

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN ORDER RELATING TO THE OREGON ASPHALTIC PAVING, LLC, CLAIM FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37)) Resolution No. 07-3800) Introduced by Chief Operating Officer Michael Jordan with the concurrence of Council President David Bragdon

WHEREAS, Oregon Asphaltic Paving, LLC, filed a claim for compensation under ORS 197.352 (Measure 37) contending that Metro regulations had reduced the fair market value of property it owns near the city of Tualatin; and

WHEREAS, the Chief Operating Officer (“COO”) reviewed the claim and submitted reports to the Metro Council, pursuant to section 2.21.040 of the Metro Code, recommending denial of the claim for the reason that the Metro regulations that are the basis for the claim did not reduce the fair market value of the claimant’s property; and

WHEREAS, the Metro Council held a public hearing on the claim on April 26, 2007, and considered information presented at the hearing; now, therefore

BE IT RESOLVED that the Metro Council

1. Enters Order 07-028, attached to this resolution as Exhibit A, which denies the claim for compensation.
2. Directs the COO to send a copy of Order No. 07-028, with Exhibit A attached, to the claimant, persons who participated in the public hearing on the claim, Washington County, the City of Tualatin and the Oregon Department of Administrative Services. The COO shall also post the order and Exhibit A at the Metro website.

ADOPTED by the Metro Council this ____ day of _____, 2007

WITHDRAWN
David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

Exhibit A to Resolution No. 07-3800

Order No. 07-028

**RELATING TO THE OREGON ASPHALTIC PAVING, LLC, CLAIM
FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37)**

Claimant: Oregon Asphaltic Paving, LLC
Property: Southwest of Tualatin, Oregon (map attached)
Claim: Regulations in Title 4 and conditions in Ordinance No. 02-990A reduce the fair market value of claimant's property

Claimant submitted the claim to Metro pursuant to ORS 197.352 (Measure 37). This order is based upon materials submitted by the claimant and the report prepared by the Chief Operating Officer ("COO") prepared pursuant to section 2.21.040, and other materials presented at the hearing.

The Metro Council considered the claim at a public hearing on April 26, 2007.

IT IS ORDERED THAT:

The claim of Oregon Asphaltic Paving, LLC, for compensation be denied because it does not qualify for compensation for reasons set forth in the reports of the COO.

ENTERED this ____ day of _____, 2007.

WITHDRAWN

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION
UNDER BALLOT MEASURE 37
AND METRO CODE CHAPTER 2.21**

REPORT OF THE METRO CHIEF OPERATING OFFICER

**In Consideration of Council Order No. 07-028
For the Purpose of Entering an Order
Relating to the Measure 37 Claim of Oregon Asphaltic Paving, LLC**

April 6, 2007

METRO CLAIM NUMBER: Claim No. 07-028

NAME OF CLAIMANT: Oregon Asphaltic Paving, LLC

MAILING ADDRESS: c/o Robert D. Van Brocklin
900 SW Fifth Ave., Suite 2600
Portland, OR 97204

PROPERTY LOCATION: Tualatin, Oregon

LEGAL DESCRIPTION: T2S, R1W, Section 33, tax lots 600 and 101
T2S, R1W, Section 34B, tax lot 700
T2S, R1W, Section 27C, tax lot 800
T2S, R1W, Section 28D, tax lot 900

ACREAGE: 123.35 acres

DATE OF CLAIM: December 4, 2006

I. CLAIM

Claimant Oregon Asphaltic Paving, LLC seeks compensation in the amount of \$27,308,930 for a claimed reduction in fair market value (FMV) of property owned by the claimant as a result of Metro Ordinance No. 02-990A ("For the Purpose of Amending the Metro Urban Growth Boundary to Add Land in Study Areas 47 and 48, Tigard Sand and Gravel Site") and the designation of the property as a Regionally Significant Industrial Area. In lieu of compensation, claimant seeks a waiver of those regulations so claimant can develop the property as single-family residential housing on 10,000 square feet, 20,000 square feet, or 40,000 square feet lots, or on some combination of those lot sizes, to the maximum extent allowable under the zoning in place at the time of claimant's acquisition of the property.

Claimant has pending Measure 37 claims with Washington County and the State of Oregon for unknown amounts of compensation.

The Chief Operating Officer (COO) sent notice of date, time and location of the public hearing on this claim before the Metro Council on April 6, 2007. The notice indicated that a copy of this report is available upon request and that the report is posted on Metro's website at www.metro-region.org/measure37.

II. SUMMARY OF COO RECOMMENDATION

The COO recommends that the Metro Council deny the claim for the reasons explained in section IV of this report. The facts and analysis indicate that Metro's action to bring a portion of the claimant's land into the Urban Growth Boundary (UGB) and to designate a portion of it a Regionally Significant Industrial Area did not reduce the fair market value of claimant's property.

III TIMELINESS OF CLAIM

ORS 197.352(5) requires that a written demand for compensation be made:

1. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37 (December 2, 2004), within two years of that date, or of the date a public entity applies the regulation to the property as an approval criterion in response to an application submitted by the owner, whichever is later; or
2. For claims arising from a land use regulation enacted *after* the effective date of Measure 37 (December 2, 2004), within two years of the enactment of the regulation, or of the date the owner of the property submits a land use application for the property in which the regulation is an approval criterion, whichever is later.

Findings of Fact

The claimant submitted this claim on December 4, 2006.

Metro Council adopted Ordinance No. 02-990A on December 12, 2002, prior to the effective date of Measure 37 (December 2, 2004). This ordinance added a portion of the subject property to the Urban Growth Boundary. This ordinance also designated this portion of the claimant's property as a Regionally Significant Industrial Area. Two additional tax lots owned by the claimant were added to the Urban Growth Boundary through Ordinance No. 04-1040B, adopted June 24, 2004, prior to the effective date of Measure 37 (December 2, 2004). This ordinance designated these two lots as Industrial.

Conclusions of Law

Metro adopted the regulation that gives rise to this claim prior to the effective date of Measure 37, and claimant filed the claim within two years of the effective date of Measure 37. The claim, therefore, is timely.

IV. ANALYSIS OF CLAIM

1. Ownership

Metro Code section 2.22.020(c) defines "owner" to mean the owner of the property or any interest therein. "Owner" includes all persons or entities that share ownership of a property.

Findings of Fact

Claimant states that they acquired an ownership interest in the 123.35-acre subject property on various dates (specified in the claim) in 1966, 1969, 1975, and 1977. Attachment 1 is a site map of the subject property (ATTACHMENT 1).

Conclusions of Law

The claimant, Oregon Asphaltic Paving, LLC, is owner of the subject property as defined in the Metro Code.

2. Zoning History

Findings of Fact

Claimant asserts that the zoning of the subject property at the time of claimant's acquisition allowed for a variety of residential uses, though claimant does not provide specific information regarding densities allowed at the time of acquisition. The zoning of the property before and after the disputed UGB expansion is detailed below:

Tax Lot	Acreage	Zoning Before UGB Expansion	Zoning After UGB Expansion
700	36.32	AF-20 (20-acre minimum)	FD-20 (20-acre minimum)
800	40.00	EFU (80-acre minimum)	FD-20 (20-acre minimum)
900	12.75	EFC (80-acre minimum)	EFC (80-acre minimum)
101	12.00	AF-20 (20-acre minimum)	AF20 (20-acre minimum)

3. Applicability of a Metro Functional Plan Requirement

Findings of Fact

In December 2002, the Metro Council expanded the UGB by adopting Ordinance No. 02-990A, thereby including tax lots 700 and 800 of the claimant's property in the UGB. This ordinance included a condition that disallowed the division of the lots that constitute the subject property except as part of a plan to reconfigure the lots. This lot reconfiguration plan is to be developed by Washington County or, upon annexation of the area to the City of Tualatin, by the city, and will result in (1) at least one parcel that is 100 acres or larger, and (2) at least one parcel 50 acres or larger. Ordinance No. 02-990A also prohibits new commercial retail uses on tax lots 700 and 800.

Concurrent with the UGB expansion, tax lots 700 and 800 were designated as Regionally Significant Industrial Areas and are subject to Title 4 standards for this design type (Metro Code sections 3.07.410 through 3.07.430).

In June 2004, Metro Council expanded the UGB by adopting Ordinance No. 04-1040B, including a portion of claimant's property (tax lots 101 and 900). This ordinance included a condition that the parcels over 50 acres may not be divided. Both of tax lots 101 and 900 are less than 50 acres (12 and 12.75 acres, respectively). Consequently, this condition is not applicable to lots 100 and 900.

Concurrent with the 2004 UGB expansion, tax lots 101 and 900 were designated Industrial areas and are subject to the Title 4 standards (Metro Code sections 3.07.410 and 3.07.430) for this design type.

Claimant asserts that tax lot 600 was added to the UGB and designated as a Regionally Significant Industrial Area. Tax lot 600 has not been added to the UGB and has not been designated as a Regionally Significant Industrial Area.

Conclusions of Law

Sections 3.07.410 through 3.07.420 of the Metro Code apply to a portion of the subject property (tax lots 800 and 700) and became applicable after the claimant acquired the property. These Code sections are intended to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Metro-designated Regionally Significant Industrial Areas. Because the previous zoning of tax lots 800 and 700 precluded any further subdivisions, however, Metro Ordinance 02-990A does not have the effect of putting any additional limits on the subdivision of these tax lots.

Sections 3.07.410 and 3.07.430 of the Metro Code apply to a portion of the subject property (tax lots 101 and 900) and became applicable after the claimant acquired the property. These Code sections are

intended to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Metro-designated Regionally Significant Industrial Areas. Claimant's assertion that tax lots 101 and 900 have been designated as Regionally Significant Industrial Areas is erroneous. Because the previous zoning of tax lots 101 and 900 precluded any further subdivisions, Metro Ordinance 04-1040B does not have the effect of putting any additional limits on the subdivision of these tax lots.

A portion of the subject property (tax lot 600) is outside of the UGB. The regulations cited by the claimant do not apply to this tax lot. Therefore, this claim, as it relates to tax lot 600, is invalid.

4. Effect of Functional Plan Requirements on Fair Market Value

Findings of Fact

Section 2.21.040(d)(5) of the Metro Code requires the Chief Operating Officer (COO) to determine whether the inclusion of the subject property into the UGB and the designation of the subject property as a Regionally Significant Industrial Area and Industrial Area has reduced the value of claimant's land. The COO's conclusion is based upon the analysis of the effect of Metro's action contained in ATTACHMENT 2 (Metro Memorandum to Ray Valone, Richard Benner, and Ted Reid from Sonny Conder and Karen Hohndel dated March 29, 2007 (Conder Memo)).

Claimant's assertion of potential value is based upon a November 30, 2006, letter from Peter A. Kusyk, President of Beacon Homes. This letter states that the value of the lots is predicated on reclamation of the property. However, claimant does not deduct the costs of redevelopment from the potential fair market value.

Claimant asserts the following diminution in value attributable to Metro regulations:

Current FMV:

Current Total:	\$2,391,070
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Claimant assertion of potential FMV:

FMV of 99 one-acre lots at \$300,000/lot:	\$29,700,000
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Less reclamation/development costs:	\$0
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Potential FMV:	\$29,700,000
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Claimed reduction in FMV:	\$27,308,930
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Conclusions of Law

The Conder Memo provides an analysis of the property's value, using two different methods for determining the effect of Metro's action on the value of claimant's property. The conclusions of that memo are summarized below.

A. "Comparable Sales" Method

This method compares the value of the property in its current regulatory setting with its value today as though Metro's action had not happened, using transactions involving comparable properties in both "before" and "after" scenarios. Under the "before" scenario, the property would be outside the UGB with the zoning that applied at the time of the application of Metro's regulation: 123.35 acres zoned EFU and AF20 with the property being used for rural mining.

Under the "after" scenario (current regulatory setting), the land lies within the UGB (with the exception of tax lot 600 which remains outside the UGB). A portion of the property is designated a Regionally Significant Industrial Area and a portion is designated Industrial.

Table 3 of the Condor Memo compares today's value of the property before and after Metro's action, adjusting in both cases for costs of development and limitations on development of the site that a prudent investor would take into account. The table shows that the FMV of the property under existing regulations greatly exceeds the value of the property being used for rural mining purposes outside the UGB. The analysis using this methodology indicates that the current regulatory setting has not reduced the FMV of the subject property. In fact, the analysis indicates that Metro's actions have increased the property's FMV.

B. Alternative Method Using Time Trend Data Suggested by Plantinga/Jaeger

The Condor Memo uses a second methodology for determining value of the subject property - time-series data to determine whether the application of Metro regulations to the property reduced its value. The data show values before and after Metro's inclusion of the property in the UGB and application of Metro's regulations. The data are displayed in Table 2 of the memo. There is no indication from the data that Metro's regulations reduced the value of the property. The data show that the property continued to increase in value after March 2003 when the regulations became applicable to the property.

Conclusions of Law

The comparable sales method compares the value of similarly situated properties before and after the application of Metro's regulations. The Plantinga-Jaeger method as applied in this case measures the assessor's real market value of the property before and after Metro's March 2003 action. The Plantinga-Jaeger method provides a clearer and more accurate answer to the question posed by Measure 37: Did Metro's action reduce the FMV of the subject property? Application of the method shows that the FMV of the subject property continued to rise after Metro included it in the UGB with the Regionally Significant Industrial Area and Industrial designations.

Property value data indicate that Metro's action to bring claimants' land into the UGB and to designate portions of it as Regionally Significant Industrial Area and portions of it as Industrial did not reduce the FMV of the property.

5. Exemptions under ORS 197.352(3)

Findings of Fact

Metro Ordinances No. 02-990A and No. 04-1040B do not restrict or prohibit a public nuisance, the selling of pornography or nude dancing, is not intended to protect public health or safety, and is not required to comply with federal law.

Conclusions of Law

Metro Ordinances No. 02-990A and No. 04-1040B are not exempt from Measure 37 under ORS 197.352(3).

6. Relief for Claimant

Findings of Fact

The Metro Council has appropriated no funds for compensation of claims under Measure 37. The effect of development as proposed by the claimant will be to reduce the industrial capacity of the UGB. It would also make provision of urban services less efficient and more complicated. Finally, it would undermine the City of Tualatin's plans to create a complete and livable community.

Conclusions of Law

Based on the record, the claimants have not established that they are entitled to relief in the form of compensation or waiver of Metro Ordinances No. 02-990A and No. 04-1040B.

Recommendation of the Chief Operating Officer

The Metro Council should deny the Oregon Asphaltic Paving claim for the reason that Metro Ordinances No. 02-990A and No. 04-1040B did not reduce the value of the subject property.

