

RESOLUTION NO. 1473

**A RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN  
FOR THE TWIN CREEKS CROSSING**

Recitals:

- A. The City of Central Point may exercise the power of eminent domain pursuant to City Charter and the Laws of the State of Oregon generally, when the exercise of such power is deemed necessary by the City's governing body to accomplish public purposes for which City has responsibility.
- B. City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.
- C. The project or projects known as Twin Creeks Crossing Improvements have been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted and travel safeguarded.
- D. To accomplish the project or projects set forth above it is necessary to acquire the interests in the property described in "Exhibit A and B" attached to this resolution and, by this reference incorporated herein.

**The City of Central Point resolves as follows:**

Section 1. The foregoing statements of authority and need are, in fact, the case. The project or projects for which the property is required and is being acquired are necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury.

Section 2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in Exhibit A and B. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.

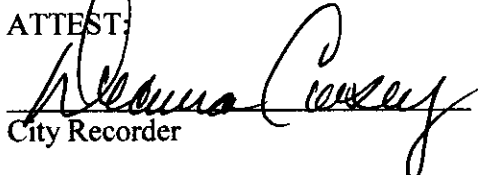
Section 3. The City's staff and the City Attorney are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation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

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

Passed by the Council and signed by me in authentication of its passage this 8<sup>th</sup> day of September 2016.

  
Mayor Hank Williams

ATTEST:

  
City Recorder

**EXHIBIT 'A'**  
**SLOPE EASEMENT**  
**CENTRAL POINT HIGH SCHOOL**  
**TAX LOT 372W03DB-100**

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 37 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF CENTRAL POINT, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DESCRIBED IN THE WARRANTY DEED TO JACKSON COUNTY SCHOOL DISTRICT NO.6 RECORDED ON JUNE 10, 1950 IN VOLUME 335, PAGE 121 JACKSON COUNTY RECORDS.

SAID TRACT BEING THAT PORTION OF SAID PROPERTY INCLUDED IN A STRIP OF LAND VARIABLE IN WIDTH, LYING ON THE NORTHEASTERN SIDE OF THE CENTERLINE OF ROGUE VALLEY HIGHWAY (US HIGHWAY 99) DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEERS CENTERLINE STATION 535+00;  
THENCE SOUTH 35°26'06" EAST, 2,435.16 FEET TO ENGINEERS CENTERLINE STATION 559+35.16

THE WIDTH OF SAID STRIP OF LAND IS AS FOLLOWS:

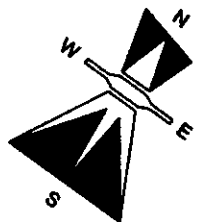
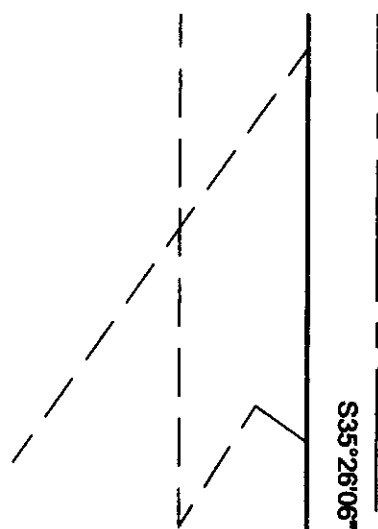
FROM STATION	TO STATION	OFFSET
554+34.24	559+24.24	65.00 LEFT TO 68.00 LEFT

SAID TRACT CONTAINS 1,095 SQUARE FEET, MORE OR LESS, OUTSIDE THE EXISTING RIGHT-OF-WAY.

SAID TRACT IS DEPICTED ON PAGE 2 OF THIS EXHIBIT.

BEARINGS BASED ON THE OREGON COORDINATES REFERENCE SYSTEM, GRANTS PASS TO ASHLAND ZONE NAD 1983[2011 EPOCH 2010] AS DEPICTED COUNTY SURVEY #####.

**EXHIBIT 'A'**  
**SLOPE EASEMENT**  
**CENTRAL POINT HIGH SCHOOL**  
**TAX LOT 372W03DB-100**  
**PAGE 2 OF 2**



SCALE 1" = 80'

AUGUST 17, 2016  
 ORION GEOMATICS / TWIN CRK BNDY.DWG

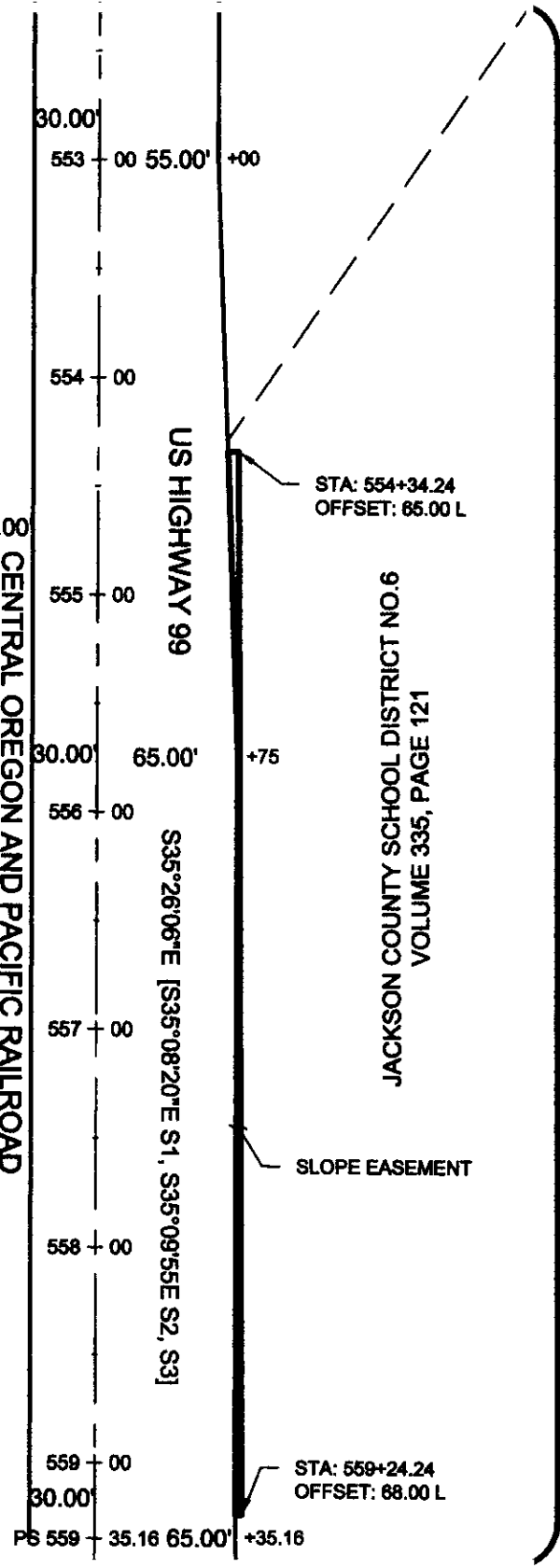
REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 19, 1994  
**JOHN D. PUTNAM**  
 2676

