

A RESOLUTION APPROVING THE FOLLOWING STATUTORY WARRANTY DEED:

Grantor

OHANAMULA LLC

Purpose

A Statutory Warranty Deed

- Transferring the new pedestrian path at the Wheelhouse property to the City.
- Providing a 2-year warranty to the City for the new sidewalk.
- Reserving a restaurant easement and a building maintenance easement on the pedestrian path for the Ohanamula property.
- Releasing two unused City Bike path and Pedestrian easements.
- Granting to the City an easement for light poles adjacent to the sidewalk.
- Granting to Ohanamula a "gap" easement across a 10 foot City strip that bisects the Ohanamula parking lot.

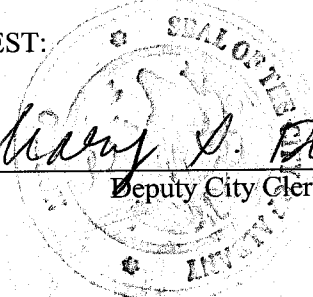
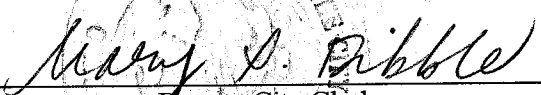
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby approve this Statutory Warranty Deed.

DATED AND EFFECTIVE THIS 14TH DAY OF JULY 2010.



Mayor

ATTEST:

Deputy City Clerk

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2010-11685
D-WD
Cnt=1 Stn=1 COUNTER 07/22/2010 10:53:40 AM
\$100.00 \$11.00 \$15.00 \$9.00 \$10.00 \$145.00



00139162201000116850200200

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

Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Exempt

1. Name/Title of Transaction - by ORS 205.234 (a)

STATUTORY WARRANTY DEED

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Ohanamula LLC, an Oregon Limited Liability Company

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$438,893.00

STATUTORY WARRANTY DEED
Containing Reservation of Easements
Granting Easements and Receiving Easements

Grantor's Name and Address:

Ohanamula LLC
7885 NE Todd DR
Corvallis, OR 97330

After Recording Return To:

Joel D. Kalberer
Weatherford, Thompson, Cowgill, Black & Schultz P.C.
P.O. Box 667
Albany, OR 97321

Grantee's Name and Address:

City of Albany
P.O. Box 490
333 Broadalbin Street SW
Albany, OR 97321

Send Tax Statements To:

Grantee

KNOW ALL MEN BY THESE PRESENTS that Ohanamula LLC, an Oregon limited liability company, hereinafter Grantor or Ohanamula, for the consideration hereinafter stated, does hereby convey and warrant unto the City of Albany, an Oregon municipal corporation, hereinafter Grantee, all the following described property, situated in Linn County, State of Oregon:

Property described in the attached Exhibit "A" and identified as property "A"
on the Property Line Adjustment (PLA) map attached hereto as Exhibit "A-1"

Free and clear of all liens and encumbrances of record.

Subject to:

A. Warranty: Grantor hereby provides a two-year construction defect warranty, beginning on the date of conveyance, for the sidewalk improvements contained within the property described in Exhibit "B" and shown on the easement map attached hereto as Exhibit "H". After the two years, all Grantor warranties shall be null and void including any implied warranties.

B. Reserving Easements: The following easements in favor of Grantor are reserved over property conveyed:

1. Restaurant Easement

Use. This exclusive easement is for restaurant seating. No live entertainment or non-restaurant seating use shall be permitted. When not in use, the easement area will be open to the public for pedestrian access.

Location. The easement is described in Exhibit "C" and depicted in the easement map attached hereto as Exhibit "H." The easement is in favor of Grantor's land described in Exhibit "D".

Use specifications. The easement for restaurant seating shall allow the placement of tables and chairs for the purpose of sit-down restaurant dining. In addition to tables and chairs or other

Warranty Deed

seating, this easement allows the placement of furniture and other items that are pertinent to the operation of the restaurant seating area. This includes items such as umbrellas, portable heating elements, planters, menu board, bussing carts, and removable fencing.

Furniture Standards/Signage. All chairs, tables, and fencing shall be comprised of metal, wood, steel or cast aluminum. The design and color of the furnishing shall compliment the adjacent building design. Each umbrella may display the name of the restaurant only so long as the name does not exceed six (6") inches in height. One business logo not to exceed 1 square foot is also permitted at the location.

Non-use. Restaurant furniture and other pertinent items cannot be left outside and unused, for more than three days. At all other times when the location is not used for restaurant seating, the location will be kept clear of all furniture and other items. Mere non-use of the seating location by the Grantor shall not be considered an abandonment of the easement.

Upkeep/maintenance. Grantor and the restaurant operator shall ensure that the adjoining sidewalk remains clear of litter, food scraps, and soiled dishes at all times. Any damage to the public sidewalk or the seating location caused by the restaurant use shall be corrected by the Grantor at its own expense and per specifications of the City.

Other applicable law. The restaurant operator shall comply with all applicable laws and local ordinances regarding the sale and service of food and beverages to the public. Service of alcoholic beverages in the seating location will need to comply to all rules set by the Oregon Liquor Control Commission. Only alcohol provided by the restaurant may be served in the seating location.

Runs with the land. The terms and provisions of this easement are binding upon and inure to the benefit of the parties and their respective successors and assigns. This easement is perpetual and runs with the land.

2. Building Maintenance Easement:

Grantor reserves an exclusive easement along the property transferred to the City and adjacent to the existing building as more particularly described in Exhibit "E" and depicted on the easement map in Exhibit "H". This easement is for the maintenance and repair of Grantor's building improvements. The easement is in favor of Grantor's property described in Exhibit "D". The terms and provisions of this easement are binding upon and inure to the benefit of the parties and their respective successors and assigns. This easement is perpetual and runs with the land.

C. Release of Grantee's Water Avenue Sidewalk Easement.

By accepting this deed, Grantee, City of Albany, hereby releases, extinguishes, voids, and relinquishes all the right, title, and interest on property held by Grantor as described in a (1) Bike Path and Pedestrian Walkway Easement recorded October 1, 2002 in Volume 1336, Page 0897, Microfilm Records of the Linn County Recorder's Office; and (2) Easement for Construction and Maintenance of Bicycle Path recorded May 16, 1980 in volume 263, page 241, Microfilm Records of the Linn County Recorder's Office.