ATTACHMENTS TO THE REPORT OF THE CHIEF OPERATING OFFICER

Attachment 1: Site Map of Oregon Asphaltic Paving property

Attachment 2: Metro Memorandum to Ray Valone, Richard Benner, and Ted Reid from Sonny Conder and Karen Hohndel, "Valuation Report on the Oregon Asphaltic Paving Measure 37 Claim," dated March 29, 2007

Attachment 3: Sample Area of Industrial and Rural Taxlots for Oregon Asphaltic Paving Measure 37 Claim

Attachment 4: Oregon Asphaltic Paving Measure 37 Claim Submittal to Metro



R L I S
REGIONAL LAND INFORMATION SYSTEM


Resolution No. 07-3800
Attachment 1 COO Report

Site Map

Oregon

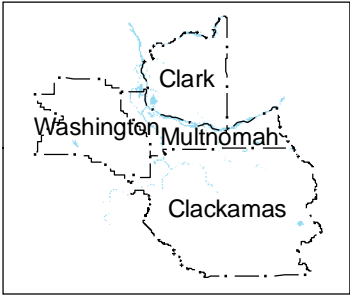
Asphaltic Paving

Measure 37 Claim

 Subject Property


The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

1 inch equals 0.34 miles



Clark
Washington Multnomah
Clackamas

Location Map



METRO

METRO DATA RESOURCE CENTER
600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
TEL (503) 797-1742 | FAX (503) 797-1909
drc@metro.dst.or.us | www.metro-region.org

Resolution No. 07-3800
Attachment 2 to COO Report

March 29, 2007

To: Ray Valone
Richard Benner
Ted Reid

From: Sonny Conder
Karen Hohndel

Subject: Valuation Report on the Oregon Asphaltic Paving Measure 37 Claim

Conclusion:

Per your request we have conducted a valuation analysis of the Oregon Asphaltic Paving Measure 37 Claim. The Metro designations of Regionally Significant Industrial Area (RSIA) and Industrial apply to the Oregon Asphaltic Paving property. We conclude, using the comparable sales method of determining possible reduction in value that the Metro action of including the property in the UGB in 2003 and designating it RSIA and Industrial did not produce a material loss of value for the subject property¹. In all likelihood, the action produced an increase in value for the claimant's property.

Using a time series variation of the Plantinga-Jaeger method of determining property value loss due to regulation also indicates no loss of value for four subject tax lots comprising 101 acres². All comparably sized and situated properties within Sherwood-Tualatin Industrial Corridor have seen substantial investment both public and private during the 2002 through 2006 period and have experienced increases in value.

We consider the time trend and Plantinga – Jaeger methods to be consistent approaches in determining whether a claimant has experienced a property value loss due to a particular government regulation. The comparative sales method yields an estimate of what a particular property owner may gain, not an estimate of what they have lost.

Conceptual Understanding for Basis of Oregon Asphaltic Paving Property Value Analysis:

We understand the present Measure 37 valuation issue to consist of making two property value estimates. These are:

1. Estimate the fair market value of the property subject to the regulation that the claimant contends has reduced the value of his property.

¹ We use the term “material” in the accounting/auditing sense that given the statistical variability inherent in the data there is no difference between two measurements of land value.

² In examining the tax lots we note that one tax lot – 2S1330000600 remains outside the Urban Growth Boundary and so remains unaffected by Metro's regulations in question. This reduces the acreage relevant for valuation from 123.3 to 101.

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Attachment 2 to COO Report

2. Estimate the fair market value of the property today as though it were subject to the regulations in place prior to the date Metro first applied the regulation to the claimant's property.

When applied to the Oregon Asphaltic Paving Claim, both 1. and 2. require interpretation. The Oregon Asphaltic Paving claim cites Metro's RSIA designation and Ordinance No. 02-990A as regulations that cause property losses totaling \$27,308,930 incurred on tax lots comprising 123.3 acres of the property³. 110.6 acres of the subject property is presently used as a gravel-mining site and has been assessed by the Washington County assessor using a special \$10,000 per acre maximum used for rural mining sites and other marginal industrial uses. These tax lots are presently valued at \$598,260. These appraisals have not been updated to reflect possible alternative uses as a result of being included in the Urban Growth Boundary. A 12.75-acre tax lot that is a part of the subject property was reappraised in the 2006-2007 tax year and the value increased from \$254,130 to \$1,792,180. That particular tax lot has Metro's designation of industrial. It appears this is the only tax lot within the UGB expansion area that has been reappraised to reflect UGB inclusion and Metro's usage designations.

The default use at the time of Metro's regulation is a gravel mining usage valued at \$10,000 per acre per Washington County Assessor's practice. The Metro action resulting in the claim added the property to the UGB and designated it Industrial and RSIA. Since the property in question adjoins a developing industrial corridor, we assume a use identical to the existing Tualatin-Sherwood industrial corridor.

Alternative Method of Computing Property Value Loss Resulting From Regulation

While we use the comparative sales method as one way of valuing this claim, estimating loss of property value using this method has been the subject of substantial criticism. Andrew Plantinga and William Jaeger⁴, economists at OSU, have written papers pointing out that using the method of comparative sales does not compute the loss due to regulation. Rather, the estimated "value loss" is actually the gain resulting from obtaining an exemption to the general rule. To better understand their arguments, we may think of the comparative sales method of determining an economic loss as equivalent to determining the value of issuing someone a special license or franchise to carry out an economically valuable function that others may not do. For instance, licenses to operate taxicabs in New York are seldom issued and in great demand. As a result, the license itself has acquired substantial economic value. An example closer to home is the value of an Oregon Liquor License prior to more liberal issuing standards in the 1980's. In the 1950's through roughly the 1970's, an Oregon Liquor License for a restaurant or bar vastly increased the

³ As noted earlier on tax lot of 22.3 acres is outside the UGB and not considered in Metro's valuation.

⁴ Andrew Plantinga, *Measuring Compensation Under Measure 37: An Economist's Perspective*, Dec. 2004, 15 pages. (Available at OSU Department of Agricultural and Resource Economics, URL: plantinga@oregonstate.edu). William K. Jaeger, *The Effects of Land Use Regulations of Land Prices*, Oct. 2005, 38 pages. (Available at OSU Department of Agricultural and Resource Economics, URL: wjaeger@oregonstate.edu). Also: William K Jaeger, *The Effects of Land-Use Regulations on Property Values*, **Environmental Law**, Vol. 36:105, pp. 105 – 127, Andrew J. Plantinga, et. al., *The effects of potential land development on agricultural land prices*, **Journal of Urban Economics**, 52, (2002), pp. 561 – 581. and Sonny Conder and Karen Hohndel, *Measure 37: Compensating wipeouts or insuring windfalls?*, **Oregon Planners' Journal**, Vol. 23, No 1. Dec. – Jan 2005. pp. 6 – 9.

Resolution No. 07-3800
Attachment 2 to COO Report

property value of the establishment that had one. Plantinga and Jaeger argue that the value of the property hinges on scarcity resulting from regulation. If everyone had a taxicab or liquor license, they would have no value. From an economic perspective, using a method that really measures value gained from regulation is not the same as determining economic loss resulting from regulation.

Plantinga and Jaeger go on to suggest an economically appropriate measure of loss resulting from subsequent land use regulation. Their method is grounded in the well-established and tested Theory of Land Rent. Simplified a bit, the Theory of Land Rent holds that the value of land at any particular time is the future net profit from the land used in its most efficient allowable use. The market also adjusts (discount factor) this value to account for time and uncertainty as to future uses. What this means is that the original sales price incorporates future expectations about how the land might be used. If we take the original sales price and bring it up to the current date by using an appropriate price index, we are able to measure in today's prices what the land was worth when it was purchased under the original regulatory requirements.

As Metro's first regulatory action was taken in February 2003, we have actual before (2002 values) and after (2006 values) data to determine whether the subject property experienced a loss of value after Metro's action. However, since the Washington County Assessor has not updated the assessed value of the Oregon Asphaltic Paving property to reflect its' new status⁵, we cannot track property value changes for the subject property alone. Instead, we make these observations for the entire class of industrial properties within the Tualatin-Sherwood industrial corridor for 2002 and 2006.

This method allows a consistent computation of property loss due to subsequent regulatory changes. At the same time it avoids awarding particular property owners a bonus that was not anticipated in the original purchase price. Owners should be compensated for what they lost due to the application of Metro's regulations. They are not awarded an extra benefit owing to unanticipated growth, infrastructure investment or regulatory changes irrespective of any Metro changes.

Property Valuation Analysis Procedure

Our property valuation analysis procedure consists of the following steps.

- Briefly describe the property and make a prudent assessment of development limitations to establish a likely range of development capacity under both RSIA and the default use "rural mining", assuming health and safety regulations are enforced.
- Estimate value of property based on recent sales and assessor values of lots and existing properties inside the Tualatin - Sherwood industrial corridor.
- Based on allowable use of the property with the default development of "rural mining" determine the alternative value of the property.
- Provide an alternative determination of loss of value of the Oregon Asphaltic Paving property based on value data before and after Metro's regulatory action.

⁵ Personal communication with the Washington County Assessor's Office –Industrial Appraisal Section on March 27, 2007.

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Attachment 2 to COO Report

- Provide and compare estimates of the value of the subject property as of 2006 with Metro’s RSIA designation versus our default assumption of “rural mining”.

Oregon Asphaltic Paving Property Description

The subject property consists of 5 tax lots totaling 123.3 acres that are subject to the Measure – 37 claim. The properties are located at 219940 SW Dahlke Lane south of Tualatin – Sherwood Highway. As footnoted earlier, one tax lot totaling 22.3 acres falls outside the Urban Growth Boundary and is not included in the valuation report. Washington County Assessor data show the remaining 101 acres as having a FMV of \$2,168,270. The Washington County Assessor regards 88.3 acres as rural mining and has retained the same value of \$362,400 (\$4,104 per acre) since at least 2002. As noted previously, the remaining 12.75-acre tax lot was reappraised from \$274,590 to 1,793,810 (\$140,691 per acre) in 2006 – 2007. Depending on tax lot, the property is designated as Industrial or RSIA with a general zone class of rural.

The present terrain of the property poses substantive challenges to development. This property and much of the surrounding property has been used for a number of years as a gravel mine. The property exhibits many dramatic changes of terrain, piles of mining spoils, disrupted drainage, industrial dumping and storage sites, etc. Substantial reclamation costs will be required to use the property for any urban use regardless of designation.

It is not in our professional capacity to assert with authority any definitive estimate of what the site limitations are, but rather to reflect what any prudent property investor must consider when pricing raw land.

Land Value Estimates – 101 Acre Property as ‘RSIA’ and as ‘Rural Mining’

As noted above, the Oregon Asphaltic Paving property has RSIA and Industrial designations and the default use is what it is: a gravel mine. Since most of the Tualatin – Sherwood industrial corridor has or is in the process of development, uses and land values for fully serviced and un-serviced land are well established. For this reason we have selected all of the Industrial designated parcels for both 2002 prior to any Metro action and for 2006 after all relevant Metro actions have occurred.

Rural Mining uses that we take to represent the default absent the regulations being contested are more problematic from a valuation standpoint. In this instance, we chose to use the Washington County Assessor’s value for the default use. For the recently, reappraised property we assume the previous 2002 assessment of \$200,710 for the tax lot.

Current Value Estimate of Land in the 99W Corridor Area

Table 1: Summary Property Value Data – Tualatin - Sherwood Highway Industrial Corridor – Assessor’s FMV 2006.

Developed properties land value	
Number of properties:	94
Average land value per acre:	\$225,800
Undeveloped properties land value	
Number of properties:	34
Average land value per acre:	\$163,700

We note that the properties with higher values are developed with complete site services and access. Lower valued properties are vacant without site services and sometimes occupied by transient, nonconforming uses. It is fair to point out that most properties in the sample did not face the substantial reclamation costs associated with the Oregon Asphaltic Paving property. We do note that 29.25 acres on two tax lots immediately northeast of the Oregon Asphaltic Paving Property sold in June 2006 for \$68,500 per acre. These properties also face some level of reclamation costs (though not necessarily the same amount) and can be considered more comparable to the claimant’s property. For this reason we assume there is an implicit market reclamation discount of roughly \$100,000 per acre and the current market value of the land for whatever purposes is roughly \$60,000 – \$70,000 per acre.

Current Value Estimate of ‘Rural Mining’

As noted earlier we presume the assessor’s value of \$362,400 plus \$200,710 totaling \$563,110 to be the best estimate.

Alternative Valuation of Oregon Asphaltic Paving Property Using the Time Trend Method Suggested by Plantinga and Jaeger.

OSU economists Andrew Plantinga and William Jaeger have challenged the “comparable sales” approach of traditional appraisal methods. They have pointed out that it really measures the value obtained by an exception to the current rule, rather than a measure of economic loss suffered as a result of government land use regulation. Since the subject Metro regulatory changes began in 2002, we have tabulated land values in 2002 for all industrial zoned properties in the Tualatin - Sherwood industrial corridor and again in 2006 to determine whether the Oregon Asphaltic Paving property actually experienced a loss of value during the 4 years subject to various Metro regulations.

Table 2 below depicts the results for the year 2002 and for the year 2006 for over 100 properties zoned industrial in both 2002 and 2006 within the Sherwood 99W corridor.

Resolution No. 07-3800
Attachment 2 to COO Report

Table 2: Tualatin – Sherwood Industrial Corridor Land Values 2002 and 2006 – Average per Acre

Year	Developed Land	Undeveloped Land
2002	\$152,000	\$102,700
2006	\$225,800	\$163,700

The assessor's market land value increases within the study area from 10 – 12% per year between 2002 and 2006. There is no evidence that Metro's regulations have resulted in any loss of property value. The data support exactly the opposite effect.

Table 3: Comparison of Estimated Market Value of Land for Tualatin – Sherwood Industrial Corridor and Rural Mining Land Uses

RSIA

Value per Undeveloped Acre:	\$164,000
Less Reclamation Discount:	\$100,000
Net Value per Acre:	\$64,000
Total Value 101 acres:	\$6,464,000





Rural Mining

Assessor's Current Market Value (adjusted as above):	\$563,110
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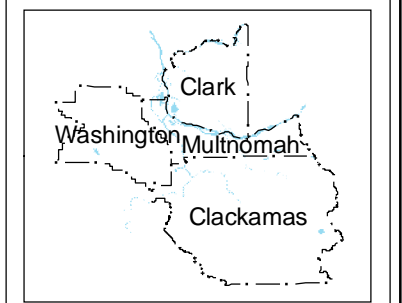
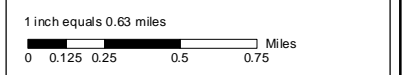
We estimate the current land value of the Oregon Asphaltic Paving property with no site improvements but reclamation provided to be \$6.5 million . The same property used as rural mining would yield \$600,000. In other words, the most default valuation without the contested regulations falls well below the average valuation with the regulations in place. Given these results, we would conclude that the contested Metro regulations have not reduced the value of the property. Quite the contrary, it has most likely increased the value.

Moreover, in terms of establishing economic loss, the land values per acre established using the time trend Plantinga-Jaeger method shows land values increasing 10 – 12% per year since 2002. Clearly, under no circumstances has any regulatory change to the Oregon Asphaltic Paving property reduced its value. Again, the contrary is the case. Growth, infrastructure investment and regulation necessary for orderly growth have produced increases in property values well in excess of any alternative investment for the Oregon Asphaltic Paving property.

