



Deschutes County Board of Commissioners
1300 NW Wall St, Bend, OR 97703

(541) 388-6570 – Fax (541) 385-3202 – <https://www.deschutes.org/>

AGENDA REQUEST & STAFF REPORT

For Board of Commissioners Work Session of October 24, 2016

DATE: October 20, 2016

FROM: Anthony Raguine, Community Development, 541-617-4739

TITLE OF AGENDA ITEM:

Board Consideration and Signature of Public Access Easements for the Tree Farm Subdivisions

PUBLIC HEARING ON THIS DATE?: No

ATTENDANCE: Anthony Raguine, Senior Planner, Community Development Department; Dale Van Valkenburg, representing The Tree Farm.

SUMMARY: Deschutes County approved five (5) subdivisions to the west of the City of Bend that are collectively called 'The Tree Farm.' Access to this development is via a short private road segment that crosses the adjacent property to the east, also owned by the developer. To ensure adequate access to The Tree Farm, the developer submits a Public Access Easement for the segment of Crossing Drive depicted on Exhibit C of the Easement document. The Easement has been reviewed by the Planning Division, Road Department, and County Counsel.

RECOMMENDATION & ACTION REQUESTED:

Board approval and signature.

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Attn: _____

PUBLIC ACCESS EASEMENT

THIS PUBLIC ACCESS EASEMENT (this "Agreement") is entered into as of this ___ day of September 2016 (the "Effective Date") by and among Miller Tree Farm, LLC, an Oregon limited liability company ("Grantor"), The Tree Farm LLC, an Oregon limited liability company ("TTF") and Deschutes County, a political subdivision of the state of Oregon ("Grantee").

Recitals

- A. Grantor is the owner of that certain real property located in Deschutes County, Oregon, legally described on the attached **Exhibit A** ("Easement Area").
- B. TTF is the owner of that certain real property located in Deschutes County, Oregon, legally described on the attached **Exhibit B** ("TTF's Property").
- C. TTF has obtained land use approval to develop TTF's Property as up to fifty (50) single family residential lots, parks, open space, roads and related improvements (the "Development").
- D. A condition of the land use approval requires that TTF secure a public access easement over the portion of Crossing Drive located in the Easement Area as depicted on the attached **Exhibit C**, which section of road is between Skyliners Road and Tree Farm Drive. At TTF's request, Grantor has agreed to provide such easement, on the terms and conditions contained herein.

Agreement

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereby agree as follows:

- 1. Grant of Easement. Subject to the terms contained herein, Grantor hereby grants to Grantee, for the benefit of the public, a perpetual, non-exclusive public access easement over the Easement Area for pedestrian, bicycle and vehicular access.
- 2. Maintenance. TTF shall maintain, repair and replace the road in the Easement Area to the extent Grantee does not.
- 3. Termination. At such time as the road in the Easement Area is publicly dedicated, the easement granted herein and this Agreement shall terminate and be of no further force or effect.
- 4. Use of Easement Area. Grantor shall have the right to use the Easement Area for any and all purposes that do not unreasonably interfere with use of the public access easement granted hereunder. Without limiting the generality of the foregoing, Grantor shall have the right to grant utility easements within the Easement Area.
- 5. Assignment; Binding Effect. TTF shall have the right to assign its maintenance obligations hereunder to a homeowners' association formed to serve the development on TTF's Property; provided, however, such homeowners' association agrees in writing to

assume such rights and obligations. This Agreement and its terms, including the easements granted hereunder, shall run with the land and shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

6. Notices. Any notice or other communication given pursuant to this Agreement shall be in writing and shall be sent by: (i) United States certified mail, return receipt requested, postage prepaid; (ii) nationally recognized overnight courier guarantee next day delivery, or (iii) personal delivery. Notices given to either party shall be delivered to the mailing address listed in the Deschutes County Assessor's Office records for such party or such other address as that party may provide via a notice sent in accordance with this Section 6. All notices shall be deemed given three (3) business days following deposit in the United States mail with respect to certified letters, one (1) business day following deposit if delivered to an overnight courier guaranteeing next day delivery and on the same day if sent by personal delivery. Any party may change its address for the service of notice by giving written notice of such change to the other party, in any manner above specified.

7. Waiver. The failure of either party to exercise its rights in connection with any breach or violation of any term, covenant or condition of this Agreement shall not be deemed to be a waiver of such term, covenant or condition or any subsequent breach of the same or any other term, covenant or condition of this Agreement.

8. Entire Agreement. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof. This Agreement may not be modified or amended except by a written instrument signed by all parties and recorded in the official records of Deschutes County, Oregon.

9. Severability. If any provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.

11. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute the same instrument.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement effective as of the date first written above.

