

## **RESOLUTION NO. 2022-09**

### **A RESOLUTION INITIATING WITHDRAWAL OF TERRITORY FROM THE CITY OF MILLERSBURG**

**WHEREAS**, except as expressly prohibited by a city charter, ORS 222.460 provides that the legislative body of a city may order the withdrawal of territory from the city limits when it determines that it is in the public interest to take such action; and,

**WHEREAS**, ORS 222.460 further sets out procedures for withdrawing territory, including information that must be contained in city resolutions, requirements for public hearings, thresholds for when elections are required, and disposition of taxes and assessments; and,

**WHEREAS**, the City of Millersburg is requesting the removal of three properties from the City (totaling 167.46 acres): tax lot 10S03W2900200, 16.94 acres, tax lot 10S03W2900201, 86.92 acres, and tax lot 10S03W2900300, 63.60 acres; and,

**WHEREAS**, the three properties have no planned or existing public access (street) and are generally undevelopable because they are located completely within a floodway; and,

**WHEREAS**, the three properties are currently zoned General Industrial (GI), but are better suited to long-term protection from development interests based on reasons listed in this resolution; and,

**WHEREAS**, the City has no zoning designations that could assure long-term protection; and,

**WHEREAS**, leaving the current zoning designation of General Industrial (GI) on the three properties creates a false presumption that the property is viable for industrial development, which has negative ramifications on the presumed availability of land for non-residential development within the City limits, which could hamper any future economic development; and,

**WHEREAS**, the General Industrial (GI) zoning designation on the three properties is misleading due to a prohibition on any development due to its location within a floodway, and because no urban development of any kind would be permitted on these properties without unrealistic mitigation to remove the properties from the floodway; and,

**WHEREAS**, the City does not intend to revise the City's Urban Growth Boundary (UGB) at this time; and,

**WHEREAS**, the City Council discussed the proposal at the January 13, 2022 meeting and in subsequent meetings, where the Council indicated support for a series of land use actions that would essentially swap one set of properties out of the Urban Growth Boundary (UGB)

and another set into the UGB, the first step of which is a resolution to officially initiate removal of property from the City limits.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILLERSBURG** as follows:

1. It is the intention of the City of Millersburg to change the boundary of the City by means of withdrawing the three properties listed below from the City limits.
2. The territories to be withdrawn from the City of Millersburg are real property in the County of Linn, State of Oregon, described as follows (full legal descriptions of each are attached as Exhibit B):
  - a. Tax lot 10S03W2900200, 16.94 acres
  - b. Tax lot 10S03W2900201, 86.92 acres
  - c. Tax lot 10S03W2900300, 63.60 acres
3. The territory is further illustrated on the Linn County Assessor's Map attached as Exhibit A.
4. The City will schedule a public hearing on July 12, 2022 to receive public input on the boundary change proposed. A tentative date to adopt an Ordinance to formally remove the property from the City is scheduled for August 23, 2022.

**ADOPTED AND EFFECTIVE THIS 14<sup>TH</sup> DAY OF JUNE, 2022.**

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Jim Lepin, Mayor

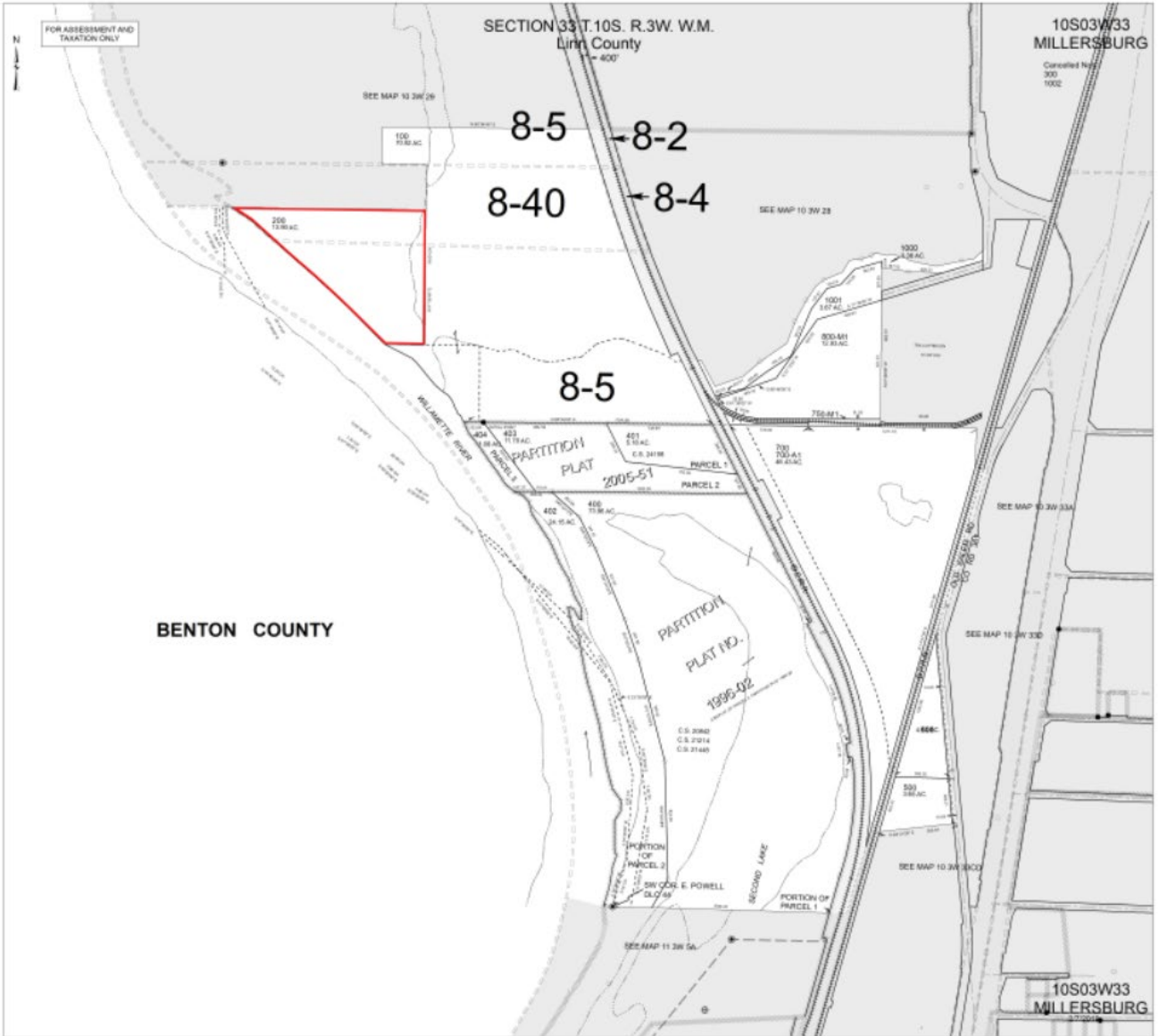
**ATTEST:**

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Kimberly Wollenburg  
City Recorder

# Exhibit A- Linn County Assessors Map





BENTON COUNTY

SECTION 33 T.10S. R.3W. W.M.  
Linn County

10S03W33  
MILLERSBURG

8-5 ← 8-2

8-40 ← 8-4

8-5

PARTITION  
PLAT  
2005-51

PARTITION  
PLAT NO.  
1996-02

DR. DON E. POWELL  
S&W

10S03W33  
MILLERSBURG

FOR ASSESSMENT AND  
TAXATION ONLY

N

SEE MAP 10 3W 28

100  
ACRES

200  
ACRES

SEE MAP 10 3W 28

1300  
ACRES

1000  
ACRES

750-881

SEE MAP 10 3W 33A

SEE MAP 10 3W 33D

SEE MAP 10 3W 33C2

SEE MAP 11 3W 3A

Exhibit B- Deeds with legal descriptions for all three properties.<sup>1</sup>

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<sup>1</sup> Two deeds are attached as one deed represents both tax lot 300 and tax lot 201, the second deed represents tax lot 100.



✓ After recording return to:  
 First American Title Insurance  
 Company  
 2101 Fourth Avenue, Suite 800  
 Seattle, WA 98121  
 Attn: Donna Koerber/T2007-439  
 Until a change is requested all tax statements  
 shall be sent to the following address:  
 IP EAT Three LLC  
 c/o International Paper Company  
 PO Box 2118  
 Memphis, TN 38101  
 File No.: 309302 CP7 (dk)

THIS SPACE RESERVED FOR RECORDER'S USE

LINN COUNTY, OREGON **2008-15425**  
 D-BS  
 Cnt=1 Stn=1 COUNTER 08/04/2008 11:56:45 AM  
 \$130.00 \$11.00 \$10.00 **\$151.00**



00088688200800154250260266

I, Steve Druckenmiller, County Clerk for Linn  
 County, Oregon, certify that the instrument  
 identified herein was recorded in the Clerk  
 records.

Steve Druckenmiller - County Clerk



**STATUTORY BARGAIN AND SALE DEED**

**Weyerhaeuser Company**, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, as to Parcels I, II, III, IV, VI, VII, XI, XII and XV and **Weyerhaeuser Company**, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, successor by merger to Western Kraft Corporation, an Oregon corporation, as to Parcels V, VIII, IX, X, XIII, XIV and XVI, GRANTOR, conveys to **IP EAT Three LLC**, a Delaware limited liability company, GRANTEE, the following described real property: **See Exhibit "A"**

TOGETHER WITH all the tenements, hereditaments and appurtenances belonging or in any way appertaining to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

This conveyance is made subject only to those matters set forth in **Exhibit "B"**, attached hereto and incorporated herein by this reference (the "Permitted Exceptions").

And GRANTOR hereby covenants with GRANTEE that GRANTOR is lawfully seized of the Property in fee simple; that GRANTOR has good right and lawful authority to sell and convey the Property; and that GRANTOR does hereby fully warrant the title to the Property and will defend the same against lawful claims of all persons claiming by, through or under GRANTOR, but against none other.

First American Title  
 # 0808-205 (Ac. Co)

FATCO. NO.

WCS - 309302 - CP7

The true consideration for this conveyance is \$20,884,890<sup>00</sup>. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 28<sup>th</sup> day of July, 2008, but effective August 4, 2008, the effective date.



**GRANTOR:**

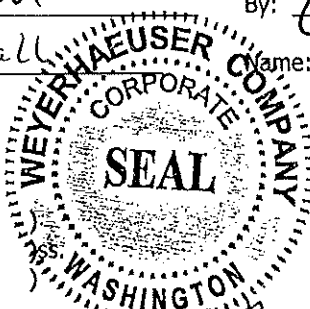
**WEYERHAEUSER COMPANY**, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, and Weyerhaeuser Company, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, successor by merger to Western Kraft Corporation, an Oregon corporation

By: Scott Marshall

By: G.W. Bjerke

Name: Scott Marshall  
Vice President

Name: G.W. Bjerke  
Assistant Secretary



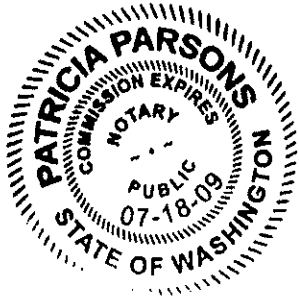
STATE OF Washington

County of King

This instrument was acknowledged before me on this 28<sup>th</sup> day of July, 2008  
By Scott Marshall as Vice President and by G.W. Bjerke as Assistant Secretary  
of Weyerhaeuser Company, a Washington corporation.