Sample Area of Industrial and Rural Taxlots for Oregon Asphaltic Paving Measure 37 Claim

-  County Line
-  Inside Metro UGB
-  Industrial
-  Rural

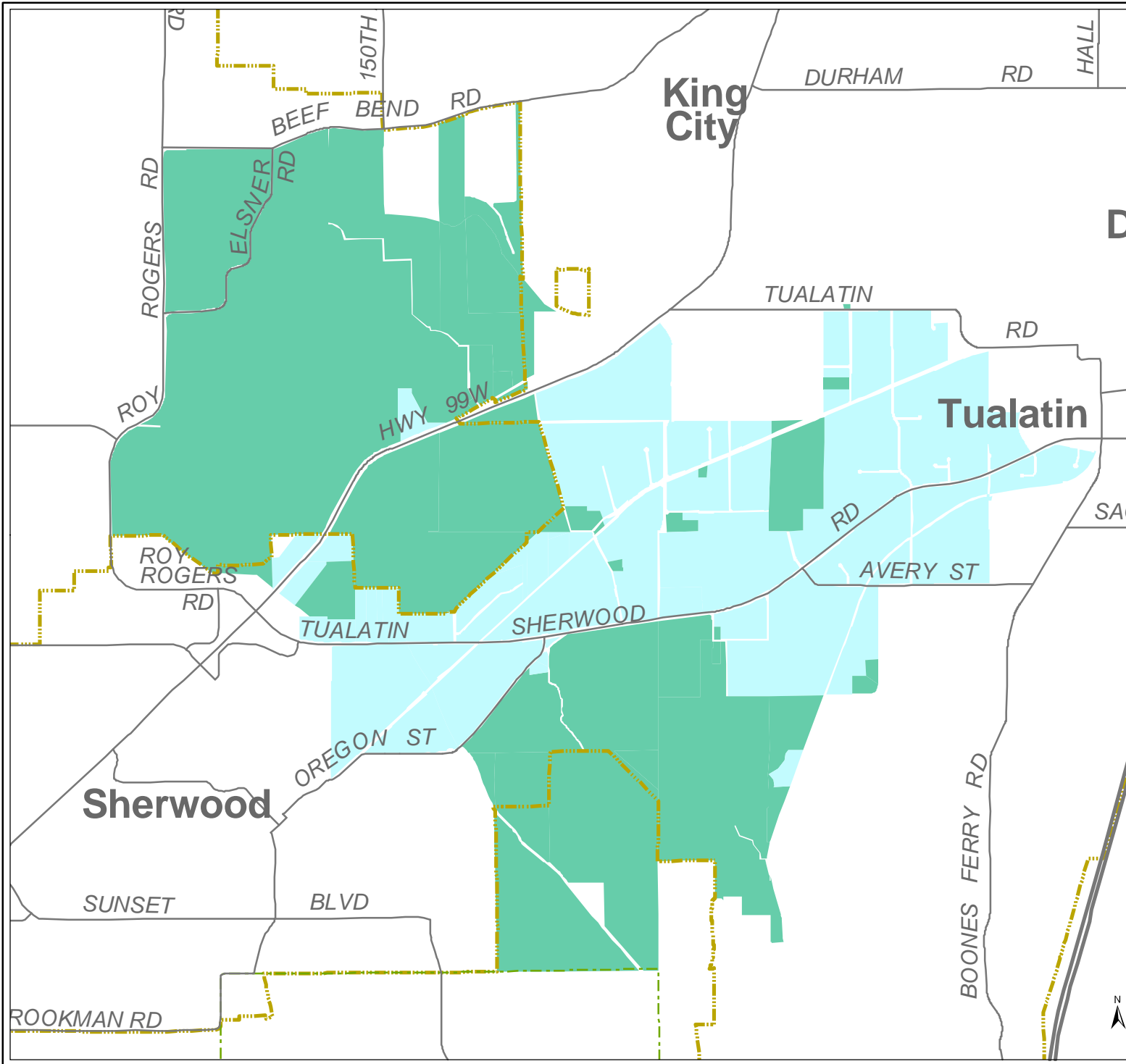
The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



Location Map



METRO DATA RESOURCE CENTER
 600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
 TEL (503) 797-1742 | FAX (503) 797-1909
 drc@metro.dst.or.us | www.metro-region.org





D

RECEIVED

DEC 04 2006

2:00 PM

OFFICE OF METRO ATTORNEY

900 S.W. Fifth Avenue, Suite 2600
 Portland, Oregon 97204
 main 503.224.3380
 fax 503.220.2480
 www.stoel.com

December 4, 2006

ROBERT D. VAN BROCKLIN
 Direct (503) 294-9660
 rdvanbrocklin@stoel.com

VIA HAND DELIVERY

Mr. Michael Jordan
 Chief Operating Officer
 Metro
 600 N. E. Grand Ave
 Portland, OR 97232

Re: Oregon Asphaltic Paving, LLC- Measure 37 Claim

Dear Mr. Jordan:

Enclosed you will find a Measure 37 claim filed on behalf of Oregon Asphaltic Paving, LLC ("Oregon Asphaltic"). The claim is filed pursuant to the provisions of ORS 197.352. As a courtesy to Metro, Oregon Asphaltic has stated its claim on the forms provided by Metro. Filing the claim on the forms provided by Metro shall not be construed in any way to admit the forms are required. Oregon Asphaltic's claims are effective on the date of filing pursuant to ORS 197.352.

Oregon Asphaltic looks forward to the resolution of the filed claim as required by ORS 197.352.

Very truly yours,

Robert D. Van Brocklin

RVB:nh/clc
 Enclosure

Oregon
 Washington
 California
 Utah
 Idaho

Metro Measure 37 Claim

1. Claimant's Contact Information

Name of Claimant: OREGON ASPHALTIC PAVING, LLC ATTN: ROGER METCALF		Day Time Phone #: 503-692-1800	
Address: PO Box 4810			
City: TUALATIN		State: Oregon	Zip: 97062
To file a claim for a particular property, you must own an interest in that property. Please describe what your ownership interest in the property is (e.g., fee title, contract purchaser, lessee, life estate holder, etc.). FEE TITLE			

2. The Property the Claim is For

Street Address or nearest intersection: City (<i>only if within a city</i>): SEE ATTACHMENT A			
County: WASHINGTON COUNTY		State: OR	Zip:
Tax Lot #(s): SEE ATTACHMENT A		County Tax Assessor's Map Reference #(s): SEE ATTACHMENT A	
Township: SEE ATTACHMENT A			
Range: SEE ATTACHMENT A		Section: SEE ATTACHMENT A	
On what date did the claimant(s) acquire an interest in each tax lot this claim is for? SEE ATTACHMENT A			
Current Zoning (of each tax lot): SEE ATTACHMENT A		Property Size (acreage of each tax lot): SEE ATTACHMENT A	
What was the zoning of each tax lot when the claimant(s) acquired the property? SEE ATTACHMENT A		If the claimant(s) acquired the property from a "family member" (as defined in ORS 197.352), what was the zoning of each tax lot when the family member of the claimant acquired the tax lot? N/A	

3. Evidence of Ownership

<p>The following is attached as proof that the claimant owns an interest in each lot or parcel:</p>	<p>List any attached documents: SEE ATTACHMENT B</p>
<p>Is the property in a Trust?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Is the Property owned by a Corporation, by a Partnership, by a Limited Liability Company, or by a Limited Liability Partnership?</p> <p>If yes, please provide the name of the business entity that owns the property and the date on which the business entity acquired the property.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Name of business entity: OREGON ASPHALTIC PAVING, LLC SEE ATTACHMENT A</p>

4. Intended Use of the Property

SEE ATTACHMENT C

5. Land Use Regulation that Restrict Use of the Property

SEE ATTACHMENT D

6. Effect on Fair Market Value of the Property

SEE ATTACHMENT E

7. Other Claims Filed

CLAIMANT IS FILING A MEASURE 37 CLAIMS WITH WASHINGTON COUNTY AND THE STATE OF OREGON FOR THE PROPERTY.

I ATTEST THAT THE INFORMATION CONTAINED IN THIS CLAIM IS TRUE AND CORRECT AND HEREBY CONSENT TO THE FILING OF THIS CLAIM.

Claimant's Signature:

OREGON ASPHALTIC PAVING, LLC

By: Roger Metcalf

Title Vice Pres.

Date 12/04/06

**ATTACHMENT A
PROPERTY INFORMATION**

Oregon Asphaltic Paving, LLC ("Claimant") submits a Measure 37 Claim under ORS 197.352 to Metro for the following property ("Property"). County Tax Assessor Maps are also attached.

Parcel 1								
Property Number	Township	Range	Section	Tax Lot	Current Zoning	Previous Zoning	Date Acquired	Acreage
R558051	2S	1W	33	600	AF-20	R-20	01/10/69	22.2
R558658	2S	1W	34B	700	FD20	R-20	09/30/66	36.32

Parcel 2								
Property Number	Township	Range	Section	Tax Lot	Current Zoning	Previous Zoning	Date Acquired	Acreage
R546859	2S	1W	27C	800	FD-20	RS-1	07/11/75	40.0

Parcel 3								
Property Number	Township	Range	Section	Tax Lot	Current Zoning	Previous Zoning	Date Acquired	Acreage
R547625	2S	1W	28D	900	EFC	GFU38	10/13/75	12.75
R557962	2S	1W	33	101	AF-20	AF-5	04/04/77	12.0

Total approximate acreage: 123.27 acres

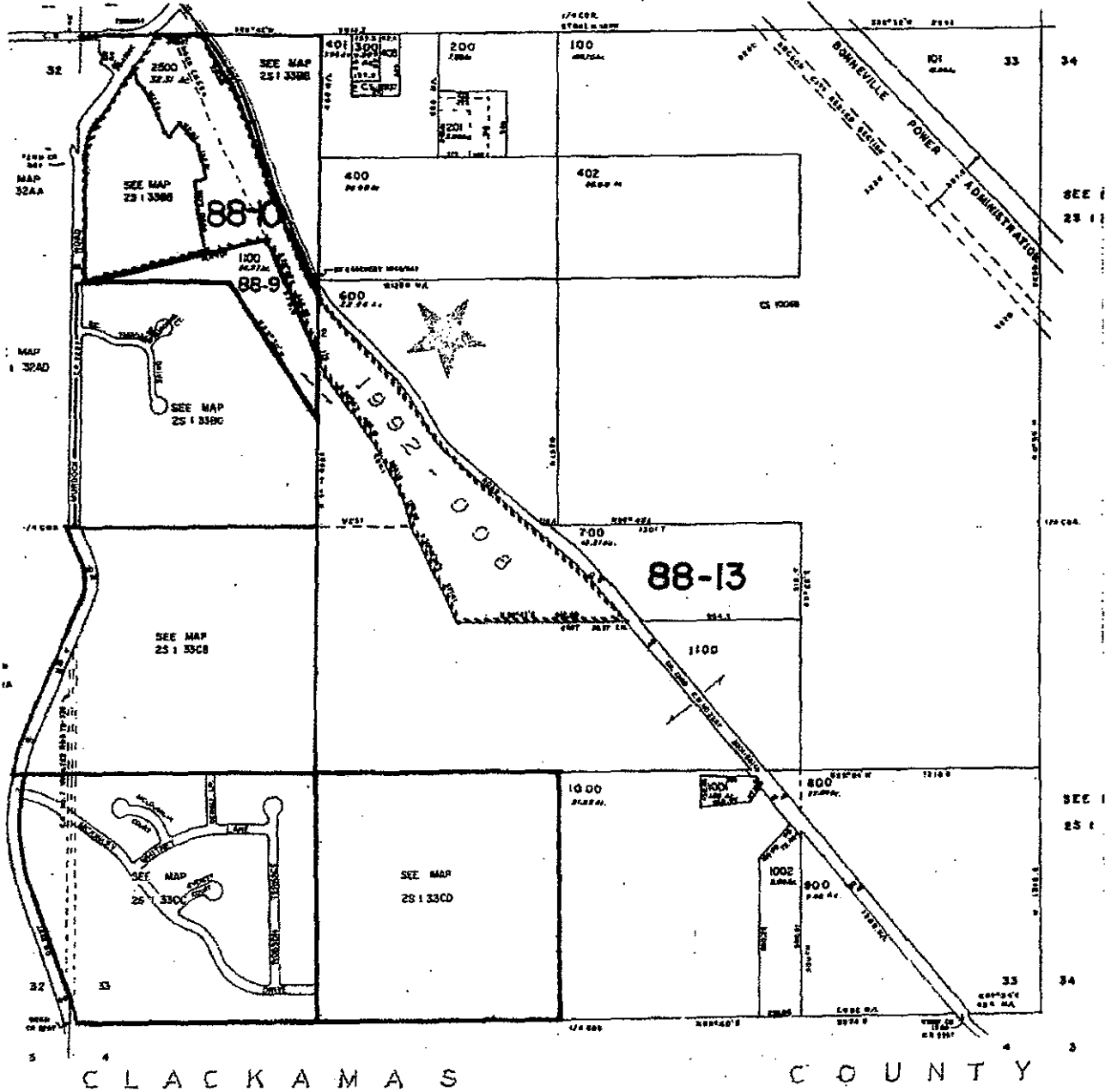


First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

This map is provided as a convenience in locating property
First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey

Reference Parcel Number 2S13300 00600



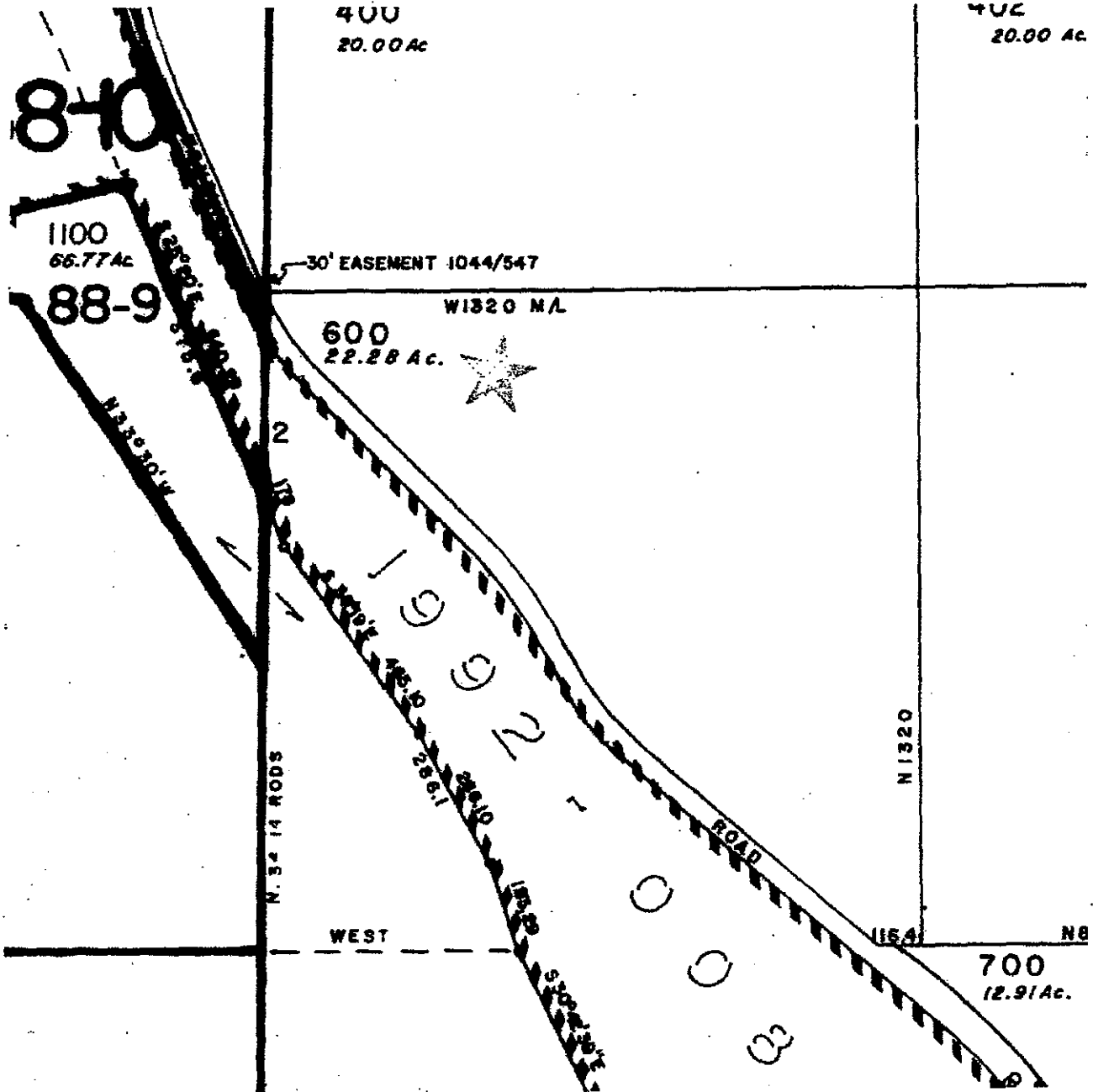


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Reference Parcel Number 2S13300 00600