D. Grantor Grants to Grantee an Easement for Light Posts

Grantor grants to Grantee a non-exclusive easement along a portion of Grantor's property as described in Exhibit "F" and depicted on the easement map in Exhibit "H" for the maintenance and repair of lighting posts within the easement area. The terms and provisions of this easement are binding upon and inure to the benefit of the parties and their respective successors and assigns. This easement is perpetual and runs with the land.

E. City of Albany grants a 10' "gap" easement.

City of Albany holds a 10 foot strip traversing north to south through the western portion of Ohanamula's property and more particularly described in both Volume 170 page 43 of the Linn County Recorder's Office and Exhibit "G" attached hereto. This 10 foot strip is also identified on

the easement map in Exhibit "H". The City of Albany hereby grants Ohanamula a non-exclusive easement for ingress and egress for pedestrian and vehicular use, and for parking use, and landscaping use. The easement is in favor of Ohanamula's property described at Exhibit "D". Except for damage to the easement area caused by the City of Albany, Ohanamula shall be solely responsible for the maintenance of this easement area for purposes of parking and ingress and egress. The terms and provisions of this easement are binding upon and inure to the benefit of the parties and their respective successors and assigns. This easement is perpetual and runs with the land.

TO HAVE AND TO HOLD the same unto Grantor's and Grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer by the City of Albany includes the following:

- a. Funds received by Grantor from Grantee through the City's Central Albany Revitalization Area renewal district (CARA) totaling \$438,893.
- b. Reservation of the restaurant dining area easement and maintenance easement in favor of Ohanamula.
- c. The City's release of the sidewalk easement and bicycle path easement area along Water Avenue described above.
- d. The 10' gap easement provided to Ohanamula as described above.
- e. Other good and valuable consideration.

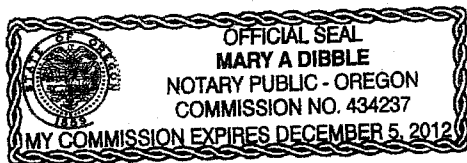
The true and actual consideration provided by Ohanamula for the easements reserved and received from the City of Albany includes the following:

- a. The real property conveyed to the City as described above.
- b. A utility easement to the City described above.
- c. Other good and valuable consideration.

In construing this Deed and the easements, releases herein, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this Deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the Grantor and Grantee have executed this instrument:

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.



Grantor:

David Johnson

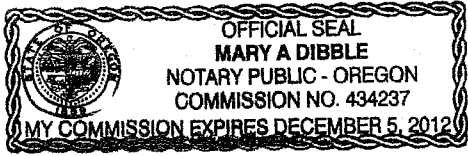
David Johnson
Authorized Manager, Ohanamula LLC

STATE OF OREGON)
County of Linn)

This instrument was acknowledged before me on this 16 day of July, 2010, by David Johnson.

Mary A. Dibble

Notary Public for Oregon
My Commission Expires: Dec 5, 2012



Grantee:

Wes Hare

Wes Hare
City Manager, City of Albany

STATE OF OREGON)
County of Linn)

This instrument was acknowledged before me on this 19 day of July, 2010, by Wes Hare.

Mary A. Dibble

Notary Public for Oregon
My Commission Expires: Dec 5, 2012

Exhibit "A"
(Conveyance Tracts to the City of Albany)

Two tracts of land lying in the Southwest 1/4 of Section 6, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, said tract being a portion of Parcel 1 of Partition Plat 2010-16, a partition of record in Linn County and being more particularly described as follows:

Tract No. 1

Beginning at the northwest corner of said Parcel 1; thence on the north line of said Parcel 1, said north line being the ordinary low water of the Willamette River the following two (2) meanders: (1) North 76°05'00" East 100.00 feet; (2) thence South 78°09'00" East 17.57 feet to a point on the northerly extension of the west line of that Public Access strip described by deed recorded in MF Volume 170, Page 43 of the Linn County Deed Records; thence South 08°13'58" East, along said west line and extension thereof, 58.61 feet to a 1-inch brass plug; thence leaving said west line, along the following nine (9) courses: (1) South 81°47'03" West 67.52 feet to a 1-inch brass plug; (2) thence South 08°12'57" East 3.54 feet to a 5/8-inch rod; (3) thence South 81°12'41" West 2.00 feet to a 5/8-inch rod; (4) thence North 08°12'57" West 3.56 feet to a 1-inch brass plug; (5) thence South 81°47'03" West 40.16 feet to a 1-inch brass plug; (6) thence South 08°12'57" East 3.58 feet to a 5/8-inch rod; (7) thence South 84°55'56" West 2.00 feet to a 5/8-inch rod; (8) thence North 08°12'57" West 3.47 feet to a 1-inch brass plug; (9) thence South 81°47'03" West 4.33 feet to a 1-inch brass plug on the west boundary line of said Parcel 1; thence North 08°14'12" West 54.71 feet to the Point of Beginning.

Tract No. 2:

Commencing at the northwest corner of said Parcel 1; thence on the north line of said Parcel 1, said north line being the ordinary low water of the Willamette River the following two (2) meanders: (1) North 76°05'00" East 100.00 feet; (2) thence South 78°09'00" East 28.00 feet to a point on the northerly extension of the east line of that Public Access strip described by deed recorded in MF Volume 170, Page 43 of the Linn County Deed Records, said point also being the TRUE POINT OF BEGINNING of the