GRANTOR:

MILLER TREE FARM, LLC
An Oregon limited liability company

By: 

Name: Cynthia Moore

Title: CO-MANAGER

By: 

Name: Corinne Margum

Title: CO-MANAGER

<Signatures continue on next page>

TTF:

THE TREE FARM LLC,
An Oregon limited liability company

By: *Kirk Schueler*

Name: *Kirk Schueler*

Title: *President, Brooks Reservoir Corporation,
Managing Member, West Bend Property Co II, LLC, Managing
member*

GRANTEE:

DESCHUTES COUNTY,
A political subdivision of the state of Oregon

By: _____

Name: _____

Title: _____

STATE OF Oregon)
County of Deschutes) ss.



The foregoing instrument was acknowledged before me on this 13 day of September 2016, by Charley Miller, who is the co-manager of Miller Tree Farm, LLC, an Oregon limited liability company, on behalf of the company.

Sheila Marie Perry
Notary Public for Oregon
My Commission Expires: 10.15.18

STATE OF Oregon)
County of Deschutes) ss.



The foregoing instrument was acknowledged before me on this 13 day of September 2016, by Connie Marshall, who is the co-manager of Miller Tree Farm, LLC, an Oregon limited liability company, on behalf of the company.

Sheila Marie Perry
Notary Public for Oregon
My Commission Expires: 10.15.18



STATE OF Oregon)
County of Deschutes) ss.

President of Bears Resources Corporation, Managing Member of West Bend Property Company II LLC, Managing Member of

The foregoing instrument was acknowledged before me on this 13 day of September 2016, by Kirk Schueler, who is the _____ of The Tree Farm LLC, an Oregon limited liability company, on behalf of the company.

Sheila Marie Perry
Notary Public for Oregon
My Commission Expires: 10.15.18

STATE OF _____)
County of _____) ss.

The foregoing instrument was acknowledged before me on this ___ day of _____ 2016, by _____, who is the _____ of Deschutes County, Oregon, a political subdivision of the state of Oregon, on behalf of the County.

Notary Public for _____
My Commission Expires: _____

EXHIBIT A

LEGAL DESCRIPTION FOR A PUBLIC ACCESS EASEMENT

A TRACT OF LAND, LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35, SAID POINT ALSO LYING ON THE SOUTHERLY LINE OF THAT PROPERTY DESCRIBED IN THAT BARGAIN AND SALE DEED, RECORDED APRIL 29, 2016 IN VOLUME 2016, PAGE 16286, OFFICIAL RECORDS OF DESCHUTES COUNTY, OREGON;

THENCE, SOUTH 89°07'41" EAST, A DISTANCE OF 1257.65 FEET, ALONG THE SOUTH LINE OF SAID SECTION 35, BEING COINCIDENT WITH THE SOUTH BOUNDARY LINE OF SAID PROPERTY, TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE, BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF SKYLINERS ROAD, SAID POINT ALSO BEING A POINT OF NON-TANGENT CURVATURE WITH A CURVE HAVING A RADIUS OF 5673.80 FEET;

THENCE, DEPARTING THE SOUTH LINE OF SAID SECTION 35, ALONG THE BOUNDARY OF SAID PROPERTY, BEING COINCIDENT WITH SAID NORTHERLY RIGHT-OF-WAY LINE FOR SKYLINERS ROAD, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 1°13'50", AN ARC DISTANCE OF 121.85 FEET (THE CHORD OF WHICH BEARS NORTH 69°44'59" EAST, A DISTANCE OF 121.85 FEET), TO A POINT OF NON-TANGENT CURVATURE WITH A CURVE HAVING A RADIUS OF 71.00 FEET, SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING** FOR THIS DESCRIPTION;

THENCE, DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE FOR SKYLINERS ROAD, CONTINUING ALONG THE BOUNDARY OF SAID PROPERTY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 45°41'49", AN ARC DISTANCE OF 56.63 FEET (THE CHORD OF WHICH BEARS NORTH 21°53'09" EAST, A DISTANCE OF 55.14 FEET), TO A POINT OF NON-TANGENT CURVATURE WITH A CURVE HAVING A RADIUS OF 619.98 FEET;

THENCE, CONTINUING ALONG THE BOUNDARY OF SAID PROPERTY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 19°29'08", AN ARC DISTANCE OF 210.85 FEET (THE CHORD OF WHICH BEARS NORTH 3°19'22" WEST, A DISTANCE OF 209.83 FEET), TO A POINT OF NON-TANGENCY;

THENCE, DEPARTING THE BOUNDARY OF SAID PROPERTY, SOUTH 83°34'48" EAST, A DISTANCE OF 60.00 FEET, TO A POINT OF NON-TANGENT CURVATURE WITH A CURVE HAVING A RADIUS OF 559.98 FEET;

THENCE, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 19°29'08", AN ARC DISTANCE OF 190.44 FEET (THE CHORD OF WHICH BEARS SOUTH 3°19'22" EAST, A DISTANCE OF 189.53 FEET), TO A POINT OF COMPOUND CURVATURE WITH A CURVE HAVING A RADIUS OF 150.00 FEET;