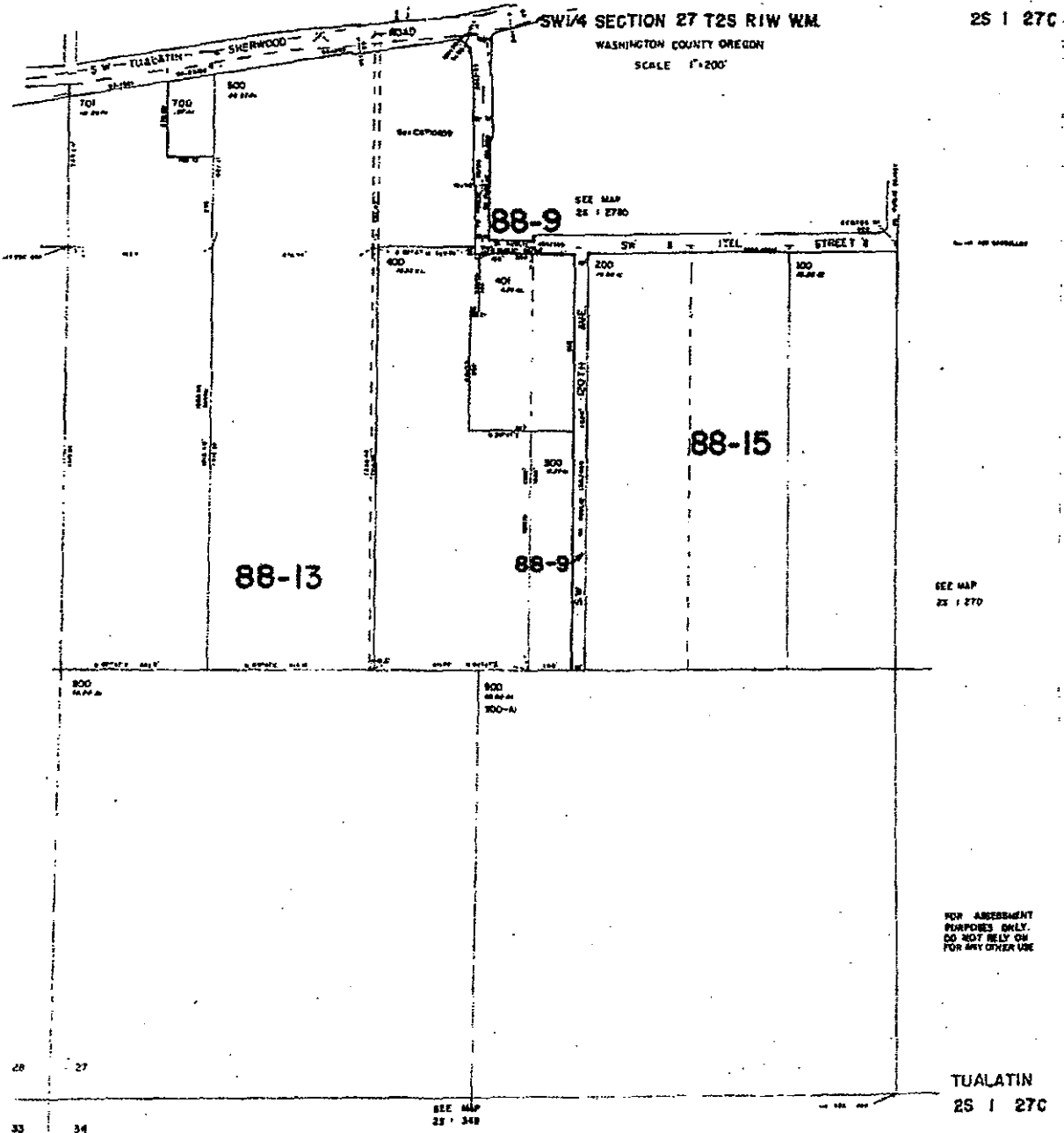


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Reference Parcel Number 2S127C0 00800



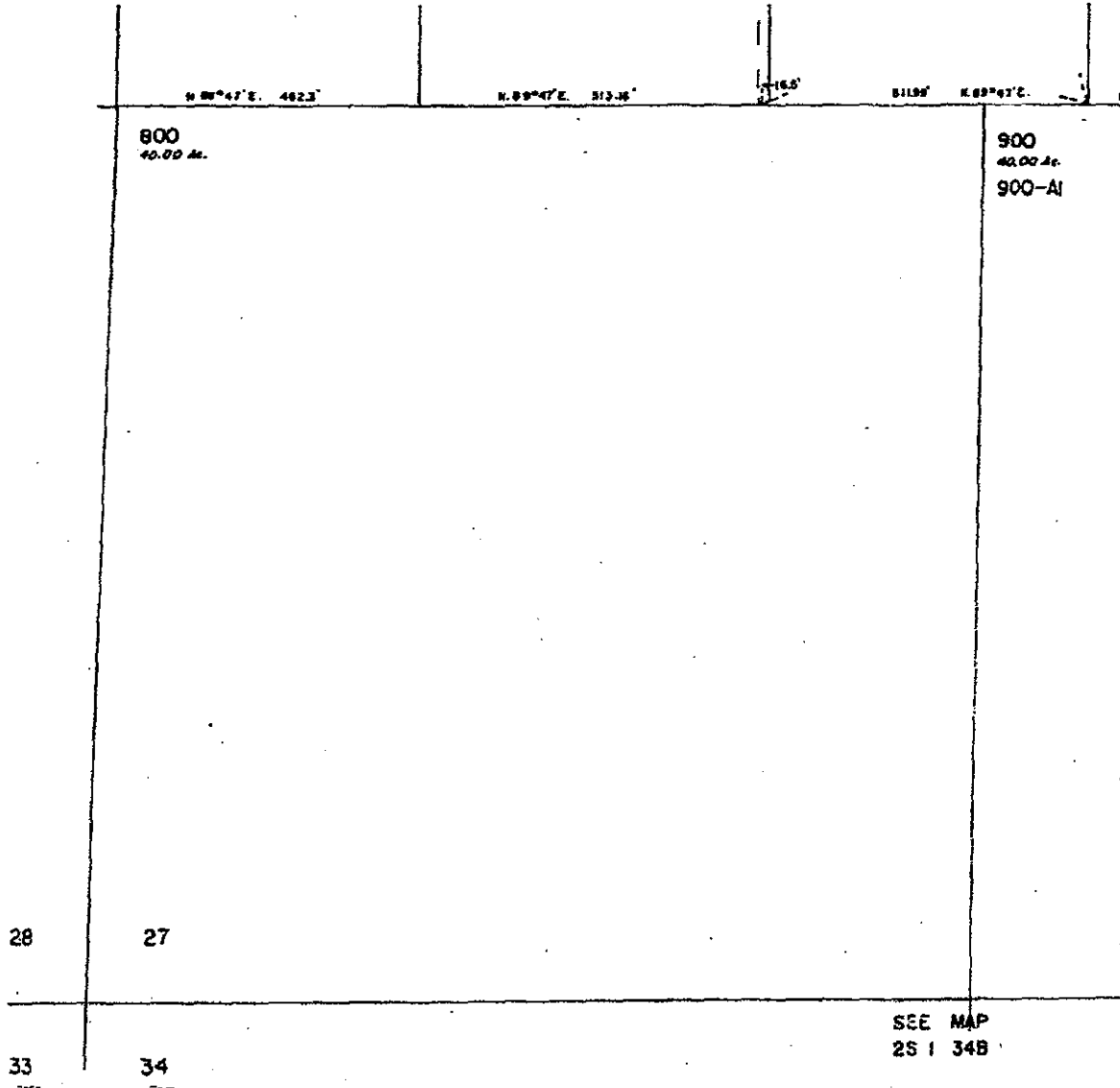


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Reference Parcel Number 2S127C0 00800



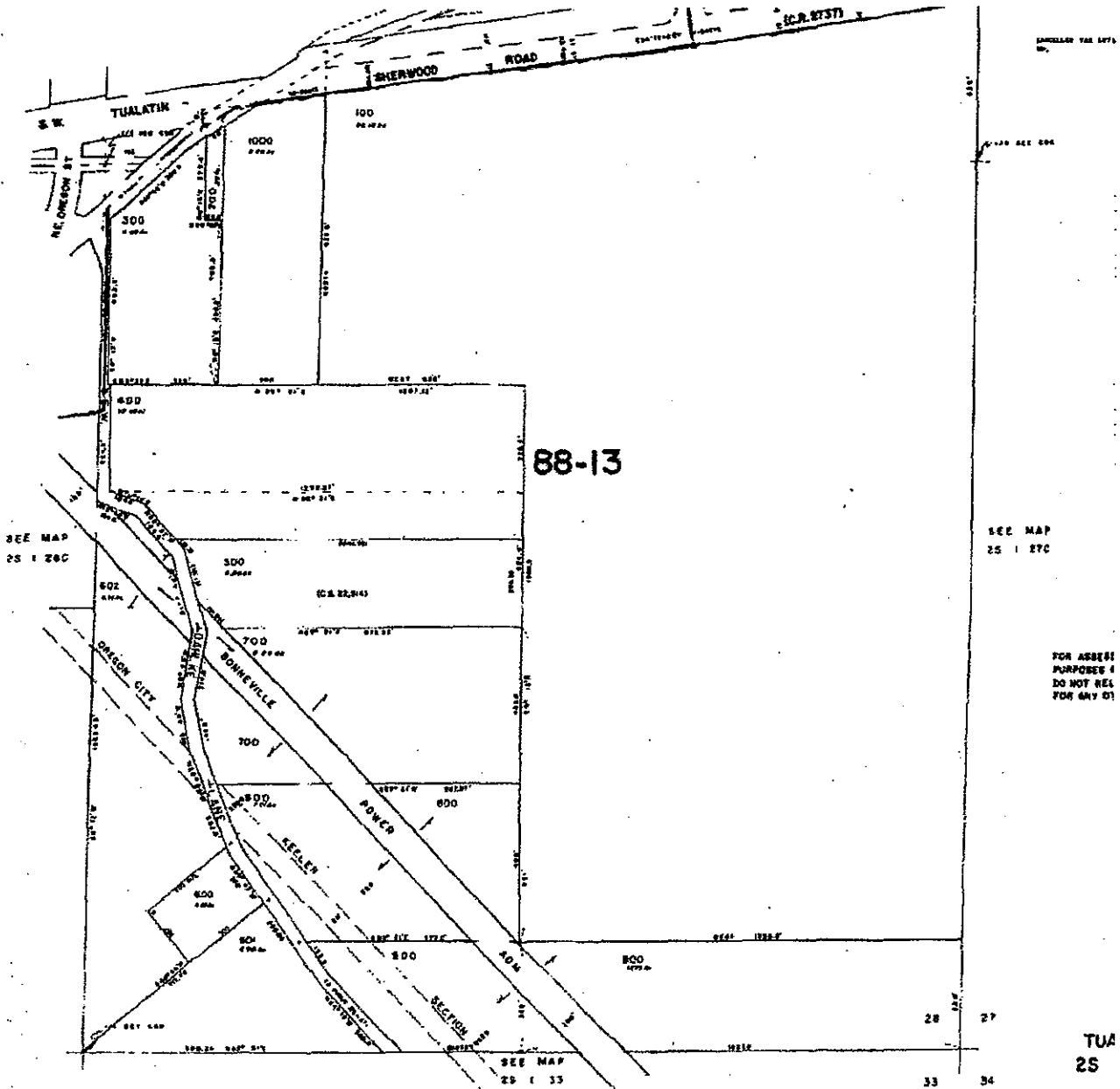


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Reference Parcel Number 2S128D0 00900



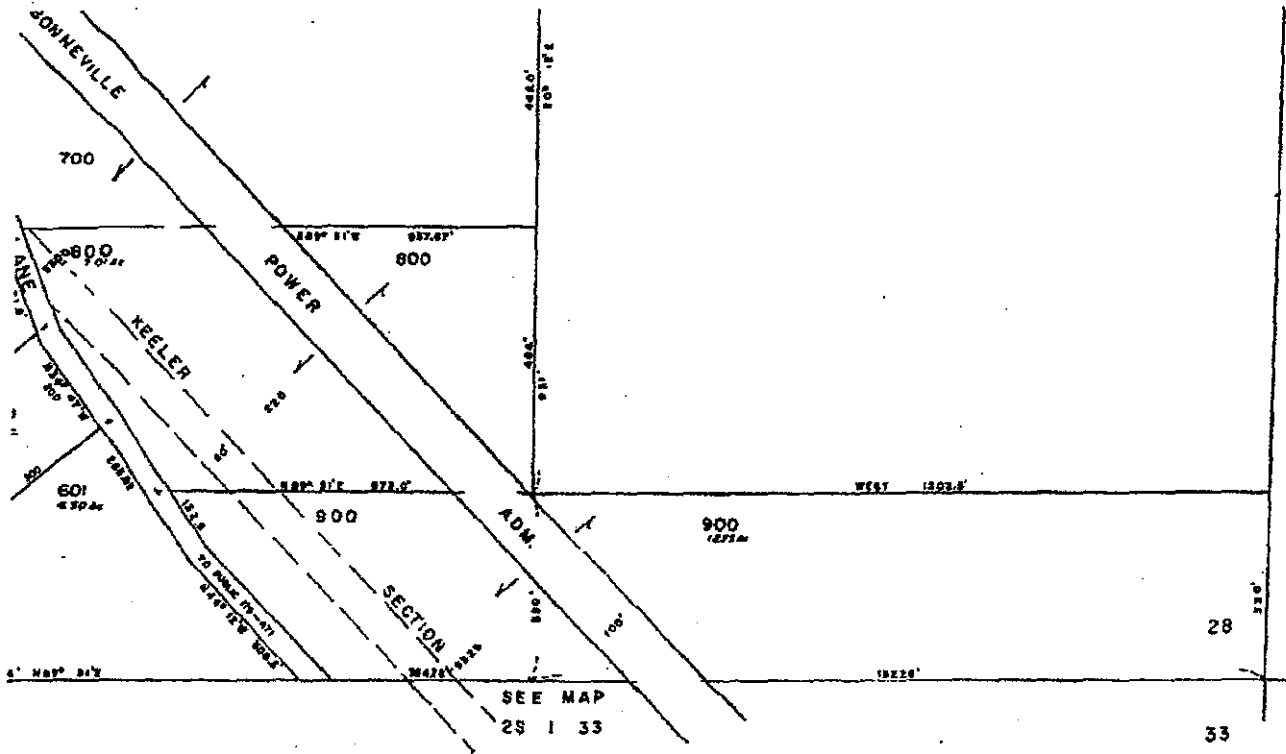


First American Title Insurance Company of Oregon

An assured business name of TITLE INSURANCE COMPANY OF OREGON

*This map is provided as a convenience in locating property.
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Reference Parcel Number 2S128D0 00900



