

TRANSMITTAL



DATE: May 17, 2018

JOB #: 6423

TO: Mary Heberling
Assistant Planner
City of Milwaukie

PROJECT: Milwaukie CPC/ZC

FROM: Brandie Dalton, Land Use Planner

RE: *RAILROAD AVENUE CPC/ZC APPLICATION*

- | | | | | | | | |
|-------------------------------------|------------------|--------------------------|---------------|--------------------------|------------------------|--------------------------|------------------|
| <input checked="" type="checkbox"/> | ENCLOSED | <input type="checkbox"/> | PLANS | <input type="checkbox"/> | FOR APPROVAL | <input type="checkbox"/> | FOR VERIFICATION |
| <input type="checkbox"/> | CHECKS INCLUDED | <input type="checkbox"/> | DOCUMENTS | <input type="checkbox"/> | FOR YOUR USE | <input type="checkbox"/> | REVISE & RETURN |
| <input type="checkbox"/> | PER YOUR REQUEST | <input type="checkbox"/> | FOR SIGNATURE | <input type="checkbox"/> | FOR FINAL DISTRIBUTION | <input type="checkbox"/> | OTHER |

COPIES	No.	DESCRIPTION
5		Land Use Application

Mary,

Enclosed is a Comprehensive Plan Change/Zone Change Application for Properties located on Railroad Avenue and identified as 1 2E 31DD/Tax Lot 1300, 2900, 3000 & 3100.

If you have any questions or need additional information please let me know ASAP.

Thank you,

Brandie Dalton, Land-Use Planner



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: _____

Review type*: I II III IV V

CHOOSE APPLICATION TYPE(S):

...

...

...

...

...

- Use separate application forms for:
- Annexation and/or Boundary Change
 - Compensation for Reduction in Property Value (Measure 37)
 - Daily Display Sign
 - Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): I+E Construction, Inc.

Mailing address: 9550 SE Clackamas Rd Zip: 97015

Phone(s): _____ E-mail: _____

APPLICANT'S REPRESENTATIVE (if different than above): Jeff Bolton

Mailing address: 1155 SE 13th St., Salem, OR Zip: 97302

Phone(s): 503-363-9227 E-mail: jbolton@amtenengineering.net

SITE INFORMATION:

Address: Railroad Ave. Map & Tax Lot(s): 12E3100/3000, 3100, 2900, 1300

Comprehensive Plan Designation: ... L10 Zoning: ... R7 Size of property: 6.35 AC ...

PROPOSAL (describe briefly):

Comp Plan / Zone Change from R-7 to R-5

SIGNATURE: Randy V. Myrland / TTEE Julia E. Nunez / TTEE APRIL 4, 2018

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: _____ Date: MARCH 13, 2018

IMPORTANT INFORMATION ON REVERSE SIDE

RESET

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.



PLANNING DEPARTMENT
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PROPOSAL (describe briefly):

Comp Plan / Zone Change from R-7 to R-5
 Gregory J. Vislocky - President CARIS INC. 4/33/18

SIGNATURE: Ray V. Ny / TEE Julie E. Nuff / TEE APRIL 4, 2018

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Submitted by: _____ Date: MARCH 13, 2018

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APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal (unless submitted electronically). Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, _____, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: _____

Date: _____

Official Use Only

Date Received (date stamp below):

RESET

Comprehensive Plan Change/ Zone Change

BACKGROUND/PROPOSAL

The subject properties are located on SE Stanley Avenue and Railroad Avenue. There are 4 tax lots included in this application, 1 2E 31DD/Tax Lots 1300, 2900, 3000, and 3100. The properties are zoned R-7, with a Low Density Comprehensive Plan designation.

On February 16, 2017, the City held a pre-application conference with the applicant and the applicant's engineering representative, Multi/Tech Engineering, Inc., for the purpose of discussing code requirements for developing the site as multi-family.

A Neighborhood Meeting is scheduled with the Linwood Neighborhood on April 12, 2018 @ 7pm. The meeting will be held at the Linwood Elementary School.

Proposal: The subject properties total 6.35 acres in size. The applicant is proposing to rezone the subject properties from R-7 to R-5, and change the comp. plan designation from low density to moderate density.

Vicinity Information:

The subject properties are located on the west side of Stanley Street and the north side of Railroad Avenue. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

North: R-7 zoned; existing single-family dwellings

East: R-7PD zoned (Across Stanley Road); existing single-family dwellings

South: BI zoned (Across Railroad Avenue); existing industrial uses

West: R-7 zoned; existing single-family dwellings



SECTION 19.902.3(B) COMPREHENSIVE PLAN CRITERIA

1. *The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.*

Applicant Findings: The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

The City's adopted Comprehensive Plan, Housing and Urban Growth Goals and Policies implement the Statewide Housing Goal by documenting population projections, land use inventories and buildable lands. The proposal adds to the housing inventory of the City and meets the intent of the Goal and Policies.

2. *The proposed amendment is in the public interest with regard to neighborhood or community conditions.*

Applicant Findings: The development of this site as single-family dwellings is consistent with the existing current uses in the neighborhood. The rezone from R-7 to R-5 allows the site to be developed at a higher density because of allowed smaller lots sizes. The higher density will allow the site to be developed with 2 more lots than the R-7 zone would allow. Milwaukie has housing needs that need to be met. Smaller lot size help to make homes more affordable, which will help met housing and affordable housing needs. Therefore, this amendment is in the public's interest.

3. *The public need is best satisfied by this particular proposed amendment.*

Applicant Findings: The site was chosen due to its size, location, existing level of development and access to major streets

There is a lack of appropriately designated sites within this vicinity for moderate density. There is low density zoned property surrounding the site. The proposed R-5 zone designation will allow the site to be developed at a high density than the current R-7 zone.

As shown on the City land use map there is no property contiguous to the existing site that is designated R-5 for the proposed use. The most feasible process is to rezone the subject property to allow it to be developed at max density with direct access onto the surrounding street system.

This area of Milwaukie is lacking in R-5 zoned property. R-5 zoning helps to provide needed housing. This rezone will help to provide a public need for single-family dwellings. The rezone will not no impacts on the public, especially since the site is already zoned for single-family dwellings. The R-5 zone allows the site to be developed at a moderate density. Which will help provide additional housing and help meet the public need.

4. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

Applicant Findings: All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use and that meet the Metro Urban Growth Management Functional Plan.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

By providing adequate public facilities and services for the proposed use, this criterion has been met.

5. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

Applicant Findings: The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the TSP. The proposal complies with the applicable intent statements of the Comprehensive Plan as addressed in this report.

The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing (if applicable), and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with findings and evidence to support the zone change application. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are mapped wetlands on the subject property. The City's applicable riparian, tree protection and wetland development standards

will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do not exist on the site. Therefore, a geological assessment is not required.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality

The City's adopted Comprehensive Plan, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create any significant additional air quality impact.

The site is vacant. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 8 – Recreational Needs

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. The City's needs for leisure areas and open space areas have been identified. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks. Therefore, the proposal complies with this Goal.

Goal 10 – Housing

The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density

zone while helping meet the housing needs.

The existing neighborhood consists of single family housing and vacant land. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

The City's adopted Comprehensive Plan, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services

The City's adopted Comprehensive Plan, Residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided adjacent to and throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Transportation System Plan (TSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject properties are located along Stanley Avenue and Railroad Avenue, thus linking the site to existing and proposed transportation. The major streets are in place due to previous development.

SECTION 19.902.6(B) ZONE CHANGE CRITERIA

Changes to the Zoning Map shall be evaluated against the following approval criteria. A quasi-judicial map amendment shall be approved if the following criteria are met. A legislative map amendment may be approved if the following criteria are met:

1. **The proposed amendment is compatible with the surrounding area based on the following factors:**
 - a. **Site location and character of the area.**
 - b. **Predominant land use pattern and density of the area.**
 - c. **Expected changes in the development pattern for the area.**

Applicant Findings: The proposed comprehensive plan change/zone change fits the development pattern of the vicinity. The surrounding properties are zoned R-7 and/or developed as residential. However, the area is changing with recent rezoning of properties from R-7 to R-5. The R-5 zone allows the property to be developed with single family dwellings at a higher density than the R-7 zone.

The subject property gives the applicant the ability to provide a housing type consistent with the surrounding area and help Milwaukie meet their housing needs.

The subject property will not only be a site that will contribute to the residential housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed will provide street connections to adjacent properties for existing and future development.

In conclusion, the proposed CPC/ZC will allow the subject property to be developed with a needed housing type in the City of Milwaukie, while compatible with the existing housing in the neighborhood.

Therefore, the proposal satisfies this criterion has been met.

2. The need is demonstrated for uses allowed by the proposed amendment.

Applicant Findings: The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

3. The availability is shown of suitable alternative areas with the same or similar zoning designation.

Applicant Findings: There is a lack of appropriately designated vacant R-5 sites within this vicinity. There is R-7 zoned property located along Railroad Avenue. However, these sites are either developed or available.

This rezone to R-5 gives the applicant the ability to provide housing at a higher density within this area and help Milwaukie meet their housing needs.

As shown on the City land zone map there is no property contiguous to the existing site that is zoned R-5 and vacant, and there is none in the necessary proximity. The only appropriately designated property

within the necessary proximity to the existing site to the far west is developed or under review for potential development.

In conclusion, there are no sites for the proposed use located along Railroad Avenue that provide the necessary access to the major street system and adjacent properties, an area large enough, or which are appropriately designated. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant

Therefore, the proposal satisfies this criterion has been met.

4. The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

Applicant Findings: The City's adopted Comprehensive Plan Goal and Policies implement the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located in an area with major routes in place. The major streets are in place due to previous development.

The City's adopted Comprehensive Plan, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement public facilities and services by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

This criterion has been met.

5. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

Applicant Findings: See the above findings. A Traffic Impact Study was not required at this time.

6. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

Applicant Findings: The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

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The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

The City's adopted Comprehensive Plan, Housing and Urban Growth Goals and Policies implement the Statewide Housing Goal by documenting population projections, land use

inventories and buildable lands. The proposal adds to the housing inventory of the City and meets the intent of the Goal and Policies.

7. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

Applicant Findings: All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use and that meet the Metro Urban Growth Management Functional Plan.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

By providing adequate public facilities and services for the proposed use, this criterion has been met.

8. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

Applicant Findings: The proposed amendment is consistent with all State statutes, administrative rules, and zoning standards as identified on the site plan and the applicant's findings.

The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the TSP. The proposal complies with the applicable intent statements of the Comprehensive Plan as addressed in this report.

The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing (if applicable), and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with findings and evidence to support the zone change application. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are mapped wetlands on the subject property. The City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do not exist on the site. Therefore, a geological assessment is not required.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality

The City's adopted Comprehensive Plan, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create any significant additional air quality impact.

The site is vacant. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 8 – Recreational Needs

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. The City's needs for leisure areas and open space areas have been identified. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks. Therefore, the proposal complies with this Goal.

Goal 10 – Housing

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The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

The existing neighborhood consists of single family housing and vacant land. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

The City's adopted Comprehensive Plan, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services

The City's adopted Comprehensive Plan, Residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided adjacent to and throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Transportation System Plan (TSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject properties are located along Stanley Avenue and Railroad Avenue, thus linking the site to existing and proposed transportation. The major streets are in place due to previous development.

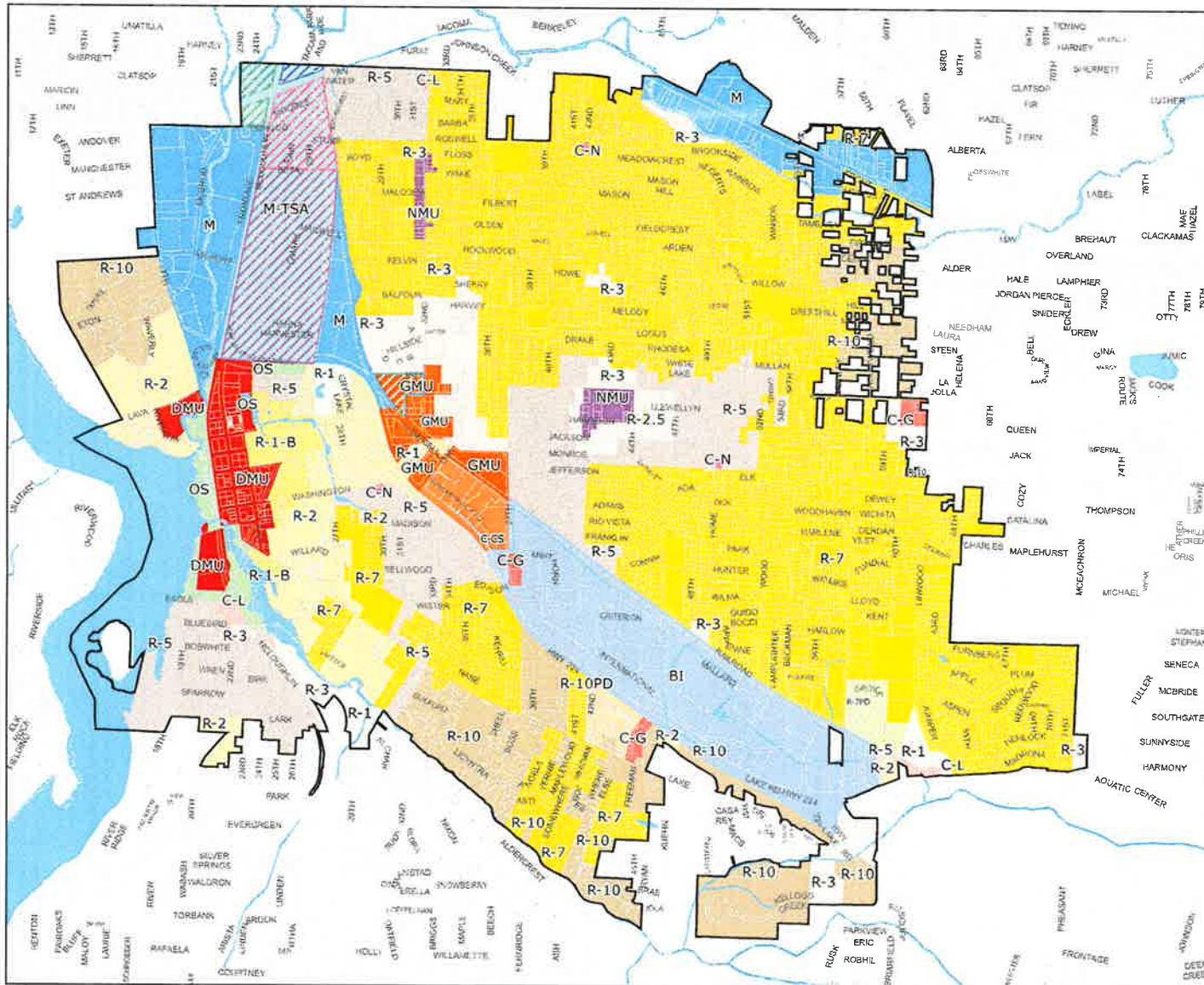
CONCLUSION

We believe that requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance

with the current Comprehensive Plan designation. As demonstrated herein, the R-5 zoning designation is appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

ZONING



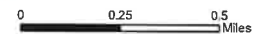
- | | |
|--------------------|---------------------------------|
| Industrial | Commercial and Mixed Use |
| BI | NMU |
| M | C-N |
| M-TSA | C-L |
| | C-G |
| | C-CS |
| | GMU |
| Residential | Downtown |
| R-1 | DMU |
| R-1-B | OS |
| R-2 | |
| R-2.5 | |
| R-3 | |
| R-5 | |
| R-7 | |
| R-7PD | |
| R-10 | |
| R-10PD | |
| | TSAP Overlay |
| | Subarea 1 |
| | Subarea 2 |
| | Subarea 3 |
| | Subarea 4 |
| | Flex Space Overlay |
| | City Boundary |
| | Water Body |

Adopted by Ord. #1438, effective Dec. 5, 1979
 Rev. as of Ord. # 2151, effective August 17th, 2017

Data Sources: City of Milwaukie GIS, Metro Data Resource Center

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional inaccuracies. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. Repeat modification of errors would be appreciated.

