

AJ

**After recording, return to:**

City Recorder, City of Salem  
350 Commercial St NE  
Salem, OR 97301

**Send tax statements to:**

Finance Department, City of Salem  
555 Liberty Street SE Room 220  
Salem, OR 97301-3513

REEL 4685 PAGE 234  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
01-26-2023 12:13 pm.  
Control Number 729572 \$ 116.00  
Instrument 2023 00002149

TICOR TITLE™ 471827121887

## Warranty Deed and Temporary Construction Easement

TJD, LLC, an Oregon limited liability company, as to an undivided 50% interest and Eric J. Page and Candice L. Page, who acquired title as Candace J. Page, as to an undivided 50% interest, together, hereinafter called Grantor, conveys and warrants to the CITY OF SALEM, an Oregon municipal corporation, organized and existing under and by virtue of the laws of the State of Oregon, hereinafter called Grantee, 555 Liberty Street SE, Salem, Oregon 97301-3513, all that real property situated in Marion County, State of Oregon, described as follows:

See Tract 1 of Exhibit A attached and as shown on Exhibit B attached;

together with a temporary street construction easement over and along the full width and length of the premises described as follows, to wit:

See Tract 2 of Exhibit A attached and as shown on Exhibit B attached.

Grantor covenants that it is the owner of the above-described property free of all encumbrances except: those of record found by: Ticor Title Company of Oregon, dated October 14, 2022, financial obligations of record not excepted, and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is: **One Hundred Fifty Eight Thousand (\$158,000.00) dollars** to it paid.

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“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, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

R/W Dedication  
527980 = 07-3W-35CB-800  
4504-0032  
Update Ac To 0.71 Net  
Run In As Ex

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, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.”

This temporary working easement shall be effective upon execution and shall continue for a period of ten years. The Grantee shall provide sixty days’ notice to Grantor prior to occupying the premises as described above and Grantee shall not occupy premises for more than three years from the time notice is provided to Grantor. This easement shall automatically terminate without the need for further action by either party, three years after written notice to occupy the premises is provided by Grantor or on September 30, 2032

Grantor shall be solely responsible for removal of any improvements made to the premises after the execution of this agreement through receipt of Grantee’s notice to occupy premises.

To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, Grantee will indemnify and hold harmless Grantor, his heirs, and assigns from claims for injury to person or property as a result of negligence of Grantee, its agents, or employees in the construction, operation, or maintenance of said easement. This instrument, and the covenants and agreements contained in this instrument, shall inure to the benefit of and be binding and obligatory upon the heirs, executors, administrators, successors, and assigns of the respective parties.

Grantee, upon completion of the initial construction, shall restore the temporary construction easement area and any improvements disturbed by Grantee to as good condition as they were prior to the work, including the restoration of any topsoil and lawn.

Dated this 7<sup>th</sup> day of November 2022.

TJD, LLC, an Oregon limited liability company

By: [Signature]

Partner  
Title

STATE OF Oregon )  
 ) ss.  
County of Polk )

This instrument was acknowledged before me on November 7th 2022, by Tim Dalk, as Partner of TJD, LLC, an Oregon limited liability company, as to an undivided 50% interest.

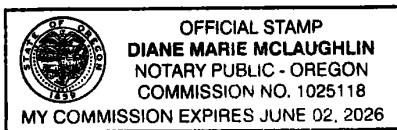


[Signature]  
Notary Public- State of Oregon  
My commission expires: June 02, 2026

Eric J. Page  
[Signature]

STATE OF Oregon )  
 ) ss.  
County of Polk )

This instrument was acknowledged before me on November 7th 2022, by Eric J. Page, as to an undivided 50% interest with Candace J. Page.



[Signature]  
Notary Public- State of Oregon  
My commission expires: June 02, 2026

Candace J. Page

*Candace J. Page*

STATE OF Oregon )  
County of Polk ) ss.

This instrument was acknowledged before me on November 7th 2022, by Candace J. Page, as to an undivided 50% interest with Eric J. Page.



