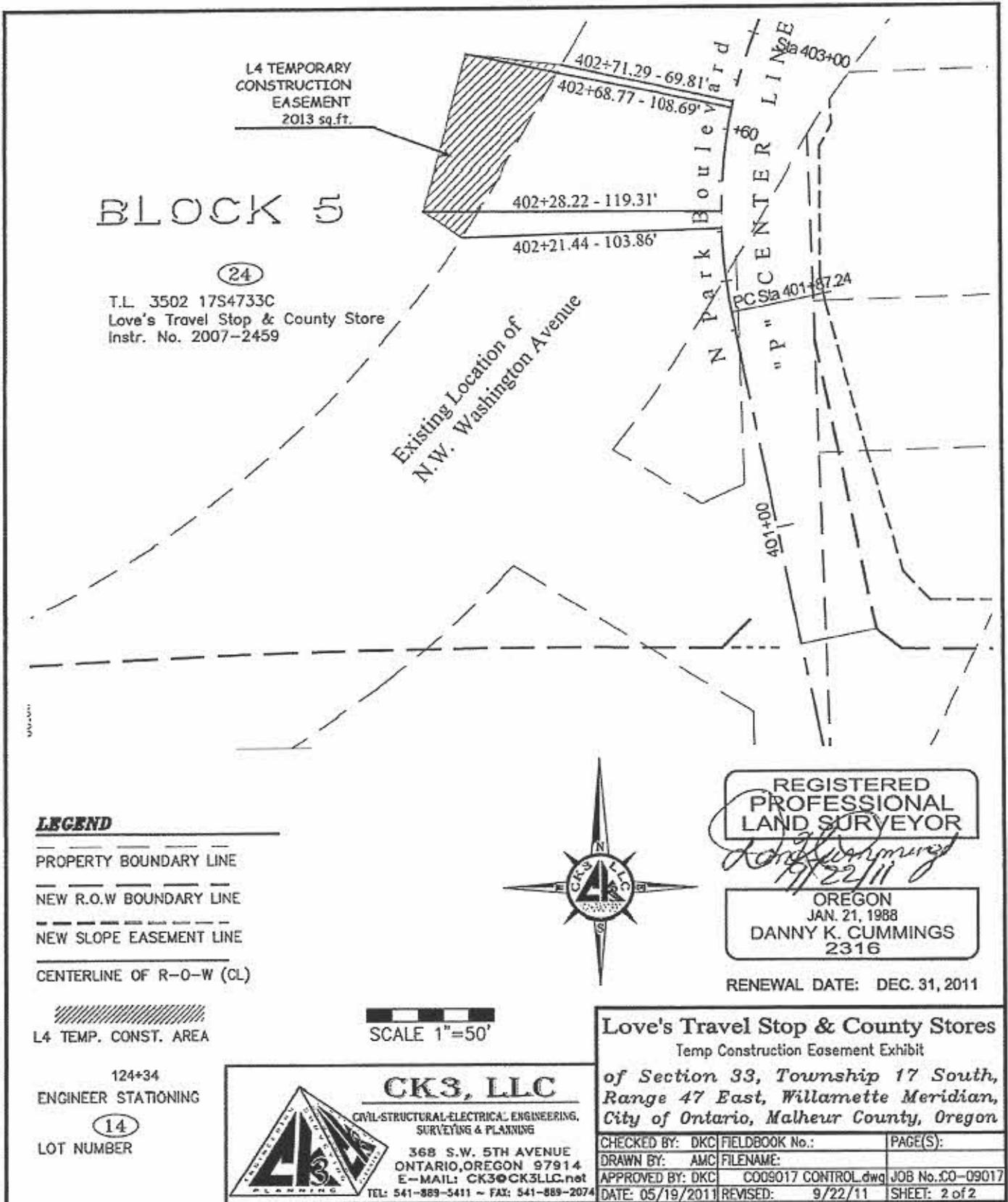
124+34
ENGINEER STATIONING
14
LOT NUMBER

SCALE 1"=50'

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
FEE & Easements 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: 05/19/2011	REVISED: 9/22/11	SHEET: 1 of 2



BLOCK 5

(24)
T.L. 3502 17S4733C
Love's Travel Stop & County Store
Instr. No. 2007-2459

Existing Location of
N.W. Washington Avenue

N Park Boulevard
+60
"P" CENTERLINE

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

124+34
ENGINEER STATIONING

(14)
LOT NUMBER

SCALE 1"=50'



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Danny K. Cummings
12/22/11
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
Temp Construction 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: 05/19/2011	REVISED: 9/22/11	SHEET: 2 of 2