Please check with Planning Department for most up-to-date information.
 503-766-9533
 planning@milwaukieoregon.gov



MAR 06 2017

Brandie
Jeff

March 3, 2017

Jeff Bolton
Multi/Tech Engineering
1155 SE 13th Ave
Salem OR 97302

Re: Preapplication Report

Dear Jeff:

Enclosed is the Preapplication Report Summary from your meeting with the City on February 16, 2017, concerning your proposal for action on property located at tax lot 3000 on SE Railroad Ave.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Alicia Martin
Administrative Specialist II

Enclosure

cc: Karl Ivanov
File

MAR 06 2017

6423
Brandie
Jeff

CITY OF MILWAUKIE

PreApp Project ID #: 17-003PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 2/16/2017 at 10:00AM

Applicant Name: JEFF BOLTON
Company: MULTITECH
Applicant 'Role': REPRESENTATIVE
Address Line 1: 1155 SE 13TH ST.
Address Line 2:
City, State Zip: SALEM OR 97302

Project Name:

Description:

ProjectAddress: RAILROAD AVE TAXLOT 3000 EAST OF 5525 SE RAILROAD

Zone: R-7; Natural Resource Overlay

Occupancy Group:

ConstructionType:

Use: Low Density (LD)

Occupant Load:

AppsPresent: Jeff Bolton, Karl Ivanov

Staff Attendance: Brett Kelper, Mary Heberling, Alex Roller

BUILDING ISSUES

ADA:

Structural:

Mechanical:

Plumbing:

Plumb Site Utilities:

Electrical:

Notes: No comments.

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers:

Fire Alarms:

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: No comments.

PUBLIC WORKS ISSUES

Water: A 6" ductile iron water main will be constructed to provide service to all properties within the subdivision. Milwaukie public works standards 4.0012 prohibits the construction of a permanent dead-end main greater than 250 feet in length. The 6" line will be connected to the main on Railroad Avenue and to the 6" main at the end of 56th Avenue to connect the two systems. 6" ductile iron water mains will also be constructed to any streets stubbed to the property line for adjacent property development. Fire hydrant requirements will be addressed by Clackamas County Fire. The water System Development Charge (SDC) is based on the size of water meter serving the property. The corresponding water SDC will be assessed with installation of a water meter. Water SDC credit will be provided based on the size of any existing water meter serving the property removed from service. The water SDC will be assessed and collected at the time the building permits are issued.

Sewer: An 8" PVC sewer main will need to be extended to provide service to all newly constructed properties and to facilitate future development. Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City's SDC charge of \$1,075 and the second component is the County's SDC for treatment of \$6,130 that the City collects and forwards to the County. Both SDC charges are per single family property. The wastewater SDC is assessed using a plumbing fixture count from Table 7-3 of the Uniform Plumbing Code. The wastewater SDC connection units are calculated by dividing the fixture count of new plumbing fixtures by sixteen. The wastewater SDC will be assessed and collected at the time the building permits are issued.

Storm: Submission of a storm water management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Pubic Works Standards. The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The

City of Milwaukie has adopted the City of Portland 2008 Stormwater Management Manual for design of water quality facilities.

All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for design and construction standards and detailed drawings. Applicant may treat stormwater in the ditch between the walking path and Railroad Avenue, with approved planting and infiltration design.

The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 square feet of impervious surface. The storm SDC is currently \$845 per unit. The storm SDC will be assessed and collected at the time the building permits are issued.

Street:

The proposed development fronts the north side of SE Railroad Avenue, a collector route. The portion of SE Railroad Avenue fronting the proposed development has a right-of-way width of 60 feet and a paved width of 24 feet with undeveloped shoulders.

Frontage:

Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as "Code", applies to partitions, subdivisions, and new construction.

Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

Railroad Avenue

The Railroad Avenue cross-section includes the following:

- Two 10-foot travel lanes
- 4' shoulder
- Storm ditch separating the road from the walking path
- 12-foot asphalt path set 6" from north edge of right-of-way

Applicant will only be required to construct the walking path, and size the ditch to contain the water that it will carry. Railroad avenue was recently paved; so additional resurfacing requirements will be required. All cuts to the street will require a 20' minimum length 2" grind and inlay according to Public Works Standards drawing 516. This replacement is only required in the lane that was cut into (shoulder, travel, etc).

New Interior Roads

According to Code Table 19.708.2 and the Transportation Design Manual, the minimum local street cross-section is a 50' right-of-way which includes the following:

- Two 9' travel lanes
- Two 6' parking lanes
- Two 4' landscape strips
- 5' setback sidewalk on both sides of the road

Applicant must provide justification to remove any components from this cross-section and/or reduce the right-of-way width according to MMC 19.708.2.B.

Right of Way:

The existing right-of-way on Railroad Avenue fronting the proposed development is of adequate width and no right-of-way dedication is required.

Driveways:

Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukie’s Public Works Standards.

Erosion Control:

Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study:

Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. In the event the proposed development will significantly increase the intensity of use, a transportation impact study will be required. The City of Milwaukie Engineering Director will make this determination based on proposed preliminary subdivision design and the number of lots created. Based on the pre-app discussion, a TIS will not be required as proposed. Any other site plan will be reanalyzed.

PW Notes:

Proposed street layout precluded neighboring taxlot 2900 and 3100 from developing. Majority of meeting centered on a revised design that included a stubbed street to the east, and a narrow connection to the west at the north end of the site. Final road layout will have to be approved before application is approved.

TRANSPORTATION SDC

The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is \$1,921 per trip generated. Credits will be given for any demolished structures, which shall be based upon the existing use of the structures.

PARKS & RECREATION SDC

The parks & recreation System Development Charge (SDC) is triggered when application for a building permit on a new dwelling is received. Currently, the parks and recreation SDC for each Single-Family Residence is \$3,985.00. Credit is applied to any demolished structures and is based upon the existing use of the structures. The parks and recreation SDC will be assessed and collected at the time the building permits are issued.

REQUIREMENTS AT FINAL PLAT

- Engineered plans for public improvements (street, sidewalk, and utility) are to be submitted and approved prior to start of construction. Full-engineered design is required along the frontage of the proposed development.
- The applicant shall pay an inspection fee of 5.5% of the cost of public improvements prior to start of construction.
- The applicant shall provide a payment and performance bond for 100% of the cost of the public improvements prior to the start of construction.
- The applicant shall provide a final approved set of Mylar “As Constructed” drawings to the City of Milwaukie prior to the final inspection.

- The applicant shall provide a maintenance bond for 100% of the cost of the public improvements prior to the final inspection

PLANNING ISSUES

Setbacks:

Per Milwaukie Municipal Code (MMC) 19.301.4, setbacks for the R-7 zone are 20 feet front and rear yard, and side yard setbacks of at least 5 feet on one side and 10 feet on the other. In the R-5 zone, minimum front and rear yards are 20 ft, side yards are 5 ft, and street-side yards are 15 ft (for corner lots).

Per MMC 19.501.2, setbacks for any yard bordering SE Railroad Avenue are measured 30 feet from the right-of-way (ROW) centerline (e.g., a rear yard on SE Railroad Avenue must be at least 50 feet from the right of way center line (30 foot ROW setback + 20 foot rear yard setback))

Landscape:

In the R-5 zone, a minimum of 25% of the site must be landscaped, including at least 40% vegetation in the front yard (measured from the front property line to the front face of the house). Vegetated areas may be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7). A maximum of 35% of any R-5 lot may be covered by structures, including decks or patios over 18 in above grade.

The minimum landscaped area for the R-7 zone is 30% of lot area.

Parking:

As per the off-street parking standards of MMC Chapter 19.600, properties that contain single-family dwellings must provide at least 1 off-street parking space per dwelling unit. As per MMC Subsection 19.607.1, required residential off-street parking spaces must be at least 9 ft wide and 18 ft deep. The required spaces cannot be located in a required front or street-side yard and must have a durable and dust-free hard surface.

Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area and 30% of the required street-side yard area. No more than 3 residential parking spaces are allowed within the required front yard. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approach within 10 ft of the right-of-way boundary. However, effective as of March 9, 2017, the driveway approach shall not be wider than the approach within 5 ft of the right-of-way boundary. Alternately, a gradual widening of the onsite driveway is allowed to the 10 point at a ratio of 1:1 (driveway width: distance onto property), starting 2ft behind the front property line.

Transportation Review:

The proposed subdivision will trigger the requirements of MMC Chapter 19.700 Public Facility Improvements. Please see the Public Works notes for more information about the requirements of MMC 19.700 and the necessary right-of-way dedication and street frontage improvements.

Application Procedures:

1. Subdivision (Type III review)

The subject property is comprised of 1 large lot. The minimum size for new lots in the R-5 zone is 5,000 sq ft. The proposed development requires replatting the subject property using the subdivision process. Standards and requirements for land division can be found Title 17 of Milwaukie Municipal Code: <http://www.qcode.us/codes/milwaukie/view.php?topic=17&frames=off>.

Preliminary and Final Plat checklists and procedures can be found at: <http://www.milwaukieoregon.gov/planning/plat-checklists>.

The current fee for subdivision applications (preliminary plat review) is \$4,400, plus \$100 for each lot over 4 lots.

2. Natural Resource Review – Boundary Verification (Type II review)

A boundary verification process is required for the designated Natural Resource areas on the lot and lot to the east (TL 2900). Corrections to mapped Water Quality Resources (WQRs) are subject to a Type II review. The applicant is advised to review this section carefully to be sure that all relevant steps are followed. The boundary verification application can be submitted with the application for natural resource review required for the subdivision (see Note 3, below). Review criteria can be found in MMC 19.402.15.A.2: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_15

3. Natural Resource Review – Subdivision (Type III review)

If any lots from the proposed subdivision will be in a designated Natural Resource area, the application is subject to Type III Natural Resource review. Standards for subdivisions within Natural Resource areas can be found in MMC 19.402.13.I: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_13

4. Zoning Map Amendment (Type III review)

The proposal includes rezoning the subject property from R-7 to R-5. The applicant is encouraged to include Tax Lots 02900, 03100, and 01300 in the zone change proposal as well, for a total of 4 lots to be re-zoned. Regardless, the City Attorney has determined that the process for the proposed zone change is quasi-judicial in nature and subject to Type III review. The process and approval criteria for a zone change (zoning map amendment) can be found in MMC 19.902.6: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_900-19_902&frames=off.

5. Comprehensive Plan Map Amendment (Type IV review)

As part of the proposal to rezone the property to R-5, a concurrent amendment to the Comprehensive Plan Map 4 – Land Use is required (from Low Density to Moderate Density).

The approval criteria for a quasi-judicial map amendment can be found in MMC 19.902.3.B: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_900-19_902&frames=off.

The application for the zone/comp plan change can be submitted concurrently with the subdivision/Natural resources application. The zone/comp plan change application could be the primary issue to be decided, then the subdivision.

The current fee for Type II review is \$1,000; the fee for Type III review is \$2,000. For Type III Natural Resource applications, a refundable deposit of \$2,750 is required at the time of submittal, to cover the actual costs of the City's review of the applicant's technical report for Natural Resource review.

The applicant should submit 5 complete copies of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application may be required for referral to other departments, the associated Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

For Type III review, once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Staff will determine the earliest available date that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to the hearing.

Once the Planning Commission makes a decision on the application, notice of the decision will be issued, initiating a 15-day appeal period for the applicant and any party who has established standing by submitting comments or participating in the public hearing process.

Following the appeal period, the applicant may submit the necessary Final Plat application, which will require Type I review (current fee, \$200). The final plat is subject to Type I administrative review. The application requirements are found in MMC 17.16.070 and MMC 17.24. The approval criteria are found in MMC 17.12.050. Because the final plat must follow the approval of the preliminary subdivision plat, it is not eligible for concurrent review.

Prior to submitting the subdivision application, the applicant is encouraged to present the project at the regular meetings of the Linwood NDA (7:00 p.m. on the second Thursday of every month at Linwood Elementary library, 11909 SE Linwood Ave): <http://www.milwaukieoregon.gov/citymanager/linwood-nda> Linwood NDA Chair: Zac Perry, Linwoodzp@gmail.com .

Natural Resource Review: The site for the proposed subdivision does have Water Quality Resource (WQR) and Habitat Conservation (HCA) areas on the east boundary line of the site. Per MMC Subsection 19.402.12.A, an Impact Evaluation and Alternatives Analysis will need to be done. Specific information about this Analysis and the approval criteria can be found at: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_12

With the evaluation and alternatives analysis, there may be a need for the applicant to apply for a boundary verification and natural resources subdivision standards. More information about those land use reviews are listed in the Application Procedures section.

Lot Geography: The subject property is comprised of 1 lot, with a total area of approximately 1.72 acres. The property has frontage on SE Railroad Ave to the south.

Minimum standards:

R-7 Zone: 7,000 square feet area, 60-foot width, 80-foot depth, 35-foot street frontage

R-5 Zone: 5,000 square feet area, 50-foot width, 80-foot depth, 35-foot street frontage

Lots in the subdivision are subject to the requirements of MMC Chapter 17.28, Design Standards. Flag lots are not allowed in newly platted subdivisions (MMC 17.28.080). The following are also criteria for lot design (MMC 17.28.040): lots are required to be rectilinear where practical; the lateral change in direction for a compound lot line can not exceed 10% of the distance between opposing lot corners; and double frontage lots are generally not allowed.

The above lot design standards do not apply to areas for parks, tracts, or other areas that will not be developed.

