



January 28, 2015

The Board of Commissioners acting as the Governing Body
of the North Clackamas Parks and Recreation District
Clackamas County

Members of the Board:

Granting of a Permanent Right of Way Easement for Road Purposes, and a Temporary
Construction Easement to Clackamas County Department of Transportation and
Development for the 122nd Avenue Sidewalk Improvement Project
at the Justice Property

Purpose/Outcomes	Granting Easements to DTD for sidewalks on the Justice Property.
Dollar Amount and Fiscal Impact	\$900.00
Funding Source	Clackamas County DTD
Duration	One Permanent Easement, and a One-Year Temporary Construction Easement
Previous Board Action	None
Strategic Plan Alignment	Build a Strong Infrastructure
Contact Person	Katie Dunham, Senior Planner, 503-742-4358

BACKGROUND:

Clackamas County Department of Transportation and Development (DTD) is preparing construction of the SE 122nd and 132nd Avenue Sidewalk Connections Project. The project consists of completing missing sidewalk segments on the west sides of SE 122nd and SE 132nd Avenues between SE Sunnyside Road and SE Summers Lane, to benefit the traveling public and high pedestrian traffic due to local schools and businesses. Improvements to this right-of-way are an important element of the Mount Scott / Scouters Mountain Trail Loop Master Plan, which NCPRD was a partner in developing, and identifies a 37.5-mile trail offering a route for alternative transportation that will link the Springwater Corridor with the Sunrise Corridor and the Clackamas River, connecting a number of NCPRD parks.

DTD has requested that NCPRD grant a permanent 1,252 square foot Right-of-Way Easement and a 1,719 square foot Temporary Construction Easement over tax lot No.22E03DA00200, an undeveloped neighborhood park property owned by NCPRD and referred to as the "Justice Property". The easements grant DTD the ability to build a sidewalk and bike lane along the SE 122nd Avenue property frontage. The easements are described in Exhibit A and B, Legal Description and Survey. Placement of the sidewalk and driveway in the undeveloped park will not restrict use of the remaining land for future park improvements. DTD is paying NCPRD \$900.00 for the easements.

This value is based on current market values for undeveloped open space and replacement of improvements on the site.

County Counsel has reviewed and approved the proposed draft easements.

RECOMMENDATION:

Staff respectfully recommends that the Board approve and sign the attached letter of agreement, permanent right-of-way easement and temporary construction easement. The easements will be recorded by DTD.

Respectfully submitted,

Gary Barth, Director
North Clackamas Parks and Recreation District



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

September 16, 2015

File No: 7716-007

North Clackamas Parks & Recreation District
Attn: Katie Dunham, CPRP, Senior Planner
150 Beaver Creek Rd
Oregon City, OR 97045

Subject: Letter of Agreement for Easements at Tax Lot 22E03DA 00200 for the SE 122nd Ave & SE 132nd Ave Sidewalk Connections Project

Ms. Dunham,

As a part of the SE 122nd Ave & SE 132nd Ave Sidewalk Connections Project, Clackamas County plans to construct missing sidewalk segments on the west sides of SE 122nd Avenue and SE 132nd Avenue between SE Sunnyside Road and SE Summers Lane, including ADA ramp additions/upgrades to benefit the traveling public and high pedestrian traffic due to local schools and businesses. In order to perform the work, the County will need to obtain a Permanent Right of Way Easement for Road Purposes and a Temporary Construction Easement on NCPRD's property, as described and shown on Exhibits "A" and "B" of the attached easements.

In exchange for granting the Easements; and subject to final approval by the Director of the Department of Transportation and Development (DTD), the County and Owner agree to the following:

1. The County will compensate the Owner the sum of ONE HUNDRED FIFTY DOLLARS and 24/100 (\$150.24) for the Permanent Right of Way Easement for Road Purposes (Tract 1).
2. The County will compensate the Owner the sum of TWENTY DOLLARS and 63/100 (\$20.63) for the Temporary Construction Easement (Tract 2).
3. The County will compensate the Owner the sum of SIX HUNDRED NINETY SEVEN DOLLARS and 84/100 (\$697.84) as payment for removal of existing improvements, including 2 arborvitae, 1200 s.f. of lawn and 52 s.f. of gravel within the right of way easement area; all as detailed in the valuation report.
4. The County will clean up all construction debris at the conclusion of the project.
5. To comply with the terms and conditions of this Letter of Agreement, which is the entire, final and complete agreement between the Owner and the County pertaining to the acquisition of the easements, and supersedes and replaces all written and oral agreements heretofore made.