Patricia Parsons

Notary Public for Oregon Washington  
My commission expires: 7-18-09



## Exhibit "A"

### Legal Description – CP7

Real property in the City of Albany & Millersburg, County of Linn, State of Oregon, described as follows:

#### PARCEL I:

BEGINNING ON THE EAST LINE OF AND SOUTH 0°16' WEST, 34.20 CHAINS FROM THE NORTHEAST CORNER OF THE SARAH FARLOW DONATION LAND CLAIM NO. 59, IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; AND RUNNING THENCE NORTH 89°51' WEST 562.11 FEET TO A 1/2 INCH IRON ROD;  
THENCE NORTH 0°16' EAST, PARALLEL TO THE EAST LINE OF SAID CLAIM, 581.22 FEET TO A 1/2 INCH IRON ROD,  
THENCE SOUTH 89°51' EAST 562.11 FEET TO A 1/2 INCH IRON ROD ON THE EAST LINE OF SAID DONATION LAND CLAIM NO. 59,  
THENCE SOUTH 0°16' WEST 581.22 FEET TO THE POINT OF BEGINNING.

#### PARCEL II:

A 100-FOOT-WIDE STRIP OF LAND DESCRIBED IN VOLUME 135, PAGE 0687, LINN COUNTY, OREGON DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD ON THE EASTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS, MF 135-687, SAID ROD BEING S1°08'13"E 1,856.44 FEET, S88°51'17"W 30.04 FEET AND N89°53'15"W 1,488.97 FEET FROM THE NORTHEAST CORNER OF THE ISAAC MILLER D.L.C. NO. 46 IN T10S, R3W, W.M., LINN COUNTY, OREGON.  
THENCE N89°53'15"W 956.065 FEET TO A 5/8" IRON ROD ON THE MOST EASTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS MF 379-278;  
THENCE ALONG SAID EASTERLY LINE, N1°07'49"W 100.03 FEET TO A 5/8" IRON ROD;  
THENCE S89°53'15"E 956.06 FEET TO A 5/8" IRON ROD;  
THENCE S1°08'14"E 100.02 FEET TO THE POINT OF BEGINNING.

#### PARCEL III:

##### TRACT A:

BEGINNING AT A POINT SOUTH 1° 09' EAST 318.12 FEET FROM THE SOUTHEAST CORNER OF THE CHRISTIAN FARLOW DONATION LAND CLAIM NO. 54, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON;  
THENCE NORTH 88° 50' EAST 1051.53 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD;  
THENCE SOUTH 14° 15' WEST ALONG THE SAID WESTERLY RIGHT OF WAY LINE 5082.80 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 308;  
THENCE NORTH 74° 55' WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 37.84 FEET;  
THENCE SOUTH 88° 51' WEST 416.17 FEET;  
THENCE NORTH 17° 20' WEST 344.52 FEET TO THE SOUTHEAST CORNER OF THE ISAAC MILLER SR., DONATION LAND CLAIM NO. 46 IN SAID TOWNSHIP AND RANGE;  
THENCE NORTH 1° 09' WEST ALONG THE EAST LINE OF SAID CLAIM NO. 46, 4329.72 FEET;  
THENCE NORTH 88° 50' EAST 926.0 FEET TO A 3/4 INCH PIPE;  
THENCE NORTH 1° 09' WEST 710.16 FEET TO THE POINT OF BEGINNING.

## Legal Description – CP7 – Continued

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT OF LAND LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS AND HIGHWAYS.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, FOR ROADWAY PURPOSES, RECORDED JANUARY 17, 1945, IN VOLUME 167, PAGE 113, DEED RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, FOR ROADWAY PURPOSES, RECORDED OCTOBER 30, 1956, BOOK 251, PAGE 434, DEED RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO SOUTHERN PACIFIC COMPANY, RECORDED MARCH 11, 1964, BOOK 300, PAGE 447, DEED RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO LINN COUNTY, FOR ROADWAY PURPOSES, RECORDED APRIL 18, 1977, VOLUME 162, PAGE 971, MICROFILM RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO LINN COUNTY, FOR ROADWAY PURPOSES, RECORDED DECEMBER 2, 1998, VOLUME 992, PAGE 457, MICROFILM RECORDS FOR LINN COUNTY, OREGON.

### TRACT B:

BEGINNING AT A POINT ON THE EAST LINE OF THE ISAAC MILLER, SR. DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, NORTH 1° 09' WEST 204.0 FEET FROM THE SOUTHEAST CORNER OF SAID CLAIM;  
THENCE NORTH 1° 09' WEST ALONG SAID EAST LINE 60.00 FEET;  
THENCE SOUTH 88° 54' WEST PARALLEL WITH THE SOUTH LINE OF SAID CLAIM 2524.16 FEET MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF THE RIGHT OF WAY OF THE OREGON ELECTRIC RAILROAD;  
THENCE SOUTH 18° 19' EAST ALONG SAID EASTERLY LINE 62 FEET MORE OR LESS, TO A POINT WHICH BEARS SOUTH 88° 54' WEST FROM THE POINT OF BEGINNING;  
THENCE NORTH 88° 54' EAST TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO LINN COUNTY, OREGON FOR ROADWAY PURPOSES, RECORDED APRIL 18, 1977, IN VOLUME 162, PAGE 971, MICROFILM RECORDS FOR LINN COUNTY, OREGON.

### TRACT C:

BEGINNING AT THE SOUTHEAST CORNER OF THE ISAAC MILLER DONATION LAND CLAIM NO. 46;  
THENCE NORTH 1° 11' 47" WEST 262.63 FEET;  
THENCE SOUTH 88° 54' WEST 2226.47 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 88° 54' WEST 300.31 FEET;  
THENCE SOUTH 18° 19' EAST 249.94 FEET;  
THENCE NORTH 42° 22' 18" EAST 328.97 FEET TO THE POINT OF BEGINNING.

## Legal Description – CP7 – Continued

### PARCEL IV:

PART OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46 IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, SAID POINT BEING NORTH 1°15' WEST 2389.86 FEET FROM THE SOUTHEAST CORNER OF SAID CLAIM NO. 46;  
THENCE SOUTH 89°20' WEST 1200 FEET;  
THENCE SOUTH 0°40' EAST 418.5 FEET;  
THENCE NORTH 89°20' EAST 1204.2 FEET TO THE EAST LINE OF SAID CLAIM NO. 46;  
THENCE NORTH 1°15' WEST ALONG SAID EAST LINE 418.52 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT: A STRIP OF LAND 5.00 FEET IN WIDTH LYING SOUTH OF AND COTERMINOUS WITH THE FULL LENGTH OF THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN VOLUME 324, PAGE 308, LINN COUNTY, OREGON DEED RECORDS. SAID NORTH LINE ALSO BEING THE SOUTH LINE OF ARNOLD ROAD AND LYING 40.00 FEET SOUTH OF THE NORTH LINE OF ARNOLD ROAD.

SAVE AND EXCEPT THEREFROM THAT PORTION WHICH WAS CONVEYED TO LINN COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF OREGON BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED DECEMBER 2, 1998 IN VOLUME 992, PAGE 453, LINN COUNTY RECORDS.

### PARCEL V:

BEGINNING AT A STONE ON THE SOUTHEASTERLY BOUNDARY LINE OF THE D.L.C. OF SILAS HAIGHT, ET UX, CLAIM NO. 55 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, SAID STONE BEING SOUTH 52°50' WEST 897.60 FEET DISTANT FROM THE MOST EASTERLY CORNER OF SAID CLAIM NO. 55 AND FROM  
THENCE RUNNING SOUTH 52°50' WEST 1777.60 FEET TO THE WILLAMETTE RIVER;  
THENCE DOWN SAID WILLAMETTE RIVER THE FOLLOWING COURSES AND DISTANCES, TO-WIT:  
NORTH 41°06' WEST 542.66 FEET;  
THENCE NORTH 61°42' WEST 132 FEET;  
THENCE NORTH 79°06' WEST 57.58 FEET TO A POINT SOUTH 1°9' WEST OF A 1+1/2 INCH PIPE, SAID PIPE BEING WEST 2660.50 FEET AND SOUTH 1093.81 FEET DISTANT FROM THE SAID MOST EASTERLY CORNER OF SAID D.L.C. NO. 55;  
THENCE NORTH 1°09' EAST 40 FEET, MORE OR LESS, TO SAID FIRST ABOVE MENTIONED 1+1/2 INCH PIPE;  
THENCE NORTH 1°09' EAST 332.55 FEET TO A 5/8 INCH BOLT;  
THENCE NORTH 75°29' EAST 1119.77 FEET TO A 5/8 INCH BOLT;  
THENCE NORTH 34°30' EAST 232.36 FEET TO A 1 INCH BY 40 INCH PIPE;  
THENCE SOUTH 89°46' EAST 771.83 FEET TO A 5/8 IRON BOLT;  
THENCE NORTH 25°00' EAST 973.54 FEET TO A 1 INCH x 50 INCH PIPE;  
THENCE NORTH 18°28' WEST 671.68 FEET TO A 3/4 INCH PIPE,  
THENCE SOUTH 77°33' EAST 46.62 FEET,  
THENCE SOUTH 18°28' EAST 677.33 FEET TO A 1 INCH x 50 INCH PIPE,  
THENCE SOUTH 24°27' WEST 1227.10 FEET TO THE PLACE OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF MILLERSBURG BY INSTRUMENT RECORDED MAY 8, 1990, MF VOLUME 530, PAGE 769, LINN COUNTY RECORDS.

## Legal Description – CP7 – Continued

### PARCEL VI:

PART OF SECTIONS 19, 20, 29 AND 30 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND DESCRIBED AS FOLLOWS:

BEGINNING IN THE CENTERLINE OF LINN COUNTY MARKET ROAD NO. 34 AT A POINT SOUTH 89°55' EAST 137.08 FEET, SOUTH 889.89 FEET AND SOUTH 77°32' EAST 1001.67 FEET FROM THE MOST WESTERLY SOUTHWEST CORNER OF THE GEORGE MILLER SR. DONATION LAND CLAIM NO. 58 IN SECTION 19, TOWNSHIP 10 SOUTH, RANGE 3 WEST, SAID DONATION LAND CLAIM CORNER BEING ON THE NORTHWESTERLY LINE OF THE SILAS HAIGHT DONATION LAND CLAIM #55; AND RUNNING THENCE SOUTH 1°18' WEST ALONG THE CENTER LINE OF A DITCH 1319.24 FEET TO THE INTERSECTION OF SAID DITCH WITH A SECOND DITCH;  
THENCE SOUTHERLY ALONG THE CENTERLINE OF THE LAST MENTIONED DITCH FOLLOWING THE MEANDERS THEREOF, APPROXIMATELY 1750 FEET TO THE RIGHT BANK OF THE WILLAMETTE RIVER;  
THENCE FOLLOWING THE MEANDERS OF SAID RIGHT BANK EASTERLY UP STREAM APPROXIMATELY 1150 FEET TO A POINT SOUTH 1°09' WEST OF A 1 1/2" IRON PIPE, SAID PIPE BEING WEST 2660.50 FEET AND SOUTH 1093.81 FEET FROM THE MOST EASTERLY CORNER OF SAID SILAS HAIGHT DONATION LAND CLAIM #55;  
THENCE NORTH 1°09' EAST 40 FEET, MORE OR LESS, TO SAID 1 1/2" IRON PIPE;  
THENCE CONTINUING NORTH 1°09' EAST 322.55 FEET TO A 5/8" IRON BOLT;  
THENCE NORTH 75°29' EAST 1119.77 FEET TO A 5/8" IRON BOLT;  
THENCE NORTH 34°30' EAST 232.36 FEET TO A 1" IRON PIPE;  
THENCE SOUTH 89°46' EAST 771.83 FEET TO A 5/8" IRON BOLT;  
THENCE NORTH 25°00' EAST 973.54 FEET TO A 1" IRON PIPE;  
THENCE NORTH 18°28' WEST 706.65 FEET TO THE CENTERLINE OF THE AFOREMENTIONED LINN COUNTY MARKET ROAD NO. 34;  
THENCE NORTH 77°32' WEST ALONG SAID CENTERLINE, TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THEREFROM THAT PORTION DESCRIBED IN INSTRUMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED MAY 8, 1990 IN VOLUME 530, PAGE 769, LINN COUNTY RECORDS.

