



**A. CALL TO ORDER**

**B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

**C. CITIZEN COMMENTS**

*This section of the agenda allows citizens to address the Commission regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

**D. CONSENT AGENDA (Item Nos. 1 – 2)**

Page #

*The Consent Agenda will be enacted with one vote. The Chairman will first ask the staff, the public and the Commissioners if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under "Items Removed from the Consent Agenda." At that time, any member of the audience may comment on any item pulled from the Consent Agenda. The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.*

1. Approval of Minutes for the Meeting of January 28, 2008.....171
2. Resolution No. 555-08 Authorizing Compensation for Right-of-Way and .....176  
Easements Associated With the SW Herman Road  
Improvement Project

**E-F. PUBLIC HEARINGS**

*None.*

**G. GENERAL BUSINESS**

*None.*

**H. ITEMS REMOVED FROM CONSENT AGENDA**

*Items removed from the Consent Agenda will be discussed individually at this time. The Chairman may impose a time limit on speakers addressing these issues.*

**I. COMMUNICATIONS FROM COMMISSIONERS**

**J. EXECUTIVE SESSION**

**K. ADJOURNMENT**



Approved by Tualatin  
Development Commission  
Date 2-11-08  
Recording Sec M. S. M.

# STAFF REPORT

## TUALATIN DEVELOPMENT COMMISSION

**TO:** Honorable Chairman and Members of the Commission  
**FROM:** Sherilyn Lombos, Administrator *SL*  
**DATE:** February 11, 2008  
**SUBJECT:** APPROVE MEETING MINUTES OF JANUARY 28, 2008

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**ISSUE BEFORE THE COUNCIL:**

The issue before the Commission is to approve the minutes for the Tualatin Development Commission work session and meeting of January 28, 2008.

**RECOMMENDATION:**

Staff respectfully recommends that the Commission adopt the attached minutes.

**FINANCIAL IMPLICATIONS:**

There are no financial impacts associated with this item.

**Attachments:** A. Minutes

# TUALATIN DEVELOPMENT COMMISSION

18880 S.W. MARTINAZZI AVENUE  
TUALATIN, OREGON 97062-0369

503 / 692-2000

Approved by Tualatin  
Development Commission  
Date: 2-11-08  
Recording Sec: M. Smith



## TUALATIN DEVELOPMENT COMMISSION WORK SESSION MINUTES OF JANUARY 28, 2008

**PRESENT:** Chairman Pro tem Ed Truax; Commissioners Chris Barhyte, Monique Beikman, Bob Boryska, and Jay Harris; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Eric Underwood, Development Coordinator; Paul Hennon, Community Services Director; Kent Barker, Chief of Police; Nancy McDonald, Human Resources Director; Carina Christensen, Assistant to the City Manager; Dayna Johnson, Project Engineer; Cindy Hahn, Assistant Planner; Ginny Kirby, Recording Secretary

**ABSENT:** Lou Ogden\*, Donna Maddux\* [\* denotes excused]

**[Unless otherwise noted MOTION CARRIED indicates all in favor.]**

**A. CALL TO ORDER**

Chairman Pro tem Truax called the work session to order at 6:45 p.m.

**B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

Not applicable.

**C. CITIZEN COMMENTS**

Not applicable.

**D. CONSENT AGENDA**

The Consent Agenda was reviewed by the Commission.

**E. PUBLIC HEARINGS - Legislative or Other**

Not applicable.

**F. PUBLIC HEARINGS - Quasi-Judicial**

Not applicable.

**G. GENERAL BUSINESS**

Not applicable.

**H. ITEMS REMOVED FROM CONSENT AGENDA**

Not applicable.

**I. COMMUNICATIONS FROM COMMISSIONERS**

Not applicable.

**J. EXECUTIVE SESSION**

Not applicable.

**K. ADJOURNMENT**

The work session adjourned at 6:45 p.m.

Sherilyn Lombos, Administrator

Recording Secretary

A handwritten signature in blue ink, appearing to read "Ginny Kirby", is written over a horizontal line.

# TUALATIN DEVELOPMENT COMMISSION

18880 S.W. MARTINAZZI AVENUE  
TUALATIN, OREGON 97062-0369

503 / 692-2000

Approved by Tualatin  
Development Commission  
Date 2-11-08  
Recording Sec [Signature]



## TUALATIN DEVELOPMENT COMMISSION MEETING MINUTES OF JANUARY 28, 2008

**PRESENT:** Chairman Pro tem Ed Truax; Commissioners Chris Barhyte, Monique Beikman, Bob Boryska, and Jay Harris; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Dayna Johnson, Project Engineer; Cindy Hahn, Assistant Planner; Ginny Kirby, Recording Secretary

**ABSENT:** Lou Ogden\*, Donna Maddux\* [*\* denotes excused*]

***[Unless otherwise noted MOTION CARRIED indicates all in favor.]***

**A. CALL TO ORDER**

Chairman Pro tem Truax called the meeting to order at 8:44 p.m.

**B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

None.

**C. CITIZEN COMMENTS**

None.

**D. CONSENT AGENDA**

MOTION by Commissioner Harris, **SECONDED** by Commissioner Beikman to adopt the Consent Agenda as read:

1. Approval of Minutes for the Meeting of January 14, 2008
2. Change Order No. 2 to the Contract Documents for Construction of the Green Parking Lot Expansion
3. Resolution No. 554-08 Authorizing a Settlement, Property Acquisition, and Right-of-Way Agreement with Franklin Business Park, LLC

**MOTION CARRIED.**

**E-F. PUBLIC HEARINGS**

None.

**G. GENERAL BUSINESS**

None.

**H. ITEMS REMOVED FROM CONSENT AGENDA**

*Items removed from the Consent Agenda will be discussed individually at this time. The Chairman may impose a time limit on speakers addressing these issues.*

**I. COMMUNICATIONS FROM COMMISSIONERS**

None.

**J. EXECUTIVE SESSION**

None.

**K. ADJOURNMENT**

The meeting adjourned at 8:46 p.m.

Sherilyn Lombos, Administrator

Recording Secretary

  
\_\_\_\_\_



# STAFF REPORT

## TUALATIN DEVELOPMENT COMMISSION

Approved by Tualatin  
Development Commission  
Date 2-11-08  
Recording Sec M. Grand

**TO:** Honorable Chairman and Members of the Commission

**THROUGH:** Sherilyn Lombos, Administrator *SL*

**FROM:** Doug Rux, Community Development Director *DR*  
Eric Underwood, Development Coordinator *EU*

**DATE:** February 11, 2008

**SUBJECT:** RESOLUTION AUTHORIZING COMPENSATION FOR RIGHT-OF-WAY AND EASEMENTS ASSOCIATED WITH THE SW HERMAN ROAD IMPROVEMENT PROJECT

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### ISSUE BEFORE THE COMMISSION:

Whether the Tualatin Development Commission should adopt a resolution authorizing compensation for Rights-of-Way and Slope/Utility Easements as part of the SW Herman Road Improvement Project.

### RECOMMENDATION:

Staff recommends that the Commission adopt the attached resolution.

### EXECUTIVE SUMMARY:

- This action is not a public hearing.
- The Fiscal Year 07/08 Leveton Tax Increment District Project Fund contains a capital project to design roadway improvements, and acquire rights-of-way and easements for the SW Herman Road Improvement Project.
- The project area consists of SW Herman Road from SW Teton Avenue to 124<sup>th</sup> Avenue.
- The primary purpose of constructing the roadway is to better facilitate freight mobility and industrial traffic flow within the District and to improve storm water drainage as well as overall roadway conditions.
- As part of the project, rights-of-way acquisition and utility, slope, and permanent easements have been identified.
- Once the Commission authorizes the compensation for the right-of-way and easements, the Deed of Dedications and Slope/Public Utility Easements will be forwarded to the City Council for acceptance.

## STAFF REPORT: Compensation for Rights-of-Way and Easements

February 11, 2008

Page 2 of 3

- The Commission at its August 13, 2007 meeting directed the acquisition of rights-of-ways and easements.
- The rights-of-way and easements are necessary for construction of the street improvement project and address the following properties:
  - Silvey LLC; Herman Properties LLC; Clown Nose Properties, LLC; The Majnarich Family Limited Partnership.
- There are additional Rights-of-Way, Slope/Public Utility Easements and Temporary Construction Easements that will be forwarded to the Commission for authorization of compensation and to the City Council for acceptance upon completion of negotiations with property owners within the project construction limits.
- Before proceeding with the next stage of this project, the Commission needs to authorize the resolution to authorize compensation for rights-of-way and easements.
- There are no criteria to apply to this request.

### **OUTCOMES OF DECISION:**

Approval of the request to authorize compensation for rights-of-way and easements will result in the following:

1. Allow the Commission to obtain the rights-of-way and easements needed to construct roadway improvements.
2. Allow the SW Herman Road Improvement Project to maintain its current timeline.

Denial of the request to authorize compensation for rights-of-way and easements will result in the following:

1. The project will be delayed.
2. The Commission will need to decide whether or not to renegotiate right-of-way and easement acquisition costs.

### **ALTERNATIVES TO RECOMMENDATION:**

Alternatives evaluated to authorizing compensation for rights-of-way and easements are as follows:

1. Renegotiate right-of-way and easement acquisition costs with current property owners.
2. Put project on hold.

### **FINANCIAL IMPLICATIONS:**

The agreed upon compensation is \$68,076 for Right-of-Way and \$7,199 for Slope/Utility Easements and is within the amount budgeted for the project (\$1,000,000) for FY 07/08.

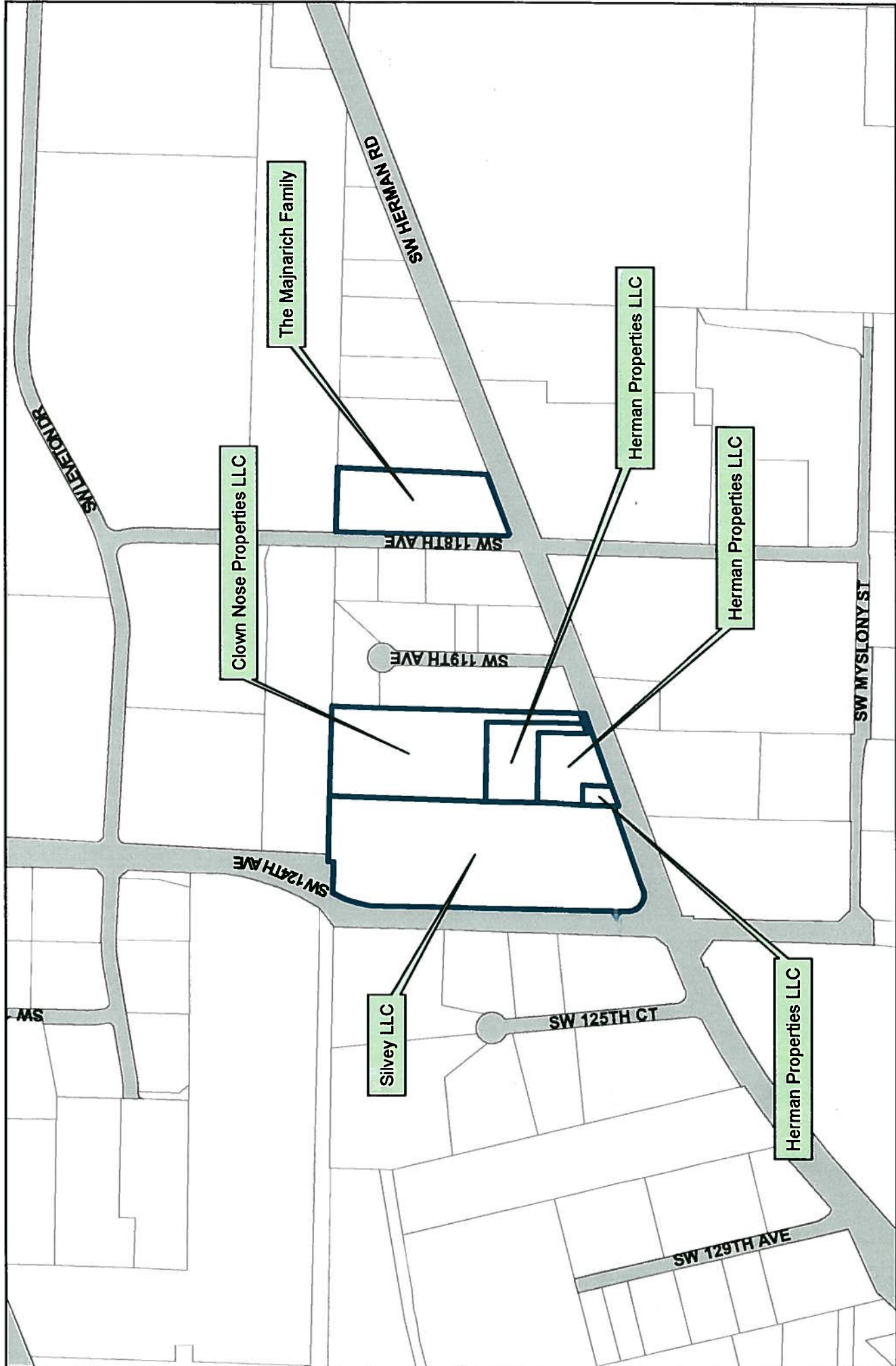


**PUBLIC INVOLVEMENT:**

Public involvement is not required as part of this action.