hereinafter described Tract No. 2; thence continuing along said ordinary low water of the Willamette River the following five (5) meanders: (1) North 22°51'00" East 17.61 feet; (2) thence North 66°41'00" East 34.00 feet; (3) thence North 80°21'00" East 188.50 feet; (4) thence North 55°27'00" East 87.00 feet; (5) thence North 80°04'00" East 74.38 feet to the northeast corner of said Parcel 1; thence South 08°16'01" East, on the east line of said Parcel 1, a distance of 53.53 feet to a 1-inch brass plug; thence leaving said east line the following seventeen (17) courses: (1) South 73°54'59" West 15.96 feet to a 1-inch brass plug; (2) thence South 81°10'33" West 6.14 feet to a 1-inch brass plug; (3) thence South 08°49'27" East 3.97 feet to a 5/8-inch rod; (4) thence South 80°18'59" West 2.00 feet to a 5/8-inch rod; (5) thence North 08°49'27" West 4.00 feet to a 1-inch brass plug; (6) thence South 81°10'33" West 26.11 feet to a 1-inch brass plug; (7) thence South 72°30'28" West 47.08 feet to a 1-inch brass plug; (8) thence South 17°29'32" East 3.42 feet to a 5/8-inch rod; (9) thence South 73°39'13" West 2.00 feet to a 5/8-inch rod; (10) thence North 17°29'32" West 3.38 feet to a 1-inch brass plug; (11) thence South 72°30'29" West 86.42 feet to a 1-inch brass plug; (12) thence North 21°36'04" West 1.44 feet to a 1-inch brass plug; (13) South 68°23'50" West 189.25 feet to a 1-inch brass plug; (14) thence South 21°36'10" East 3.81 feet to a 5/8-inch rod; (15) thence South 71°32'43" West 2.00 feet to a 5/8-inch rod; (16) thence North 21°36'10" West 3.70 feet to a 1-inch brass plug; (17) thence South 68°23'50" West 12.87 feet to a 1-inch brass plug on the east line of that Public Access strip described by deed recorded in MF Volume 170, Page 43 of the Linn County Deed Records; thence North 08°13'58" West, along said east line and the northerly extension thereof, a distance of 54.30 feet to the TRUE POINT OF BEGINNING.

The bearings used for this description are based on County Survey No. 25238 as filed in the Office of the Linn County Surveyor.

July 1, 2010
CONVEYANCE TRACTS TO
THE CITY OF ALBANY
(10-35) JSM:JRB:ls

File Ref: Titan/Projects/2010/10-35/Exhibit A - Conveyance tract to City.doc

Exhibit "A-1"

c.s. 25260

PROPERTY LINE ADJUSTMENT
FOR
OHANAMULA, LLC.

LOCATED IN
BLOCK 100 OF "HACKLEMAN'S ADDITION";
PARCEL 1 OF PARTITION PLAT 2010-16
LYING IN
ABRAM HACKLEMAN D.L.C. No. G2
SW 1/4 SEC. 6, T. 11 S., R. 3 W., W.M.
IN THE
CITY OF ALBANY, LINN COUNTY, OREGON
JUNE 30, 2010

CITY OF ALBANY CASE NO. LA-02-10

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO SET MONUMENTS TO ESTABLISH AN APPROVED PROPERTY LINE ADJUSTMENT PER CITY OF ALBANY PLANNING CASE FILE NO. LA-02-10.

FOUND MONUMENTS OF RECORD, CALCULATED POINTS, AND SET MONUMENTS WERE HELD TO ESTABLISH THE BOUNDARY AS SHOWN ON THE MAP AND FURTHER DESCRIBED BELOW:

THE BOUNDARY OF PROPERTY "A" WAS ESTABLISHED BY HOLDING RECORD INFORMATION FROM COUNTY SURVEY 14823.

THE BOUNDARY OF PROPERTY "B" WAS ESTABLISHED BY HOLDING FOUND MONUMENTS AND RECORD INFORMATION FROM PARTITION PLAT 2010-16; C.S. 25236.

LEGEND:

- FOUND MONUMENT, AS NOTED; SEE "FOUND MONUMENT LIST"
- SET BRASS PLUG MARKED: "K+D LS 1630."
- △ SET 5/8" I.R. W/ YPC MARKED: "K+D LS 1630."
- ⊙ FD. BRASS PLUG MARKED "QUERY PLS 1653" SET IN CONCRETE WALK PER P.P. 2010-16; C.S. 25236.
- CALCULATED POINT FROM RECORD DATA
- () RECORD DATA PER PARTITION PLAT 2010-16; C.S. 25236; SAME AS MEASURED, EXCEPT AS NOTED.
- [] CALCULATED DATA BASED ON RECORD INFORMATION
- FD. FOUND
- I.R. IRON ROD
- S.F. SQUARE FEET
- DOC. DOCUMENT
- YPC YELLOW PLASTIC CAP
- C.S. COUNTY SURVEY
- P.P. PARTITION PLAT

- 901 FOUND MONUMENT NUMBER PER P.P. 2010-16 FOR 400 SERIES NUMBERS.
- 902 FOUND MONUMENT REFERENCE; SEE "FOUND MONUMENT LIST"
- 903 RECORD SURVEY REFERENCE; SEE "RECORD REFERENCE LIST"
- AREA TO BE TRANSFERRED FROM PROPERTY "B" TO PROPERTY "A" = 26,343 S.F.

FOUND MONUMENT LIST:

- 1 FD. 1" BRASS PLUG (A) STAMPED "QUERY PLS 1653", IN CONCRETE. **HOLD**
- 2 FD. 1" BRASS PLUG (A) STAMPED "QUERY PLS 1653", IN CONCRETE. **HOLD**
- 30 FD. 5/8" I.R. (A) W/ YPC MARKED "QUERY PLS 1653". **HOLD**
- 31 FD. 5/8" I.R. (A) W/Y.P.C. STAMPED "QUERY PLS 1653". DESTROYED BY CONSTRUCTION. **RESET PER LEGEND.**
- 32 FD. 1" BRASS PLUG STAMPED "PWE PLS 2688" SET IN CONCRETE AS PER C.S. 24711. **HOLD**

RECORD REFERENCE LIST:

