

RESOLUTION NO. 2959

A RESOLUTION AUTHORIZING A PROPERTY EXCHANGE WITH J.L. WARD CO.

Findings

- A. The City has a need to acquire right of way to extend Murphy Road to connect with 15th Street and to acquire utility easements in the same location as the anticipated Murphy Road extension to allow construction and operation of the South East Interceptor.
- B. The City has some excess property not needed for City or public purposes in the area near the proposed Murphy Road extension.
- C. J.L. Ward Co. owns the property where a portion of the Murphy Road extension and a portion of the South East Interceptor are planned to be constructed.
- D. J.L. Ward Co. is willing to give the City the property and easements it needs for the Murphy Road Extension and the South East Interceptor in exchange for land currently owned by the City and in exchange for relinquishment of easements the City currently holds over lands owned by J.L. Ward Co. Those easements are no longer needed for City utility purposes.
- E. J.L. Ward Co. and the City have agreed in principle to an exchange of property, as described in the Agreement Regarding Exchange of Land attached as Resolution Exhibit 1 (the "Agreement").
- E. The City has obtained a Broker's opinion of value regarding the property proposed for exchange and has valued the property to be received by the City at \$712,260 and the property to be transferred to J.L. Ward Co. at \$775,811.
- F. Bend Code Section 1.50.095B authorizes an exchange of real property with private parties "only if the City receives at least equivalent value for the property it transfers. Payments may be made to compensate for any imbalance in the value of the property exchanged."
- G. Bend Code Section 1.50.095 C requires the City to obtain an appraisal or other evidence of market value. The City has obtained a broker's opinion of value, which is "other evidence of market value" as required by BC 1.50.095C.
- H. Bend Code Section 1.50.095D authorizes the City to take into account the following factors in determining the relative value of property exchanged:
1. Whether the property is adjacent to or otherwise enhances the value of other property the City owns.

2. The suitability of the property for City use.
3. Whether the transfer of the property being transferred by the City to a private party will result in a benefit to the City or community. Potential benefits may include allowing more cohesive development of an area, providing needed housing or employment opportunities, or increasing the City's tax base.

The property being received by the City is adjacent to existing City right of way and is suited for City use. The property is useful for both a major street extension and for the South East Interceptor. The City and the public will receive a benefit from construction of the South East Interceptor, which will allow public sewer service to areas not currently served by city sewer. The easements being transferred by the City to J.L. Ward Co. are not used and not needed by the City. The City has no need for the other real property transferred to J.L. Ward Co. Taking into account the factors considered under BC 1.50.095D, the City is receiving equivalent value in the exchange.

I. J.L. Ward Co. will not agree to the property exchange unless the City commits to limit the exactions it can require for development of J.L. Ward Co.'s remaining property relating to the improvement of the Murphy Road extension. The City is willing to commit that it will not require street, trail or sidewalk improvements in the Murphy Road right of way from development of property currently owned by J.L. Ward Co. except to the extent that the improvements are needed to provide required access to the property, as described in more detail in the Development Agreement attached as Resolution Exhibit 2.

Based on these findings,

THE CITY OF BEND RESOLVES AS FOLLOWS:

- Section 1. The property exchange with J.L. Ward Co. as described in Resolution Exhibit 1 is approved. The City Manager is authorized to sign the Agreement substantially in the form of Resolution Exhibit 1 and to execute all other documents needed to effectuate the property exchange.
- Section 2. The Development Agreement attached as Resolution Exhibit 2 is approved. The City Manager or designee is authorized to sign the Development Agreement substantially in the form of Resolution Exhibit 2.
- Section 3. This resolution takes effect immediately upon passage.

Adopted by a roll call vote of the Bend City Council on September 3, 2014.

YES: Councilor Jodie Barram
Councilor Mark Capell
Councilor Scott Ramsay
Councilor Victor Chudowsky
Councilor Doug Knight
Councilor Sally Russell

NO: Mayor Jim Clinton



Jim Clinton, Mayor

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



Mary A. Winters, City Attorney

RESOLUTION EXHIBIT 1 AGREEMENT REGARDING EXCHANGE OF LAND

This agreement is between the City of Bend, an Oregon municipal corporation (City) and J.L. Ward Co., an Oregon business corporation (Ward).

Recitals

A. City owns real property and easements in southeast Bend, some of which are surplus to the City's needs. The City needs additional rights of way and easements for streets and utility lines in southeast Bend to provide improved connections and service for its street system and water and sewer utility systems.

B. Ward owns property in southeast Bend and is agreeable to dedicating some of the property for rights of way and granting easements for utility lines to allow development of City infrastructure that will benefit Ward's properties by providing improved transportation and utility services.

C. The parties have agreed to exchange property rights as described in this agreement and agree that the exchange is in their mutual interest and in the public interest.

Terms of the Agreement

1. Ward agrees to dedicate as public right of way to be administered by the City over a portion of the property identified as Tax Lot 108 on Deschutes County Assessor's Map 18 12 16 and further identified as Exhibit C in deed recorded as Document No. 2006-72830, deed records of Deschutes County. The dedication will allow utility, street, and storm drainage use of the dedicated property. The dedication shall be by deed in substantially the form attached as Exhibit 1. The legal description and map of the property to be dedicated are Exhibits 1A and 1B to Exhibit 1. The City agrees that the properties retained by Ward north and south of the dedicated area shall have at least one access point each from the extended Murphy Road when constructed. If the access from Murphy cannot meet access separation standards, the access shall be as far from 15th (as close to the proposed bridge) as reasonably possible. Additionally, the City agrees to provide access even if separation standards are not met, but the City shall have the right to designate the location of the access points. The parties agree to work cooperatively on the number and location of access points. Access must meet City safety and operational standards. A map showing the conceptual locations of access points is attached as Exhibit 1C.

The City agrees that Ward may remove rock and dirt stockpiled above the natural grade that are located in the dedicated area any time prior to the start of construction by the City of the street improvements in the dedicated area. The removal of stockpile may not interfere with any work by the City in the dedicated area, and the City reserves the right

to move, remove or use any or all of the rock and dirt stockpile in the dedicated area in connection with any utility or street project in the dedicated area.

This Section 1 constitutes a non-statutory development agreement between the parties as regards the access to Ward's property.

2. Ward agrees to convey a temporary construction easement to the City over a portion of the property identified as Tax Lot 108 on Deschutes County Assessor's Map 18 12 16 and further identified as Exhibit C in deed recorded as Document No. 2006-72830, deed records of Deschutes County. The easement will allow construction of a sewer pipeline contiguous with and adjacent to (north of) the right of way dedication described in Section 1 of this agreement. The conveyance shall be in substantially the form attached as Exhibit 2. The legal description and map of the easement area are included as Exhibits 2A and 2B to Exhibit 2.

3. Ward agrees to convey a permanent sewer easement to the City over a portion of the property identified as Tax Lot 108 on Deschutes County Assessor's Map 18 12 16 and Tax Lot 1900 on Deschutes County Assessor's Map 18 12 09DD, and further identified as Exhibit C in deed recorded as Document No. 2006-72830, deed records of Deschutes County. The easement area is along the west side of SE 15th Street near the COID canal-crossing bridge. The conveyance shall be in substantially the form attached as Exhibit 3. The legal description and map of the easement area are included as Exhibits 3A and 3B to Exhibit 3.

4. Ward agrees to convey a temporary construction easement to the City over a portion of the property identified as Tax Lot 108 on Deschutes County Assessor's Map 18 12 16 and Tax Lot 1900 on Deschutes County Assessor's Map 18 12 09DD, and further identified as Exhibit C in deed recorded as Document No. 2006-72830, deed records of Deschutes County. The easement will allow construction of a sewer pipeline contiguous with and adjacent to (west of) the permanent sewer easement described in Section 2 of this agreement. The easement area is along the west side of SE 15th Street near the COID canal-crossing bridge. The conveyance shall be in substantially the form attached as Exhibit 4. The legal description and map of the easement area are included as Exhibits 4A and 4B to Exhibit 4.

5. The City agrees to transfer to Ward, by bargain and sale deed in substantially the form of the attached Exhibit 5, the following real property:

- a. The real property identified as Tax Lot 1300 on Deschutes County Assessor's Map 18 12 16 B and described in Exhibit 4 to the Stipulated General Judgment on Remand in *City of Bend v. Juniper Utility Company*, Deschutes County Circuit Court Case No. 02CV0202 ST (Judgment). The legal description and map of the property transferred in this subsection are attached as Exhibits 5A and 5B to Exhibit 5.
- b. The real property identified as Tax Lot 1501 on Deschutes County Assessor's Map 18 12 16 B and described in Judgment Exhibit 2. This conveyance shall not convey and utility facilities of the City on the

conveyed land and shall be subject to the easements to be provided under Section 7 of this Agreement. The legal description and map of the property transferred in this subsection are Exhibits 5C and 5D to Exhibit 5.

- c. The real property referred to in Judgment Exhibit 27 and shown on Judgment Exhibit 27A and 27B. The legal description and map of the property transferred in this subsection are Exhibits 5E and 5F to Exhibit 5. No water rights shall be transferred.

The City shall pay for a standard title insurance policy for the properties to be transferred under this section.

6. The City agrees to transfer to Ward its rights in the following easements it acquired as part of the condemnation of the Juniper Utility Company by a release of easement document in substantially the form of the attached Exhibit 6:

- a. The access and utility easement described in Section 3 of Judgment Exhibit 5 and shown on Judgment Exhibit 5-A. The legal description and map of this easement are Exhibits 6A and 6B to Exhibit 6.
- b. The "Shilo Pond Easement" referred to in Judgment Exhibit 19, Section 5. The legal description and map of this easement are Exhibits 6C and 6D to Exhibit 6.
- c. The "Shilo Sewer Easement" referred to in Section 4 of Judgment Exhibit 19. The legal description and map of this easement are Exhibits 6E and 6F to Exhibit 6.
- d. The access easement referred to in Judgment Exhibit 26 Section 2 and shown on Judgment Exhibit 26-A. The legal description and map of this easement are Exhibits 6G and 6H to Exhibit 6.
- e. All easements referred to in Judgment Exhibit 27 and shown on Judgment Exhibits 27-A and 27-B. The legal description and map of this easement are Exhibits 6I and 6J to Exhibit 6.

7. Ward agrees to allow City to continue to use Hole 5 pond, including the use of the pond area and other areas needed to convey water to or from the pond, as part of its irrigation water system during the 2015 and 2016 seasons at no cost.

8. Ward agrees to transfer to the City sewer and water easements over the property listed in Section 5.b of this Agreement. The Sewer Easement shall be in substantially the form of the attached Exhibit 7. The legal description and map of the Sewer Easement are Exhibits 7A and 7B to Exhibit 7. The Water Easement shall be in substantially the form of the attached Exhibit 8. The legal description and map of the Water Easement are Exhibits 8A and 8B to Exhibit 8.

9. The parties agree to use an escrow to complete all parts of the property exchange. The parties shall use their best efforts to complete the escrow within 30 days of the execution of this Agreement.

10. This agreement shall not be binding on the City until approved by the Bend City Council.

11. The City has no current or likely future need for any of the property or easements it is transferring to Ward.

12. The City has a substantial need to acquire the right of way discussed in Section 1. It is needed in the long term to provide a needed transportation link and is immediately needed to provide a sewer connection from portions of southeast Bend to the City's wastewater treatment facility.

13. The parties agree that the value of the property exchanged is roughly equal and that there shall be no payment by either party to the other.

14. The parties agree to cooperate in completing the land exchange within a reasonable time. The parties hope to be able to complete the property exchange by September 1, 2014.

CITY OF BEND

Eric King, City Manager

Date: _____

J.L. Ward Company

Jan L. Ward, President

Date: _____

EXHIBIT 1

After recording, please return to:
City of Bend
710 NW Wall Street
Bend, OR 97701

DEDICATION DEED

J.L. Ward Co. (Grantor), is the owner of the property described in Exhibit C of the Bargain and Sale Deed recorded as document 2006-72830 in the Deschutes County official deed records (the property). Grantor dedicates to the public, to be administered by the City of Bend, a perpetual right-of-way for street, sidewalk, storm drainage, and utility purposes over the property described in Exhibit 1A. A map of the dedicated area is shown in Exhibit 1B.

Grantor covenants that it is the owner in fee simple and has the legal right to dedicate the property to public use free from any encumbrances.

There is no monetary consideration for this deed. This dedication is part of a real property exchange that transfers various property interests between the parties. Grantor's property benefits from potential improvements to be provided from the dedicated area.

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.

DATE: _____

Grantor

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by

Jan L. Ward as President of J.L. Ward Company.

Notary Public - State of Oregon

Accepted by the City of Bend

City Manager

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by

Eric King as City Manager of the City of Bend.

Notary Public - State of Oregon

EXHIBIT 2

After recording, please return to:
City of Bend
710 NW Wall Street
Bend, OR 97701

TEMPORARY CONSTRUCTION EASEMENT

J.L. Ward Co. (Grantor), is the owner of the property described in Exhibit C of the Bargain and Sale Deed recorded as document 2006-72830 in the Deschutes County official deed records (the Property). Grantor conveys to the City of Bend, an Oregon municipal corporation (Grantee), a temporary construction easement over a portion of the Property (the Easement Area) as legally described in Exhibit 2A and shown on Exhibit 2B. This easement is granted on the following terms and conditions:

1. Grantee may access easement area as necessary for installation, construction, inspection, and testing of sewer utility lines and facilities within the adjacent right of way dedication area including all equipment, personnel, and materials necessary to perform the work.
2. Grantee may disrupt, remove, modify and/or reconfigure all improvements including landscaping, fencing, driveways and other form or type of improvement within the easement area. Grantee shall restore the easement area to the general condition it was in prior to its work, including restoration of any street or sidewalk.
3. Grantor shall keep the easement area clear and accessible to the Grantee for the duration of construction.
4. This easement shall remain in effect until all work has been completed and accepted by the Grantee according to Grantee's established acceptance criteria including warranty repair/replacement work identified within the City's standard one-year construction warranty period.
5. There is no monetary consideration for this easement. The consideration for this easement consists of transfer of other property rights from Grantee to Grantor.
6. Grantor warrants and represents that the property subject to this easement is free and clear of all liens and encumbrances that would interfere with Grantee's rights granted by this easement and that Grantor has the right to grant this easement.

DATE: _____

Grantor

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by
Jan L. Ward as President of J.L. Ward Company.

Notary Public - State of Oregon

Accepted by the City of Bend

City Manager

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by
Eric King as City Manager of the City of Bend.

Notary Public - State of Oregon

EXHIBIT 3

After recording, please return to:
City of Bend
710 NW Wall Street
Bend, OR 97701

SEWER UTILITY EASEMENT

J.L. Ward Co. (Grantor), is the owner of the property described in Exhibit C of the Bargain and Sale Deed recorded as document 2006-72830 in the Deschutes County official deed records (the Property). Grantor conveys to the City of Bend, an Oregon municipal corporation (Grantee), a sewer utility easement over a portion of the Property (the Easement Area) as legally described in Exhibit 3A and shown on Exhibit 3B. This easement is granted on the following terms and conditions:

1. Grantee may access the easement area as necessary to install, construct, inspect, operate, maintain, repair and replace sewer utility lines and facilities within the Easement Area including the right to excavate and fill trenches, install pipes, fittings, manholes and other appurtenances as well as all equipment, personnel, and materials as may be necessary.
3. Grantee may disrupt, remove, modify and/or reconfigure all improvements including landscaping, fencing, driveways and other form or type of improvement within the easement areas. Grantee shall restore the easement area to the general condition it was in prior to its work, including restoration of any street or sidewalk.
4. Grantor shall not erect any structures within the Easement Area. Streets, sidewalks and similar surface-level improvements are not considered structures for purposes of this section.
5. There is no monetary consideration for this easement. The consideration for this easement consists of transfer of other property rights from Grantee to Grantor.
6. Grantor warrants and represents that the property subject to this easement is free and clear of all liens and encumbrances that would interfere with Grantee's rights granted by this easement and that Grantor has the right to grant this easement.

