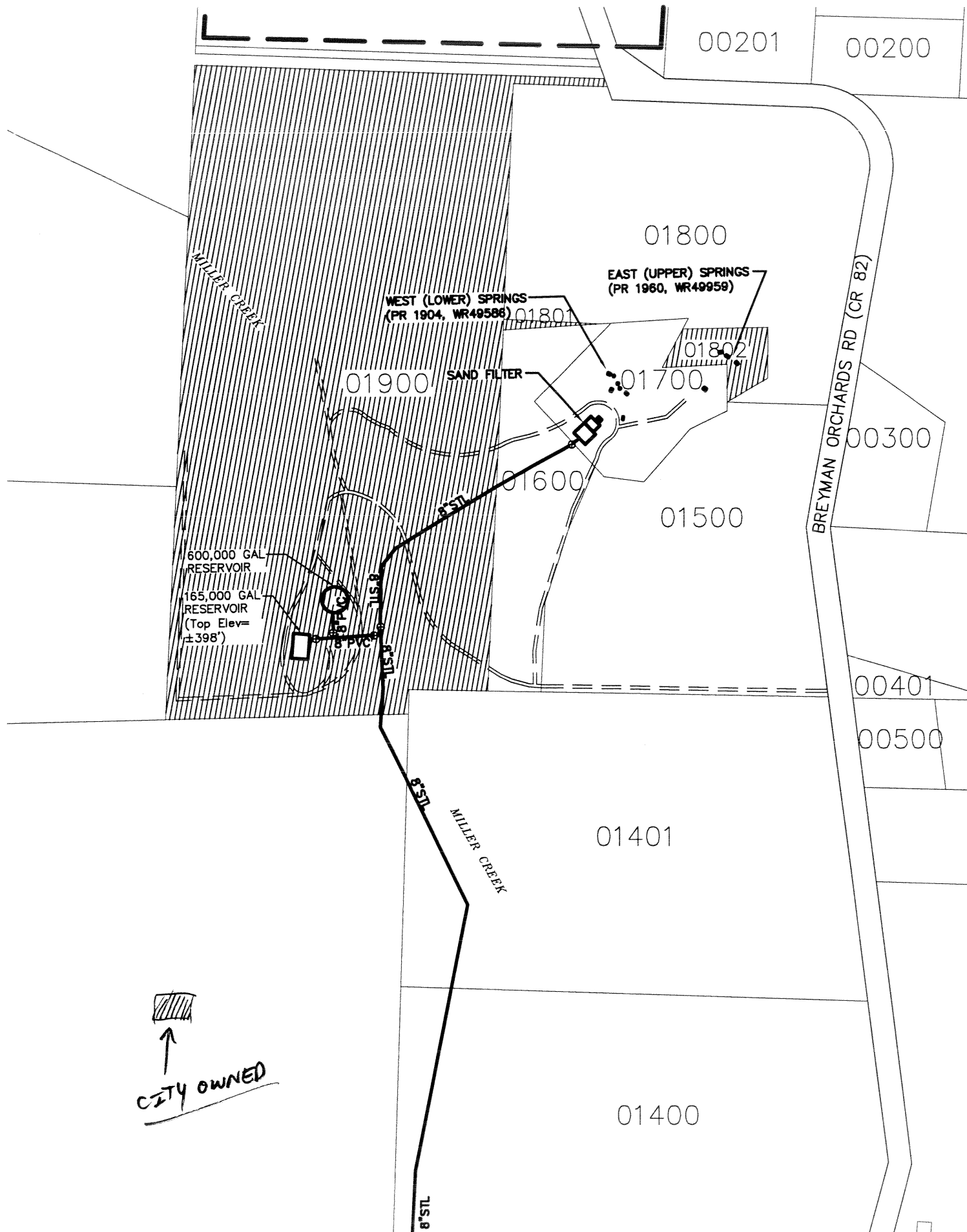

Watershed Deeds, Lease Agreements, Easements

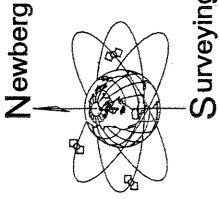
Appendix F



RECORD OF SURVEY FOR:

City of Dayton

Location: NE 1/4 Section 4 T. 4 S. R. 3 W., WM., Yamhill County, OR
 Tax Lots: 4304-1600, 1700, 1800, 1801, 1802
 Date: 15 April, 2004



Scale: 1" = 200'

Narrative

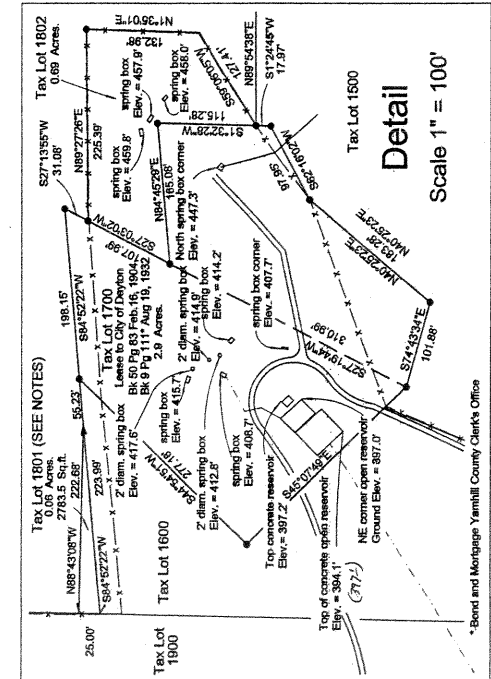
The purpose of this survey is to locate and set the property owner's and leased by the City of Dayton. This survey was conducted by Newberg Surveying, Inc. (NSI) on behalf of the Yamhill County Surveyor and a one-inch pipe from survey CSP-3788. The control for this job was based off of GPS observations using county GPS control points 13, 61, 57, and 98. The points were then scaled by the published scale factor for each of 1,000,000 to obtain ground distances. Conventional monumentation found from surveys CSP-3788 and CSP-6886 was held as found.

Note

Tax Lot 1801 as described in Film Volume 140 Page 110 Yamhill County Deed Records refers to R. W. Mursell's survey dated Aug. 1, 1977 (CSP-6886). The deed defines on the east line of Tax Lot 1600 at a point 701.88 feet south of said point 225.59 feet north along the line S84°52'22"W 225.59' to a point 54.30' from the beginning. I believe the beginning 701.88 foot call to be incorrect, as it would place the property about 50 feet south and not match the bearings of CSP-6886. I believe the intention of description is to intersect the north line of CSP-6886 to the west and to start 26 feet north of that intersection point, however it is not so stated in the deed (City of Dayton, Clerk's Office, Oregon, Ltd.) that they by and clarify the agreement and instrument the agreement.