**Attachments:**      A. Rights-of-Way and Slope/Utility Easements Map  
                             B. Resolution with Exhibits

# Herman Road Improvement Project



RF 1:6,200

This map is derived from various digital database sources. The City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is" - Engineering and Building Dept. Project 01242006

Parcels of Interest



RESOLUTION NO. 555-08

RESOLUTION AUTHORIZING COMPENSATION FOR  
RIGHT-OF-WAY AND EASEMENTS ASSOCIATED WITH  
THE SW HERMAN ROAD IMPROVEMENT PROJECT

BE IT RESOLVED BY THE TUALATIN DEVELOPMENT COMMISSION, THE  
URBAN RENEWAL AGENCY OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The following compensation be paid for Right-of-Way and Easements  
associated with the SW Herman Road Improvement Project:

- a. Deed of Dedication from:
  - i. Clown Nose Properties LLC-\$4,882
  - ii. Herman Properties-\$4,296
  - iii. Herman Properties-\$10,519
  - iv. Herman Properties-\$24,666
  - v. Silvey LLC-\$12,943
  - vi. The Majnarich Family Limited Partnership-\$10,770
- b. Slope/Public Utility Easements from:
  - i. Clown Nose Properties LLC-\$318
  - ii. Herman Properties-\$329
  - iii. Herman Properties-\$881
  - iv. Herman Properties-\$1,884
  - v. Silvey LLC-\$957
  - vi. The Majnarich Family Limited Partnership-\$2,830

INTRODUCED AND ADOPTED this 11<sup>th</sup> day of February, 2008

TUALATIN DEVELOPMENT COMMISSION,  
the urban renewal agency of the City of  
Tualatin, Oregon

By   
Chairman

ATTEST:  
By   
Administrator

Approved as to Form:

  
City Attorney

Resolution No. 555-08



**CITY OF TUALATIN, OREGON**  
**SLOPE AND PUBLIC UTILITY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that The Majnarich Family Limited Partnership (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

*See attached legal description and map*

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of Two Thousand Eight Hundred Thirty and No/100 Dollars (\$2,830.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 20<sup>th</sup> day of December, 2007

The Majnarich Family Limited Partnership

CHARLES G. MAJNARICH

Name (print or type)

Charles G Majnarich  
Signature

GENERAL PARTNER

Title

BILLIE M. MAJNARICH

Name (print or type)

Billie M. Majnarich  
Signature

GENERAL PARTNER

Title

STATE OF OREGON )  
County of Washington ) ss  
)

On this 20<sup>th</sup> day of December, 2007, before me, the undersigned, a Notary Public, personally appeared Charles Majnarich and Billie Majnarich who are known to be the General Partner and General Partner of The Majnarich Family Limited Partnership and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Cheryl L Rahn  
Notary Public for Oregon

My commission expires: 2/13/2010



CITY OF TUALATIN, OREGON

By [Signature]  
Mayor

ATTEST:

By [Signature]  
City Recorder

Eas/Slope\_Utility TDC

**EXHIBIT A**

**Herman Road Improvement Project  
June 26, 2007**

**Tax Map No. 2S122C 0300  
THE MAJNARICH FAMILY  
LIMITED PARTNERSHIP**

**PARCEL 1 - RIGHT-OF-WAY DEDICATION**

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to THE MAJNARICH FAMILY LIMITED PARTNERSHIP, recorded on August 7, 1995, in Document No. 95054946, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

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

<b><u>SW HERMAN ROAD STATION</u></b>	<b><u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u></b>
From 52+10.00 To 52+36.00	93.00 feet in a straight line to 49.25 feet
From 52+36.00 To 55+00.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT therefrom that portion lying within the existing right-of-way or SW 118<sup>th</sup> Ave.

This area of land contains 1,027 square feet (0.024 acres), more or less.

EXHIBIT A -Continued

**PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT**

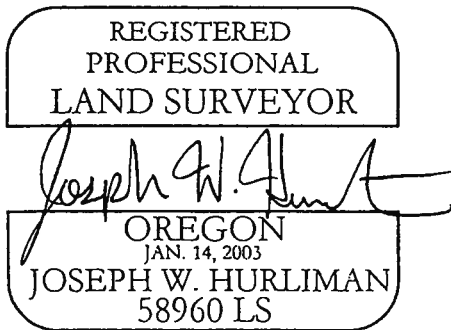
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to THE MAJNARICH FAMILY LIMITED PARTNERSHIP, recorded on August 7, 1995, in Document No. 95054946, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

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

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 52+00.00 To 52+55.00	58.50 feet
From 52+55.00 To 52+70.50	58.50 feet in a straight line to 72.00 feet
From 52+70.50 To 52+74.50	72.00 feet in a straight line to 67.50 feet
From 52+74.50 To 55+00.00	58.50 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489), EXCEPT therefrom that portion lying within the existing right-of-way or SW 118<sup>th</sup> Ave., EXCEPT that portion described in PARCEL 1, and EXCEPT that portion lying within the Slope and Utility Easement per Doc #89-30633, Parcel No. 300-C-2.

This area of land contains 2,440 square feet (0.056 acres), more or less.



RENEWAL: 6/30/09  
SIGNED: 6/29/07

# EXHIBIT B

2S122C00300  
THE MAJNARICH FAMILY  
LIMITED PARTNERSHIP  
Doc No. 95054946

SW 118TH AVE

SLOPE AND UTILITY EASEMENT  
PER DOC #89-30633 (Parcel No. 300-C-2)

55+00.00  
58.50 Lt

55+00.00  
49.25 Lt

PARCEL 1

PARCEL 2

52+70.50  
72.00 Lt

52+74.50  
67.50 Lt

52+74.50  
58.50 Lt

52+55.00  
58.50 Lt

52+10.00  
93.00 Lt

52+00.00  
58.50 Lt

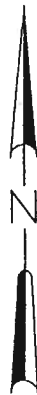
52+36.00  
49.25 Lt

52+00

53+00

SW HERMAN RD (CR489)

SPRR



PARCEL 1  
RIGHT OF WAY DEDICATION



PARCEL 2  
SLOPE AND UTILITY EASEMENT

1"=50'

RIGHT OF WAY DEDICATION  
CITY OF TUALATIN  
HERMAN ROAD  
IMPROVEMENT PROJECT  
JUNE, 2007





## CITY OF TUALATIN, OREGON

### SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Silvey LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

*See attached legal description and map*

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of Nine Hundred Fifty-Seven and No/100 Dollars (\$957.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of January, <sup>2008</sup> 2007

Silvey LLC

David Silvey  
Name (print or type)

\_\_\_\_\_  
Name (print or type)

David Silvey  
Signature

\_\_\_\_\_  
Signature

owner  
Title

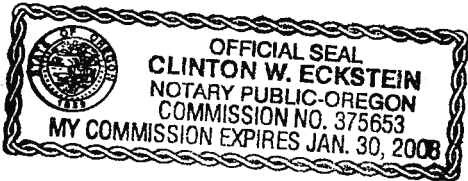
\_\_\_\_\_  
Title

STATE OF OREGON )  
County of Washington ) ss  
)

On this 3 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared DAVID SILVEY and owner who are known to be the owner and \_\_\_\_\_ of Silvey LLC and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Clinton W. Eckstein  
Notary Public for Oregon

My commission expires: 1/30/08



CITY OF TUALATHIN, OREGON

By [Signature]  
Mayor

ATTEST:

By [Signature]  
City Recorder

Eas/Slope\_Utility TDC

**EXHIBIT A**

**Herman Road Improvement Project  
June 25, 2007**

**Tax Map No. 2S122C 0801  
SILVEY LLC**

**PARCEL 1 - RIGHT-OF-WAY DEDICATION**

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to SILVEY LLC, an Oregon Limited Liability Company, recorded on February 21, 1996, in Document No. 96014824, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

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

**SW HERMAN ROAD  
STATION**

**WIDTH ON NORTHERLY SIDE OF  
CENTERLINE**

From 39+75.00  
To 40+30.00

40.00 feet in a straight line to 41.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 28 square feet, more or less.

EXHIBIT A -Continued

**PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT**

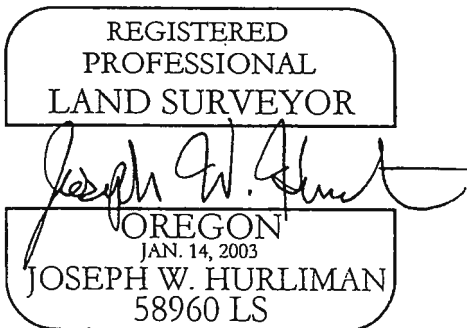
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to SILVEY LLC, an Oregon Limited Liability Company, recorded on February 21, 1996, in Document No. 96014824, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

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

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 38+89.00 To 39+64.00	46.00 feet
From 39+64.00 To 40+35.00	46.00 feet in a straight line to 48.50 feet

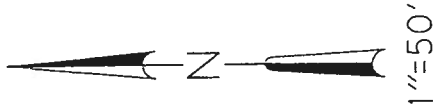
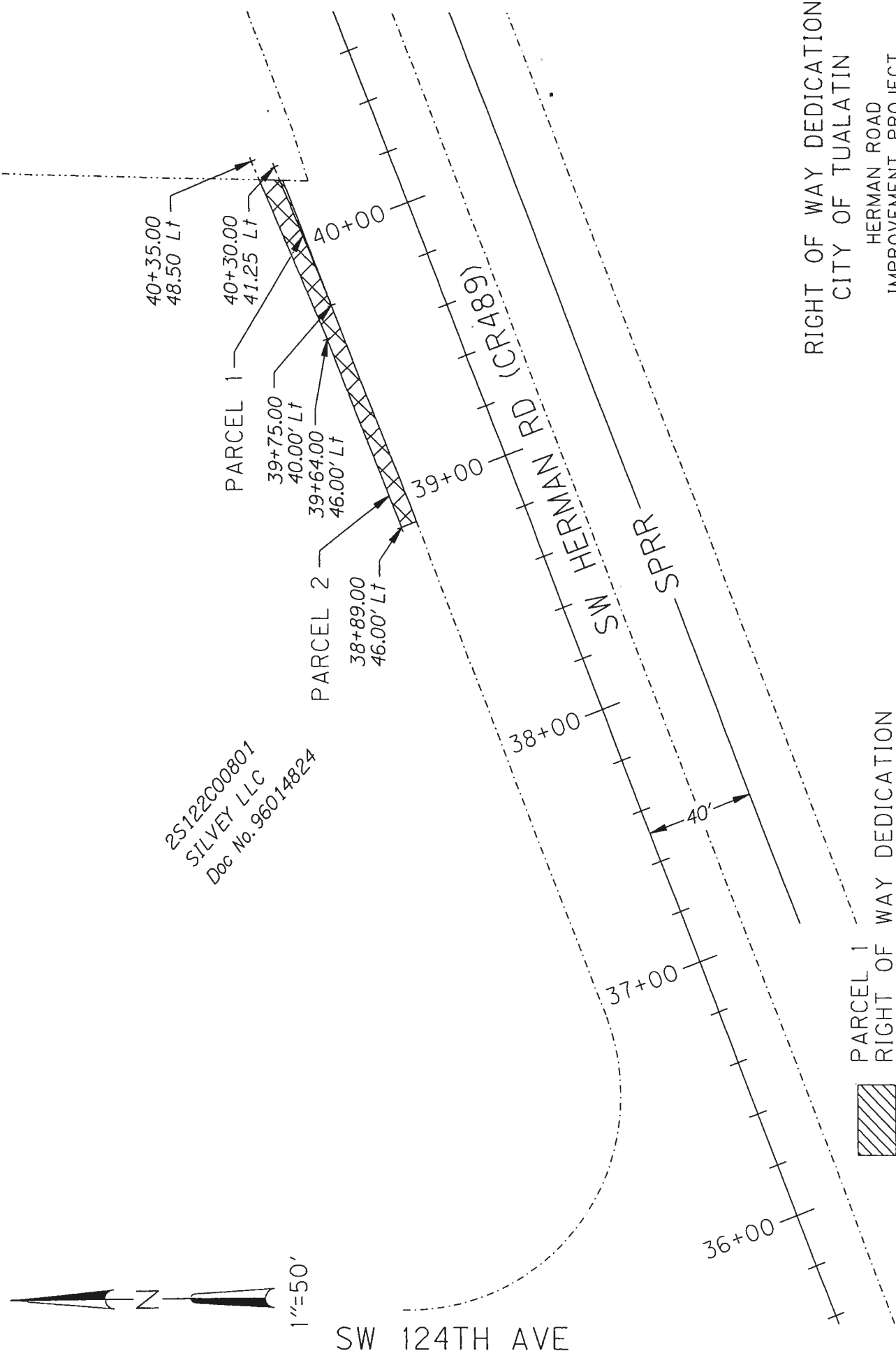
EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 862 square feet (0.02 acres), more or less.