RENEWAL: 12-31-16

S35°26'06"E [S35°08'20"E S1, S35°09'55"E S2, S3]

30.00' 8 CENTRAL OREGON AND PACIFIC RAILROAD



US HIGHWAY 99

S35°26'06"E [S35°08'20"E S1, S35°09'55"E S2, S3]

JACKSON COUNTY SCHOOL DISTRICT NO.6  
 VOLUME 335, PAGE 121

SLOPE EASEMENT

STA: 554+34.24  
 OFFSET: 65.00 L

STA: 559+24.24  
 OFFSET: 68.00 L

PS 559 35.16 65.00' +35.16

**EXHIBIT 'A'**  
**SLOPE EASEMENT**  
**PARCEL 2, PARTITION PLAT P-95-93**  
**TAX LOT 372W03BD-1000**

A TRACT OF LAND LOCATED IN THE WEST ONE-HALF OF SECTION 3, TOWNSHIP 37 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF CENTRAL POINT, JACKSON COUNTY, OREGON AND BEING A PORTION PARCEL 2 OF PARTITION PLAT P-95-93 RECORDED ON NOVEMBER 12<sup>TH</sup>, 1995 JACKSON COUNTY RECORDS.

SAID TRACT BEING THAT PORTION OF SAID PROPERTY INCLUDED IN A STRIP OF LAND VARIABLE IN WIDTH, LYING ON THE NORTHEASTERN SIDE OF THE CENTERLINE OF ROGUE VALLEY HIGHWAY (US HIGHWAY 99) DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEERS CENTERLINE STATION 535+00;  
THENCE SOUTH 35°26'06" EAST, 2,435.16 FEET TO ENGINEERS CENTERLINE STATION  
559+35.16

THE WIDTH OF SAID STRIP OF LAND IS AS FOLLOWS:

FROM STATION	TO STATION	OFFSET
547+69.24	548+71.24	57.00 LEFT TO 68.00 LEFT

SAID TRACT CONTAINS 325 SQUARE FEET, MORE OR LESS, OUTSIDE THE EXISTING RIGHT-OF-WAY.

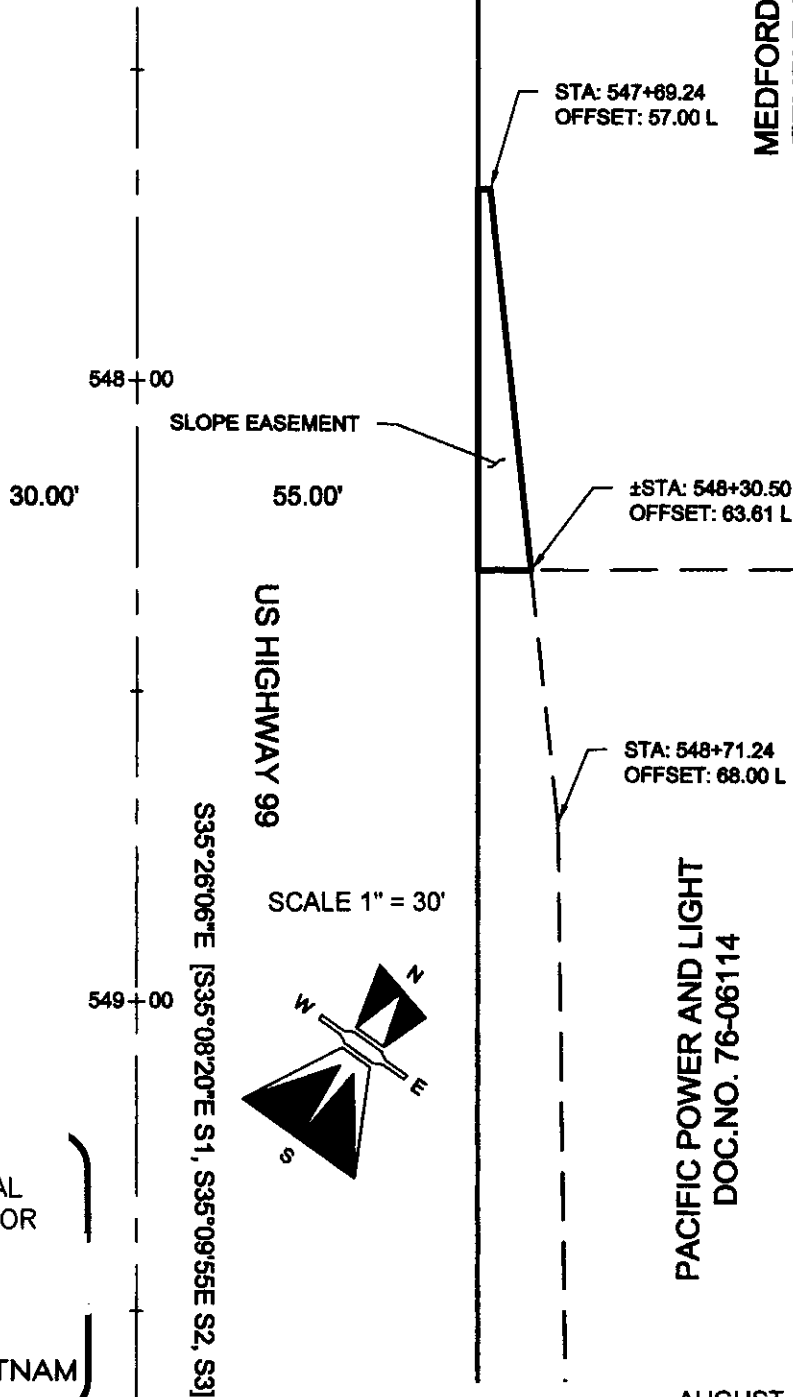
SAID TRACT IS DEPICTED ON PAGE 2 OF THIS EXHIBIT.

BEARINGS BASED ON THE OREGON COORDINATES REFERENCE SYSTEM, GRANTS PASS TO ASHLAND ZONE NAD 1983[2011 EPOCH 2010] AS DEPICTED COUNTY SURVEY #####.