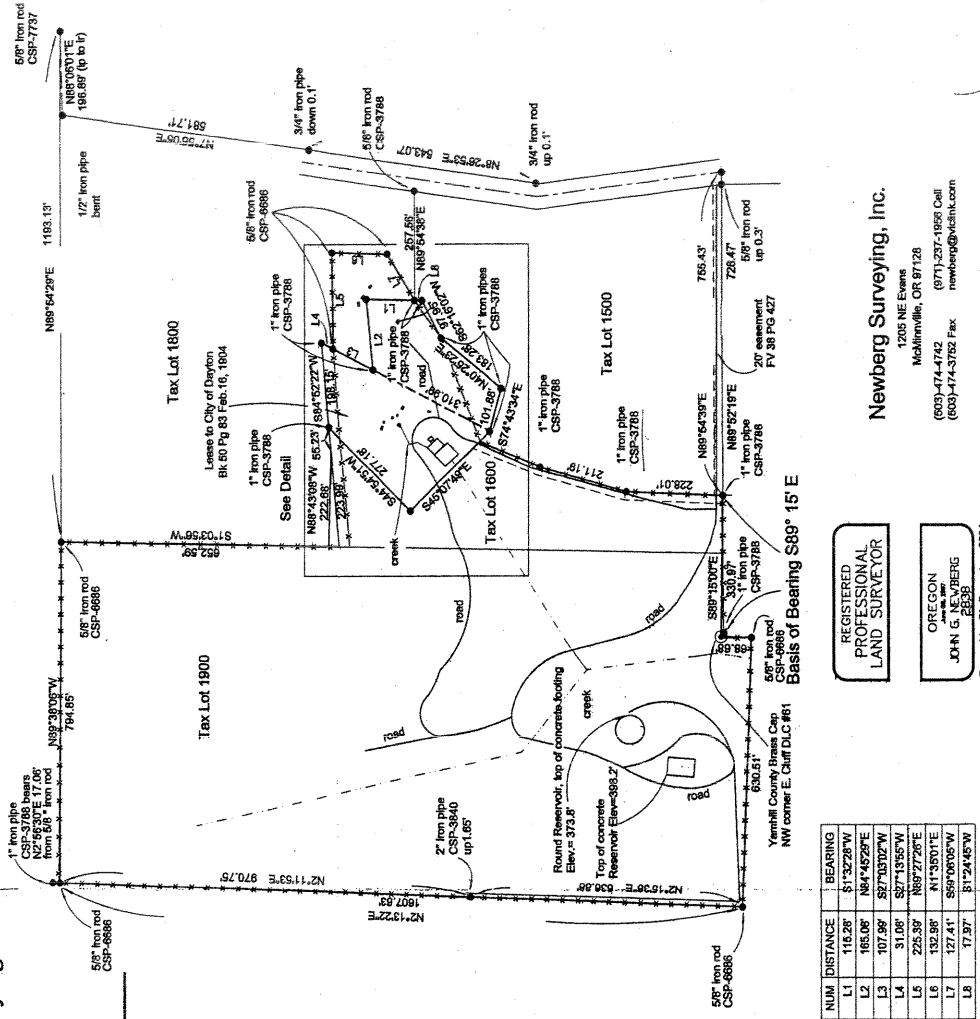
Legend

- = monument found, flush to 0.2 down, in iron pipe in the survey otherwise stated. Origin stated if known.
- = 5/8" iron rod set with ync method.
- (with center dot) = "NEWBERG L&S 2038"
- (with 'Y') = Yamhill County Brass Cap
- (with 'NW corner E. Cliff D.L.C #61') = NW corner E. Cliff D.L.C #61
- = chain link fence
- = spring bases as noted
- = creek
- = road



Detail

Scale 1" = 100'



NUM	DISTANCE	BEARING
L1	115.26'	S1°32'28"W
L2	165.06'	N84°45'28"E
L3	107.96'	S87°03'02"W
L4	31.08'	S87°13'55"W
L5	225.39'	N89°27'20"E
L6	132.88'	N1°35'01"E
L7	127.41'	S89°00'05"W
L8	17.37'	S1°24'45"W

Newberg Surveying, Inc.

1205 NE Evans
 McMinnville, OR 97128
 (503)-474-4742 (971)-237-1926 Cell
 (503)-474-3762 Fax newberg@nlsink.com

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JOHN G. NEWBERG
 #2838

Responsible: 31 December 2004

Dayton Watershed

Main Watershed Area, Deed

Tax Lot 4304-1900

Yamhill County Property Tax Record

Account Info:

		Data Current as of:	12/1/2010
Account No	109233	Market Land Value	\$ 237,389.00
Map/Tax Lot Number	R4304 01900	Market Structure Value	\$ 479,806.00
Property Class	9413	Total Assessed Value	\$ 590,309.00
Tax Code Area	8.3	Exemption	\$.00
Property Status	ACTIVE	Net Taxable	\$.00
Associated Pin#		Most Recent Levied Tax	\$.00
		Account Balance	\$.00

Owner Info:

Property Owner RESIDENT
 Situs Address



Owner Mailing Address PO BOX 339 DAYTON OR 97114

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	27.37	0	0	0.00	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
014/0270		\$.00

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

KNOW ALL MEN BY THESE PRESENTS, That L. Y. CLYDE and CHARLOTTE M. CLYDE, husband and wife,

in consideration of Ten and No/100 Dollars, and other valuable consideration, as them paid by the City of Dayton, a municipal corporation of the State of Oregon,

do lawfully grant, bargain, sell and convey unto said City of Dayton, a municipal corporation of the State of Oregon, its successors

with and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Yamhill and State of Oregon, bounded and described as follows, to-wit:

Part of the Esquire A. Fuller Notification Claim, in Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Northwest corner of said Fuller Claim, which point is also the Northeast corner of U. S. Government Lot 4 of Section 4; thence South 23.00 chains to the North line of Hanna Morris Claim #42; thence East along the North line of said Morris Claim 9.00 chains to the West line of Edward Cluff Donation Land Claim; thence North 0.86 of a chain to the Northwest corner of said Cluff Claim; thence East along the North line of said Cluff Claim 3.00 chains; thence North 22.05 chains to the North line of Esquire A. Fuller Claim; thence West along the North line of said Fuller Claim to the place of beginning, together with and including a road way conveyed to Frank W. Fenton by Martin Miller and wife by Deed recorded May 3, 1907 in Book 51, Page 286, Deed Records.

SUBJECT TO, right of the City of Dayton to remove water and to maintain pipe line as disclosed by instrument recorded May 1, 1907 in Book 50, Page 83, Deed Records.

↑ 165 I.R.S.
99yr lease



To Have and to Hold the above described and granted premises unto the said City of Dayton, a municipal corporation of the State of Oregon, its successors

Subsequent assigns forever.

And L. Y. Clyde and Charlotte M. Clyde, husband and wife,

the grantor do covenant to and with the above named grantees, their heirs and assigns that they are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, except taxes payable after June 30, 1900;

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 stated above.

Witness our hand and seal this 14th day of December, 1900.

Subscribed in the Presence of

[Signature] (Notary)
L. Y. Clyde (Grantor)
Charlotte M. Clyde (Grantor)

STATE OF OREGON,

Vol 14 p 271

County of Yamhill

BE IT REMEMBERED, That on this 14th day of December, 1960, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named L. Y. Clyde and Charlotte M. Clyde, husband and wife,

who are known to me to be the identical individual s 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 official seal the day and year last above written.

Herbert H. ...
Notary Public for Oregon.

My Commission expires May 23, 1964



62559

WARRANTY DEED

Form No. 2

L. Y. Clyde, et ux

TO

City of Dayton

STATE OF OREGON,

County of Yamhill

I certify that the within instrument was received by me on the 19th day of December, 1960, at 11:00 o'clock A.M., and recorded in book _____ page _____ of said County.

Witness my hand and seal of County, Oregon.