### PARCEL VII:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT LYING SOUTHWESTERLY OF AND ADJACENT TO THE SOUTHWESTERLY RIGHT OF WAY OF THE OREGON ELECTRIC RAILROAD:

BEGINNING AT THE SOUTHEAST CORNER OF THE GEORGE MILLER SR. DONATION LAND CLAIM NO. 58 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; AND RUNNING THENCE EAST 14.79 CHAINS TO A POINT ON THE NORTH LINE OF AND WEST 37.50 CHAINS FROM THE NORTHEAST CORNER OF THE ISAAC MILLER SR., DONATION LAND CLAIM NO. 46;  
THENCE SOUTH 1°15' EAST, 28.56 CHAINS;  
THENCE WEST 2.50 CHAINS;  
THENCE SOUTH 1°15' EAST 16.71 CHAINS, MORE OR LESS, TO A POINT NORTH 1°15' WEST 2402.9 FEET FROM THE SOUTH LINE OF THE SAID ISAAC MILLER SR., DONATION LAND CLAIM NO. 46;  
THENCE WESTERLY, PARALLEL TO SAID SOUTH LINE, 570.65 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD;  
THENCE SOUTH 18°28' EAST, ALONG SAID RIGHT OF WAY, 1138.3 FEET TO A POINT NORTH 1°15' WEST 1320.0 FEET FROM THE SOUTH LINE OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46;  
THENCE WESTERLY, PARALLEL TO SAID SOUTH LINE 846.91 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL CONVEYED TO WESTERN KRAFT CORPORATION AND RECORDED IN VOLUME 281, PAGE 254, LINN COUNTY DEED RECORDS;  
THENCE NORTH 24°13' WEST 936.69 FEET TO A 1/2" IRON ROD AT AN ANGLE POINT IN THE EASTERLY LINE OF SAID WESTERLY KRAFT CORPORATION PARCEL;

## Legal Description – CP7 – Continued

THENCE NORTH 30°00' WEST 1721.5 FEET TO A 1/2" IRON ROD AT THE NORTHEAST CORNER OF SAID PARCEL, SAID 1/2" ROD BEING ON THE NORTHERLY LINE OF SAID ISAAC MILLER SR. DONATION LAND CLAIM NO. 46;

THENCE NORTH 52°50' EAST, ALONG SAID NORTHERLY LINE, 279.47 FEET TO A STONE WHICH BEARS SOUTH 52°50' WEST, 897.60 FEET FROM THE MOST EASTERLY CORNER OF THE SILAS HAIGHT DONATION LAND CLAIM NO. 55;

THENCE NORTH 24°27' EAST (CALLED NORTH 23° EAST IN OLD DEEDS) 1705.3 FEET TO THE SOUTHERLY LINE OF THE AFOREMENTIONED GEORGE MILLER SR. DONATION LAND CLAIM NO. 58; THENCE SOUTH 77°33' EAST, ALONG SAID CLAIM LINE, 414.60 FEET TO A POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PART LYING WITHIN THE RIGHT OF WAY OF THE OREGON ELECTRIC RAILROAD AS RECORDED IN VOLUME 98, PAGES 136 AND 311 AND VOLUME 344, PAGE 316, DEED RECORDS.

ALSO SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT OF LAND LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS AND HIGHWAYS.

ALSO SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DEEDED TO THE CITY OF MILLERSBURG AS RECORDED IN VOLUME 530, PAGE 769, MARCH 8, 1990, LINN COUNTY DEED RECORDS.

### PARCEL VIII:

BEGINNING AT A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE 3RD PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, LINN COUNTY DEED RECORDS WHICH POINT IS 1108.80 FEET NORTH 88°38'30" EAST ALONG THE CLAIM LINE AS MONUMENTED FROM THE SOUTHWEST CORNER OF THE ISAAC MILLER SR., D.L.C. 46, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; THENCE NORTH 1°13'30" WEST ALONG THE EAST LINE OF SAID PARCEL AND THE EAST LINE OF THAT PARCEL DESCRIBED IN THE FIRST PARAGRAPH OF THE DESCRIPTIONS OF SAID DEED 1320 FEET TO A 1 1/4 INCH SHAFT AT THE NORTHEAST CORNER OF SAID PARCEL;

THENCE ALONG THE NORTH LINE OF THE SAID LAST MENTIONED PARCEL SOUTH 88°38'30" WEST 1975.20 FEET TO A LOW WATER LINE OF THE WILLAMETTE RIVER FROM WHICH POINT A 5/8 INCH IRON ROD BEARS NORTH 88°38'30" EAST 136.3 FEET;

THENCE ALONG SAID LOW WATER LINE SOUTH 6°59' WEST 226.90 FEET SOUTH 21°49' EAST 273.57 FEET, SOUTH 14°46' EAST 269.05 FEET, SOUTH 21°23' EAST 192.52 FEET, SOUTH 37°19' EAST 309.5 FEET, SOUTH 51°02' EAST 301.86 FEET, SOUTH 78°40' EAST 106.23 FEET, SOUTH 53°30' EAST 101.80 FEET, SOUTH 66°11' EAST 152.74 FEET, SOUTH 74°23' WEST 61.78 FEET, NORTH 76°42' WEST 135.30 FEET, NORTH 84°09' WEST 149.40 FEET, SOUTH 56°10' WEST 103.18 FEET, SOUTH 17°12' EAST 66.93 FEET, AND SOUTH 47°02' EAST 39.0 FEET TO THE SOUTH LINE OF THAT PARCEL DESCRIBED IN THE SECOND PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, SAID DEED RECORDS;

THENCE NORTH 88°38'30" EAST ALONG THE SOUTH LINE THEREOF 1734.46 FEET TO THE EAST LINE OF THE NORTH PROJECTION OF THAT PARCEL DESCRIBED IN DEED RECORDED IN BOOK 284, PAGE 703, SAID DEED RECORDS;

THENCE NORTH 1°31' WEST ALONG SAID LAST MENTIONED LINE 308.88 FEET TO 1 1/2 INCH IRON PIPE ON THE SOUTH LINE OF SAID MONUMENTED CLAIM LINE;

THENCE SOUTH 88°38'30" WEST 307.10 FEET TO THE POINT OF BEGINNING.

## Legal Description – CP7 – Continued

### PARCEL IX:

BEGINNING AT A 1/2 INCH IRON ROD SOUTH 88°54' WEST PARALLEL TO THE SOUTH LINE OF THE ISAAC MILLER SR. D.L.C. #46, A DISTANCE OF 62.50 CHAINS FROM A POINT ON THE EAST LINE OF AND NORTH 1°09' WEST 4.00 CHAINS FROM THE SOUTHEAST CORNER OF SAID D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON AND RUNNING THENCE NORTH 1°09' WEST PARALLEL TO THE EAST LINE OF SAID CLAIM; 16.0 CHAINS;

THENCE NORTH 88°54' EAST PARALLEL TO THE SOUTH LINE OF SAID CLAIM 1150.95 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD;

THENCE SOUTH 18°19' EAST ALONG SAID RIGHT OF WAY 1105.63 FEET TO A 1/2 INCH IRON ROD WHICH IS NORTH 1°09' WEST 264.0 FEET FROM THE SOUTH LINE OF SAID D.L.C. #46;

THENCE SOUTH 88°54' WEST PARALLEL TO THE SOUTH LINE OF SAID CLAIM 1477.59 FEET TO THE POINT OF BEGINNING.

EXCEPT A STRIP 50 FEET WIDE OFF THE EASTERLY END OF THE ABOVE DESCRIBED TRACT.

### PARCEL X:

#### TRACT I:

ALL OF THE FOLLOWING DESCRIBED TRACT OF LAND LYING WESTERLY OF THE WEST LINE OF THE OREGON ELECTRIC RAILROAD:

A PORTION OF THE ISAAC MILLER SR. D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 4125.0 FEET FROM THE SOUTHEAST CORNER OF SAID D.L.C. #46; AND RUNNING THENCE NORTH 1°09' WEST, PARALLEL WITH THE EAST LINE OF SAID D.L.C. #46, A DISTANCE OF 264.0 FEET TO A 1/2 INCH IRON ROD;

THENCE NORTH 88°54' EAST, PARALLEL WITH THE SOUTH LINE OF SAID D.L.C. #46, A DISTANCE OF 4125.0 FEET TO THE EAST LINE OF SAID CLAIM;

THENCE SOUTH 1°09' EAST ALONG SAID EAST LINE 60.0 FEET;

THENCE SOUTH 88°54' WEST PARALLEL WITH THE SOUTH LINE OF SAID D.L.C. #46, A DISTANCE OF 2628.85 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE O.E. RAILROAD;

THENCE SOUTH 18°19' EAST ALONG SAID WESTERLY RIGHT OF WAY LINE 213.57 FEET TO A 1/2 INCH IRON ROD ON THE SOUTH LINE OF SAID D.L.C. #46;

THENCE SOUTH 88°54' WEST ALONG THE SOUTH LINE OF SAID D.L.C. #46, A DISTANCE OF 1559.15 FEET TO THE POINT OF BEGINNING.