THENCE, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 6°23'03", AN ARC DISTANCE OF 16.71 FEET (THE CHORD OF WHICH BEARS SOUTH 16°15'28" EAST, A DISTANCE OF 16.71 FEET), TO A POINT OF TANGENCY;

THENCE, SOUTH 19°26'59" EAST, A DISTANCE OF 18.55 FEET, TO A POINT OF INTERSECTION WITH SAID NORTHERLY RIGHT-OF-WAY LINE FOR SKYLINERS ROAD, SAID POINT ALSO BEING A POINT OF NON-TANGENT CURVATURE WITH A CURVE HAVING A RADIUS OF 5673.80 FEET;

THENCE, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR SKYLINERS ROAD, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 0°57'38", AN ARC DISTANCE OF 95.12 FEET (THE CHORD OF WHICH BEARS SOUTH 70°50'59" WEST, A DISTANCE OF 95.12 FEET), TO **TRUE POINT OF BEGINNING.**

HEREIN DESCRIBED LANDS CONTAIN 0.35 ACRE, MORE OR LESS.

SUBJECT TO ANY OTHER EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON GPS DERIVED CENTRAL OREGON COORDINATE SYSTEM (C.O.C.S.) VALUES.



EXHIBIT B

Parcel 1
1711000006212 (TF4)

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, THE SOUTH HALF AND THE NORTHEAST QUARTER OF SECTION 34, AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27 ALL IN TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTH HALF OF SAID SECTION 35; THENCE SOUTH 89°53'55" EAST, ALONG THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 1061.65 FEET TO THE EAST LINE OF LOT 7 OF PROPERTY LINE ADJUSTMENT NO. LL-14-25; THENCE ALONG SAID EAST LINE THE FOLLOWING EIGHT COURSES:

SOUTH A DISTANCE OF 490.03 FEET TO A POINT OF NON-TANGENT CURVATURE;

ALONG THE ARC OF A 1000.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 307.71 FEET, THROUGH A CENTRAL ANGLE OF 17°37'49", (THE CHORD OF WHICH BEARS SOUTH 45°15'07" WEST, 306.50 FEET);

NORTH 56°44'37" WEST A DISTANCE OF 449.03 FEET;

SOUTH 31°38'48" WEST A DISTANCE OF 399.34 FEET;

SOUTH 52°22'11" WEST A DISTANCE OF 266.27 FEET;

SOUTH 03°08'53" EAST A DISTANCE OF 220.24 FEET;

SOUTH 59°50'01" WEST A DISTANCE OF 128.64 FEET;

SOUTH 88°38'48" WEST A DISTANCE OF 340.49 FEET;

THENCE NORTH 71°24'00" WEST A DISTANCE OF 391.80 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 555.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 120.45 FEET, THROUGH A CENTRAL ANGLE OF 12°26'05", (THE CHORD OF WHICH BEARS NORTH 02°05'55" WEST, 120.21 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 515.00 FOOT CURVE TO THE RIGHT, AN ARC DISTANCE OF 734.95 FEET, THROUGH A CENTRAL ANGLE OF 81°45'58", (THE CHORD OF WHICH BEARS NORTH 32°34'01" EAST, 674.15 FEET) TO A POINT OF NON-TANGENCY; THENCE NORTH 48°35'00" WEST A DISTANCE OF 692.93 FEET; THENCE SOUTH 41°46'07" WEST A DISTANCE OF 2412.28 FEET; THENCE NORTH 64°56'18" WEST A DISTANCE OF 804.78 FEET, MORE OR LESS, TO THE BOUNDARY OF THE LAND CONVEYED IN DEED RECORDED DECEMBER 23, 1920 IN VOLUME 30 AT PAGE 331, RECORDS OF SAID COUNTY; THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING SIX COURSES:

NORTH 59°44'25" EAST A DISTANCE OF 166.91 FEET;

NORTH 55°56'25" EAST A DISTANCE OF 796.39 FEET;

NORTH 29°27'25" EAST A DISTANCE OF 571.85 FEET;

NORTH 38°33'03" EAST A DISTANCE OF 600.55 FEET;

NORTH 43°53'51" EAST A DISTANCE OF 1997.96 FEET;

NORTH 37°54'09" EAST A DISTANCE OF 677.16 FEET, MORE OR LESS, TO THE EAST LINE OF SAID SECTION 27;

THENCE SOUTH 00°21'51" EAST, ALONG SAID EAST LINE, A DISTANCE OF 703.36 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 27 AND THE NORTHEAST CORNER OF SAID SECTION 35; THENCE SOUTH 00°13'58" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1325.18 FEET TO THE POINT OF BEGINNING.