Jack ...
Wm ...
250

A. B. Patchett
Box 295
Dayton

Dayton Watershed

East (Upper) Springs Area, Deed

Tax Lot 4304-1802 & 1801

Yamhill County Property Tax Record

Account Info:		Data Current as of:	12/1/2010
Account No	297994	Market Land Value	\$ 67,293.00
Map/Tax Lot Number	R4304 01802	Market Structure Value	\$.00
Property Class	9403	Total Assessed Value	\$ 53,011.00
Tax Code Area	8.3	Exemption	\$.00
Property Status	ACTIVE	Net Taxable	\$.00
Associated Pin#		Most Recent Levied Tax	\$.00
		Account Balance	\$.00

Owner Info:

Property Owner RESIDENT
 Situs Address
 Owner Mailing Address

Make Tax Payment

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	0.69	0	0	0.00	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
140/0111		\$ 18,400.00

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Yamhill County Property Tax Record

Account Info:		Data Current as of:	12/1/2010
Account No	297985	Market Land Value	\$ 691.00
Map/Tax Lot Number	R4304 01801	Market Structure Value	\$.00
Property Class	9403	Total Assessed Value	\$ 543.00
Tax Code Area	8.3	Exemption	\$.00
Property Status	ACTIVE	Net Taxable	\$.00
Associated Pin#		Most Recent Levied Tax	\$.00
		Account Balance	\$.00

Owner Info:

Property Owner RESIDENT

Situs Address

Owner Mailing Address

Make Tax Payment

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	0.06	0	0	0.00	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
140/0110	4/2/1979	\$ 180.00

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That S. B. Vineyard—Org., Ltd., a limited partnership hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by City of Dayton, the grantor, 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 thereto in anywise pertaining, situated in the County of Yamhill and State of Oregon, described as follows:

A tract of land in Section 4, Township 4 South, Range 3 West of the Willamette Meridian, Yamhill County, Oregon, described as follows:

BEGINNING at an iron rod in the East Line of that certain tract of land described in deed to the City of Dayton recorded in Film Volume 14, Page 179, Yamhill County Deed Records, said iron rod being South 06°21' West, 701.00 feet from the Northwest corner of said City tract and as shown on survey by B. W. Marshall, dated 4, August, 1977; thence North 06°21' East, 25.00 feet along said East line; thence South 89°20'20" East, 222.68 feet; thence South 84°15' West, 223.89 feet to the point of beginning.

IN SPACE DESIGNATED, LONGER DESCRIPTION CAN BE MADE HEREIN

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.

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 \$110,000.

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

In Witness Whereof, the grantor has executed this instrument this 14th day of August, 1979, if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized therein by order of its board of directors.

If executed by a corporation, this signature area

[Signature]
Notary Public for Oregon

STATE OF OREGON,
County of Yamhill,
19 79

Personally appeared the above named Bill and Susan Blosser



and acknowledged the foregoing instrument as their voluntary act and deed.

Notary Public for Oregon
My commission expires 15 January 1982

Bill & Susan Blosser

GRANTOR'S NAME AND ADDRESS

City of Dayton
City Hall
Dayton, OR 97114

GRANTOR'S NAME AND ADDRESS

City of Dayton
512 Elm Street, At Corcoran
505 E. First Street
Newberg, OR 97132

STATE OF OREGON, County of Yamhill

Personally appeared

who being duly sworn, each for himself and not one for the other, did say that he is the president and that the name of the secretary of

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 full of said corporation by authority of its board of directors and each of them acknowledged said instrument to be its voluntary act and deed.

Return me:

Notary Public for Oregon
My commission expires

STATE OF OREGON,
04597 County of Yamhill



I certify that the within instrument was signed, sealed and acknowledged in full of said corporation by authority of its board of directors and each of them acknowledged said instrument to be its voluntary act and deed.

WILLIAM COYNE COUNTY CLERK

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That S. P. Vineyard--Oreg. Ltd., a limited partnership hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by City of Dayton 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 thereto in anywise pertaining, situated in the County of Yamhill and State of Oregon, described as follows, to wit:

A tract of land in Section 4, Township 4 South, Range 3 West of the Willamette Meridian, Yamhill County, Oregon, described as follows:

BEGINNING at an iron pipe at the Northeast corner of that certain 1.22 acre lease tract No. 4 described in deed recorded in File Volume 38, Page 427, Yamhill County Deed Records; thence South 00°45' West, 115.3 feet along the East line of said tract to an iron pipe; thence North 58°23'30" East, 127.64 feet to an iron rod; thence North 00°53'40" East, 133.11 feet to an iron rod; thence South 28°44' East, 225.35 feet to an iron rod in the Easterly line of that certain 1.22 acre lease tract No. 2 described in deed recorded in File Volume 38, Page 427, Yamhill County Deed Records; thence South 26°34' West, 107.66 feet along said Easterly line to an iron pipe at the Northwest corner of said 1.22 acre lease tract No. 4; thence North 84°15' East, 165.0 feet to the point of beginning.

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.

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

The true and actual consideration paid for this transfer, stated in terms of dollars and cents, is \$10,000.00.

In witness whereof, the grantor has executed this instrument this 16 day of April, 1979.

If executed by a corporation, file corporate seal. STATE OF OREGON, County of Yamhill, ss. Personally appeared the above named Bill F. and Susan Blosser and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon My commission expires: 15 January 1982

Bill & Susan Blosser

STATE OF OREGON, County of Yamhill, ss. Personally appeared and that the seal affixed to the foregoing instrument is the true and correct seal of said corporation and that said instrument was signed and acknowledged by the authorized officers of said corporation by authority of the Board of Directors of said corporation.

Notary Public for Oregon My commission expires:

GRANTOR'S NAME AND ADDRESS City of Dayton, OH 45401

STATE OF OREGON [04559] County of Yamhill I certify that the foregoing instrument was recorded in Book 140, Page 111, of the Record of Deeds of Yamhill County, Oregon. Witness my hand and seal of said County this 17th day of April, 1979. WANDA CAIT, COUNTY CLERK By Patricia O'Connell, Deputy

Dayton Watershed

West (Lower) Springs & Waterline Area, Lease Agreements

Tax Lot 4304-1600 & 1700

Easement from Breyman Orchards Road

Road across Tax Lot 4304-1500

East line Grayman Act.
S.E. 1/4 D.L.G. (1918) (2920)

V133 P733 Deed

FV134 P9 733 Deed

Found pipe set in C.S. 2920 792.00'
16.5' North of N.W. corner
E. Fuller Cert. Cl.

S 89° 43' W 2627.48'
697.76'

Lease 1 V38 P 427 #2
Lease 2 V38 P9 427 #4
Easement V38 pg 427 #3

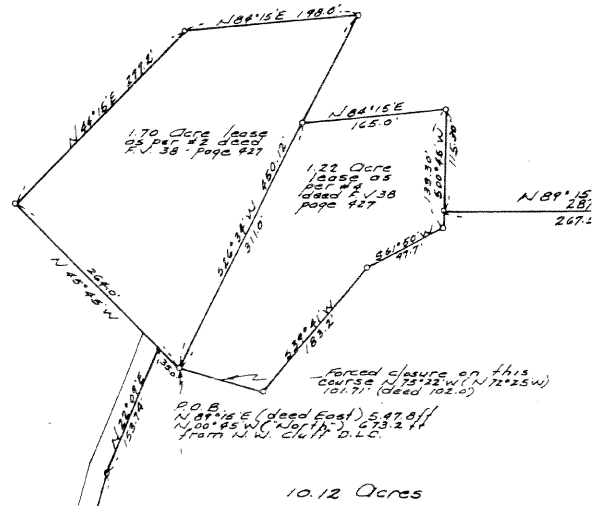
Survey For R. Hurford
in the E. Fuller Cert. Claim
T4S, R3W, W.M. Sept. 1964
Scale 1" = 100ft.