Planning Notes: The Planning Department strongly suggests conferring with the Linwood Neighborhood District Association (NDA) about the proposal. The NDA Chair is Zac Perry, who can be reached at Linwoodzp@gmail.com. The City of Milwaukie refers all applications to NDAs for comments, and the Planning Commission and City Council give serious consideration to the views of the NDAs when

making decisions.

Staff's general response to the zone change proposal is that it seems appropriate given the request to provide street connections to the surrounding properties for potential future development. The zone change would allow the applicant to be more flexible with their subdivision plan. The loss of R-7 zone area does not raise concern for Planning staff. The R-7 zone is also the largest zone in the city, comprising over 40% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area.

As noted previously, staff encourages the applicant to contact the owners of Tax Lots 02900, 03100, and 01300 and attempt to include them in the zone change proposal. This would result in a more consistent zone pattern in this area.

The applicant is encouraged to review MMC Chapter 19.1200 Solar Access Protection, as its provisions must be addressed in the application narrative.

For reference, the density range allowed in the R-7 zone is 5.0 – 6.2 dwelling units per net acre, and 7.0-8.7 dwelling units per net acre for the R-5 zone.

The full zoning code can be found here:
<http://www.qcode.us/codes/milwaukie/view.php?topic=19&frames=off>.

The Comprehensive Plan can be found here:
http://www.qcode.us/codes/milwaukie/view.php?topic=comprehensive_plan&frames=off.

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605

Geoff Nettleton - Civil Engineer - 503-786-760

Rick Buen - Engineering Tech II - 503-786-7610

Alex Roller - Engineering Tech I - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores - Comm. Dev. Director - 503-786-7652

Avery Pickard - Admin Specialist - 503-786-7656

Alicia Martin - Admin Specialist - 503-786-7600

Joyce Stahly - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654

David Levitan - Senior Planner - 503-786-7627

Brett Kelter - Associate Planner - 503-786-7657

Vera Koliass - Associate Planner - 503-786-7653

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

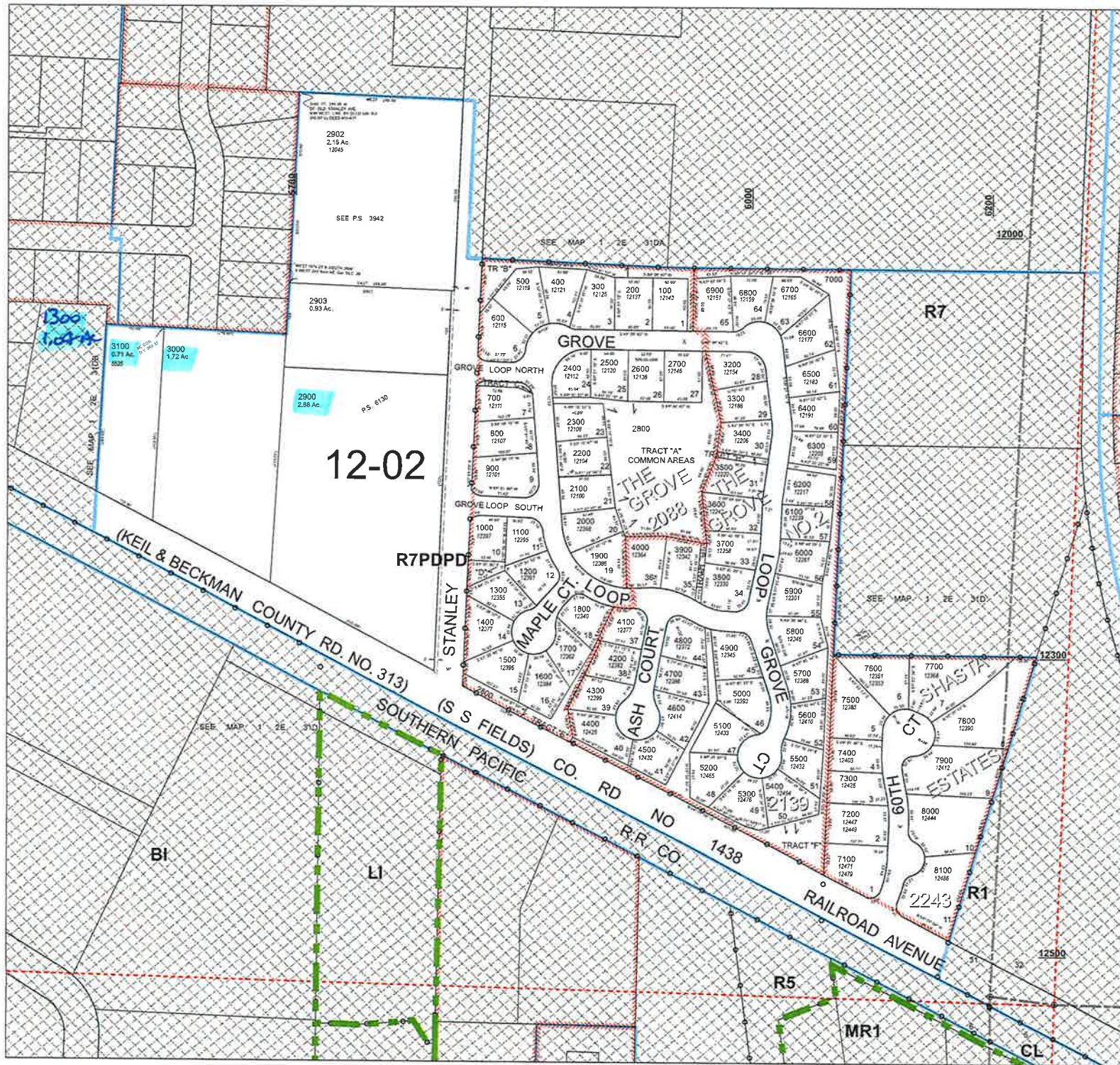
Matt Amos - Fire Inspector - 503-742-2661

12 E 31DD
MILWAUKIE

S.E.1/4 S.E.1/4 SEC.31 T.1S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
JOHN D. GARRETT NO. 38

Cancelled Taxlots
2901



12-02

3000
1.72 Ac

2900
2.88 Ac

2802
2.15 Ac
12645

2903
0.83 Ac

2900
2.88 Ac

2802
2.15 Ac
12645

2903
0.83 Ac

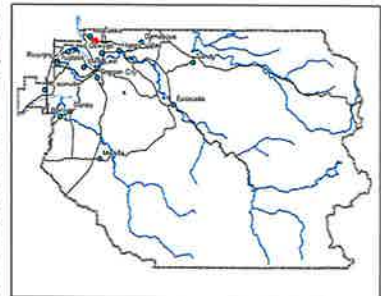
2900
2.88 Ac

2802
2.15 Ac
12645

2903
0.83 Ac

2900
2.88 Ac

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY



11/16/2015

12 E 31DD
MILWAUKIE



Land Development and Builder Services

Subdivision Guarantee

Subject Property: SE Railroad Rd
12E31DD 3000
Clackamas County

Compliments of: Land Development & Builder Services
5800 SW Meadows Rd #150
Lake Oswego, OR 97035
Phone: 503-219-1111
Email: Portland.Developer.Services@TicorTitle.com



Portland.Developer.Services@TicorTitle.com

This information was produced using data from private and government sources deemed to be reliable. The information herein is provided without representation or warranty and shall not be duplicated without the express written permission of Ticor Title Company.



TITLE REPORT & EXCEPTIONS

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Ticor Title Company of Oregon
Order No. 36261700878



1433 SW 6th Avenue
(503)646-4444 FAX (503)219-9984

OWNERSHIP AND ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary and Non-Monetary Encumbrances

To ("Customer"): Ivanov Investments LLC
Milwaukie, OR

Customer Ref.: _____
Order No.: 36261700878
Effective Date: February 13, 2017 at 08:00 AM
Charge:

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES MONETARY AND NON-MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of property ("the Property") as of the Effective Date is:

Ivanov Investments, LLC, an Oregon limited liability company

Premises. The Property is:

(a) Street Address:

APN/Parcel ID(s) 00099468 as well as Tax/Map ID(s) 12E31DD03000

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Part Two - Encumbrances

Encumbrances. As of the Effective Date, the Property appears subject to the following monetary and non-monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2016-2017
Amount: \$1,945.69
Levy Code: 012-002
Account No.: 00099468
Map No.: 12E31DD03000

-
1. City Liens, if any, in favor of the City of Milwaukie. None found as of February 21, 2017.
 2. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 1, 1907
Recording No: Book 98, Page 618
 3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Adjacent property
Purpose: Access to Railroad Avenue, telephone, electric power and gas line
Recording Date: January 6, 1953
Recording No.: Book 464, Page 274
Affects: undefined location
 4. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
 5. Note: We find no Notice of Completion recorded on said Land.

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Lori Guzman
503-219-1141
FAX 503-219-1000
Lori.Guzman@TitleGroup.FNTG.com

Ticor Title Company of Oregon
1433 SW 6th Avenue
Portland, OR 97201

EXHIBIT "A"
Legal Description

A part of the J. D. Garrott D.L.C. No. 38 in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as follows:

Beginning at a point which is the Northeast corner of a tract of land described in Deed recorded in Book 260 at Page 27, wherein Herbert S. Pillsbury was grantee; running thence Southerly along the Easterly line of said Pillsbury tract, 402.66 feet to a point in S.P.R.R right of way, Northeasterly boundary; thence South 65° 16' East, 231.64 feet to the Southeast corner of a tract of land conveyed to C. R. Gorsline and Dora M. Gorsline by Deed recorded in Book 271 at Page 665 of the Deed Records of Clackamas County, Oregon; thence North on the East line of said Gorsline tract to a point where an extension of the North line of said Pillsbury tract Easterly would intersect the same; thence Westerly along the said extension of the Northerly line of said Pillsbury tract to the point of beginning.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

Ticor Title Company of Oregon
Order No. 36261700878

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s)	: Ivanov Investments LLC	Parcel Number	: 00099468
CoOwner(s)	:	Ref Parcel #	: 12E31DD03000
Site Address	: SE Railroad Ave Milwaukie 97222	T: 01S R: 02E S: 31 Q: SE QQ: SE	
Mail Address	: SE Railroad Ave Milwaukie Or 97222	Telephone	:

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block:
 Neighborhood : City of Milwaukie
 Subdivision/Plat :
 Improvement : *unknown Improvement Code*
 Land Use : 100 Vacant, Residential Land
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 03000
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$244,286
 Mkt Structure :
 Mkt Total : **\$244,286**
 %Improved :
 Assessed Total : **\$98,824**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$1,945.69

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: 1.72
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 74,923
Half Baths	:	Finished SqFt	:	Year Built	:
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Ivanov Investments LLC	:12/21/2016	016-087919	:\$262,500	:Warranty	:	:
:Milwaukie Conv Hospital Inc	:	000679-234	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.