BARGAIN and SALE DEED

NORM POOLE OIL, INC., an Oregon corporation, Grantor, for the true and actual consideration of \$ 173,300.00, does convey unto the CITY OF ONTARIO, a municipal corporation of the State of Oregon, Grantee, fee title to the property described as **Parcels 1, 2, 3, 4 and 8 on Exhibit "A" dated 10/14/11, attached hereto and by this reference made a part hereof.**

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, to construct, reconstruct, operate, maintain, inspect and repair drainage facilities and/or underground sewer line facilities and appurtenances, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property described as **Parcels 5, 6 and 7 on Exhibit "A" dated 10/14/11**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described Parcels 5, 6 and 7, except for the purposes 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, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 17S4733C 3501, 3600 and 3700

Property Address: 1030 Washington
Ontario, OR 97914

TAXES TO: CITY OF ONTARIO
444 SW 4th Street
Ontario, OR 97914

IT IS ALSO UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor and grantor's heirs, successors and assigns, by reason thereof, or by reason of any change of grade of the public way abutting on said property.

IT IS ALSO UNDERSTOOD that this easement shall be subject to the same conditions, terms and restrictions contained in the easements, licenses and/or permits granted to the owner of any facilities being relocated.

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of Grantee.

IT IS FURTHER UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the City of Ontario, a municipal corporation of the State of Oregon, unless and until accepted and approved by the recording of this document.

Dated this 15th day of May, 20 12.

NORM POOLE OIL, INC., an Oregon corporation

By Ralph E. Poole
President

By Kenneth R. Poole
Secretary

STATE OF OREGON, County of Multnomah

Dated May 15, 20 12. Personally appeared Ralph E. Poole
and Kenneth R. Poole, who, being sworn, stated that they are the President and Secretary of Norm Poole Oil, Inc., an Oregon corporation, and that this instrument was voluntarily signed on behalf of the corporation by authority of its Board of Directors. Before me:



Teresa D Mc Lees
Notary Public for Oregon
My Commission expires 3-6-14

Accepted on behalf of the City of Ontario, a municipal Corporation of the State of Oregon

FEE & EASEMENTS

NORM POOLE OIL, INC.
 87 SE 7th AVE
 Ontario, OR 97914-3654

Reference Numbers: 7339, 7397, and 7398
 Map & Tax Lot Numbers: 17S4733C 3501, 3600, and 3700
 Deeds: 2011-0431

PARCEL 1 (3501) – FEE (NPO1)

A parcel of land lying in Lot 24 and vacated NW 18th Avenue, Block 5, of the 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 under Instrument No. 2011-0431, 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" 125+23.07, said station being 797.53 feet South and 1650.74 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 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 85° 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" 133+60	50
"W" 133+60		"W" 133+95.75	50 in a straight line to 83.04
"W" 133+95.75		"W" 134+47.92	83.04 in a straight line to 50
"W" 134+47.92		"W" 135+00	50

Station	to	Station	Width on Southeasterly Side of Center Line
"W" 131+60		"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 21,504 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) – FEE (NPO2)

A parcel of land lying in Lots 30, 31 and vacated NW 18th Avenue, Block 5, of the 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 under Instrument No. 2011-0431, 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.

FURTHER EXCEPTING THEREFROM Parcels 1 described above.

The Parcel of land to which this description applies contains 510 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) – FEE (NPO3)

A parcel of land lying in Lot 31 and vacated NW 18th Avenue, Block 5, of the 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 under, Instrument No. 2011-0431, 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

EXCEPTING THEREFROM Parcel 1 and 2 described above.

The Parcel of land to which this description applies contains 310 square feet, more or less.

PARCEL 4 (3600) – FEE (NPO4)

A parcel of land lying in Lot 31, Block 5, of the 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 under Instrument No. 2011-0431, 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" 392+00.00, said station being South 87° 48' 53" West 5.79 feet and North 01° 43' 02" West 942.32 feet from 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 800.00 feet to centerline Station "P" 400+00; thence North 11° 31' 11" West 187.24 feet to center line Station "P" PC 401+87.24; thence on a 198.00 feet radius curve to the right (the long chord of which bears North 21° 05' 26" East 213.41 feet) 225.39 feet to Engineer's center line Station "P" PT 404+12.63.