- o denote pipes or rods set
- denotes monuments set in former surveys
S.S. 2773 & 2920

Total Acreage 52.93 Acres
Leases 2.92

500' 21" W 1559.67' (of deed 1455.30')



10.12 Acres

A. Post 198.00' 133.66' Roll easement as per #3 deed FV. 38 page 427 756.15'
N.W. corner E. Cluff D.L.C.
set 1" pipe 10.04' N 89° 15' E
from A. post as witness

CSP 3788

by Proof No. 18, is denied.

It appears the above claimant should be allowed a right for stock watering directly from three unnamed streams with a priority date of January 23, 1895.

Paragraph 77 of these findings relates to stock use when no artificial diversion is made. Claimant's rights are more particularly set out and described in the tabulation of water rights under Finding 85 herein.

-32-

City of Dayton submitted Proof No. 19, claiming a right to the use of the waters of two spring areas located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 4, tributary of Miller Creek, for municipal use in and around the City of Dayton within Sections 9, 16, 17, 18, 20, 21, all in Township 4 South, Range 3 West, W.M. with a date of priority of February 16, 1904.

As additional evidence, the City of Dayton submitted a copy of a 99 year lease to the use of land and west spring area thereon, executed by Martin and Charlotte Miller on February 16, 1904.

Water is diverted from two spring areas known as Miller Springs by concrete spring boxes and 4 inch diameter gravity flow pipeline systems into three reservoirs with a combined capacity of 335,000 gallons. An 8 inch mainline gravity system delivers water to the place of use.

The use of water from the two spring areas for municipal use appears to be entirely within Permit No. 26950 evidenced by Certificate No. 35697. An agreement dated August 19, 1932 for use and occupancy of a parcel of land for 71 years was executed between Charlotte Miller and The City of Dayton. This agreement or lease covers the east spring area and was the initiation of the right to use waters of the East Spring area. The certificate fully covers this right.

It appears this claimed right should be limited to a rate of diversion of not to exceed 0.11 cubic foot per second from the west spring area for municipal use in and around the City of Dayton with a date of priority of February 16, 1904. Claimant's rights are more particularly set out and described in the tabulation of water rights under Finding 85 herein.

-33-

Lee E. Doss submitted Proof No. 22, claiming a right to the use of the waters of a spring located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 5 South, Range 8 West, W.M., tributary of South Yamhill River, for domestic use of one family, stock use and irrigation of 0.4 acre within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 6 South, Range 8 West, W.M. with a date of priority of 1900.

of the following described lands and premises situated in the County of Yamhill and State of Oregon to purchase from the first party all to-wit:

Beginning at a point on the North line of and 12 chains East of the Northwest corner of the Donation Land Claim of Esquire A. Fuller, Notification No. 3434 in Township 4 South, Range 3 West of the Willamette Meridian Yamhill County, Oregon; thence South and parallel with the West line of said claim 22.65 chains to the North line of the said Cliff D.L.C.; thence East along the North line of said Claim to its intersection with the center line of the County Road; thence North a distance of 43' West along said center line 5.694 chains to a small corner on the West line of the premises conveyed to Charles Schlink by deed recorded in Volume 111, Page 33 Deed Records of Yamhill County, Oregon, thence along the boundary of said County tract the following courses and distances; South 43' East 5.77' East 10.71' North 3' East 3.185 chains; South 33' East 43' East 5.185 chains; North 10.71' East 10.71' chains to the West Northwest corner of the Schlink tract and the North line of said Cliff D.L.C.; thence East along said line to the place of beginning.

1. Parts of the public lands of this part of the land in Yamhill County, Oregon lying in the County of Yamhill, Oregon from North to South.
2. Lease, including the term years, of a portion of the premises described in Volume 111, Page 33 Deed Records of Yamhill County, Oregon, to-wit: the premises of 120 acres of land in the County of Yamhill, Oregon, more particularly described as follows: Beginning at a point on the North line of the said County tract, thence East along the North line of said County tract 120 chains to a small corner on the West line of the premises conveyed to Charles Schlink by deed recorded in Volume 111, Page 33 Deed Records of Yamhill County, Oregon, thence along the boundary of said County tract the following courses and distances; South 43' East 5.77' East 10.71' North 3' East 3.185 chains; South 33' East 43' East 5.185 chains; North 10.71' East 10.71' chains to the West Northwest corner of the Schlink tract and the North line of said Cliff D.L.C.; thence East along said line to the place of beginning.
3. Parts of the public lands of this part of the land in Yamhill County, Oregon lying in the County of Yamhill, Oregon from North to South.
4. Lease, including the term years, of a portion of the premises described in Volume 111, Page 33 Deed Records of Yamhill County, Oregon, to-wit: the premises of 120 acres of land in the County of Yamhill, Oregon, more particularly described as follows: Beginning at a point on the North line of the said County tract, thence East along the North line of said County tract 120 chains to a small corner on the West line of the premises conveyed to Charles Schlink by deed recorded in Volume 111, Page 33 Deed Records of Yamhill County, Oregon, thence along the boundary of said County tract the following courses and distances; South 43' East 5.77' East 10.71' North 3' East 3.185 chains; South 33' East 43' East 5.185 chains; North 10.71' East 10.71' chains to the West Northwest corner of the Schlink tract and the North line of said Cliff D.L.C.; thence East along said line to the place of beginning.
5. Parts of the public lands of this part of the land in Yamhill County, Oregon lying in the County of Yamhill, Oregon from North to South.
6. Lease, including the term years, of a portion of the premises described in Volume 111, Page 33 Deed Records of Yamhill County, Oregon, to-wit: the premises of 120 acres of land in the County of Yamhill, Oregon, more particularly described as follows: Beginning at a point on the North line of the said County tract, thence East along the North line of said County tract 120 chains to a small corner on the West line of the premises conveyed to Charles Schlink by deed recorded in Volume 111, Page 33 Deed Records of Yamhill County, Oregon, thence along the boundary of said County tract the following courses and distances; South 43' East 5.77' East 10.71' North 3' East 3.185 chains; South 33' East 43' East 5.185 chains; North 10.71' East 10.71' chains to the West Northwest corner of the Schlink tract and the North line of said Cliff D.L.C.; thence East along said line to the place of beginning.

99 yr lease
Vol 50 Pg. 83

Vol 51 Pg. 286
Road Easement

71 yr lease, except 1st 109 pm

Vol 111 Pg 111

Vol 107 Pg 264
except 1st 300 g pd

1957

SW 1/4 Sec 5 South, and the North East quarter of the North West quarter, the West half of the North West quarter of the North East quarter and the East half of the North West quarter, of the North West quarter, of Section thirteen, and the North West quarter of the North East quarter, of section twenty two, in Township six South of Range 6 East West, of Willamette Meridian in Oregon, containing two hundred acres.

Now Know Ye, that the United States of America, in Consideration of the premises, have given and granted and by these presents do give and grant unto the said Solomon Riggs and to his heirs the lands above described; To Have and To Hold the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging unto the said Solomon Riggs, and to his heirs and assigns forever.

In Testimony Whereof, I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

The 29th day of October.

Given under my hand at the City of Washington, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirty first.