Parcel 2
1711000006205 (TF2)

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER AND THE NORTHWEST QUARTER OF SECTION 35, THE SOUTHEAST QUARTER, THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF SECTION 34, OF TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE NORTH 00°01'55" EAST, ALONG THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 631.00 FEET; THENCE EAST A DISTANCE OF 2101.42 FEET; THENCE NORTH 39°52'41" EAST A DISTANCE OF 482.78 FEET; THENCE EAST A DISTANCE OF 1818.27 FEET; THENCE NORTH 56°24'57" EAST A DISTANCE OF 1471.57 FEET; THENCE NORTH 42°00'05" EAST A DISTANCE OF 653.47 FEET; THENCE NORTH 43°38'19" EAST A DISTANCE OF 544.89 FEET; THENCE NORTH 31°48'33" EAST A DISTANCE OF 220.04 FEET; THENCE NORTH 54°45'19" WEST A DISTANCE OF 390.52 FEET; THENCE NORTH 30°08'34" EAST A DISTANCE OF 59.98 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 1000.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 417.61 FEET, THROUGH A CENTRAL ANGLE OF 23°55'38" (THE CHORD OF WHICH BEARS NORTH 42°06'13" EAST, 414.58 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH A DISTANCE OF 490.03 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SOUTH HALF OF THE NORTH HALF OF SAID SECTION 35; THENCE SOUTH 89°53'55" EAST, ALONG THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 1002.84 FEET TO THE EAST LINE OF LOT 8 OF PROPERTY LINE ADJUSTMENT NO. LL-14-23; THENCE ALONG SAID EAST LINE FOLLOWING 9 COURSES:

SOUTH 00°01'00" EAST A DISTANCE OF 359.61 FEET;
NORTH 89°35'57" EAST A DISTANCE OF 50.30 FEET;
SOUTH 02°44'50" WEST A DISTANCE OF 459.05 FEET;
SOUTH 72°38'47" WEST A DISTANCE OF 719.15 FEET;
SOUTH 46°17'43" WEST A DISTANCE OF 739.73 FEET
SOUTH 31°00'04" WEST A DISTANCE OF 1200.65 FEET;
SOUTH 56°17'55" WEST A DISTANCE OF 1356.40 FEET;
NORTH 89°35'30" WEST A DISTANCE OF 876.72 FEET;
SOUTH 00°22'22" WEST A DISTANCE OF 605.35 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SECTION 34;

THENCE SOUTH 89°29'47" WEST, ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 1036.07 FEET, MORE OR LESS, TO THE BOUNDARY LINE OF THE LAND DESCRIBED IN DEED RECORDED IN VOLUME 245 AT PAGE 2780, DEED NO. 91-28510, DESCHUTES COUNTY RECORDS; THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 5 COURSES:

NORTH 42°30'30" EAST A DISTANCE OF 615.78 FEET;
NORTH 34°21'27" EAST A DISTANCE OF 357.11 FEET;
NORTH 10°16'10" EAST A DISTANCE OF 113.58 FEET;
SOUTH 80°41'20" WEST A DISTANCE OF 622.64 FEET;
SOUTH 33°59'20" WEST A DISTANCE OF 921.52 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SECTION 34;

THENCE SOUTH 89°29'47" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 2028.84 FEET TO THE POINT OF BEGINNING.

Parcel 3

1711000006213 (TF5)

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTH HALF AND THE NORTHEAST QUARTER OF SECTION 34, OF TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT BEARS SOUTH 17°18'10" WEST, 1316.13 FEET FROM THE NORTH SIXTEENTH CORNER OF SECTIONS 34 AND 35, SAID POINT BEING THE WESTERLY TERMINUS OF THAT CERTAIN COURSE ON THE EASTERLY LINE OF LOT 7 OF PROPERTY LINE ADJUSTMENT NO. LL-14-25 DESCRIBED AS HAVING A BEARING AND DISTANCE OF SOUTH 88°38'48" WEST, 340.49 FEET; THENCE ALONG THE EASTERLY LINE OF SAID LOT 7 THE FOLLOWING FIFTEEN COURSES:

SOUTH A DISTANCE OF 258.30 FEET;

SOUTH 24°43'57" WEST A DISTANCE OF 179.52 FEET TO A POINT OF NON-TANGENT CURVATURE;

ALONG THE ARC OF A 235.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 357.15 FEET; THROUGH A CENTRAL ANGLE OF 87°04'41", (THE CHORD OF WHICH BEARS NORTH 48°38'26" WEST, 323.76 FEET) TO A POINT OF NON-TANGENCY;

SOUTH 84°53'54" WEST A DISTANCE OF 30.22 FEET;

SOUTH 62°48'04" WEST A DISTANCE OF 506.75 FEET TO A POINT OF CURVATURE;

ALONG THE ARC OF A 315.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 200.78 FEET, THROUGH A CENTRAL ANGLE OF 36°31'12", (THE CHORD OF WHICH BEARS SOUTH 44°32'28" WEST, 197.40 FEET);

SOUTH 26°16'52" WEST A DISTANCE OF 8.07 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 45.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 110.79 FEET; THROUGH A CENTRAL ANGLE OF 141°03'27", (THE CHORD OF WHICH BEARS SOUTH 26°16'52" WEST, 84.85 FEET);