EXHIBIT 'A'  
SLOPE EASEMENT  
PARCEL 2, PARTITION PLAT P-95-93  
TAX LOT 372W03BD-1000  
PAGE 2 OF 2

MEDFORD LABOR  
TEMPLE ASSOC.  
PARCEL 2  
PARTITION PLAT P-95-93

CENTRAL OREGON AND PACIFIC RAILROAD  
S35°26'06"E [S35°08'20"E S1, S35°09'55"E S2, S3]



PACIFIC POWER AND LIGHT  
DOC. NO. 76-06114

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 19, 1994  
JOHN D. PUTNAM  
2676

RENEWAL: 12-31-16

AUGUST 17, 2016  
ORION GEOMATICS / TWIN CRK BNDY.DWG

**EXHIBIT 'A'**  
**SLOPE EASEMENT**  
**PACIFIC POWER AND LIGHT**  
**TAX LOT 372W03B-1502**

A TRACT OF LAND LOCATED IN THE WEST ONE-HALF OF SECTION 3, TOWNSHIP 37 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF CENTRAL POINT, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DESCRIBED IN THE WARRANTY DEED TO PACIFIC POWER AND LIGHT COMPANY ON RECORDED ON APRIL 2, 1976 AS DOC. NO. 76-06114 JACKSON COUNTY RECORDS.

SAID TRACT BEING THAT PORTION OF SAID PROPERTY INCLUDED IN A STRIP OF LAND VARIABLE IN WIDTH, LYING ON THE NORTHEASTERN SIDE OF THE CENTERLINE OF ROGUE VALLEY HIGHWAY (US HIGHWAY 99) DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEERS CENTERLINE STATION 535+00;  
THENCE SOUTH 35°26'06" EAST, 2,435.16 FEET TO ENGINEERS CENTERLINE STATION 559+35.16

THE WIDTH OF SAID STRIP OF LAND IS AS FOLLOWS:

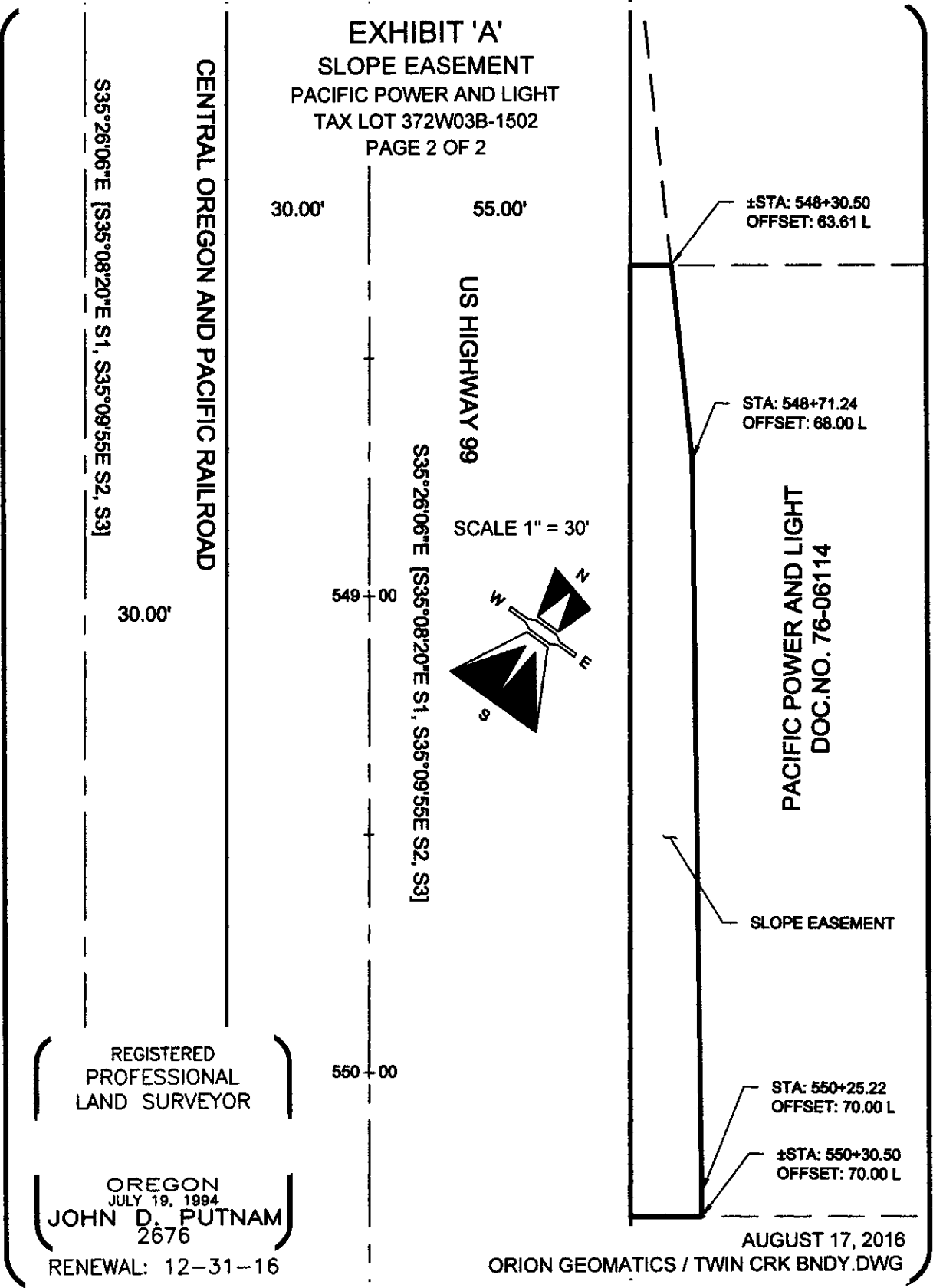
FROM STATION	TO STATION	OFFSET
547+69.24	548+71.24	57.00 LEFT TO 68.00 LEFT
548+71.28	550+25.22	68.00 LEFT TO 70.00 LEFT
550+25.22	550+50.00	70.00 LEFT

SAID TRACT CONTAINS 2,675 SQUARE FEET, MORE OR LESS, OUTSIDE THE EXISTING RIGHT-OF-WAY.

SAID TRACT IS DEPICTED ON PAGE 2 OF THIS EXHIBIT.

BEARINGS BASED ON THE OREGON COORDINATES REFERENCE SYSTEM, GRANTS PASS TO ASHLAND ZONE NAD 1983[2011 EPOCH 2010] AS DEPICTED COUNTY SURVEY #####.