*Diane Marie McLaughlin*  
Notary Public- State of Oregon  
My commission expires: June 02, 2026

ACCEPTED ON BEHALF OF THE CITY OF SALEM BY:

*[Signature]*  
Keith Stanley, ICMA-CM, City Manager

APPROVED AS TO FORM:

By: *[Signature]*  
City Attorney

Checked By: *[Signature]*  
Project # 687005-7  
Date: 10/26/2022

EXHIBIT A - Page 1 of 2

PN# 687002

ID# 7

05/18/2018

Delk Pringle Rd Property, LLC

**TRACT 1 – RIGHT OF WAY ACQUISITION**

A tract of land lying in the James Davidson D.L.C. No. 48, Township 7 South, Range 3 West, W.M., Marion County, Oregon, and being a portion of that property designated as Exhibit "B" and described in that Deed to Delk Pringle Rd Property, LLC, recorded April 2, 2013, on Reel 3488, Page 367, of Marion County Records; said tract being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of McGilchrist Street SE, which center line is described as follows:

Beginning at Engineer's center line Station 7+90.49, said station identified as point number 351 on Survey Number 38656, Marion County Survey Records, and being located 794.35 feet South and 821.22 feet East of the Northeast corner of the Fabritus R. Smith D.L.C. No. 47, Township 7 South, Range 3 West, W.M.; thence South 89° 00' 47" East 2,698.67 feet; thence South 88° 59' 40" East 1,091.56 feet; thence on a 1,909.86 foot radius curve left (the long chord of which bears North 87° 15' 20" East 249.82 feet) 250.00 feet; thence North 83° 30' 20" East 37.42 feet; thence on a 1,909.86 foot radius curve right (the long chord of which bears North 87° 13' 50" East 248.15 feet) 248.33 feet; thence South 89° 02' 40" East 184.75 feet to Engineer's center line Station 53+01.21, said Station identified as point number 352 on said Survey.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
8+10.00		8+39.00	114.00 in a straight line to 67.00
8+39.00		8+72.00	67.00 in a straight line to 52.00
8+72.00		9+50.00	52.00 in a straight line to 55.00

Bearings are based on Survey No. 38656, recorded December 29, 2016, Marion County Survey Records.

This tract of land contains 3,351 square feet, more or less.

EXHIBIT A - Page 2 of 2

PN# 687002

ID# 7

05/18/2018

Delk Pringle Rd Property, LLC

**TRACT 2 – TEMPORARY CONSTRUCTION EASEMENT**

A tract of land lying in the James Davidson D.L.C. No. 48, Township 7 South, Range 3 West, W.M., Marion County, Oregon, and being a portion of that property designated as Exhibit "B" and described in that Deed to Delk Pringle Rd Property, LLC, recorded April 2, 2013, on Reel 3488, Page 367, of Marion County Records; said tract being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of McGilchrist Street SE, which center line is described in Tract 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
8+10.00		8+43.50	135.00 in a straight line to 75.50
8+43.50		8+74.00	75.50 in a straight line to 62.00
8+74.00		9+50.00	62.00 in a straight line to 65.00