ALSO A PORTION OF THE ISAAC MILLER SR. D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 3823.24 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. D.L.C. #46 IN SAID TOWNSHIP AND RANGE; SAID BEGINNING POINT BEING ALSO NORTH 88°54' EAST 1415.04 FEET FROM THE NORTHWEST CORNER OF SAID EXUM POWELL D.L.C. #44; AND RUNNING THENCE SOUTH 1°30' EAST 1254.0 FEET TO A 1/2 INCH IRON ROD SET AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO FLOYD E. FISHER BY DEED RECORDED IN VOLUME 147, PAGE 31, DEED RECORDS FOR LINN COUNTY, OREGON;

THENCE NORTH 88°54' EAST, ALONG THE SOUTHERLY LINE OF SAID FISHER TRACT AND PARALLEL TO

## Legal Description – CP7 – Continued

THE NORTH LINE OF SAID D.L.C. #44, A DISTANCE OF 377.79 FEET TO THE CENTER LINE OF MURDER CREEK;  
THENCE EASTERLY UP THE CENTER LINE OF SAID MURDER CREEK TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD, SAID POINT BEING SOUTH 1°30' EAST 1336.09 FEET FROM A POINT ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 2042.37 FEET FROM THE SOUTHEAST CORNER OF SAID ISAAC MILLER SR. D.L.C. #46;  
THENCE NORTHWESTERLY ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID RAILROAD TO A 1/2" IRON ROD ON THE NORTH LINE OF SAID D.L.C. #44;  
THENCE SOUTH 88°54' WEST ALONG SAID NORTH LINE 1257.39 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THEREFROM, THE FOLLOWING DESCRIBED PROPERTY:  
BEGINNING ON THE WESTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD AT A POINT NORTHWESTERLY 276.38 FEET FROM THE INTERSECTION OF SAID RIGHT OF WAY WITH THE SOUTH LINE OF THE ISAAC MILLER SR. D.L.C. #46, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, SAID BEGINNING POINT BEING ON THE NORTH LINE OF THAT CERTAIN TRACT I CONVEYED TO WESTERN KRAFT CORPORATION BY DEED RECORDED IN BOOK 244, PAGE 558, OF THE DEED RECORDS AND RUNNING THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE 1640 FEET, MORE OR LESS, TO THE NORTH LINE OF THAT CERTAIN SLOPE EASEMENT GRANTED TO THE SAID OREGON ELECTRIC RAILROAD AND DESCRIBED IN BOOK 215, PAGE 678, DEED RECORDS;  
THENCE WESTERLY, AT RIGHT ANGLES TO SAID RAILROAD, 50 FEET TO A POINT, 100 FEET FROM (MEASURED AT RIGHT ANGLES TO) THE CENTERLINE OF SAID RAILROAD;  
THENCE NORTHWESTERLY, PARALLEL TO THE CENTERLINE OF SAID RAILROAD TO THE NORTH LINE OF THE AFOREMENTIONED TRACT I;  
THENCE EASTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

### TRACT II:

A PORTION OF THE EXUM POWELL D.L.C. #44 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A 1/2 INCH IRON ROD SOUTH 1°30' EAST 1785.3 FEET FROM A POINT ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 3445.46 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR., D.L.C. #46 IN SAID TOWNSHIP AND RANGE; AND RUNNING  
THENCE NORTH 1°30' WEST 531.30 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO FLOYD E. FISHER BY DEED RECORDED IN VOLUME 147, PAGE 31, DEED RECORDS FOR LINN COUNTY, OREGON, SAID POINT BEING SOUTH 1°30' EAST 1254.0 FEET FROM THE SOUTH LINE OF SAID D.L.C. #46;  
THENCE SOUTH 88°54' WEST ALONG THE SOUTHERLY LINE OF SAID FISHER TRACT AND PARALLEL TO THE SOUTH LINE OF SAID D.L.C. #46 588 FEET, MORE OR LESS, TO THE EASTERLY BANK OF THE WILLAMETTE RIVER;  
THENCE SOUTHEASTERLY ALONG THE BANK OF SAID RIVER TO A POINT SOUTH 88°54' WEST OF THE POINT OF BEGINNING;  
THENCE NORTH 88°54' EAST TO THE POINT OF BEGINNING.

ALSO, BEGINNING AT A 1/2" IRON ROD SOUTH 1°30' EAST, 1785.30 FEET FROM A POINT ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 3445.46 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, AND RUNNING  
THENCE NORTH 88°54' EAST PARALLEL TO THE SOUTH LINE OF THE D.L.C. #46, A DISTANCE OF 1631.51 FEET TO A 1/2" IRON ROAD ON THE WESTERLY RIGHT-OF-WAY LINE OF THE O.E.R.;  
THENCE NORTH 28°21' WEST, ALONG SAID RIGHT OF WAY 496.58 FEET TO THE CENTER LINE OF



## Legal Description – CP7 – Continued

### MURDER CREEK;

THENCE DOWN THE CENTER LINE OF MURDER CREEK AS FOLLOWS: SOUTH 83°15' WEST 44.83 FEET, NORTH 55°15' WEST 75.0 FEET; NORTH 70°45' WEST, 220.0 FEET, NORTH 73°00' WEST 118.0 FEET, SOUTH 79°45' WEST 100.0 FEET, SOUTH 67°45' WEST 80.0 FEET, SOUTH 47°50' WEST 130.0 FEET, SOUTH 77°30' WEST 200.0 FEET, NORTH 87°00' WEST 55.0 FEET, NORTH 79°20' WEST 80.0 FEET, NORTH 68°15' WEST 165.0 FEET, SOUTH 79°30' WEST 85.0 FEET; NORTH 80°30' WEST 60.0 FEET AND NORTH 75°11' WEST 92.09 FEET TO A POINT WHICH BEARS NORTH 1°30' WEST 531.3 FEET FROM THE PLACE OF BEGINNING;

THENCE SOUTH 1°30' EAST 531.3 FEET TO THE PLACE OF BEGINNING.

### PARCEL XI:

BEGINNING AT A 5/8 INCH IRON ROD ON THE MOST EASTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS, MF VOLUME 379, PAGE 278, SAID ROD BEING SOUTH 1°08'13" EAST, 1,856.44 FEET, SOUTH 88°51'17" WEST, 30.04 FEET AND NORTH 89°53'15" WEST, 2,445.035 FEET FROM THE NORTHEAST CORNER OF THE ISAAC MILLER DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

THENCE NORTH 89°53'15" WEST, 810.68 FEET TO A 5/8 INCH IRON ROD;

THENCE ALONG A 528.339 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS NORTH 79°28'04" WEST, 191.12 FEET, TO A 5/8 INCH IRON ROD ON THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD;

THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 18°19'24" WEST, 141.40 FEET TO A 5/8 INCH IRON ROD;

THENCE ALONG A 428.339 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS SOUTH 73°26'07" EAST, 242.62 FEET TO A 5/8 INCH IRON ROD;

THENCE SOUTH 89°53'15" EAST 808.50 FEET TO A 5/8 INCH IRON ROD;

THENCE SOUTH 1°07'49" EAST, 100.03 FEET TO THE POINT OF BEGINNING. ALL OF THE AFORESAID PROPERTY IS LOCATED IN SECTION 29, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON.

### PARCEL XII:

BEGINNING AT A 5/8 INCH IRON ROD ON THE WESTERLY RIGHT-OF-WAY LINE OF LINN COUNTY ROAD NUMBER 367, SAID ROD BEING SOUTH 1°08'13" EAST, 1,856.44 FEET AND SOUTH 88°51'17" WEST, 30.04 FEET FROM THE NORTHEAST CORNER OF THE ISAAC MILLER DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

THENCE NORTH 89°53'15" WEST, 1,488.97 FEET TO A 5/8 INCH IRON ROD ON THE WESTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS MF VOLUME 455, PAGE 459,

THENCE ALONG SAID WESTERLY LINE, NORTH 1°08'14" WEST, 100.02 FEET TO A 5/8 INCH IRON ROD;

THENCE SOUTH 89°53'15" EAST, 1,488.955 FEET TO A 5/8 INCH ROD ON THE WESTERLY RIGHT OF WAY LINE OF LINN COUNTY ROAD NUMBER 308;

THENCE ALONG SAID WESTERLY LINE, SOUTH 1°08'43" EAST, 100.025 FEET TO THE POINT OF BEGINNING. ALL OF THE AFORESAID DESCRIBED PROPERTY IS LOCATED IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND CONVEYED TO LINN COUNTY FOR ROAD PURPOSES IN DEED RECORDED DECEMBER 02, 1998, IN VOLUME 992, PAGE 0459, MICROFILM RECORDS.

## Legal Description – CP7 – Continued

### PARCEL XIII

BEGINNING AT THE NORTHWEST CORNER OF THE ISSAC MILLER, SENIOR, D.L.C. #46 ON THE MEANDER LINE OF THE WILLAMETTE RIVER, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE SILAS HAIGHT D.L.C. #55 IN SECTION 29, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON;  
THENCE NORTH 52° 50' EAST 1,565.89 FEET TO A ½" ROD ON THE SOUTH LINE OF AND SOUTH 52° 50' WEST 1,177.07 FEET FROM THE SOUTHEAST CORNER OF THE SILAS HAIGHT D.L.C. #55;  
THENCE SOUTH 30° 00' EAST 1,721.52 FEET TO A ½" ROD;  
THENCE SOUTH 24° 13' EAST 936.69 FEET TO THE SOUTH LINE OF THE FIRST TRACT DESCRIBED IN WARRANTY DEED FROM MARTHA E. MARSH TO MADELYN NELSON RECORDED DECEMBER 30, 1950 IN BOOK 218, PAGE 819, DEED RECORDS;  
THENCE SOUTH 88° 54' WEST (SOUTH 88° 37' WEST BY OLD DEEDS) ALONG THE SOUTH LINE OF SAID D.L.C. #46, 1,837.63 FEET TO THE RIGHT BANK OF THE WILLAMETTE RIVER;  
THENCE NORTHERLY FOLLOWING THE EASTERLY MEANDERS OF SAID RIVER DOWNSTREAM 1,561.56 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

### PARCEL XIV

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHERLY PROJECTION OF THAT PARCEL DESCRIBED IN DEED RECORDED IN BOOK 284, PAGE 703, LINN COUNTY DEED RECORDS WHICH POINT IS 1415.90 FEET NORTH 88° 38' 30" EAST AND 308.88 FEET SOUTH 1° 31' EAST OF THE NORTHWEST CORNER OF THE EXUM POWELL D.L.C. #44, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, SAID BEGINNING POINT ALSO BEING THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN THE SECOND PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, LINN COUNTY DEED RECORDS;  
THENCE SOUTH 1° 31' EAST ALONG THE EAST LINE OF SAID FIRST MENTIONED PARCEL 942.47 FEET TO A ½ INCH IRON ROD ON THE NORTH LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED IN BOOK 244, PAGE 321, SAID DEED RECORDS;  
THENCE SOUTH 88° 54' WEST ALONG THE NORTH LINE THEREOF 302.0 FEET TO THE LOW WATER LINE OF THE WILLAMETTE RIVER;  
THENCE ALONG SAID LOW WATER LINE NORTH 47° 24' WEST 272.87 FEET, NORTH 57° 02' WEST 284.28 FEET; NORTH 62° 07' WEST 281.66 FEET, NORTH 60° 37' WEST 287.30 FEET, NORTH 65° 59' WEST 267.09 FEET, NORTH 64° 04' WEST 173.56 FEET AND NORTH 47° 02' WEST 161.60 FEET TO THE SOUTH LINE OF THE PARCEL DESCRIBED IN THE SECOND PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, SAID DEED RECORDS;  
THENCE NORTH 88° 38' 30" EAST 1734.46 FEET TO THE POINT OF BEGINNING.