TICOR TITLE™

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Customer Service

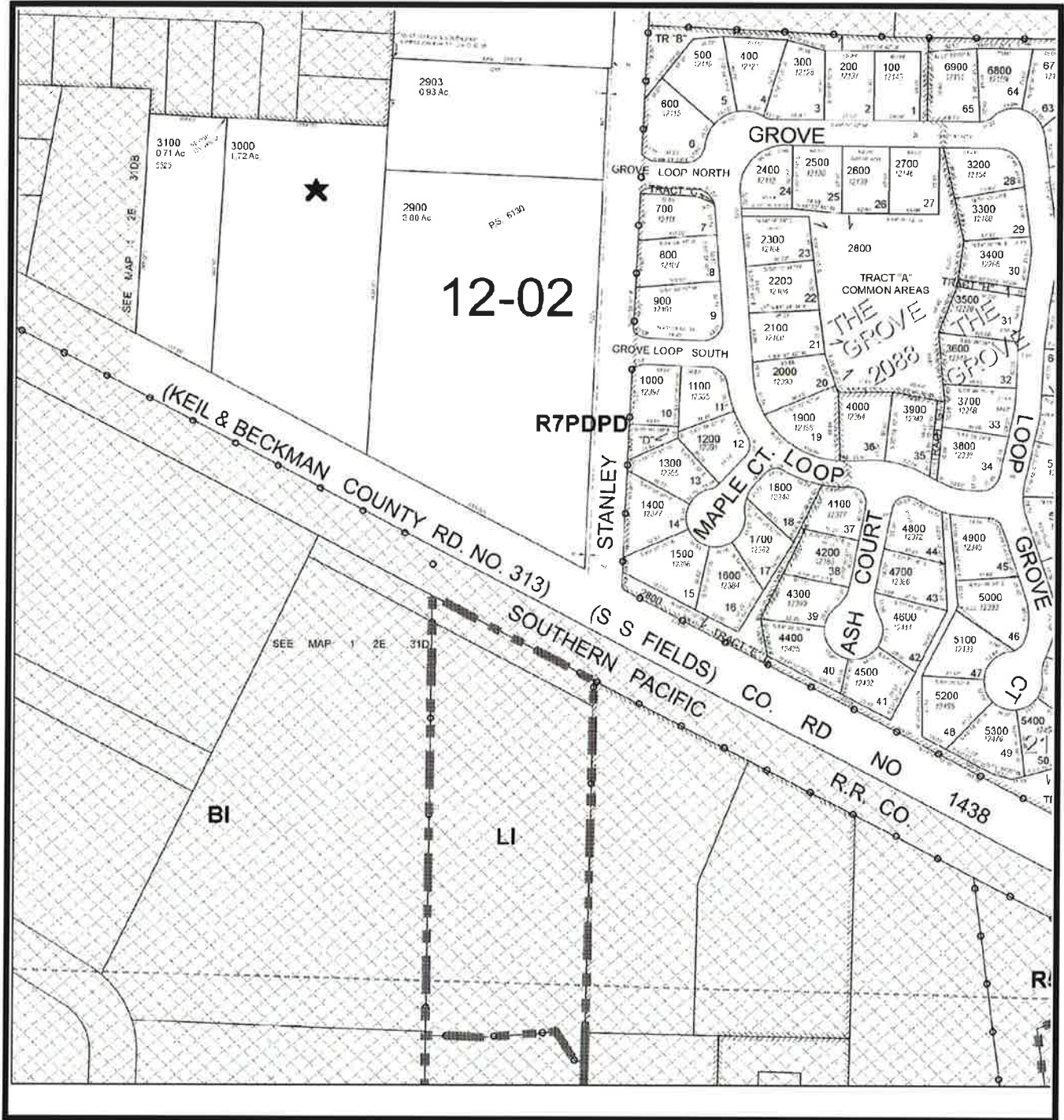
Phone: 503.219.1000

Email: Ticor.Resource@TicorTitle.com



Parcel #: 00099468

Ref Parcel Number: 12E31DD03000

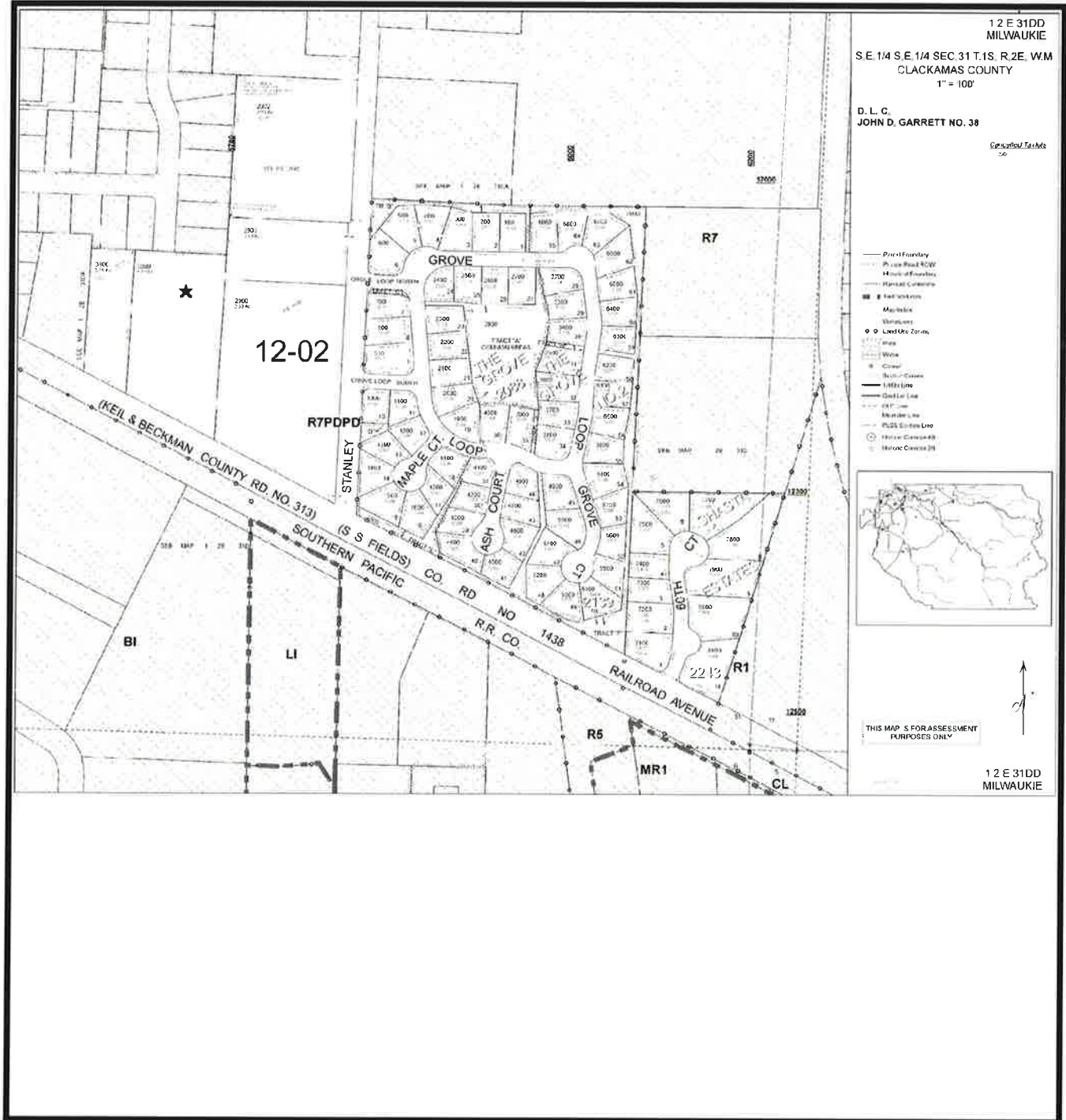


This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.



Parcel #: 00099468

Ref Parcel Number: 12E31DD03000



This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.

RECORDING REQUESTED BY:



9200 SE Sunnybrook Blvd., Ste 130
Clackamas, OR 97015

Clackamas County Official Records **2016-087919**
Sherry Hall, County Clerk
12/21/2016 01:40:35 PM
D-D Cnt=1 Str=0 CINDY \$63.00
\$16.00 \$22.00 \$15.00 \$10.00

GRANTOR'S NAME:
Milwaukie Convalescent Hospital Inc., an Oregon corporation

GRANTEE'S NAME:
Ivanov Investments, LLC, an Oregon limited liability company

AFTER RECORDING RETURN TO:
Kiril Ivanov, Member
Ivanov Investments, LLC, an Oregon limited liability company
TL 13000 off SE Railroad Ave.
Milwaukie, OR 97222

SEND TAX STATEMENTS TO:
Ivanov Investments, LLC, an Oregon limited liability company
TL 13000 off SE Railroad Ave.
Milwaukie, OR 97222

00099468 and 12E31DD03000
TL 13000 off SE Railroad Ave., Milwaukie, OR 97222

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Milwaukie Convalescent Hospital Inc., an Oregon corporation, Grantor, conveys and warrants to Ivanov Investments, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

A part of the J. D. Garrott D.L.C. No. 38 in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as follows:

Beginning at a point which is the northeast corner of a tract of land described in deed recorded in Book 260 at page 27, wherein Herbert S. Pillsbury was grantee; running thence Southerly along, the easterly line of said Pillsbury tract, 402.66 feet to a point in S.P.R.R right of way, northeasterly boundary; thence South 65° 16' East 231.64 feet to the southeast corner of a tract of land conveyed to C. R. Gorsline and Dora M. Gorsline by deed recorded in Book 271 at page 665 of the Deed Records of Clackamas County, Oregon; thence North on the East line of said Gorsline tract to a point where an extension of the North line of said Pillsbury tract easterly would intersect the same; thence Westerly along the said extension of the Northerly line of said Pillsbury tract to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED SIXTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$262,500.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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.

Recorded by TICOR TITLE
3/26/16 09:35 AM

EXHIBIT "A"
Exceptions

Subject to:

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 1, 1907
Recording No: Book 98, Page 618

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Entitled: Easement, including the terms and provisions thereof
In favor of: adjacent property
Purpose: access to Railroad Avenue, telephone, electric power and gas line
Recording Date: January 6, 1953
Recording No: Book 464, Page 274
Affects: undefined location

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated Dec 14 2014; If a corporate grantor, it has caused its name to be signed by order of its board of directors.

Milwaukie Convalescent Hospital Inc., an Oregon corporation

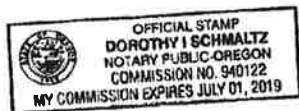
BY: Timothy G. Elvers, Pres
Timothy G. Elvers, President

State of Oregon
County of Clackamas

This instrument was acknowledged before me on Dec 14 2014 by Timothy G. Elvers, President of Milwaukie Convalescent Hospital Inc., an Oregon corporation.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 7/1/19



State of Oregon

In consideration of Seven Hundred twenty Dollars, paid to the State Land Board, the State of Oregon does hereby grant, bargain, sell and convey unto Nora A. Pillsbury and Herbert S. Pillsbury, the following described lands, to-wit: situate in Clackamas County, Oregon:

Commencing at the NE corner of the J. D. Garratt D. L. C., situated in sections thirty one and thirty-two, Township one south Range two east and sections five and six Township two south, Range two east; thence west along North line of the J. D. Garratt D. L. C. 1076.25 feet to an iron pipe; thence south 2904 feet to a point; thence east 290 feet to a point which is the North east corner of lot 9, the property to be described, said lot 9 being shown on Private Plat on file with the State Land Board; thence west 310 feet to a point; thence south 772.3 feet to the S. P. R. R. Right of way; thence south easterly along said right of way 342 feet; thence north 916.9 feet to the place of beginning, containing 6 acres in Section thirty-one Township one south, Range two east of Willamette Meridian.

It is expressly agreed and understood that no part of said tract shall be sold or leased to any person for the purpose of erecting any building or buildings for the storage of explosives.

To have and to hold the same, unto the said Nora A. Pillsbury and Herbert S. Pillsbury, their heirs and assigns forever.

Witness the seal of the State Land Board affixed this 27th day of November, 1906.

Sec. H. Chamberlain, Governor.
F. I. Dunbar, Secretary.
Geo. J. Koore, Treasurer.
State Record of Deeds, Book 22, Page 279.

Filed and Recorded April 1st, 1907 at 10:40 A. M.
C. E. Rensby, County Recorder.

Know all men by these presents, that Herbert S. Pillsbury, of Portland, State of Oregon, in consideration of Seven Hundred and twenty Dollars, to me paid by Nora A. Pillsbury, of Portland, State of Oregon, hath bargain and sold, and by these presents hath grant, bargain, sell and convey unto said Nora A. Pillsbury, her heirs and assigns, all the following bounded and described real property, situated in the County of Clackamas and State of Oregon:

Commencing at the NE corner of the J. D. Garratt D. L. C. situated in Sections thirty one and thirty-two Township one south Range two east, and sections five and six Township two south Range two east; thence west along north line of the J. D. Garratt D. L. C. 1076.25 feet to an iron pipe; thence south 2904 feet to a point; thence east 290 feet to a point which is the north east corner of lot 9, the property to be described, said lot 9 being shown on Private Plat on file with the State Land Board; thence west 310 feet to a point; thence south 772.3 feet to the S. P. R. R. Right of Way; thence south easterly along said right of way 342 feet; thence north 916.9 feet to the place of beginning, containing 6 acres in

Section thirty-one Township one south Range two east of Willamette Meridian.

It is expressly agreed and understood that no part of said tract shall be sold or leased to any person for the purpose of erecting any building or buildings for the storage of explosives.

Together with all and singular the tenements, hereditaments and appurtenances therunto in anywise appertaining, and also all my estate, right, title and interest in and to the same, including dower and claim of dower.

To have and to hold the above described and granted premises unto the said Nora A. Pillsbury, her heirs and assigns forever. And Herbert S. Pillsbury, as prior above used, do covenant

as well with Nora A. Pillsbury, the above named grantees her heirs and assigns that I as lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances, and that I will and my heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

In Witness Whereof, I the grantor above named, hereunto set my hand and seal this 18th day of March, 1907.

Signed, sealed and delivered in presence of us as witnesses:

H. S. McCoy
G. H. Dummer
State of Oregon,
County of Multnomah,
Herbert S. Pillsbury (Seal)

In it remembered, that on this 18th day of March, A. D. 1907, before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named Herbert S. Pillsbury, known to me to be the identical person described in and who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily.

In Testimony Whereof, I have hereunto set my hand and Notarial seal the day and year last above written.

(Seal of Notary) H. S. McCoy,
Notary Public for Oregon.

Filed and Recorded April 1st, 1907 at 10:45 A. M.
C. E. Rensby, County Recorder.

Know all men by these presents, that George and Sarah Mills Dutton, his wife, of the County of Clackamas, State of Oregon, in consideration of Six Thousand Two Hundred Dollars, to me paid by Albert Flors, of State of Oregon, have bargain and sold, and by these presents doth grant, bargain, sell and convey unto said Albert Flors, his heirs and assigns, all the following bounded and described real property, situated in the County of Clackamas and State of Oregon:

Being a part of the George and Sarah Mills Dutton land Claim No. 58 in T. 1 S. R. 1 E.

BOOK 404 PAGE 274

KNOW ALL MEN BY THESE PRESENTS, That G. R. Gorsline and Dora M. Gorsline, husband and wife,

In consideration of Ten and no/100 Dollars, to Mrs. paid by

Orlin S. Gorsline and Frances Gorsline, husband and wife, do hereby grant, bargain, sell and convey unto the said grantees, their heirs and assigns, all the following real property, with the tenements, fixtures and appurtenances, situated in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

A part of the J. D. Garrett D.L.C. No. 38 in Section 31, T. 1 S. R. 2 E. of the W.M. described as follows: Beginning at a point which is the northeast corner of a tract of land described in deed recorded in Book 250, at page 27, wherein Herbert S. Pillsbury was grantee, running thence southerly along the easterly line of said Pillsbury tract 402.66 feet to a point in S. T. R. R. right of way, northwesterly boundary, thence S. 65° 10' E. 231.64 feet to the southeast corner of a tract of land conveyed to G. R. Gorsline and Dora M. Gorsline by deed recorded in Book 271, at page 668 of the Deed Records of Clackamas County, Oregon, thence north on the east line of said Gorsline tract to a point, more or less, of the north line of said Pillsbury tract, center of said tract intersecting the same, thence westerly from the intersection of said Pillsbury tract to the point of beginning, thence northwesterly to the point of beginning, and an easement for telephone line and electric power line and gas line for the benefit of the property immediately north of the above described property, which had been this date conveyed to William C. Gorsline and wife as acco. to Railroad Avenue.

Reserving to the grantors herein a life estate for the joint lives of the grantors herein.

To have and to hold the above described and granted premises unto the said grantees, their heirs and assigns forever.

And the grantees do covenant that they are lawfully seized in fee simple of the above granted premises free from all incumbrances, whatsoever, except such as are herein above mentioned and the reservation of a life estate for the lives of the grantors herein.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whatsoever, except as above noted.

Witness my hand and seal this 11th day of December, 1922.

STATE OF OREGON, County of Clackamas, ss. On this 11th day of December, 1922, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

who are known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at the City of Portland, Oregon, this 11th day of December, 1922.

My Commission expires

WARRANTY DEED stamp with notary seal and registration information.



Subject Parcel

This information was produced using data from private and government sources deemed to be reliable. The information herein is provided without representation or warranty and shall not be duplicated without the express written permission of Tigor Title Company.



Adjacent Parcels

This information was produced using data from private and government sources deemed to be reliable. The information herein is provided without representation or warranty and shall not be duplicated without the express written permission of Ticor Title Company.