By the President. T. Roosevelt

By F.M. McKean, Secretary.

(G.L.O. Seal)

Recorded Miscellaneous Vol. 530, Page 445, C.H. Brush Recorder of the General Land Office.

Recorded May 1st, 1907 at 1-P.M.

D. H. Dummer

Recorder of Conveyances-

Martin Miller & Wife, to City of Dayton, 1.70 Acres, including Spring, Also right of Way.

Know All Men By These Presents; That we, Martin Miller and Charlotte Miller, his wife, for and in consideration, of \$15.00 to us paid by the City of Dayton, Yamhill County, Oregon, and the covenant and agreement, of said City to pay us \$15.00 each year during the continuance of this agreement, have bargained and sold and do hereby bargain, sell and convey unto the said City of Dayton in Yamhill County, Oregon, the right to occupancy and use for the term of 99 years of the following described real estate, to-wit:-

99 YRS →

Beginning at a point 7.34 chains East and 8.30 chains North of the North West corner of the Edward Cluff D.L.C. in T.4.S.R.3.W. of the Willamette Meridian in the State of Oregon, being a part of Section 4 Running thence North 45 degrees West 4 chains; Thence North 45 Degrees East 4.20 chains; Thence North 85 degrees East 3 chains; Thence South 27 degrees and 19 minutes West 6.82 chains to the place of beginning 1.70 Acres.

SPRINGS →

Together with the Spring and water raising therein on the said premises the same to be used as a part of the City Water Works of the said City, Also the right to erect on said premises a sufficient dam or reservoir for the purposes aforesaid, Also the right to lay down and construct a water main or pipe line leading from said dam or reservoir across our land Southerly along the line now surveyed and marked out by the said City for that purpose, the same leading Southerly from the said dam or reservoir about 1000 feet to the North East corner of the Geo. W. Morris D.L.C.

The said City is to have during the said period, the right to maintain its said water plant, and to do any and every thing necessary to that end, together with the right of ingress and egress to the lands above described, and to the said pipe line, and to enter upon the land aforesaid of the said Martin Miller and wife for the purpose of constructing and laying down and repairing and keeping in order the said water works and pipe line, provided, however that the payment of the said sum of \$15.00 annually by the said City of Dayton, on or before the 1st. day of January of each year, in made a charge on each of the said rights, herein before granted, Main to be laid not less than 24 inches deep.

To Have and To Hold the above described rights and privileges for the period of 99 years from date hereof, to the said City of Dayton,

And the grantors herein reserve the right to use the overflow of water from the dam for the purpose of power, by constructing a shoot for the same to such point and in such manner as will not injure or interfere with the dam, or interfere with necessary repairs thereon, or the rebuilding thereof.

In Witness Whereof we have hereunto set our hands and seals this 16th. day of Feb. 1904.

Done in the presence of,
Frank W. Denton
J. B. Cherry

Martin Miller (Seal)
Charlotte Miller (Seal)

ACKNOWLEDGEMENT.

State of Oregon,)
County of Yamhill.) ss. On this 16th. day of February 1904, personally came before me,

west half TL 1700, 99 YEAR LEASE

a Notary Public in and for said County, the within named Martin Miller and Charlotte Miller his wife, to me personally known to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same freely for the uses and purposes therein named.

Witness my hand and notarial seal this 16th. day of Feb. 1904.

Frank W. Penton

Notary Public in and for Oregon.

(Notary Seal)

Recorded May 1st. 1907 at 2-P.M.

S. S. Sumner

Recorder of Conveyances.

United States of America, to Moses Sutton, 80 Acres in Sec. 8. T.5.S.R.7.W.

THE UNITED STATES OF AMERICA.

TO ALL TO WHOM THESE PRESENTS SHALL COME: GREETING.

Whereas there has been deposited in the General Land Office of the United States an order of the Secretary of the Interior directing that a fee simple patent issue to Moses Sutton, a Grande Ronde Indian, for the West half of the South West quarter, of Section eight in Township five South of Range seven West of the Willamette Meridian, in Oregon containing eighty acres.

Now Know Ye, that the United States of America, in consideration of the premises have given and granted and by these presents do give and grant unto the said Moses Sutton and to his heirs, the lands above described, To Have and To Hold the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging unto the said Moses Sutton and to his heirs and assigns, forever.

In Testimony Whereof, I, Theodore Roosevelt, President of the United States of America have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the ninth day of April in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty first.

(G.L.O. Seal)

By the President; T. Roosevelt

F.M. McKean, Secretary.

Recorded Miscellaneous Vol. 593, page 45, C.H. Brush Recorder of the General Land Office.

Recorded May 2nd. 1907 at 1-P.M.

S. S. Sumner

Recorder of Conveyances.

Oregon & California R.R. Company to E.G. Lantis, 40 Acres in T.2.S.R.5.W.

This Deed made on August seventeenth, 1906, by Oregon and California Railroad Company, a corporation duly incorporated and existing under the laws of the State of Oregon, first party and the Union Trust Company of New York, a corporation duly incorporated under the laws of the State of New York, second party, unto E.G. Lantis of Yamhill County, Oregon, third party,

Witnesseth; That in consideration of ----- Dollars, paid to first party, and One Hundred and Sixty, (\$160.00) Dollars, paid to second party under direction of first party, (as provided in the Trust Deed by first party to second party, dated July 1st, 1887) first party hereby grants and conveys, and second party releases and confirms unto third party, his heirs and assigns, all right, title and interest, it, (first party) now has or holds, or may hereafter may obtain or acquire from the United States, in or to the following described lands situated in the County of Yamhill, State of Oregon, to-wit:-

South East quarter of northeast quarter of section twenty one, Township two south, Range five west, Willamette Meridian, containing forty (40) Acres, according to the United States public survey, together with all rights, privileges, and appurtenances thereunto belonging or in anywise appertaining.

Excepting and reserving, all iron, coal, lignite, asphaltum, petroleum, and other mineral oils, gypsum, gold, silver, cinnabar, lead, tin, copper, limestone, marble, and all other deposits and substances subject of location or entry under laws of Congress as mineral or mineral land, on or in the said lands; first party retaining or reserving, unto itself its successors and assigns the exclusive right to prospect on and in the said lands for any or all of the said minerals, or mineral substances, existing or supposed to exist thereon or therein, and to mine for and remove any or all of said mineral or mineral substances found or to be found by any person.

BE IT REMEMBERED, That on this 1st day of October A. D. 1932 before me, the undersigned, a notary Public in and for said County and State, personally appeared the within named Greeta Paul, a widow and now unmarried, who is known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that she 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.