### PARCEL XV

A TRACT OF LAND SITUATED IN THE CITY OF MILLERSBURG, COUNTY OF LINN AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 IN IRON ROD ON THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 367, SAID IRON ROD BEING 264.00 FEET NORTH 1° 11' 50" WEST AND 30.00 FEET SOUTH 88° 50' 53" WEST FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46 IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON;  
RUNNING THENCE SOUTH 88° 54' 00" WEST 2513.26 FEET TO A ½ INCH IRON ROD;  
THENCE NORTH 18° 22' 20" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE OREGON ELECTRIC RAILWAY 2255.86 FEET TO A 2 INCH ANGLE IRON;  
THENCE NORTH 89° 24' 02" EAST, 1650.80 FEET;

### Legal Description – CP7 – Continued

THENCE SOUTH 0° 55' 50" EAST 5.87 FEET;  
THENCE NORTH 89° 38' 35" EAST, 117.62 FEET;  
THENCE ALONG A 474.28 FOOT RADIUS CURVE RIGHT 573.72 FEET (LONG CHORD WHICH BEARS SOUTH 38° 23' 23" WEST, 539.38 FEET) TO A ¾ INCH IRON PIPE;  
THENCE SOUTH 89° 20' 15" EAST, 580.34 FEET TO A 5/8 INCH IRON ROD;  
THENCE NORTH 89° 24' 39" EAST 1174.08 FEET TO A ¾ INCH BOLT ON THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 367;  
THENCE SOUTH 01° 11' 47" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE 1708.39 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DEEDED TO LINN COUNTY IN VOLUME 992, PAGE 455, DECEMBER 2, 1998, LINN COUNTY DEED RECORDS;

AND EXCEPT THAT PORTION BEGINNING AT A 5/8 INCH IRON ROD ON THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 367, SAID ROD BEING 264.00 FEET NORTH 01°11'50" WEST AND 30.00 FEET SOUTH 88°50'53" WEST FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER, SR. DONATION LAND CLAIM NO. 46 IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON;  
RUNNING THENCE NORTH 01°11'50" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 367 AND PARALLEL TO THE EAST LINE OF SAID DONATION LAND CLAIM NO. 46 A DISTANCE OF 1056.00 FEET TO A POINT 0.22 FEET NORTH 01°11'50" WEST FROM A 3/4 INCH IRON BOLT;  
THENCE SOUTH 88°50'53" WEST 2839.34 FEET TO A 5/8 INCH IRON ROD ON THE EASTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILWAY;  
THENCE SOUTH 18°22'23" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILWAY 1105.56 FEET TO A 5/8 INCH IRON ROD, SAID IRON ROD BEING 264.00 FEET NORTH 01°11'50" WEST FROM THE SOUTH LINE OF SAID DONATION LAND CLAIM NO. 46;  
THENCE NORTH 88°50'53" EAST AND PARALLEL TO THE SOUTH LINE OF SAID DONATION LAND CLAIM NO. 46 A DISTANCE OF 2512.87 FEET TO THE POINT OF BEGINNING.

#### PARCEL XVI

A PORTION OF THE EXUM POWELL D.L.C. #44 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A ½" IRON ROD SOUTH 17° 20' EAST 344.52 FEET AND SOUTH 0° 21' WEST 344.74 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. D.L.C. #46 IN SAID TOWNSHIP AND RANGE; AND RUNNING THENCE SOUTH 71° 33' WEST 1232.40 FEET TO A ½" IRON ROD;  
THENCE SOUTH 33° 12' WEST 500 FEET TO A ½" IRON ROD;  
THENCE SOUTH 68° 46' WEST 405.18 FEET;  
THENCE SOUTH 61° 39' WEST 32.0 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD;  
THENCE NORTH 28° 21' WEST ALONG THE SAID RIGHT OF WAY 311.25 FEET TO THE CENTER LINE OF MURDER CREEK;  
THENCE UP THE CENTER LINE OF MURDER CREEK AS FOLLOWS: NORTH 83° 15' EAST 27.62 FEET, SOUTH 29° 30' EAST 210.0 FEET, NORTH 68° 45' EAST 205.0 FEET, NORTH 47° 40' EAST 157.0 FEET, NORTH 53° 20' EAST 227.0 FEET, NORTH 19° 00' EAST 162.0 FEET, NORTH 26° 10' EAST 165.0 FEET, NORTH 32° 25' EAST 125.0 FEET, NORTH 51° 55' EAST 68.0 FEET, NORTH 65° 40' EAST 140 FEET, NORTH 27° 25' EAST 95.0 FEET, NORTH 82° 50' EAST 85.0 FEET, NORTH 69°50' EAST 75.0 FEET, NORTH 49°30' EAST 33.0 FEET, SOUTH 78°55' EAST 85.0 FEET, NORTH 76° 10' EAST 35.0 FEET, SOUTH 79° 40' EAST, 80.0 FEET, SOUTH 61° 10' EAST, 55 FEET, SOUTH 80° 00' EAST 185.0 FEET, NORTH 76°

**Legal Description – CP7 – Continued**

10' EAST 180.0 FEET, NORTH 79° 35' EAST 85 FEET, NORTH 45° 55' EAST 80.0 FEET AND NORTH 52° 45' EAST 47.54 FEET TO A POINT WHICH BEARS NORTH 0° 21' EAST 149.85 FEET FROM THE POINT OF BEGINNING;  
THENCE LEAVING SAID CREEK AND RUNNING SOUTH 0° 21' WEST 149.85 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THAT PORTION AS DESCRIBED IN WARRANTY DEED RECORDED OCTOBER 27, IN BOOK 343, PAGE 859.

**Exhibit "B"**  
**Permitted Exceptions - Site T2007-310/CP7**

1. Taxes or assessments for the year 2008, a lien not yet due and payable.
2. City liens, if any, for the city of Millersburg, a lien not yet due or payable .
3. These premises are within the boundaries of the Grand Prairie Water District and are subject to the levies and assessments thereof, none due and payable.

The Following Exceptions affects Parcel I

4. Rights of the public in and to that portion of the land lying within the limits of Old Salem Road.
5. Easement, including terms and provisions contained therein:  
Recording Information: July 31, 1937 in Book 146, Page 0342, Deed Records  
In Favor of: Mountain States Power Company, a Delaware Corporation, its successors and assigns  
For: pole and anchors
6. The terms and provisions contained in the document entitled "Agreement for Use and Maintenance on Drainage Pipe" recorded January 16, 1967 in Book 321, Page 0368, Deed Records .
7. Easement, including terms and provisions contained therein:  
Recording Information: April 08, 1999 in Volume 1025, Page 0415, Microfilm Records  
In Favor of: Linn County  
For: Roadway

The Following Exceptions affects Parcel II

8. Easement, including terms and provisions contained therein:  
Recording Information: August 26, 1982 in Volume 318, Page 0873, Microfilm Records  
In Favor of: City of Millersburg  
For: sewer pipeline
9. Legal consequences of the fact that the Environmental Protection Agency has designated this property as a hazardous waste site by placing it on their National Priorities List as disclosed by the Federal Register, Volume 54, No. 61, and as set forth in Warranty Deed recorded May 08, 1990 in Volume 530, Page 766, Microfilm Records.
10. Easement, including terms and provisions contained therein:  
Recording Information: May 08, 1990 in Volume 530, Page 0779, Microfilm Records  
In Favor of: Teledyne Industries, Inc., a California corporation  
For: A 50 foot wide tract to install, maintain, replace and/or remove underground piping for electrical, conduit, piping and pump activities further reserving the right to maintain the use of a 20 foot wide road right of way

**Exhibit "B (Continued)"**  
**Permitted Exceptions - Site T2007-310/CP7**

11. Covenants, conditions and restrictions contained in a deed recorded April 18, 1991 as document in Volume 560, Page 0267, Microfilm Records relating to, among other things: Restrictive covenants regarding construction and maintenance or use of any wells for drinking or Irrigation.

The Following Exceptions affects Parcel III

12. Rights of the public in and to that portion of the land lying within the limits of Old Salem Road.
13. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded January 17, 1945 in Volume 167, Page 0113, Deed Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.
14. Covenants, conditions and restrictions as contained in deed recorded January 17, 1945 in Volume 167, Page 0113, Deed Records, as follows:

No part of the abutting private property of the grantors within a distance of five hundred (500) feet from the above described land shall ever be used for the placing and/or maintenance of advertising signs, bills or posters; provided, however, that these grantors reserve the right to use any part of said private property for the advertising of farm names or for the sale, renting or leasing of said property of for the sale of livestock or commodities or products produced or raised thereon. These burdens and covenants shall run with the land and shall forever bind the grantors and their successors in interest.

15. An easement for Electric power and signal-transmission line and incidental purposes, recorded October 16, 1946 in Book 185, Page 0631, Deed Records .  
In Favor of: Mountain States Power Company  
Affects: Tract A and Tract B of Parcel III

16. The terms and provisions of easement maintenance contained in the Warranty Deed recorded December 02, 1954 in Book 240, Page 0507, Deed Records .

(Affects Tract B)

17. The terms and provisions of easement maintenance contained in the Warranty Deed recorded December 02, 1954 in Book 240, Page 0511, Deed Records .

18. Easement, including terms and provisions contained therein:  
Recording Information: June 25, 1969 in Book 340, Page 0533, Deed Records  
In Favor of: Pacific Power and Light Company  
For: electrical, telephone, transmission and distribution lines

**Exhibit "B (Continued)"**  
**Permitted Exceptions - Site T2007-310/CP7**

19. An easement for electric transmission and distribution lines and incidental purposes, recorded July 12, 1971 in Volume 19, Page 0617, Microfilm Records .  
In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns  
Affects: Tract A
20. An easement for electric transmission and distribution lines and incidental purposes, recorded July 31, 1972 in Volume 44, Page 0229, Microfilm Records .  
In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns  
Affects: Tract A
21. An easement for electrical transmission and communication lines and incidental purposes, recorded September 08, 1975 in Volume 115, Page 0908, Microfilm Records .  
In Favor of: Pacific Power and Light Company  
Affects: Tract C
22. An easement for electric transmission and distribution lines and incidental purposes, recorded June 08, 1976 in Volume 136, Page 0249, Microfilm Records .  
In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns  
Affects: Tracts A and B
23. An easement for sewer pipelines and incidental purposes, recorded August 02, 1979 in Volume 239, Page 0987, Microfilm Records .  
In Favor of: City of Millersburg  
Affects: Tract C
24. An easement for sewer pipeline and incidental purposes, recorded April 20, 1987 in Volume 440, Page 0015, Microfilm Records .  
In Favor of: City of Millersburg, Linn County, Oregon, a municipal corporation  
Affects: Tract A
25. An easement for sewer pipeline and incidental purposes, recorded April 20, 1987 in Volume 440, Page 0025, Microfilm Records .  
In Favor of: City of Millersburg, Linn County, Oregon, a municipal corporation  
Affects: Tract C
26. The terms and provisions contained in the document entitled Agreement for Easement, executed by and between Willamette Memorial Park, an Oregon non-profit corporation, formerly known as Linn-Benton Memorial Park Association and Willamette Industries, Inc., an Oregon corporation, recorded February 27, 1996 , in Volume 789, Page 0600, Microfilm Records.

**Exhibit "B (Continued)"**  
**Permitted Exceptions - Site T2007-310/CP7**

27. The terms and provisions contained in the document entitled Charitable Donation Agreement, executed by and between Dan Desler, Troy Cummins, and Willamette Industries, Inc. and Western States Family Foundation, a component fund of the American Foundation for Charitable Support, Inc., a qualified 501(c)(3) National Charitable Fund and Ben L. Schaub, president, recorded December 05, 2001 , in Volume 1241, Page 0725, Microfilm Records.

(Agreement does not contain a legal description)

28. Easement, including terms and provisions contained therein:  
Recording Information: February 05, 2007 as Fee No. 2007-002967 in Microfilm Records  
In Favor of: TDY Industries, Inc., a California corporation dba Wah Chang  
For: Gas

The Following Exceptions affects Parcel IV

29. Rights of the public in and to that portion of the land lying within the limits of Arnold Road.
30. Easement, including terms and provisions contained therein:  
Recording Information: December 29, 1987, in Volume 461, Page 0432, Microfilm Records  
In Favor of: The City of Millersburg, Oregon  
For: underground waterline
31. Easement, including terms and provisions contained therein:  
Recording Information: October 10, 1996, in Volume 830, Page 0628, Microfilm Records  
In Favor of: Pacificorp, an Oregon corporation, its successors and assigns  
For: electric transmission lines, distribution lines, and communication lines

The Following Exceptions affects Parcel V

32. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
33. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Conser lake .
34. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
35. Some portion of said land has not been continuously within the boundaries of the County of Linn.