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s)	: Nuding Debra E Trustee	Parcel Number	: 00099477
CoOwner(s)	: Nuding Raymond V Tru	Ref Parcel #	: 12E31DD03100
Site Address	: 5525 SE Railroad Ave Milwaukie 97222	T: 01S R: 02E S: 31 Q: SE QQ: SE	
Mail Address	: 5517 SE Railroad Ave Milwaukie Or 97222	Telephone	:

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat :
 Improvement : 131 Sgl Family,R1-3,1-Story
 Land Use : 101 Res,Residential Land,Improved
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 03100
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$204,728
 Mkt Structure : \$114,260
 Mkt Total : **\$318,988**
 %Improved : 36
 Assessed Total : **\$164,195**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,232.74

PROPERTY CHARACTERISTICS

Bedrooms	: 3	BldgLivingSqFt	: 1,192	BldgSqFt	: 1,192
Bathrooms	: 1.50	1st Floor SqFt	: 1,192	Lot Acres	: .71
Full Baths	: 1	UpperFinSqFt	:	Lot SqFt	: 30,928
Half Baths	: 1	Finished SqFt	: 1,192	Year Built	: 1940
Fireplace	: Single Fireplce	AbvGrdSqFt	: 1,192	Foundation	: Concrete
Heat Type	: Forced Air-Gas	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Fir	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Avg Plywood
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Nuding Debra E Trustee	:11/30/2015	015-079116	:\$135,000	:Bargain & S	:	:
:Bowe Living Trust	:11/30/2015	015-079115	:	:Warranty	:	:
:Bowe Trust	:08/09/2001	001-063430	:	:Warranty	:	:
:	:	:	:	:	:	:
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This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

BLS

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



DEBRA E. NUDING and CYNTHIA M. SHEPPARD
5517 SE Railroad Avenue
Milwaukie, Oregon 97222-4474

Grantor's Name and Address
RAYMOND V. NUDING and DEBRA E. NUDING, Trustees
5517 SE Railroad Avenue
Milwaukie, Oregon 97222-4474

Grantee's Name and Address
After recording, return to (Name and Address):
RAYMOND V. NUDING, Trustee
5517 SE Railroad Ave
Milwaukie, OR 97222

Until requested otherwise, send all tax statements to (Name and Address):
RAYMOND V. NUDING, Trustee
5517 SE Railroad Ave
Milwaukie, OR 97222

Clackamas County Official Records 2015-079116
Sherry Hall, County Clerk



01905670201500791160010011

\$53.00

11/30/2015 02:35:24 PM

D-D Cnt=1 Stn=54 COUNTER2
\$5.00 \$10.00 \$16.00 \$22.00

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that DEBRA E. NUDING and CYNTHIA M. SHEPPARD,

co-trustees of the Bove Living Trust

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto RAYMOND V. NUDING and DEBRA E. NUDING, Trustees, or their successors in trust, under the NUDING LIVING TRUST dated Aug. 2, 2001, and any amendments thereto, a revocable living trust, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Clackamas County, State of Oregon, described as follows (legal description of property):

Commencing at the northeast corner of the J.D. Garrett D. L. C. situated in Sections 31 and 32, T. 1 S. R. 2 E. of the W. M., and Sections 5 and 6, T. 2 S. R. 2 E. of the W. M.; thence West along the north line of the J.D. Garrett D. L. C. 1074.25 feet to an iron pipe; thence South 2904 feet to a point; thence West 290 feet to a point which is the northeast corner of Lot 9 as shown on private Plat on file with the State Land Board; thence West 310 feet to a point; thence South 416.3 feet to a point which is the beginning point of the land to be described; from said beginning point thence East 100 feet to a point; thence South and parallel with the West boundary line of said Lot 9 to a point in the north boundary line of the County Road; thence in a Northwesterly direction along the North boundary line of the County Road a distance of 110.36 feet to a point; thence North and along the westerly boundary line of said Lot 9 to the place of beginning, said above described property being the Southwesterly corner of said Lot 9, in the County of Clackamas and State of Oregon.

NOTE: This legal description was created prior to January 1, 2008

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 135,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the whole (indicate which) consideration. (The sentence between the symbols ®, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on November 27, 2015; any signature on behalf of a business or other entity is made with the authority of that entity.

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 195.308 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 195.308 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.

Debra E. Nuding, Trustee
Cynthia M. Sheppard, Trustee

STATE OF OREGON, County of Hood River ss.

This instrument was acknowledged before me on November 27, 2015 by Debra Nuding, Trustee

This instrument was acknowledged before me on November 27, 2015 by Cynthia M. Sheppard, Trustee

as of

Samantha Thoms

Notary Public for Oregon

My commission expires 12/23/17





Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s)	: Anderson Rian G & Kori Lynn	Parcel Number	: 00098067
CoOwner(s)	:	Ref Parcel #	: 12E31DA05702
Site Address	: 5594 SE Foxfire St Milwaukie 97222	T: 01S R: 02E S: 31 Q: SE QQ: NE	
Mail Address	: 5594 SE Foxfire St Milwaukie Or 97222	Telephone	:

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat : Foxfire
 Improvement : 131 Sgl Family,R1-3,1-Story
 Land Use : 101 Res,Residential Land,Improved
 Legal : 2522 FOXFIRE LT 6
 :
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$128,606
 Mkt Structure : \$108,630
 Mkt Total : **\$237,236**
 %Improved : 46
 Assessed Total : **\$160,997**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,169.77

PROPERTY CHARACTERISTICS

Bedrooms	: 3	BldgLivingSqFt	: 1,182	BldgSqFt	: 1,182
Bathrooms	: 2.00	1st Floor SqFt	: 832	Lot Acres	: .17
Full Baths	: 2	UpperFinSqFt	: 350	Lot SqFt	: 7,606
Half Baths	:	Finished SqFt	: 1,182	Year Built	: 1983
Fireplace	: Single Fireplce	AbvGrdSqFt	: 1,182	Foundation	: Concrete
Heat Type	: Elec Wall Unit	UpperTotSqFt	: 350	Roof Type	: Composition
Floor	: Carpet	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Avg Plywood
Garage SF	: 480	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Anderson Rian G;Kori Lynn	:04/04/2006	006-030092	:\$210,000	:Warranty	:\$210,000	:Convent
:Luallin James A/Venedi Trustees	:07/02/1999	099-066845	:\$148,000	:Warranty	:	:
:Howcroft Julia W	:09/14/1994	0094-72821	:\$110,500	:Warranty	:\$99,450	:Convent
:Kauffman Carole M	:05/01/1985	0085-18603	:\$59,900	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s)	: Nuding Debra E Trustee	Parcel Number	: 00099477
CoOwner(s)	: Nuding Raymond V Tru	Ref Parcel #	: 12E31DD03100
Site Address	: 5525 SE Railroad Ave Milwaukie 97222	T: 01S R: 02E S: 31 Q: SE QQ: SE	
Mail Address	: 5517 SE Railroad Ave Milwaukie Or 97222	Telephone	:

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat :
 Improvement : 131 Sgl Family,R1-3,1-Story
 Land Use : 101 Res,Residential Land,Improved
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 03100
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$204,728
 Mkt Structure : \$114,260
 Mkt Total : **\$318,988**
 %Improved : 36
 Assessed Total : **\$164,195**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,232.74

PROPERTY CHARACTERISTICS

Bedrooms	: 3	BldgLivingSqFt	: 1,192	BldgSqFt	: 1,192
Bathrooms	: 1.50	1st Floor SqFt	: 1,192	Lot Acres	: .71
Full Baths	: 1	UpperFinSqFt	:	Lot SqFt	: 30,928
Half Baths	: 1	Finished SqFt	: 1,192	Year Built	: 1940
Fireplace	: Single Fireplce	AbvGrdSqFt	: 1,192	Foundation	: Concrete
Heat Type	: Forced Air-Gas	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Fir	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Avg Plywood
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Nuding Debra E Trustee	:11/30/2015	015-079116	:\$135,000	:Bargain & S	:	:
:Bowe Living Trust	:11/30/2015	015-079115	:	:Warranty	:	:
:Bowe Trust	:08/09/2001	001-063430	:	:Warranty	:	:
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110

JP


761365-SS

FATCO. NO.



After recording return to:
Rian G Anderson and Kori Lynn
Anderson
5594 SE Foxfire Street
Milwaukie, OR 97222

Until a change is requested all tax statements
shall be sent to the following address:
Rian G Anderson and Kori Lynn
Anderson
5594 SE Foxfire Street
Milwaukie, OR 97222
File No.: 7072-761365 (CJS)
Date: March 23, 2006

Clackamas County Official Records		2006-030092
Sherry Hall, County Clerk		
		\$36.00
00959435200600300920030031		04/04/2006 03:24:57 PM
D-D	Cnt=1 Stn=5 BEV L.	
\$15.00	\$11.00	\$10.00

STATUTORY WARRANTY DEED

Venedi Luallin, Trustee of the Luallin Family Trust dated 6/29/95, Grantor, conveys and warrants to **Rian G Anderson and Kori Lynn Anderson, husband and wife**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Lot 6, FOXFIRE, in the City of Milwaukie, County of Clackamas and State of Oregon.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$210,000.00**. (Here comply with requirements of ORS 93.030)

Dated this 30 day of March, 2006

CERTIFICATION OF VITAL RECORD

405870

OREGON DEPARTMENT OF HUMAN SERVICES
CENTER FOR HEALTH STATISTICS

LD. TAG NO.

CERTIFICATE OF DEATH

1. DECEASED'S NAME James Alvin LUALLIN		2. SEX M	3. DATE OF DEATH (Month, Day, Year) February 19, 2004
4. SOCIAL SECURITY NUMBER 581-34-0307	5a. AGE-Last Birthday (Month, Day, Year) 76	5b. Under 1 Year Days	5c. Under 1 Day Hours
6. WAS DECEASED EVER IN U.S. ARMED FORCES? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		7. DATE OF BIRTH (Month, Day, Year) August 13, 1927	
8. PLACE OF DEATH (Check one only) <input checked="" type="checkbox"/> HOSPITAL <input type="checkbox"/> Incident <input type="checkbox"/> ENDOUSUAL <input type="checkbox"/> DCA		9. BIRTH PLACE (City and State or Foreign) San Diego, CA	
10. FACILITY NAME (If not an institution, give street and number) Providence Medical Center		11. COUNTY OF DEATH Multnomah	
12. DECEASED'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired) Highway Patrolman		13. KIND OF BUSINESS/INDUSTRY Ca. Highway Patrol	
14. MARRITAL STATUS- Married, Never Married, Widowed, Divorced, (Specify) Married		15. SPOUSE (If Married, Widowed) Venedi V. Luallin	
16a. RESIDENCE- STATE OR	16b. COUNTY Clackamas	16c. CITY, TOWN OR LOCATION Milwaukie	16d. STREET AND NUMBER 5584 SE Foxfire Way
17. INSIDE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	18. ZIP CODE 97222	19. WAS DECEASED OF HISPANIC ORIGIN? (Specify No or Yes) <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	20. DECEASED'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (0-12) College (13-16) 12
21. FATHER'S NAME First Middle Last William Alvin Luallin		22. MOTHER'S NAME First Middle Maiden Una E. Waldrop	
23. METHOD OF DISPOSITION <input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Autopsy <input type="checkbox"/> Removal from State <input type="checkbox"/> Other (Specify)		24. PLACE OF DISPOSITION (Name of religious community, if other place) Oregon Crematory	
25. SIGNATURE OF OREGON FUNERAL SERVICE LICENSEE OR PERSON ACTING IN PLACE <i>[Signature]</i>		26. OREGON LICENSE NO. GO3167	
27. DATE FILED (Month, Day, Year) FEB 26 2004		28. NAME, ADDRESS AND ZIP CODE OF CITY Mt. Scott Funeral Home 4205 SE 58th Portland, OR 97206	
29. REGISTRAR'S SIGNATURE <i>[Signature]</i>		30. REGISTRATION NO. 136	

TO BE COMPLETED BY CERTIFYING PHYSICIAN	
31. TIME OF DEATH 0310	32. DATE SIGNED (Month, Day, Year) 2/23/04
33. NAME, TITLE, ADDRESS AND ZIP CODE OF CERTIFYING PHYSICIAN (Type or Print) Gary Pape, M.D. 9290 SE Sunhybrook Blvd. Clackamas, OR 97015	
34. NAME OF ATTENDING PHYSICIAN OR OTHER THAN CERTIFIER (Type or Print)	
35. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c). Do not enter mode of injury i.e., Car crash or Roadway Arrest. Internal between onset and death)	
(a) Metastatic lung cancer	
(b) _____	
(c) _____	
36. OTHER SIGNIFICANT CONDITIONS - Conditions contributing to death but not resulting in the underlying cause given in PART I.	
37. (a) Tobacco use contributes to the death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
(b) ALTOUSY <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
38. IF YES, were findings considered in determining cause of death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
39. MANNER OF DEATH <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Accidents <input type="checkbox"/> Undetermined Manner <input type="checkbox"/> Suicide <input type="checkbox"/> Legal Intervention <input type="checkbox"/> Homicide	40. DATE OF INJURY (Month, Day, Year)
41. TIME OF INJURY M	42. PLACE OF INJURY - At home, farm, school, factory, office building, etc. (Specify)
43. DESCRIBE HOW INJURY OCCURRED	
44. LOCATION (Street and Number or Rural Route Number, City or Town, State)	

I CERTIFY THAT THIS IS A TRUE, FULL AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE OR THE VITAL RECORD FACTS ON FILE IN THE VITAL RECORDS UNIT OF THE OREGON CENTER FOR HEALTH STATISTICS.

DATE ISSUED: **FEB 27 2004**

Jennifer A. Woodward
JENNIFER A. WOODWARD, Ph.D.
STATE REGISTRAR

THIS COPY IS NOT VALID WITHOUT INTACT WHITE SEAL AND BORDER.