DATE: _____

Grantor

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by
Jan L. Ward as President of J.L. Ward Company.

Notary Public - State of Oregon

Accepted by the City of Bend

City Manager

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by
Eric King as City Manager of the City of Bend.

Notary Public - State of Oregon

EXHIBIT 4

After recording, please return to:
City of Bend
710 NW Wall Street
Bend, OR 97701

TEMPORARY CONSTRUCTION EASEMENT

J.L. Ward Co. (Grantor), is the owner of the property described in Exhibit C of the Bargain and Sale Deed recorded as document 2006-72830 in the Deschutes County official deed records (the Property). Grantor conveys to the City of Bend, an Oregon municipal corporation (Grantee), a temporary construction easement over a portion of the Property (the Easement Area) as legally described in Exhibit 4A and shown on Exhibit 4B. This easement is granted on the following terms and conditions:

1. Grantee may access easement area as necessary for installation, construction, inspection, and testing of sewer utility lines and facilities within the adjacent right of way dedication area including all equipment, personnel, and materials necessary to perform the work.
2. Grantee may disrupt, remove, modify and/or reconfigure all improvements including landscaping, fencing, driveways and other form or type of improvement within the easement area. Grantee shall restore the easement area to the general condition it was in prior to its work, including restoration of any street or sidewalk.
3. Grantor shall keep the easement area clear and accessible to the Grantee for the duration of construction.
4. This easement shall remain in effect until all work has been completed and accepted by the Grantee according to Grantee's established acceptance criteria including warranty repair/replacement work identified within the City's standard one-year construction warranty period.
5. There is no monetary consideration for this easement. The consideration for this easement consists of transfer of other property rights from Grantee to Grantor.
6. Grantor warrants and represents that the property subject to this easement is free and clear of all liens and encumbrances that would interfere with Grantee's rights granted by this easement and that Grantor has the right to grant this easement.

DATE: _____

Grantor

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by
Jan L. Ward as President of J.L. Ward Company.

Notary Public - State of Oregon

Accepted by the City of Bend

City Manager

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by
Eric King as City Manager of the City of Bend.

Notary Public - State of Oregon

EXHIBIT 5

After recording, please return to:
City of Bend
710 NW Wall Street
Bend, OR 97701

STATUTORY WARRANTY DEED

The City of Bend, an Oregon municipal corporation, Grantor, conveys and warrants to J.L. Ward Co., an Oregon business corporation, Grantee, the properties described in the attached Exhibits 5A, 5C and 5E free of encumbrances except as set forth in this deed. Maps showing the transferred property are attached as Exhibits 5B, 5D and 5F. No water rights are conveyed by this deed. Any water or sewer utility facilities owned and operated by the City in the property described in Exhibit 5C and 5D shall remain the property of the City and the City shall retain the right to operate those facilities. All other facilities and improvements on the properties and the properties themselves are conveyed "as-is."

The true consideration for this conveyance is an exchange of real property interests between Grantor and Grantee.

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.

DATE: _____

CITY OF BEND

Eric King, City Manager

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by
Eric King as City Manager of the City of Bend.

Notary Public – State of Oregon

EXHIBIT 6

After recording, please return to:
City of Bend
710 NW Wall Street
Bend, OR 97701

RELEASE OF EASEMENT

The City of Bend releases to J.L. Ward Co all right, title and interest in the following easements included in the General Judgment in City of Bend v. Juniper Utility Company *et al*, Deschutes County Circuit Court Case No. 02CV0202 ST, filed on September 27, 2007:

- a. The access and utility easement described in Section 3 of Judgment Exhibit 5 and shown on Judgment Exhibit 5-A. The legal description of the easement being released is attached as Exhibit 6A and a map is attached as Exhibit 6B.
- b. The "Shilo Pond Easement" referred to in Judgment Exhibit 19, Section 5. The legal description of the easement being released is attached as Exhibit 6C and a map is attached as Exhibit 6D.
- c. The "Shilo Sewer Easement" referred to in Section 4 of Judgment Exhibit 19. The legal description of the easement being released is attached as Exhibit 6E and a map is attached as Exhibit 6F.
- d. The access easement referred to in Judgment Exhibit 26 Section 2 and shown on Judgment Exhibit 26-A. The legal description of the easement being released is attached as Exhibit 6G and a map is attached as Exhibit 6H.
- e. All easements referred to in Judgment Exhibit 27 and shown on Judgment Exhibits 27-A and 27-B. The legal description of this easement being released is attached as Exhibit 6I and a map is attached as Exhibit 6J.

DATE: _____

CITY OF BEND

Eric King, City Manager

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on _____ by Eric King as City Manager of the City of Bend.

Notary Public for Oregon
My Commission Expires



EXHIBIT 7

After recording, please return to:
City of Bend
710 NW Wall Street
Bend, OR 97701

SEWER UTILITY EASEMENT

J.L. Ward Co. (Grantor) conveys to the City of Bend, an Oregon municipal corporation (Grantee), a sewer utility easement over the property legally described in Exhibit 7A. A map of the easement is attached as Exhibit 7B. This easement is granted on the following terms and conditions:

1. Grantee may install, construct, inspect, operate, repair and replace sewer utility lines and facilities within the Easement Area. The right to install construct, inspect, repair and replace includes the right to excavate and fill trenches. Grantee has the right to access the easement area as needed to install, construct, operate, inspect, maintain, repair and replace the sewer utility facilities.
3. Grantee may disrupt, remove, modify and/or reconfigure all improvements including landscaping, fencing, driveways and other form or type of improvement within the easement areas. Grantee shall restore the easement area to the general condition it was in prior to its work, including restoration of any street or sidewalk.
4. Grantor shall not erect any structures within the Easement Area. Streets, sidewalks and similar surface-level improvements are not considered structures for purposes of this section.
5. There is no monetary consideration for this easement. The consideration for this easement consists of transfer of other property rights from Grantee to Grantor.
6. Grantor warrants and represents that the property subject to this easement is free and clear of all liens and encumbrances that would interfere with Grantee's rights granted by this easement and that Grantor has the right to grant this easement.

DATE: _____

Grantor

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by
_____ as _____ of _____.

Notary Public - State of Oregon

Accepted by the City of Bend

Engineering Manager

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by

Eric King as City Manager of the City of Bend.

Notary Public - State of Oregon

EXHIBIT 8

After recording, please return to:
City of Bend
710 NW Wall Street
Bend, OR 97701

WATER UTILITY EASEMENT

J.L. Ward Co. (Grantor) conveys to the City of Bend, an Oregon municipal corporation (Grantee), a water utility easement over the property legally described in Exhibit 8A. A map of the easement area is attached as Exhibit 8B. This easement is granted on the following terms and conditions:

1. Grantee may install, construct, inspect, operate, repair and replace water utility lines and facilities within the Easement Area. The right to install construct, inspect, repair and replace includes the right to excavate and fill trenches. Grantee has the right to access the easement area as needed to install, construct, operate, inspect, maintain, repair and replace the water utility facilities.
3. Grantee may disrupt, remove, modify and/or reconfigure all improvements including landscaping, fencing, driveways and other form or type of improvement within the easement areas. Grantee shall restore the easement area to the general condition it was in prior to its work, including restoration of any street or sidewalk.
4. Grantor shall not erect any structures within the Easement Area. Streets, sidewalks and similar surface-level improvements are not considered structures for purposes of this section.
5. There is no monetary consideration for this easement. The consideration for this easement consists of transfer of other property rights from Grantee to Grantor.
6. Grantor warrants and represents that the property subject to this easement is free and clear of all liens and encumbrances that would interfere with Grantee's rights granted by this easement and that Grantor has the right to grant this easement.

DATE: _____

Grantor

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by
_____ as _____ of _____.

Notary Public – State of Oregon

Accepted by the City of Bend

Engineering Manager

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____, by
Eric King as City Manager of the City of Bend.

Notary Public – State of Oregon

**RESOLUTION EXHIBIT 2
DEVELOPMENT AGREEMENT**

This non-statutory development agreement is between the City of Bend, an Oregon municipal corporation (City), and J.L. Ward Co., (Owner).

RECITALS

- A. Owner owns real property on the west side of 15th Street, south of Ferguson Road and north of Knott Road (the Property). The legal description of the Property is attached as Exhibit A.
- B. The City plans to construct the Southeast Interceptor, a major sewer line, through the Property in the next few years. The City plans to, at some time in the future, construct an extension of Murphy Road through the Property. The City and Owner are entering into an agreement to exchange real property including easements (the Land Exchange Agreement). As part of the Land Exchange Agreement, Owner is dedicating right-of-way and conveying easements for the Murphy Road/Southeast Interceptor extension through the Property.
- C. Owner is willing to enter into the Land Exchange Agreement for the Murphy Road/Southeast Interceptor extension only if the City commits that it will not seek to exact pro-rata financial contributions for Murphy Road in connection with any future development review of the Property, except as provided in this Development Agreement.
- D. Because the Murphy Road extension is a City Capital Improvement Project, the City agrees that no exactions for Murphy Road improvements will be required of the current or future owners of any portion of the Property in connection with any land use approval for any portion of the Property if the land use action occurs after Murphy Road is extended through the Property. If a land use approval for development of any portion of the Property occurs before the extension of Murphy Road, the City may require construction of a road within the Murphy Road right of way only as needed to provide access to the Property that meets City standards as applied to the proposed development.

Terms of Agreement

- 1. In consideration for Owner's agreement to enter into the Land Exchange Agreement, City agrees that it accepts the property transferred from Owner to City and the Public under the Land Exchange Agreement to be Owner's proportional share of the extension of Murphy Road to 15th Street.
- 2. If the Property is developed after the City constructs the Murphy Road extension, the City will not require any owner or developer of any portion of the Property to

Return to City of Bend
710 NW Wall Street
Bend, OR 97709

provide additional improvements in Murphy Road, other than the necessary access point, if applicable.

3. If any portion of the Property is developed before the City constructs the Murphy Road extension, the City may require the owner or developer to construct improvements within the Murphy Road right-of-way only if and as needed to provide access to the Property.
4. This agreement may be modified by written agreement by both parties.
5. Assignable: This agreement shall be assigned to future owners of the Property and shall be binding on all assignees. The provisions of this Agreement are covenants that shall run with Property and shall be binding upon the heirs, executors, assigns, administrators, and successors of the parties, and shall be construed to be a benefit and burden on the Property.
6. This agreement does not waive the requirement for the Owner or any future Owner to pay System Development Charges.

CITY OF BEND

Colin Stephens, Planning Manager

Date:

STATE OF OREGON

County of Deschutes

This instrument was acknowledged before me on

_____ by Colin Stephens as Planning
Manager of the City of Bend.

Notary Public – State of Oregon

My commission expires:

J.L. WARD CO.

Jan L. Ward, President

Date:

Return to City of Bend
710 NW Wall Street
Bend, OR 97709

STATE OF OREGON
County of Deschutes

This instrument was acknowledged before me on _____ by Jan L.
Ward as President of J.L. Ward Co.

Notary Public – State of Oregon
My commission expires:

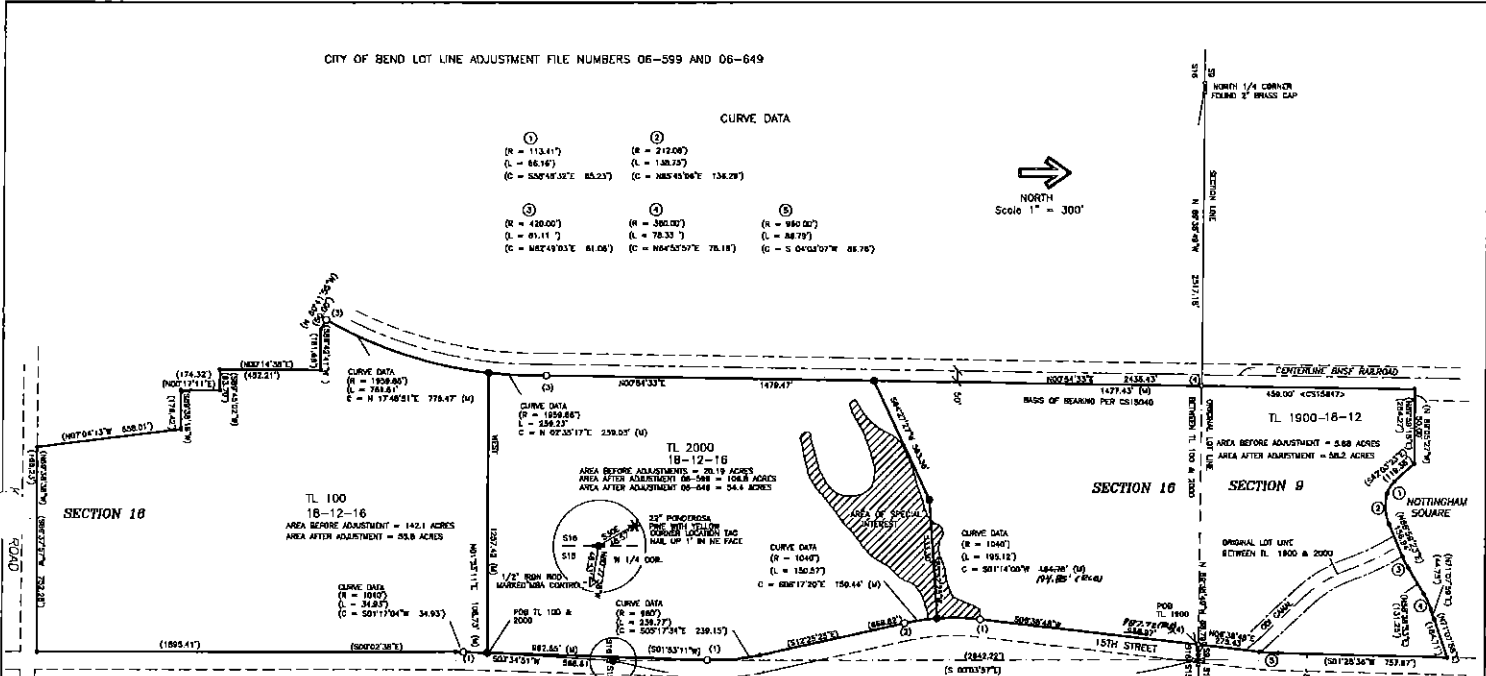
Return to City of Bend
710 NW Wall Street
Bend, OR 97709



CITY OF BEND LOT LINE ADJUSTMENT FILE NUMBERS 06-599 AND 06-649

CURVE DATA

① (R = 113.41') (L = 86.16') (C = S50°45'32"E 85.23')	② (R = 212.06') (L = 138.73') (C = N85°45'04"E 138.29')	③ (R = 420.00') (L = 81.11') (C = N47°49'03"E 81.08')	④ (R = 300.00') (L = 80.45') (C = N04°52'50"E 78.18')	⑤ (R = 990.00') (L = 88.79') (C = S 04°02'07"W 88.78')
--	--	--	--	---



NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO COMPLETE TWO LOT LINE ADJUSTMENTS BETWEEN TAX LOTS 18-12-06-1908 AND 2000, AND THE LOT 18-12-16-120. STATUTES REQUIRE THAT THE ADJUSTMENTS BE DONE IN TWO PHASES. CITY OF BEND FILE NO. 06-599 COMPLETED AN ADJUSTMENT BETWEEN T.L. 100 AND 2000. ADJUSTMENT 06-649 ADJUSTED T.L. 1900, AND READJUSTED T.L. 2000. THE CITY PLANNER ALLOWED ME TO FILE ONLY ONE RECORD OF SURVEY DEPICTING THE FINAL TAX LOT CONFIGURATIONS. THIS RECORD OF SURVEY SHOWS WHAT MONUMENTS WERE SET TO DEFINE THE NEW LOT LINES. I SEARCHED FOR THE EAST 1/4 CORNER OF SECTION 16, BUT FOUND THAT IT WAS MISSING. BEING NEARLY 600 FEET LONG, INSTALLATION MAY HAVE CAUSED THE MONUMENT'S LOSS. I HAD THIS CORNER OF SECTION 16 RELOCATED BY A CONTROL SURVEY RUN TO COMPLETE CS15457 AND CS15458 IN 2004. I USED THE CORNER USING THE T.L. AND COMPARED ITS LOCATION WITH A CRANES T.L. FROM A CORNER REFERENCE TAG. THIS SURVEY AND BASES OF BEARING WAS BASED ON CS15840 BY RICHARD BRYANT DATED 7/15/04. MONUMENTS FOUND TO CONTROL THIS SURVEY ARE SHOWN ON THE FACE OF THE PLAN. NO OTHER UNUSUAL CONDITIONS WERE FOUND.