EXHIBIT 'A'  
 SLOPE EASEMENT  
 PACIFIC POWER AND LIGHT  
 TAX LOT 372W03B-1502  
 PAGE 2 OF 2



S35°26'06"E [S35°08'20"E S1, S35°09'55"E S2, S3]

CENTRAL OREGON AND PACIFIC RAILROAD

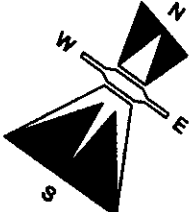
30.00'

30.00'

55.00'

US HIGHWAY 99

SCALE 1" = 30'



S35°26'06"E [S35°08'20"E S1, S35°09'55"E S2, S3]

549+00

550+00

±STA: 548+30.50  
 OFFSET: 63.61 L

STA: 548+71.24  
 OFFSET: 68.00 L

PACIFIC POWER AND LIGHT  
 DOC. NO. 76-06114

SLOPE EASEMENT

STA: 550+25.22  
 OFFSET: 70.00 L

±STA: 550+30.50  
 OFFSET: 70.00 L

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 19, 1994  
 JOHN D. PUTNAM  
 2676

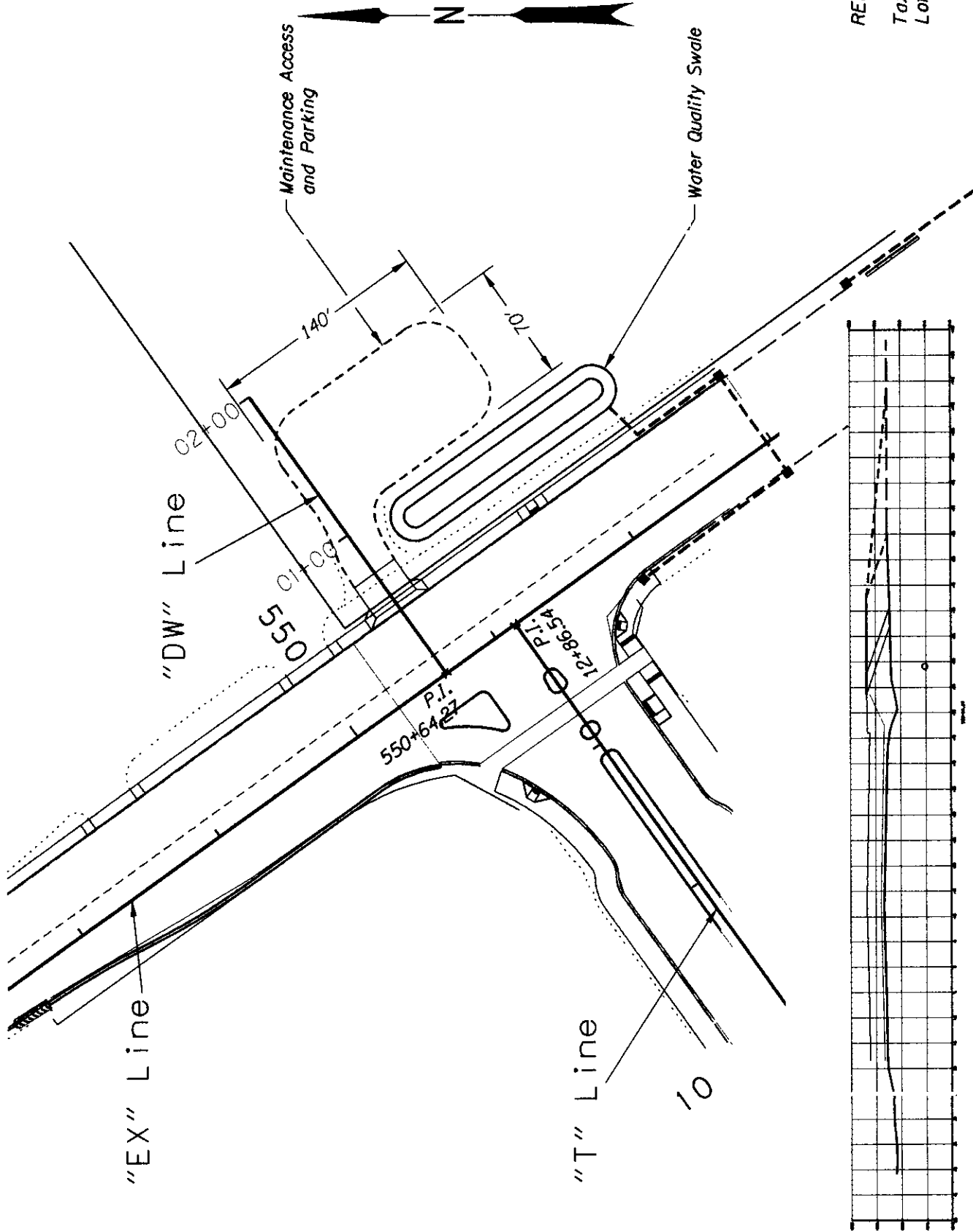
RENEWAL: 12-31-16

AUGUST 17, 2016

ORION GEOMATICS / TWIN CRK BNDY.DWG



Exhibit B



REMAINDER EXHIBIT  
Tax Map 372W03b  
Lot 1501 1.31 Acre

358456

**WARRANTY DEED**  
(Individual)

Vol. 389 Page 86

Know All Men by These Presents, That I, Finis Mayfield, a widower,

grantor, for the consideration of the sum of FOUR THOUSAND FIVE HUNDRED and no/100 (i.e., \$5,000.00) DOLLARS to me paid, have bargained and sold and by these presents do bargain, sell and convey unto the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, the following described premises, to wit:

A parcel of land lying in the West half (W $\frac{1}{2}$ ) of Section 3, Township 37 South, Range 2 West, W.M., Jackson County, Oregon, and being a portion of that property described in that deed to Finis Mayfield, recorded in Book 251, Page 6, of Jackson County Records of Deeds. The said parcel being that portion of said property included in a strip of land of variable width, lying on the Northeastly side of the center line of the Pacific Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 540+00, said Station being 2,108.24 feet South and 355.20 feet West of the North quarter corner of said Section 3; thence South 35° 38' 20" East 1,000 feet to Engineer's center line Station 556+00. The Northeastly line of said strip of land intersects the North and East lines of said property approximately opposite Station 542+72 and Station 554+31, respectively.

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

Station	to	Station	Width on Northeastly side of center line
540+00		553+00	55 feet
553+00		555+75	25 to 65 feet

The parcel of land to which this description applies contains 0.66 acre, outside of the existing right of way.

As a part of the consideration hereinabove stated, there also is bargained, sold, conveyed and relinquished to the Grantee all existing, future, or potential covenants, law or statutory easements of access between the right of way of the public way identified as the relocated Pacific Highway and all of the Grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, any one or more of which parcels adjoins the real property covered by this instrument.

Reserving the right of access from said remaining property to said highway of a width of thirty (30) feet at each of the following places and for the following purposes only:

High. Eng.'s Sta.	Side of Hwy.	Purpose
545+00	Easterly	Unrestricted
548+00	Easterly	Unrestricted
550+75	Easterly	Unrestricted
551+55	Easterly	Unrestricted

Grantee has the right, at its option, to build at any future time a frontage road or roads within the boundaries of any present or hereinafter acquired right of way; whereupon, all rights of access hereinabove reserved to and from the Highway that are on or adjacent to any such frontage road or roads shall cease, but the Grantor, his heirs and assigns, shall have access to the frontage road or roads at such places as will afford reasonable and safe connections. Said frontage road or roads shall be connected to the main highway or to other public ways only at such places as the Grantee may select.