RENEWAL: 6/30/09  
SIGNED: 6/29/07

EXHIBIT B



RIGHT OF WAY DEDICATION  
CITY OF TUALATIN  
HERMAN ROAD  
IMPROVEMENT PROJECT  
JUNE, 2007

-  PARCEL 1  
RIGHT OF WAY DEDICATION
-  PARCEL 2  
SLOPE AND UTILITY EASEMENT



**CITY OF TUALATIN, OREGON**

**SLOPE AND PUBLIC UTILITY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

*See attached legal description and map*

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of One Thousand Eight Hundred Eighty-Four and No/100 Dollars (\$1,884.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of January, <sup>2008</sup>2007

Herman Properties LLC

David Silvey  
Name (print or type)

\_\_\_\_\_  
Name (print or type)

David Silvey  
Signature

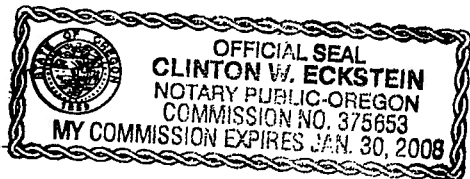
\_\_\_\_\_  
Signature

owner  
Title

\_\_\_\_\_  
Title

STATE OF OREGON )  
County of Washington ) ss

On this 3 day of January, 2008 before me, the undersigned, a Notary Public, personally appeared DAVID SILVEY and OWNER who are known to be the OWNER and \_\_\_\_\_ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me Clinton W. Eckstein  
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON

By [Signature]  
Mayor

ATTEST:

By [Signature]  
City Recorder

**EXHIBIT A**

**Herman Road Improvement Project  
June 25, 2007**

**Tax Map No. 2S122C 0606  
Herman Properties, L.L.C.**

**PARCEL 1 - RIGHT-OF-WAY DEDICATION**

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003703, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

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

<b><u>SW HERMAN ROAD STATION</u></b>	<b><u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u></b>
From 41+03.00 To 41+18.00	41.25 feet in a straight line to 49.25 feet
From 41+18.00 To 43+60.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 2,088 square feet (0.048 acres), more or less.



EXHIBIT A -Continued

**PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT**

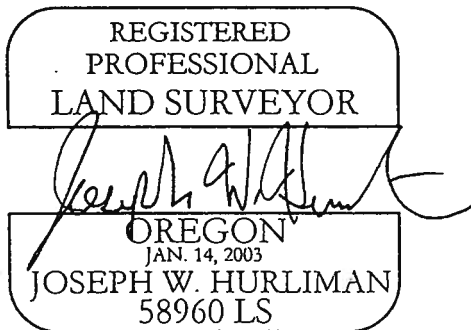
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003703, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

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

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 41+17.00 To 42+19.50	56.25 feet
From 42+19.50 To 42+25.50	63.75 feet
From 42+25.50 To 43+60.00	56.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

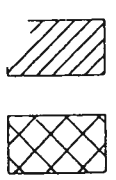
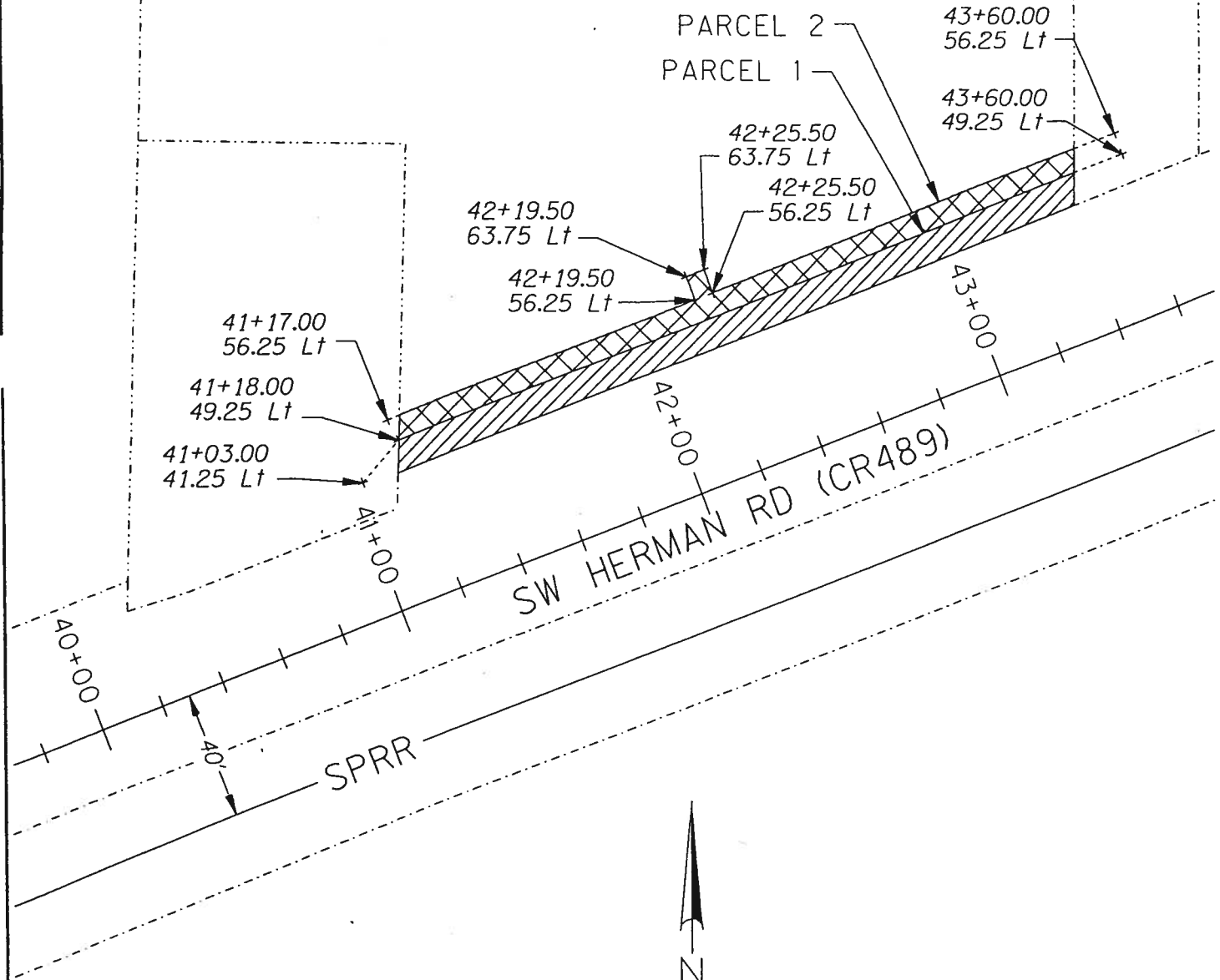
This area of land contains 1,624 square feet (0.037 acres), more or less.



RENEWAL: 6/30/09  
SIGNED: 6/29/07

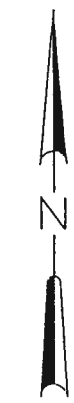
# EXHIBIT B

25122000606  
Herman Properties, L.L.C.  
Doc No. 2000003703



PARCEL 1  
RIGHT OF WAY DEDICATION

PARCEL 2  
SLOPE AND UTILITY EASEMENT



1"=50'

RIGHT OF WAY DEDICATION  
CITY OF TUALATIN  
HERMAN ROAD  
IMPROVEMENT PROJECT  
JUNE, 2007



**CITY OF TUALATIN, OREGON**

**SLOPE AND PUBLIC UTILITY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

*See attached legal description and map*

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of Eight Hundred Eighty-One and No/100 Dollars (\$881.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of January <sup>2008</sup> ~~2007~~

Herman Properties LLC

David Silver  
Name (print or type)

\_\_\_\_\_  
Name (print or type)

David Silver  
Signature

\_\_\_\_\_  
Signature

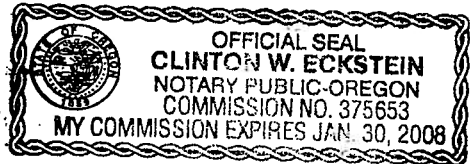
owner  
Title

\_\_\_\_\_  
Title

STATE OF OREGON )  
County of Washington ) ss

On this 3 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared DAVID SILVER and owner who are known to be the

owner and \_\_\_\_\_ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Clinton W. Eckstein  
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON

By [Signature]  
Mayor

ATTEST:

By [Signature]  
City Recorder

Eas/Slope\_Utility TDC

**EXHIBIT A**

**Herman Road Improvement Project  
June 25, 2007**

**Tax Map No. 2S122C 0602  
Herman Properties LLC**

**PARCEL 1 - RIGHT-OF-WAY DEDICATION**

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties LLC, a LLC, recorded on March 30, 2005, in Document No. 2005-033448, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

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

<b><u>SW HERMAN ROAD STATION</u></b>	<b><u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u></b>
From 39+75.00 To 40+30.00	40.00 feet in a straight line to 41.25 feet
From 40+30.00 To 41+03.00	41.25 feet
From 41+03.00 To 41+18.00	41.25 feet in a straight line to 49.25 feet
From 41+18.00 To 42+00.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 1,047 square feet (0.024 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

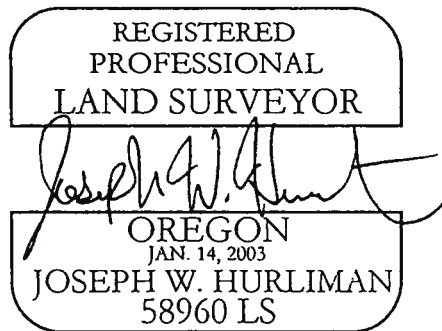
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties LLC, a LLC, recorded on March 30, 2005, in Document No. 2005-033448, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

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

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 40+20.00 To 41+03.00	49.25 feet
From 41+03.00 To 41+17.00	49.25 feet in a straight line to 56.25 feet
From 41+17.00 To 42+00.00	56.25 feet