LEGEND

- SET 5/8" IRON ROD WITH PLASTIC CAP MARKED "TRANT 15 820"
- () RECORD BEARINGS AND DISTANCES PER CS15840
- FOUND CONTROLLING MONUMENTS AS NOTED:
 - (1) MONUMENTS FOR DESCHUTES COUNTY ROAD SURVEY, DATED APRIL, 1978. RECORD OF SURVEY NOT FILED.
 - (2) 1/2" IRON ROD WITH PLASTIC CAP MARKED "PWS 820" PER CS15840
 - (3) 5/8" IRON ROD WITH PLASTIC CAP MARKED "TRANT 15 820" PER CS15840
 - (4) 5/8" IRON ROD WITH PLASTIC CAP MARKED "TRANT 15820" PER CS15487

NOTE

ADVISED REED FOR TAX LOTS 1900, 1900A, & 2000 RECORDED IN VOLUME 2009, PAGE 72830, DESCHUTES COUNTY OFFICIAL RECORDS.

DESCHUTES COUNTY SURVEYOR
FILED 11/13/2006 BY Vicki Spivey

NOVEMBER 7, 2006
Scale 1" = 300'

LOT LINE ADJUSTMENT SURVEY FOR THE J.L. WARD CO.
IN THE SE1/4 OF THE SE1/4, SEC. 9, & THE E1/2 OF THE E1/2,
SECTION 16, T.18 S., R.12 E. W.M., CITY OF BEND, DESCHUTES CO., ORE.

MCCULLOUGH, BRYANT & ASSOCIATES INC.
2006 NW 20TH COURT
KEENON, OREGON 97746
(503) 815-1157

REGISTERED PROFESSIONAL SURVEYOR
RICHARD BRYANT
RENEWS 1-1-08

4

5

EXHIBIT 1-A

Dedication

A parcel of land in the Northeast quarter of Section 16, Township 18 South, Range 12 East of the Willamette Meridian, in the City of Bend, Deschutes County, Oregon, the said parcel being a portion of that property conveyed to J.L. Ward Co. and designated Exhibit C in deed recorded as Document No. 2006-72830, deed records of Deschutes County, the said parcel being more particularly described as follows:

BEGINNING at a point on the Westerly right-of-way line of 15th Street that bears S34°06'04"W 148.26 feet from a two-inch diameter brass disk marking the Northeast corner of said Section 16; thence S06°37'13"W along said right-of-way line 863.40 feet to the beginning of a 1,040.00 foot radius curve to the left, tangent to the previous course only; thence proceeding 72.27 feet along the arc of said curve, through a central angle of 03°58'53" (chord bears S04°37'47"W 72.25 feet) to a point; thence, leaving said right-of-way line, N02°37'55"E 300.89 feet to an angle point; thence N45°20'13"W 57.97 feet to an angle point; thence N85°58'34"W 94.93 feet to the beginning of a 488.00 foot radius non-tangent curve to the left; thence proceeding 219.02 feet along the arc of said curve, through a central angle of 25°42'54" (chord bears S73°49'45"W 217.19 feet) to a point; thence S42°20'18"W 215.32 feet to an angle point; thence S30°37'18"W 210.74 feet to an angle point; thence S41°55'58"W 173.26 feet to the beginning of a 663.00 foot radius non-tangent curve to the right; thence proceeding 385.87 feet along the arc of said curve, through a central angle of 33°20'48" (chord bears S73°30'28"W 380.45 feet) to a point on the Easterly right-of-way line of the Burlington Northern Santa Fe Railroad; thence N00°52'47"E along said right-of-way line 247.24 feet to a point; thence, leaving said right-of-way line, N68°34'17"E 233.14 feet to an angle point; thence N50°39'03"E 390.74 feet to an angle point; thence N54°23'31"E 181.52 feet to an angle point; thence N81°05'46"E 262.77 feet to an angle point; thence N28°19'37"E 217.50 feet to an angle point; thence N06°37'32"E 315.26 feet to an angle point; thence S83°22'28"E 99.94 feet to the **POINT OF BEGINNING**.

Basis of bearings is the Central Oregon Coordinate System and Survey CS 17767, Deschutes County Survey Records. Horizontal datum is NAD83(1991).

Said parcel contains 295,259 square feet, or 6.78 acres, more or less.

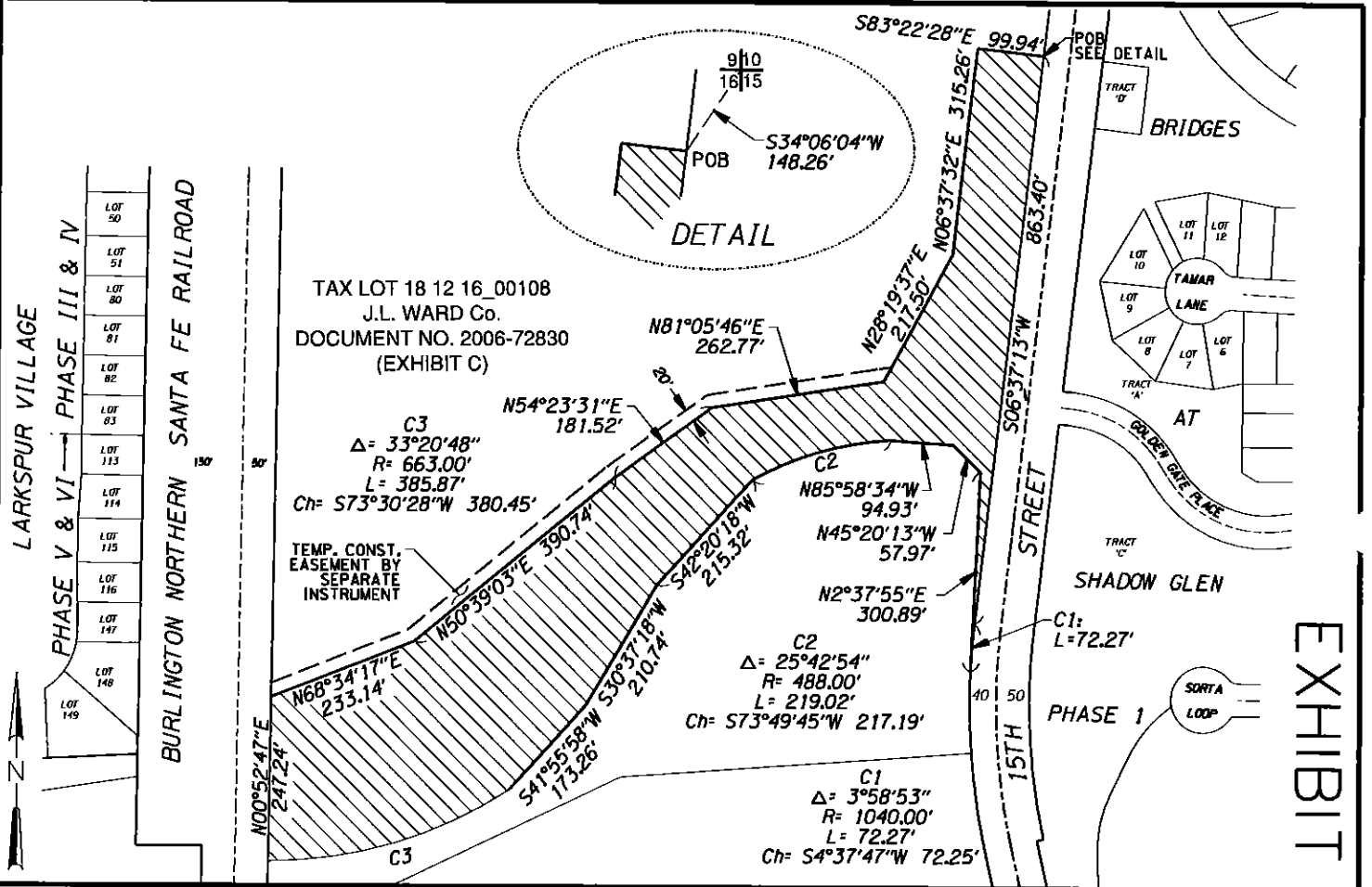
6-25-14

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John V. Thatcher

OREGON
JULY 19, 1994
JOHN V. THATCHER
2681

RENEWS: 7-1-16



TAX LOT 18 12 16_00108
 J.L. WARD Co.
 DOCUMENT NO. 2006-72830
 (EXHIBIT C)

C3
 $\Delta = 33^\circ 20' 48''$
 $R = 663.00'$
 $L = 385.87'$
 $Ch = S73^\circ 30' 28'' W 380.45'$

TEMP. CONST.
 EASEMENT BY
 SEPARATE
 INSTRUMENT

C2
 $\Delta = 25^\circ 42' 54''$
 $R = 488.00'$
 $L = 219.02'$
 $Ch = S73^\circ 49' 45'' W 217.19'$

C1
 $\Delta = 3^\circ 58' 53''$
 $R = 1040.00'$
 $L = 72.27'$
 $Ch = S4^\circ 37' 47'' W 72.25'$



DEDICATION
 AREA = 295,259 S.F.
 (6.78 ACRES) ±

CITY OF BEND
 SE INTERCEPTOR PROJECT
 REVISED JUNE 16, 2014
 SCALE: 1" = 200'

CH2MHILL.
 2020 SW 4th Ave., Suite 300
 Portland, OR 97201
 503-235-5000

EXHIBIT 1-C



SCALE: 1" = 250'



BURLINGTON NORTHERN SANTA FE RAILROAD

15TH STREET

CONCEPTUAL ACCESS POINT

PERMANENT EASEMENT

CONCEPTUAL ACCESS POINT

STORM WATER FACILITY

TEMPORARY CONSTRUCTION EASEMENT

CONCEPTUAL ACCESS POINT

PROPOSED MURPHY RD. RIGHT-OF-WAY

SE INTERCEPTOR PIPELINE

TOE OF SLOPE

PROTECT EXISTING TREE

CONCEPTUAL ACCESS POINT

MURPHY ROAD SEGMENT 3

Conceptual Access Locations
To Ward Property - Plan View
City of Bend, OR
Page 1 of 1

NOTES:
1. ROUNDABOUT IS CONCEPTUAL

EXHIBIT 2-A

Temporary Construction Easement

A 20.00 foot wide strip of land in the Northeast quarter of Section 16, Township 18 South, Range 12 East of the Willamette Meridian, in the City of Bend, Deschutes County, Oregon, the said strip being a portion of that property conveyed to J.L. Ward Co. and designated Exhibit C in deed recorded as Document No. 2006-72830, deed records of Deschutes County, the said strip being more particularly described as follows:

Commencing at a two-inch diameter brass disk marking the Northeast corner of said Section 16; thence S34°06'04"W 148.26 feet to a point on the Westerly right-of-way line of 15th Street; thence, leaving said right-of-way line, N83°22'28"W 99.94 feet to an angle point; thence S06°37'32"W 315.26 feet to an angle point; thence S28°19'37"W 192.38 feet to the **True Point of Beginning**; thence S28°19'37"W 25.12 feet to an angle point; thence S81°05'46"W 262.77 feet to an angle point; thence S54°23'31"W 181.52 feet to an angle point; thence S50°39'03"W 390.74 feet to an angle point; thence S68°34'17"W 233.14 feet to a point on the Easterly right-of-way line of the Burlington Northern Santa Fe Railroad; thence N00°52'47"E along said right-of-way line 21.62 feet to a point; thence, leaving said right-of-way line, N68°34'17"E 221.78 feet to an angle point; thence N50°39'03"E 388.24 feet to an angle point; thence N54°23'31"E 186.92 feet to an angle point; thence N81°05'46"E 282.71 feet to the **True Point of Beginning**.

Basis of bearings is the Central Oregon Coordinate System. Horizontal datum is NAD83(1991).

Said strip contains 21,478 square feet, or 0.49 acre, more or less.

6-25-14

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John V. Thatcher

OREGON
JULY 19, 1994
JOHN V. THATCHER
2681

RENEWS: 7-1-16

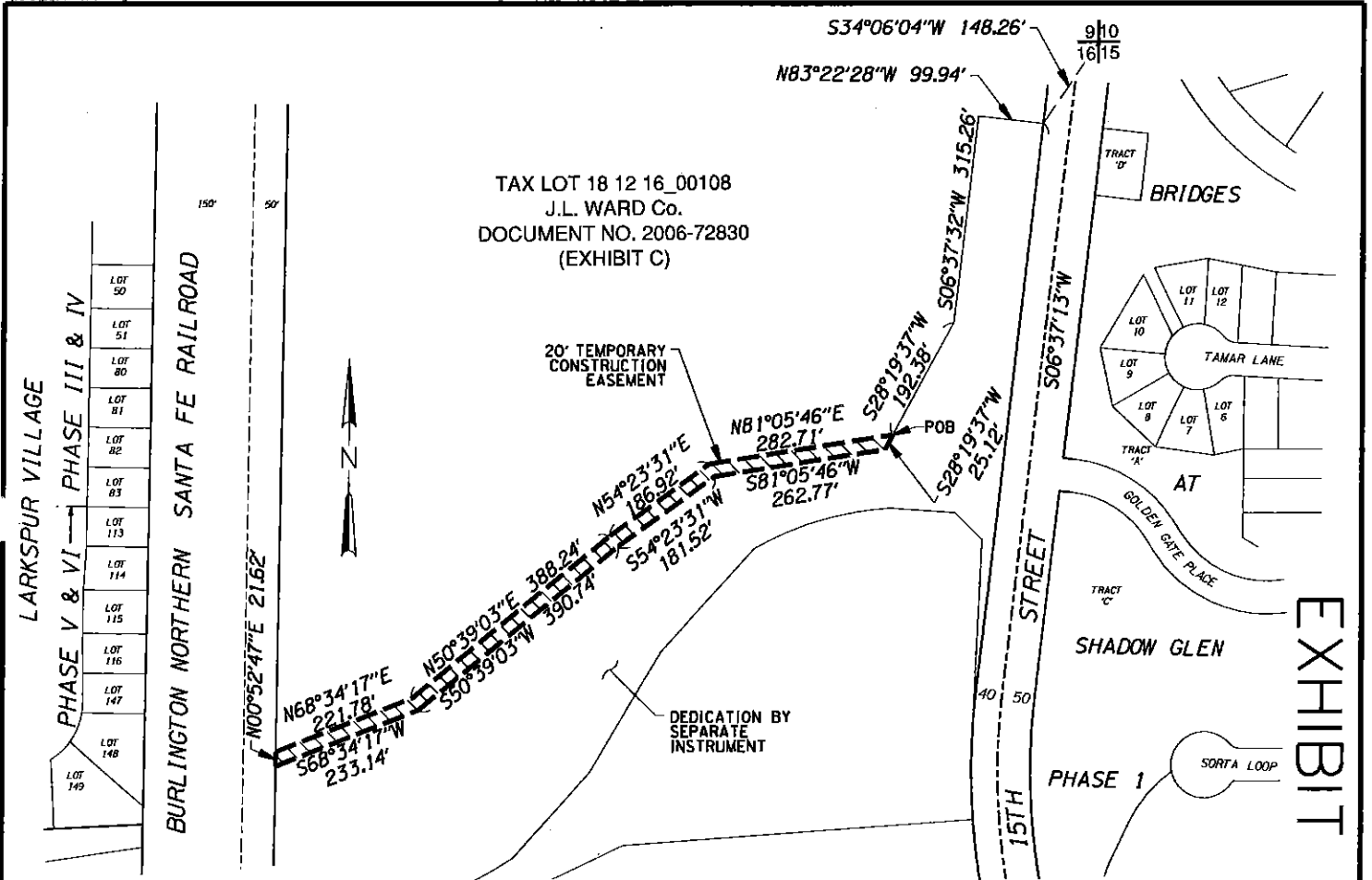



EXHIBIT 2-B

PAGE 1
OF 1

 20' TEMPORARY CONSTRUCTION EASEMENT
AREA = 21,478 S.F.(0.49 ACRE) ±

CITY OF BEND
SE INTERCEPTOR PROJECT
REVISED JUNE 25, 2014
SCALE: 1" = 200'

CH2MHILL
2020 SW 4th Ave., Suite 300
Portland, OR 97201
503-235-5000

Tax Lots 18 12 09DD - 01900 &
18 12 16 - 00108
J.L. Ward Co.
Doc. No. 2006-72830 (Exhibit C)

EXHIBIT 3-A

Permanent Easement

A parcel of land in the Southeast quarter of Section 9 and the Northeast quarter of Section 16, Township 18 South, Range 12 East of the Willamette Meridian, in the City of Bend, Deschutes County, Oregon, said parcel being a portion of that property conveyed to J.L. Ward Co. and designated Exhibit C in deed recorded as Document No. 2006-72830, deed records of Deschutes County, the said parcel being more particularly described as follows:

That portion of said J.L. Ward Co. property lying within a strip of land 10.00 feet in width, the right side line of said strip being parallel with and 10.00 feet on the right side of the following described centerline:

Beginning at Station 513+10.94, which station bears N37°00'39"E 385.19 feet from a brass disk marking the corner common to Sections 9, 10, 15 and 16 in said township and range; thence N85°45'14"W 277.08 feet to an angle point at Station 515+88.02; thence S06°32'10"W 349.72 feet to an angle point at Station 519+37.74; thence S38°52'07"E 73.80 feet to an angle point at Station 520+11.54 and the terminus of the centerline being described.