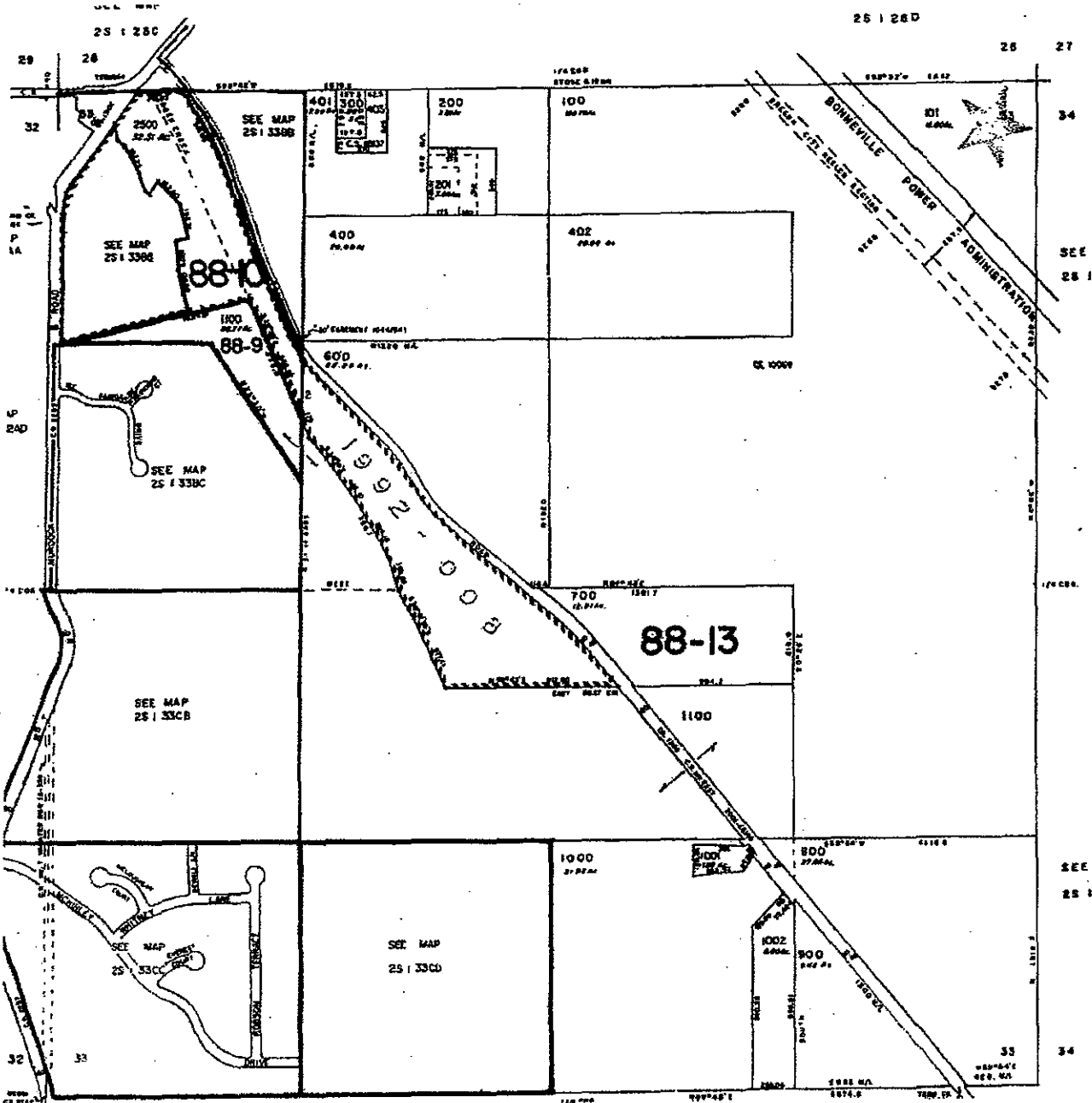


First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

*This map is provided as a convenience in locating property
First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey*

Reference Parcel Number 2S13300 00101





First American Title Insurance Company of Oregon

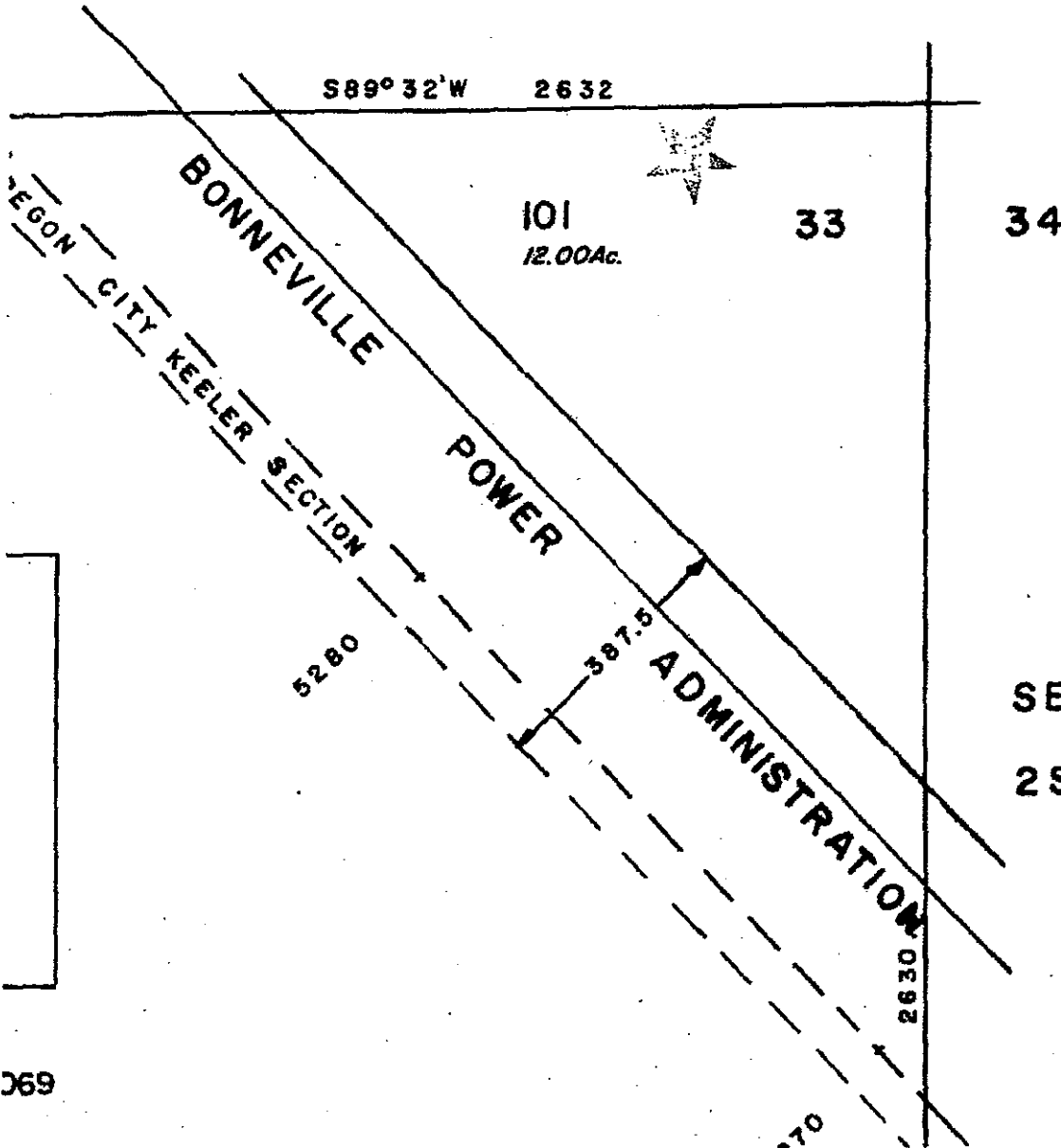
An assumed business name of TITLE INSURANCE COMPANY OF OREGON

*This map is provided as a convenience in locating property
First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey*

Reference Parcel Number 2S13300 00101

28

27



SEE MAP
2S 134B

**ATTACHMENT B
EVIDENCE OF OWNERSHIP**

Title Reports for the Property is attached as proof of Claimant's current ownership. Claimant initially acquired the Property in 1966, 1969, 1975, and 1977 and proof of the dates of acquisition are attached.



First American Title Insurance Company of Oregon

Washington (OR)

Prepared For:

Prepared By: Sherri Michl
 Customer Service Department
 1700 SW Fourth Avenue - Portland, Oregon 97201-5512
 Phone: (503) 222-3651 Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Oregon Asphaltic Paving Co	Ref Parcel Number	: 2S127C0 00800
Co Owner	:	T: 02S	R: 01W S: 27 Q: 252
Site Address	: *no Site Address*	Parcel Number	: R0546859
Mail Address	: 1220 SE 190th Ave Portland Or 97233	Map Number	:
Telephone	: Owner: Tenant:	County	: Washington (OR)

SALES AND LOAN INFORMATION

Transferred	: 11/05/1990	Loan Amount	:
Document #	: 90060941	Lender	:
Sale Price	: \$270,000	Loan Type	:
Deed Type	:	Interest Rate	:
% Owned	:	Vesting Type	:

PROPERTY DESCRIPTION

Map Page & Grid :
 Census : Tract: Block:
 Subdivision/Plat :
 Neighborhood Cd : YRIN
 Land Use : 3602 Vacant, Ind, Designated Forest Land
 Legal : ACRES 40.00, FORESTLAND-POTENTIAL
 : ADDITIONAL TAX LIABILITY

ASSESSMENT AND TAX INFORMATION

Mkt Land :
 Mkt Structure :
 Mkt Other : \$12,680
 Mkt Total : \$12,680
 M50 Assd Total : \$12,680
 % Improved :
 05-06 Taxes : \$162.40
 Exempt Amount :
 Exempt Type :
 Levy Code : 08813
 Millage Rate : 12.8077

PROPERTY CHARACTERISTICS

Bedrooms	:	Lot Acres	: 40.00	Year Built	:
Bathrooms	:	Lot SqFt	: 1,742,400	EffYearBlt	:
Heat Method	:	Bsm Fin SqFt	:	Floor Cover	:
Pool	:	Bsm Unfin SqFt	:	Foundation	:
Appliances	:	Bsm Low SqFt	:	Roof Shape	:
Dishwasher	:	Bldg SqFt	:	Roof Matl	:
Hood Fan	:	1st Flr SqFt	:	Interior Matl	:
Deck	:	Upper Flr SqFt	:	Paving Matl	:
Garage Type	:	Porch SqFt	:	Const Type	:
Garage SF	:	Attic SqFt	:	Ext Finish	:
		Deck SqFt	:		

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

WARRANTY DEED

80-60941

WARRANTY DEED

Wash County

KNOW ALL MEN BY THESE PRESENTS, That ERNEST H. TORP,

hereinafter called the grantor, for the consideration hereinafter stated, to grantor sold by ORUGON Asphaltic Paving Co., an Oregon corporation hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of Washington and State of Oregon, described as follows, to-wit:

See Exhibit "A" Attached

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 See Exhibit "B" Attached

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$270,000.00. However, the actual consideration consists of or includes other property or value given or promised which is consideration (indicate which). (The sentence between the brackets, if not applicable, should be deleted. See OUR STATE.) 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 11th day of July, 1978. If a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Ernest H. Torp

(If signed by a corporate officer, attach corporate seal)

STATE OF OREGON, County of Multnomah, July 11, 1978.

STATE OF OREGON, County of ...

Personally appeared ... and each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of ...

Personally appeared the above named ERNEST H. TORP

and acknowledged the foregoing instrument voluntarily not and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors and each of them acknowledged said instrument to be its voluntary act and deed.



Notary Public for Oregon My commission expires

Ernest H. Torp 930 S. W. Sixth Avenue Portland, Oregon 97204

Grantor's Name and Address Oregon Asphaltic Paving Co. P. O. Box 16537 Portland, OR 97216

Grantee's Name Oregon Asphaltic Paving Co. P. O. Box 16537 Portland, OR 97216

Grantee's Name Oregon Asphaltic Paving Co. P. O. Box 16537 Portland, OR 97216

STATE OF OREGON, County of ...

I certify that the within instrument was received for record on the day of ... 1978 at ... o'clock ... M., and recorded in book ... on page ... of as follows: Record of Deeds of said county. Witness my hand and seal of County aforesaid.

1-3 By Recording Officer Deputy

**EXHIBIT "A" AND "B" TO WARRANTY DEED
FROM FREDERICK H. TORD to GUYTON ADMINISTRATIVE PAVING CO.
DATED JULY 11, 1978**

EXHIBIT "A"

The following-described land situated in Washington County, Oregon, to wit:

PARCEL I

The Southwest quarter of the Southwest quarter of Section 27, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon.

PARCEL II

The following tract of land in the Southeast quarter of Section 28, Township 2 South, of Range 1 West of the Willamette Meridian, Washington County, Oregon; beginning at the Southeast corner of Section 28, Township 2 South, of Range 1 West of the Willamette Meridian; running thence South 89° 31' West along the section line 1327.6 feet to an iron rod; thence continuing South 89° 31' West 384.75 feet to the center-line of a 40 foot road (passing over an iron pipe on the Easterly boundary line of said road); thence following the center line of said road North 44° 12' West 308.5 feet; thence North 34° 47' West 132.5 feet to a point in the center of said 40 foot road; thence leaving said road (passing an iron pipe on the Easterly line of said road) and running thence North 89° 31' East 673 feet to a Ford axle; thence continuing North 89° 31' East 1327.6 feet, more or less, to a post set by County Surveyor Merrill of Washington County, Oregon, in 1911 on the East line of Section 28 aforesaid; thence South and along the section line 330.0 feet to the place of beginning.

EXHIBIT "B"

1. As disclosed by tax roll, the premises herein described as Parcel I have been taxed for forest land. At any time that said land is disqualified for such use the property will be subject to additional taxes and interest. (Affix to Parcel I)
2. The premises herein described are within and subject to the statutory powers, including the power of assessment of the Unified Sewerage Agency of Washington County, a municipal corporation. (No unpaid assessments as of the date hereof.)

3. An easement, including the terms and provisions thereof,
 From: The United States National Bank of Portland, Oregon, Trustee
 To: United States of America
 Recorded: December 3, 1941 Book: 204 Page: 124
 Records of Washington County, Oregon.
 Affects Parcel II
 For: access road

4. An easement as reserved in deed, including the
 terms and provisions thereof,
 From: United States National Bank of Portland, Oregon, a corporation
 To: Herbert J. Dahlko, et ux
 Recorded: May 9, 1942 Book: 207 Page: 659
 Records of Washington County, Oregon.
 For: reservation of drainage

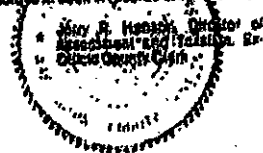
5. Transmission line easement and conditions and
 restriction, and reservations, including the terms and provisions
 thereof, as set out in deed,
 From: Herbert J. Dahlko and Pauline A. Dahlko, husband and wife
 To: United States of America
 Recorded: November 20, 1906 Book: 398 Page: 297
 Records of Washington County, Oregon
 Affects Parcel II.