Customer Service
Phone: 503.219.1000
Email: Ticor.Resource@TicorTitle.com
Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Fogoros Terrie J	Parcel Number : 00098076
CoOwner(s) : Fogoros John	Ref Parcel # : 12E31DA05703
Site Address : 12146 SE 56th Ave Milwaukie 97222	T: 01S R: 02E S: 31 Q: SE QQ: NE
Mail Address : 12225 SE Sequoia Ave Milwaukie Or 97222	Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat : Foxfire
 Improvement : 132 Sgl Family,R1-3,1-Story (Basement)
 Land Use : 101 Res,Residential Land,Improved
 Legal : 2522 FOXFIRE LT 7
 :
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$128,606
 Mkt Structure : \$124,280
 Mkt Total : **\$252,886**
 %Improved : 49
 Assessed Total : **\$170,889**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,364.53

PROPERTY CHARACTERISTICS

Bedrooms : 3	BldgLivingSqFt : 1,450	BldgSqFt : 1,075
Bathrooms : 2.00	1st Floor SqFt : 951	Lot Acres : .17
Full Baths : 2	UpperFinSqFt :	Lot SqFt : 7,197
Half Baths :	Finished SqFt : 1,075	Year Built : 1983
Fireplace : Single Fireplce	AbvGrdSqFt : 576	Foundation : Concrete
Heat Type : Elec Wall Unit	UpperTotSqFt :	Roof Type : Composition
Floor : Carpet	UnFinUpStySqFt :	Roof Shape : Gable
Stories : 1 Story-Bsmt	Bsmt Fin SqFt : 499	Exterior Fin : Avg Plywood
Garage SF :	Bsmt Unfin SqFt : 375	
	Bsmt Total SqFt : 874	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Fogoros Terrie J	:11/24/2003	003-154474	:\$149,900	:Special War	:\$117,600	:Convent
:Deutsche Bk Natl Trust Company	:05/02/2003	003-055435	:\$147,500	:Trustees	:	:
:Hammer Danny C	:02/23/1993	0093-12218	:	:Warranty	:\$82,500	:Convent
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Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s)	: Nuding Debra E Trustee	Parcel Number	: 00099477
CoOwner(s)	: Nuding Raymond V Tru	Ref Parcel #	: 12E31DD03100
Site Address	: 5525 SE Railroad Ave Milwaukie 97222	T: 01S R: 02E S: 31 Q: SE QQ: SE	
Mail Address	: 5517 SE Railroad Ave Milwaukie Or 97222	Telephone	:

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat :
 Improvement : 131 Sgl Family,R1-3,1-Story
 Land Use : 101 Res,Residential Land,Improved
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 03100
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$204,728
 Mkt Structure : \$114,260
 Mkt Total : **\$318,988**
 %Improved : 36
 Assessed Total : **\$164,195**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,232.74

PROPERTY CHARACTERISTICS

Bedrooms	: 3	BldgLivingSqFt	: 1,192	BldgSqFt	: 1,192
Bathrooms	: 1.50	1st Floor SqFt	: 1,192	Lot Acres	: .71
Full Baths	: 1	UpperFinSqFt	:	Lot SqFt	: 30,928
Half Baths	: 1	Finished SqFt	: 1,192	Year Built	: 1940
Fireplace	: Single Fireplce	AbvGrdSqFt	: 1,192	Foundation	: Concrete
Heat Type	: Forced Air-Gas	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Fir	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Avg Plywood
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Nuding Debra E Trustee	:11/30/2015	015-079116	:\$135,000	:Bargain & S	:	:
:Bowe Living Trust	:11/30/2015	015-079115	:	:Warranty	:	:
:Bowe Trust	:08/09/2001	001-063430	:	:Warranty	:	:
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This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

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Clackamas County Official Records
Sherry Hall, County Clerk 2003-154474



\$36.00

00605210200301544740030034

11/24/2003 11:04:00 AM

D-D Cnt=1 SIn=3 BEVERLY
\$15.00 \$11.00 \$10.00



After recording return to:
Terrie J. Fogoros and John Fogoros
12225 SE Sequoia Avenue
Milwaukie, OR 97222

Until a change is requested all tax statements
shall be sent to the following address:
Terrie J. Fogoros and John Fogoros
12225 SE Sequoia Avenue
Milwaukie, OR 97222

File No.: 7034-275213 (MLY)
Date: November 20, 2003

THIS SPACE RESERVED FOR RECORDER'S USE

FATCO. NO. 275213 Lt

STATUTORY SPECIAL WARRANTY DEED

Deutsche Bank National Trust Company as Trustee under the Pooling and Servicing Agreement Series 2001-B, Grantor, conveys and specially warrants to **Terrie J. Fogoros and John Fogoros not as tenants in common, but with rights of survivorship**, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

Lot 7, FOXFIRE, in the City of Milwaukie, County of Clackamas and State of Oregon.

This property is free from liens and encumbrances, EXCEPT:

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$149,900.00**.

APN: 00098076

Statutory Special Warranty Deed
- continued

File No.: 7034-275213 (MLY)
Date: 11/20/2003

Deutsche Bank National Trust Company as
Trustee under the Pooling and Servicing
Agreement Series 2001-B

By Indymac Bank, S.B. As Attorney In Fact

By:  By Bank Officer **JOHN LAWRENCE**
Trust. VICE PRESIDENT

STATE OF California)
)ss.
County of)

This instrument was acknowledged before me on this ____ day of _____, 20____
by as Bank Officer of Deutsche Bank National Trust Company as Trustee under the Pooling and Servicing
Agreement Series 2001-B, on behalf of the Trust Company.

Notary Public for California
My commission expires:

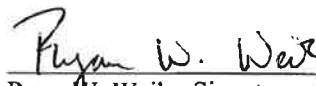
J

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On November 20, 2003 before me, Ryan W. Weik, appeared **John Lawrence**, and acknowledged that he is Vice President of IndyMac Bank, F.S.B., acting as Attorney-in-fact for Deutsche Bank National Trust Company, As Trustee proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Ryan W. Weik - Signature of Notary Public



OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Capacity Claimed by Signer

Signer's Name: John Lawrence
Corporate Officer
Title: First Vice President

Signer is Representing: INDY MAC, BANK. As Attorney In Fact for Deutsche Bank National Trust Company, As Trustee

Statutory Special Warranty Deed
Loan No 1001356953

(3)



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s)	: Nuding Debra E Trustee	Parcel Number	: 00099477
CoOwner(s)	: Nuding Raymond V Tru	Ref Parcel #	: 12E31DD03100
Site Address	: 5525 SE Railroad Ave Milwaukie 97222	T: 01S R: 02E S: 31 Q: SE QQ: SE	
Mail Address	: 5517 SE Railroad Ave Milwaukie Or 97222	Telephone	:

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat :
 Improvement : 131 Sgl Family,R1-3,1-Story
 Land Use : 101 Res,Residential Land,Improved
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 03100
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$204,728
 Mkt Structure : \$114,260
 Mkt Total : **\$318,988**
 %Improved : 36
 Assessed Total : **\$164,195**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,232.74

PROPERTY CHARACTERISTICS

Bedrooms	: 3	BldgLivingSqFt	: 1,192	BldgSqFt	: 1,192
Bathrooms	: 1.50	1st Floor SqFt	: 1,192	Lot Acres	: .71
Full Baths	: 1	UpperFinSqFt	:	Lot SqFt	: 30,928
Half Baths	: 1	Finished SqFt	: 1,192	Year Built	: 1940
Fireplace	: Single Fireplce	AbvGrdSqFt	: 1,192	Foundation	: Concrete
Heat Type	: Forced Air-Gas	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Fir	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Avg Plywood
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Nuding Debra E Trustee	:11/30/2015	015-079116	:\$135,000	:Bargain & S	:	:
:Bowe Living Trust	:11/30/2015	015-079115	:	:Warranty	:	:
:Bowe Trust	:08/09/2001	001-063430	:	:Warranty	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Milwaukie Ventures LLC	Parcel Number : 05029985
CoOwner(s) :	Ref Parcel # : 12E31DD02903
Site Address : *no Site Address*	T: 01S R: 02E S: 31 Q: QQ:
Mail Address : 7700 NE Parkway Dr #300 Vancouver Wa 98662	Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : Block:
 Neighborhood : Area 01 Commercial
 Subdivision/Plat :
 Improvement : *unknown Improvement Code*
 Land Use : 201 Com,Commercial Land,Improved
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 02903
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$169,671
 Mkt Structure : \$1,472,940
 Mkt Total : **\$1,642,611**
 %Improved : 90
 Assessed Total : **\$1,313,342**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$25,857.60

PROPERTY CHARACTERISTICS

Bedrooms :	BldgLivingSqFt :	BldgSqFt :
Bathrooms :	1st Floor SqFt :	Lot Acres : .93
Full Baths :	UpperFinSqFt :	Lot SqFt : 40,511
Half Baths :	Finished SqFt :	Year Built :
Fireplace :	AbvGrdSqFt :	Foundation :
Heat Type :	UpperTotSqFt :	Roof Type :
Floor :	UnFinUpStySqFt :	Roof Shape :
Stories :	Bsmt Fin SqFt :	Exterior Fin :
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Milwaukie Ventures LLC	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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CHICAGO TITLE 472515 5:29 5/62 KN 2750 (cc mm)

Until a change is requested,
all tax statements shall be sent to:

Clackamas County Official Records	2015-073348
Sherry Hall, County Clerk	11/02/2015 10:17:11 AM
D-D	Cnt=1 Stn=2 LESLIE
\$25.00 \$16.00 \$10.00 \$22.00	\$73.00

Milwaukie Ventures, LLC
7700 NE Parkway Drive, Suite 300
Vancouver, WA 98662
Attn: Gregory J. Vislocky

After recording, return to:

Lane Powell PC
601 SW 2nd Ave., Suite 2100
Portland, OR 97204
Attn: Andrew J. Morrow, Jr.

STATUTORY WARRANTY DEED

MILWAUKIE CONVALESCENT HOSPITAL, INC., an Oregon corporation, Grantor, conveys and warrants to MILWAUKIE VENTURES, LLC, Grantee, that certain real property situated in the City of Milwaukie, Clackamas County, Oregon, legally described on Exhibit A attached hereto and incorporated herein by this reference, free of encumbrances except as set forth on Exhibit B attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is \$7,425,000.

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.

[Signature on the following page.]

DATED this 30th day of October, 2015.

GRANTOR: **MILWAUKIE CONVALESCENT HOSPITAL, INC.**
an Oregon corporation

By: Tim Eivers
Name: Tim Eivers
Its: Pres

STATE OF Oregon)
) ss.
County of Multnomah)

This instrument was acknowledged before me on the 29th day of October, ~~2015~~ ²⁰¹⁵ by
Tim Eivers as President of Milwaukie Convalescent
Hospital, Inc., an Oregon corporation.

Kelly M Norton
Notary Public for Oregon
My Commission Expires: 08/25/16

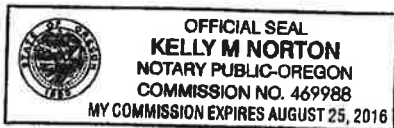


EXHIBIT "A"

PARCEL I:

- A tract in the J.D. Garrett Donation Land Claim in Section 31, Township 1 South, Range 2 East, of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, more particularly described as follows:

Commencing at the Northeast corner of said Donation Land Claim; thence West along the North line of said claim 1074.25 feet to an iron pipe; thence South 2904.00 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board, this being the true point of beginning; thence West 288.00 feet to a point; thence South 330.00 feet to a point; thence East 288.00 feet to a point; thence North 330.00 feet to the true point of beginning;

PARCEL II:

- A tract in the J.D. Garrett Donation Land Claim in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as follows:

Commencing at the Northeast corner of said Donation Land Claim; thence West along the North line of said claim 1074.25 feet to an iron pipe; thence South 2904.00 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board; thence West 290.00 feet to a point; thence South 916.80 feet to a point on Southern Pacific Railroad right of way; thence Southeast along said right of way 320.00 feet; thence North 1052.00 feet to the point of beginning.

EXCEPTING THEREFROM the following described tract:

- A tract in the J.D. Garrett Donation Land Claim in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as follows:

Commencing at the Northeast corner of said Donation Land Claim; thence West along the North line of said claim 1074.25 feet to an iron pipe; thence South 2904.00 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board, this being the true point of beginning; thence West 288.00 feet to a point; thence South 330.00 feet to a point; thence East 288.00 feet to a point; thence North 330.00 feet to the true point of beginning.

AND FURTHER EXCEPTING THEREFROM the East 5.00 feet as conveyed to the City of Milwaukie in Deed 89-027181 recorded June 23, 1989 and re-recorded in Deed 89-031741 recorded July 24, 1989 in Clackamas County Deed Records.

AND FURTHER EXCEPTING THEREFROM that portion lying within Railroad Avenue aka County Road No. 313.

EXHIBIT B

PERMITTED ENCUMBRANCES

1. Rights of the public to any portion of the Land lying within Stanley Avenue and Railroad Avenue, aka County Road 313.
2. Covenants, Conditions and Restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in Deed;

Recording Date: November 13, 1906
Book: 97
Page: 250

3. Terms and provisions, including obligations for maintenance of Easement as established by Oregon Law and by instrument;
Recording Date: March 1, 1962
Book: 599
Page: 353

4. Matters set forth in survey prepared by TERRAMARK for Bock & Clark's National Surveyors Network, dated May 7, 2015 and last revised on October 23, 2015 as Project No. 201501102/site 1, as follows:

- a. Neighboring wood fence encroaches up to 0.3' easterly into the subject property.
- b. Right-of-way improvement encroaches up to 2.9' westerly into the subject property.
- c. Public improvements of a dedicated right-of-way go over & across the Sly portion of Parcel II.
- d. Guy anchor encroaches up to 7.6' westerly into subject property without benefit of easement.
- e. Overhead power line(s) and power poles situated along and near the north property line without an easement.
- f. Chain link fence situated off of the north boundary line.

5. An easement created by instrument, including the terms and provisions thereof;
Dated: May 15, 1962
Recording Date: July 2, 1962
Book: 606
Page: 197
In Favor of: Portland General Electric Company
For: Anchor and guy wire(s)

Affects: The southeasterly portion of Parcel II



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Eivers George	Parcel Number : 00099459
CoOwner(s) :	Ref Parcel # : 12E31DD02900
Site Address : *no Site Address*	T: 01S R: 02E S: 31 Q: SE QQ: SE
Mail Address : 12045 SE Stanley Ave Milwaukie Or 97222	Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat :
 Improvement : *unknown Improvement Code*
 Land Use : 100 Vacant, Residential Land
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 02900
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$354,094
 Mkt Structure :
 Mkt Total : \$354,094
 %Improved :
 Assessed Total : \$143,796
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$2,831.11

PROPERTY CHARACTERISTICS

Bedrooms :	BldgLivingSqFt :	BldgSqFt :
Bathrooms :	1st Floor SqFt :	Lot Acres : 2.88
Full Baths :	UpperFinSqFt :	Lot SqFt : 125,453
Half Baths :	Finished SqFt :	Year Built :
Fireplace :	AbvGrdSqFt :	Foundation :
Heat Type :	UpperTotSqFt :	Roof Type :
Floor :	UnFinUpStySqFt :	Roof Shape :
Stories :	Bsmt Fin SqFt :	Exterior Fin :
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Eivers George	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That..... GEORGE EIVERS

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by MILWAUKIE CONVALESCENT HOSPITAL, INC., an Oregon corporation, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

See exhibit "A", attached hereto and made a part hereof

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0-

However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 10 day of May, 19 88. If a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL 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 APPROVED USES.

X George Eivers

STATE OF OREGON, County of Clackamas May 10 1988

STATE OF OREGON, County of Clackamas Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

Personally appeared the above named George Eivers

I have acknowledged the foregoing instrument to be the voluntary act and deed of the above named George Eivers, Notary Public for Oregon My commission expires: 4-24-92

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed. Before me: Notary Public for Oregon My commission expires: (If executed by a corporation, affix corporate seal)

George Eivers Grantor's Name and Address Milwaukie Convalescent Hospital, Inc

Grantor's Name and Address After recording return to: Stewart Title 1900 SW Hancock Ave Oswego, OR 97131 Milwaukie Convalescent Center 13071 SE Standby Milwaukie, Oregon 97132

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of Clackamas

I certify that the within instrument was received for record on the day of 19 at o'clock M., and recorded in book/reel/volume No. on page or as fee/title/instrument/microfilm/reception No. Record of Deeds of said county.

Witness my hand and seal of County affixed.