ALSO that portion of said J.L. Ward Co. property lying between the above described centerline and the Westerly right-of-way line of 15th Street.

EXCEPT THEREFROM any portion lying within the right-of-way of 15th Street or Chloe Lane.

Said parcel contains 8,712 square feet, or 0.20 acre, more or less.

Basis of bearings is the Central Oregon Coordinate System. Horizontal datum is NAD83(1991).

6-25-14

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John V. Thatcher


OREGON
JULY 19, 1994
JOHN V. THATCHER
2681

RENEWS: 7-1-16

EXHIBIT 3-B

TAX LOT 18 12 09DD_01900
J.L. WARD Co.
DOCUMENT NO. 2006-72830
(EXHIBIT C)



 **PERMANENT EASEMENT**
AREA = 8,712 S.F. (0.20 ACRE) ±

TEMP. CONST. EASEMENT
BY SEPARATE INSTRUMENT

SECTION 9
SECTION 16

TAX LOT 18 12 16_00108
J.L. WARD Co.
DOCUMENT NO. 2006-72830 (EXHIBIT C)

STA. 519+37.74

PROPOSED INTERCEPTOR CL

STA.
515+88.02

LOT 1
CHLOE
ESTATES

N85°45'14"W 277.08'

STA. 513+10.94

CHLOE LN.

COID CANAL

100'

S06°32'10"W 349.72'

385.19'

LOT 9
CHLOE
ESTATES

15TH STREET

10'

VARIES

COID CANAL

N37°00'39"E

9 10
16 15

S38°52'07"E 73.80'

25'

STA.
520+11.54

CITY OF BEND - SE INTERCEPTOR PROJECT
FEBRUARY, 2014
REVISED JUNE 2014
SCALE: 1" = 60'

CH2MHILL®

2020 SW 4th Ave., Suite 300
Portland, OR 97201
503-235-5000 PAGE 1 OF 1

Tax Lots 18 12 09DD - 01900 &
18 12 16 - 00108
J.L. Ward Co.
Doc. No. 2006-72830 (Exhibit C)

EXHIBIT 4-A

Temporary Construction Easement

A parcel of land in the Southeast quarter of Section 9 and the Northeast quarter of Section 16, Township 18 South, Range 12 East of the Willamette Meridian, in the City of Bend, Deschutes County, Oregon, said parcel being a portion of that property conveyed to J.L. Ward Co. and designated Exhibit C in deed recorded as Document No. 2006-72830, deed records of Deschutes County, the said parcel lying within a strip of land 25.00 feet in width, the side lines of said strip being parallel with and 10.00 feet and 35.00 feet on the right, or Westerly, side of the following described centerline:

Beginning at Station 513+10.94, which station bears N37°00'39"E 385.19 feet from a brass disk marking the corner common to Sections 9, 10, 15 and 16 in said township and range; thence N85°45'14"W 277.08 feet to an angle point at Station 515+88.02; thence S06°32'10"W 349.72 feet to an angle point at Station 519+37.74; thence S38°52'07"E 73.80 feet to an angle point at Station 520+11.54 and the terminus of the centerline being described.

EXCEPT THEREFROM any portion lying within the right-of-way of 15th Street or Chloe Lane.

Said parcel contains 11,592 square feet, or 0.27 acre, more or less.

Basis of bearings is the Central Oregon Coordinate System. Horizontal datum is NAD83(1991).

6-25-14

REGISTERED
PROFESSIONAL
LAND SURVEYOR

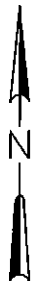
John V. Thatcher

OREGON
JULY 19, 1994
JOHN V. THATCHER
2681

RENEWS: 7-1-16

EXHIBIT 4-B

TAX LOT 18 12 09DD_01900
J.L. WARD Co.
DOCUMENT NO. 2006-72830
(EXHIBIT C)



PERMANENT EASEMENT
BY SEPARATE INSTRUMENT

25'

35'

100'

COID CANAL

15TH STREET

CHLOE LN.

LOT 9
CHLOE
ESTATES

LOT 1
CHLOE
ESTATES

 **TEMP. CONSTRUCTION EASEMENT**
AREA = 11,592 S.F. (0.27 ACRE) ±

SECTION 9
SECTION 16

TAX LOT 18 12 16_00108
J.L. WARD Co.
DOCUMENT NO. 2006-72830
(EXHIBIT C)

STA. 519+37.74

S38°52'07"E
75.80'

STA.
520+11.54

PROPOSED INTERCEPTOR CL

STA.
515+88.02

N85°45'14"W 277.08'

STA. 513+10.94

385.19'

N37°00'39"E

COID CANAL

9 10
16 15

CITY OF BEND - SE INTERCEPTOR PROJECT
FEBRUARY, 2014
REVISED JUNE 2014
SCALE: 1" = 60'

CH2MHILL®

2020 SW 4th Ave., Suite 300
Portland, OR 97201
503-235-5000 PAGE 1 OF 1

EXHIBIT 5-A

RESERVOIR SITE

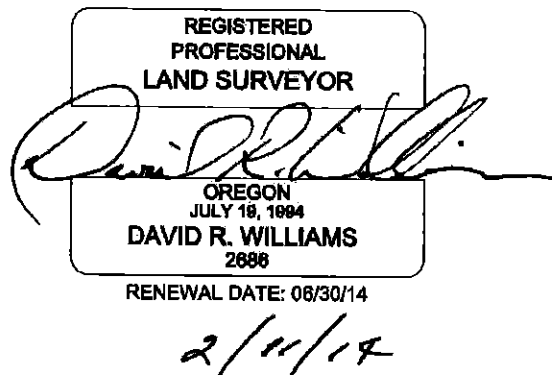
A tract of land containing 0.82 acres, more or less, lying in the Southwest One-Quarter of the Northwest One-Quarter (SW1/4 NW1/4) of Section Sixteen (16), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid tract being more particularly described as follows:

Beginning at a point that is 953.43 feet North and 1055.07 feet East from the West One-Quarter corner of said Section 16; thence South 42°51'34" East 213.55 feet; thence South 05°52'47" West 232.27 feet; thence North 45°32'27" West 161.85 feet; thence North 05°32'58" West 142.34 feet; thence North 03°22'37" East 132.78 feet to the point of beginning and terminus of this description.

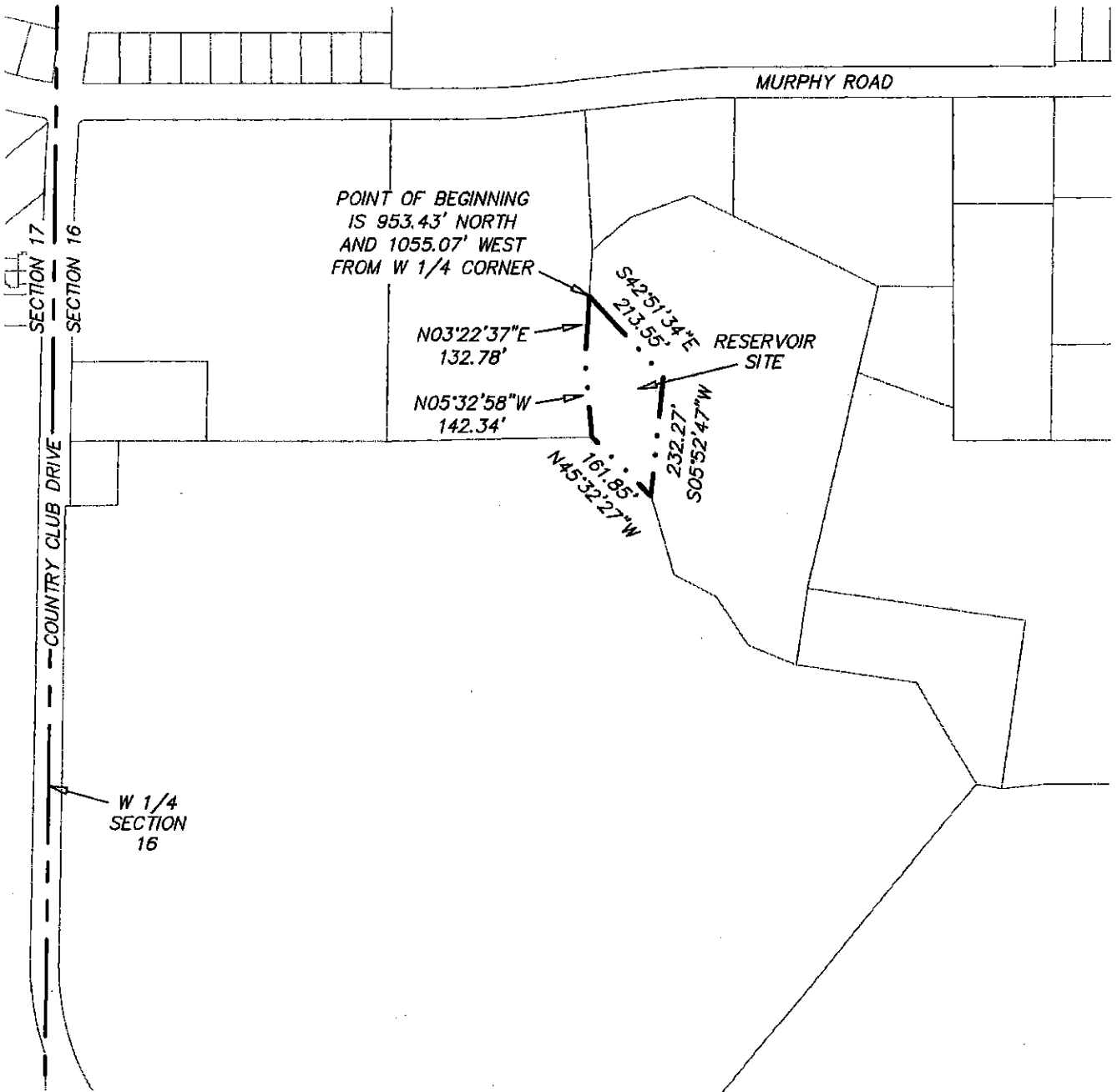
Together with all permanent fixtures and facilities on the land.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

See attached map titled "Exhibit 5-B", hereby incorporated by reference.



RESERVOIR SITE



REGISTERED
PROFESSIONAL
LAND SURVEYOR

David R. Williams

OREGON
JULY 19, 1994
DAVID R. WILLIAMS
2686

RENEWAL DATE: 06/30/14

2/11/14



SCALE: 1" = 300'

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC.
12990 O & RILEY ROAD, SUITE 100
BEND, OREGON 97701
PHONE: 541.386.4361 FAX: 541.386.4414

120704
EXHIBIT 5-B
2/10/14

EXHIBIT 5-C

WASTEWATER TREATMENT PLANT

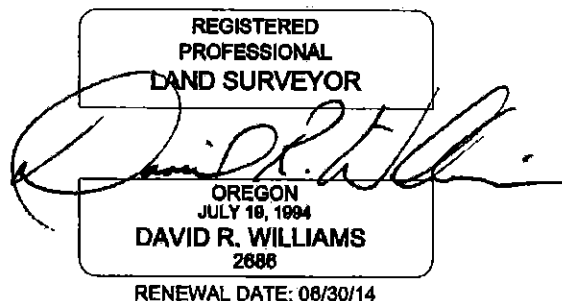
A tract of land located in the Southeast One-Quarter of the Northwest One-Quarter (SE1/4 NW1/4) of Section Sixteen (16), Township Eighteen (18) South, Range Twelve (12) East, of the Willamette Meridian, Deschutes County, Oregon, the aforesaid tract being more particularly described as follows:

Commencing at the Northwest corner of said Section 16; thence South 00°32'22" West along the west line of said Section, 1333.79 feet to the North 1/16th corner between Sections 16 and 17; thence North 89°48'23" East along the North line of the SW1/4 NW1/4 of said Section, 1302.38 feet to the Northwest 1/16th corner of said Section 16; thence North 89°48'23" East along the North line of said SE1/4 NW1/4 of said Section, 23.37 feet to the true point of beginning of this description; thence continuing along said line North 89°48'23" East 431.54 feet; thence leaving said line due South 206.61 feet to the Northwest corner of that tract of land recorded in Book 156 Page 9, Deed Records, Deschutes County, Oregon; thence due South along the west line of said tract, 161.46 feet; thence leaving said line due West 149.48 feet to the Northeast corner of that tract of land recorded in Book 198, Page 940, Deed Records, Deschutes County, Oregon; thence North 64°06'09" West along the Northeasterly line of said tract 315.94 feet; thence leaving said line North 00°32'25" East 228.63 feet to the point of beginning and terminus of this description.

Together with all permanent fixtures and facilities on the land.

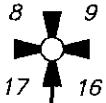
Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

See attached map titled "Exhibit 5-D", hereby incorporated by reference.



2/11/14

WASTEWATER TREATMENT PLANT



S00°32'22"W 1333.79'

N89°48'23"E
23.37'

MURPHY ROAD

N89°48'23"E 1302.38'

N89°48'23"E 431.54'

N 1/16TH
CORNER

NW 1/16TH
CORNER

POINT
OF
BEGINNING

N00°32'25"E 228.63'

WASTEWATER
TREATMENT PLANT

SOUTH 206.61'

N64°06'09"W 315.94'

SOUTH 161.46'

WEST 149.48'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 19, 1994
DAVID R. WILLIAMS
2686

RENEWAL DATE: 06/30/14

2/11/14

0 10 50 100 150 200 300

SCALE: 1" = 100'

HWA SURVEYOR, ENGINEER
& PLANNER
HICKMAN, WILLIAMS & ASSOCIATES, INC.
12910 O.S. BRYER ROAD, SUITE 100
BEND, OREGON 97701
PHONE: 541.321.7311 FAX: 541.321.5411

120704
EXHIBIT 5-D
2/10/14

EXHIBIT 5-E

A parcel of land containing 0.17 acres, more or less, located in a portion of the South One-half of Section 19, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point which bears North $78^{\circ}45'53''$ West a distance of 955.83 feet from the southeast corner of said Section 19; thence South $65^{\circ}26'00''$ East a distance of 84.00 feet; thence South $20^{\circ}53'55''$ West a distance of 77.04 feet; thence North $82^{\circ}55'57''$ West a distance of 86.34 feet; thence North $20^{\circ}53'55''$ East a distance of 103.05 feet to the point of beginning, the terminus of this description.