SOUTH 58°51'03" EAST A DISTANCE OF 100.36 FEET;

SOUTH 26°16'52" WEST A DISTANCE OF 314.83 FEET;

SOUTH 32°35'29" WEST A DISTANCE OF 658.20 FEET;

NORTH 89°57'38" WEST A DISTANCE OF 2095.31 FEET;

NORTH 00°03'58" WEST A DISTANCE OF 172.43 FEET;

SOUTH 89°41'27" WEST A DISTANCE OF 706.06 FEET, MORE OR LESS, TO THE BOUNDARY OF THE LAND CONVEYED TO THE CITY OF BEND BY DEED RECORDED DECEMBER 23, 1920 IN VOLUME 30 AT PAGE 331, RECORDS OF SAID COUNTY;

THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING 3 COURSES:

NORTH 55°06'25" EAST A DISTANCE OF 763.21 FEET;

NORTH 34°22'25" EAST A DISTANCE OF 599.54 FEET;

NORTH 59°44'25" EAST A DISTANCE OF 526.41 FEET;

THENCE SOUTH 64°56'18" EAST A DISTANCE OF 804.78 FEET; THENCE NORTH 41°46'07" EAST A DISTANCE OF 2412.28 FEET; THENCE SOUTH 48°35'00" EAST A DISTANCE OF 692.93 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 515.00 FOOT CURVE TO THE LEFT, AN ARC DISTANCE OF 734.95 FEET, THROUGH A CENTRAL ANGLE OF 81°45'58", (THE CHORD OF WHICH BEARS SOUTH 32°34'01" WEST, 674.15 FEET) TO A POINT OF REVERSE

CURVATURE; THENCE ALONG THE ARC OF A 555.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 120.45 FEET, THROUGH A CENTRAL ANGLE OF $12^{\circ}26'05''$, (THE CHORD OF WHICH BEARS SOUTH $02^{\circ}05'55''$ EAST, 120.21 FEET) TO A POINT OF NON-TANGENCY; THENCE SOUTH $71^{\circ}24'00''$ EAST A DISTANCE OF 391.80 FEET TO THE POINT OF BEGINNING.

Parcel 4

1711000006214 (TF3)

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER AND THE NORTHWEST QUARTER OF SECTION 35, THE SOUTHEAST QUARTER, THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF SECTION 34, OF TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE NORTH 00°01'55" EAST, ALONG THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 631.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°01'55" EAST A DISTANCE OF 2007.76 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE SOUTH 89°57'55" EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 294.79 FEET, MORE OR LESS, TO THE BOUNDARY LINE OF THE LAND DESCRIBED IN THAT CERTAIN DEED TO THE CITY OF BEND RECORDED DECEMBER 23, 1920 IN VOLUME 30 AT PAGE 331, RECORDS OF SAID COUNTY; THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING THREE COURSES:

SOUTH 30°27'25" WEST A DISTANCE OF 172.14 FEET;

SOUTH 01°10'25" EAST A DISTANCE OF 1488.40 FEET;

NORTH 55°06'25" EAST A DISTANCE OF 554.44 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34;

THENCE NORTH 89°41'27" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 706.06 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER OF SAID SECTION 34; THENCE SOUTH 00°03'58" EAST A DISTANCE OF 172.43 FEET; THENCE SOUTH 89°57'38" EAST A DISTANCE OF 2095.31 FEET; THENCE NORTH 32°35'29" EAST A DISTANCE OF 658.20 FEET; THENCE NORTH 26°16'52" EAST A DISTANCE OF 314.83 FEET; THENCE NORTH 58°51'03" WEST A DISTANCE OF 100.36 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 45.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 110.79 FEET; THROUGH A CENTRAL ANGLE OF 141°03'27", (THE CHORD OF WHICH BEARS NORTH 26°16'52" EAST, 84.85 FEET); THENCE NORTH 26°16'52" EAST A DISTANCE OF 8.07 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 315.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 200.78 FEET, THROUGH A CENTRAL ANGLE OF 36°31'12", (THE CHORD OF WHICH BEARS NORTH 44°32'28" EAST, 197.40 FEET); THENCE NORTH 62°48'04" EAST A DISTANCE OF 506.75 FEET; THENCE NORTH 84°53'54" EAST A DISTANCE OF 30.22 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 235.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 357.15 FEET, THROUGH A CENTRAL ANGLE OF 87°04'41", (THE CHORD OF WHICH BEARS SOUTH 48°38'26" EAST, 323.76 FEET); THENCE NORTH 24°43'57" EAST A DISTANCE OF 179.52 FEET; THENCE NORTH A DISTANCE OF 258.30 FEET; THENCE NORTH 88°38'48" EAST A DISTANCE OF 340.49 FEET; THENCE NORTH 59°50'01" EAST A DISTANCE OF 128.64 FEET; THENCE NORTH 03°08'53" WEST A DISTANCE OF 220.24 FEET; THENCE NORTH 52°22'11" EAST A DISTANCE OF 266.27 FEET; THENCE NORTH 31°38'48" EAST A DISTANCE OF 399.34 FEET; THENCE SOUTH 56°44'37" EAST A DISTANCE OF 449.03 FEET TO A POINT OF NON-TANGENCY ON THE WEST LINE OF LOT 8 OF PROPERTY LINE ADJUSTMENT NO. LL-14-24; THENCE ALONG SAID WEST LINE THE FOLLOWING TEN COURSES:

ALONG THE ARC OF A 1000.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 109.88 FEET, THROUGH A CENTRAL ANGLE OF $06^{\circ}17'45''$, (THE CHORD OF WHICH BEARS SOUTH $33^{\circ}17'20''$ WEST, 109.83 FEET);

SOUTH $30^{\circ}08'24''$ WEST A DISTANCE OF 60.00 FEET;

SOUTH $54^{\circ}45'19''$ EAST A DISTANCE OF 390.52 FEET;

SOUTH $31^{\circ}48'33''$ WEST A DISTANCE OF 220.04 FEET;

SOUTH $43^{\circ}38'19''$ WEST A DISTANCE OF 544.89 FEET;

SOUTH $42^{\circ}00'05''$ WEST A DISTANCE OF 653.47 FEET;

SOUTH $56^{\circ}24'57''$ WEST A DISTANCE OF 1471.57 FEET;

WEST A DISTANCE OF 1818.27 FEET;

SOUTH $39^{\circ}52'41''$ WEST A DISTANCE OF 482.78 FEET;

WEST A DISTANCE OF 2101.42 FEET TO THE TRUE POINT OF BEGINNING.

Parcel 5

1711000006209 (TF1)

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER AND THE SOUTH HALF OF THE NORTH HALF OF SECTION 35 AND THE SOUTHEAST QUARTER OF SECTION 34, ALL OF TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 34; THENCE SOUTH 89°29'47" WEST, ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 1814.36 FEET; THENCE NORTH 00°22'22" EAST A DISTANCE OF 605.35 FEET; THENCE SOUTH 89°35'30" EAST A DISTANCE OF 876.72 FEET; THENCE NORTH 56°17'55" EAST A DISTANCE OF 1356.40 FEET; THENCE NORTH 31°00'04" EAST A DISTANCE OF 1200.65 FEET; THENCE NORTH 46°17'43" EAST A DISTANCE OF 335.55 FEET, MORE OR LESS, TO THE TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, DISTANT THEREON 1119.63 FEET, MORE OR LESS, FROM THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 35; THENCE NORTH 46°17'43" EAST A DISTANCE OF 404.18 FEET; THENCE NORTH 72°38'47" EAST A DISTANCE OF 719.15 FEET; THENCE NORTH 02°44'50" EAST A DISTANCE OF 459.05 FEET; THENCE SOUTH 89°35'57" WEST A DISTANCE OF 50.30 FEET; THENCE NORTH 00°01'00" WEST A DISTANCE OF 359.61 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SOUTH HALF OF THE NORTH HALF OF SAID SECTION 35; THENCE SOUTH 89°53'55" EAST, ALONG THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 1997.69 FEET TO THE BOUNDARY OF LOT 1 OF PROPERTY LINE ADJUSTMENT NO. LL-14-20; THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING NINE COURSES:

ALONG THE ARC OF A 1940.92 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 467.04 FEET, THROUGH A CENTRAL ANGLE OF 13°47'13", (THE CHORD OF WHICH BEARS SOUTH 11°49'41" WEST, 465.91 FEET) TO A POINT OF COMPOUND CURVATURE;

ALONG THE ARC OF A 2966.41 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 852.16 FEET, THROUGH A CENTRAL ANGLE OF 16°27'34", (THE CHORD OF WHICH BEARS SOUTH 80°31'18" WEST, 848.23 FEET) TO A POINT OF NON-TANGENCY;

SOUTH 18°17'15" EAST A DISTANCE OF 1060.08 FEET TO A POINT OF NON-TANGENT CURVATURE, SAID POINT LIES ON SAID BOUNDARY LINE, DISTANT THEREON 290.04 FEET FROM THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE DESCRIBED IN SAID PROPERTY LINE ADJUSTMENT AS HAVING A BEARING AND DISTANCE OF "SOUTH 18°17'15" EAST, 1350.13 FBET",

ALONG THE ARC OF A 1906.41 FOOT CURVE TO THE LEFT, AN ARC DISTANCE OF 636.43 FEET, THROUGH A CENTRAL ANGLE OF 19°07'39", (THE CHORD OF WHICH BEARS SOUTH 63°03'02" WEST, 633.47 FEET) TO A POINT OF NON-TANGENCY;