The total compensation for the above property rights is **Nine Hundred Dollars and No/100 (\$900.00)**, rounded up from \$868.71. Payment will be made 60 days from the date of approval and acceptance by the Clackamas County Director of DTD. No other compensation shall be sought or offered.

Thank you,



Kelly Atkinson as Agent on behalf of Clackamas County
Right of Way Agent with ODOT

NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

By _____

Name _____

Title _____

Date _____

Attest: Recording Secretary _____

Date _____

Approved as to form _____

By _____

Joel Howie (County Project Manager)

Date _____

Grantor: North Clackamas Parks and Recreation District Address: 150 Beaver Creek Rd Oregon City, OR 97045	State of Oregon
Grantee: Clackamas County 150 Beaver Creek Rd. Oregon City, OR 97045	
After Recording Return to: Clackamas County Engineering 150 Beaver Creek Rd. Oregon City, OR 97045	
Until a change is requested, all taxes shall be sent to: No Change	Accepted by Clackamas County by Act of the Road Official Acceptance Date: _____
Road Name: <u>SE 122nd Avenue</u> Right-of-Way File No. 7716-007	Authorized by Clackamas County Ordinance No. 02-2009 Project: SE 122 nd Ave & SE 132 nd Ave Sidewalk Connections

PERMANENT RIGHT OF WAY EASEMENT FOR ROAD PURPOSES
(Corporate or Non Profit Grantor)

For value received, North Clackamas Parks and Recreation District, (Grantor), hereby grants, bargains, sells and conveys to Clackamas County, (Grantee), a political subdivision of the State of Oregon, its heirs, successors and assigns, a permanent easement dedicated to the public for road and right of way purposes, in, under, upon, and across Grantor's real property located in Clackamas County, State of Oregon.

Grantor's real property is more particularly described as follows: A tract of fee land located in the SE 1/4 of Section 3, T2S, R2E, WM, as more particularly described by that certain Warranty Deed recorded on September 15, 1993, as Document No. 93 66697 in the Deed Records of Clackamas County, Oregon.

The Permanent Right of Way Easement for Road Purposes is more particularly described as follows: A strip of land as described and depicted in Exhibits "A" and "B" attached hereto and by this reference made a part hereof (the Easement Area).

The true consideration for this conveyance is ONE HUNDRED FIFTY DOLLARS and 24/100 (\$150.24).

Grantee's rights include, but are not limited to, Grantee's right to enter upon the Easement Area for the purposes described in this document. Grantee may remove trees, shrubs, brush, paving or other materials within the Easement Area whenever necessary to accomplish these purposes.

Grantor, Grantor's heirs, successors, assigns or representatives, shall not construct or maintain any building or other structures upon the above described Easement Area.

This easement does not obligate the public or Grantee to replace landscaping, fencing, shrubs or trees that may be placed within the Easement Area in the future, and which interferes with Grantee's use of the Easement Area for the purposes described in this document.

Grantor hereby covenants to and with Grantee, its successors and assigns, that Grantor is the owner of the property which is free from all encumbrances except for easements, conditions and restrictions of

record and will warrant and defend the rights herein granted from all lawful claims whatsoever, except as stated in this document.

Statutory Land Use Disclaimer: 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.

In witness whereof, the above named Grantor has hereunto set Grantor's hand to this document on this _____ day of _____ 2016.

NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

By _____

Name _____

Title _____

Date _____

Attest: Recording Secretary _____

Date _____

Approved as to form _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was signed and attested before me this _____ day of _____ 2016,
by _____ as _____
of _____.

Notary Public for State of Oregon
My Commission Expires: _____

EXHIBIT A

122nd Ave. and 132nd Ave. Sidewalk Connections Project
December 5, 2014
OWNER: North Clackamas Parks and Recreation District
Page 1 of 2

County Project No. 22200
ODOT Key No. KN 17881
Map & Tax Lot No. 22E03DA00200
Property No. 7

PARCEL 1 (Permanent Right-Of-Way Easement For Road Purposes)

A parcel of land, as shown on attached Exhibit "B", lying in the Northeast One-Quarter of the Southeast One-Quarter of Section 3, Township 2 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that tract of land as described by Warranty Deed to North Clackamas Parks and Recreation District, recorded September 15, 1993 as Fee No. 93-66697, Clackamas County Deed Records, said parcel being that portion of said property lying easterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Beginning at a point 26.00 feet left of the Existing 122nd Avenue Centerline Station 13+30.00;

Thence northerly, in a straight line, to a point 26.00 feet left of Existing 122nd Avenue Centerline Station 15+50.00.

EXCEPTING therefrom that portion lying within the existing right-of-way of SE 122nd Avenue.

The parcel of land to which this description applies contains 1,252 square feet more or less.