Together With: A parcel of land containing 0.09 acres, more or less, located in a portion of the North One-half of Section 30, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

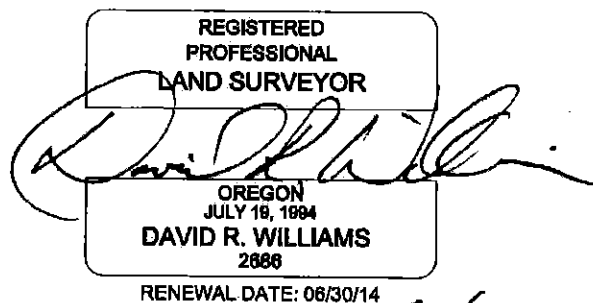
Beginning at a point which bears South $72^{\circ}49'59''$ West a distance of 1585.39 feet from the northeast corner of said Section 30; thence North $54^{\circ}02'59''$ West a distance of 68.65 feet; thence North $35^{\circ}57'01''$ East a distance of 55.59 feet; thence South $54^{\circ}02'59''$ East a distance of 68.65 feet; thence South $35^{\circ}57'01''$ West a distance of 55.59 feet to the point of beginning, the terminus of this description.

Also Together With: A parcel of land containing 0.07 acres, more or less, located in a portion of the North One-half of Section 30, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point which bears South $58^{\circ}59'28''$ West a distance of 1244.15 feet from the northeast corner of said Section 30; thence South $62^{\circ}33'49''$ East a distance of 65.00 feet to a point on the left top of bank of the Arnold Canal; thence along said top of bank South $27^{\circ}26'11''$ West a distance of 50.00 feet; thence leaving said top of bank North $62^{\circ}33'49''$ West a distance of 65.00 feet; thence North $27^{\circ}26'11''$ East a distance of 50.00 feet to the point of beginning, the terminus of this description.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

See attached map titled "Exhibit 5-F", hereby incorporated by reference.



181200004404
J L WARD CO
20505 MURPHY RD
BEND OR 97702

P.O.B. BEARS N78°45'53"W A
DISTANCE OF 955.83 FEET FROM
THE SOUTHEAST CORNER OF
SECTION 19, T18S, R12E, W.M.

WELL SITE
7,548 sq. ft. or
0.17 acres

POND

SECTION 19
SECTION 30

T18S
R12E

ACCESS EASEMENT

ARNOLD CANAL

PUMP SITE
3,817 sq. ft.
0.09 acres

FUEL TANK/
GENERATOR
PAD ACCESS
EASEMENT

P.O.B. BEARS
S58°59'28"W A
DISTANCE OF
1244.15 FEET
FROM THE
NORTHEAST
CORNER OF
SECTION 30,
T18S, R12E,

P.O.B. BEARS S72°49'59"W A
DISTANCE OF 1585.39 FEET FROM
THE NORTHEAST CORNER
OF SECTION 30, T18S, R12E, W.M.

FUEL TANK/ GENERATOR
PAD SITE
3,250 sq. ft. or 0.07 acres

REGISTERED
PROFESSIONAL
LAND SURVEYOR
David R. Williams
OREGON
JULY 19, 1994
DAVID R. WILLIAMS
2686
RENEWAL DATE: 06/30/14
2/10/14



120704
EXHIBIT 5-F
2/10/14

HWA
SURVEYOR ENGINEER
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC.
1231 W. 11TH STREET
BEND, OREGON 97701
PHONE 531-373-2121 FAX 531-362-4114

YARD ACCESS EASEMENT

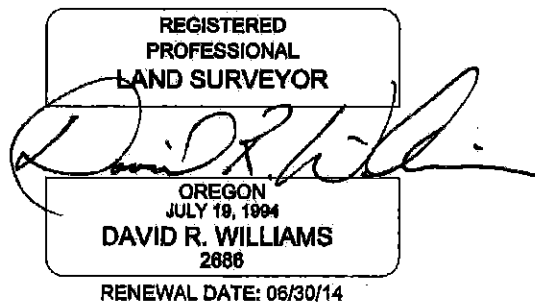
A parcel of land containing 0.79 acres, more or less, located in a portion of the Northwest One-quarter (NW 1/4) of Section 16, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a 5/8" iron rod with a yellow plastic cap marking the northwest corner of the tract of land identified as Parcel 1- Sewer Plant in Warranty Deed vol. 217, page 92 of Deeds in the office of the Deschutes County Clerk, said beginning point also being a point on the southerly 30.00 foot right-of-way line of Murphy Road which bears South 44°40'39" East a distance of 1868.97 feet from the northwest corner of said Section 16; thence leaving said right-of-way line and along the west boundary line of said Parcel 1 South 00°31'06" West a distance of 228.65 feet to a 5/8" iron rod with no cap marking the southwest corner of said Parcel 1; thence leaving said west boundary line and along the south boundary line of said Parcel 1 South 63°55'36" East a distance of 10.17 feet; thence leaving said south boundary line South 05°36'57" East a distance of 13.94 feet; thence 25.29 feet along the arc of a tangent curve to the right with a radius of 150.00 feet, the chord of which bears South 00°47'12" East a distance of 25.26 feet; thence 40.71 feet along the arc of a compound curve to the right with a radius of 75.00 feet, the chord of which bears South 19°35'34" West a distance of 40.21 feet; thence South 35°08'33" West a distance of 63.88 feet; thence 36.14 feet along the arc of a tangent curve to the left with a radius of 20.00 feet, the chord of which bears South 16°37'52" East a distance of 31.42 feet; thence South 68°24'17" East a distance of 202.81 feet; thence 32.82 feet along the arc of a tangent curve to the left with a radius of 20.00 feet, the chord of which bears North 64°34'41" East a distance of 29.26 feet; thence North 17°33'39" East a distance of 123.97 feet to a point on the south boundary line of said Parcel 1; thence along said south boundary line South 64°10'04" East a distance of 12.13 feet; thence leaving said south boundary line South 17°33'39" West a distance of 164.58 feet; thence North 68°24'17" West a distance of 252.17 feet; thence 26.69 feet along the arc of a tangent curve to the left with a radius of 20.00 feet, the chord of which bears South 73°22'08" West a distance of 24.75 feet; thence South 35°08'33" West a distance of 25.97 feet; thence 32.68 feet along the arc of a tangent curve to the left with a radius of 20.00 feet, the chord of which bears South 11°40'03" East a distance of 29.16 feet; thence South 58°28'39" East a distance of 3.38 feet; thence South 31°31'21" West a distance of 51.34 feet; thence North 58°28'39" West a distance of 12.46 feet; thence South 31°35'45" West a distance of 41.25 feet to a point on the northeasterly boundary line of the tract of land identified as Parcel 2- Reservoir Site in Warranty Deed Volume 217, Page 92 of Deeds in the office of the Deschutes County Clerk; thence along said northeasterly boundary line North 42°52'38" West a distance of 83.18 feet; thence leaving said northeasterly boundary line North 34°10'22" East a distance of 95.25 feet; thence South 55°01'47" East a distance of 40.99 feet; thence North 35°08'33" East a distance of 154.51 feet; thence 6.84 feet along the arc of a tangent curve to the left with a radius of 17.66 feet, the chord of which bears North 24°03'25" East a distance of 6.79 feet; thence 57.38 feet along the arc of a compound curve to the left with a radius of 150.00 feet, the chord of which bears North 02°00'46" East a distance of 57.03 feet; thence 54.51 feet along the arc of a compound curve to the left with a radius of 250.00 feet, the chord of which bears North 15°11'32" West a distance of 54.40 feet; thence North 21°26'19" West a distance of 104.16 feet; thence 57.81 feet along the arc of a tangent curve to the right with a radius of 500.00 feet, the chord of which bears North 18°07'34" West a distance of 57.78 feet; thence North 14°48'50"

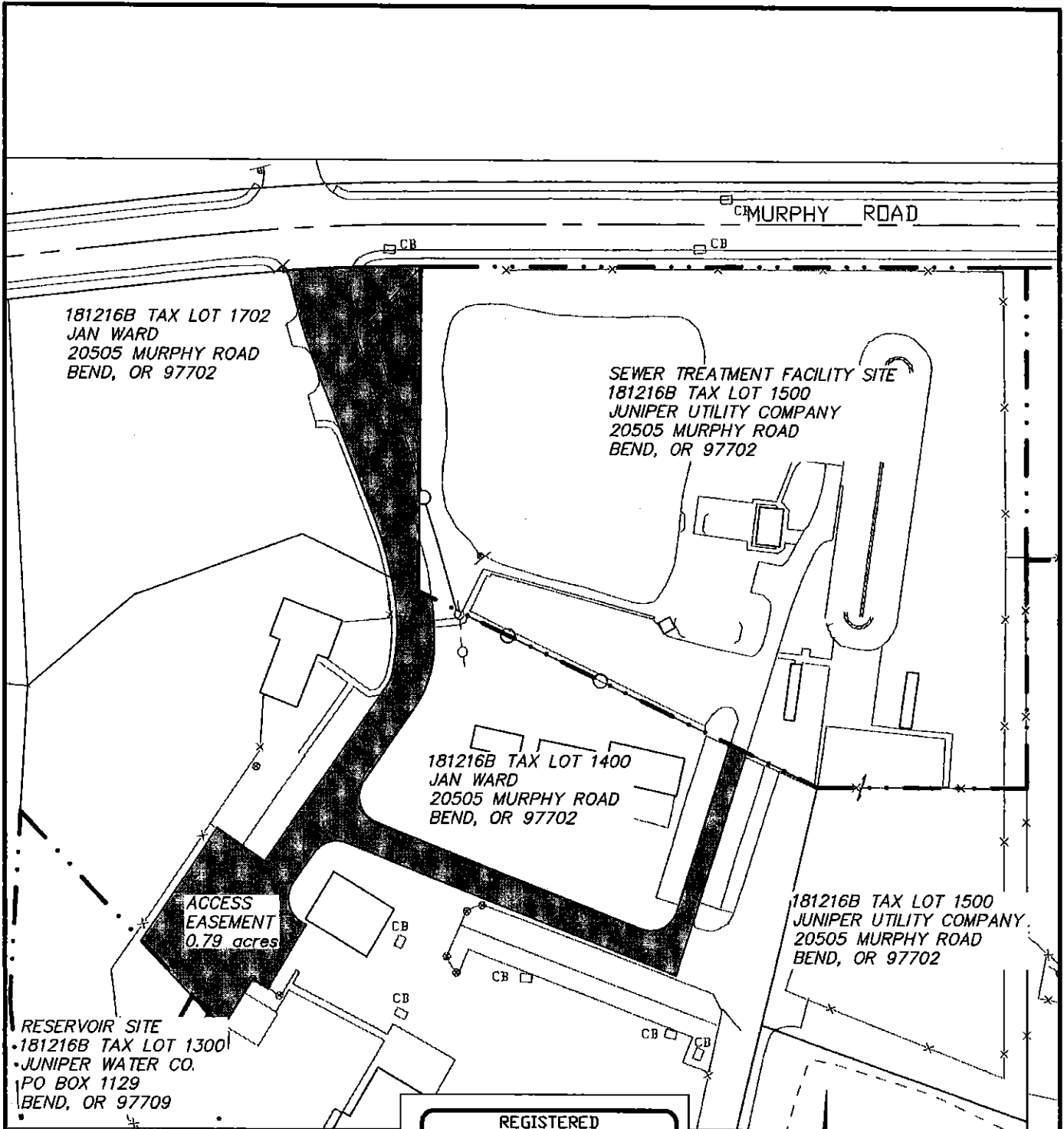
West a distance of 17.65 feet; thence 6.68 feet along the arc of a tangent curve to the left with a radius of 20.00 feet, the chord of which bears North 24°22'49" West a distance of 6.65 feet to a point on the south 30.00 foot right-of-way line of Murphy Road; thence along said right-of-way line 95.70 feet along a non-tangent curve to the right with a radius of 1470.00 feet, the chord of which bears North 87°54'46" East a distance of 95.68 feet to the point of beginning, the terminus of this description.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

See attached map titled "Exhibit 6-B", hereby incorporated by reference.



2/11/17



REGISTERED
PROFESSIONAL
LAND SURVEYOR

David R. Williams

OREGON
JULY 19, 1994
DAVID R. WILLIAMS
2686
RENEWAL DATE: 06/30/14

2/11/14

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC.
43730 O.R. BILEY ROAD, SUITE 100
BEND, OREGON 97701
PHONE: 541.327.7381 FAX: 541.388.6414



120704
EXHIBIT 6-B
2/10/14

EXHIBIT 6-C

SHILOH POND EASEMENT

A parcel of land containing 2.15 acres, more or less, being that portion of the following described parcel of land lying within the boundary of that property described in bargain and sale deed to J.L. Ward Co. recorded December 6, 2002 in Volume 2002 Page 68731 Deschutes County official records, further located in a portion of the Northwest One-quarter of the Southwest One-quarter (NW1/4 SW1/4), and in a portion of the Northeast One-quarter of the Southwest One-quarter (NE1/4 SW1/4) of Section 16, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point which bears North 26°39'08" East a distance of 2015.73 feet from the Southwest corner of said Section 16, and bears South 13°38'08" East a distance of 3635.40 feet from the Northwest corner of said Section 16; thence North 22°34'39" East a distance of 56.57 feet; thence North 64°09'31" West a distance of 12.77 feet; thence North 26°59'21" East a distance of 31.83 feet; thence South 79°23'57" East a distance of 62.75 feet; thence South 68°03'37" East a distance of 36.83 feet; thence North 78°19'28" East a distance of 10.00 feet; thence North 51°25'04" East a distance of 55.21 feet; thence North 46°24'32" East a distance of 59.55 feet; thence North 34°57'15" East a distance of 50.80 feet; thence South 86°05'29" East a distance of 97.64 feet; thence South 60°32'13" East a distance of 130.10 feet; thence South 55°18'30" East a distance of 101.58 feet; thence South 61°46'55" East a distance of 111.32 feet; thence South 47°22'03" East a distance of 49.42 feet; thence South 18°50'25" East a distance of 70.19 feet; thence South 46°34'33" West a distance of 46.50 feet; thence South 02°13'40" West a distance of 56.27 feet; thence South 44°46'36" West a distance of 48.87 feet; thence South 49°23'10" West a distance of 22.49 feet; thence North 55°13'08" West a distance of 118.50 feet; thence North 58°34'32" West a distance of 102.32 feet; thence North 58°07'33" West a distance of 142.06 feet; thence North 58°57'57" West a distance of 67.74 feet; thence South 67°13'39" West a distance of 21.71 feet; thence South 46°15'54" West a distance of 41.75 feet; thence South 63°15'12" West a distance of 37.74 feet; thence North 47°17'08" West a distance of 31.56 feet; thence North 32°16'43" West a distance of 37.41 feet; thence North 59°05'19" West a distance of 49.21 feet; thence South 70°11'58" West a distance of 65.86 feet; thence North 68°37'32" West a distance of 16.11 feet to the point of beginning, the terminus of this description.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

See attached map titled "Exhibit 6-D", hereby incorporated by reference.