THENCE NORTH 35°36'42" WEST A DISTANCE OF 580.06 FEET TO A POINT OF NON-TANGENT CURVATURE;

ALONG THE ARC OF A 2486.41 FOOT CURVE TO THE LEFT, AN ARC DISTANCE OF 357.69 FEET, THROUGH A CENTRAL ANGLE OF 08°14'33", (THE CHORD OF WHICH BEARS SOUTH 49°34'33", 357.38 FEET) TO A POINT OF NON-TANGENCY

NORTH 45°14'12" WEST A DISTANCE OF 160.01 FEET;

SOUTH 44°45'48" WEST A DISTANCE OF 60.00 FEET;

NORTH 45°14'12" WEST A DISTANCE OF 130.01 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE CONTINUING ALONG SAID BOUNDARY LINE OF SAID LOT 1 AND THE NORTHERLY CONTINUATION OF THAT CERTAIN CURVE ON THE EASTERLY LINE OF LOT 8 OF PROPERTY LINE ADJUSTMENT NO. 66-14-22 DESCRIBED AS BEING "A 3256.41 FOOT RADIUS CURVE TO THE LEFT, WITH AN ARC DISTANCE OF 420.46 FEET", AN ARC DISTANCE OF 634.10 FEET, THROUGH A CENTRAL ANGLE OF 11°09'25", (THE CHORD OF WHICH BEARS SOUTH 38°39'25" WEST, 633.10 FEET) TO A POINT OF NON-TANGENCY; THENCE CONTINUING ALONG SAID WESTERLY LINE OF SAID LOT 8 THE FOLLOWING FOURTEEN COURSES:

NORTH 57°26'58" WEST A DISTANCE OF 162.11 FEET;

SOUTH 30°57'34" WEST A DISTANCE OF 160.06 FEET;

NORTH 61°38'50" WEST A DISTANCE OF 130.58 FEET TO A POINT OF NON-TANGENT CURVATURE;

ALONG THE ARC OF A 3556.55 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 1559.55 FEET, THROUGH A CENTRAL ANGLE OF 25°07'27", (THE CHORD OF WHICH BEARS SOUTH 17°40'48" WEST, 1547.08 FEET) TO A POINT OF NON-TANGENCY;

SOUTH 14°48'33" EAST A DISTANCE OF 55.05 FEET;

SOUTH 29°30'12" EAST A DISTANCE OF 36.61 FEET;

SOUTH 48°08'56" EAST A DISTANCE OF 158.31 FEET;

SOUTH 79°44'20" EAST A DISTANCE OF 111.35 FEET;

SOUTH 85°21'59" EAST A DISTANCE OF 351.80 FEET;

SOUTH 89°47'06" EAST A DISTANCE OF 117.96 FEET;

NORTH 63°19'11" EAST A DISTANCE OF 175.65 FEET;

SOUTH 57°09'31" EAST A DISTANCE OF 176.01 FEET TO A POINT OF NON-TANGENT CURVATURE;

ALONG THE ARC OF A 619.98 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 495.81 FEET, THROUGH A CENTRAL ANGLE OF 45°49'14", (THE CHORD OF WHICH BEARS SOUTH 09°50'41" WEST, 482.71 FEET) TO A POINT OF COMPOUND CURVATURE;

ALONG THE ARC OF A 71.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 56.43 FEET, THROUGH A CENTRAL ANGLE OF 45°32'28", (THE CHORD OF WHICH BEARS SOUTH 21°57'50" WEST, 54.96 FEET), MORE OR LESS, TO THE NORTHERLY RIGHT OF WAY LINE OF SKYLINERS ROAD (60.00 FEET WIDE);

THENCE ALONG THE ARC OF A 5867.46 FOOT RADIUS CURVE, SAID CURVE BEING THE NORTHERLY RIGHT OF WAY LINE OF SAID SKYLINERS ROAD, AN ARC DISTANCE OF 101.79 FEET, MORE OR LESS, THROUGH A CENTRAL ANGLE OF 00°59'38" TO THE SOUTHERLY LINE OF SAID SECTION 35, (THE CHORD OF WHICH BEARS SOUTH 69°58'16" WEST, 101.79 FEET); THENCE NORTH 89°08'30" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1274.88 FEET TO THE POINT OF BEGINNING.