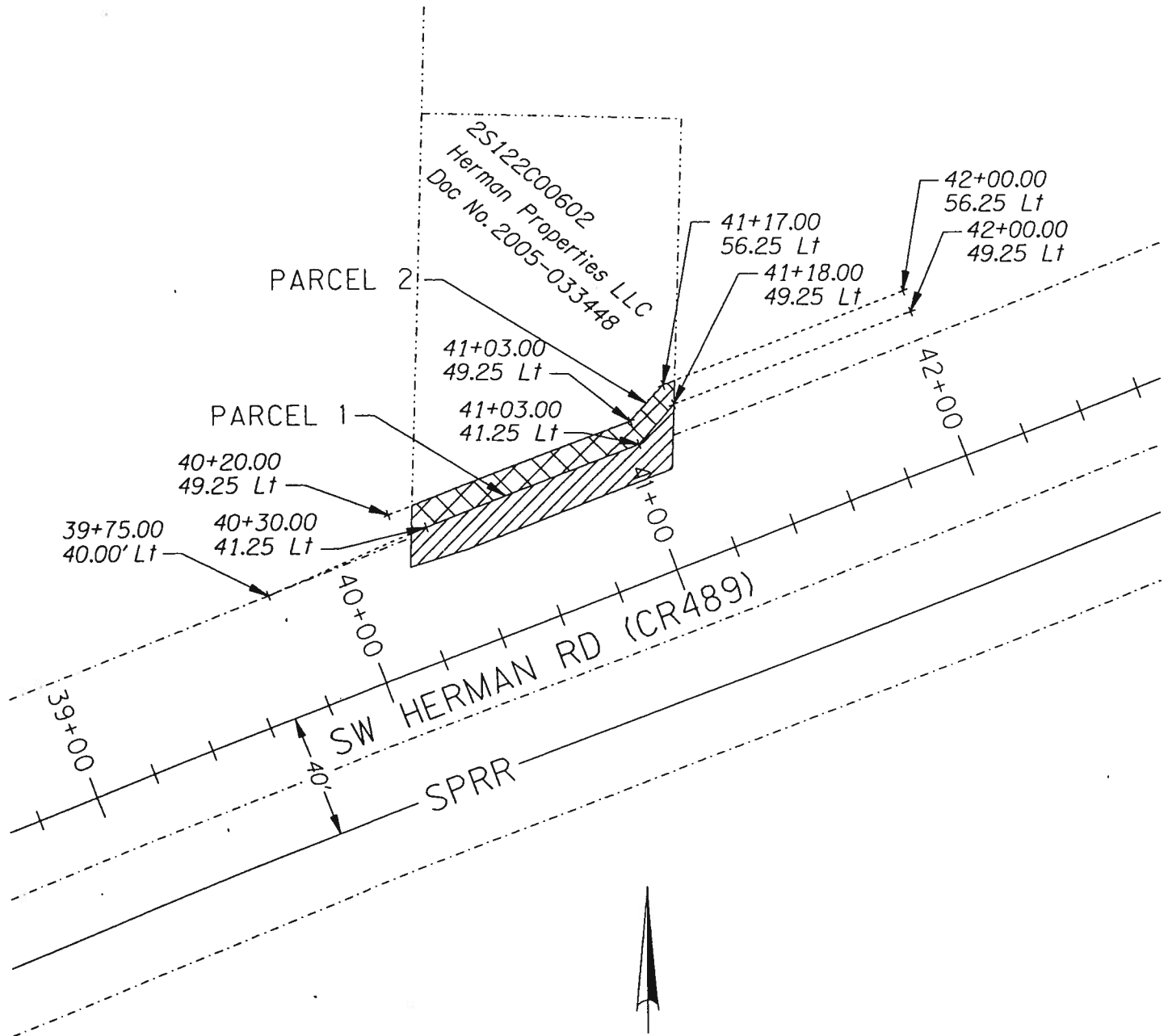
EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

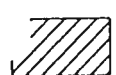
This area of land contains 740 square feet (0.017 acres), more or less.




RENEWAL: 6/30/09  
SIGNED: 6/29/07

# EXHIBIT B



 PARCEL 1  
RIGHT OF WAY DEDICATION

 PARCEL 2  
SLOPE AND UTILITY EASEMENT

1"=50'



RIGHT OF WAY DEDICATION  
CITY OF TUALATIN  
HERMAN ROAD  
IMPROVEMENT PROJECT  
JUNE, 2007



## CITY OF TUALATIN, OREGON

### SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

*See attached legal description and map*

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of Three Hundred Twenty-Nine and No/100 Dollars (\$329.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.



EXECUTED this 3 day of Jan, <sup>2008</sup>~~2007~~

Herman Properties LLC

David Silver  
Name (print or type)

\_\_\_\_\_  
Name (print or type)

David Silver  
Signature

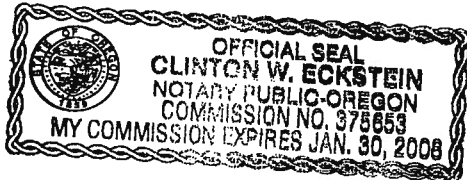
\_\_\_\_\_  
Signature

owner  
Title

\_\_\_\_\_  
Title

STATE OF OREGON )  
County of Washington ) ss  
)

On this 3 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared DAVID SILVER and owner who are known to be the owner and \_\_\_\_\_ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me Clinton W. Eckstein  
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON  
By \_\_\_\_\_  
Mayor

ATTEST:  
By [Signature]  
City Recorder

Eas/Slope\_Utility TDC

## EXHIBIT A

**Herman Road Improvement Project  
June 25, 2007**

**Tax Map No. 2S122C 0605  
Herman Properties, L.L.C.**

### PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003702, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 49.25 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 397 square feet (0.009 acres), more or less.

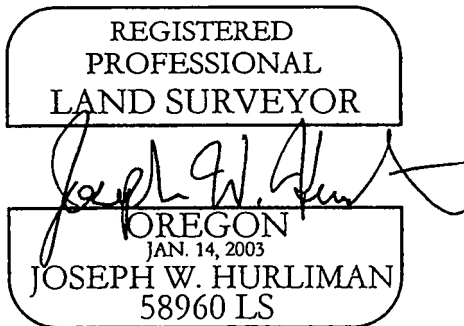
EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003702, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 55.75 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 279 square feet (0.006 acres), more or less.

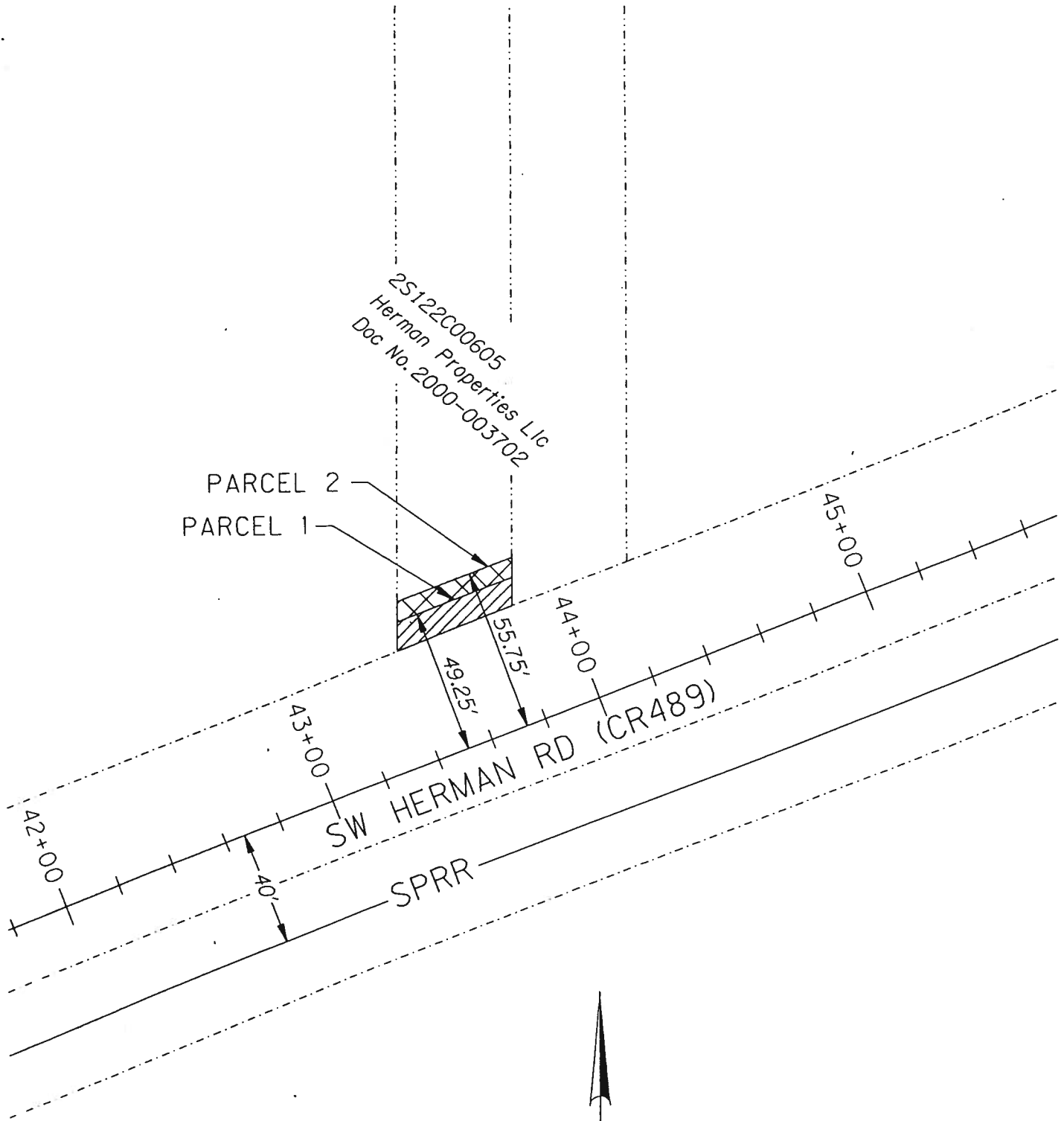


RENEWAL: 6/30/09  
SIGNED: 6/29/07

# EXHIBIT B

25122C00605  
Herman Properties Llc  
Doc No. 2000-003702

PARCEL 2  
PARCEL 1



PARCEL 1  
RIGHT OF WAY DEDICATION



PARCEL 2  
SLOPE AND UTILITY EASEMENT

1"=50'

RIGHT OF WAY DEDICATION  
CITY OF TUALATIN  
HERMAN ROAD  
IMPROVEMENT PROJECT  
JUNE, 2007



## CITY OF TUALATIN, OREGON

### SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Clown Nose Properties LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

*See attached legal description and map*

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of Three Hundred Eighteen and No/100 Dollars (\$318.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 20 day of DECEMBER, 2007

Clown Nose Properties LLC

JOHN CHAPMAN  
Name (print or type)

Amy McGinnis  
Name (print or type)

[Signature]  
Signature

[Signature]  
Signature

MANAGING MEMBER  
Title

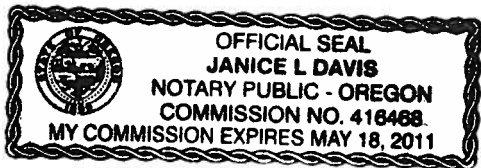
Member  
Title

STATE OF OREGON )  
County of Washington ) ss

On this 20 day of December, 2007, before me, the undersigned, a Notary Public, personally appeared John Chapman and Amy McGinnis who are known to be the managing member and Member of Clown Nose Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Janice L Davis  
Notary Public for Oregon

My commission expires: May 18, 2011



CITY OF TUALATIN, OREGON  
By [Signature]  
Mayor

ATTEST:  
By [Signature]  
City Recorder

Eas/Slope\_Utility TDC

## EXHIBIT A

**Herman Road Improvement Project  
June 25, 2007**

**Tax Map No. 2S122C 0604  
Clown Nose Properties, LLC**

### PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Clown Nose Properties, LLC, a LLC, recorded on May 6, 2004, in Document No. 2004-050164, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 49.25 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 397 square feet (0.009 acres), more or less.

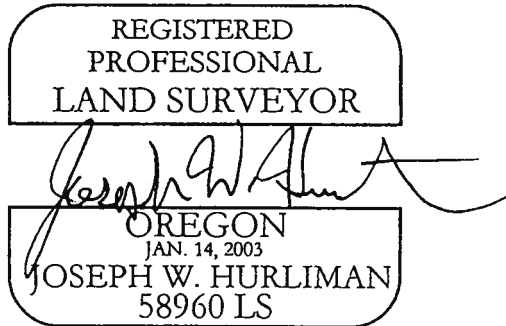
EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Clown Nose Properties, LLC, a LLC, recorded on May 6, 2004, in Document No. 2004-050164, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 55.75 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 279 square feet (0.006 acres), more or less.