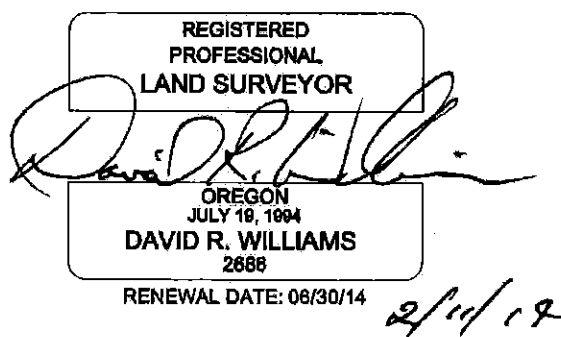
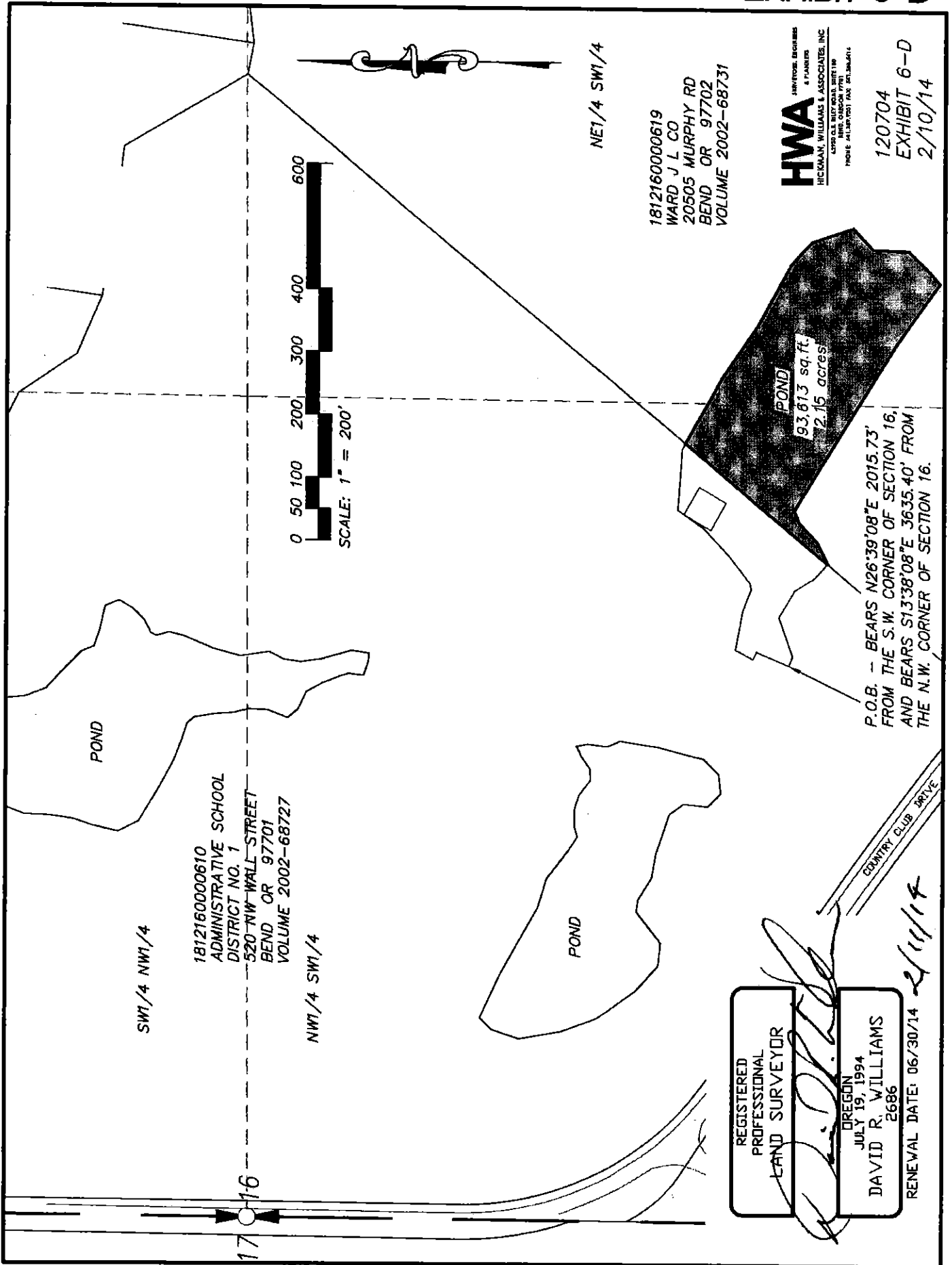


EXHIBIT 6-D



SW1/4 NW1/4

1812160000610
 ADMINISTRATIVE SCHOOL
 DISTRICT NO. 1
 520 NW WALL STREET
 BEND OR 97701
 VOLUME 2002-68727

NW1/4 SW1/4

NE1/4 SW1/4

1812160000619
 WARD J L CO
 20505 MURPHY RD
 BEND OR 97702
 VOLUME 2002-68731

HWA HICKMAN, WILLIAMS & ASSOCIATES, INC.
 LAND SURVEYORS
 1000 G.L. BURT ROAD, SUITE 100
 BEND, OREGON 97701
 PHONE 503/752-0111 FAX 503/752-0115

120704
 EXHIBIT 6-D
 2/10/14

P.O.B. - BEARS N26°39'08"E 2015.73'
 FROM THE S.W. CORNER OF SECTION 16,
 AND BEARS S13°38'08"E 3635.40' FROM
 THE N.W. CORNER OF SECTION 16.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

David R. Williams

OREGON
 JULY 19, 1994
 DAVID R. WILLIAMS
 2686
 RENEWAL DATE: 06/30/14

COUNTRY CLUB DRIVE
 2/10/14

EXHIBIT 6-E

SHILO SEWER EASEMENT

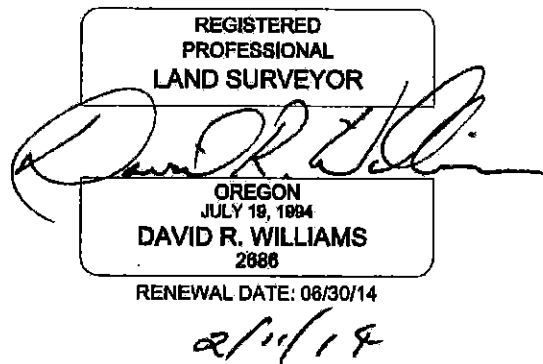
A 20.00 foot wide strip of land located in a portion of that property described in bargain and sale deed to J.L. Ward Co. recorded December 6, 2002 in Volume 2002 Page 68731 Deschutes County official records, further located in the West One-half (W1/2) of Section 16, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, lying 10.00 feet on each side of the following described centerline:

Beginning at a point on the northwesterly boundary of said Volume 2002 Page 68731, which bears South 77°39'15" East a distance of 1567.58 feet from the West One-quarter corner of said Section 16; thence South 43°01'03" East 212.18 feet; thence South 29°28'10" East 165.60 feet; thence South 20°39'22" East 134.91 feet; thence South 03°28'14" West 56.08 feet; thence South 13°51'36" West 127.53 feet; thence South 32°12'44" West 54.13 feet; thence South 45°01'06" West 79.18 feet; thence South 50°50'39" West 118.19 feet; thence South 65°01'08" West 279.54 feet; thence South 76°13'56" West 121.74 feet; thence South 15°38'54" West 170.02 feet; thence South 28°11'30" East 481.66 feet; thence South 62°08'58" West 22 feet to the northeasterly right-of-way of Country Club Drive and the terminus of this easement.

The centerline described above is based on the Central Oregon Coordinate System per pipe location provided by the City of Bend.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

See attached map titled "Exhibit 6-F", hereby incorporated by reference.



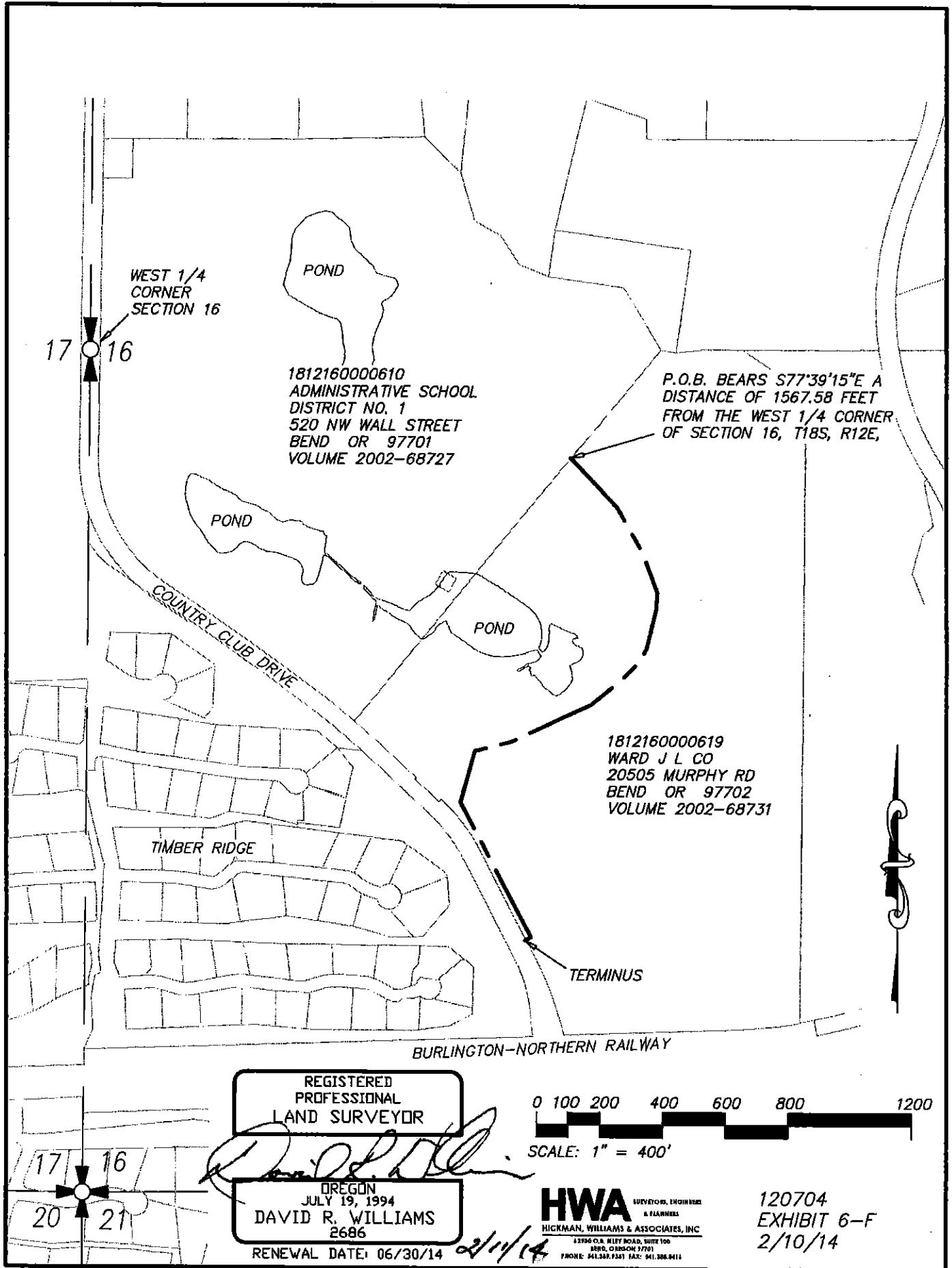


EXHIBIT 6-G

HOLE 5 ACCESS EASEMENT

A strip of land variable in width located in a portion of Sections 19, 20, and 30 of Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, lying on each side of the following described centerline:

Beginning at Engineer's centerline Station 0+00.00, being a point on the southerly right-of-way line of China Hat Road which bears South 42°26'27" East a distance of 2434.15 feet from the northwest corner of said Section 20, said Engineers centerline Station also bears North 26°28'55" East a distance of 3893.14 feet from the southwest corner of said Section 20; thence South 46°16'06" West a distance of 357.79 feet; thence 225.37 feet along the arc of a tangent curve to the left with a radius of 216.74 feet, the chord of which bears South 16°28'46" West for a distance of 215.36 feet; thence South 13°18'34" East a distance of 478.34 feet; thence 228.16 feet along the arc of a tangent curve to the right with a radius of 298.02 feet, the chord of which bears South 08°37'24" West for a distance of 222.63 feet; thence South 30°33'22" West a distance of 456.88 feet; thence 124.34 feet along the arc of a tangent curve to the right with a radius of 172.85 feet, the chord of which bears South 51°09'51" West for a distance of 121.68 feet; thence South 71°46'21" West a distance of 619.95 feet; thence 279.63 feet along the arc of a tangent curve to the left with a radius of 623.95 feet, the chord of which bears South 58°56'00" West for a distance of 277.30 feet; thence South 46°05'40" West a distance of 224.06 feet; thence 199.86 feet along the arc of a tangent curve to the right with a radius of 2177.02 feet, the chord of which bears South 48°43'28" West for a distance of 199.79 feet; thence South 51°21'16" West a distance of 387.52 feet; thence 198.48 feet along the arc of a tangent curve to the left with a radius of 832.96 feet, the chord of which bears South 44°31'41" West for a distance of 198.01 feet; thence South 37°42'07" West a distance of 173.14 feet; thence 187.60 feet along the arc of a tangent curve to the left with a radius of 225.63 feet, the chord of which bears South 13°52'58" West for a distance of 182.24 feet; thence South 09°56'11" East a distance of 64.01 feet; thence 198.16 feet along the arc of a tangent curve to the right with a radius of 418.56 feet, the chord of which bears South 03°37'35" West for a distance of 196.32 feet; thence South 17°11'22" West a distance of 197.01 feet; thence 108.82 feet along the arc of a tangent curve to the right with a radius of 2018.85 feet, the chord of which bears South 18°44'01" West for a distance of 108.81 feet; thence 70.84 feet along the arc of a compound curve to the right with a radius of 2018.85 feet, the chord of which bears South 21°16'59" West for a distance of 70.84 feet; thence South 22°17'19" West a distance of 145.52 feet; thence 185.42 feet along the arc of a tangent curve to the right with a radius of 543.78 feet, the chord of which bears South 32°03'24" West for a distance of 184.52 feet; thence South 41°49'30" West a distance of 114.00 feet; thence 68.37 feet along the arc of a tangent curve to the left with a radius of 293.79 feet, the chord of which bears South 35°09'30" West for a distance of 68.21 feet; thence South 28°29'30" West a distance of 99.43 feet; thence 176.06 feet along the arc of a tangent curve to the right with a radius of 134.59 feet, the chord of which bears South 65°58'00" West for a distance of 163.77 feet; thence North 76°33'29" West a distance of 65.72 feet; thence 216.64 feet along the arc of a tangent curve to the right with a radius of 594.41 feet, the chord of which bears North 66°07'02" West for a distance of 215.44 feet; thence North 55°40'34" West a distance of 310.54 feet; thence South 38°27'21" West a distance of 65.33 feet; thence 44.49 feet along the arc of a tangent curve to the right with a radius of 25.00 feet, the chord of which bears South 89°26'31" West for a distance of 38.85 feet; thence North 39°34'18" West a distance of 206.36 feet; thence 79.19 feet along the

arc of a tangent curve to the left with a radius of 500.00 feet, the chord of which bears North 44°06'32" West for a distance of 79.11 feet; thence North 48°38'46" West a distance of 89.16 feet; thence 97.64 feet along the arc of a tangent curve to the right with a radius of 200.00 feet, the chord of which bears North 34°39'35" West for a distance of 96.68 feet; thence North 20°40'25" West a distance of 96.03 feet; thence 230.95 feet along the arc of a tangent curve to the left with a radius of 230.00 feet, the chord of which bears North 49°26'22" West for a distance of 221.37 feet; thence North 78°12'20" West a distance of 25.24 feet; thence 52.59 feet along the arc of a tangent curve to the right with a radius of 60.00 feet, the chord of which bears North 53°05'39" West for a distance of 50.93 feet; thence North 27°58'58" West a distance of 98.18 feet to Engineer's centerline Station 72+46.84 being a point on the easterly right-of-way line of the Dalles-California Highway, the point of termination of this description. Said point of termination bears South 26°14'27" West a distance of 5565.86 feet from the northwest corner of said Section 20, said point of termination also bears North 83°02'49" West a distance of 2385.09 feet from the southwest corner of said Section 20.