The stationing used to describe this parcel is based on the Existing Centerline of SE 122nd Avenue, being more particularly described as follows:

Beginning at a point on the existing centerline of SE 122nd Avenue (County Road No. 380), from which a 3-1/4 inch bronze disk in a monument box per U.S.B.T. Entry 2002-078, Clackamas County Survey Records, at the Section Corner common to Sections 2, 3, 10, and 11, T.2S R.2E, W.M., Clackamas County, Oregon, bears S00°47'30"E, 327.90 feet, said point being Existing Centerline Station 0+00.00;

Thence N00°47'30"W, along said Existing Centerline of SE 122nd Avenue (County Road No. 380), 2341.60 feet to a 3-1/4 inch bronze disk in a monument box per U.S.B.T. Entry 2002-152, Clackamas County Survey Records, at the One-Quarter Section Corner common to said Sections 2 and 3, being Existing Centerline Station 23+41.60;

Thence N00°13'47"W, along said Existing Centerline of SE 122nd Avenue (County Road No. 242 and Market Road No. 29), 2675.27 feet to a 3-1/4 inch bronze disk in a monument box per U.S.B.T. Entry 2002-093, Clackamas County Survey Records, at the Section Corner common to Sections 2 and 3, T.2S R.2E, and Sections 34 and 35, T.1S R.2E, W.M., Clackamas County, Oregon, being Existing Centerline Station 50+16.87 and the terminus of this description.

This legal description, along with the basis of bearings thereof, is based on the Oregon Coordinate Reference System (OCRS) Portland Zone. The east line of the Southeast One-

Quarter of said Section 3 was held to be $N00^{\circ}47'30''W$, as measured between the above-described Southeast Section corner and East One-Quarter Section Corner of said Section 3.

This legal description is established from survey data provided by the Clackamas County Department of Transportation and Development.

PARCEL 2 (Temporary Construction Easement)

A parcel of land, as shown on attached Exhibit "B", lying in the Northeast One-Quarter of the Southeast One-Quarter of Section 3, Township 2 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that tract of land as described by Warranty Deed to North Clackamas Parks and Recreation District, recorded September 15, 1993 as Fee No. 93-66697, Clackamas County Deed Records, said parcel being that portion of said property lying easterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Beginning at a point 31.00 feet left of the Existing 122nd Avenue Centerline Station 13+30.00;

Thence northerly, in a straight line, to a point 31.00 feet left of Existing 122nd Avenue Centerline Station 13+87.47;

Thence westerly, in a straight line, to a point 56.00 feet left of Existing 122nd Avenue Centerline Station 13+87.47;

Thence northerly, in a straight line, to a point 56.00 feet left of Existing 122nd Avenue Centerline Station 14+14.48;

Thence easterly, in a straight line, to a point 31.00 feet left of Existing 122nd Avenue Centerline Station 14+14.48;

Thence northerly, in a straight line, to a point 31.00 feet left of Existing 122nd Avenue Centerline Station 15+50.00.

EXCEPTING therefrom the above described Parcel 1.

ALSO EXCEPTING therefrom that portion lying within the existing right-of-way of SE 122nd Avenue.

The parcel of land to which this description applies contains 1,719 square feet more or less.

The stationing used to describe this parcel is based on the Existing Centerline of SE 122nd Avenue described herein, being more particularly described in Parcel 1.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

EXPIRES: 12-31-15

EXHIBIT "B"

SE 1/4 SECTION 3, T2S, R2E, W.M.
 CLACKAMAS COUNTY, OR
 DECEMBER 5, 2014
 PROPERTY 7

TAX LOT NO. 22E03DA00201

EAST HAMPTON STREET

STA: 15+50.00
 OFF: 31.00' L
 STA: 15+50.00
 OFF: 26.00' L

①
 ②

NORTH CLACKAMAS PARKS AND
 RECREATION DISTRICT

FEE NO. 93-66697
 TAX LOT NO. 22E03DA00200

STA: 14+14.48
 OFF: 31.00' L
 STA: 14+14.48
 OFF: 56.00' L

STA: 13+87.47
 OFF: 56.00' L
 STA: 13+87.47
 OFF: 31.00' L

STA: 13+30.00
 OFF: 26.00' L
 STA: 13+30.00
 OFF: 31.00' L

SE 122ND AVENUE
 (CO. RD. NO. 380)
 EXISTING CENTERLINE

15+00

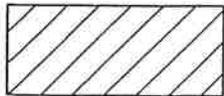
14+00

LOT 3, SUMMER PLACE
 TAX LOT NO. 22E03DD01400



SCALE
 1" = 40'

LEGEND



① PERMANENT RIGHT-OF-WAY
 EASEMENT FOR ROAD
 PURPOSES
 ± 1,252 SQ.FT.