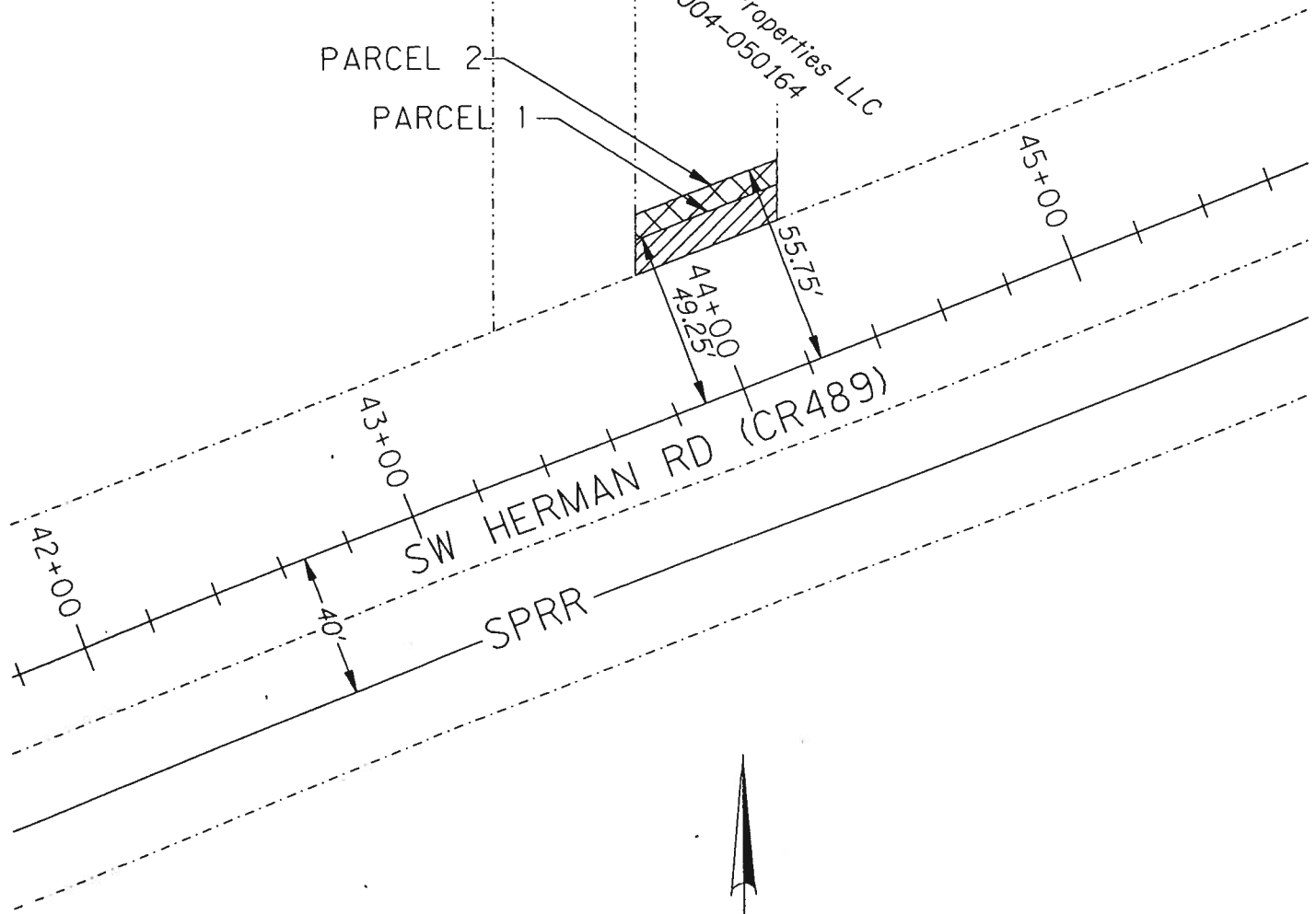
RENEWAL: 6/30/09  
SIGNED: 6/29/07



# EXHIBIT B

25122C00604  
Clown Nose Properties LLC  
Doc No. 2004-050164

PARCEL 2  
PARCEL 1



PARCEL 1  
RIGHT OF WAY DEDICATION



PARCEL 2  
SLOPE AND UTILITY EASEMENT



1"=50'

RIGHT OF WAY DEDICATION  
CITY OF TUALATIN  
HERMAN ROAD  
IMPROVEMENT PROJECT  
JUNE, 2007



**CITY OF TUALATIN, OREGON**  
**DEED OF DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that The Majnarich Family Limited Partnership (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description  
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Ten Thousand Seven Hundred Seventy and No/100 Dollars (\$10,770.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 20<sup>th</sup> day of December, 2007

The Majnarich Family Limited Partnership

CHARLES G. MAJNARICH

Name (print or type)

Charles G. Majnarich  
Signature

GENERAL PARTNER

Title

BILLIE M. MAJNARICH

Name (print or type)

Billie M. Majnarich  
Signature

GENERAL PARTNER

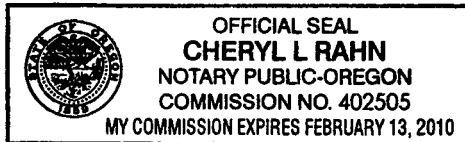
Title

STATE OF OREGON )  
County of Washington ) ss  
)

On this 20<sup>th</sup> day of December, 2007, before me, the undersigned, a Notary Public, personally appeared Charles Majnarich and Billie Majnarich who are known to be the General Partner and General Partner of The Majnarich Family Limited Partnership and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Cheryl L. Rahn  
Notary Public for Oregon

My commission expires: 2/13/2010



CITY OF TUALATIN, OREGON

By [Signature]  
Mayor

ATTEST:

By [Signature]  
City Recorder

“EXCEPTED ENCUMBRANCES”

1. Tualatin city lien(s), if any. None shown as of October 23, 2007.
2. The herein described property lies within the boundaries of an Urban Renewal Plan.  
For: Tualatin Urban Renewal Plan and Tualatin Central Urban Renewal Plan
3. Easement as disclosed in Resolution No. 1589-85, including the terms and provisions thereof,  
To: City of Tualatin  
Recorded Date: May 31, 1985  
Recording Number: 85019990  
For: Sanitary sewer  
Affects: West 20.00 feet of Lot 3
4. Leveton Tax Increment Plan of the City of Tualatin Ordinance No. 998-98, including the terms and provisions thereof,  
Recorded Date: June 29, 1998  
Recording Number: 98069448; amended by Ordinance No. 1036-99 recorded December 29, 1999 as Fee 99140674; amended December 18, 2001 as Fee 2001-131620 and amended May 23, 2002 as Fee 2002-059374
5. Easement, including the terms and provisions thereof,  
To: City of Tualatin, Oregon, a municipal corporation of the State of Oregon  
Recorded Date: June 9, 1989  
Recording Number: 89-26084, re-recorded July 6, 1989 as Fee 89-30633  
For: Permanent slope and utility easements
6. Agreement, including the terms and provisions thereof,  
Between: Chuck and Billie Majnarich of Murphy Industrial Supply  
And: City of Tualatin  
Recorded Date: April 6, 1995  
Recording Number: 95023328  
For: Street improvement agreement

**EXHIBIT A**

**Herman Road Improvement Project  
June 26, 2007**

**Tax Map No. 2S122C 0300  
THE MAJNARICH FAMILY  
LIMITED PARTNERSHIP**

**PARCEL 1 - RIGHT-OF-WAY DEDICATION**

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to THE MAJNARICH FAMILY LIMITED PARTNERSHIP, recorded on August 7, 1995, in Document No. 95054946, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

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

<b><u>SW HERMAN ROAD STATION</u></b>	<b><u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u></b>
From 52+10.00 To 52+36.00	93.00 feet in a straight line to 49.25 feet
From 52+36.00 To 55+00.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT therefrom that portion lying within the existing right-of-way or SW 118<sup>th</sup> Ave.

This area of land contains 1,027 square feet (0.024 acres), more or less.

## EXHIBIT A -Continued

### PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

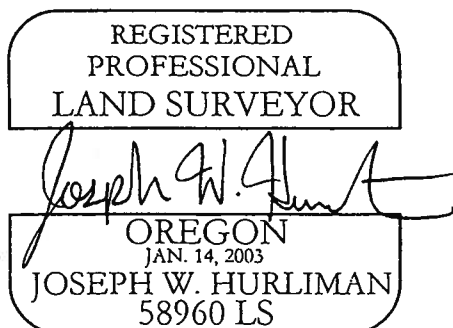
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to THE MAJNARICH FAMILY LIMITED PARTNERSHIP, recorded on August 7, 1995, in Document No. 95054946, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

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

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 52+00.00 To 52+55.00	58.50 feet
From 52+55.00 To 52+70.50	58.50 feet in a straight line to 72.00 feet
From 52+70.50 To 52+74.50	72.00 feet in a straight line to 67.50 feet
From 52+74.50 To 55+00.00	58.50 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489), EXCEPT therefrom that portion lying within the existing right-of-way or SW 118<sup>th</sup> Ave., EXCEPT that portion described in PARCEL 1, and EXCEPT that portion lying within the Slope and Utility Easement per Doc #89-30633, Parcel No. 300-C-2.

This area of land contains 2,440 square feet (0.056 acres), more or less.



RENEWAL: 6/30/09  
SIGNED: 6/29/07

# EXHIBIT B

2S122C00300  
THE MAJNARICH FAMILY  
LIMITED PARTNERSHIP  
Doc No. 95054946

SW 118TH AVE

SLOPE AND UTILITY EASEMENT  
PER DOC #89-30633 (Parcel No. 300-C-2)

55+00.00  
58.50 Lt

55+00.00  
49.25 Lt

PARCEL 1

PARCEL 2

52+70.50  
72.00 Lt

52+74.50  
67.50 Lt

52+74.50  
58.50 Lt

52+55.00  
58.50 Lt

52+10.00  
93.00 Lt

52+00.00  
58.50 Lt

52+36.00  
49.25 Lt

53+00

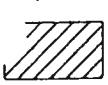
SW HERMAN RD (CR489)

SPRR

52+00

40'

54+00  
58.50'  
49.25'



PARCEL 1  
RIGHT OF WAY DEDICATION



PARCEL 2  
SLOPE AND UTILITY EASEMENT

1"=50'

RIGHT OF WAY DEDICATION  
CITY OF TUALATIN

HERMAN ROAD  
IMPROVEMENT PROJECT  
JUNE, 2007

**CH2MHILL**



**CITY OF TUALATIN, OREGON**

**DEED OF DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that Silvey LLC (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description  
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Twelve Thousand Nine Hundred Forty-Three and No/100 Dollars (\$12,943.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.



EXECUTED this 3 day of January, <sup>2008</sup>~~2007~~

Silvey LLC

David Silvey  
Name (print or type)

\_\_\_\_\_  
Name (print or type)

David Silvey  
Signature

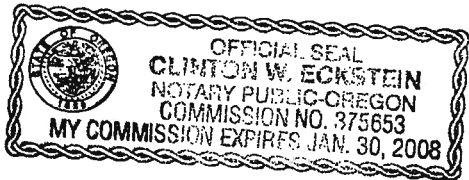
\_\_\_\_\_  
Signature

owner  
Title

\_\_\_\_\_  
Title

STATE OF OREGON )  
County of Washington ) ss )

On this 3 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared DAVID SILVEY and owner who are known to be the owner and \_\_\_\_\_ of Silvey LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Clinton W Eckstein  
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON

By [Signature]  
Mayor

ATTEST:

By [Signature]  
City Recorder

**EXHIBIT A**

**Herman Road Improvement Project  
June 25, 2007**

**Tax Map No. 2S122C 0801  
SILVEY LLC**

**PARCEL 1 - RIGHT-OF-WAY DEDICATION**

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to SILVEY LLC, an Oregon Limited Liability Company, recorded on February 21, 1996, in Document No. 96014824, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

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

<b><u>SW HERMAN ROAD STATION</u></b>	<b><u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u></b>
From 39+75.00 To 40+30.00	40.00 feet in a straight line to 41.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 28 square feet, more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

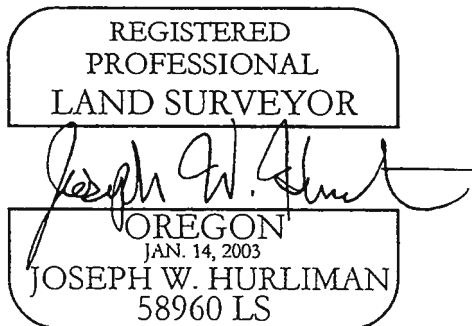
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to SILVEY LLC, an Oregon Limited Liability Company, recorded on February 21, 1996, in Document No. 96014824, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

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

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 38+89.00 To 39+64.00	46.00 feet
From 39+64.00 To 40+35.00	46.00 feet in a straight line to 48.50 feet