(Notary Seal)

F. S. Wilhelm
Notary Public for Oregon.
My Commission Expires Oct. 22, 1932.

Filed Nov. 10, 1932 at 8:20 A.M.
E. F. Perkins, County Clerk
By Eva Hutchens, Deputy

Recorded by Eva Hutchens Deputy

(22034) CHARLOTTE A. MILLER TO AUGUST M. & VELMA M. WIEST WARRANTY DEED

THIS INDENTURE WITNESSETH, That Charlotte A. Miller, an unmarried woman, for the consideration of the sum of Ten Dollars and other valuable considerations, to her paid, have bargained and sold, and by these presents does bargain, sell and convey unto August M. Wiest and Velma M. Wiest, husband and wife The following described premises, to-wit:

✓ A part of the Esquire A. Fuller D.L.C., Notification No. 6434, in Sections 3 and 4 Township 4 South Range 3 West of the Willamette Meridian, Yamhill County, Oregon, and said part being more particularly described as follows, to-wit:-

Beginning at a point in the center of the County Road and on the North line of the Edward Cluff D. L. C. Not. No. 1189, Claim No. 61, said point being N. 89 degrees 15' E. a distance of 16.482 chains from the N.W. corner of the aforesaid Edward Cluff Claim; thence N.89 degrees 15' E. along the North line of said Cluff Claim for a distance of 20.117 chains to a stake; thence N. 8 degrees 05' E. for a distance of 23.442 chains to a stake on the North line of the said Esquire A. Fuller D.L.C. as now fenced; thence N. 89 degrees 11' W. along the North line of said Fuller D.L.C. as now fenced 8.945 chains to a stake; thence S. 8 degrees 08' W. 14.267 chains; thence N. 88 degrees 43' W. 3.165 chains; thence S. 8 degrees 08' W. 3.165 chains; thence N. 88 degrees 43' W. 9.779 chains to a stake in the center line of a County Road; thence S. 8 degrees 03' E. along the center of the County Road 6.694 chains to the place of beginning, containing 29.64 acres, more or less.

Together with a perpetual water right to an amount of water, not exceeding 300 gallons in any one day, from water supply now owned by Charlotte A. Miller and situated on land belonging to said Charlotte A. Miller:- said water to be obtained in the following manner, to-wit:- by construction of a concrete basin at standpipe now there sufficient to permit the grantee to operate an electric pump for his domestic supply of water: the water level to be maintained by a float valve and the discharge pipe to be equipped with a one-half inch meter for purpose of checking amount of water used by grantee, his heirs and assigns.

And grantor and grantees, their heirs and assign shall have perpetual joint right of use of following described roadways now on land conveyed.

Description of road No.1, Beginning at a point N. 8 degrees 03' West 6.694 chains from a point in center of County Road at the intersection of the North line of the Edward Cluff D.L.C. with County Road: thence in a meandering Northeasterly direction on land now owned by said grantor for an approximate distance of 200 feet: thence into the lands herein conveyed to said grantees and in a general Easterly direction to a point which is S.88 degrees 43'. E. 9.779 chains of point of beginning of this roadway.

Description of road No. 2, beginning at a point N. 8 degrees 03' West 6.694 chains from a point in center of County Road at the intersection of the North line of the Edward Cluff D. L. C. with County Road; thence in a meandering Northeasterly direction on land now owned by said grantor for an approximate distance of 200 feet; thence into lands herein conveyed to grantee and in a general Southeasterly direction to a point approximately 30 feet North of South line of lands herein conveyed to grantee, and thence Easterly to the East line of land conveyed herein. X

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said August M. Wiest and Velma M. Wiest, their heirs and assigns forever

107
PG 264



TL 4304-400
4303-2000 (East of Breyman ORCHARD 12)

And the said Charlotte A. Miller, do hereby covenant to and with the said August M. Wiest and Velma M. Wiest, their heirs and assigns, that she is the owner in fee simple of said premises; that they are free from all incumbrances. and that she will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, I have hereunto set my hands and seal this 23rd day of September, A.D., 1932

Done in the presence of

Charlotte A Miller

(Seal)

\$5.50 Revenue Stamps cancelled.

ACKNOWLEDGMENT

STATE OF OREGON,)
County of Yamhill,) ss.

On this 23rd day of September A.D., 1932, personally came before me, a Notary Public in and for said County and State, the within-named Charlotte A. Miller, an unmarried woman, to me personally known to be the identical person described in and who executed the within instrument, and acknowledged to me that she executed the same freely for the uses and purposes therein named.

WITNESS my hand and Notarial Seal this 23rd day of September A.D., 1932

(Notary Seal)

Filed Nov. 10, 1932 at 10:05 A.M.
E. F. Perkins, County Clerk
By Eva Hutchens, Deputy

M. H. Kendall
Notary Public for Oregon
My Commission Expires Aug. 11, 1936

Recorded by Eva Hutchens Deputy.

(22038) L E REANEY et ux. TO CHARLES AND LEORA HESSEMER WARRANTY DEED

THIS INDENTURE WITNESSETH, That L. E. Reaney and Dorothy M. Reaney, his wife, for the consideration of the sum of One 00/100 Dollars, to them paid, have bargained and sold, and by these presents do bargain, sell and convey unto Charles Hessemer and Leora Hessemer the following described premises, to-wit:

Lot 8 in Block 5 Baker & Martin's Addition to McMinnville, Yamhill County, Oregon.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Charles Hessemer and Leora Hessemer, husband and wife, their heirs and assigns forever

And the said L. E. Reaney and Dorothy M. Reaney his wife, do hereby covenant to and with the said Charles Hessemer and Leora Hessemer, their heirs and assigns, that they are the owners in fee simple of said premises; that they are free from all incumbrances, except municipal lien \$141.07, Taxes 131.88 and mortgage favor American Savings & Loan Assn. \$1588.12 and that they will warrant and defend the same from all lawful claims whatsoever, except as above stated.

IN WITNESS WHEREOF, we have hereunto set out hands and seals this 9th day of November A.D., 1932.

Done in the presence of

L. E. Reaney (Seal)

Harry R. Porter

Dorothy M Reaney (Seal)

A. Burnham

\$1.00 Revenue Stamp cancelled

ACKNOWLEDGEMENT

STATE OF WASHINGTON,)
County of Clark,) ss.

On this 9th day of November A. D., 1932, personally came before me, a Notary Public in and for said County and State, the within-named L. E. Reaney, and Dorothy M. Reaney, his wife, to me personally known to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same freely for the uses and purposes therein named.

WITNESS my hand and Notarial Seal this 9th day of November A. D., 1932.

(Notary Seal)

Harry R. Porter
Notary Public for Washington

Yamhill County Property Tax Record

Account Info:		Data Current as of:	12/1/2010
Account No	109162	Market Land Value	\$ 117,161.00
Map/Tax Lot Number	R4304 01600	Market Structure Value	\$.00
Property Class	9403	Total Assessed Value	\$ 1,324.00
Tax Code Area	8.3	Exemption	\$.00
Property Status	ACTIVE	Net Taxable	\$.00
Associated Pin#		Most Recent Levied Tax	\$.00
		Account Balance	\$.00

Owner Info:

Property Owner RESIDENT
 Situs Address

Make Tax Payment

Owner Mailing Address 1105 SITKA AVE NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	3.60	0	0	0.00	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
1994/00667	1/13/1994	\$.00

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Yamhill County Property Tax Record

Account Info:

		Data Current as of:	12/1/2010
Account No	109171	Market Land Value	\$ 95,030.00
Map/Tax Lot Number	R4304 01700	Market Structure Value	\$.00
Property Class	9403	Total Assessed Value	\$ 74,860.00
Tax Code Area	8.3	Exemption	\$.00
Property Status	ACTIVE	Net Taxable	\$.00
Associated Pin#		Most Recent Levied Tax	\$.00
		Account Balance	\$.00

Owner Info:

Property Owner RESIDENT
 Situs Address

Make Tax Payment

Owner Mailing Address 1105 SITKA AVE NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	2.92	0	0	0.00	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
1994/00667	1/13/1994	\$.00

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That ROBERT F. HURFORD TRUSTEE OF THE ROBERT F. HURFORD TRUST DATED 5/12/92, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto SUZANNE R. HUORFRD and CAROLYN J. HURFORD hereinafter called grantees, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Yamhill, State of Oregon, described as follows, to-wit:

2 parcels of property as described on Exhibit "A" Attached hereto

(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. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ none.