6. An easement, including the terms and provisions thereof,
 From: Lester E. Oylar, et ux, et al
 To: Portland General Electric Company, an Oregon corporation
 Recorded: May 28, 1963 Book: 489 Page: 43
 Records of Washington County, Oregon.
 For: Electric transmission line
 Affects: Parcel I

Grantor expressly warrants that nothing contained in that
 certain document issued by the United States to Oregon and
 California Railroad Company dated May 9, 1871, shall preclude
 grantee from utilizing the premises for the purposes, among
 other things of removing timber, rock or other minerals from
 the premises

STATE OF OREGON
 County of Washington

I, Jerry R. Hanson, Director of Assessment
 and Taxation for the County of Washington,
 do hereby certify that
 the within instrument of writing was recorded
 and recorded in book of records of said county.



Doc # 90060441
 Root: 43522 63.00
 11/09/1990 10:28:40AM

3535 STATE OF OREGON - STATE BOARD OF HEALTH
Vital Statistics Section

CERTIFICATE OF DEATH

Local File Number: 958 State File Number: _____

DECEASED - NAME ELISE ARNESEN TORP		SEX Female	DATE OF BIRTH (month, day, year) 3 December 3 1912
RACE White		ETHNIC ORIGIN Scandinavian	DATE OF DEATH (month, day, year) November 1 1972
COUNTRY OF BIRTH Denmark	CITY, TOWN, OR LOCATION OF BIRTH Lake Oswego	EDUCATION HS	HOSPITAL OR OTHER INSTITUTION (name, street and number) St. Hil Park Convalescent Hosp
STATE OF BIRTH Oklahoma	CITIZENSHIP USA	MARRIAGE STATUS Married	NAME OF SPOUSE H. Fredrik H Torp
SOCIAL SECURITY NUMBER 542 52 5301	RESIDENCE (name, street, city, town, or location) 1485 Chandler Road, Lake Oswego, Oregon	US CITIZENSHIP (yes or no) Yes	PLACE OF DEATH (name, street and number) St. Hil Park Convalescent Hosp
PREVIOUS MARRIAGES (name, date) Robert Arnesen, Elise Wiley	CITY, TOWN, OR LOCATION Lake Oswego	US CITIZENSHIP (yes or no) Yes	DATE OF DEATH (month, day, year) November 1 1972
DEATH CAUSED BY Thrombosis, other metabolic, carcinoma	DEATH CAUSED BY (continued) Carcinoma - Breast	DEATH CAUSED BY (continued) Dec '71	DEATH CAUSED BY (continued) 1967
PART II. OTHER SIGNIFICANT CONDITIONS (name, street, city, town, or location) 5/8/72 12/3/72 11/31/72		DEATH OCCURRED (month, day, year) 12/6/72	
MARRIAGE (name, date) John W. STEPHENS D		MARRIAGE (name, date) 9/21/71	
MARRIAGE (name, date) 6232 N.W. Petty Ave, Portland, Oregon		MARRIAGE (name, date) 1400 S. 10th St, Lake Oswego, Oregon	
MARRIAGE (name, date) 1100 N. S. Main, #416, Lake Oswego, Oregon		MARRIAGE (name, date) 1400 S. 10th St, Lake Oswego, Oregon	
MARRIAGE (name, date) Thompson, Deputy Registrar		MARRIAGE (name, date) Nov 6, 1972	

Filed for record **5-11 73 319**
ROGER THOMPSON, Director of Records & Statistics
By **Thompson** Deputy

STATE OF OREGON }
County of CLACKAMAS }

This certifies that the foregoing is a correct and complete transcript of a record of death on file with the Clackamas County Health Department.

William M. Stebbins D
Registrar of Vital Statistics

(S. E. 4 L.)
Deputy Registrar Date **DEC 6 1972**

BOOK 924 PAGE 108



First American Title Insurance Company of Oregon

Washington (OR)

<p>Prepared For:</p>	<p>Prepared By: Sherri Michl Customer Service Department 1700 SW Fourth Avenue - Portland, Oregon 97201-5512 Phone: (503) 222-3651 Fax: (503) 790-7872</p>	
OWNERSHIP INFORMATION		
<p>Owner : Oregon Asphaltic Paving Co CoOwner : Site Address : 21940 SW Dahike Ln Sherwood 97140 Mail Address : 1220 SE 190th Ave Portland Or 97233 Telephone : Owner: Tenant:</p>	<p>Ref Parcel Number : 2S128D0 00900 ✓ T: 02S R: 01W S: 28 Q: 251 Parcel Number : R0547625 Map Number : County : Washington (OR)</p>	
SALES AND LOAN INFORMATION		
<p>Transferred : 11/05/1990 Document # : 90060941 Sale Price : \$270,000 Deed Type : % Owned :</p>	<p>Loan Amount : Lender : Loan Type : Interest Rate : Vesting Type :</p>	
<p style="text-align: center;">PROPERTY DESCRIPTION</p> <p>Map Page & Grid : 685 A6 Census : Tract: 321.05 Block: 1 Subdivision/Plat : Neighborhood Cd : 4TUL Land Use : 4012 Res,Rural,Not Spcc Assd,Improved Legal : ACRES 12.75</p>	<p style="text-align: center;">ASSESSMENT AND TAX INFORMATION</p> <p>Mkt Land : \$254,130 Mkt Structure : \$20,460 Mkt Other : Mkt Total : \$274,590 MSO Assd Total : \$187,340 % Improved : 7 05-06 Taxes : \$2,399.39 Exempt Amount : Exempt Type : Levy Code : 08813 Millage Rate : 12.8077</p>	
PROPERTY CHARACTERISTICS		
<p>Bedrooms : 1 Bathrooms : 1.00 Heat Method : Fir/wall Pool : Appliances : Dishwasher : Hood Fan : Deck : Garage Type : Garage SF :</p>	<p>Lot Acres : 12.75 Lot SqFt : 555,390 Bsm Fin SqFt : Bsm Unfin SqFt : Bsm Low SqFt : Bldg SqFt : 780 1st Flr SqFt : 780 Upper Flr SqFt : Porch SqFt : 256 Attic SqFt : Deck SqFt :</p>	<p>Year Built : 1940 EffYearBlt : 1940 Floor Cover : Asphalt Foundation : Masonry Roof Shape : Roof Matl : Alum InteriorMat : Plaster Paving Matl : Const Type : Wdstud/No Slug Ext Finish : 253</p>

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

Form No. 457 - WASHINGTON OREGON

WARRANTY DEED

90-0941

KNOW ALL MEN BY THESE PRESENTS, That FREDERICK H. TOMP,

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by OREGON ASPHALTIC PAVING CO., hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain land property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of Washington and State of Oregon, described as follows, to-wit:

See Exhibit "A" Attached

IN WITNESS WHEREOF, CONTAIN DESCRIPTION ON REVERSE SIDE

I do 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

See Exhibit "B" Attached

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 270,000.00 . . . However, the actual consideration consists of or includes other property or value given or promised which is . . . consideration (indicate which). . . 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 11th day of July 1925. If a corporate grantor, it has caused its name to be signed and sent affixed by its officers, duly authorized thereto by order of its board of directors.

Frederick H. Tomp

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, County of Multnomah, July 11, 1925.

STATE OF OREGON, County of

Personally appeared the above named FREDERICK H. TOMP

Personally appeared and each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

and acknowledged the foregoing instrument to be his voluntary act and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors and each of them acknowledged said instrument to be its voluntary act and deed.



F. J. MOYAN, Notary Public for Oregon, My commission expires 5-13-28.

Notary Public for Oregon, My commission expires

(OFFICIAL SEAL)

Frederick H. Tomp, 920 S. W. Sixth Avenue, Portland, Oregon 97204.

Oregon Asphaltic Paving Co., P. O. Box 16537, Portland, OR 97216.

Oregon Asphaltic Paving Co., P. O. Box 16537, Portland, OR 97216.

Oregon Asphaltic Paving Co., P. O. Box 16537, Portland, OR 97216.

STATE OF OREGON, County of

I certify that the within instrument was received for record on the day of at o'clock and recorded in book on page or as Serial number Record of Deeds of said county. Witness my hand and seal of County aforesaid.

SPACE RESERVED FOR RECORDER'S USE

1-3

Recording Officer, Deputy

**EXHIBIT "A" AND "B" TO WARRANTY DEED
FROM FREDERICK H. FORD TO OREGON ASPHALTIC PAVING CO.
DATED JULY 11, 1978**

EXHIBIT "A"

The following-described land situated in Washington County, Oregon, to wit:

PARCEL I

The Southwest quarter of the Southwest quarter of Section 27, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon.

PARCEL II

The following tract of land in the Southeast quarter of Section 28, Township 2 South, of Range 1 West of the Willamette Meridian, Washington County, Oregon; Beginning at the Southeast corner of Section 20, Township 2 South, of Range 1 West of the Willamette Meridian; running thence South 89° 31' West along the section line 1327.6 feet to an iron rod; thence continuing South 89° 31' West 384.76 feet to the center line of a 40 foot road (Passing over an iron pipe on the Easterly boundary line of said road); thence following the center line of said road North 44° 12' West 308.8 feet; thence North 34° 47' West 132.0 feet to a point in the center of said 40 foot road; thence leaving said road (passing an iron pipe on the Easterly line of said road) and running thence North 89° 31' East 673 feet to a Ford axle; thence continuing North 89° 31' East 1327.6 feet, more or less, to a post set by County Surveyor Merrill of Washington County, Oregon, in 1911 on the East line of Section 28 aforesaid; thence South and along the section line 330.0 feet to the place of beginning.

EXHIBIT "B"

1. As disclosed by tax roll, the premises herein described as Parcel I have been zoned for forest land. At any time that said land is disqualified for such use the property will be subject to additional taxes and interest. (Affects Parcel I)
2. The premises herein described are within and subject to the statutory powers, including the power of assessment of the Unified Sewerage Agency of Washington County, a municipal corporation. (No unpaid assessments as of the date hereof.)

3. An easement, including the terms and provisions thereof,
 From: The United States National Bank of Portland, Oregon, Trustee
 To: United States of America
 Recorded: December 3, 1941 Book: 204 Page: 124
 Records of Washington County, Oregon.
 Affects Parcel X.
 For: access road

4. An easement as reserved in deed, including the
 terms and provisions thereof,
 From: United States National Bank of Portland, Oregon, a corporation
 To: Herbert J. Dahiko, et ux
 Recorded: May 9, 1942 Book: 207 Page: 656
 Records of Washington County, Oregon.
 For: reservation of drainage

5. Transmission line easement and conditions and
 restriction, and reservations, including the terms and provisions
 thereof, as set out in deed,
 From: Herbert J. Dahiko and Pauline A. Dahiko, husband and wife
 To: United States of America
 Recorded: November 20, 1986 Book: 388 Page: 297
 Records of Washington County, Oregon
 Affects Parcel X.

6. An easement, including the terms and provisions thereof,
 From: Lester E. Oylar, et ux, et al
 To: Portland General Electric Company, an Oregon corporation
 Recorded: May 28, 1963 Book: 488 Page: 43
 Records of Washington County, Oregon.
 For: Electric transmission line
 Affects: Parcel X

Grantor expressly warrants that nothing contained in that
 certain document issued by the United States to Oregon and
 California Railroad Company dated May 9, 1871, shall preclude
 grantee from utilizing the premises for the purposes, among
 other things of removing timber, rock or other minerals from
 the premises

STATE OF OREGON)
 County of Washington) SS

I, Jerry R. Hanson, Director of Assessment
 and Taxation and Chief Registrar of Cor-
 porations for said county, do hereby certify that
 the within portions as written, set, recited
 and recorded in book of records of said county.



Doc # 90060941
 Rndt: 43522 43.00
 11/05/1990 10:28:40AM



First American Title Insurance Company of Oregon

Washington (OR)

Prepared For:	Prepared By: Sherri Michl Customer Service Department 1700 SW Fourth Avenue - Portland, Oregon 97201-5512 Phone: (503) 222-3651 Fax: (503) 790-7872
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OWNERSHIP INFORMATION

Owner : Oregon Asphaltic Paving Co	Ref Parcel Number : 2S13300 00101 ✓
CoOwner :	T: 02S R: 01W S: 33 Q:
Site Address : *no Site Address*	Parcel Number : R0557962
Mail Address : 1220 SE 190th Ave Portland Or 97233	Map Number :
Telephone - Owner: Tenant:	County : Washington (OR)

SALES AND LOAN INFORMATION

Transferred :	Loan Amount :
Document # : 11550880	Lender :
Sale Price :	Loan Type :
Deed Type :	Interest Rate :
% Owned :	Vesting Type :

PROPERTY DESCRIPTION	ASSESSMENT AND TAX INFORMATION
Map Page & Grid :	MktLand : \$90,000
Census : Tract: Block:	MktStructure :
Subdivision/Plat :	MktOther :
Neighborhood Cd : YRIN	MktTotal : \$90,000
Land Use : 3002 Vacant Industrial	M50 Assd Total : \$90,000
Legal : ACRES 12.00	% Improved :
:	05-06 Taxes : \$1,130.31
:	Exempt Amount :
:	Exempt Type :
	Levy Code : 08813
	Millage Rate : 12.8077

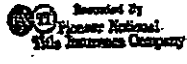
PROPERTY CHARACTERISTICS

Bedrooms :	Lot Acres : 12.00	Year Built :
Bathrooms :	Lot SqFt : 522,720	EffYearBlt :
Heat Method :	Bsm Fin SqFt :	Floor Cover :
Pool :	Bsm Unfin SqFt :	Foundation :
Appliances :	Bsm Low SqFt :	Roof Shape :
Dishwasher :	Bldg SqFt :	Roof Matl :
Hood Fan :	1st Flr SqFt :	Interior Matl :
Deck :	Upper Flr SqFt :	Paving Matl :
Garage Type :	Porch SqFt :	Const Type :
Garage SF :	Attic SqFt :	Ext Finish :
	Deck SqFt :	

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

6872

6-



WARRANTY DEED

x
152374
-A-
-ME

KNOW ALL MEN BY THESE PRESENTS, That TUALATIN VALLEY SPORTSMEN'S CLUB, an Oregon nonprofit corporation, hereinafter called the Grantor, for the consideration hereinafter stated to Grantor paid by OREGON ASPHALTIC PAVING CO., an Oregon corporation, hereinafter called the Grantee, does hereby grant, bargain, sell and convey unto said Grantee, its successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances therunto belonging or appertaining, situated in the County of Washington and State of Oregon, described as follows, to-wit:

All of that property located in the Northeast 1/4 of the Northeast 1/4 of Section 33, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, lying to the North of the 100' foot right-of-way for the U. S. Bonneville Power Administration's Vancouver-Eugene Nos. 1 & 2 Transmission Lines, as described in that final Judgment in Condemnation, recorded April 24, 1941, in Book 198, page 394, Washington County Records.

To Have and to Hold the same unto the 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 except:

1. 1977-1978 taxes not yet payable.
2. As disclosed by the tax roll, the premises herein described have been zoned or classified for forest use, at any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
3. The premises herein described are within and subject to the statutory powers, including the power of assessment of the Unified Sewerage Agency of Washington County, a municipal corporation. (No unpaid assessments as of the date hereof.)
4. Bonneville Power Administration Easement Offer, including the terms and provisions thereof, filed by Tualatin-Valley Sportsmen's Club to United States of America, dated March 30, 1960, recorded May 6, 1960, in Book 430, Page 280, Records of Washington County, Oregon. Affects the right to enter upon said tracts of land and to top, limb or fall all growing and dead trees and snags

BOOK 1155 PAGE 880

6572

which could fall within 25 feet of the centerline or centerlines of the electric transmission facilities constructed now, or in the future, on said right of way.

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

The actual consideration consists of other property or value given or promised, which is the whole consideration.