**Exhibit "B (Continued)"**  
**Permitted Exceptions - Site T2007-310/CP7**

36. Easement, including terms and provisions contained therein:  
Recording Information: June 08, 1976, in Volume 136, Page 0249, Microfilm Records  
In Favor of: Pacific Power and Light Company, a corporation, its successors  
and assigns  
For: electric Transmission and distribution lines
37. Easement, including terms and provisions contained therein:  
Recording Information: May 19, 1987, in Volume 442, Page 0738, Microfilm Records  
In Favor of: City of Millersburg  
For: water pipeline
- The Following Exceptions affects Parcel VI
38. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
39. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
40. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
41. Rights of the public in and to that portion of the land lying within the limits of Conser Road.
42. Easement, including terms and provisions contained therein:  
Recording Information: February 05, 1937, in Book 145, Page 0403, Deed Records  
In Favor of: Mountain States Power Company, a Delaware Corporation, its  
successors and assigns  
For: Anchors, wires and fixtures
43. Easement, including terms and provisions contained therein:  
Recording Information: October 03, 1947, in Book 196, Page 0196, Deed Records  
In Favor of: Mountain States Power Company, a Delaware Corporation, its  
successors and assigns  
For: poles and anchors

**Exhibit "B (Continued)"**  
**Permitted Exceptions - Site T2007-310/CP7**

44. Memorandum of oil, gas and Mineral lease executed by Paul E. Nofziger and Betty M. Nofziger as lessor and Mobil Oil Corporation, a New York Corporation as lessee, recorded October 01, 1975 in Volume 118, Page 0221, Microfilm Records .

The Lessee's interest under the lease has been assigned to American Quasar Petroleum Company of New Mexico by assignment recorded March 02, 1983 in Volume 329, Page 0828, Microfilm Records .

45. Easement, including terms and provisions contained therein:  
Recording Information: May 19, 1987, in Volume 442, Page 0738, Microfilm Records  
In Favor of: The City of Millersburg  
For: water pipelines and construction

The Following Exceptions affects Parcel VII

46. Easement, including terms and provisions contained therein:  
Recording Information: January 12, 1962, in Book 281, Page 0254, Deed Records  
For: water pipelines, pumping station, electrical power transmission lines and telephone lines

47. Easement, including terms and provisions contained therein:  
Recording Information: August 25, 1982, in Volume 318, Page 0792, Microfilm Records  
In Favor of: City of Millersburg  
For: sewer pipe line

48. Easement, including terms and provisions contained therein:  
Recording Information: May 19, 1987, in Volume 442, Page 0738, Microfilm Records  
In Favor of: City of Millersburg  
For: water pipeline and construction

The Following Exceptions affects Parcel VIII

49. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
50. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Conser lake .
51. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

**Exhibit "B (Continued)"**  
**Permitted Exceptions - Site T2007-310/CP7**

52. Some portion of said land has not been continuously within the boundaries of the County of Linn.
53. Rights of way of ditches, canals and reservoir sites for irrigation purposes as disclosed by Deed recorded August 13, 1953, in Book 235, Page 0491, Linn County Records.

The Following Exceptions affects Parcel IX

54. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Murder Creek .
55. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Murder Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
56. Easement, including terms and provisions contained therein:  
Recording Information:           October 31, 1969, in Book 344, Page 0114, Deed Records  
In Favor of:                    Wah Change Albany Corporation, a corporation  
For:                                Roadway

The Following Exceptions affects Parcel X

57. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
58. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Murder Creek .
59. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Murder Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
60. Easement, including terms and provisions contained therein:  
Recording Information:           April 22, 1929, in Book 136, Page 0429, Deed Records  
In Favor of:                    Mountain States Power Company, a Delaware Corporation, its successors and assigns  
  transmission and distribution line
61. Easement, including terms and provisions contained therein:  
Recording Information:           October 16, 1946, in Book 185, Page 0631, Deed Records  
In Favor of:                    Mountain States Power Company, a Delaware Corporation, its successors and assigns  
For:                                electric power and signal transmission lines

**Exhibit "B (Continued)"**  
**Permitted Exceptions - Site T2007-310/CP7**

62. Easement, including terms and provisions contained therein:  
Recording Information: June 23, 1950, in Book 215, Page 0675, Deed Records  
In Favor of: Oregon Electric Railway Co.  
For: Slope
63. Easement, including terms and provisions contained therein:  
Recording Information: June 23, 1950, in Book 215, Page 0678, Deed Records  
In Favor of: Oregon Electric Railway Co.  
For: Slope
64. Easement, including terms and provisions contained therein:  
Recording Information: July 09, 1953, in Book 233, Page 0388, Deed Records  
In Favor of: Oregon Electric Railway Co.  
For: Slope
65. Easement, including terms and provisions contained therein:  
Recording Information: December 02, 1954, in Book 240, Page 0507, Deed Records  
In Favor of: Oregon Electric Railway Co.  
For: water pipelines
66. Easement, including terms and provisions contained therein:  
Recording Information: December 02, 1954, in Book 240, Page 0511, Deed Records  
For: water pipelines
67. Easement, including terms and provisions contained therein:  
Recording Information: July 25, 1955, in Book 244, Page 0321, Deed Records  
For: 16 foot wide driveway
68. Easement, including terms and provisions contained therein:  
Recording Information: October 27, 1969, in Book 343, Page 0858, Deed Records  
For: water pipelines
- The Following Exceptions affects Parcel XI and XII
69. Rights of the public in and to that portion of the land lying within the limits of Old Salem Road.
70. An easement for anchor, wires and fixtures and incidental purposes, recorded March 02, 1937 in Book 145, Page 0470, Deed Records .  
In Favor of: Mountain States Power Company, a Delaware Corporation, Its successors and assigns  
Affects: Parcel XI

**Exhibit "B (Continued)"**  
**Permitted Exceptions - Site T2007-310/CP7**

71. An easement for sewer pipeline and incidental purposes, recorded August 25, 1982 in Volume 318, Page 0792, Microfilm Records  
In Favor of: City of Millersburg  
Affects: Parcel XI
72. An easement for utility purposes and road right-of-way and incidental purposes, recorded May 08, 1990 in Volume 530, Page 0775, Microfilm Records .  
In Favor of: City of Millersburg, a municipal corporation  
Affects: 50 feet wide on Parcel XI and 100 feet wide on Parcel XII
73. An easement for transmission and distribution lines and incidental purposes, recorded October 10, 1996 in Volume 830, Page 0628, Microfilm Records .  
In Favor of: PacifiCorp, a Oregon corporation  
Affects: Parcel XII
- The Following Affects Parcel XIII
74. Any adverse claim based upon the assertion that:
- a). Said land, or any part thereof, is now or at any time has been below the ordinary high water mark of the Willamette River and Conser Lake including any ownership rights which may be claimed by the State of Oregon now or at any time lying below the ordinary high water mark.
  - b). Some portion of said land has been created by artificial means or has accreted to such portion so created.
  - c). Some portion of said land has been brought within or removed from the boundaries thereof by a change in the location of the Willamette River and Conser Lake.
75. Such rights and easements for navigation, commerce, recreation and fishery which may exist over that portion of said land lying beneath the waters of Willamette River
76. Any adverse claim based upon the assertion that some portion of said land lies below the ordinary high water mark of Conser Lake.
77. Some portion of said land has not been continuously within the boundaries of the County of Linn.
78. Easement, including terms and provisions contained therein:  
Recording Information: January 12, 1962 in Book 281, Page 254, Deed Records  
In Favor of: Western Kraft corporation, an Oregon corporation  
For: Pipelines

**Exhibit "B (Continued)"**  
**Permitted Exceptions - Site T2007-310/CP7**

79. Easement, including terms and provisions contained therein:  
Recording Information: January 12, 1962 in Book 281, Page 254, Deed Records  
In Favor of: Western Kraft corporation, an Oregon Corporation  
For: Pumping Station Site #B
80. Easement, including terms and provisions contained therein:  
Recording Information: January 12, 1962 in Book 281, Page 254, Deed Records  
In Favor of: Western Kraft corporation, an Oregon Corporation  
For: Electric power transmission lines and one or more telephone lines

The Following Affects Parcel XIV

81. Any adverse claim based upon the assertion that:
- a). Said land, or any part thereof, is now or at any time has been below the ordinary high water mark of the Willamette River including any ownership rights which may be claimed by the State of Oregon now or at any time lying below the ordinary high water mark.
  - b). Some portion of said land has been created by artificial means or has accreted to such portion so created.
  - c). Some portion of said land has been brought within or removed from the boundaries thereof by a change in the location of the Willamette River.
  - d). Some portion of said land has not been continuously within the boundaries of the County of Willamette River.
82. Rights of the public, riparian owners and of governmental bodies in that portion of the above described property lying below the high water mark of unnamed creek to the use of the waters and the natural flow thereof.

The Following Affects Parcel XV

83. Easement, including terms and provisions contained therein:  
Recording Information: May 29, 1969 in Book 339, Page 793, Deed Records  
In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns  
For: Electrical and telephone transmission and distribution lines

**Exhibit "B (Continued)"**  
**Permitted Exceptions - Site T2007-310/CP7**

84. The terms and provisions contained in the document entitled "Restrictive Covenant" recorded December 17, 1986 as Volume 429, Page 927, Microfilm Records .
85. Easement, including terms and provisions contained therein:  
Recording Information: April 03, 1987 in Volume 438, Page 764, Microfilm Records  
In Favor of: City of Millersburg  
For: Sewer pipeline systems
86. Easement, including terms and provisions contained therein:  
Recording Information: March 17, 1987 in Volume 495, Page 753, Microfilm Records  
In Favor of: City of Millersburg  
For: Utilities
87. Easement, including terms and provisions contained therein:  
Recording Information: October 10, 1996 in Volume 830, Page 628, Microfilm Records  
In Favor of: PacifiCorp, an Oregon Corporation  
For: Right of Way
- The Following Affects Parcel XVI
88. Sewer line as disclosed by Survey C.S. 10400, Survey Records of Linn County, Oregon.
89. Any adverse claims based upon the assertion that:
- a) Some portion of said land has been created by artificial means or has accreted to such portion so created.
  - b) Some portion of said land has been brought within the boundaries thereof by a change in the location of Murder Creek.
90. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
91. Easement, including terms and provisions contained therein:  
Recording Information: April 20, 1933 in Book 136, Page 429, Deed Records  
In Favor of: Mountain States Power Company, a Delaware Corporation, its successors and assigns  
For: Electrical distribution line
92. Easement, including terms and provisions contained therein:  
Recording Information: November 30, 1954 in Book 240, Page 507, Deed Records  
In Favor of: Western Kraft Corporation  
For: Pipelines, Pumping station, common use rights, roadway and telephone lines

**Exhibit "B (Continued)"**  
**Permitted Exceptions - Site T2007-310/CP7**

93. Easement, including terms and provisions contained therein:  
Recording Information: June 10, 1970 in Book 350, Page 217, Deed Records  
In Favor of: Willamette Industries, Inc.  
For: Pipelines
94. Easement, including terms and provisions contained therein:  
Recording Information: August 22, 1979 in Volume 241, Page 894, Microfilm Records  
In Favor of: City of Millersburg  
For: Sewer pipeline system
95. Easement, including terms and provisions contained therein:  
Recording Information: April 20, 1987 in Volume 440, Page 17, Microfilm Records  
In Favor of: City of Millersburg  
For: Sewer pipeline system
96. Easement, including terms and provisions contained therein:  
Recording Information: April 20, 1987 in Volume 440, Page 21, Microfilm Records  
In Favor of: City of Millersburg  
For: Sewer pipeline system
97. An easement for electric power transmission, distribution, communication lines and incidental purposes, recorded June 18, 2008 as Document No. 2008-12264 .  
In Favor of: PacifiCorp, an Oregon corporation  
Affects: Parcel III



After recording  
return to Title

LINN COUNTY, OREGON 2013-08997  
D-WD  
Cnt=1 Stn=1 COUNTER 05/31/2013 11:21:25 AM  
\$50.00 \$11.00 \$15.00 \$19.00 \$10.00 \$105.00



After recording return to:  
Millersburg Power LLC  
PO Box 2087  
Salem, OR 97308

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
Steve Druckenmiller - County Clerk



Feb 12 03 18:17:11

**GRANTOR:** International Paper Company  
6400 Poplar Avenue  
Memphis, TN 38197  
  
**GRANTEE:** Millersburg Power LLC  
PO Box 2087  
Salem, OR 97308

Until a change is requested, all tax statements shall be sent to Grantee at the following address:  
Millersburg Power LLC  
PO Box 2087  
Salem, OR 97308

**STATUTORY SPECIAL WARRANTY DEED**

International Paper Company, successor and assign to IP Eat Three LLC ("Grantor") conveys and specially warrants to Millersburg Power LLC ("Grantee") the real property in Linn County, Oregon, more particularly described on Exhibit A attached hereto and by this reference incorporated herein (the "Real Property" or the "Land"), free of encumbrances created or suffered by the Grantor, except for those encumbrances set forth on Exhibit B, attached hereto and by this reference incorporated herein.