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

PARCEL 5 (3700) – Permanent Easement for Slopes, Sewers, Water, Gas, Electric and Communication services lines, Fixtures and Facilities. (NPO5)

A parcel of land lying in Lots 30, 31 and vacated NW 18th Avenue, Block 5, of the 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 under Instrument No. 2011-0431, 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 65.25
"W" 127+20	"W" 129+80	65.25 in a straight line to 67.5
"W" 129+80	"W" 130+40	67.5 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 10,620 square feet, more or less.

PARCEL 6 (3700) – Permanent Easement for Slopes, Sewers, Water, Gas, Electric and Communication services lines, Fixtures and Facilities. (NPO6)

A parcel of land lying in Lot 31 and vacated NW 18th Avenue, Block 5, of the 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 under Instrument No. 2011-0431, 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" 134+76.6		"W" 135+00	67 in a straight line to 66.07

EXCEPTING THEREFROM Parcel 1 and 3 described above.

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

PARCEL 7 (3700) – Permanent Easement for Slopes, Sewers, Water, Gas, Electric and Communication services lines, Fixtures and Facilities. (NPO7)

A parcel of land lying in Lot 31, Block 5, of the 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 under Instrument No. 2011-0431, 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 52 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) – FEE (NPO8)

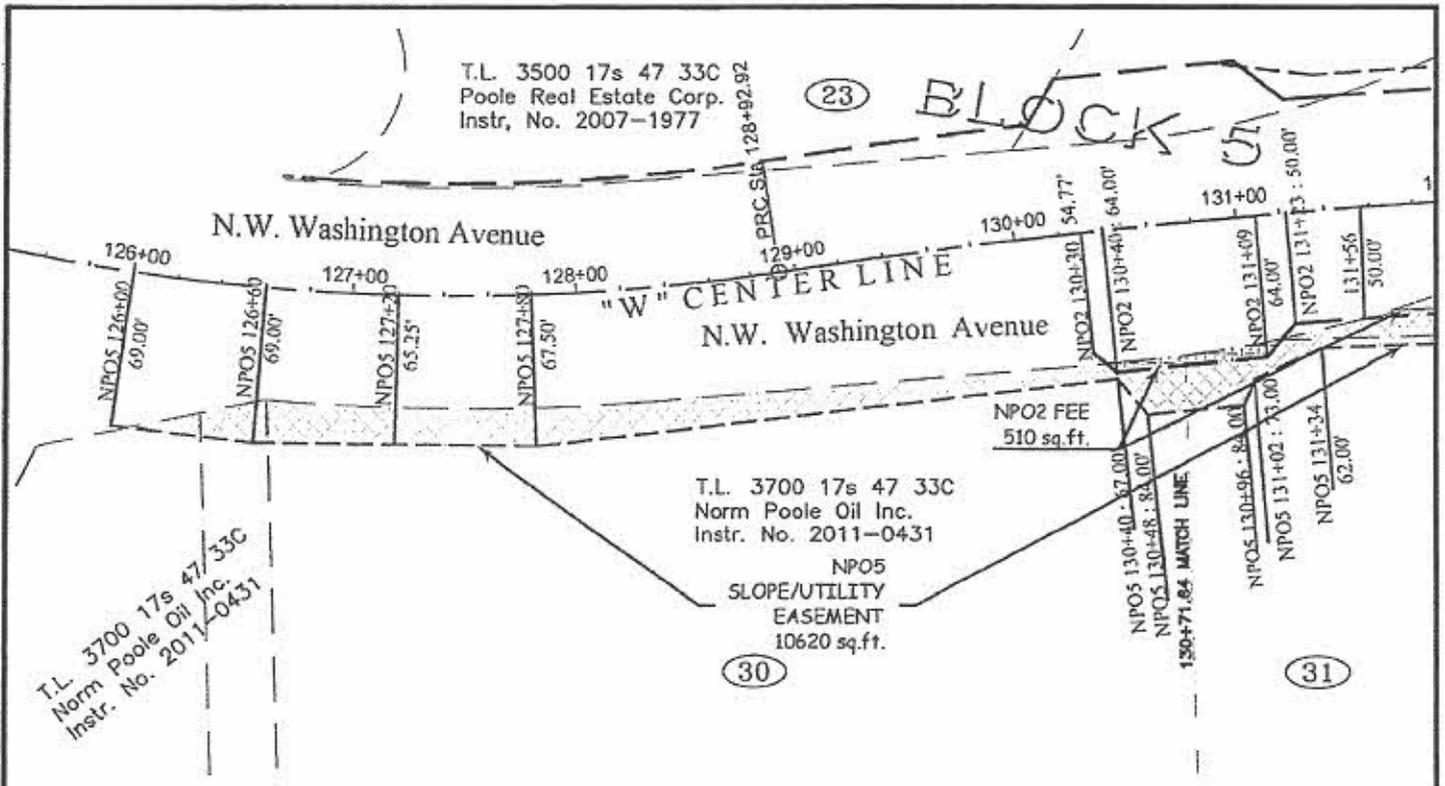
A parcel of land lying in Lot 24, Block 5, of the CORRECTED PLAT OF OREGON AND WESTERN COLONIZATION CO. SUBDIVISION SECOND ADDITION, Malheur County, Oregon and being a portion of that property described in that deed recorded May 31, 2007, Instrument No. 2007-4093, Malheur County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on Both sides 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+15		"P" 401+43	27.5 in a straight line to 57.5
"P" 401+43		"P" 402+05	57.5 in a straight line to 0
Station	to	Station	Width on East Side of Center Line
"P" 401+72		"P" 402+10	0 in a straight line to 5.1