It is expressly intended that these covenants, burdens and restrictions shall run with the land and shall forever bind the grantor, his heirs and assigns.

358456

There is also hereby granted an easement for channel change purposes over and across the following described property to wit:

Vol. 389 Page 87

A parcel of land lying in the Southwest quarter (S4) of Section 3, Township 37 South, Range 2 West, T.11E., Jackson County, Oregon, and being a portion of that tract of land described in that certain deed to Finis Mayfield, recorded in Book 251, Page 6 of Jackson County Records of Deeds; the said parcel being described as follows:

Beginning at a point which is the intersection of the N-S Center Line of said Section 3 with the Northeasterly line of the above described parcel, said point being approximately opposite Station 554+30; thence North along said N-S Center Line 37.18 feet; thence South 85° 00' West 65 feet, more or less, to said Northeasterly line of the above described parcel; thence Southeasterly along said Northeasterly line 109 feet, more or less, to the point of beginning, containing 0.07 acre.

TO HAVE AND TO HOLD the said premises with their appurtenances, in fee simple, unto the said State of Oregon, by and through its State Highway Commission, its successors and assigns forever.

And I the said grantor do hereby covenant to and with the said State of Oregon, by and through its State Highway Commission, its successors and assigns, that I am the owner in fee simple of said premises; that they are free from all incumbrances

and that I will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 21st day of December, 1957 Done in presence of:

Ethel M. Intyre } Finis Mayfield [SEAL] [SEAL]

358456

Warranty Deed (Individual) FROM TO STATE OF OREGON BY AND THROUGH ITS STATE HIGHWAY COMMISSION STATE OF OREGON, County of Jackson I certify that the within was received at 12:00 o'clock P.M. on the 30 day of Dec, 1957 and duly recorded by me in Jackson County Records, Book of Deeds, Volume Page By Dwight P. Hagedorn County Clerk or Notary By Richard Henderson Deputy OREGON STATE HIGHWAY COMMISSION Salem, Oregon State Printing 1955 150/1 X

STATE OF OREGON County of Jackson On this 21st day of December, 1957 personally came before me, a Notary Public in and for said county and state, the within named Finis Mayfield, a widower, and his wife, to me personally known to be the identical person described in, and who executed, the within instrument, and who each personally acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein named. Witness my hand and official seal the day and year last above written. Ethel M. Intyre Notary Public for Oregon My commission expires 1960



70-04199

SEWER EASEMENT

The undersigned KERMIT R. BICKEL & MARGUERITE BICKEL, Grantors, hereby grant to the Bear Creek Valley Sanitary Authority, Jackson County, Oregon, its successors and assigns, Grantee, a permanent right-of-way and easement to construct, reconstruct, operate, repair and maintain sewer lines and all necessary related facilities over, across, and under the following described real property:

An easement as surveyed, being 30 feet in width over and across a portion of that tract of land described in document No. 69-01625 of the official records in Jackson County, Oregon. From the following described center line of said easement, 15 feet abutts each side.

Commencing at the North Quarter corner of Sec. 3, T37S, R2W, WM.; thence West 55.81 feet; thence South 1913.09 feet to the point of beginning being at Station "A" 45+57.18; thence South  $0^{\circ} 53' 20''$  East, 844.56 feet to Station "A" 54+01.74; thence South  $0^{\circ} 53' 20''$  East, 56.10 feet to Station "A" 54+57.84; thence South  $54^{\circ} 50' 30''$  West, 363.79 feet to Station "A" 58+21.63.

On center line of said easement enter said tract at approx. Station "A" 46+70 and leave at approx. Station "A" 56+62.

Also an easement 30 feet in width, the center line described as follows; Commencing at the point of beginning being at Station "A" 54+01.74 in the above described easement; thence North  $89^{\circ} 54' 50''$  East, 480 feet.

On center line leave said tract at approx. 56.4 feet from the point of beginning.

TO HAVE AND TO HOLD THE ABOVE EASEMENT unto said Grantee, its successors and assigns, forever.

IN ADDITION THERETO, the Grantors hereby give to the Grantee's a construction easement of 50 feet abutting the Westerly side and 20 feet abutting the Easterly side and for the full length of the first aforementioned and described permanent easement and a construction easement of 40 feet abutting each side for the full length of the second aforementioned and described permanent easement.

TO HAVE AND TO HOLD said construction easement unto the said Grantee, its successors and assigns, during construction of the sewer and its related facilities.

The Grantee shall fill all excavations as soon as practicable after opening; dispose of all brush and debris; and replace in like condition all improvements, trees, ornamental shrubs and crops, if practicable, and as soon as practicable after damage or destruction, but if not practicable then pay to Grantors, their heirs and assigns, the reasonable value thereof.

1970-07-17

Grantors reserve the right to use the surface of the land for walkways, driveways, planting, and related purposes; and all sewer facilities shall be at a depth consistent with these purposes. No building shall be placed upon the granted property; however, without the written permission of the Grantee.

Dated this 15 day of June 1970.

*Kermit R. Bickel*  
(Kermit R. Bickel)

*Marguerite Bickel*  
(Marguerite Bickel)

STATE OF OREGON )  
                          ) ss  
County of Jackson )

Personally appeared the above named *Kermit R. Bickel*  
*Marguerite Bickel*  
and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

*Burton K. Aronson*  
Notary Public for Oregon  
My Commission expires

*December 13, 1971*



Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS  
11:43  
A.M. JUL 21 1970  
*Harry Chipman*  
CLERK and RECORDER  
*Mr. [Signature] Deputy*

'76-02777

(21)

37 2W 3B 83190

WARRANTY DEED

PACIFIC POWER & LIGHT COMPANY, a Maine corporation, conveys to SOUTHERN OREGON PRODUCTION CREDIT ASSOCIATION, all the following described real property situated in Jackson County, Oregon, to wit:

Commencing at the north quarter corner of Section 3, Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence South 00° 16' 50" East, 2698.86 feet along the north and south centerline of said Section 3; thence continue South 00° 17' 30" East, 50.88 feet to the true point of beginning; thence continue along the said north and south centerline of said Section 3 South 00° 17' 30" East, 506.28 feet to intersect the northeasterly right of way line of Oregon State Highway 99; thence along said right of way line, North 37° 13' 27" West, 145.99 feet to Highway Engineers Station 553 + 00'; thence North 35° 08' 30" West, 269.58 feet to a 5/8" iron pin; thence leaving said right of way line, North 54° 51' 30" East, 294.61 feet to the true point of beginning.