Together with a non-exclusive easement thirty feet (30') in width over, on and under the adjacent lands of Grantor, running in a northerly direction from the suction point of the withdrawal pipe of the ASB pond to the common boundary between the lands conveyed to Grantee by this deed for the sole purposes of ingress and egress, operating, repairing, maintaining, removing, improving and replacing the ASB Delivery System in such a manner as not to interfere with Grantor's operations on such lands. A sketch identifying the location of the aforementioned easement is attached hereto as Exhibit C and by this reference incorporated herein.

The true consideration for this conveyance in terms of dollars is \$1,200,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR

ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: May 28, 2013

International Paper Company

By: *Don M. Davis*  
Name: Don M. Davis  
Its: Manager Surplus Properties

STATE OF TENNESSEE)

) ss.

COUNTY OF SHELBY)

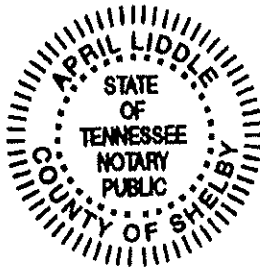
The foregoing instrument was acknowledged before me this 28 day of May, 2013, by Don M. Davis as Manager Surplus Properties of International Paper Company

*April Liddle*

Notary Public for State of Tennessee

My commission expires:

**MY COMMISSION EXPIRES:  
JUNE 29, 2015**



## EXHIBIT A TO SPECIAL WARRANTY DEED

### Legal Description

#### PARCEL 1:

The following described real property situated in the County of Linn and State of Oregon:

Beginning at a stone on the Southeasterly boundary line of the Donation Land Claim of Silas Haight, et ux, Claim No. 55 in Township 10 South and Range 3 West of the Willamette Meridian, Linn County, Oregon, said stone being South 52° 50' West, 897.60 feet distant from the most Easterly corner of said Claim No. 55 and from thence running South 52° 50' West, 1777.60 feet to the Willamette River, thence down said Willamette River the following courses and distances: North 41° 06' West, 542.66 feet; thence North 61° 42' West, 132 feet; thence North 79° 06' West, 57.58 feet to a point South 1° 9' West of a 1 1/2-inch pipe, said pipe being West, 2660.50 feet and South 1093.81 feet distant from the said most Easterly corner of said Donation Land Claim No. 55; thence North 1° 09' East, 40 feet, more or less to said first above mentioned 1 1/2-inch pipe; thence North 1° 09' East, 332.55 feet to a 5/8-inch bolt; thence North 75° 29' East, 1119.77 feet to a 5/8-inch bolt; thence North 34° 30' East, 232.36 feet to a 1 inch x 40 inch pipe, thence South 89° 46' East, 771.83 feet to a 5/8-inch bolt, thence North 25° 00' East, 973.54 feet to a 1 inch x 50 inch pipe, thence North 18° 28' West, 671.68 feet to a 3/4-inch pipe, thence South 77° 33' East, 46.62 feet; thence South 18° 28' East, 677.33 feet to a 1 inch x 50 inch pipe; thence South 24° 27' West, 1227.10 feet to the place of beginning.

SAVE AND EXCEPT that portion conveyed to City of Millersburg, a municipal corporation of the State of Oregon, by deed recorded May 8, 1990 in Volume 530, Page 769, Microfilm Records for Linn County, Oregon, described as follows:

Beginning at the Southwest corner of Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 88° 38' 30" East, 1108.80 feet; thence North 1° 13' 30" West, 1320.00 feet; thence North 88° 38' 30" East, 1101.08 feet; thence North 18° 34' West, 2739.29 feet along the West right-of-way line of the Burlington Northern Railroad to the true point of beginning; thence South 84° 28' 35" West, 1798.57 feet; thence South 76° 12' 25" West, 898.88 feet; thence South 63° 23' 34" West, 326.66 feet; thence South 3° 30' East 119.51 feet; thence South 86° 30' West, 100.00 feet; thence North 3° 30' West, 185.56 feet; thence North 63° 23' 34" East, 403.94 feet; thence North 76° 12' 25" East, 917.33 feet; thence North 84° 28' 35" East, 1782.63 feet; thence South 18° 34' East, 102.65 feet to the true point of beginning.

ALSO SAVE AND EXCEPT that portion of the above described property lying North of the Northerly line of the above referenced City of Millersburg tract.

TOGETHER WITH a 450 foot wide perpetual and exclusive easement in and across the above described tract, described as follows:

Beginning at the Southwest corner of Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 88° 38' 30" East, 1108.80 feet; thence North 1° 13' 30" West, 1320.00 feet; thence North 88° 38' 30" East, 1101.08 feet; thence North 18° 34' West, 2739.29 feet along the West right-of-way line of the Burlington Northern Railroad to the true point of beginning; thence South 84° 28' 35" West, 450.00 feet; thence North 18° 34' West, 102.65 feet; thence North 84° 28' 35" East, 450.00 feet; thence South 18° 34' East, 102.65 feet to the true point of beginning.

#### PARCEL 2:

Part of Sections 19, 20, 29 and 30 in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, and described as follows:

Beginning in the centerline of Linn County Market Road No. 34, at a point South 89°55' East 137.08 feet, South 889.89 feet, and South 77°32' East 1001.87 feet from the most Westerly Southwest corner of the George Miller, Sr., Donation Land Claim No. 58 in Section 19, Township 10 South, Range 3 West, said Donation Land Claim corner being on the Northwesterly line of the Silas Haight Donation Land Claim No. 55; and running thence South 1°18' West, along the center line of a ditch, 1319.24 feet to the intersection of said ditch with a second ditch; thence Southerly, along the center line of the last mentioned ditch, following the meanders thereof, approximately 1750 feet to the right bank of the Willamette River; thence, following the meanders of said right bank Easterly upstream approximately 1150 feet to a point South 1°09' West of a 1-1/2 inch iron pipe, said pipe being West 2880.50 feet and South 1093.81 feet from the most Easterly corner of said Silas Haight Donation Land Claim No. 55; thence North 1°09' East 40 feet, more or less, to said 1-1/2 inch iron pipe; thence, continuing North 1°09' East 322.05 feet, to a 5/8 inch iron bolt; thence North 75°29' East 1119.77 feet to a 5/8 inch iron bolt; thence North 34°30' East 232.36 feet to a 1 inch iron pipe; thence South 89°46' East 771.83 feet to a 5/8 inch iron bolt; thence North 25°00' East 973.54 feet to a 1 inch iron pipe; thence North 18°28' West 706.65 feet to the center line of the aforementioned Linn County Market Road No. 34; thence North 77°32' West, along said centerline, to the point of beginning.

**PARCEL 3:**

All that part of the following described tract lying Southwesterly of and adjacent to the Southwesterly right of way of the Oregon Electric Railroad:

Beginning at the Southeast corner of the George Miller, Sr. Donation Land Claim No. 58 in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; and running thence East 14.79 chains to a point on the North line of and West 37.50 chains from the Northeast corner of the Isaac Miller, Sr. Donation Land Claim No. 46; thence South 1°15' East 28.56 chains; thence West 2.50 chains; thence South 1°15' East 16.71 chains, more or less, to a point North 1°15' West 2402.9 feet from the South line of the said Isaac Miller, Sr., Donation Land Claim No. 46; thence Westerly, parallel to said South line, 570.65 feet to the Easterly right of way line of the Oregon Electric Railroad; thence South 18°28' East, along said right of way, 1138.3 feet to a point North 1°15' West 1320.0 feet from the South line of the Isaac Miller, Sr. Donation Land Claim No. 46; thence Westerly, parallel to said South line, 846.91 feet to the Southeast corner of that parcel conveyed to Western Kraft Corporation and recorded in Volume 281, Page 254, Linn County Deed Records; thence North 24°13' West 936.69 feet to a 1/2 inch iron rod at an angle point in the Easterly line of said Western Kraft Corporation parcel; thence North 30°00' West 1721.5 feet to a 1/2 inch iron rod at the Northeast corner of said parcel, said 1/2 inch rod being on the Northerly line of said Isaac Miller, Sr. Donation Land Claim No. 46; thence North 52°50' East, along said Northerly line, 279.47 feet to a stone which bears South 52°50' West 897.60 feet from the most Easterly corner of the Silas Haight Donation Land Claim No. 55; thence North 24°27' East (called North 23° East in old deeds) 1705.3 feet to the Southerly line of the aforementioned George Miller, Sr. Donation Land Claim No. 58; thence South 77°33' East, along said claim line, 414.60 feet to the point of beginning.

EXCEPTING THEREFROM that part lying within the right of way of the Oregon Electric Railroad, as recorded in Volume 98, Pages 136 and 311, and Volume 344, Page 316, Deed Records.

ALSO SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

ALSO SAVE AND EXCEPT that portion of the above described property deeded to the City of Millersburg as recorded in Volume 530, Page 769, March 8, 1990, Linn County Deed Records.

PARCEL 4:

Beginning at a 5/8 inch iron rod on the Easterly line of that tract described in Linn County Deed Records, MF Volume 135, Page 687, said rod being South 1°08'13" East 1856.44 feet, South 88°51'17" West 30.04 feet, and North 89°53'15" West 1488.97 feet from the Northeast corner of the Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 89°53'15" West 956.065 feet to a 5/8 inch iron rod on the most Easterly line of that tract described in Linn County Deed Records, MF Volume 379, Page 178; thence, along said Easterly line, North 1°07'49" West 100.03 feet to a 5/8 inch iron rod; thence South 89°53'15" East 956.06 feet to a 5/8 inch iron rod; thence South 1°08'14" East 100.02 feet to the point of beginning.