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 2,548 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)
- NPO2 FEE AREA
- NPO5 SLOPE/UTILITY EASEMENT
- 124+34
- ENGINEER STATIONING
- 14
- LOT NUMBER



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Danny K. Cummings
9/29/11
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

Norm Poole Oil Inc.
Fee & Eosement Exhibit
of Section 33, Township 17 South,
Range 47 East, Willamette Meridian,
City of Ontario, Malheur County, Oregon

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DATE: 05/19/2011	REVISED: 09/29/11	SHEET: 1 of 3

REGISTERED PROFESSIONAL LAND SURVEYOR
Danny K. Cummings
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



T.L. 3501 17S4733C
Norm Poole Oil Inc.
Instr. No. 2011-0431

(24)

NPO1 FEE
21504 sq.ft.

BLOCK 5

N.W. Washington Avenue

"W" CENTER LINE

T.L. 3501 17S4733C
Norm Poole Oil Inc.
Instr. No. 2011-0431

NPO2 FEE
510 sq.ft.

NPO5 SLOPE/UTILITY
EASEMENT
10620 sq.ft.

T.L. 3700 17S4733C
Norm Poole Oil Inc.
Instr. No. 2011-0431

(31)

T.L. 3600 17S4733C
Norm Poole Oil Inc.
Instr. No. 2011-0431

PC Sta 401+87.24

"P" CENTER LINE

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

(14)
LOT NUMBER

- NPO1 FEE AREA
- NPO2 FEE AREA
- NPO5 SLOPE/UTILITY EASEMENT

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

Norm Poole Oil Inc.
Fee & 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: 05/19/2011	REVISED: 9/29/11	SHEET: 2 of 3

REGISTERED PROFESSIONAL LAND SURVEYOR
Danny K. Cummings
9/29/11
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



T.L. 3501 17S4733C
Norm Poole Oil Inc.
Instr. No. 2011-0431

BLOCK 5

N.W. Washington Avenue

"W" CENTER LINE

T.L. 3501 17S4733C
Norm Poole Oil Inc.
Instr. No. 2011-0431

NPO6 SLOPE/UTILITY
EASEMENT
1287 sq.ft.

T.L. 3700 17S4733C
Norm Poole Oil Inc.
Instr. No. 2011-0431

(31)

LEGEND

PROPERTY BOUNDARY LINE

NEW R.O.W BOUNDARY LINE

NEW SLOPE EASEMENT LINE

CENTERLINE OF R-O-W (CL)
124+34

ENGINEER STATIONING

NPO3 FEE AREA

NPO4 FEE. AREA

NPO8 FEE AREA

NPO7 SLOPE/UTILITY
EASEMENT
1953 sq.ft.

NPO6 EASEMENT AREA

NPO7 EASEMENT AREA

(14)

LOT NUMBER



CK3, LLC

CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
SURVEYING & PLANNING

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APPROVED BY: DKC	CO09017 CONTROL.dwg	JOB No. CO-09017
DATE: 05/19/2011	REVISED: 9/29/11	SHEET: 3 of 3

CORPORATE RESOLUTION

I, the undersigned, President of Norm Poole Oil, Inc., a Corporation organized under the laws of the state of Oregon, do hereby certify that a meeting of the Board of Directors of said corporation was duly convened and held on the 3rd day of May, 2012 at which a quorum was present, and at said meeting the following resolution was duly and unanimously adopted and has been entered upon the minutes of said meeting.

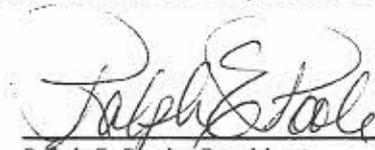
RESOLVED, That the Corporation may purchase or sell real estate or personal property located in any state within the United States.