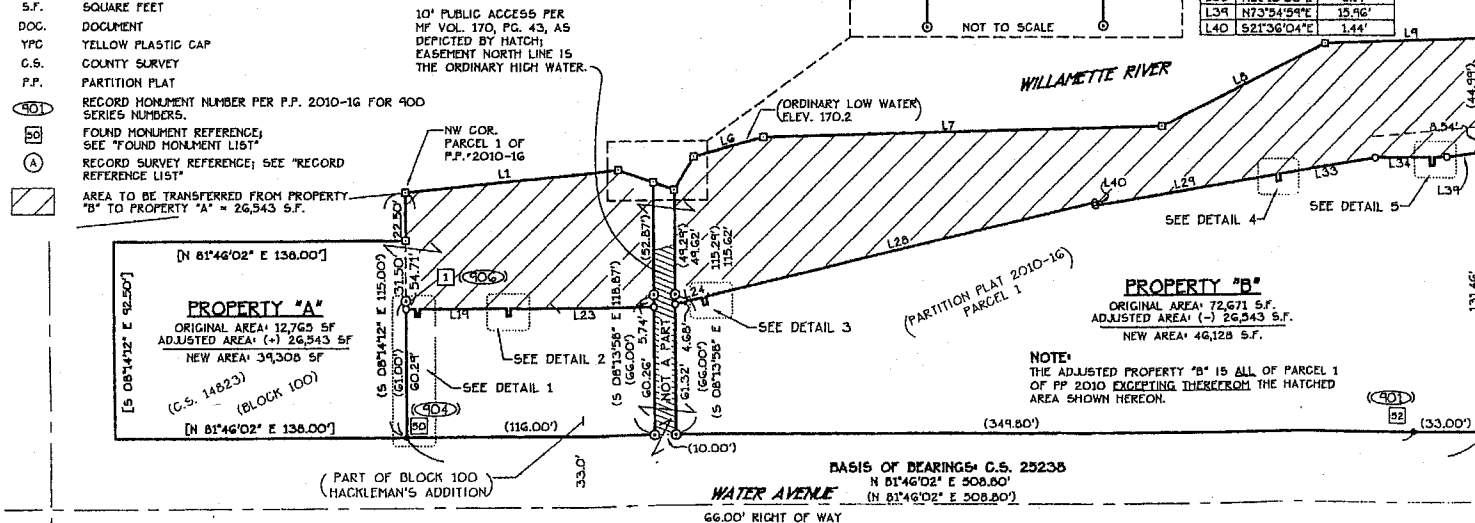
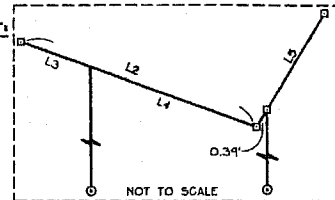
- (A) P.P. 2010-16; C.S. 25236

LINE TABLE:

LINE	BEARING	DISTANCE
L1	(N76°03'00"E	100.00'
L2	(S78°09'00"E	28.00'
L3	(S78°09'00"E	17.57'
L4	(S78°09'00"E	10.43'
L5	(N22°51'00"E	18.00'
L6	(N66°41'00"E	34.00'
L7	(N80°21'00"E	188.50'
L8	(N55°27'00"E	87.00'
L9	(N80°04'00"E	74.38'

LINE TABLE:

LINE	BEARING	DISTANCE
L15	S81°47'03"W	4.33'
L16	N08°12'19"W	3.47'
L17	S84°55'56"W	2.00'
L18	N08°12'19"W	3.58'
L19	S81°47'03"W	40.16'
L20	N08°12'19"W	3.56'
L21	S81°12'41"W	2.00'
L22	N08°12'19"W	3.54'
L23	S81°47'03"W	67.52'
L24	N68°23'50"E	12.87'
L25	N21°36'10"W	3.70'
L26	S71°32'43"W	2.00'
L27	N21°36'10"W	3.61'
L28	N68°23'50"E	169.23'
L29	N72°30'29"E	86.42'
L30	N17°29'32"W	3.38'
L31	S73°39'13"W	2.00'
L32	N17°29'32"W	3.42'
L33	N72°30'28"E	47.08'
L34	N81°10'33"E	26.11'
L35	N08°49'27"W	4.00'
L36	S80°16'59"W	2.00'
L37	N08°49'27"W	3.97'
L38	N81°10'33"E	6.14'
L39	N73°54'59"E	15.96'
L40	S21°36'04"E	1.44'

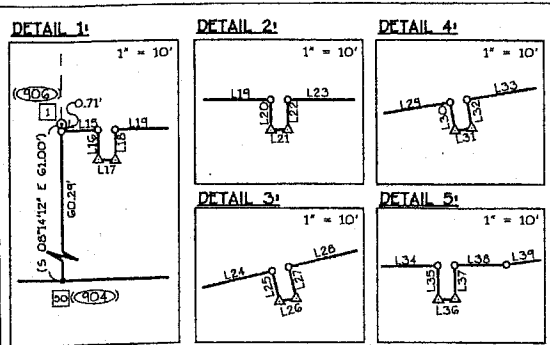


PROPERTY "B"
ORIGINAL AREA: 72,671 S.F.
ADJUSTED AREA: (-) 26,343 S.F.
NEW AREA: 46,128 S.F.

NOTE:
THE ADJUSTED PROPERTY "B" IS ALL OF PARCEL 1 OF PP 2010 EXCEPTING THEREFROM THE HATCHED AREA SHOWN HEREON.

BASIS OF BEARINGS: C.S. 25236
N 81°46'02" E 308.80'
(N 81°46'02" E 308.80')

REGISTERED PROFESSIONAL LAND SURVEYOR
Jack R. Burrell
OREGON
JACK R. BURRELL
1930
RENEWAL DATE 12/31/11



(PARTITION PLAT 2005-41) PARCEL 1
(HACKLEMAN'S ADDITION) BLOCK 106
I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

JACK BURRELL PLS-1630
K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-3555

(HACKLEMAN'S ADDITION) BLOCK 109
APPROVAL:
THIS SURVEY APPROVED THIS 7TH DAY OF JULY, 2010
Charles M. Hill
CITY OF ALBANY COMMUNITY DEVELOPMENT DIRECTOR

THIS SURVEY WAS RECEIVED AND FILED THIS 13TH DAY OF JULY, 2010.
Charles M. Hill
LINN COUNTY SURVEYOR

Exhibit "B"

(Description of Location of Sidewalk Improvements under 2-year Warranty)

A tract of land that is located in the Southwest 1/4 of Section 6, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, said tract being a portion of "Parcel 1" of Partition Plat 2010-16, a partition of record in Linn County, Oregon. The herein described tract is a portion of that property identified as Tracts 1 and Tract 2 in Exhibit "A" that is attached to this document. The said tract is generally located over the southerly ten (10) feet of said Tracts 1 and 2 and is more particularly described as follows:

Beginning at a 1-inch brass plug on the east line of and being South 08°16'01" East 53.53 feet northeast corner of said Parcel 1; thence leaving said east line along the following seventeen (17) courses: (1) South 73°54'59" West 15.96 feet to a 1-inch brass plug; (2) thence South 81°10'33" West 6.14 feet to a 1-inch brass plug; (3) thence South 08°49'27" East 3.97 feet to a 5/8-inch rod; (4) thence South 80°18'59" West 2.00 feet to a 5/8-inch rod; (5) thence North 08°49'27" West 4.00 feet to a 1-inch brass plug; (6) thence South 81°10'33" West 26.11 feet to a 1-inch brass plug; (7) thence South 72°30'28" West 47.08 feet to a 1-inch brass plug; (8) thence South 17°29'32" East 3.42 feet to a 5/8-inch rod; (9) thence South 73°39'13" West 2.00 feet to a 5/8-inch rod; (10) thence North 17°29'32" West 3.38 feet to a 1-inch brass plug; (11) thence South 72°30'29" West 86.42 feet to a 1-inch brass plug; (12) thence North 21°36'04" West 1.44 feet to a 1-inch brass plug; (13) South 68°23'50" West 189.25 feet to a 1-inch brass plug; (14) thence South 21°36'10" East 3.81 feet to a 5/8-inch rod; (15) thence South 71°32'43" West 2.00 feet to a 5/8-inch rod; (16) thence North 21°36'10" West 3.70 feet to a 1-inch brass plug; (17) thence South 68°23'50" West 12.87 feet to a 1-inch brass plug on the east line of that Public Access strip described by deed recorded in MF Volume 170, Page 43 of the Linn County Deed Records; thence South 68°23'50" West 4.61 feet; thence South 81°47'03" West 5.51 feet to a 1-inch brass plug on the west line of said Public Access strip; thence leaving said west line, along the following nine (9) courses: (1) South 81°47'03" West 67.52 feet to a 1-inch brass plug; (2) thence South 08°12'57" East 3.54 feet to a 5/8-inch rod; (3) thence South 81°12'41" West 2.00 feet to a 5/8-inch rod; (4) thence North 08°12'57" West 3.56 feet to a 1-inch brass plug; (5)

thence South $81^{\circ}47'03''$ West 40.16 feet to a 1-inch brass plug; (6) thence South $08^{\circ}12'57''$ East 3.58 feet to a 5/8-inch rod; (7) thence South $84^{\circ}55'56''$ West 2.00 feet to a 5/8-inch rod; (8) thence North $08^{\circ}12'57''$ West 3.47 feet to a 1-inch brass plug; (9) thence South $81^{\circ}47'03''$ West 4.33 feet to a 1-inch brass plug on the west boundary line of said Parcel 1; thence North $08^{\circ}14'12''$ West, on said west line of Parcel 1, a distance of 10.00 feet; thence leaving said west line the following five (5) courses: (1) North $81^{\circ}47'03''$ East 116.00 feet to a point; (2) thence North $74^{\circ}07'01''$ East 10.09 feet to a point; (3) thence North $68^{\circ}23'50''$ East 182.10 feet to a point; (4) thence North $72^{\circ}30'29''$ East 155.91 feet to a point; (5) thence North $76^{\circ}36'31''$ East 51.88 feet to a point on the east line of said Parcel 1 that is North $08^{\circ}16'01''$ West 12.00 feet from the Point of Beginning; thence South $08^{\circ}16'01''$ East 12.00 feet to the Point of Beginning.

The bearings used for this description are based on County Survey No. 25238 as filed in the Office of the Linn County Surveyor.

July 7, 2010

EASEMENT

(10-35) JSM:JRB:ls

File Ref. Titan/Projects/2010/10-35Exhibit B - Sidewalk case.doc

Exhibit "C"
(Description of Restaurant Seating Easement)

A tract of land for Restaurant Seating purposes that is located in the Southwest 1/4 of Section 6, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, said tract being a portion of "Parcel 1" of Partition Plat 2010-16, a partition of record in Linn County, Oregon. The herein described tract is a portion of that property identified as Tract 2 in Exhibit "A" that is attached to this document. The herein described tract is more particularly described as follows:

Commencing at the northeast corner of said Parcel 1; thence South 08°16'01" East, on the east line of said Parcel 1, a distance of 53.53 feet to a 1-inch brass plug; thence leaving said east line the following thirteen (13) courses: (1) South 73°54'59" West 15.96 feet to a 1-inch brass plug; (2) thence South 81°10'33" West 6.14 feet to a 1-inch brass plug; (3) thence South 08°49'27" East 3.97 feet to a 5/8-inch rod; (4) thence South 80°18'59" West 2.00 feet to a 5/8-inch rod; (5) thence North 08°49'27" West 4.00 feet to a 1-inch brass plug; (6) thence South 81°10'33" West 26.11 feet to a 1-inch brass plug; (7) thence South 72°30'28" West 47.08 feet to a 1-inch brass plug; (8) thence South 17°29'32" East 3.42 feet to a 5/8-inch rod; (9) thence South 73°39'13" West 2.00 feet to a 5/8-inch rod; (10) thence North 17°29'32" West 3.38 feet to a 1-inch brass plug; (11) thence South 72°30'29" West 86.42 feet to a 1-inch brass plug; (12) thence North 21°36'04" West 1.44 feet to a 1-inch brass plug; (13) South 68°23'50" West 55.13 feet to the TRUE POINT OF BEGINNING of the hereinafter described tract to be used for Restaurant Easement purposes; thence North 20°50'48" West 11.89 feet; thence along the arc of a 45.51 foot radius non-tangent curve to the left (chord bears South 68°29'07" West 55.86 feet) a distance of 60.14 feet; thence South 20°27'27" East 11.97 feet to a point that is South 68°23'50" West 55.87 feet from

the TRUE POINT OF BEGINNING; thence North 68°23'50" East 55.87 feet to
the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM the southerly 10.00 feet of even width.

The bearings used for this description are based on County Survey No. 25238 as filed in the
Office of the Linn County Surveyor.