By Deputy

88 18674

Stewart Title 88011671

Order No. 88017577-C

2ND REVISED EXHIBIT "A"

PARCEL II:

A tract in the J.D. Garrett D.L.C. in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, County of Clackamas and State of Oregon, described as follows:
 The North 145 feet, being equidistant and parallel to the North line of the following described tract, to wit:
 COMMENCING at the Northeast corner of said D.L.C.; thence West along the North line of said claim 1074.25 feet to an iron pipe; thence South 2904 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board; thence West 290 feet to a point; thence South 916.8 feet to a point on Southern Pacific Railroad right of way; thence Southeast along said right of way 320 feet; thence North 1052 feet to the point of beginning.
 EXCEPT the following described tract:
 A tract in the J.D. Garrett D.L.C. in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, County of Clackamas and State of Oregon, described as follows:
 COMMENCING at the Northeast corner of said D.L.C.; thence West along the North line of said claim 1074.25 feet to an iron pipe; thence South 2904.0 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board, this being the true point of beginning; thence West 288.0 feet to a point; thence South 330.0 feet to a point; thence East 288.0 feet to a point; thence North 330.0 feet to the true point of beginning.
 EXCEPTING THEREFROM the East 5.0 feet which lies in Stanley Avenue.

2

STATE OF OREGON)
 County of Clackamas) ss
 I, John F. Kauffman, County Clerk for the County of Clackamas, do hereby certify that the instrument of record herein was received for recording in the records of said county at

1988 MAY 11 PM 3:16

Witness my hand and seal affixed
John F. Kauffman
 JOHN F. KAUFFMAN
 County Clerk

Recording Certificate

88-18674



TICOR TITLE™

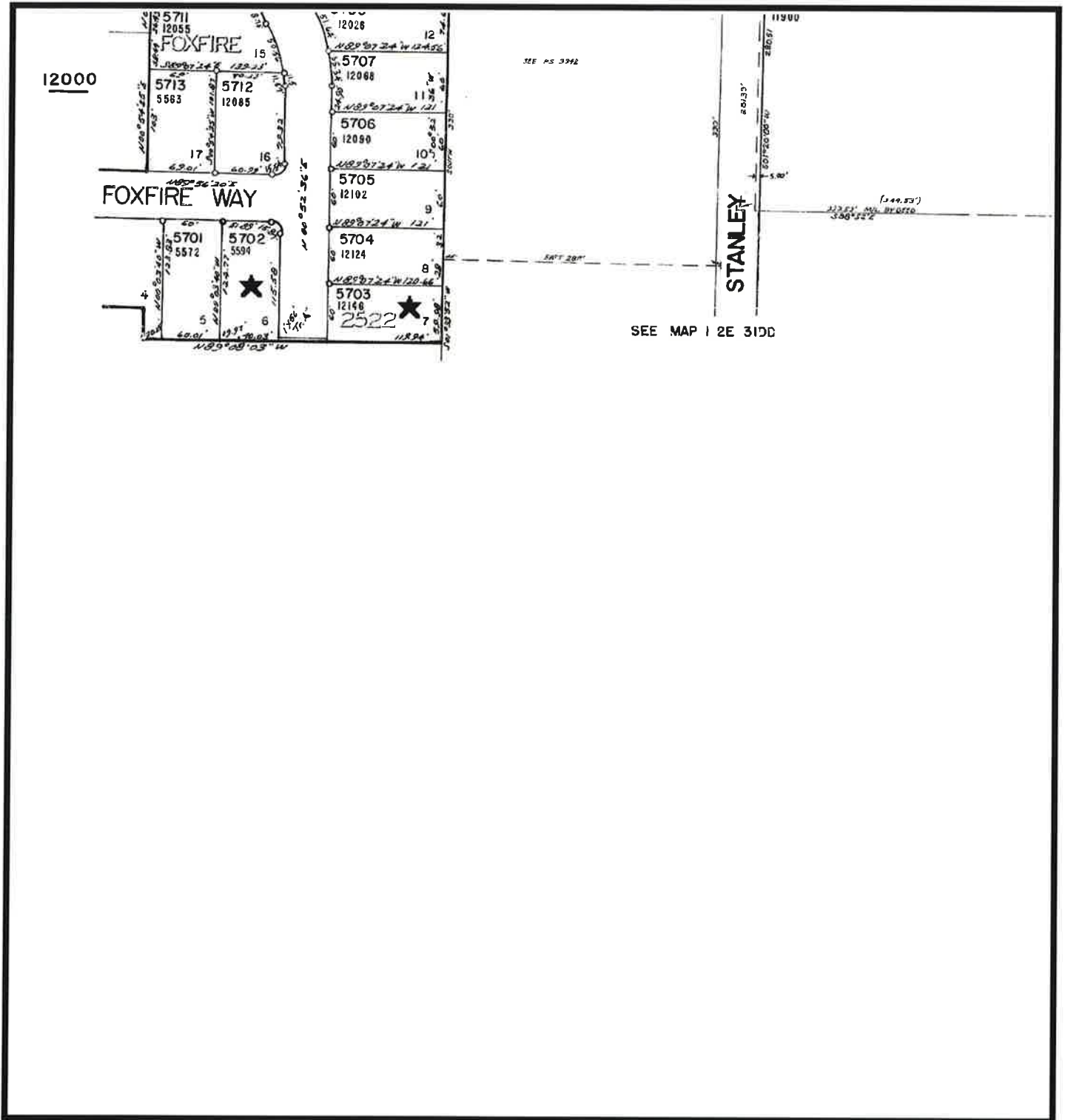
The RIGHT choice...*your* choice!

Customer Service
Phone: 503.219.1000
Email: Ticor.Resource@TicorTitle.com



Parcel #: 00099459

Ref Parcel Number: 12E31DD02900



This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.



TICOR TITLE™

The RIGHT choice...*your* choice!

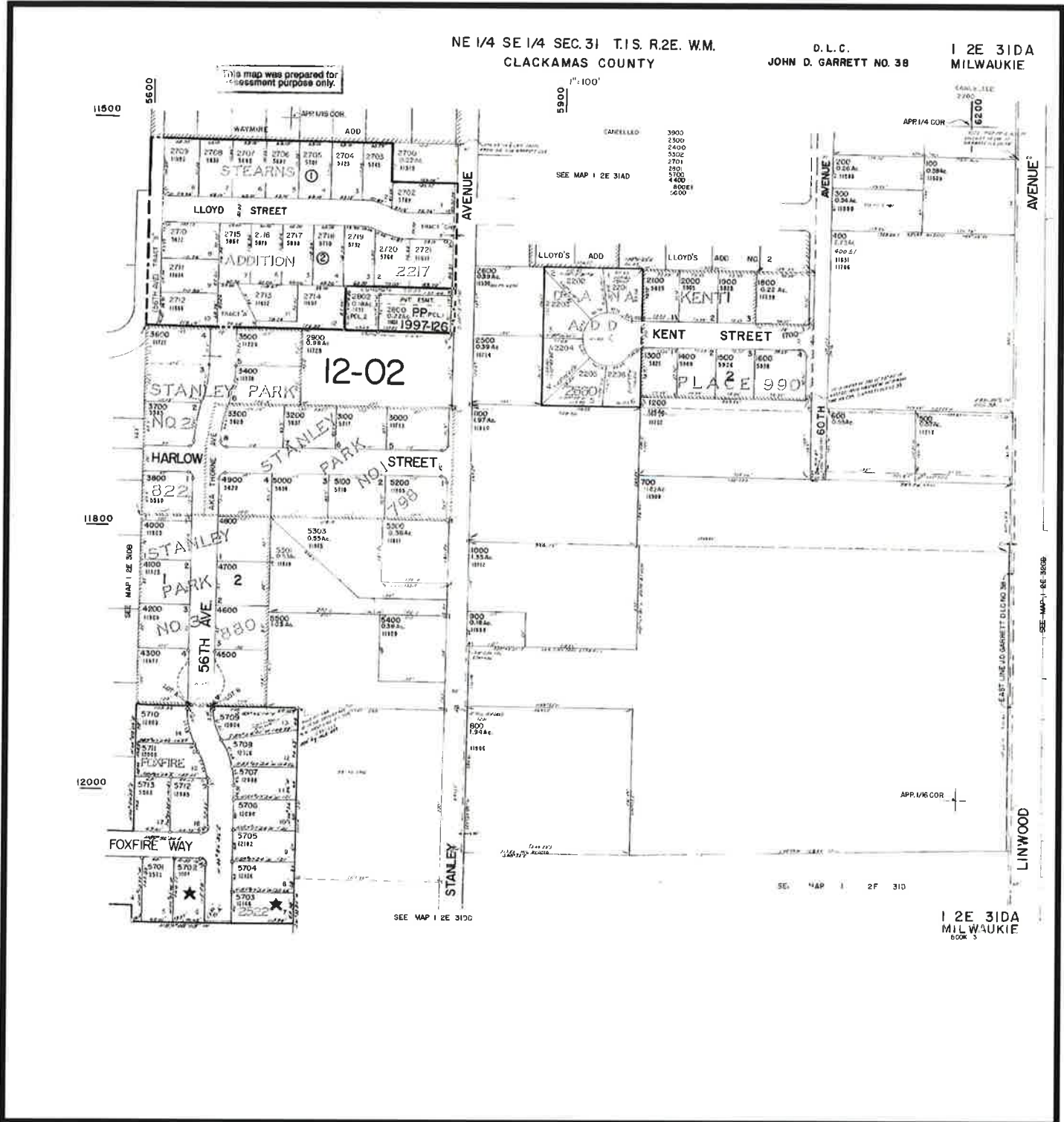
Customer Service
Phone: 503.219.1000

Email: Ticor.Resource@TicorTitle.com



Parcel #: 00099459

Ref Parcel Number: 12E31DD02900



This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.



TICOR TITLE™

The RIGHT choice...*your* choice!