EXCEPTING AND RESERVING unto grantor, its successors and assigns, an easement for a right of way over said premises fifty (50) feet in width for the existing transmission line, and the right of ingress and egress to grantor's facilities over said premises with the right to construct, reconstruct, operate, maintain, repair, and remove any of the transmission line facilities.

Grantor covenants that it is the owner of the above described property free of all encumbrances except encumbrance of record and current real property taxes, and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

Grantee covenants and agrees for itself, its successors and assigns, that all buildings and parking facilities of grantee, shall be located in relation to the easement reserved by grantor according to the plan attached hereto as Exhibit A and by this reference incorporated herein and that all future buildings shown on said attached plan will have a minimum horizontal set-back of not less than twelve (12) feet from a point directly under the nearest phase wire.

The true and actual consideration for this transfer is \$10,000.00.

76-02777

Signed by authority of the Board of Directors with the seal of said corporation affixed this 27<sup>th</sup> day of January, 1976.

PACIFIC POWER & LIGHT COMPANY

By

*E. B. McDBERG*  
Vice President



Attest: *J. L. Sampson*  
Assistant Secretary

STATE OF OREGON            )  
  ) ss.  
County of Multnomah    )

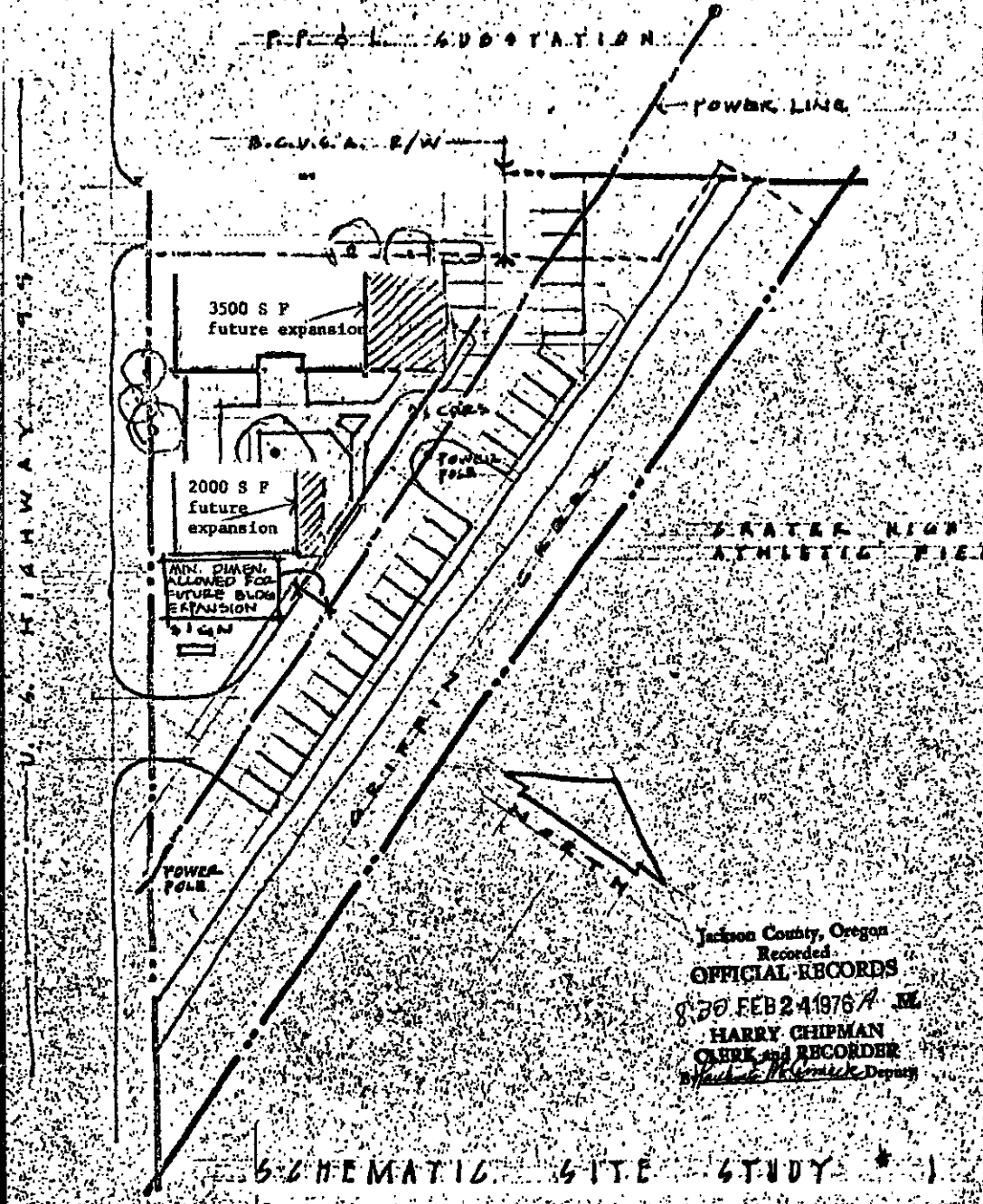
January 27, 1976.

Personally appeared E. B. McDBERG, who, being sworn, stated that he is a Vice President of Pacific Power & Light Company and that the seal affixed hereto is its seal and that this instrument was voluntarily signed and sealed in behalf of said corporation by authority of its Board of Directors.

Before me:



*John F. Larson*  
Notary Public for Oregon  
My commission expires: June 10, 1977



Jackson County, Oregon  
 Recorded  
**OFFICIAL RECORDS**  
 FEB 24 1976 A.M.  
 HARRY CHIPMAN  
 CLERK and RECORDER  
 Jackson County, Oregon

**SCHEMATIC SITE STUDY**

**EXHIBIT "A"**

A plan for location of buildings and parking facilities on property to be conveyed by Pacific Power & Light Company to Southern Oregon Production Credit Association. All buildings will be one story in height with a hipped, wood shingle roof. A reinforced concrete or metal barrier will be installed by said Association to protect the one transmission line pole located as indicated on this map. Future building expansion as shown above will have a minimum building set back of a horizontal distance of twelve (12) feet from a point directly under the nearest cross wire.



11.6.2 JKS

77-04982

CORRECTION WARRANTY DEED

PACIFIC POWER & LIGHT COMPANY, a Maine corporation, conveys to SOUTHERN OREGON PRODUCTION CREDIT ASSOCIATION, all that real property situated in Jackson County, Oregon, said real property being more particularly described on Exhibit "A", attached hereto and by this reference incorporated herein and made a part hereof.