July 1, 2010
DESCRIPTION OF RESTAURANT
SEATING EASEMENT(10-35) JSM:JRB:ls
File Ref. Titan/Projects/2010/10-35/Exhibit C - seating ease.doc

Exhibit "D"

(Grantor's Re-Configured Tract owned by Ohanamula LLC)

ALL of Parcel 1 of Partition Plat No. 2010-16, a partition of record in Linn County, Oregon EXCEPTING THEREFROM two tracts of land that are more particularly described as follows:

EXCEPTION TRACT NO. 1:

Beginning at the northwest corner of said Parcel 1; thence on the north line of said Parcel 1, said north line being the ordinary low water of the Willamette River the following two (2) meanders: (1) North 76°05'00" East 100.00 feet; (2) thence South 78°09'00" East 17.57 feet to a point on the northerly extension of the west line of that Public Access strip described by deed recorded in MF Volume 170, Page 43 of the Linn County Deed Records; thence South 08°13'58" East, along said west line and extension thereof, 58.61 feet to a 1-inch brass plug; thence leaving said west line, along the following nine (9) courses: (1) South 81°47'03" West 67.52 feet to a 1-inch brass plug; (2) thence South 08°12'57" East 3.54 feet to a 5/8-inch rod; (3) thence South 81°12'41" West 2.00 feet to a 5/8-inch rod; (4) thence North 08°12'57" West 3.56 feet to a 1-inch brass plug; (5) thence South 81°47'03" West 40.16 feet to a 1-inch brass plug; (6) thence South 08°12'57" East 3.58 feet to a 5/8-inch rod; (7) thence South 84°55'56" West 2.00 feet to a 5/8-inch rod; (8) thence North 08°12'57" West 3.47 feet to a 1-inch brass plug; (9) thence South 81°47'03" West 4.33 feet to a 1-inch brass plug on the west boundary line of said Parcel 1; thence North 08°14'12" West 54.71 feet to the Point of Beginning.

EXCEPTION TRACT NO. 2:

Commencing at the northwest corner of said Parcel 1; thence on the north line of said Parcel 1, said north line being the ordinary low water of the Willamette River the following two (2) meanders: (1) North 76°05'00" East 100.00 feet; (2) thence South 78°09'00" East 28.00 feet to a point on the northerly extension of the east line of that Public Access strip described by deed recorded in MF Volume 170, Page 43 of the Linn County Deed Records, said point also being the TRUE POINT OF BEGINNING of the hereinafter described Exception Tract No. 2; thence continuing along said ordinary low water of the Willamette River the following five (5) meanders: (1) North 22°51'00" East 17.61 feet; (2) thence North 66°41'00" East 34.00 feet; (3) thence North 80°21'00" East

Page 1 of 2
Exhibit "D"
Grantor's Reconfigured Tract

188.50 feet; (4) thence North 55°27'00" East 87.00 feet; (5) thence North 80°04'00" East 74.38 feet to the northeast corner of said Parcel 1; thence South 08°16'01" East, on the east line of said Parcel 1, a distance of 53.53 feet to a 1-inch brass plug; thence leaving said east line the following seventeen (17) courses: (1) South 73°54'59" West 15.96 feet to a 1-inch brass plug; (2) thence South 81°10'33" West 6.14 feet to a 1-inch brass plug; (3) thence South 08°49'27" East 3.97 feet to a 5/8-inch rod; (4) thence South 80°18'59" West 2.00 feet to a 5/8-inch rod; (5) thence North 08°49'27" West 4.00 feet to a 1-inch brass plug; (6) thence South 81°10'33" West 26.11 feet to a 1-inch brass plug; (7) thence South 72°30'28" West 47.08 feet to a 1-inch brass plug; (8) thence South 17°29'32" East 3.42 feet to a 5/8-inch rod; (9) thence South 73°39'13" West 2.00 feet to a 5/8-inch rod; (10) thence North 17°29'32" West 3.38 feet to a 1-inch brass plug; (11) thence South 72°30'29" West 86.42 feet to a 1-inch brass plug; (12) thence North 21°36'04" West 1.44 feet to a 1-inch brass plug; (13) South 68°23'50" West 189.25 feet to a 1-inch brass plug; (14) thence South 21°36'10" East 3.81 feet to a 5/8-inch rod; (15) thence South 71°32'43" West 2.00 feet to a 5/8-inch rod; (16) thence North 21°36'10" West 3.70 feet to a 1-inch brass plug; (17) thence South 68°23'50" West 12.87 feet to a 1-inch brass plug on the east line of that Public Access strip described by deed recorded in MF Volume 170, Page 43 of the Linn County Deed Records; thence North 08°13'58" West, along said east line and the northerly extension thereof, a distance of 54.30 feet to the TRUE POINT OF BEGINNING.

The bearings used for this description are based on County Survey No. 25238 as filed in the Office of the Linn County Surveyor.

July 1, 2010
RE-CONFIGURED OHANAMULA LLC TRACT
(10-35) JSM:JRB:ls
File Ref: Titan/Projects/2010/10-35/Exhibit D - Ohanamula reconfigured.doc

Exhibit "E"

(Description of Building Maintenance Easement)

A tract of land for Building Maintenance Easement purposes that is located in the Southwest 1/4 of Section 6, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, said tract being a portion of "Parcel 1" of Partition Plat 2010-16, a partition of record in Linn County, Oregon. The herein described tract is a portion of that property identified as Tracts 1 and Tract 2 in Exhibit "A" that is attached to this document. The said tract is more particularly described as follows:

Beginning at a 1-inch brass plug on the east line of and being South 08°16'01" East 53.53 feet northeast corner of said Parcel 1; thence leaving said east line along the following thirteen (13) courses: (1) South 73°54'59" West 15.96 feet to a 1-inch brass plug; (2) thence South 81°10'33" West 6.14 feet to a 1-inch brass plug; (3) thence South 08°49'27" East 3.97 feet to a 5/8-inch rod; (4) thence South 80°18'59" West 2.00 feet to a 5/8-inch rod; (5) thence North 08°49'27" West 4.00 feet to a 1-inch brass plug; (6) thence South 81°10'33" West 26.11 feet to a 1-inch brass plug; (7) thence South 72°30'28" West 47.08 feet to a 1-inch brass plug; (8) thence South 17°29'32" East 3.42 feet to a 5/8-inch rod; (9) thence South 73°39'13" West 2.00 feet to a 5/8-inch rod; (10) thence North 17°29'32" West 3.38 feet to a 1-inch brass plug; (11) thence South 72°30'29" West 86.42 feet to a 1-inch brass plug; (12) thence North 21°36'04" West 1.44 feet to a 1-inch brass plug; (13) South 68°23'50" West 0.91 feet to the northeasterly corner of the office and restaurant building located on the Grantor's property and which point is the TRUE POINT OF BEGINNING of the hereinafter described Building Maintenance Easement tract ; thence South 68°23'50" West, along the northwesterly face of said building, 125.00 feet to the northwesterly corner of said building; thence North 21°36'10" West 10.00 feet; thence North 68°23'50" East, parallel with and 10.00 feet distant from the northwesterly face of said building, 125.00 feet to a point that is 10.00 feet, when measured perpendicularly, from the said northeasterly building corner; thence South 21°36'10" East 10.00 feet to the TRUE POINT OF BEGINNING.

July 1, 2010

Building Maintenance EASEMENT

(10-35) JSM:JRB:ls

File Ref: Titan/Projects/2010/10-35Exhibit E - Building Maintenance ease.doc

Page 1 of 1
Exhibit "E"

Building Maintenance Easement

Exhibit "F"

(Description of Light Pole Power Line Easement)

A tract of land for Light Pole Power Line Easement purposes that is located in the Southwest 1/4 of Section 6, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, said tract being a portion of "Parcel 1" of Partition Plat 2010-16, a partition of record in Linn County, Oregon. The herein described tract is more particularly described as follows:

Beginning at a 1-inch brass plug on the east line of and being South 08°16'01" East 53.53 feet northeast corner of said Parcel 1; thence leaving said east line along the following seventeen (17) courses: (1) South 73°54'59" West 15.96 feet to a 1-inch brass plug; (2) thence South 81°10'33" West 6.14 feet to a 1-inch brass plug; (3) thence South 08°49'27" East 3.97 feet to a 5/8-inch rod; (4) thence South 80°18'59" West 2.00 feet to a 5/8-inch rod; (5) thence North 08°49'27" West 4.00 feet to a 1-inch brass plug; (6) thence South 81°10'33" West 26.11 feet to a 1-inch brass plug; (7) thence South 72°30'28" West 47.08 feet to a 1-inch brass plug; (8) thence South 17°29'32" East 3.42 feet to a 5/8-inch rod; (9) thence South 73°39'13" West 2.00 feet to a 5/8-inch rod; (10) thence North 17°29'32" West 3.38 feet to a 1-inch brass plug; (11) thence South 72°30'29" West 86.42 feet to a 1-inch brass plug; (12) thence North 21°36'04" West 1.44 feet to a 1-inch brass plug; (13) South 68°23'50" West 189.25 feet to a 1-inch brass plug; (14) thence South 21°36'10" East 3.81 feet to a 5/8-inch rod; (15) thence South 71°32'43" West 2.00 feet to a 5/8-inch rod; (16) thence North 21°36'10" West 3.70 feet to a 1-inch brass plug; (17) thence South 68°23'50" West 12.87 feet to a 1-inch brass plug on the east line of that Public Access strip described by deed recorded in MF Volume 170, Page 43 of the Linn County Deed Records; thence South 68°23'50" West 4.61 feet; thence South 81°47'03" West 5.51 feet to a 1-inch brass plug on the west line of said Public Access strip; thence leaving said west line, along the following nine (9) courses: (1) South 81°47'03" West 67.52 feet to a 1-inch brass plug; (2) thence South 08°12'57" East 3.54 feet to a 5/8-inch rod; (3) thence South 81°12'41" West 2.00 feet to a 5/8-inch rod; (4) thence North 08°12'57" West 3.56 feet to a 1-inch brass plug; (5) thence South 81°47'03" West 40.16 feet to a 1-inch brass plug; (6) thence South 08°12'57" East 3.58 feet to a 5/8-inch rod; (7) thence South 84°55'56" West 2.00 feet to

a 5/8-inch rod; (8) thence North 08°12'57" West 3.47 feet to a 1-inch brass plug; (9) thence South 81°47'03" West 4.33 feet to a 1-inch brass plug on the west boundary line of said Parcel 1; thence South 08°14'12" East, on said west line of Parcel 1, a distance of 8.00 feet; thence leaving said west line the following five (5) courses: (1) North 81°47'03" East 116.00 feet to a point; (2) thence North 76°57'20" East 10.04 feet to a point; (3) thence North 68°47'33" East 205.45 feet to a point; (4) thence North 72°30'29" East 134.90 feet to a point; (5) thence North 81°10'33" East 49.38 feet to a point on the east line of said Parcel 1 that is South 08°16'01" East 10.02 feet from the Point of Beginning; thence North 08°16'01" West 10.02 feet to the Point of Beginning.

EXCEPTING THEREFROM any portion of the above described easement tract lying with in the restaurant and office building structure

July 1, 2010

Powerline EASEMENT

(10-35) JSM:JRB:ls

File Ref: Titan/Projects/2010/10-35Exhibit F - Building Maintenance case.doc

Page 2 of 2
Exhibit "F"

Light Pole Powerline Easement

Exhibit "G"
(10 Foot Gap Easement Description)

A tract of land located in the Southwest 1/4 of Section 6, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, said tract being identified as a 10' Public Access strip and shown on Partition Plat No. 2010-16, a partition of record in Linn County. Said Public Access strip is described by document recorded in MF Volume 170, Page 43 of the Linn County Deed Records and is more particularly described as follows:

Beginning at a 1-inch brass plug at the southwest corner of said Public Access strip and being North 81°46'02" East 116.00 feet from the southwest corner of Parcel 1 of said Partition Plat No. 2010-16; thence North 08°13'58" West, along the west line of said strip and the northerly extension thereof, a distance of 118.87 feet to the Ordinary Low Water Line of the Willamette River; thence along said ordinary low water line the following two (2) courses: (1) South 78°09'00" East 10.43 feet; (2) thence North 22°51'00" East 0.39 feet to the northerly extension of the easterly line of said Public Access strip; thence South 08°13'58" East, along said extension and easterly line of the Public Access strip, 115.64 feet to a 1-inch brass plug at the southeast corner of said Public Access Strip; thence South 81°46'02" West 10.00 feet to the Point of Beginning.