Customer Service

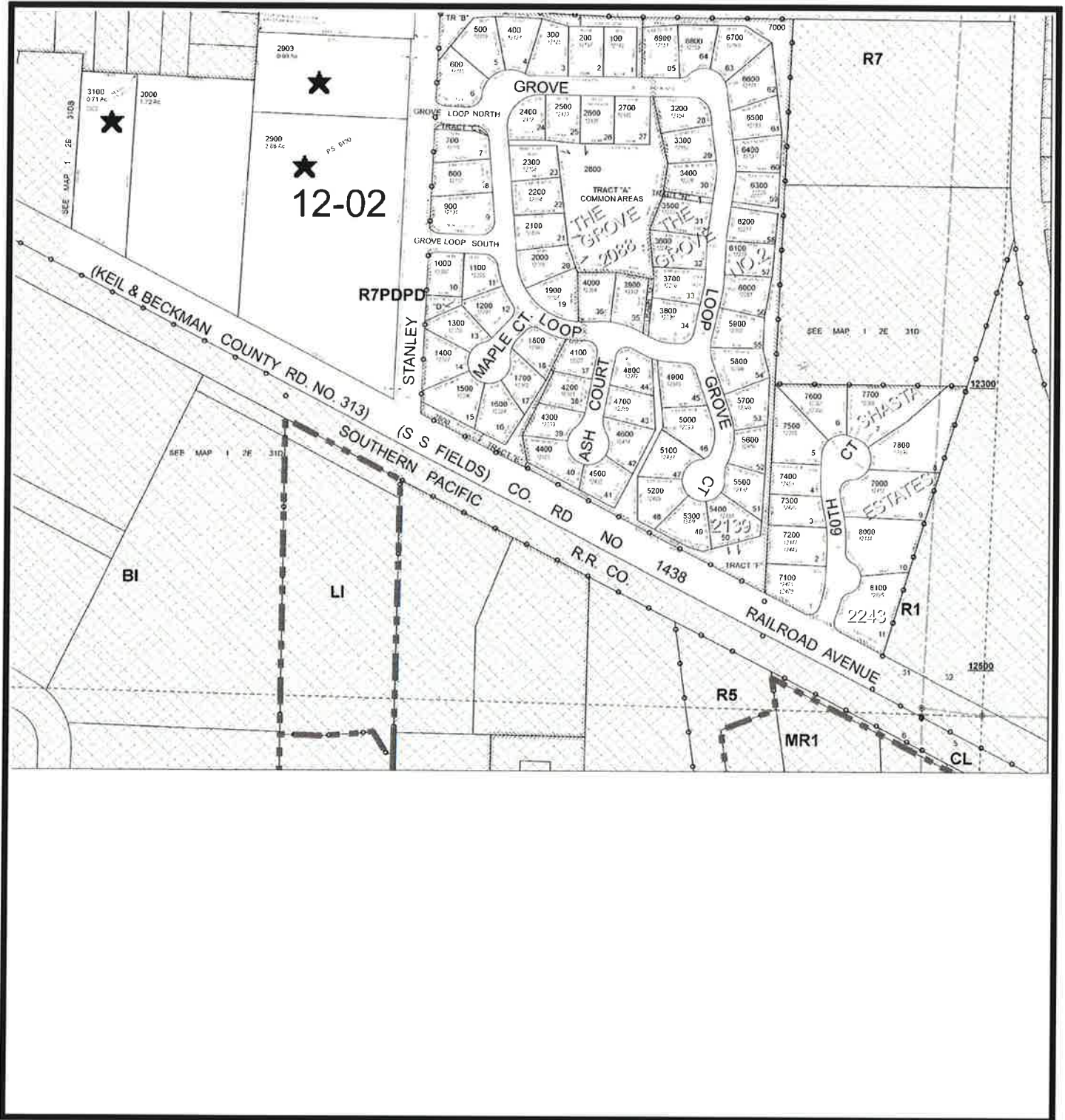
Phone: 503.219.1000

Email: Ticor.Resource@TicorTitle.com



Parcel #: 00099459

Ref Parcel Number: 12E31DD02900

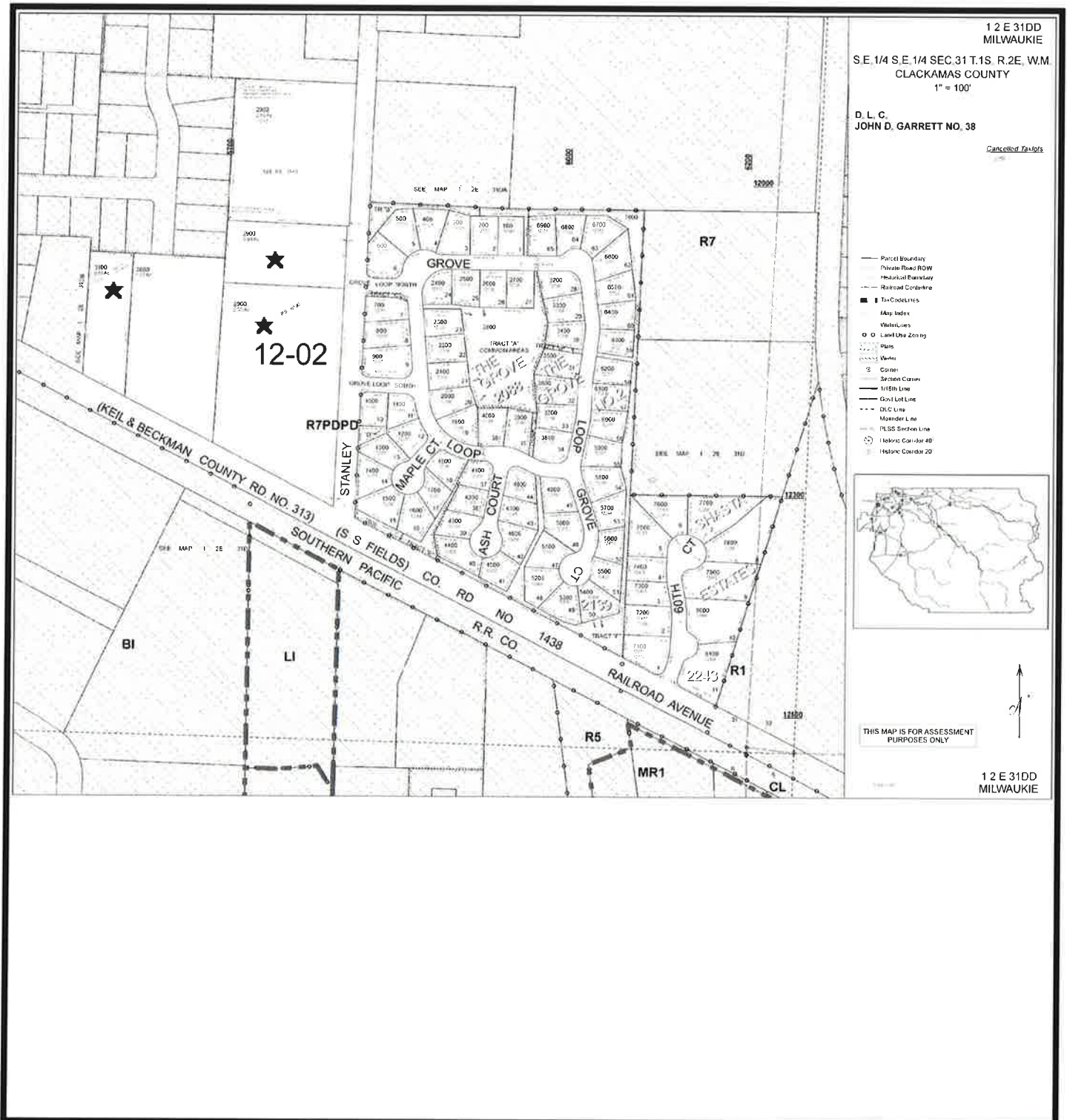


This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.



Parcel #: 00099459

Ref Parcel Number : 12E31DD02900



This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.

FOXFIRE

A PART OF THE J.D. GARRET D.L.C. IN THE S.E. 1/4 SECTION 31, T.1S, R.2E., W.M. CLACKAMAS COUNTY, OREGON
CITY OF MILWAUKIE

JULY, 1979

SCALE: 1" = 50'

SHEET 1 OF 2

82/4

90 27517

STATE OF OREGON
County of Clackamas
I, _____
Surveyor
do hereby certify that the foregoing is a true and correct copy of the original record as filed in my office on this _____ day of _____, 1979.



COMPASS CORPORATION
MILWAUKIE, OREGON

LEGEND
● DENOTES 5/8" x 30" IRON ROD SET WITH YELLOW CAP STAINED "COMPASS CORP."
○ DENOTES MONUMENT FOUND AS NOTED.

① INDICATES CURVE NO. - REFER TO CHART FOR DATA.

CERTIFICATE

I, CARL R. CLINTON, SAY THAT "FOXFIRE" SUBDIVISION, SITUATED IN THE JOHN D. GARRETT D.L.C. NO. 38 IN THE SOUTHEAST QUARTER OF SECTION 31, T.1S, R.2E., W.M., CLACKAMAS COUNTY, OREGON WAS CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS AS REPRESENTED IN THE ANNEXED MAP AND AT THE INITIAL POINT A 2" DIAMETER GALVANIZED IRON PIPE, 36" LONG, WAS DRIVEN 6" BELOW THE SURFACE OF THE GROUND OVER A 3/4" IRON PIPE FOUND AT THE NORTHEAST CORNER OF THE TRACT OF LAND DESCRIBED IN CONTRACT TO GEORGE EIVERS RECORDED AUGUST 12, 1950 IN BOOK 575, PAGE 459, CLACKAMAS COUNTY DEED RECORDS; SAID INITIAL POINT ALSO BEING LOCATED SOUTH, 2904.00 FEET AND WEST 1264.25 FEET (DEED CALLS) FROM THE NORTHEAST CORNER OF SAID JOHN D. GARRETT D.L.C. NO. 38; THENCE FROM SAID INITIAL POINT THE BOUNDARY RUNS ALONG THE WEST LINE OF SAID GEORGE EIVERS TRACT, E. 00°52'26" W., 329.63 FEET TO A FOUND 1/2" IRON PIPE, THENCE S. 04° 35' 52" W., 879.8 FEET TO A FOUND 1/2" IRON PIPE; THENCE ALONG THE NORTH LINE OF THAT TRACT CONVEYED TO MILWAUKIE CONVALESCENT HOSPITAL, INC., BY DEED RECORDED SEPTEMBER 1, 1956 IN BOOK 679, PAGE 254, CLACKAMAS COUNTY DEED RECORDS, N. 89° 05' 03" W., 209.98 FEET TO A FOUND 1/2" IRON BAR; THENCE ALONG THE NORTH LINE OF THAT TRACT CONVEYED TO HERBERT S. PILLSBURY BY DEED RECORDED JULY 20, 1939 IN BOOK 260, PAGE 27, CLACKAMAS COUNTY DEED RECORDS, N. 89° 09' 40" W., 100.13 FEET TO A FOUND 1 1/2" IRON BAR; THENCE ALONG THE EAST LINE OF THAT TRACT CONVEYED TO LESTER W. DAVIS, ET UX, BY DEED RECORDED JUNE 17, 1963 IN BOOK 623, PAGE 148, CLACKAMAS COUNTY DEED RECORDS, N. 01° 21' 24" E., 32.10 FEET TO A FOUND 1/2" IRON PIPE; THENCE ALONG THE NORTH LINE OF SAID DAVIS TRACT AND THE NORTH LINE OF THAT TRACT CONVEYED TO RANDOLPH E. WILLIAMS, ET UX, BY DEED RECORDED JUNE 24, 1977 UNDER RECORDER'S FEE NO. 77-24602, CLACKAMAS COUNTY DEED RECORDS, S. 89° 56' 20" W., 284.94 FEET; THENCE ALONG THE SOUTH LINE OF THAT TRACT CONVEYED TO WILLIAM C. GORSLINE, ET UX, BY DEED RECORDED JANUARY 11, 1946 IN BOOK 358, PAGE 372, CLACKAMAS COUNTY DEED RECORDS, N. 89° 56' 20" E., 285.20 FEET; THENCE ALONG THE EAST LINE OF SAID GORSLINE TRACT N. 00° 54' 20" E., 141.44 FEET TO A FOUND 1/2" IRON PIPE; THENCE ALONG THE EAST LINE OF THAT TRACT CONVEYED TO WILLIAM F. KNOWLES, ET UX, BY DEED RECORDED OCTOBER 2, 1958 UNDER RECORDER'S FEE NO. 58-10336, CLACKAMAS COUNTY DEED RECORDS, N. 00° 58' 02" E., 101.49 FEET; THENCE ALONG THE SOUTH LINE OF "STANLEY PARK NO. 3", A SUBDIVISION OF RECORD IN SAID CLACKAMAS COUNTY, S. 89° 26' 14" E., 253.23 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S. 88° 59' 03" E., 27.36 FEET TO THE INITIAL POINT.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16th DAY OF August, 1979

Carl L. O'Brien
NOTARY PUBLIC FOR THE STATE OF OREGON
MY COMMISSION EXPIRES July 30, 1980

REGISTERED PROFESSIONAL LAND SURVEYOR
Carl L. O'Brien
OREGON
SINCE 1938
1115

NO.	DELTA	LENGTH	RADIUS	LC
1	28° 25' 30"	73.75	150'	73.75'
2	28° 20' 30"	74.50	150'	73.75'

DEDICATION

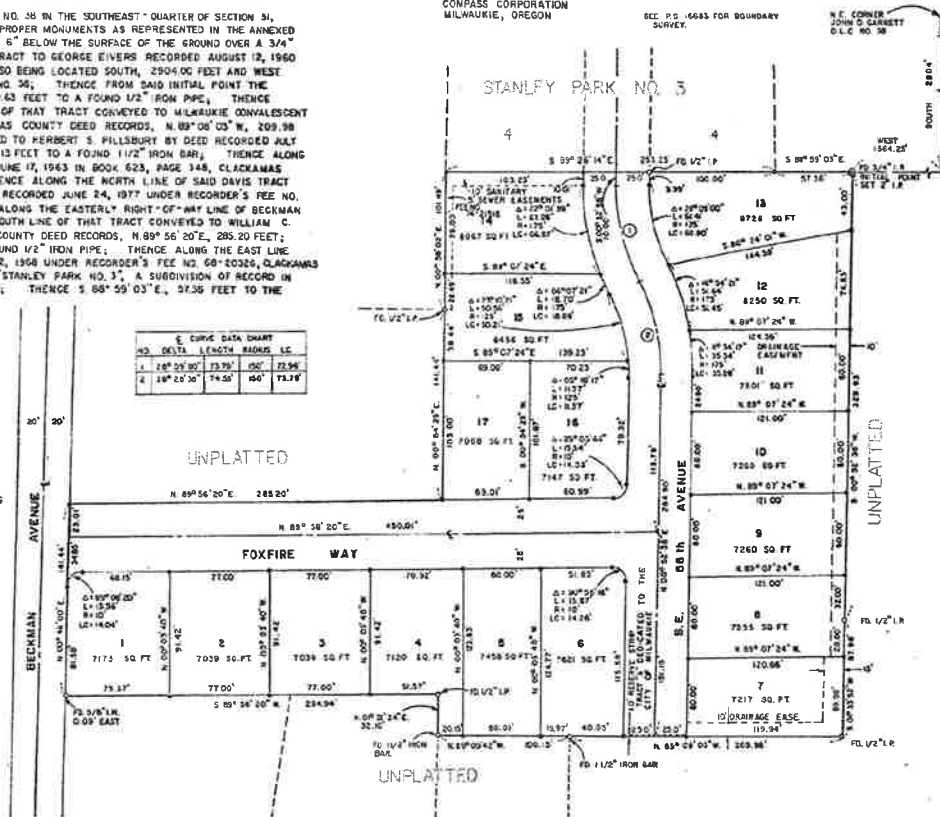
KNOW ALL MEN BY THESE PRESENTS THAT JACK ARMSTRONG, AND THOMAS W. COMBS, OWNERS OF THE LAND DESCRIBED IN THE ATTACHED SURVEYORS CERTIFICATE HERON WRITTEN AND SHOWN ON THE ACCOMPANYING MAP OF "FOXFIRE" SUBDIVISION DO HEREBY PLAT AND LAYOUT SAID PARCEL OF LAND INTO LOTS AS SHOWN ON SAID MAP AND WE DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREET AND EASEMENTS SHOWN (OR NOTED) ON SAID MAP.

DATED THIS 10th DAY OF Sept, 1979

Jack Armstrong
JACK ARMSTRONG

DATED THIS 18th DAY OF June, 1980

Thomas W. Combs
THOMAS W. COMBS



2522

FOXFIRE

A PART OF THE J.D. GARRETT D.L.C. IN THE S.E. 1/4
SECTION 31, T.1S., R.2E., W.M.
CLACKAMAS COUNTY, OREGON

CITY OF MILWAUKIE

SHEET 2 OF 2

JULY, 1979

ACKNOWLEDGEMENT

STATE OF OREGON S.S.
COUNTY OF CLACKAMAS

BE IT REMEMBERED THAT ON THIS 10th DAY OF September, 1979, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE APPEARED JACK ARMSTRONG, OWNER OF THE LAND, WHO IS KNOWN BY ME TO BE THE INDIVIDUAL DESCRIBED WITHIN AND WHO EXECUTED THIS INSTRUMENT AND WHO PERSONALLY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME VOLUNTARILY FOR THE USE AND PURPOSES HEREIN NAMED.

IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARIAL SEAL.

Heberto A. Edwards
NOTARY PUBLIC FOR STATE OF OREGON
MY COMMISSION EXPIRES July 30, 1980



SECOND CERTIFICATE

STATE OF OREGON
COUNTY OF CLACKAMAS

I, CARL CLINTON, CERTIFY THAT I AM THE SURVEYOR OF THIS PLAT OF "FOXFIRE" A SUBDIVISION PLAT RECORDED IN BOOK PAGE , CLACKAMAS COUNTY PLAT RECORDS; THE INTERIOR MONUMENTATION WHICH WAS DELAYED AT THE TIME OF SAID RECORDING IS NOW COMPLETED AND IN COMPLIANCE WITH SECTION'S STATUTES; THAT ALL INTERIOR MONUMENTS CONSIST OF 4" x 30" IRON RODS, EXCEPT WHERE OTHERWISE DESCRIBED UPON THE PLAT.

DATED THIS DAY OF , 1979

REGISTERED PROFESSIONAL LAND SURVEYOR
NO.

ENDORSEMENT

UPON NOTICE OF THE ABOVE MENTIONED INTERIOR MONUMENTATION, I HAVE DIRECTED A FIELD INSPECTION AND HAVE FOUND THEM TO BE PROPERLY PLACED.

CLACKAMAS COUNTY SURVEYOR

VOID

APPROVALS

se 03-1 6-11-80
CITY PLANNING COMMISSION, PRESIDENT
David M. Hill 6-11-80
CITY ENGINEER
ALL TAXES PAID TO 6-30-81
COUNTY SHERIFF John Randle
DEPUTY SHERIFF Arthur Pappas 7-25-80
COUNTY ASSESSOR Juanita Orr
DEPUTY ASSESSOR Pat Bost 7-25-80
COUNTY SURVEYOR Arthur E. Miller 12-15-80
DEPUTY SURVEYOR
COUNTY CLERK Geneva D. Pappas 7-25-80
DEPUTY CLERK Lucy Susan Bennett
COMMISSIONER Heberto Edwards
COMMISSIONER
COMMISSIONER Alan Shaker 7-17-80
COMMISSIONER

ACKNOWLEDGEMENT

STATE OF OREGON S.S.
COUNTY OF CLACKAMAS

BE IT REMEMBERED THAT ON THIS 18 DAY OF June, 1980, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE APPEARED THOMAS W. COMBS, OWNER OF THE LAND, WHO IS KNOWN BY ME TO BE THE INDIVIDUAL DESCRIBED WITHIN AND WHO EXECUTED THIS INSTRUMENT AND WHO PERSONALLY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME VOLUNTARILY FOR THE USE AND PURPOSES HEREIN NAMED.

IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY SEAL.

Paul B. Zappa
NOTARY PUBLIC
MY COMMISSION EXPIRES 4/20/82