EXHIBIT C

FOR A PUBLIC ACCESS EASEMENT
 LOCATED IN THE SW1/4 OF SECTION 35,
 TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.
 DESCHUTES COUNTY, OREGON

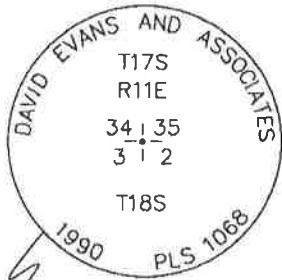
THE TREE FARM, LLC.
 (VOL. 2016, PG. 16286)

TAX LOT
 17-11-35-00-00500

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 JULY 20, 2009
 SCOTT C. BOLDUC
 79288
 EXPIRES: 12/31/2017

FOUND 3" BRASS CAP MONUMENT

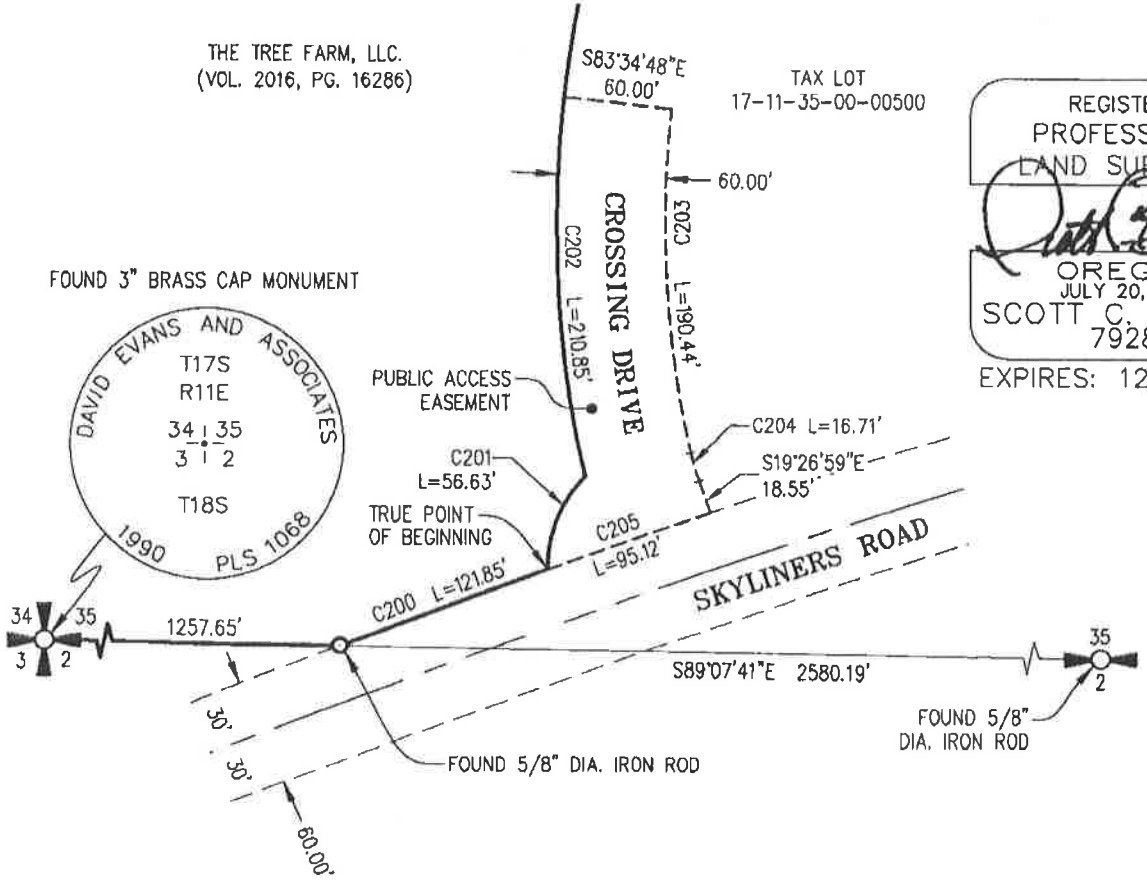


PUBLIC ACCESS
 EASEMENT

TRUE POINT
 OF BEGINNING

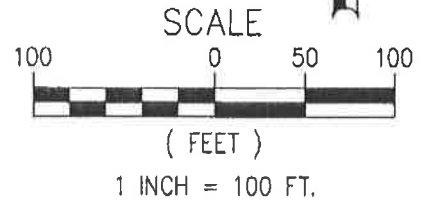
CROSSING DRIVE

SKYLINERS ROAD



CURVE TABLE

| CURVE | LENGTH | RADIUS | DELTA | CHORD | BEARING |
|-------|---------|----------|-----------|---------|-------------|
| C200 | 121.85' | 5673.80' | 1°13'50" | 121.85' | N69°44'59"E |
| C201 | 56.63' | 71.00' | 45°41'49" | 55.14' | N21°53'09"E |
| C202 | 210.85' | 619.98' | 19°29'08" | 209.83' | N3°19'22"W |
| C203 | 190.44' | 559.98' | 19°29'08" | 189.53' | S3°19'22"E |
| C204 | 16.71' | 150.00' | 6°23'03" | 16.71' | S16°15'28"E |
| C205 | 95.12' | 5673.80' | 0°57'38" | 95.12' | S70°50'59"W |



PAGE 1 OF 1

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Site Planning · Civil Engineering

Land Surveying

3052 NW MERCHANT WAY, STE 107

Bend, OR 97703

Phone: (541) 317-8429

SEPTEMBER 1, 2016 SCB