BE IT FURTHER RESOLVED, That the President of the Corporation, Ralph E. Poole is hereby authorized to act on behalf of the Corporation and to execute any and all necessary documents required to consummate any such transaction.

BE IT FURTHER RESOLVED, That the Corporation's President should sign a Warranty Deed granting fee title and a permanent easement to a portion of property owned by the Corporation and located at 1030 N W Washington Ave in Ontario, OR. 97914 for the sum of \$173,300.00.

BE IT FURTHER RESOLVED, That the President of the Corporation shall take all actions necessary to complete this sale.

The within and foregoing Resolution is in conformity with the Articles of Incorporation and Bylaws of the Corporation, and has never been modified or revoked, and is now in full force and effect.



Ralph E. Poole, President

AGENDA REPORT

June 4, 2012

TO: Mayor and City Council

FROM: Lisa Hansen, Finance Director

THROUGH: Chuck Mickelson, Interim City Manager

SUBJECT: RESOLUTION #2012-109: A RESOLUTION AUTHORIZING AN ALLOCATION OF EXPENDITURES FOR THE SECOND YEAR OF THE BIENNIUM BUDGET FOR THE TRANSIT PROGRAM TO REDUCE CONTINGENCY AND INCREASE GENERAL FUND TRANSIT PROGRAM CONTRIBUTION

DATE: May 2, 2012

SUMMARY:

Attached is the following document:

- Resolution #2012-109

PREVIOUS COUNCIL ACTION:

Jun 2011 The City Council adopted the 2011-13 Biennial Budget which included a \$30,000 Transit Program Contribution for the first year only.

BACKGROUND:

The city requested additional financial information from the Malheur Council on Aging and Community Services to ensure the city's contribution was only being used to benefit the City of Ontario citizens before considering additional funding for the Ontario bus route for the second year of the biennium. This information has since been received and reviewed.

Since the \$30,000 proposed additional expense is less than 10% of the General Fund Budget, this request can be handled by a resolution approved by the Council.

FINANCIAL IMPLICATIONS:

The proposed resolution would reduce the General Fund Operating Contingency by \$30,000 and increase the Transit Program Contribution by \$30,000 summarized as follows:

Account Number	Account Name	Adopted FY 11-13 Budget	Proposed Change	Revised FY 11-13 Budget
GENERAL FUND				
ADMINISTRATIVE OVERHEAD EXPENSE				
001-004-615553	TRANSIT PROGRAM CONTRIBUTION	30,000	30,000	60,000
001-004-871000	OPERATING CONTINGENCY	1,532,701	(30,000)	1,502,701

RECOMMENDATION:

Staff recommends the Council approve Resolution #2012-109.

PROPOSED MOTION:

I move the Ontario City Council adopt Resolution #2012-109: A RESOLUTION AUTHORIZING AN ALLOCATION OF EXPENDITURES FOR THE SECOND YEAR OF THE BIENNIUM BUDGET FOR THE TRANSIT PROGRAM.

RESOLUTION 2012-109

A RESOLUTION AUTHORIZING AN ALLOCATION OF EXPENDITURES FOR THE SECOND YEAR OF THE BIENNIUM BUDGET FOR THE TRANSIT PROGRAM

WHEREAS, the City of Ontario adopted the 2011-2013 budget document; and

WHEREAS, the biennium budget only included \$30,000 for the Transit Program Contribution which was designated for the first year; and

WHEREAS, the City, requested and received additional financial information from the Malheur Council on Aging and Community Services to ensure that the City's contribution was only being used for the benefit of the City of Ontario citizens; and

WHEREAS, the Malheur Council on Aging and Community Services is requesting the City of Ontario to consider funding an additional \$30,000 for the second year of the biennium in order to continue the Ontario route.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council, to approve the following adjustments to the 2011-2013 Biennial budget:

Account Number	Account Name	Adopted FY 11-13 Budget	Proposed Change	Revised FY 11-13 Budget
GENERAL FUND				
ADMINISTRATIVE OVERHEAD EXPENSE				
001-004-615553	TRANSIT PROGRAM CONTRIBUTION	30,000	30,000	60,000
001-004-871000	OPERATING CONTINGENCY	1,532,701	(30,000)	1,502,701

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council, this ____ day of _____ 2012, by the following vote:

Ayes:

Nays:

Absent:

APPROVED by the Mayor this ____ day of _____ 2012.

ATTEST:

Joe Dominick, Mayor

Tori Barnett, MMC, City Recorder