EXCEPTING AND RESERVING unto grantor, its successors and assigns, an easement for a right of way over said premises fifty (50) feet in width for the existing transmission line, and the right of ingress and egress to grantor's facilities over said premises with the right to construct, reconstruct, operate, maintain, repair, and remove any of the transmission line facilities.

Grantor covenants that it is the owner of the above described property free of all encumbrances except encumbrance of record and current real property taxes, and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

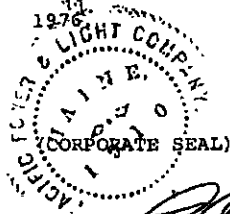
Grantee covenants and agrees for itself, its successors and assigns, that all buildings and parking facilities of grantee, shall be located in relation to the easement reserved by grantor according to the plan attached hereto as Exhibit "B" and by this reference incorporated herein and made a part hereof and that all future buildings shown on said attached plan will have a minimum horizontal set-back of not less than twelve (12) feet from a point directly under the nearest phase wire.

There is no cash consideration for this Deed, said Deed being given to correct the real property description contained in that certain Deed recorded as Instrument No. 76-02777

77-04982

of the Official Records of Jackson County, Oregon on February 2, 1976.

Signed by authority of the Board of Directors with the seal of said corporation affixed this 10th day of March,



PACIFIC POWER & LIGHT COMPANY

by

*E. B. Hedberg*  
Vice President

Attest: *Bill Anderson*  
Assistant Secretary

STATE OF OREGON )  
County of Multnomah ) ss.

March 10, 1976.

Personally appeared E. B. HEDBERG, who, being sworn, stated that he is a Vice President of Pacific Power & Light Company and that the seal affixed hereto is its seal and that this instrument was voluntarily signed and sealed in behalf of said corporation by authority of its Board of Directors.

Before me:



*John F. Larson*  
Notary Public for Oregon  
My Commission Expires: June 10, 1977

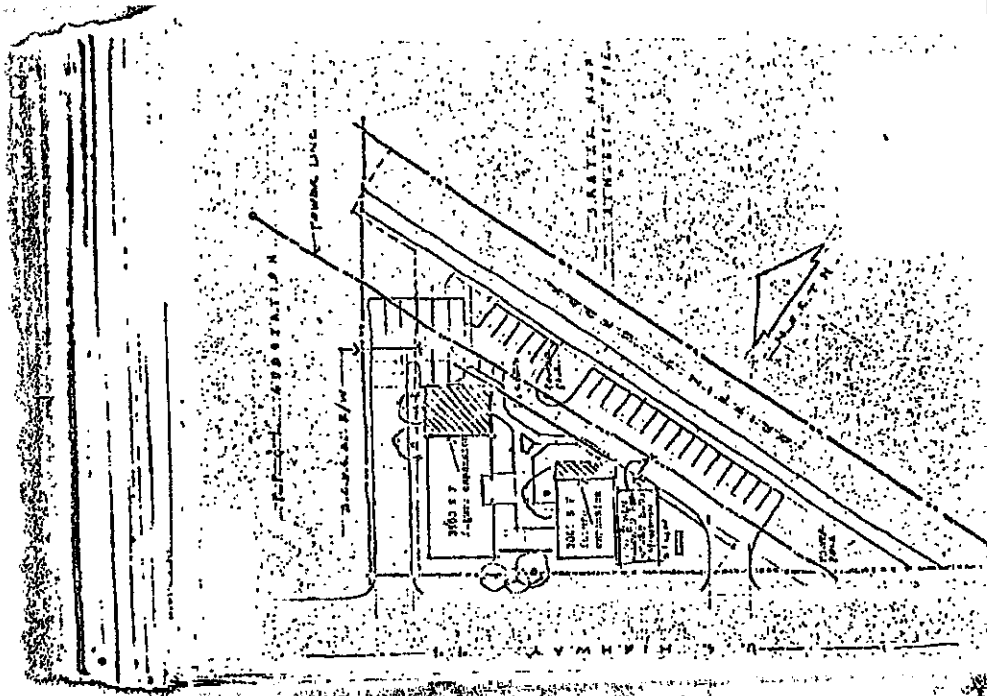
77-01982

EXHIBIT "A"

Commencing at the North one-quarter (1/4) corner of Section 3, Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence South 00° 16' 50" East along the North-South centerline of said Section 3, 2698.86 feet to the record position of the center one-quarter (1/4) corner of said Section 3; thence continue along said centerline South 00° 17' 30" East 57.87 feet to the true point of beginning; thence continue along said centerline South 00° 17' 30" East 486.01 feet to intersect the Northeast-erly right of way line of Oregon State Highway No. 99; thence along said right of way line North 37° 13' 27" West 129.35 feet to High-way Engineers Station 553+00; thence continue along said right of way line North 35° 08' 30" West 269.58 feet to a 5/8 inch iron pin; thence leaving said right of way line North 54° 51' 30" East 226.55 feet to a 5/8 inch iron pin witness corner; thence continue North 54° 51' 30" East 55.87 feet to the true point of beginning. Con-taining 1.307 acres, more or less.

State of Oregon, County of Jackson-SS.  
 The within instrument received and filed at 11:02 o'clock  
 A.M. the 15 day of March 1977  
 Recorded in Official Records for Jackson County  
 Oregon Thomas R. Jewett County Clerk.  
 By Thomas R. Jewett Deputy

EXHIBIT "B"



3

RETURN RECORDED DOCUMENT TO:  
DEPARTMENT OF PUBLIC WORKS  
CITY OF CENTRAL POINT  
140 South Third Street  
Central Point, OR 97502

781490-TD

19

Jackson County Official Records 2009-016828

R-E

Cnt=1 Stn=4 SHAWBJ 05/12/2009 08:03:00 AM

\$20.00 \$10.00 \$5.00 \$11.00

Total: \$46.00



I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Christine Walker - County Clerk

**EASEMENT  
PERMANENT SLOPE**

Space above reserved for Jackson County recording information

KNOWN ALL PEOPLE BY THESE PRESENT, that Ray Davidson, also known as Raymond K. Davidson, hereinafter referred to as Grantor, in consideration of the sum of \$ 3,000.00 paid by the City of Central Point, a municipal corporation and political subdivision of the State of Oregon hereinafter referred to as Grantee, its successors and assigns, convey a perpetual easement and right-of-way over the following described land, for the purpose of constructing, reconstructing, maintaining, repairing, and using the same for a slope to support or help to support the street or sidewalk construction on the adjacent real property located in the County of Jackson, State of Oregon. Said land is more particularly described as follows:

See Exhibits "A" and "B" attached and made part of this document by reference

The Grantee and its assigns or its agents shall have the right at any time hereafter to enter upon the above-described real property for the purpose, hereinabove mentioned. In connection therewith Grantee may remove any trees, shrubs, brush, paving or other materials which it finds necessary or convenient to accomplish said purpose.