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

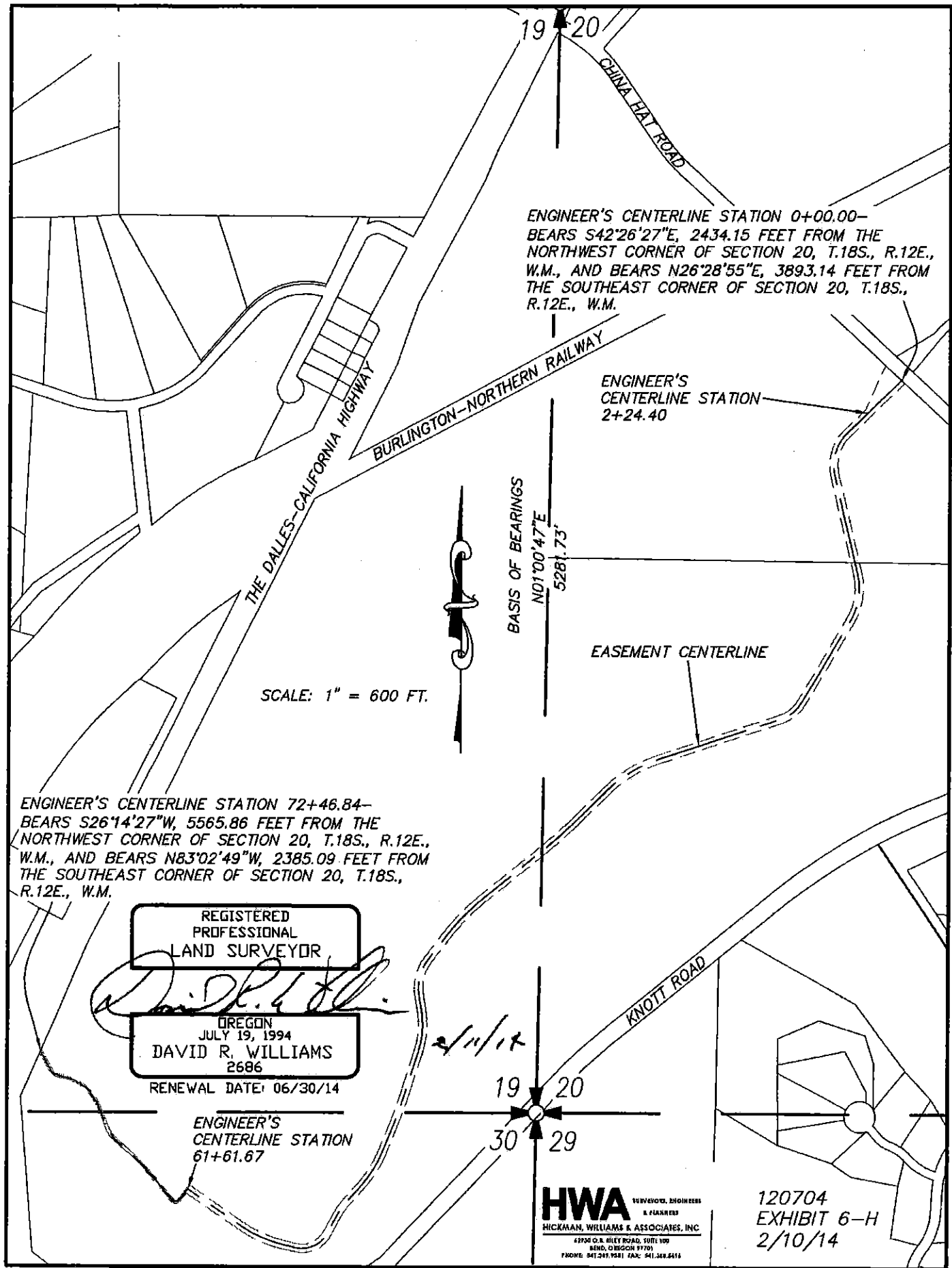
Station	to	Station	Width on Right Side of Centerline	Width on left Side of Centerline
0+00.00		2+24.20	108 in a straight line to 20	20
2+24.20		61+61.67	20	20
61+61.67		72+46.84	7.5	7.5

The sidelines of the above described strip of land are to be extended or shortened to terminate at said right-of-way lines of China Hat Road and the Dalles-California Highway.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

Bearings are based on the bearing of the west line of said Section 20 as shown on attached map titled "Exhibit 6-H" hereby incorporated by reference.

EXHIBIT 6-H



ENGINEER'S CENTERLINE STATION 0+00.00—
BEARS S42°26'27"E, 2434.15 FEET FROM THE
NORTHWEST CORNER OF SECTION 20, T.18S., R.12E.,
W.M., AND BEARS N26°28'55"E, 3893.14 FEET FROM
THE SOUTHEAST CORNER OF SECTION 20, T.18S.,
R.12E., W.M.

ENGINEER'S
CENTERLINE STATION
2+24.40

SCALE: 1" = 600 FT.

ENGINEER'S CENTERLINE STATION 72+46.84—
BEARS S26°14'27"W, 5565.86 FEET FROM THE
NORTHWEST CORNER OF SECTION 20, T.18S., R.12E.,
W.M., AND BEARS N83°02'49"W, 2385.09 FEET FROM
THE SOUTHEAST CORNER OF SECTION 20, T.18S.,
R.12E., W.M.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David R. Williams

OREGON
JULY 19, 1994
DAVID R. WILLIAMS
2686
RENEWAL DATE: 06/30/14

ENGINEER'S
CENTERLINE STATION
61+61.67

BASIS OF BEARINGS
N01°00'47"E
5281.73'

EASEMENT CENTERLINE

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC.
4324 O.E. AILEY ROAD, SUITE 100
BEND, OREGON 97701
PHONE: 541.291.7581 FAX: 541.388.8411

120704
EXHIBIT 6-H
2/10/14

EXHIBIT 6-1

HOLE 5 POND, FACILITIES AND ACCESS

A parcel of land containing 6.53 acres, more or less, located in a portion of the South One-half of Section 19 and the North One-half of Section 30, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point which bears North $78^{\circ}45'53''$ West a distance of 955.83 feet from the southeast corner of said Section 19; thence South $20^{\circ}53'55''$ West a distance of 103.05 feet; thence South $47^{\circ}31'42''$ West a distance of 44.99 feet; thence South $63^{\circ}26'58''$ West a distance of 44.99 feet; thence South $33^{\circ}32'18''$ West a distance of 47.75 feet; thence South $42^{\circ}36'47''$ West a distance of 45.87 feet; thence South $09^{\circ}44'20''$ West a distance of 47.43 feet; thence South $30^{\circ}26'39''$ West a distance of 20.80 feet; thence North $83^{\circ}02'09''$ West a distance of 48.81 feet; thence North $62^{\circ}42'51''$ West a distance of 18.88 feet; thence North $27^{\circ}19'13''$ West a distance of 21.70 feet; thence North $07^{\circ}56'56''$ East a distance of 20.37 feet; thence North $12^{\circ}18'05''$ West a distance of 22.02 feet; thence North $42^{\circ}27'47''$ West a distance of 19.33 feet; thence North $24^{\circ}24'56''$ West a distance of 55.69 feet; thence North $05^{\circ}28'21''$ West a distance of 64.67 feet; thence North $30^{\circ}36'13''$ East a distance of 29.22 feet; thence North $48^{\circ}48'22''$ East a distance of 31.45 feet; thence North $61^{\circ}20'41''$ East a distance of 35.44 feet; thence South $80^{\circ}34'55''$ East a distance of 7.44 feet; thence North $02^{\circ}55'46''$ East a distance of 16.33 feet; thence North $74^{\circ}50'35''$ West a distance of 11.15 feet; thence South $56^{\circ}42'08''$ West a distance of 10.06 feet; thence South $10^{\circ}54'45''$ East a distance of 8.48 feet; thence South $50^{\circ}33'10''$ West a distance of 22.66 feet; thence South $71^{\circ}21'56''$ West a distance of 50.31 feet; thence South $33^{\circ}36'20''$ West a distance of 31.69 feet; thence South $39^{\circ}01'38''$ West a distance of 39.80 feet; thence South $41^{\circ}00'24''$ West a distance of 31.10 feet; thence South $26^{\circ}18'20''$ West a distance of 19.68 feet; thence South $11^{\circ}30'58''$ East a distance of 79.29 feet; thence South $08^{\circ}04'07''$ West a distance of 34.18 feet; thence South $04^{\circ}22'42''$ West a distance of 33.82 feet; thence South $21^{\circ}01'51''$ West a distance of 34.66 feet; thence South $60^{\circ}56'30''$ West a distance of 33.14 feet; thence South $34^{\circ}25'25''$ West a distance of 21.87 feet; thence South $46^{\circ}32'44''$ West a distance of 21.72 feet; thence South $60^{\circ}21'15''$ West a distance of 20.49 feet; thence South $74^{\circ}51'31''$ West a distance of 39.69 feet; thence South $71^{\circ}48'32''$ West a distance of 33.29 feet; thence South $76^{\circ}47'18''$ West a distance of 9.06 feet; thence South $60^{\circ}41'35''$ West a distance of 13.35 feet; thence South $28^{\circ}00'54''$ West a distance of 9.50 feet; thence South $15^{\circ}02'08''$ West a distance of 10.97 feet; thence South $05^{\circ}03'44''$ West a distance of 22.50 feet; thence South $47^{\circ}10'38''$ East a distance of 5.36 feet; thence South $65^{\circ}21'27''$ East a distance of 14.36 feet; thence South $47^{\circ}35'30''$ East a distance of 20.04 feet; thence South $26^{\circ}08'34''$ East a distance of 22.89 feet; thence South $00^{\circ}32'38''$ West a distance of 23.49 feet; thence South $10^{\circ}03'32''$ West a distance of 25.94 feet; thence South $28^{\circ}34'45''$ West a distance of 27.05 feet; thence South $38^{\circ}33'54''$ West a distance of 39.69 feet; thence North $54^{\circ}02'59''$ West a distance of 48.05 feet; thence South $35^{\circ}57'01''$ West a distance of 55.59 feet; thence North $53^{\circ}21'35''$ West a distance of 26.02 feet; thence North $49^{\circ}04'51''$ West a distance of 30.45 feet; thence North $07^{\circ}09'42''$ West a distance of 61.15 feet; thence North $35^{\circ}36'27''$ East a distance of 75.25 feet; thence North $18^{\circ}14'25''$ East a distance of 20.74 feet; thence North $01^{\circ}13'31''$ West a distance of 20.14 feet; thence North $47^{\circ}34'03''$ West a distance of 5.61

feet; thence North 69°45'53" West a distance of 40.08 feet; thence North 85°31'50" West a distance of 31.82 feet; thence North 68°04'43" West a distance of 30.44 feet; thence North 45°30'02" West a distance of 31.63 feet; thence North 66°26'52" West a distance of 18.76 feet; thence North 83°18'07" West a distance of 41.53 feet; thence North 65°39'54" West a distance of 89.75 feet; thence North 50°41'30" West a distance of 24.63 feet; thence North 26°06'08" West a distance of 15.01 feet; thence North 16°09'14" East a distance of 16.99 feet; thence North 52°47'45" East a distance of 19.26 feet; thence North 82°22'28" East a distance of 13.81 feet; thence South 89°34'41" East a distance of 20.39 feet; thence North 36°14'20" East a distance of 22.28 feet; thence North 39°36'09" East a distance of 30.75 feet; thence North 40°05'11" East a distance of 21.90 feet; thence North 07°25'51" East a distance of 19.63 feet; thence North 11°41'59" West a distance of 23.64 feet; thence North 28°01'25" West a distance of 31.21 feet; thence North 16°34'32" West a distance of 27.28 feet; thence North 07°34'27" West a distance of 22.78 feet; thence North 56°38'54" West a distance of 16.56 feet; thence North 50°00'16" West a distance of 24.09 feet; thence North 25°22'10" West a distance of 30.54 feet; thence North 15°18'40" West a distance of 29.89 feet; thence North 13°15'55" East a distance of 28.89 feet; thence North 48°06'01" East a distance of 27.15 feet; thence North 60°57'28" East a distance of 35.33 feet; thence North 37°31'09" East a distance of 25.19 feet; thence North 02°46'44" West a distance of 30.28 feet; thence North 33°02'05" East a distance of 25.58 feet; thence North 59°07'02" East a distance of 39.16 feet; thence South 57°13'47" East a distance of 19.20 feet; thence South 09°20'25" West a distance of 38.25 feet; thence South 26°48'36" West a distance of 16.59 feet; thence South 42°05'30" West a distance of 47.73 feet; thence South 47°02'52" West a distance of 25.31 feet; thence South 59°14'45" West a distance of 33.69 feet; thence South 50°43'24" West a distance of 11.43 feet; thence South 24°33'36" West a distance of 10.52 feet; thence South 21°34'05" East a distance of 16.89 feet; thence South 68°42'30" East a distance of 13.31 feet; thence South 66°34'29" East a distance of 19.98 feet; thence South 61°16'14" East a distance of 16.42 feet; thence South 70°18'19" East a distance of 27.93 feet; thence South 85°34'18" East a distance of 23.86 feet; thence South 48°18'29" East a distance of 31.06 feet; thence South 28°52'24" East a distance of 31.14 feet; thence South 67°35'30" East a distance of 53.47 feet; thence South 52°22'12" East a distance of 36.33 feet; thence South 79°53'21" East a distance of 51.66 feet; thence South 69°28'38" East a distance of 22.59 feet; thence South 49°32'03" East a distance of 7.91 feet; thence South 56°31'23" East a distance of 30.39 feet; thence North 81°10'57" East a distance of 17.94 feet; thence North 52°09'20" East a distance of 11.06 feet; thence North 25°32'24" East a distance of 22.31 feet; thence North 21°13'08" East a distance of 24.01 feet; thence North 13°34'31" West a distance of 8.21 feet; thence North 13°37'32" West a distance of 36.04 feet; thence North 08°27'04" West a distance of 31.49 feet; thence North 04°33'02" East a distance of 44.33 feet; thence North 04°32'17" West a distance of 26.89 feet; thence North 26°32'26" West a distance of 20.44 feet; thence North 54°02'12" West a distance of 20.50 feet; thence North 40°11'40" West a distance of 112.13 feet; thence North 39°47'16" East a distance of 28.00 feet; thence South 63°55'52" East a distance of 112.39 feet; thence North 80°58'30" East a distance of 45.08 feet; thence South 86°28'32" East a distance of 30.46 feet; thence South 58°34'12" East a distance of 48.17 feet; thence South 63°23'16" East a distance of 78.74 feet; thence South 74°40'43" East a distance of 27.78 feet; thence South 79°31'01" East a distance of 39.28 feet; thence South 79°41'14" East a distance of 40.52 feet; thence North 45°15'24" East a distance of 39.50 feet; thence North 75°03'14" East a

distance of 20.57 feet; thence South 73°10'11" East a distance of 85.99 feet; thence South 76°03'45" East a distance of 14.69 feet; thence South 62°23'50" East a distance of 26.29 feet; thence South 29°26'50" East a distance of 20.16 feet; thence South 65°26'00" East a distance of 36.41 feet to the point of beginning, the terminus of this description.

Together With: A parcel of land containing 0.31 acres, more or less, located in a portion of the South One-half of Section 19 and the North One-half of Section 30, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point on the left top of bank of the Arnold Canal which bears North 86°42'55" West a distance of 627.62 feet from the southeast corner of said Section 19; thence along said top of bank South 20°36'56" West a distance of 51.65 feet; thence leaving said top of bank North 69°23'04" West a distance of 260.50 feet; thence North 20°53'55" East a distance of 51.65 feet; thence South 69°23'04" East a distance of 260.25 feet to the point of beginning, the terminus of this description.