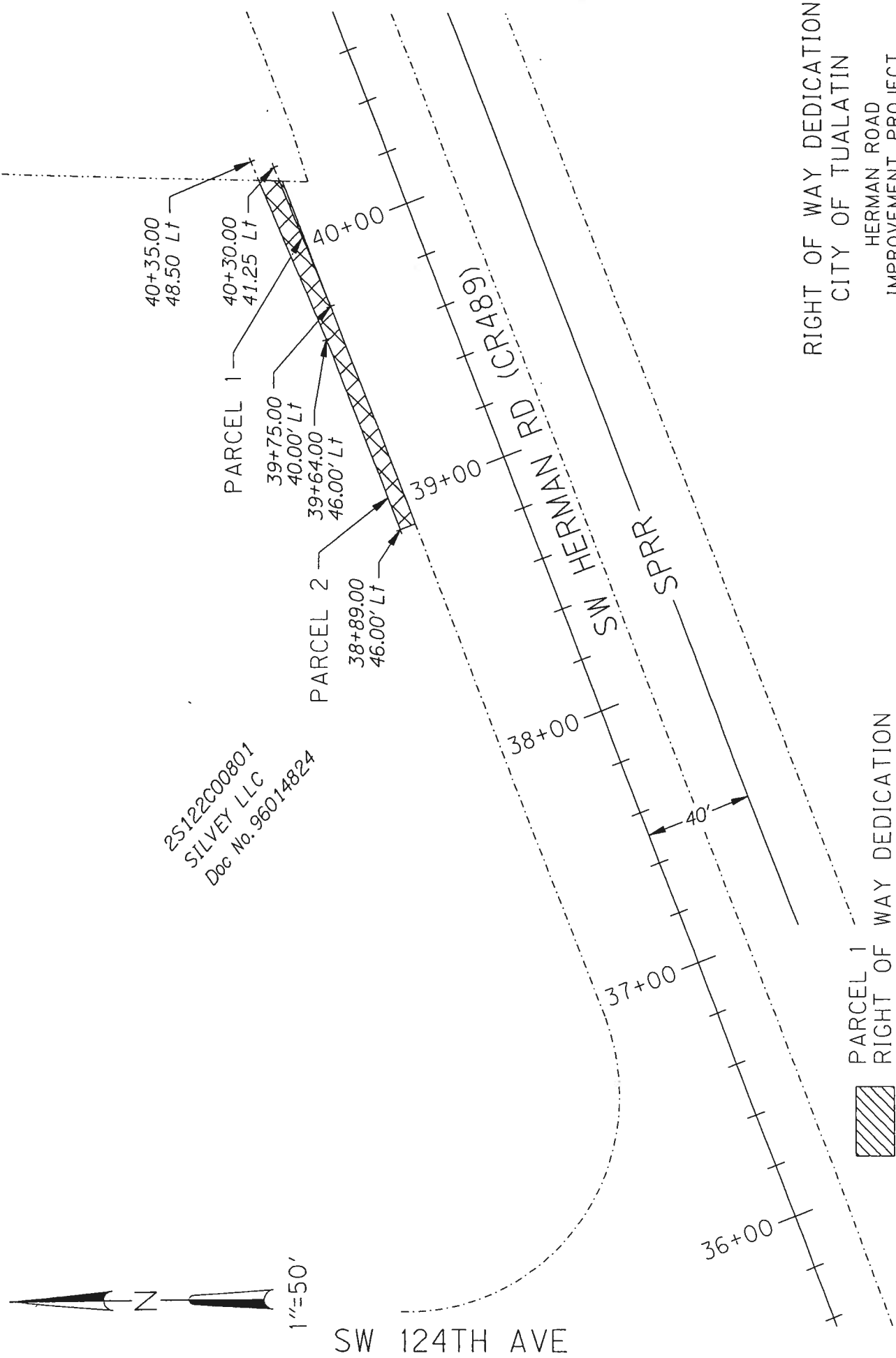
EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 862 square feet (0.02 acres), more or less.



RENEWAL: 6/30/09  
SIGNED: 6/29/07

EXHIBIT B



RIGHT OF WAY DEDICATION  
 CITY OF TUALATIN  
 HERMAN ROAD  
 IMPROVEMENT PROJECT  
 JUNE, 2007

PARCEL 1  
 RIGHT OF WAY DEDICATION  
 PARCEL 2  
 SLOPE AND UTILITY EASEMENT

“EXCEPTED ENCUMBRANCES”

8. Tualatin city lien(s), if any. None shown as of October 24, 2007.
9. A real property transfer tax will be imposed at the rate of \$1.00 per \$1000.00 or fraction thereof of the selling price based upon the provisions of Washington County Ordinance No. 289, effective May 3, 1984.
10. The herein described property lies within the boundaries of an Urban Renewal Plan.  
For: Tualatin Urban Renewal Plan and Tualatin Central Urban Renewal Plan
11. Street Improvement Agreement, including the terms and provisions thereof,  
Between: Suburban Door Co  
And: City of Tualatin  
Recorded Date: June 16, 1989  
Recording Number: 89-039700
12. Easement, including the terms and provisions thereof,  
From: David Silvey and Krista L. Silvey  
To: City of Tualatin  
Recorded Date: May 25, 1990  
Recording Number: 90-26862, re-recorded October 26, 1990 as Fee No. 90-59346
13. Street Improvement Agreement for SW 124th Avenue, including the terms and provisions thereof,  
Between: David Silvey  
And: City of Tualatin  
Recorded Date: May 6, 1994  
Recording Number: 94018189, re-recorded May 6, 1994 as No. 94-044700
14. Leveton Tax Increment Plan of the City of Tualatin Ordinance No. 998-98, including the terms and provisions thereof,  
Recorded Date: June 29, 1998  
Recording Number: 98069448; amended by Ordinance No. 1036-99 recorded December 29, 1999 as Fee 99140674; amended December 18, 2001 as Fee 2001-131620 and amended May 23, 2002 as Fee 2002-059374
15. Easement Agreement, including the terms and provisions thereof,  
Between: Silvey LLC, an Oregon limited liability company  
And: Herman Properties, LLC, a limited liability company  
Dated: June 12, 1998  
Recorded Date: July 28, 1998  
Recording Number: 98082182  
For: Road purposes only for access and to construct, reconstruct, maintain and repair. Expenses for maintaining the road shall be paid by Grantee.  
Affects: Leg of Parcel 1 for benefit of Lots 7 and 8

**“EXCEPTED ENCUMBRANCES”**

(Pg. 2)

16. Easement, including the terms and provisions thereof,  
To: City of Tualatin  
Recorded Date: July 18, 2000  
Recording Number: 2000056920  
For: Slopes and utilities  
Affects: Northwest portion of Parcel 1
  
17. Easement, including the terms and provisions thereof,  
To: City of Tualatin  
Recorded Date: July 18, 2000  
Recording Number: 2000056921  
For: Slope and public utilities  
Affects: Northwest portion of Parcel 1



**CITY OF TUALATIN, OREGON**

**DEED OF DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description  
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Twenty-Four Thousand Six Hundred Sixty-Six and No/100 Dollars (\$24,666.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of January, <sup>2008</sup>~~2007~~

Herman Properties LLC

David Silver  
Name (print or type)

\_\_\_\_\_  
Name (print or type)

David Silver  
Signature

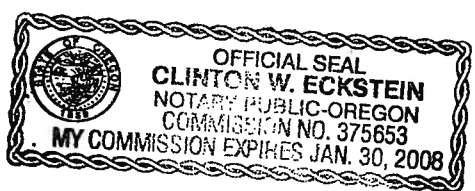
\_\_\_\_\_  
Signature

owner  
Title

\_\_\_\_\_  
Title

STATE OF OREGON )  
County of Washington ) ss  
)

On this 3 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared DAVID SILVER and OWNER who are known to be the \_\_\_\_\_ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Clinton W Eckstein  
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON

By [Signature]  
Mayor

ATTEST:

By [Signature]  
City Recorder



**EXHIBIT A**

**Herman Road Improvement Project  
June 25, 2007**

**Tax Map No. 2S122C 0606  
Herman Properties, L.L.C.**

**PARCEL 1 - RIGHT-OF-WAY DEDICATION**

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003703, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

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

<b><u>SW HERMAN ROAD STATION</u></b>	<b><u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u></b>
From 41+03.00 To 41+18.00	41.25 feet in a straight line to 49.25 feet
From 41+18.00 To 43+60.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 2,088 square feet (0.048 acres), more or less.

EXHIBIT A -Continued

**PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT**

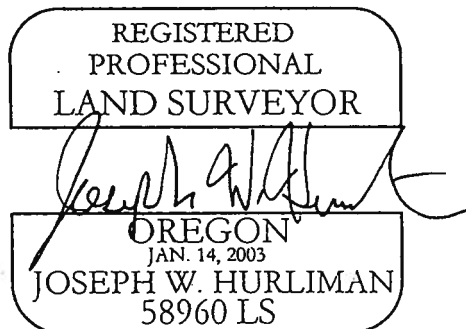
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003703, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

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

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 41+17.00 To 42+19.50	56.25 feet
From 42+19.50 To 42+25.50	63.75 feet
From 42+25.50 To 43+60.00	56.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

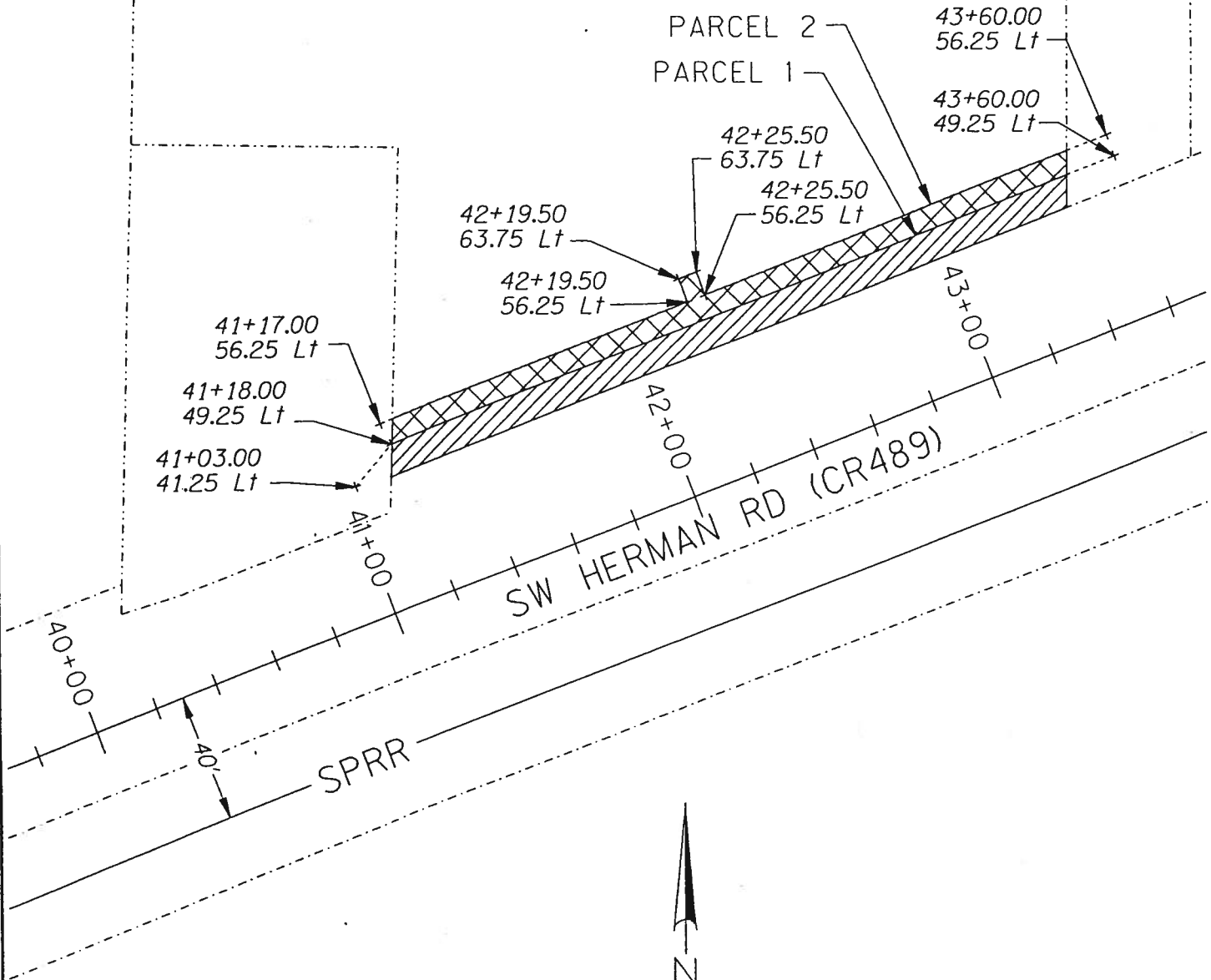
This area of land contains 1,624 square feet (0.037 acres), more or less.