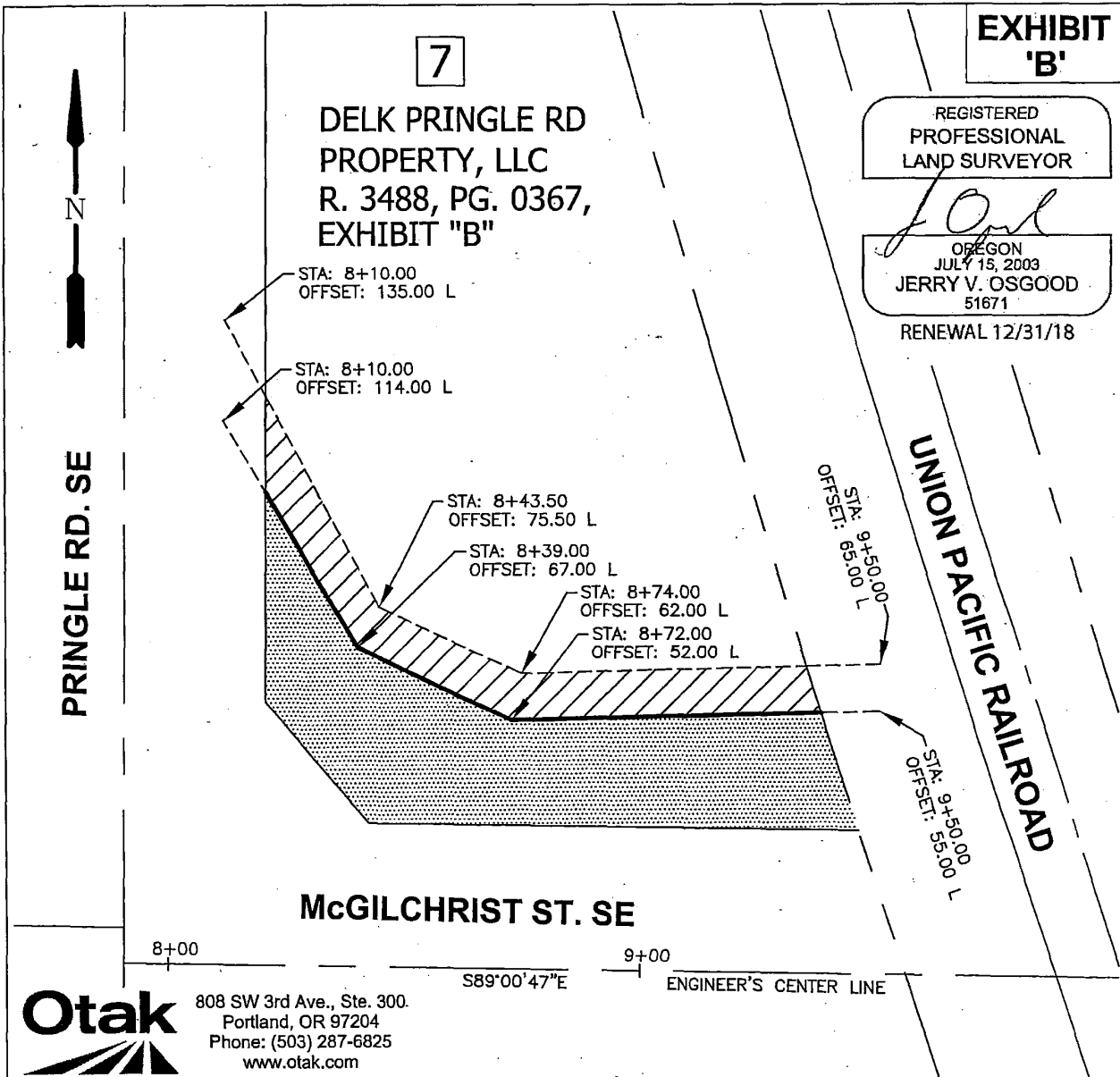
EXCEPT therefrom Tract 1.

This tract of land contains 1,367 square feet, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*J. Osgood*  
OREGON  
JULY 15, 2003  
JERRY V. OSGOOD  
51671

RENEWAL 12/31/18





**EXHIBIT  
'B'**

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jerry V. Osgood*  
OREGON  
JULY 15, 2003  
JERRY V. OSGOOD  
51671  
RENEWAL 12/31/18

**Otak**  
808 SW 3rd Ave., Ste. 300.  
Portland, OR 97204  
Phone: (503) 287-6825  
www.otak.com

	RIGHT OF WAY TRACT 1 (3,351 SQ. FT.)		TEMPORARY CONSTRUCTION EASEMENT TRACT 2 (1,367 SQ. FT.)
0      30'      60'			

<p><b>McGILCHRIST ST. SE</b> (12TH STREET SE TO 25TH STREET SE)  CORRIDOR IMPROVEMENTS</p>	SITE	<p><b>PROPERTY ID # 7</b> 2488 PRINGLE RD. SE SALEM, OR 97302 TAX MAP: 073W35CB TAX LOT: 0800 SECTION 35 TOWNSHIP 7 SOUTH RANGE 3 WEST WILL. MERIDIAN MARION COUNTY, OREGON REEL 3488 PAGE 0367</p>	<p>CITY OF SALEM DEPARTMENT OF PUBLIC WORKS</p> <p><b>ACQUISITION MAP</b></p>
	<p><b>DELK PRINGLE RD PROPERTY, LLC</b> P.O. BOX 13071 SALEM, OR 97309</p>		<p>P.N. 687002</p> <p>BY: MDR    DATE: 05-18-2018</p>