PARCEL 5:

Beginning at a 5/8 inch iron rod on the Westerly right of way line of Linn County Road No. 367, said rod being South 1°08'13" East 1856.44 feet and South 88°51'17" West 30.04 feet from the Northeast corner of the Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 89°53'15" West 1488.97 feet to a 5/8 inch iron rod on the Westerly line of that tract described in Linn County Deed Records, MF Volume 455, Page 459; thence, along said Westerly line, North 1°08'14" West 100.02 feet to a 5/8 inch iron rod; thence South 89°53'15" East 1488.955 feet to a 5/8 inch rod on the Westerly right of way line of Linn County Road No. 308; thence, along said Westerly line, South 1°08'43" East 100.025 feet to the point of beginning, all of the aforesaid described property is located in Section 28, Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon.

PARCEL 6:

Beginning at a 5/8 inch iron rod on the most Easterly line of that tract described in Linn County Deed Records MF Volume 379, Page 276, said rod being South 1°08'13" East 1856.44 feet, South 88°51'17" West 30.04 feet, and North 89°53'15" West 2445.035 feet from the Northeast corner of the Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 89°53'15" West 810.66 feet to a 5/8 inch iron rod; thence, along a 528.339 foot radius curve to the right, the long chord of which bears North 79°28'04" West 191.12 feet, to a 5/8 inch iron rod on the Easterly right of way line of the Burlington Northern Railroad; thence, along said right of way line, North 18°19'24" West 141.40 feet to a 5/8 inch iron rod; thence, along a 428.339 foot radius curve to the left, the long chord of which bears South 73°26'07" East, 242.62 feet to a 5/8 inch iron rod; thence South 89°53'15" East 808.50 feet to a 5/8 inch iron rod; thence South 1°07'49" East 100.03 feet to the point of beginning, all of the aforesaid property is located in Section 29, Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon.

**EXHIBIT B TO SPECIAL WARRANTY DEED**  
**Permitted Encumbrances**

**GENERAL EXCEPTIONS:**

1. Rights, if any, relating to the construction and maintenance, in connection with any public utility, of wires, poles, pipes, conduits and appurtenances thereto, on, under or across the Real Property;
2. The current year's taxes, assessments, water rates and other governmental charges of any kind or nature imposed on or levied against or on account of the Real Property, with adjustments to be made at Closing;
3. Restrictions on Grantee's ability to build upon or use the Real Property imposed by any current or future building or zoning ordinances or any other law or regulation of any governmental authority;
4. Any state of facts revealed by a survey, including, but not limited to the location of boundary lines, improvements and encroachments, if any;
5. All outstanding easements, servitudes, rights-of-way, flowage rights, restrictions, licenses, leases, reservations, covenants and all other rights in third parties of record;
6. All claims of governmental authorities in and to any portion of the Real Property lying in the bed of any streams, creeks or waterways or other submerged lands or land now or formerly subject to the ebb and flow of tidal waters or any claims of riparian rights;
7. Any and all restrictions on use of the Real Property or the Assets due to Environmental Laws, including wetlands protection laws, rules, regulations and orders;
8. All railroad side track agreements;
9. All previous reservations, exceptions and conveyances of oil, gas, associated hydrocarbons, minerals and mineral substances and royalty and other mineral rights;
10. Mechanics', materialmen's, warehousemen's and similar liens attaching by operation of law, incurred in the ordinary course of business and securing payments not yet delinquent or payments that are being contested in good faith; provided that Grantor shall remain responsible for such payments and this item shall survive Closing.

**SPECIFIC ITEMS AND EXCEPTIONS:**

11. Intentionally deleted.
12. Intentionally deleted.
13. Intentionally deleted.

14. Intentionally deleted.
15. Intentionally deleted.
16. The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
17. Intentionally deleted.
18. Rights of the public to any portion of the Land lying within streets, roads and highways.
19. Any adverse claim based upon the assertion that:
  - a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Willamette River and Murder Creek (Powell Creek) in the event the boundary of said Willamette River and Murder Creek (Powell Creek) has been artificially raised or is now or at any time has been below the high watermark, if said Willamette River and Murder Creek (Powell Creek) is in its natural state.
  - b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
  - c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Willamette River and Murder Creek (Powell Creek), or has been formed by accretion to any such portion.
20. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of the Willamette River and Murder Creek (Powell Creek).
21. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company  
Purpose: Anchors, wires and fixtures Recording Date: February 5, 1937 Recording No: Book 145, Page 403 Affects: Parcel 2
22. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company  
Purpose: Electric transmission or distribution lines  
Recording Date: March 2, 1937 Recording No: Book 145, Page 470 Affects: Exact location not specified
23. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company  
Purpose: Electric transmission and distribution lines  
Recording Date: October 3, 1947  
Recording No: Book 196, Page 196  
Affects: Parcel 2 - exact location not disclosed of record
24. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Western Kraft Corporation, an Oregon corporation  
Purpose: Pipe lines  
Recording Date: December 2, 1954  
Recording No: Book 240, Page 507  
Affects: Various parcels - see document for specifics

25. Road Relocation Agreement, including the terms and provisions thereof,  
Recording Date: August 9, 1960 Recording No.: Book 272, Page 536
26. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;  
  
Reserved by: Owners of adjoining property  
Purpose: Pipe lines  
Recording Date: January 12, 1962 Recording No: Book 281, Page 254 Affects: Parcel 3
27. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: City of Millersburg, Oregon Purpose: Sewer pipe line  
Recording Date: August 25, 1982 Recording No: Volume 318, Page 792 Affects: Parcels 3 and 6
28. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: City of Millersburg  
Purpose: Water and sewer pipelines Recording Date: May 19, 1987 Recording No: Volume 442, Page 738 Affects: Parcels 1, 2 and 3
29. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: PacifiCorp  
Purpose: Electric transmission lines, distribution lines, and communication lines  
Recording Date: October 10, 1996  
Recording No: Volume 830, Page 628  
Affects: Parcels 2 and 3
30. Well Ownership Information Form, including the terms and provisions thereof,  
Recording Date: October 9, 2001  
Recording No.: Volume 1222, Page 951  
  
Affects: Various locations on multiple parcels
31. Easement(s) for the purpose(s) shown below and rights incidental thereto as condemned by an instrument,  
  
Entitled: Notice of Supplemental Final Order and Judgment Court: U.S. District Court for the Southern District of Indiana Case No.: 1:02-cv-7004-DFH-TAB  
In favor of: AT&T Corp. and AT&T Communications-East, Inc. Purpose: Cable, conduits, power and replacement technology Recording Date: November 14, 2008  
Recording No: 2008-21446  
Affects: Portions adjacent to railroad corridor



32. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Millersburg, Linn County, Oregon  
Purpose: Sewer pipeline  
Recording Date: December 17, 1986  
Recording No: Volume 429, Page 927  
Affects: A portion of Parcel 4

33. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Millersburg, Oregon  
Purpose: Utility purposes and road right of way  
Recording Date: May 8, 1990  
Recording No: Volume 530, Page 775 Affects: Parcels 5 and 6

34. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Teledyne Industries, Inc.  
Purpose: Underground piping and road right of way  
Recording Date: May 8, 1990  
Recording No: Volume 530, Page 779  
Affects: Parcel 4

35. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: PacifiCorp  
Purpose: Electric transmission lines, distribution lines, and communication lines  
Recording Date: October 10, 1996  
Recording No: Volume 830, Page 628  
Affects: Parcel 6

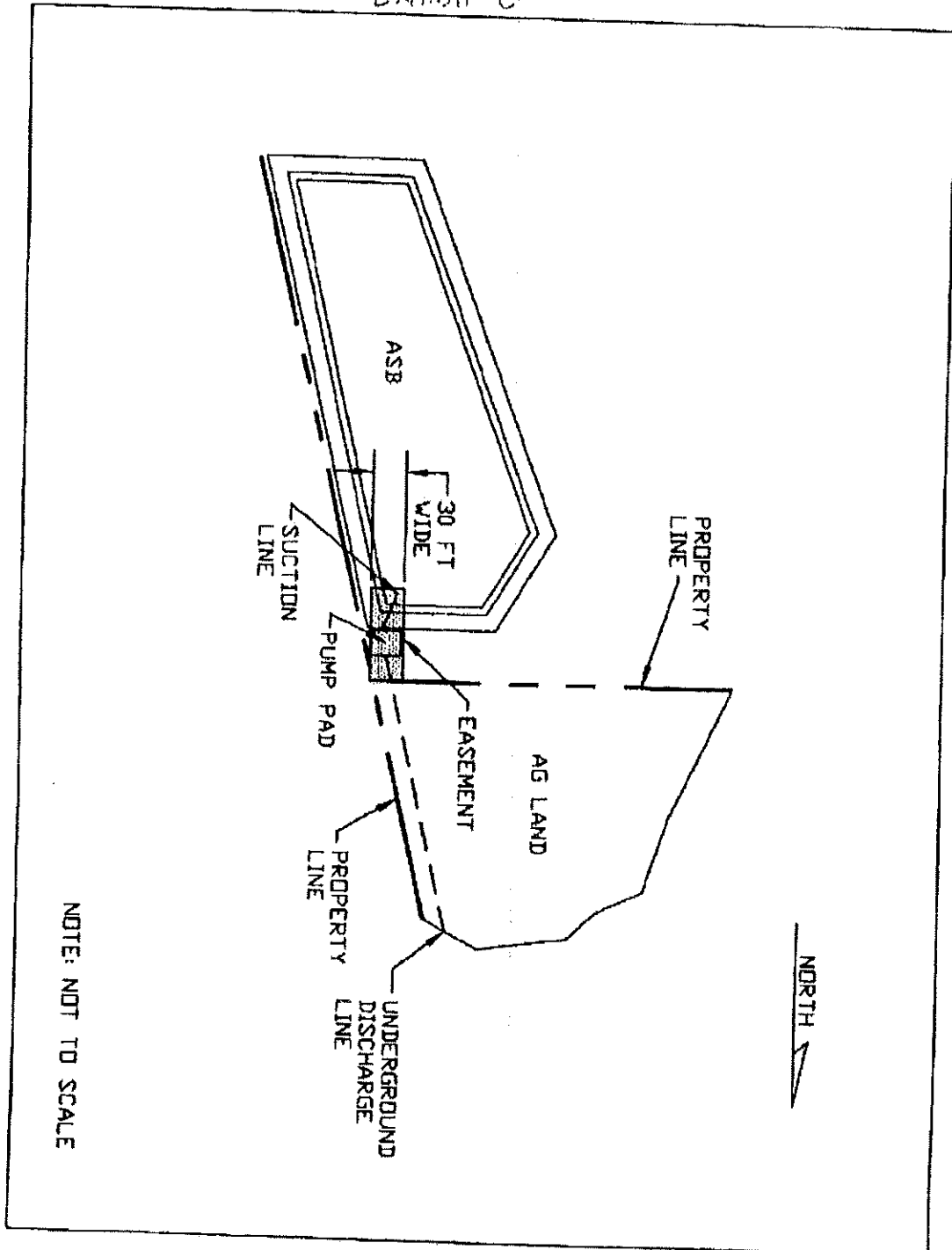
36. The effect, if any, of Charitable Donation Agreement, including the terms and provisions thereof, between Dan Desler, Troy Cummins and Willamette Industries, Inc., First Party, and Western States Family Foundation, a component fund of the American Foundation for Charitable Support, Inc.  
Recording Date: December 5, 2001  
Recording No.: Volume 1241, Page 725

Said Agreement contains no legal description and is shown on this report due to its execution by former owner, Willamette Industries, Inc., and its recordation in Linn County, Oregon

# EXHIBIT C TO SPECIAL WARRANTY DEED

## Sketch Identifying Location of Easement

EXHIBIT C



NOTE: NOT TO SCALE