RENEWAL: 6/30/09  
SIGNED: 6/29/07

# EXHIBIT B

25122C00606  
Herman Properties, L.L.C.  
Doc No. 2000003703

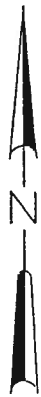


PARCEL 1  
RIGHT OF WAY DEDICATION



PARCEL 2  
SLOPE AND UTILITY EASEMENT

1"=50'



RIGHT OF WAY DEDICATION  
CITY OF TUALATIN  
HERMAN ROAD  
IMPROVEMENT PROJECT  
JUNE, 2007

“EXCEPTED ENCUMBRANCES”

7. Tualatin city lien(s), if any. None shown as of October 23, 2007.
8. A real property transfer tax will be imposed at the rate of \$1.00 per \$1000.00 or fraction thereof of the selling price based upon the provisions of Washington County Ordinance No. 289, effective May 3, 1984.
9. Ordinance No. 685-86, including the terms and provisions thereof,  
Filed By: City of Tualatin  
Recorded Date: January 27, 1986  
Recording Number: 86003933
10. Ordinance No. 684-86, including the terms and provisions thereof,  
Filed By: City of Tualatin  
Recorded Date: January 27, 1986  
Recording Number: 86003934
11. Easement Agreement, including the terms and provisions thereof,  
Between: Silvey LLC, an Oregon limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: June 12, 1998  
Recorded Date: July 28, 1998  
Recording Number: 98082182
12. Street Improvement Agreement, including the terms and provisions thereof,  
Between: David Silvey  
And: City of Tualatin  
Recorded Date: August 28, 1998  
Recording Number: 98095332
13. Reciprocal Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087080  
For: Waterline
14. Reciprocal Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087081  
For: Waterline

"EXCEPTED ENCUMBRANCES"

(Pg. 2)

15. Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087082  
For: Sewer and storm drainage purpose
  
16. Reciprocal Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087083  
For: Access purposes
  
17. Reciprocal Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087084  
For: Access purposes
  
18. Reciprocal Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087085  
For: Parking, loading and pedestrian purposes



**CITY OF TUALATIN, OREGON**

**DEED OF DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description  
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Ten Thousand Five Hundred Nineteen and No/100 Dollars (\$10,519.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of January, <sup>2008</sup> 2007

Herman Properties LLC

David Silvey  
Name (print or type)

\_\_\_\_\_  
Name (print or type)

David Silvey  
Signature

\_\_\_\_\_  
Signature

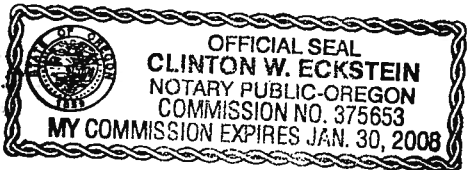
owner  
Title

\_\_\_\_\_  
Title

STATE OF OREGON )  
County of Washington ) ss  
)

On this 3 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared DAVID SILVEY and \_\_\_\_\_ who are known to be the

owner and \_\_\_\_\_ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Clinton W. Eckstein  
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON  
By [Signature]  
Mayor

ATTEST:  
By [Signature]  
City Recorder

**EXHIBIT A**

**Herman Road Improvement Project  
June 25, 2007**

**Tax Map No. 2S122C 0602  
Herman Properties LLC**

**PARCEL 1 - RIGHT-OF-WAY DEDICATION**

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties LLC, a LLC, recorded on March 30, 2005, in Document No. 2005-033448, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

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

<b><u>SW HERMAN ROAD STATION</u></b>	<b><u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u></b>
From 39+75.00 To 40+30.00	40.00 feet in a straight line to 41.25 feet
From 40+30.00 To 41+03.00	41.25 feet
From 41+03.00 To 41+18.00	41.25 feet in a straight line to 49.25 feet
From 41+18.00 To 42+00.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 1,047 square feet (0.024 acres), more or less.



EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties LLC, a LLC, recorded on March 30, 2005, in Document No. 2005-033448, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

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

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 40+20.00 To 41+03.00	49.25 feet
From 41+03.00 To 41+17.00	49.25 feet in a straight line to 56.25 feet
From 41+17.00 To 42+00.00	56.25 feet

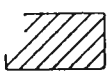
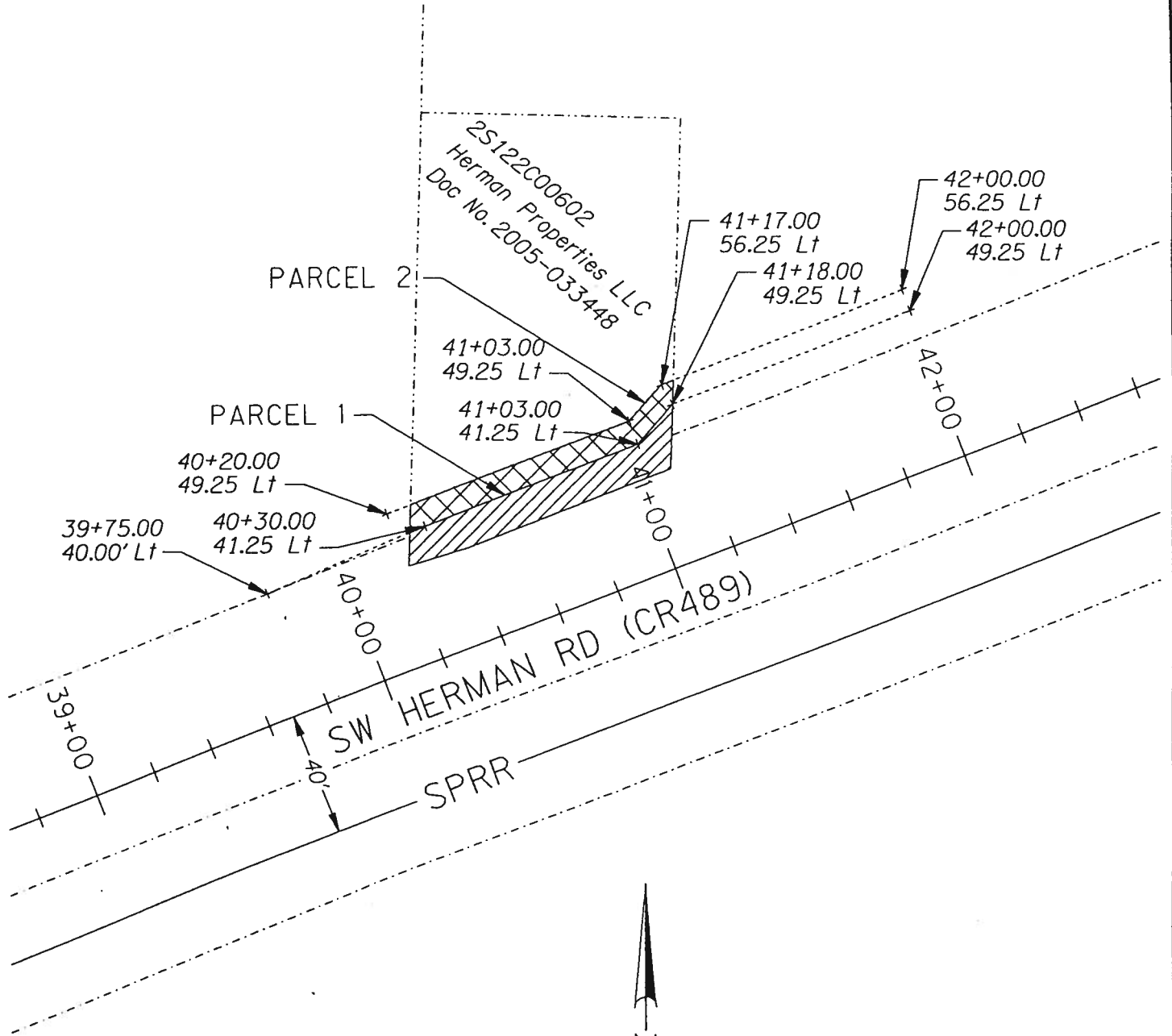
EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 740 square feet (0.017 acres), more or less.



RENEWAL: 6/30/09  
SIGNED: 6/29/07

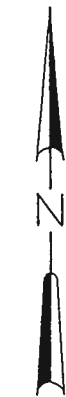
# EXHIBIT B



PARCEL 1  
RIGHT OF WAY DEDICATION



PARCEL 2  
SLOPE AND UTILITY EASEMENT



1"=50'

RIGHT OF WAY DEDICATION  
CITY OF TUALATIN

HERMAN ROAD  
IMPROVEMENT PROJECT  
JUNE, 2007

**“EXCEPTED ENCUMBRANCES”**

7. Tualatin city lien(s), if any. None shown as of October 24, 2007.
  
8. Ordinance No. 674-85, an Ordinance adopting the Leveton Tax Increment Plan and Amending the Tualatin Development Code, including the terms and provisions thereof,  
Recorded Date: September 24, 1985  
Recording Number: 85037690, amended by Ordinance No. 676-85 September 24, 1985, Fee No. 85037691 and further amended by Ordinance No. 777-89 September 15, 1989, Fee No. 89-44013, amended June 29, 19998, Fee No. 98069448, amended December 29, 1999, Fee No. 99140674, amended December 18, 2001, Fee No. 2001-131619 and Fee No. 2001-131620 and amended May 23, 2002, Fee No. 2002-059374
  
9. Slope and Public Utility Easement, including the terms and provisions thereof,  
From: Wael M. Chamseddine and Becky Millemann, who acquired title as Becky Millmann  
To: City of Tualatin, its successors in interest and assigns  
Recorded Date: June 22, 2002  
Recording Number: 2002-021407



**CITY OF TUALATIN, OREGON**

**DEED OF DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description  
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Four Thousand Two Hundred Ninety-Six and No/100 Dollars (\$4,296.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of Jan, <sup>2008</sup>~~2007~~

Herman Properties LLC

David Silvey  
Name (print or type)

\_\_\_\_\_  
Name (print or type)

David Silvey  
Signature

\_\_\_\_\_  
Signature

owner  
Title

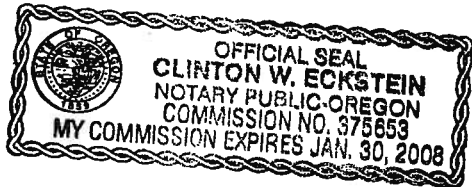
\_\_\_\_\_  
Title

STATE OF OREGON )  
County of Washington ) ss

On this 3 day of January, 2008 before me, the undersigned, a Notary Public, personally appeared DAVID SILVEY and owner who are known to be the owner and \_\_\_\_\_ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Clinton W. Eckstein  
Notary Public for Oregon

My commission expires: 1/30/08



CITY OF TUALATIN, OREGON  
By [Signature]  
Mayor

ATTEST:  
By [Signature]  
City Recorder

## EXHIBIT A

**Herman Road Improvement Project  
June 25, 2007**

**Tax Map No. 2S122C 0605  
Herman Properties, L.L.C.**

### PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003702, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 49.25 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 397 square feet (0.009 acres), more or less.

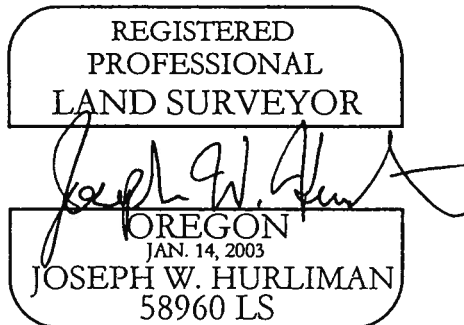
EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003702, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 55.75 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 279 square feet (0.006 acres), more or less.