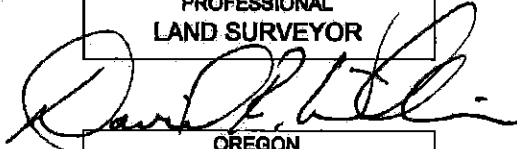
Also Together With: A parcel of land containing 0.37 acres, more or less, located in a portion of the North One-half of Section 30, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point which bears South 58°59'28" West a distance of 1244.15 feet from the northeast corner of said Section 30; thence South 27°26'11" West a distance of 50.00 feet; thence North 62°33'49" West a distance of 54.08 feet; thence North 76°00'30" West a distance of 109.80 feet; thence North 69°53'07" West a distance of 92.88 feet; thence North 58°55'50" West a distance of 227.28 feet; thence North 54°02'59" West a distance of 69.63 feet; thence North 53°21'35" West a distance of 26.88 feet; thence North 49°04'51" West a distance of 45.78 feet; thence 39.36 feet along the arc of a tangent curve to the left with a radius of 25.00 feet, the chord of which bears South 85°48'39" West for a distance of 35.42 feet; thence South 40°42'09" West a distance of 76.18 feet to a point on the left top of bank of the Arnold Canal; thence along said top of bank North 39°52'20" West a distance of 20.27 feet; thence leaving said top of bank North 40°42'09" East a distance of 72.86 feet; thence 70.86 feet along the arc of a tangent curve to the right with a radius of 45.00 feet, the chord of which bears North 85°48'39" East for a distance of 63.76 feet; thence South 49°04'51" East a distance of 45.03 feet; thence South 53°21'35" East a distance of 26.02 feet; thence South 54°02'59" East a distance of 68.65 feet; thence South 58°55'50" East a distance of 224.51 feet; thence South 69°53'07" East a distance of 89.89 feet; thence South 76°00'30" East a distance of 105.42 feet; thence South 88°59'25" East a distance of 46.34 feet; thence North 66°41'15" East a distance of 13.81 feet; thence South 62°33'49" East a distance of 11.71 feet to the point of beginning, the terminus of this description.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

See attached map titled "Exhibit 6-J", hereby incorporated by reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 19, 1994
DAVID R. WILLIAMS
2686

RENEWAL DATE: 06/30/14
2/11/14

1812000004404
J L WARD CO
20505 MURPHY RD
BEND OR 97702

P.O.B. BEARS N78°45'53"W A
DISTANCE OF 955.83 FEET FROM
THE SOUTHEAST CORNER OF
SECTION 19, T18S, R12E, W.M.

P.O.B. BEARS N86°42'55"W A
DISTANCE OF 627.62 FEET FROM
THE SOUTHEAST CORNER OF
SECTION 19, T18S, R12E, W.M.

P.O.B. BEARS S58°59'28"W A
DISTANCE OF 1244.15 FEET
FROM THE NORTHEAST CORNER
OF SECTION 30, T18S, R12E,

POND
284,438 sq. ft.
6.53 acres

ACCESS EASEMENT
13,448 sq. ft. or
0.31 acres

FUEL TANK/ GENERATOR PAD
ACCESS EASEMENT
16,016 sq. ft. or 0.37 acres

REGISTERED
PROFESSIONAL
LAND SURVEYOR
David R. Williams
OREGON
JULY 19, 1994
DAVID R. WILLIAMS
2686

RENEWAL DATE: 06/30/14
2/10/14

SECTION 19
SECTION 30

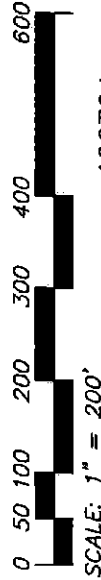
ARNOLD CANAL

T18S
R12E

ARNOLD CANAL

PUMP SITE

WELL SITE



120704
EXHIBIT 6-J
2/10/14

HWA
HICKMAN, WILLIAMS & ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
1270 O.E. HART ROAD, SUITE 100
BEND, OREGON 97701
PHONE 503/338-1141 FAX 503/338-1141

EXHIBIT 7-A

SEWER UTILITY EASEMENT

A 20.00 foot wide strip of land, being a portion of that property described in warranty deed to Juniper Utility Company, recorded April 1, 1975 in Volume 217 Page 92, Deschutes County deed records, located in the Southeast One-Quarter of the Northwest One-Quarter (SE1/4 NW1/4) of Section 16, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, lying 10.00 feet on each side of the following described centerline:

Commencing at the southwest corner of said Volume 217 Page 92; thence South 64°07'30" East along the south boundary of said Volume 217 Page 92, a distance of 245.14 feet to the **True Point of Beginning**; thence leaving said boundary, North 16°12'38" East a distance of 12.58 feet; thence South 66°23'03" West a distance of 73.20 feet; thence South 87°08'03" East a distance of 80.46 feet; thence North 73°12'14" East a distance of 25.26 feet; thence North 02°44'11" East a distance of 89.13 feet; thence North 11°06'06" East a distance of 87.18 feet; thence North 15°33'29" East a distance of 62.88 feet to the east boundary of said Volume 217 Page 92; thence North 00°00'21" East along said east boundary, a distance of 116.12 to the northeast corner of said Volume 217 Page 92, the terminus of this description. The sidelines of said easement shall shorten or lengthen to terminate at said boundaries.

Bearings are based on the Central Oregon Coordinate System.

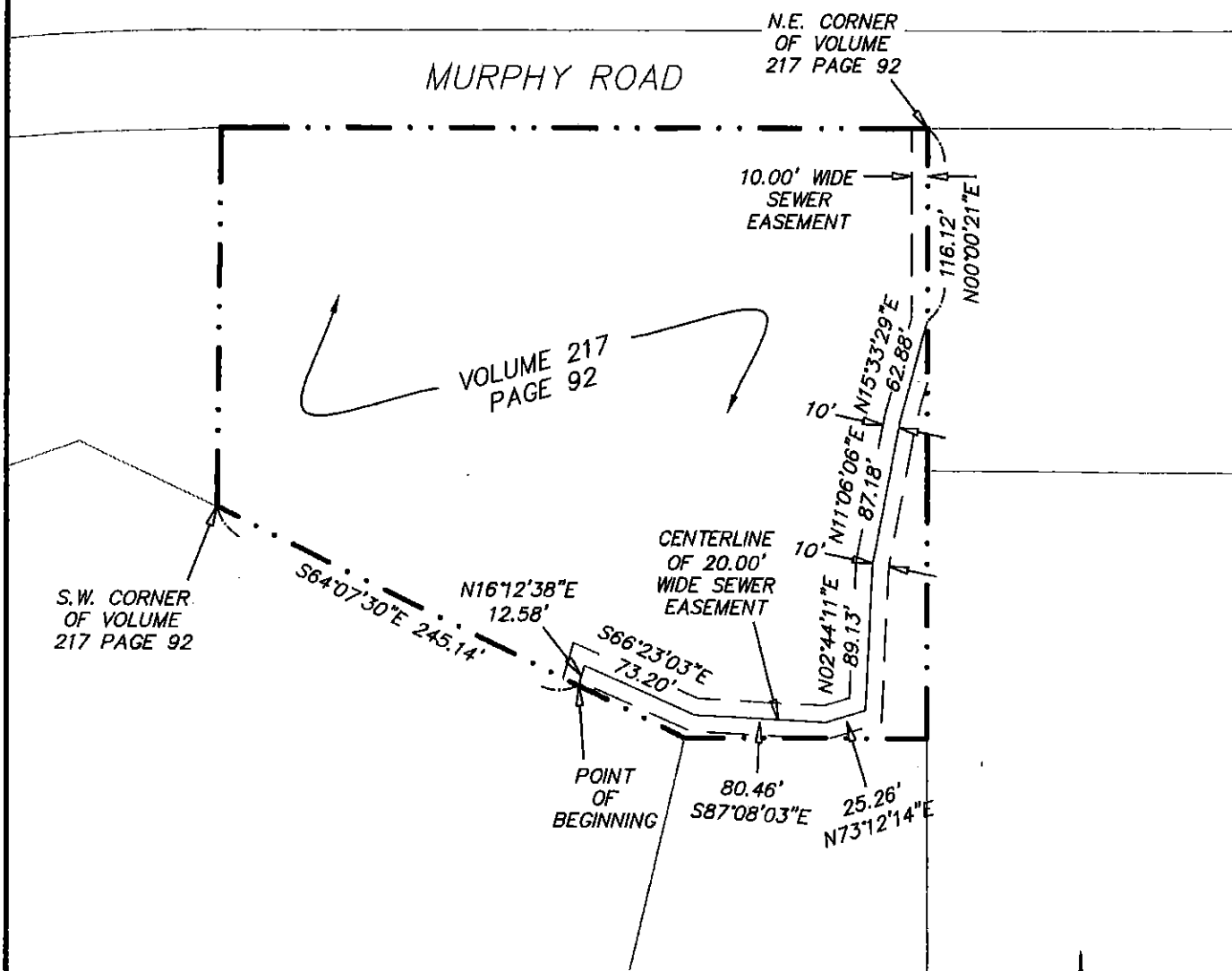
See attached map titled "EXHIBIT 7-B", hereby incorporated by reference.



RENEWAL DATE: 06/30/14

2/11/14

SEWERLINE EASEMENT
 LOCATED IN: SE1/4 NW1/4 OF SECTION 16, T18S, R12E, W.M.,
 CITY OF BEND, DESCHUTES COUNTY, OREGON



S.W. CORNER
 OF VOLUME
 217 PAGE 92

VOLUME 217
 PAGE 92

N.E. CORNER
 OF VOLUME
 217 PAGE 92

MURPHY ROAD

10.00' WIDE
 SEWER
 EASEMENT

CENTERLINE
 OF 20.00'
 WIDE SEWER
 EASEMENT

POINT
 OF
 BEGINNING

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

David R. Williams

OREGON
 JULY 19, 1994
 DAVID R. WILLIAMS
 2686

2/11/14

RENEWAL DATE: 06/30/14



HWA SURVEYORS, ENGINEERS
 & PLANNERS
 HICKMAN, WILLIAMS & ASSOCIATES, INC.
 13740 O. & JILEY ROAD, SUITE 100
 BEND, OREGON 97701
 PHONE 541.339.1351 FAX 541.339.4114

CITY OF BEND SEWER EASEMENT

120704-EXHIBIT 7-B.DWG

SCALE: 1" = 100'

DRAWN BY: JAM

DATE: 02/10/14

SHEET
 1/1

EXHIBIT 8-A

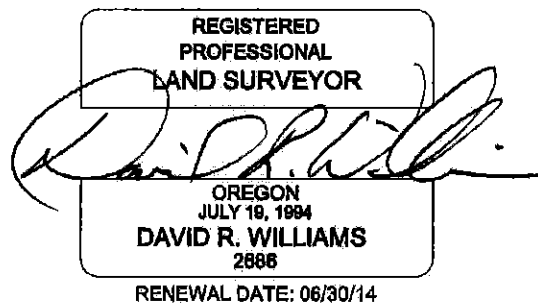
WATER EASEMENT

A 20.00 foot wide strip of land, being a portion of that property described in warranty deed to Juniper Utility Company, recorded April 1, 1975 in Volume 217 Page 92, Deschutes County deed records, located in the Southeast One-Quarter of the Northwest One-Quarter (SE1/4 NW1/4) of Section 16, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, lying 10.00 feet on each side of the following described centerline:

Commencing at the southeast corner of said Volume 217 Page 92; thence South 89°58'39" West along the south boundary of said Volume 217 Page 92, a distance of 27.16 feet to the **True Point of Beginning**; thence leaving said boundary, North 01°14'09" East a distance of 43.58 feet; thence North 43°06'12" West a distance of 30.41 feet; thence North 03°03'05" East a distance of 242.03 feet; thence South 89°59'39" East a distance of 34.14 feet to the east boundary of said Volume 217 Page 92, the terminus of this description. The sidelines of said easement shall shorten or lengthen to terminate at said south and east boundaries.

Bearings are based on the Central Oregon Coordinate System.

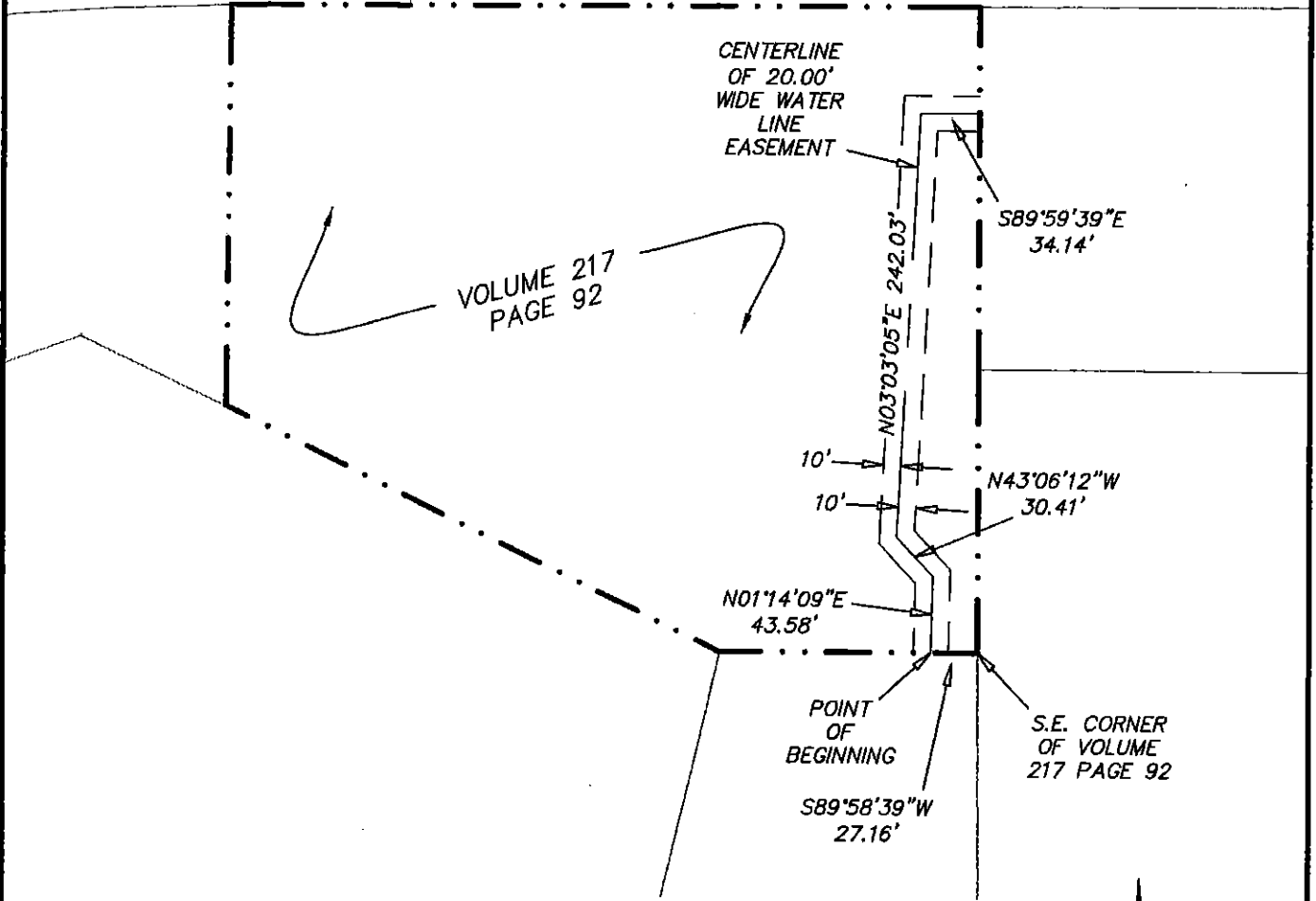
See attached map titled "EXHIBIT 8-B", hereby incorporated by reference.



2/11/14

WATERLINE EASEMENT
 LOCATED IN: SE1/4 NW1/4 OF SECTION 16, T18S, R12E, W.M.,
 CITY OF BEND, DESCHUTES COUNTY, OREGON

MURPHY ROAD



VOLUME 217
 PAGE 92

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

David R. Williams

OREGON
 JULY 19, 1994
 DAVID R. WILLIAMS
 2686

RENEWAL DATE: 06/30/14



HWA SURVEYORS, ENGINEERS & PLANNERS HICKMAN, WILLIAMS & ASSOCIATES, INC. 42700 O.A. BURT ROAD, SE700 100 BEND, OREGON 97701 PHONE 541.332.2151 FAX 541.332.5114	CITY OF BEND WATER EASEMENT		SHEET 1/1
	120704--EXHIBIT 8-B.DWG		
	SCALE: 1" = 100'	DRAWN BY: JAM	