The bearings used for this description are based on County Survey No. 25238 as filed in the Office of the Linn County Surveyor.

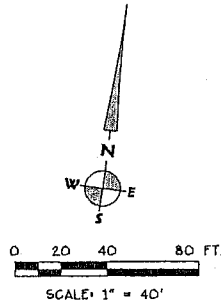
July 1, 2010
10 FOOT GAP EASEMENT DESCRIPTION
(10-35) JSM:JRB:ls
File Ref: Titan/Projects/2010/10-35/Exhibit G - 10 foot gap ease.doc

**LINE TABLE:
(RECORD DATA)**

LINE	BEARING	DISTANCE
L1	(N76°05'00"E	100.00'
L2	(S78°04'00"E	28.00'
L3	(S78°04'00"E	17.57'
L4	(S78°04'00"E	10.43'
L5	(N22°51'00"E	18.00'
L6	(N66°41'00"E	34.00'
L7	(N80°21'00"E	188.50'
L8	(N55°27'00"E	87.00'
L9	(N80°04'00"E	74.38'

**LINE TABLE:
NEW PROPERTY LINE**

LINE	BEARING	DISTANCE
L15	S81°47'03"W	4.33'
L16	N08°12'57"W	3.47'
L17	S84°55'56"W	2.00'
L18	N08°12'57"W	3.58'
L19	S81°47'03"W	40.16'
L20	N08°12'57"W	3.56'
L21	S81°12'41"W	2.00'
L22	N08°12'57"W	3.54'
L23	S81°47'03"W	67.52'
L24	N68°23'50"E	12.87'
L25	N21°36'10"W	3.70'
L26	S71°32'43"W	2.00'
L27	N21°36'10"W	3.81'
L28	N68°23'50"E	184.25'
L29	N72°30'24"E	86.42'
L30	N17°24'32"W	3.38'
L31	S73°39'13"W	2.00'
L32	N17°24'32"W	3.42'
L33	N72°30'28"E	47.08'
L34	N81°10'33"E	26.11'
L35	N08°49'27"W	4.00'
L36	S80°18'59"W	2.00'
L37	N08°49'27"W	3.97'
L38	N81°10'33"E	6.14'
L39	N73°54'54"E	15.96'
L40	S21°36'04"E	1.44'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JACK R. BURRELL
1630

REVISION DATE 12/31/11

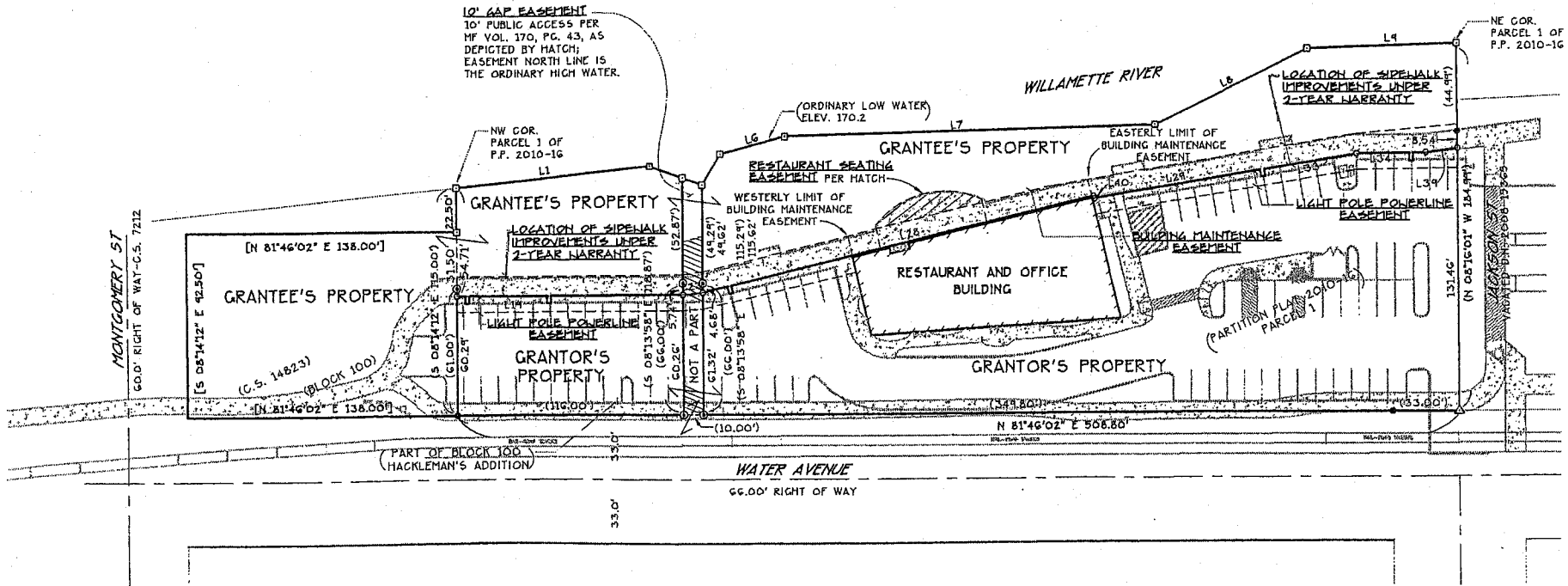
EXHIBIT "H"

EASEMENT MAP

LOCATED IN
BLOCK 100 OF "HACKLEMAN'S ADDITION";
PARCEL 1 OF PARTITION PLAT 2010-16
LYING IN
ABRAM HACKLEMAN D.L.C. No. 62
SW 1/4 SEC. 6, T. 11 S., R. 3 W., W.M.
IN THE
CITY OF ALBANY, LINN COUNTY, OREGON
JULY 1, 2010

NOTES:

- 1.) LIGHT POLE POWERLINE EASEMENT TERMINATES AT EDGES OF BUILDING.
- 2.) THIS EXHIBIT SHOWS A PORTION OF PROPERTY LINE ADJUSTMENT MAP FILED AS G.S. _____



Vicinity Map for Wheelhouse Statutory Warranty Deed