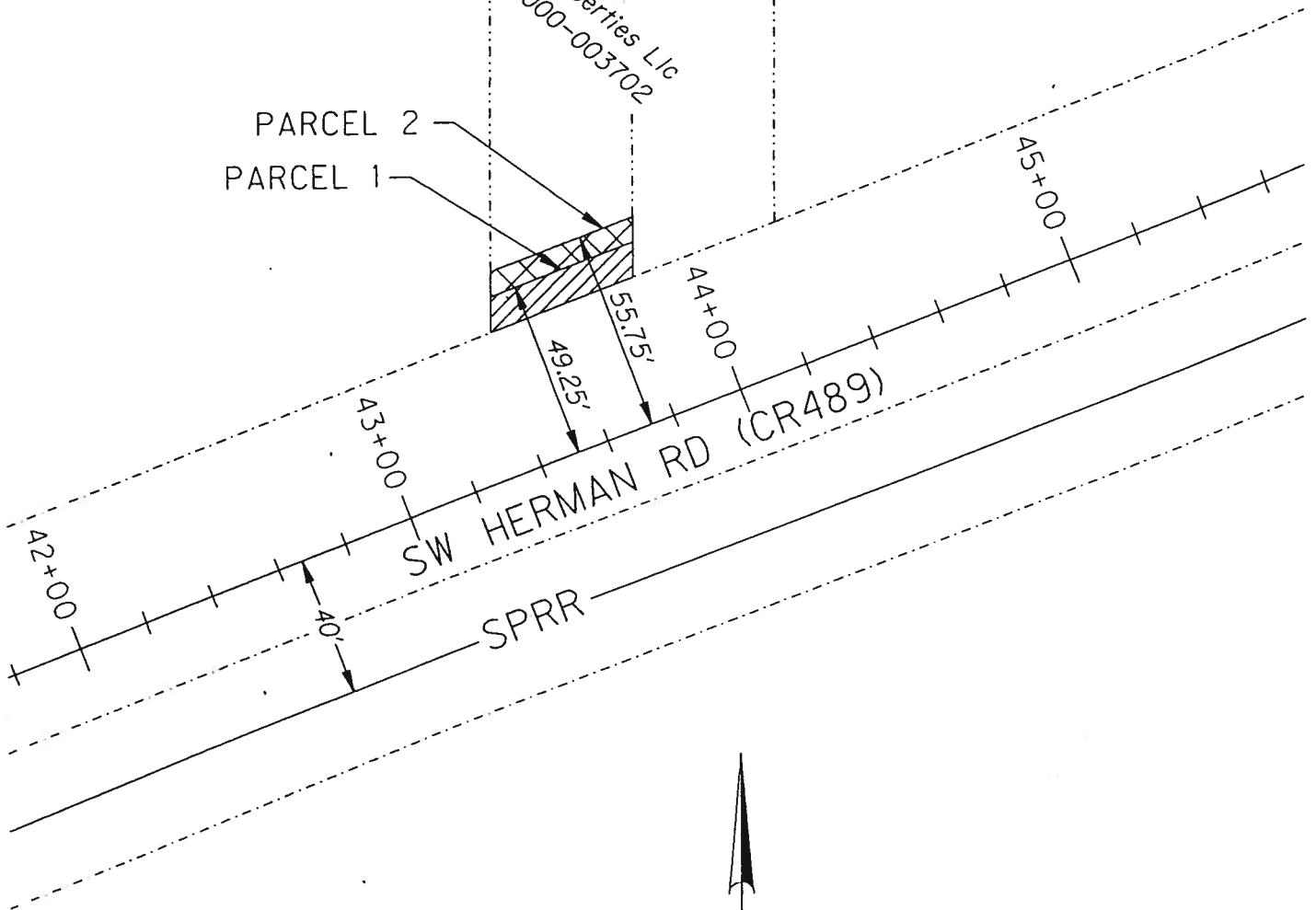


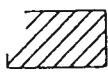



RENEWAL: 6/30/09  
SIGNED: 6/29/07

# EXHIBIT B

25122C00605  
Herman Properties Llc  
Doc No. 2000-003702

PARCEL 2  
PARCEL 1



-  PARCEL 1
-  PARCEL 2
-  RIGHT OF WAY DEDICATION
-  SLOPE AND UTILITY EASEMENT

1"=50'

RIGHT OF WAY DEDICATION  
CITY OF TUALATIN  
HERMAN ROAD  
IMPROVEMENT PROJECT  
JUNE, 2007



**“EXCEPTED ENCUMBRANCES”**

8. Tualatin city lien(s), if any. None shown as of October 26, 2007.
9. A real property transfer tax will be imposed at the rate of \$1.00 per \$1000.00 or fraction thereof of the selling price based upon the provisions of Washington County Ordinance No. 289, effective May 3, 1984.
10. Ordinance No. 685-86, including the terms and provisions thereof,  
Filed By: City of Tualatin  
Recorded Date: January 27, 1986  
Recording Number: 86003933
11. Ordinance No. 684-86, including the terms and provisions thereof,  
Filed By: City of Tualatin  
Recorded Date: January 27, 1986  
Recording Number: 86003934
12. Easement Agreement, including the terms and provisions thereof,  
Between: Silvey LLC, an Oregon limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: June 12, 1998  
Recorded Date: July 28, 1998  
Recording Number: 98082182
13. Street Improvement Agreement, including the terms and provisions thereof,  
Between: David Silvey  
And: City of Tualatin  
Recorded Date: August 28, 1998  
Recording Number: 98095332
14. Reciprocal Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087080  
For: Waterline
15. Reciprocal Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087081  
For: Waterline
16. Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087082  
For: Sewer and storm drainage purpose

**“EXCEPTED ENCUMBRANCES”**

(Pg. 2)

17. Reciprocal Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087083  
For: Access purposes
  
18. Reciprocal Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087084  
For: Access purposes
  
19. Reciprocal Easement Agreement, including the terms and provisions thereof,  
Between: Herman Properties, L.L.C., a limited liability company  
And: Herman Properties, L.L.C., a limited liability company  
Dated: August 22, 2001  
Recorded Date: August 28, 2001  
Recording Number: 2001087085  
For: Parking, loading and pedestrian purposes



**CITY OF TUALATIN, OREGON**

**DEED OF DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that Clown Nose Properties LLC (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description  
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Four Thousand Eight Hundred Eighty-Two and No/100 Dollars (\$4,882.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.



## EXHIBIT A

**Herman Road Improvement Project  
June 25, 2007**

**Tax Map No. 2S122C 0604  
Clown Nose Properties, LLC**

### PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Clown Nose Properties, LLC, a LLC, recorded on May 6, 2004, in Document No. 2004-050164, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 49.25 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124<sup>th</sup> Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 397 square feet (0.009 acres), more or less.

EXHIBIT A -Continued

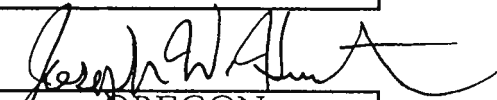
PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Clown Nose Properties, LLC, a LLC, recorded on May 6, 2004, in Document No. 2004-050164, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 55.75 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 279 square feet (0.006 acres), more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

  
OREGON  
JAN. 14, 2003  
JOSEPH W. HURLIMAN  
58960 LS

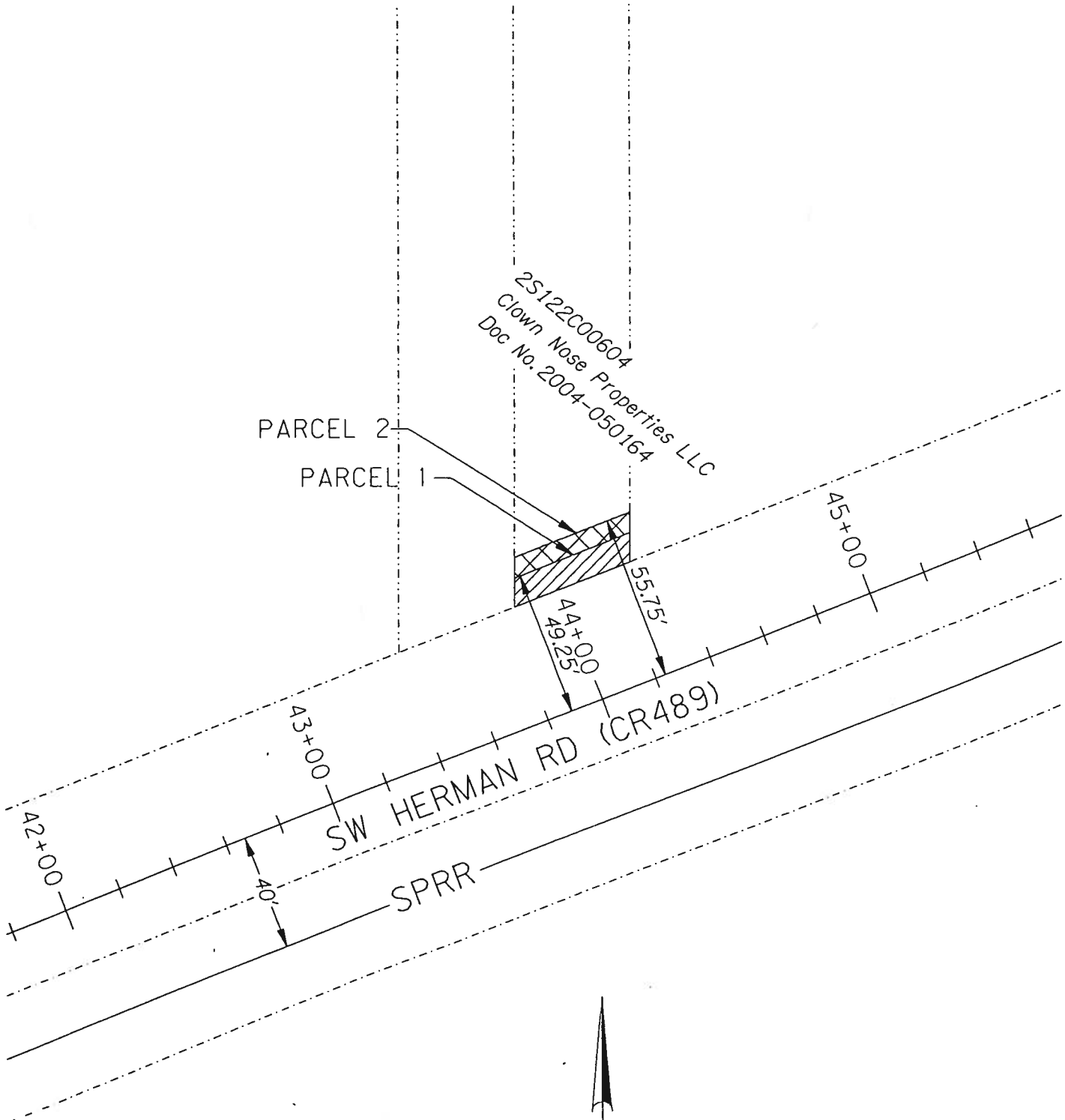
RENEWAL: 6/30/09  
SIGNED: 6/29/07

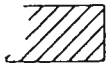

# EXHIBIT B

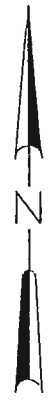
25122000604  
Clown Nose Properties LLC  
Doc No. 2004-050164

PARCEL 2

PARCEL 1



-  PARCEL 1
-  PARCEL 2
- RIGHT OF WAY DEDICATION
- SLOPE AND UTILITY EASEMENT



1"=50'

RIGHT OF WAY DEDICATION  
CITY OF TUALATIN  
HERMAN ROAD  
IMPROVEMENT PROJECT  
JUNE, 2007

"EXCEPTED ENCUMBRANCES"

9. City of Tualatin Ordinance No. 685-86, including the terms and provisions thereof,  
Recorded Date: January 27, 1986  
Recording Number: 86003933  
For: Establishing connection charge in lieu of assessment in connection with Sanitary Sewer LID No. 33-83-SS
  
10. City of Tualatin Ordinance No. 684-86, including the terms and provisions thereof,  
Recorded Date: January 27, 1986  
Recording Number: 86003934  
For: Connection charges in lieu of assessment in connection with water system LID No. 32-83-WA
  
11. Easement Agreement, including the terms and provisions thereof,  
Between: Silvey LLC  
And: Herman Properties, L.L.C.  
Recorded Date: July 28, 1998  
Recording Number: 98082182  
For: Access roadway  
Affects: Appurtenant roadway easement
  
12. Street Improvement Agreement, including the terms and provisions thereof,  
Between: David Silvey  
And: City of Tualatin  
Recorded Date: August 28, 1998  
Recording Number: 98095332
  
13. Reciprocal Easement for Water Line, including the terms and provisions thereof,  
From: Herman Properties, L.L.C.  
To: Herman Properties, L.L.C.  
Recorded Date: August 28, 2001  
Recording Number: 2001087080
  
14. Reciprocal Easement for Water Line, including the terms and provisions thereof,  
From: Herman Properties, L.L.C.  
To: Herman Properties, L.L.C.  
Recorded Date: August 28, 2001  
Recording Number: 2001087081
  
15. Easement Agreement for Sewer and Storm Drainage Purpose, including the terms and provisions thereof,  
Executed By: Herman Properties, L.L.C.  
Recorded Date: August 28, 2001  
Recording Number: 2001087082
  
16. Reciprocal Easement Agreement for Access Purposes, including the terms and provisions thereof,  
Executed By: Herman Properties, L.L.C.  
Recorded Date: August 28, 2001  
Recording Number: 2001087083



**“EXCEPTED ENCUMBRANCES”**

(Pg. 2)

17. Reciprocal Easement Agreement for Access Purposes, including the terms and provisions thereof,

From: Herman Properties, L.L.C.

To: Herman Properties, L.L.C.

Recorded Date: August 28, 2001

Recording Number: 2001087084

18. Reciprocal Easement Agreement for Parking, Loading and Pedestrian Purposes, including the terms and provisions thereof,

Executed By: Herman Properties, L.L.C.

Recorded Date: August 28, 2001

Recording Number: 2001087085