The Grantor, their heirs, successors, assigns or representative shall not construct or maintain any building or other structure upon the above described real property prior to receiving written approval by the City Engineer or his/her designee. The Grantor, their heirs, successors, assigns or representatives shall not in any way alter the configuration of the material forming the slope, including alteration by addition or removal of material, without prior written approval by the City Engineer or his/her designee.

The instrument does not grant or convey to the Grantee any right of title to the surface of the soil except for the purpose of constructing, inspecting, maintaining, and replacing the slope as above stated.

IN WITNESS WHEREOF, we hereunto set our hands on this 19<sup>th</sup> day of May, 2008.

  
Raymond K. Davidson

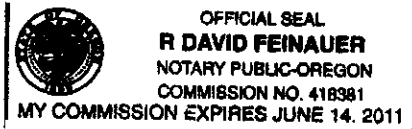
2798 Eric Avenue. Central Point. OR 97502  
Tax Statement Mailing Address

STATE OF OREGON       )  
                                  ) ss.  
County of Jackson     )

This instrument was acknowledged before me on November 19, 2008 by  
Raymond K. Davidson.

*R David Feinauer*  
Notary's Signature

My Commission Expires: 6/14/2011



Accepted on behalf of the City of Central Point this 1 day of December 2008.

By: *Christina S. Chapman*  
Name/Title: Deputy Public Works Director

**EXHIBIT "A"**

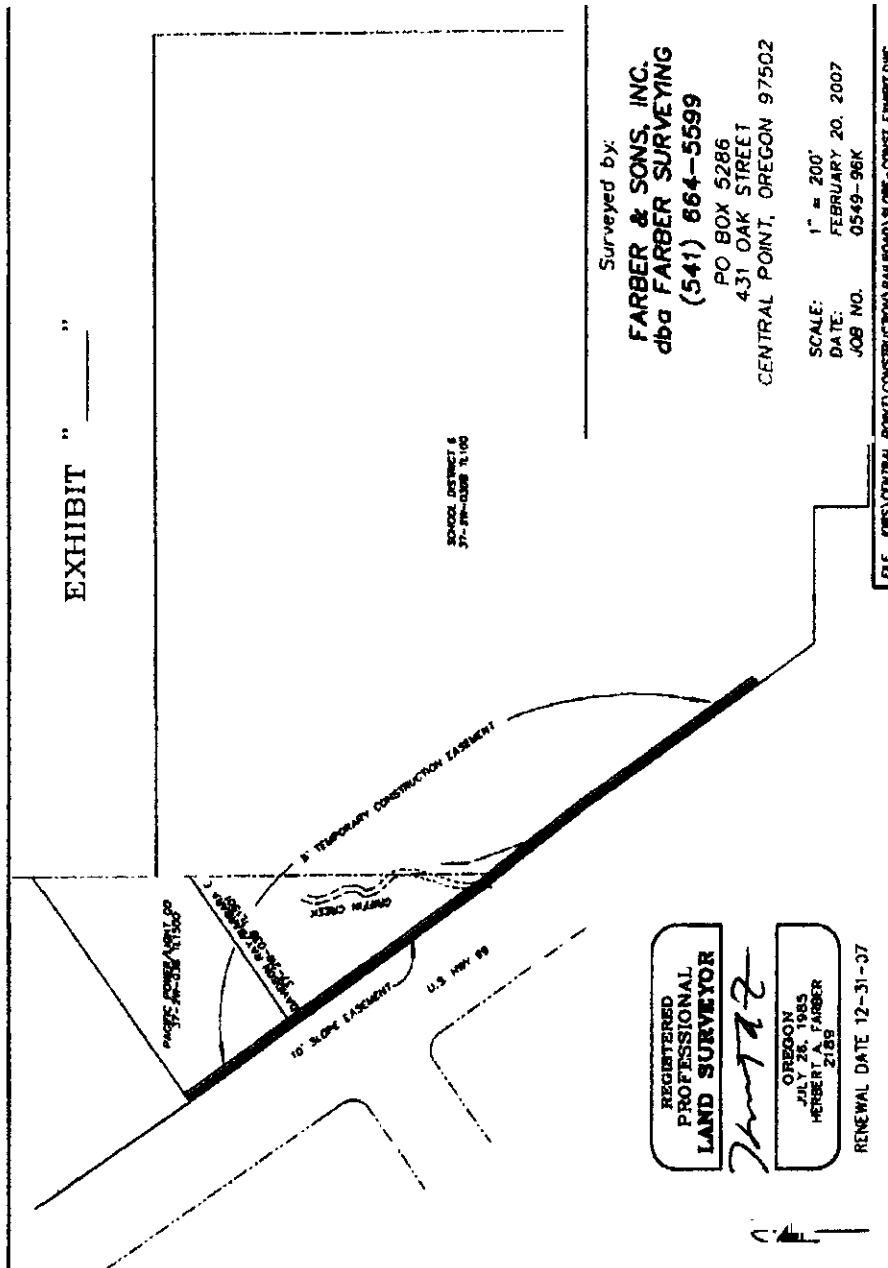
Boundary Description  
Slope Easement  
RAY & BARBARA E. DAVIDSON  
37-2W-03B TL 1501

Commencing at the northeast corner of the northwest quarter of Section 3, Township 37 South, Range 2 West of the Willamette Meridian, City of Central Point, Jackson County Oregon, thence South  $00^{\circ}18'24''$  East, along the east boundary of said quarter section, 2506.00 feet to the northeast corner of the tract of land described in Instrument Number 76-06114 of the Official Records of Jackson County Oregon; thence South  $54^{\circ}49'56''$  West, along the northwest boundary of said tract, 425.63 to the northeasterly right of way of U.S. Highway 99; thence South  $35^{\circ}09'55''$  East, along said right-of-way line, 200.01 feet to the southeast boundary of said tract and the westerly corner of the tract described in Instrument Number 82-20446 of said Official Records and the POINT OF BEGINNING; thence South  $35^{\circ}09'55''$  East, along said right-of-way, 374.12 feet; thence continuing along said right-of-way South,  $38^{\circ}01'40''$  East, 34.50 feet to the east boundary of the Southwest Quarter of said Section 3; thence North  $00^{\circ}18'24''$  West, along said east boundary, 16.34 feet; thence North  $38^{\circ}01'40''$  West, 21.32 feet; thence North  $35^{\circ}09'55''$  West, 373.87 feet to the southeast boundary of said tract described in Instrument Number 76-06114; thence South  $54^{\circ}49'56''$  West, 10.00 feet to the POINT OF BEGINNING.

Prepared by: Farber and Son's Inc  
Farber Surveying  
431 Oak Street  
Central Point, OR 97502  
(541) 664-5599

Date: December 18, 2006

EXHIBIT "B"



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