~~© Herein the whole or any part of the instrument is hereby acknowledged to be the true and correct copy of the original as recorded in the public records of the State of Oregon.~~

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.

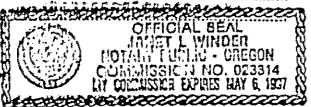
In Witness Whereof, the grantor has executed this instrument this 30th day of December, 1993; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

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.

[Signature]
 ROBERT F. HURFORD, TRUSTEE

STATE OF OREGON, County of Yamhill) ss.
 This instrument was acknowledged before me on December 30, 1993,
 by Robert F. Hurford
 This instrument was acknowledged before me on _____, 19____,
 by _____,
 as _____,
 of _____

[Signature]
 Notary Public for Oregon



My commission expires 5/6/97.

ROBERT F. HURFORD TRUST

Grantor's Name and Address

SUZANNE R. HURFORD
 CAROLYN J. HURFORD

Grantor's Name and Address

After recording return to (Name, Address, Zip)

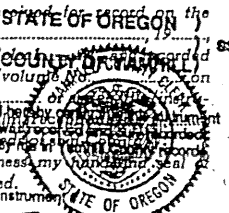
Until requested otherwise send all tax statements to (Name, Address, Zip):
 Suzanne R. Hurford
 Carolyn J. Hurford
 P.O. Box 152
 Newberg, OR 97132

000667
 10.00
 10.00
 20.00

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,) ss.
 County of _____)
 I certify that the within instrument was recorded (or filed) on the _____ day of _____, 19____, at _____, _____, Oregon, in book/roll/volume No. _____, page _____ of Assessor's instrument/microfilm of Assessor's Record of Deeds in the County Record. Witness my hand and seal of the County of _____, State of Oregon, this _____ day of _____, 19____.

NAME *[Signature]*
 By CHARLES STERN, Deputy COUNTY CLERK



1-13-94

1994 JAN 13 AM 10:08

F30IP1401

PARCEL I.

A tract of land in Section 4, Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at a point on the North line of a 12 chains East of the Northwest corner of the Esquire A. Fuller Donation Land Claim, Notification #6434 in said Township and Range; thence South and parallel to the West line of said Claim, 22.05 chains to the North line of the Edward Cluff Donation Land Claim in said Township and Range, and the true point of beginning of the tract herein described; thence East along the North line of said Cluff Donation Land Claim 133.66 feet to the Southwest corner of that certain tract of land sold on contract of sale to Thomas K. Couture, et ux., recorded October 23, 1964 in Film Volume 41, Page 38, Deed and Mortgage Records, said point also being on the East line of an existing roadway; thence along the Westerly line of said Couture tract, the following coursed and distances: North 01 deg. 40 min. East 228.25 feet; North 15 deg. 23 min. East 211.18 feet; thence North 22 deg. 09 min. East 153.74 feet to the Southwesterly line of that certain tract of land sold to the City of Dayton by deed recorded May 1, 1907 in Book 50, Page 83, Deed Records; thence North 45 deg. West along said Southwesterly line 229 feet to the Northwest corner of said tract; thence North 45 deg. 00 min. East 277.20 feet to the Northwest corner of said City of Dayton tract, said point being on the Southerly line of that tract of land conveyed to Edward A. Boyrie, et al. by Deed recorded January 27, 1969, in Film Volume 74, Page 489, Deed and Mortgage Records of Yamhill County, Oregon; thence South 84 deg. 15 min. West along said line 300 feet, more or less, to a point that is North of the true point of beginning; thence South 930 feet, more or less, to the true place of beginning.

1600
↗

PARCEL II.

Beginning at a point 8.30 chains East and 10.20 chains North of the Northwest corner of the Edward Cluff Donation Land Claim, in Township 4 South, Range 3 West of the Willamette Meridian, in Yamhill County, Oregon, and being a part of Section 4; thence running North 27 deg. 19 min. East 311 feet; thence North 85 deg. East 165 feet; thence South 1 deg. 30 min. West 133.3 feet; thence South 62 deg. 35 min. West 97.7 feet; thence South 40 deg. 26 min. West 183.2 feet; thence North 72 deg. 25 min. West 102 feet to the place of beginning, also the following:

east half
1700
↗

Beginning at a point 7.34 chains East and 8.30 chains North of the Northwest corner of the Edward Cluff Donation Land Claim, in Township 4 South, Range 3 West of the Willamette Meridian in the State of Oregon being a part of Section 4; running thence North 45 deg. West 4 chains; thence North 45 deg. East 4.20 chains; thence North 85 deg. East 3 chains; thence South 27 deg. 19 min. West 6.82 chains to the place of beginning.

west half 1700
↗

1-13-94

RESOLUTION #07/08-18

Title: A Resolution Adopting a Lease Agreement for a Portion of the City of Dayton Watershed located off of Breyman Orchards Road in Yamhill County, Oregon

WHEREAS, the City of Dayton and Suzanne R and Carolyn J Hurford wish to enter into a Lease Agreement for the lease of approximately 6.52 acres in the City of Dayton Watershed [formerly identified as Tax Lot Nos. R4304-1600 (3.6 acres) and R4304-1700 (2.92 acres)], for the purpose of continuing to provide a water source and reservoir facilities for the City; and

WHEREAS, the City is authorized to enter into agreements for the leasing of real property pursuant to ORS 271.390;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dayton, Oregon:

- 1) **THAT** the Dayton City Council hereby adopts the attached Lease Agreement between the City of Dayton, Oregon and Suzanne R and Carolyn J Hurford, for the lease of approximately 6.52 acres of the City of Dayton Watershed located off of Breyman Orchards Road (attached hereto as Attachment A and by this reference made a part hereof) and formerly identified as Tax Lot Nos. R4304-1600 (3.6 acres) and R4304-1700 (2.92 acres), and authorizes the Mayor to execute same; and
- 2) **THAT** this resolution will be effective immediately upon adoption by the City Council.

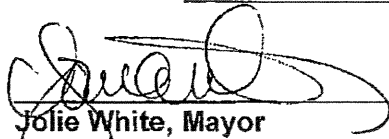
ADOPTED this 7th day of January, 2008.

In Favor: Dickson, Evers, Webb, White

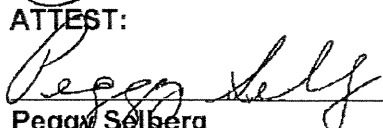
Opposed: None

Absent: Blackburn, Hensley, Hutchins

Abstained: None


Julie White, Mayor

1/8/08
Date of Signing

ATTEST:

Peggy Solberg
City Recorder

1/7/08
Date of Enactment

Attachment - Exhibit A

WKS4\RESOLUTIONS\07-08\R0708.18.ADOPTED

LEASE OF REAL PROPERTY

SUZANNE R HURFORD Lessor
CAROLYN J HURFORD
1105 SITKA AVE
NEWBERG OR 97132

CITY OF DAYTON, a municipal corporation Lessee
PO Box 339
DAYTON OR 97114-0339

AGREEMENT: The above named Lessor agrees to lease to the above named Lessee, and the Lessee agrees to take from the Lessor, on the terms and conditions hereinafter set forth, all the property hereinafter described.