IN WITNESS WHEREOF, Grantor has executed this instrument this 4th day of April, 1977, and has caused its name to be signed by its duly authorized officer acting pursuant to authority of its Board of Directors.

TUALATIN VALLEY SPORTSMEN'S CLUB

By [Signature]

STATE OF OREGON }
COUNTY OF MULTNOMAH } SS

April 4th, 1977

Personally appeared D. W. BASSETT, who, being duly sworn, did say that he is the vice president of TUALATIN VALLEY SPORTSMEN'S CLUB, a corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors; and he acknowledged said instrument to be its voluntary act and deed.

Before me: [Signature]

Notary Public for Oregon
My commission expires: 3-21-81

Grantor's Name and Address

Tualatin Valley Sportsmen's Club
c/o Del W. Bassett
6906 S. W. Terwilliger Boulevard
Portland, Oregon 97219

After Recording, Return to:

Paul R. Meyer, Robin & Meyer
Suite 000, 610 S. W. Alder Street
Portland, Oregon 97205

Grantee's Name and Address

Oregon Asphaltic Paving Co.
1220 S. E. 190th Avenue
Portland, Oregon 97233

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

Oregon Asphaltic Paving Co.
1220 S. E. 190th Avenue
Portland, Oregon 97233

Filed for record 4-5 1977
NOTARY PUBLIC, Director of Records & Elections
[Signature] Deputy

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First American Title Insurance Company of Oregon

Washington (OR)

<p>Prepared For:</p>	<p>Prepared By: Sherri Michl Customer Service Department 1700 SW Fourth Avenue - Portland, Oregon 97201-5512 Phone: (503) 222-3651 Fax: (503) 790-7872</p>
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OWNERSHIP INFORMATION

<p>Owner : Oregon Asphaltic Paving Co Co/Owner : Site Address : *no Site Address* Mail Address : 1220 SE 190th Ave Portland Or 97233 Telephone : Owner: Tenant:</p>	<p>Ref Parcel Number : 2S13300 00600 ✓ T: 02S R: 01W S: 33 Q: Parcel Number : R0558051 Map Number : County : Washington (OR)</p>
--	---

SALES AND LOAN INFORMATION

<p>Transferred : Document # : Sale Price : Deed Type : % Owned :</p>	<p>Loan Amount : Lender : Loan Type : Interest Rate : Vesting Type :</p>
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PROPERTY DESCRIPTION

Map Page & Grid :
 Census : Tract: Block:
 Subdivision/Plat :
 Neighborhood Cd : YRIN
 Land Use : 3002 Vacant, Industrial
 Legal : ACRES 22.28

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$222,800
 Mkt Structure :
 Mkt Other :
 Mkt Total : \$222,800
 M50 Assd Total : \$222,800
 % Improved :
 05-06 Taxes : \$2,798.11
 Exempt Amount :
 Exempt Type :
 Levy Code : 08813
 Millage Rate : 12.8077

PROPERTY CHARACTERISTICS

<p>Bedrooms : Bathrooms : Heat Method : Pool : Appliances : Dishwasher : Hood Fan : Deck : Garage Type : Garage SF :</p>	<p>Lot Acres : 22.28 Lot SqFt : 970,516 Bsm Fin SqFt : Bsm Unfin SqFt : Bsm Low SqFt : Bldg SqFt : 1st Flr SqFt : Upper Flr SqFt : Porch SqFt : Attic SqFt : Deck SqFt :</p>	<p>Year Built : Eff Year Blt : Floor Cover : Foundation : Roof Shape : Roof Matl : Interior Matl : Paving Matl : Const Type : Ext Finish :</p>
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This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

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11230

KNOW ALL MEN BY THESE PRESENTS, That **ROGERS CONSTRUCTION, INC.**, a corporation duly organized and existing under the laws of the State of Oregon, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **BERGON ASPHALTIC PAVING CO.**, 1220 S. E. 138th, Portland, Oregon, hereinafter called grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances therunto belonging or appertaining, situated in the County of Washington, and State of Oregon, described as follows, to-wit:

PARCEL I: Beginning at an iron at the center of Section 33, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence running North 89° 43' East 1301.7 feet to an iron at the Northwest corner of the East half of Southeast quarter of said Section 33, running thence South 0° 25' East along the West line of the East half of the Southeast quarter of Section 33 a distance of 518.9 feet to an iron at the Southeast corner of the certain tract of land conveyed to V. C. Cochran and wife at page 263 of Deed Book 291; running thence South 89° 43' West along the South line of the Cochran land a distance of 904.3 feet to a point in the present travelled county road; running thence North 40° 27' West 365 feet to an angle in said road; running thence North 50° 54' West to a point on the North line of the Southwest quarter of said Section 33; running thence North 89° 43' East 116.4 feet to the place of beginning.

PARCEL II: (SEE ATTACHMENT HERETO FOR CONTINUATION OF LEGAL DESCRIPTION)

Beginning at the center of Section 33, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence North 1320 feet to the Northeast corner of the Southeast quarter of the Northwest quarter of said Section 33; thence West 1320 feet, more or less, to the center of County Road #1260; thence Southeastwardly along said centerline to an intersection with the North line of Southwest quarter of Section 33; thence North 89° 43' East 116.4 feet to the point of beginning.

SUBJECT TO any conditions, restrictions, easements or other encumbrances of public record.

57-825

CL
521

11280

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

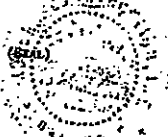
EXCEPT, HOWEVER,

and that grantor will 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 those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$18,000.00

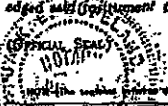
IN WITNESS WHEREOF, the grantor has hereunto set its corporate seal and the signatures of its duly authorized officers, this 10th day of January, 1969.

In construing this deed and where the context so requires, the singular includes the plural.
Done by order of the grantor's board of directors, with its corporate seal affixed, this 10th day of January, 1969.



By [Signature] President
By [Signature] Assistant Secretary

STATE OF OREGON, County of Multnomah, ss: January 10, 1969
Personally appeared W. L. Rogers and Elton Gattman who, being duly sworn, each for himself and not one for the other, did say that the former is the respective president and that the latter is the respective assistant secretary of ROGERS CONSTRUCTION, INC., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.



Before me: JACK E. COPELAND
Notary Public for Oregon
My commission expires: 7/10/69

WARRANTY DEED CORPORATION

TO

AFTER RECORDING RETURN TO
Rogers Construction Co.
11760 N.E. Elsie
Portland, Ore

THERE USE THIS SPACE, RESERVE FOR RECORDING LABEL IN CONNECTION WITH THESE DEEDS.

STATE OF OREGON
IN County of Washington

I, Roger Thompson, Director of Records and Elections and Ex-Officio Registrar of Conveyances for said county, do hereby certify that the within instrument of writing has been received and recorded in book of records

No. 751
of said County
Witness my hand and seal affixed.
ROGER THOMPSON, Director of Records & Elections

Jan 23 3 07 PM '69

BOOK 731 PAGE 17

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First American Title Insurance Company of Oregon

Washington (OR)

Prepared For:	Prepared By: Sherri Michl Customer Service Department 1700 SW Fourth Avenue - Portland, Oregon 97201-5512 Phone: (503) 222-3651 Fax: (503) 790-7872
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OWNERSHIP INFORMATION			
Owner	: Oregon Asphaltic Paving Co	Ref Parcel Number	: 2S134B0 00700
CoOwner	:	7: 02S	R: 01W S: 34 Q: 250
Site Address	: *no Site Address*	Parcel Number	: R0558658
Mail Address	: 1220 SE 190th Ave Portland Or 97233	Map Number	:
Telephone	: Owner: Tenant:	County	: Washington (OR)

SALES AND LOAN INFORMATION			
Transferred	:	Loan Amount	:
Document #	:	Lender	:
Sale Price	:	Loan Type	:
Deed Type	:	Interest Rate	:
% Owned	:	Vesting Type	:

PROPERTY DESCRIPTION		ASSESSMENT AND TAX INFORMATION	
Map Page & Grid	:	MktLand	: \$272,400
Census	: Tract: Block:	MktStructure	:
Subdivision/Plat	:	MktOther	:
Neighborhood Cd	: YRIN	MktTotal	: \$272,400
Land Use	: 3002 Vacant, Industrial	M50 Assd Total	: \$272,400
Legal	: ACRES 36.32	% Improved	: -
	:	05-06 Taxes	: \$3,421.01
	:	Exempt Amount	:
	:	Exempt Type	:
	:	Levy Code	: 08813
	:	Millage Rate	: 12.8077

PROPERTY CHARACTERISTICS			
Bedrooms	:	Lot Acres	: 36.32
Bathrooms	:	Lot SqFt	: 1,582,099
Heat Method	:	Bsm Fin SqFt	:
Pool	:	Bsm Unfin SqFt	:
Appliances	:	Bsm Low SqFt	:
Dishwasher	:	Bldg SqFt	:
Flood Van	:	1st Flr SqFt	:
Deck	:	Upper Flr SqFt	:
Garage Type	:	Porch SqFt	:
Garage SF	:	Atic SqFt	:
	:	Deck SqFt	:
	:	Year Built	:
	:	EffYearBlt	:
	:	Floor Cover	:
	:	Foundation	:
	:	Roof Shape	:
	:	Roof Matl	:
	:	InteriorMat	:
	:	Paving Matl	:
	:	Const Type	:
	:	Ext Finish	:

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

FORM NO. 527-REALESTATE DEED

9171 KNOW ALL MEN BY THESE PRESENTS, That **JOSEPH B. SPARKMAN and MURIEL T. SPARKMAN, husband and wife, and HAZEL S. HAUFF, a widow,** hereinafter called the grantor, in consideration of Ten (\$10) Dollars, and other valuable consideration, to grantor paid by **OREGON ASPHALTIC PAVING CO.,** an Oregon corporation, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of **Washington** and State of Oregon, described as follows, to-wit:

The Southwest quarter of the Northwest quarter of Section 34, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, ALSO, a right of way over a strip of land 1 rod wide along the East side of the Northwest quarter of the Southwest quarter of Section 34, in Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, more particularly described by a line commencing at the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 34; thence South along the East line of the West one-half of the Southwest quarter of said Section 34, 670 feet, more or less, to the County Road; thence West 1 rod; thence North parallel with the East line of said tract, 670 feet, more or less, to the South line of the Southwest quarter of the Northwest quarter of said Section 34; thence East 1 rod to the point of beginning.

To Have and to Hold the above described and granted premises 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 seised in fee simple of the above granted premises, free from all encumbrances except those recorded in Deed Records of Wash. County as follows: Book 180, page 501 (Bonneville Power Line); Book 209, p. 145, June 23, 1942 (assessment to USA); Book 368, page 407, Nov. 26, 1956 (transmission line easement to USA); Book 438, page 47, APR. 22, 1960 (dugger tree of Cor) and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever.

In witnessing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand and seal this **30th** day of September, 1955.

*except that part of the above described property situate within the boundaries of roads, streets and highways.

Joseph B. Sparkman (SEAL)
Muriel T. Sparkman (SEAL)
Hazel S. Hauff (SEAL)

STATE OF OREGON, County of **WASHINGTON**.
 Personally appeared the above named **JOSEPH B. SPARKMAN and MURIEL T. SPARKMAN, husband and wife, and HAZEL S. HAUFF, a widow,** and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:
 Notary Public for Oregon
 My commission expires

(Official Seal)

BOOK **619** PAGE **310**

9171

STATE OF OREGON }
COUNTY OF MULTNOMAH } ss.

On this 11th day of October, 1966, before me, the undersigned Notary Public in and for said County and State, personally appeared Joseph B. Sparkman and Muriel T. Sparkman, known to me to be the persons whose names are subscribed to the within instrument and acknowledged the foregoing instrument to be their voluntary act and deed.

J. H. Hall
JOHN H. HALL
Notary Public for Oregon

Notarized!

STATE OF CALIFORNIA }
OF Los Angeles } ss.
October 11, 1966. Before me, the undersigned Notary Public in and for said County and State, personally appeared Hazel S. Haupt, known to me as Hazel S. Haupt, whose name is subscribed to the within instrument and acknowledged that she executed the same as my true and lawful agent.

PHILLIS J. MUSTACE
Notary Public
County of Los Angeles
State of California
My Commission Expires Nov. 3, 1969

WARRANTY DEED

JOSEPH B. SPARKMAN, et al

TO

OREGON ASPHALTIC PAVING CO.

AFTER RECORDING RETURN TO

Robin & Meyer
314 Oregon Bank Bldg.
Portland, Oregon 97204

STATE OF OREGON
County of Washington

Deeds
I, Roger Thompson, Register of Records and Elections and Recorder of Conveyances for said County, do hereby certify that the within instrument in writing was received and recorded in Book _____ of said County.
Witness my hand and seal of office.
a. Chastain
Deputy

OCT 24 9 28 AM '66

BOOK 619 PAGE 311

**ATTACHMENT C
INTENDED USE OF THE PROPERTY**

In lieu of compensation, Claimant will accept the ability at Claimant's option to develop the Property with any of the uses allowable at the time it acquired the Property, which include, but are not limited to, the right to develop the Property for any housing use allowed at the time Claimant acquired the Property in 1966, 1969, 1975, and 1977. Specifically, Claimant envisions developing single-family residential housing on 10,000 square foot, 20,000 square foot, or 40,000 square foot lots, or some combination of those lot sizes, to the maximum extent allowed.

ATTACHMENT D
LAND USE REGULATIONS THAT RESTRICT USE OF THE PROPERTY

On December 12, 2002, Metro Council expanded the Urban Growth Boundary ("UGB") by adopting Ordinance No. 022-990A, including the Property in the UGB expansion area. The Property was incorporated into the UGB upon several conditions, one of which required that the Property be designated Regionally Significant Industrial Area ("RSIA") on the 2040 Growth Concept Map and be subject to Title 4 of Metro's Urban Growth Management Functional Plan. Ordinance No. 022-990A and Title 4 restrict the development potential of the Property by requiring, among other things, that any lot or parcel reconfiguration plan must result in (1) at least one parcel that is 100 acres or larger, and (2) at least one parcel 50 acres or larger. Metro Code 3.07.420. The imposition of the RSIA designation also restricts the use of the Property to industrial uses and limited non-industrial uses that primarily serve the needs of the workers in the area. Metro Code 3.07.420.

The imposition of the RSIA designation on the Property restricts Claimant's ability to develop the Property for uses which were allowable at the time Claimant acquired the Property, which include, but are not limited to, the right to develop the Property for any housing use allowed at the time Claimant acquired the Property in 1966, 1969, 1975, and 1977.

ATTACHMENT E
EFFECT ON FAIR MARKET VALUE

Following consideration of (a) the characteristics of the Property including, but not limited to, parcel size, views, proximity to roads, topography, adjacent uses, and natural beauty (b) comparable sales of properties with similar qualities and proximity, and (c) the expert opinions of Peter Kusyk, President of Beacon Homes Northwest, Claimant estimates that the net decrease in value to the Property is not less than \$27,308,930, which reflects the difference between the potential value and the actual market value and which is the claim amount required. See following documentation.



November 30, 2006

Metro Regional Government
Attn: Chief Operating Officer Michael Jordan 600 NE Grand Ave.
Portland, Oregon 97232-2736

Dear Mr. Jordan:

I am Peter Kusyk, and I am the President of Beacon Homes Northwest, a Portland area business engaged in the development of rural residential properties. I have been asked to evaluate the development potential of property belonging to Tigard Sand and Gravel, LLC, and Oregon Asphaltic Paving, LLC, located generally to the southwest of the City of Tualatin, between SW Tualatin-Sherwood Road and SW Boones Ferry Road.