② TEMPORARY CONSTRUCTION
 EASEMENT
 ± 1,719 SQ.FT.

COUNTY PROJ. NO. 22200
 ODOT KEY NO. KN17881



**Harper
 Houf Peterson
 Righellis Inc.**

ENGINEERS • PLANNERS
 LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

CLA-67 MJM

PAGE 1 OF 1

SEE ATTACHED
 LEGAL DESCRIPTION

Grantor: North Clackamas Parks and Recreation District Address: 150 Beaver Creek Rd. Oregon City, OR 97045	State of Oregon
Grantee: Clackamas County 150 Beaver Creek Rd. Oregon City, OR 97045	
After Recording Return to: Clackamas County Engineering 150 Beaver Creek Rd. Oregon City, OR 97045	<i>DO NOT RECORD</i>
Until a change is requested, all taxes shall be sent to: No Change	Accepted by Clackamas County by Act of the Road Official Acceptance Date: _____
Road Name: <u>SE 122nd Avenue</u> Right-of-Way File No. 7716-007	Authorized by Clackamas County Ordinance No. 02-2009 Project: SE 122 nd Ave & SE 132 nd Ave Sidewalk Connections

TEMPORARY CONSTRUCTION EASEMENT
(Corporate or Non Profit Grantor)

For value received, North Clackamas Parks and Recreation District, (Grantor), hereby grants, bargains, sells and conveys to Clackamas County, a political subdivision of the State of Oregon, its heirs, successors and assigns, (Grantee), a temporary construction easement and right of way for the purpose of construction improvements as a part of the SE 122nd Ave & SE 132nd Ave Sidewalk Connection Project. This work will be performed on Grantor's real property located in Clackamas County, State of Oregon.

Grantor's real property is more particularly described as follows: A tract of fee land located in the SE 1/4 of Section 3, T2S, R2E, WM, as more particularly described by that certain Warranty Deed recorded on September 15, 1993, as Document No. 93 66697 in the Deed Records of Clackamas County, Oregon.

The Temporary Construction Easement is more particularly described as follows: A strip of land as described and depicted in Exhibits "A" and "B" attached hereto and by this reference made a part hereof (the Easement Area).

The true consideration for this conveyance is TWENTY DOLLARS and 63/100 (\$20.63).

This Temporary Construction Easement shall become effective on the date the County issues the notice to proceed to the contractor, and shall terminate one (1) years from that date, or when construction on the property is completed, whichever occurs first.

Grantee shall have the right to enter upon the Easement Area for the purposes described in this document. Grantee may remove trees, shrubs, brush, paving or other materials within the Easement Area necessary to accomplish these purposes. Grantor shall not install any improvements within the Easement Area without written approval of the Grantee, which approval will not be unreasonably withheld, prior to Grantee's use of the Easement Area for the period of time that this Temporary Construction Easement remains in effect.

EXHIBIT A

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December 5, 2014
OWNER: North Clackamas Parks and Recreation District
Page 1 of 2

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Beginning at a point 26.00 feet left of the Existing 122nd Avenue Centerline Station 13+30.00;
Thence northerly, in a straight line, to a point 26.00 feet left of Existing 122nd Avenue Centerline Station 15+50.00.

EXCEPTING therefrom that portion lying within the existing right-of-way of SE 122nd Avenue.

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EXPIRES: 12-31-15

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SE 1/4 SECTION 3, T2S, R2E, W.M.
 CLACKAMAS COUNTY, OR
 DECEMBER 5, 2014
 PROPERTY 7

TAX LOT NO. 22E03DA00201

EAST HAMPTON STREET

NORTH CLACKAMAS PARKS AND
 RECREATION DISTRICT

FEE NO. 93-66697
 TAX LOT NO. 22E03DA00200

LOT 3, SUMMER PLACE
 TAX LOT NO. 22E03DD01400

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①

②

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 (CO. RD. NO. 380)
 EXISTING CENTERLINE

14+00

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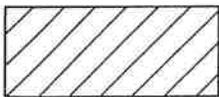
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 PURPOSES
 ± 1,252 SQ.FT.



② TEMPORARY CONSTRUCTION
 EASEMENT
 ± 1,719 SQ.FT.

COUNTY PROJ. NO. 22200
 ODOT KEY NO. KN17881



**Harper
 Houf Peterson
 Righellis Inc.**

ENGINEERS • PLANNERS
 LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

CLA-67 MJM

PAGE 1 OF 1

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 LEGAL DESCRIPTION