PROPERTY: The property covered by this lease is all of that property described in Exhibit "A" attached hereto and by this reference made a part hereof.

PURPOSES FOR WHICH LEASED: Lessee is to use the premises leased for a watershed for the City, subject to the provisions of this lease, and may use said premises in any manner necessary for or incidental to said operation.

TERM: The term of this lease shall continue prior leases of Parcel II as of January 1, 2003, and be effective as to Parcels I and II as of October 1, 2007. Parties agree that the present lease replaces and supersedes prior leases of Parcel I and Parcel II between the parties as of October 1, 2007, and continuing for a term of five (5) years, or until terminated by a ninety (90) day written notice by either party.

RENTAL: Lessee agrees to pay Lessor the sum of \$1,000 per year, as of the commencement date of the lease. In addition, the Lessor agrees to a one-time payment

EXHIBIT A

1 for use of Parcel II during the time from January 2003 forward to the present day. Said
2 payment to be \$500 per year for the years 2003, 2004, 2005, 2006, and 2007, for a total
3 one-time payment of \$2,500 plus \$1,000 lease payment for the current year, for a total
4 of \$3,500. Annual payment shall be \$1,000 per year thereafter. The Parties agree that
5 the rent payable by the Lessee has been established to reflect the savings below
6 market rent resulting from the exemption from taxation.

7 **RIGHT OF INGRESS/EGRESS AND RECOGNITION OF IMPROVEMENTS:**

8 It is expressly understood and agreed between the Lessor and Lessee herein that the
9 City, its officers and legal representatives, are to have the right of ingress and egress
10 upon the described property in and to the City's springs for the purpose of properly
11 maintaining the water supply and facilities. Those improvements already placed on the
12 property are hereby recognized as consistent with this Lease and any past applicable
13 leases affecting the property.
14

15 **ASSIGNMENT AND SUBLETTING;** Lessee will not assign this lease, nor sublet the
16 whole or any part of said premises without the prior written consent of Lessor.

17 **LIENS:** Lessee will not permit said premises, or any part thereof, or the leasehold
18 estate of the Lessee, at any time during the term of this lease to become subject to any
19 lien, charge or encumbrance whatsoever, and will indemnify Lessor against any such
20 liens, charges or encumbrances, it being expressly agreed that Lessee has no authority,
21 express or implied to create any lien, charge or encumbrance upon the demised
22 premises, or upon the leasehold estate of the Lessee.

23 **NOTICE OF DEFAULT:** Lessee shall not be deemed in default for failure to perform
24 any covenant or condition of this agreement, other than the failure to make rental
25

1 payments, until notice of such default has been give to Lessee and Lessee has failed to
2 remedy such default within ten (10) days after the giving of the notice. Notice for this
3 purpose shall be deemed to have been given by the deposit in the mails of a certified
4 letter containing such notice addressed to Lessee at the address hereinabove set forth.
5 If Lessee shall fail to make any rental payment herein provided, and said failure shall
6 continue for more than ten (10) days after the payment becomes due, Lessee shall be
7 deemed in default, and Lessor shall not be obligated to give notice to Lessee of a
8 declaration of such default.

9 **REMEDIES FOR DEFAULT:** In the event Lessee shall be in default hereunder,
10 Lessor or those having Lessor's estate in said premises may, without any further notice
11 whatever, elect to terminate this lease. In the event of the termination of the lease by
12 default of the Lessee, or by expiration of the term or any other manner excepting
13 termination through breach of the Lessor, Lessor or those having Lessor's estate in the
14 premises, may immediately, or at any time thereafter during the continuance of such
15 default, enter said premises, or any part thereof, and repossess the same and expel the
16 Lessee and those claiming under him, and remove his effects, by force or otherwise,
17 without thereby being liable for any damages whatsoever.

18 **OTHER REMEDIES;** The aforesaid remedies of Lessor of termination and re-entry
19 shall not prejudice any remedy or remedies which the Lessor might otherwise have for
20 the collection of unpaid rentals or for breach of covenant.

21 **DEFAULT COSTS:** In the event this lease is in default, Lessee agrees to pay Lessor's
22 reasonable collection costs, including, but not being limited to attorney's fees, even
23 though no suit or action is filed. In the event suit or action is filed to enforce any of the
24
25

EXHIBIT A

1 provisions hereof, the losing party agrees to pay the reasonable costs and attorney's
2 fees of the prevailing party including appeals, as fixed by the court.

3 **DATE:** January 7, 2008

LESSORS:

4

5 _____
Suzanne R Hurford

6

7 _____
Carolyn J Hurford

8

LESSEE:

9

CITY OF DAYTON, a municipal corporation

10

11 By _____
Mayor, City of Dayton

11

12 **Attachment: Exhibit A**

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EXHIBIT A
Lease Agreement between
Suzanne B & Carolyn J Hurford and
the City of Dayton, Oregon

PARCEL I.

A tract of land in Section 4, Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at a point on the North line of a 12 chains East of the Northwest corner of the Esquire A. Fuller Donation Land Claim, Notification #6434 in said Township and Range; thence South and parallel to the West line of said Claim, 22.05 chains to the North line of the Edward Cluff Donation Land Claim in said Township and Range, and the true point of beginning of the tract herein described; thence East along the North line of said Cluff Donation Land Claim 133.66 feet to the Southwest corner of that certain tract of land sold on contract of sale to Thomas K. Couture, et ux., recorded October 23, 1964 in Film Volume 41, Page 38, Deed and Mortgage Records, said point also being on the East line of an existing roadway; thence along the Westerly line of said Couture tract, the following coursed and distances: North 01 deg. 40 min. East 228.25 feet; North 15 deg. 23 min. East 211.18 feet; thence North 22 deg. 09 min. East 153.74 feet to the Southwesterly line of that certain tract of land sold to the City of Dayton by deed recorded May 1, 1907 in Book 50, Page 83, Deed Records; thence North 45 deg. West along said Southwesterly line 229 feet to the Northwest corner of said tract; thence North 45 deg. 00 min. East 277.20 feet to the Northwest corner of said City of Dayton tract, said point being on the Southerly line of that tract of land conveyed to Edward A. Boyrie, et al. by Deed recorded January 27, 1969, in Film Volume 74, Page 489, Deed and Mortgage Records of Yamhill County, Oregon; thence South 84 deg. 15 min. West along said line 300 feet, more or less, to a point that is North of the true point of beginning; thence South 930 feet, more or less, to the true place of beginning.

PARCEL II.

Beginning at a point 8.30 chains East and 10.20 chains North of the Northwest corner of the Edward Cluff Donation Land Claim, in Township 4 South, Range 3 West of the Willamette Meridian, in Yamhill County, Oregon, and being a part of Section 4; thence running North 27 deg. 19 min. East 311 feet; thence North 85 deg. East 165 feet; thence South 1 deg. 30 min. West 133.3 feet; thence South 62 deg. 35 min. West 97.7 feet; thence South 40 deg. 26 min. West 183.2 feet; thence North 72 deg. 25 min. West 102 feet to the place of beginning, also the following:

Beginning at a point 7.34 chains East and 8.30 chains North of the Northwest corner of the Edward Cluff Donation Land Claim, in Township 4 South, Range 3 West of the Willamette Meridian in the State of Oregon being a part of Section 4; running thence North 45 deg. West 4 chains; thence North 45 deg. East 4.20 chains; thence North 85 deg. East 3 chains; thence South 27 deg. 19 min. West 6.82 chains to the place of beginning.