I am familiar with the property and with the surrounding area. In my professional judgment, this property could be developed with single family residential homes on lots from one-quarter-acre to multi-acre in size. Following reclamation of the property, lots of one-quarter-acre would be worth approximately \$175,000 to \$200,000. One-half-acre lots would be worth approximately \$200,000 to \$250,000, and one-acre lots would be worth approximately \$300,000 to \$375,000. Any lots larger than one acre would be valued at proportionally higher rates.

There are approximately 123 acres on this property. If ten percent of that property is left as open space, and another ten percent is set aside for public roads and services, 99 acres would remain available for development. Conservatively estimating that 99 one-acre lots are developed and sold at the lowest potential price of \$300,000, the ultimate value of this property would be estimated at \$29,700,000.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. Kusyk", is written over a horizontal line.

Peter A. Kusyk
President

NAI Norris, Beggs
& Simpson
Commercial Real Estate Services, Worldwide.

tel 503 223 7181
fax 503 273 0255
www.nai-nbs.com

121 SW Morrison St.
Suite 200
Portland OR 97204

December 4, 2006

VIA E-MAIL JRBUSCH@STOEL.COM

Mr. Jason Busch
Attorney at Law
Stoel Rives, LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

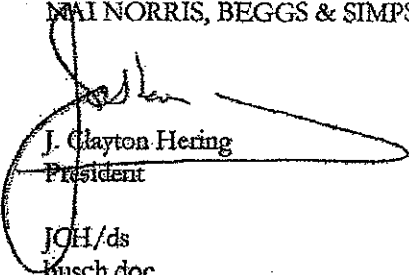
Dear Mr. Busch:

At the request of Roger Metcalf, of Rogers Construction/Tigard Sand & Gravel, I have asked the residential land expert at NAI Norris, Beggs & Simpson to review the letter stating the opinion of Mr. Peter Kusyk, President of Beacon Homes Northwest, regarding valuation of property owned by Tigard Sand & Gravel and Oregon Asphalt Paving, LLC, within the City of Tualatin. We are very familiar with both the property and Beacon Homes as a highly qualified developer of residential lots. We find their opinions as stated in their letter to be well within current market conditions.

Mr. Mike Tharp has had in excess of 25 years in the business selling residential zoned properties to residential lot sub-dividers and builders. Mr. Tharp is well qualified and well respected for his expertise in residential property transactions and value.

Yours very truly,

NAI NORRIS, BEGGS & SIMPSON


J. Clayton Hering
President

JCH/ds
Busch.doc

cc: Mr. Roger Metcalf
Mr. Mike Tharp

OREGON ASPHALTIC PAVING LLCPhysical Location: 21455 SW 120th Ave. Tualatin, OR

Mailing Address: P. O. Box 4810 Tualatin, OR 97062

Telephone (503) 252-1497

Facsimile (503) 255-6147

2006-2007 PROPERTY TAXES

Account #	Description	Tax Lot #	Assessed Market Value	Taxable Value
546859	40AC	2S127C 00800	13,060.00	13,060.00
547625	12.75AC	2S128D 00900	1,792,810.00	192,960.00
557962	12.00AC	2S133 00101	90,000.00	90,000.00
558051	22.28AC	2S133 00600	222,800.00	222,800.00
558658	36.32AC	2S134B 00700	272,400.00	272,450.00
		TOTALS	\$2,391,070.00	\$ 791,220.00

WASHINGTON COUNTY OREGON * 155 N. FIRST AVE. RM 138 HILLSBORO, OREGON 97123

PROPERTY DESCRIPTION

MAP: 251345-00700

ACCOUNT NO: R558658

SITUS: 0
ACRES 36.32

CODE AREA: 088-13

OREGON ASPHALTIC PAVING CO.
1220 SE 190TH AVE
PORTLAND, OR 97233

VALUES:	LAST YEAR	THIS YEAR
MARKET VALUES:		
LAND	272,400	272,400
STRUCTURE	0	0
TOTAL RMV VALUE	272,400	272,400
TAXABLE VALUES:		
ASSESSED VALUE	272,400	272,400
PROPERTY TAXES:	\$3,421.04	\$3,317.04

2006-2007 CURRENT TAX BY DISTRICT:	
GOLF - PORTLAND	73.38
EST- NW REGIONAL	39.91
ECH - SHERWOOD	1,248.71
EDUCATION TAXES:	
WASHINGTON COUNTY	612.44
REG METRO SERVICE	26.31
PORT-PORTLAND	19.10
FIRE - TX FIRE & RESCUE	415.46
TV FIRE & RESCUE LOC	68.10
GENERAL GOVERNMENT TAXES:	
	\$1,141.41
BOND - WASHINGTON COUNTY	54.75
BOND - METRO SERVICE DIST	49.47
BOND - LOC	56.14
BOND - ST #89 - SHERWOOD	614.73
BOND - TV FIRE & RESCUE	12.04
BOND - TRI-MET	26.50
BOND - AMY MISC TAX:	\$813.63
2006-07 TAX (Before Discount)	\$3,317.04

APPEAL DEADLINE January 2nd, 2007
 Value Questions Call 503-846-8826
 Tax Questions Call 503-846-8801
 Personal Property Questions Call 503-846-8741
 Other Questions Call 503-846-8741

PROPERTY TAX PAYMENT OPTIONS			
(See back of Statement for payment instructions.)			
Pay	Due	Discount	Net Amount Due
In-Full	11/15/06	99.51	\$3,217.53
2/3	11/15/06	44.23	\$2,167.13
1/3	11/15/06	NONE	\$1,105.68

PLEASE MAKE PAYMENT TO: Washington County Tax

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Make Online Payments at:
<https://ecomm.co.washington.or.us/propertytax>
Pay by Phone at: (503) 510-9274

DELINQUENT TAXES: NO DELINQUENT TAXES DUE
 (See back for explanation of taxes marked with an asterisk (*).
 Delinquent Tax Totals included in payment options to the left.)
TOTAL (After Discount): \$3,217.53
 All Payments Processed Upon Receipt

PROPERTY DESCRIPTION

MAP: 25127C 00800

ACCOUNT NO: R546852

SITUS: 0

CODE AREA: 098-13

ACRES 40.00, FORESTLAND POTENTIAL LIABILITY

2006-2007 CURRENT TAX BY DISTRICT

COLE-PORTLAND	3.69
ESD-METRO	2.01
SCH-SHERWOOD	62.85
INDUSTRIAL TAXES:	\$68.55

**OREGON ASPHALTIC PAVING CO
1220 SE 196TH AVE
PORTLAND, OR 97233**

WASHINGTON COUNTY	29.36
RMC-METRO SERVICE	1.26
PORT-PORTLAND	6.92
FIRE-TY FIRE & RESCUE	19.92
TY FIRE & RESCUE 100	3.27
GENERAL GOVERNMENT TAXES:	\$54.73

VALUES: LAST YEAR THIS YEAR

MARKET & SPECIAL USE VALUES:		
LAND-REV PORTION	0	0
SPEC USE PORTION	12,680	13,060
STRUCTURE	0	0
TOTAL VALUE	12,680	13,060

TAXABLE VALUES:		
ASSESSED VALUE	12,680	13,060

BOND-WASHINGTON COUNTY	2.63
BOND-METRO SERVICE DIST	2.37
BOND-PCD	2.69
BOND-SP #88-SHERWOOD	29.47
BOND-TY FIRE & RESCUE	0.58
BOND-TRE MET	1.27
BOND AND MISC TAX	\$39.01

PROPERTY TAXES: \$162.40 \$162.29

2006-07 TAX (Before Discount) \$162.29

APPEAL DEADLINE	January 2nd, 2007
Value Questions	Call 503-846-8626
Tax Questions	Call 503-846-8601
Personal Property Questions	Call 503-846-8744
Other Questions	Call 503-846-8744

PROPERTY TAX PAYMENT OPTIONS

(See back of Statement for payment instructions)

Pay	Due	Discount	Net Amount Due
In Full	11/15/06	1.87	\$157.42
213	11/15/06	2.15	\$156.04
413	11/15/06	NONE	\$162.10

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DELINQUENT TAXES NO DELINQUENT TAXES DUE

(See back for explanation of taxes marked with an asterisk (*). Delinquent Tax Total is included in payment options to the left.)

TOTAL (After Discount) \$157.42

All Payments Processed Upon Receipt

Make Online Payments at:
<http://econum.co.washington.or.us/propertytax>
Pay by Phone at: (888) 510-9274

Attachment 4 to COO Report

Resolution No. 07-3800

PROPERTY DESCRIPTION

MAP: 254280-00900

ACCOUNT NO: R547623

SITUS: 21940 SW DAHLKE LN,
ACRES 12.75

CODE AREA: 088-13

OREGON ASPHALTIC PAVING CO
1220 SE 190TH AVE
PORTLAND, OR 97233

2006-2007 CURRENT TAX BY DISTRICT:

COPI - PORTLAND	54.57
ESD-NW REGIONAL	29.68
SCH-SHERWOOD	928.58
EDUCATION TAXES	\$1,012.83
WASHINGTON COUNTY	433.83
REG METRO SERVICES	16.64
PORT-PORTLAND	13.53
FIRE-TV FIRE & RESCUE	294.30
TV FIRE & RESCUE LGL	46.24
GENERAL GOVERNMENT TAXES:	\$808.54
BOND-WASHINGTON COUNTY	38.79
BOND-METRO SERVICE DIST	35.04
BOND-PCC	39.77
BOND-SW IRS-SHERWOOD	435.45
BOND-TV FIRE & RESCUE	8.53
BOND-TRI-MET	18.78
BOND AND MISC TAX-	\$576.36

VALUES: LAST YEAR THIS YEAR

MARKET VALUES:		
LAND	254,130	1,792,810
STRUCTURE	20,460	1,000
TOTAL RMV VALUE	274,590	1,793,810
TAXABLE VALUES:		
ASSESSED VALUE	187,340	192,560

PROPERTY TAXES: \$2,399.39 \$2,397.73

2006-07 TAX (Before Discount) \$2,397.73

APPEAL DEADLINE	January 2nd, 2007
Value Questions	Call 503-846-8826
Tax Questions	Call 503-846-8804
Personal Property Questions	Call 503-846-8744
Other Questions	Call 503-846-8744

PROPERTY TAX PAYMENT OPTIONS

(See back of Statement for payment instructions)

Pay	Due	Discount	Net Amount Due
In Full	11/15/06	71.93	\$2,325.80
2/3	11/15/06	34.97	\$1,566.52
1/3	11/15/06	NONE	\$799.25

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Pay by Phone at: (503) 510-9274

DELINQUENT TAXES:

NO DELINQUENT TAXES DUE

(See back for explanation of taxes marked with an asterisk (*).
Delinquent Tax Total is included in payment options to the left.)

TOTAL (After Discount) \$2,325.80

All Payments Processed Upon Receipt

PROPERTY DESCRIPTION

MAP: 25133-00701

ACCOUNT NO: R557962

SITUS: 0
ACRES 12.00

CODE AREA: 086 13

2006-2007 CURRENT TAX BY DISTRICT:

COIL-PORTLAND 24.24
ESP-NW REGIONAL 13.18
SCH-SHERWOOD 412.58
EDUCATION TAXES: \$450.00

OREGON ASPHALTIC PAVING CO
1220 SE 190TH AVE
PORTLAND, OR 97233

WASHINGTON COUNTY 202.35
REG METRO SERVICE 8.69
PORT-PORTLAND 6.31
FIRE-TV FIRE & RESCUE 137.27
TU FIRE & RESCUE LCL 22.50
GENERAL GOVERNMENT TAXES: \$377.12

VALUES: LAST YEAR THIS YEAR

MARKET VALUES:	LAST YEAR	THIS YEAR
LAND	90,000	90,000
STRUCTURE	0	0
TOTAL RMV VALUE	90,000	90,000
TAXABLE VALUES:		
ASSESSED VALUE	90,000	90,000

BOND-WASHINGTON COUNTY 18.09
BOND-METRO SERVICE DIST 16.34
BOND-DC 18.55
BOND-CD-SPR-SHERWOOD 203.10
BOND-TV FIRE & RESCUE 3.98
BOND-TU FIRE 8.76
BOND AND MISC TAX: \$253.82

PROPERTY TAXES: \$1,139.12 \$1,095.94

2006-07 TAX (Before Discount) \$1,095.94

APPEAL DEADLINE	January 2nd, 2007
Value Questions	Call 503-846-8826
Tax Questions	Call 503-846-8801
Personal Property Questions	Call 503-846-8744
Other Questions	Call 503-846-8744

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PROPERTY TAX PAYMENT OPTIONS

(See back of Statement for payment instructions.)

Pay	Due	Discount	Net Amount Due
10	11/15/06	32.82	\$1,063.06
23	11/15/06	14.61	\$716.02
43	11/15/06	NONE	\$365.32

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DELINQUENT TAXES:

NO DELINQUENT TAXES DUE

(See back for explanation of taxes marked with an asterisk.)
Delinquent tax total is included in payment options to the left.

TOTAL (After Discount): \$1,063.06

All Payments Processed Upon Receipt

Make Online Payments at:

<https://ecomm.co.washington.or.us/propertytax>

Pay by Phone at: (503) 510-9274

Attachment 4 to COO Report

Resolution No. 07-3800

PROPERTY DESCRIPTION

MAP: 25131-00600

ACCOUNT NO: R558051

SITES: 0

CODE AREA: 088-12

ACRES: 22.28

2006-2007 CURRENT TAX BY DISTRICT:

OREGON ASPHALTIC PAVING CO
1220 SE 190TH AVE
PORTLAND, OR 97233

COIN - PORTLAND	60.02
ESP - METRO REGIONAL	32.64
ESC - SHERWOOD	1,021.34
EDUCATION TAXES	\$1,114.00
WASHINGTON COUNTY	500.92
ESP - METRO SERVICE	21.52
PORT - PORTLAND	15.62
FIRE - TV FIRE & RESCUE	339.81
TV FIRE & RESCUE IOL	55.70
GENERAL GOVERNMENT TAXES	\$933.57
BOND - WASHINGTON COUNTY	44.78
BOND - METRO SERVICE DIST	40.46
BOND - ESC	25.52
BOND - SD #28 SHERWOOD	\$62.79
BOND - TV FIRE & RESCUE	9.85
BOND - TRI MET	21.68
BOND AND MISC TAX	\$666.48

VALUES: LAST YEAR THIS YEAR

MARKET VALUES:		
LAND	222,800	222,800
STRUCTURE	0	0
TOTAL RMV VALUE	222,800	222,800
TAXABLE VALUES:		
ASSESSED VALUE	222,800	222,800

PROPERTY TAXES: \$2,738.11 \$2,713.05

2006-07 TAX (Before Discount) \$2,713.05

APPEAL DEADLINE	January 2nd 2007
Value Questions	Call 503-846-8826
Tax Questions	Call 503-846-5809
Personal Property Questions	Call 503-846-6741
Other Questions	Call 503-846-6741

PROPERTY TAX PAYMENT OPTIONS

(See back of Statement for payment instructions.)

Pay	Due	Discount	Net Amount Due
1/3	11/15/06	\$1.39	\$2,531.66
2/3	11/15/06	\$6.17	\$3,772.53
1/3	11/15/06	NONE	\$2,041.35

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DELINQUENT TAXES: NO DELINQUENT TAXES DUE

(See back for explanation of taxes marked with an asterisk (*).
Delinquent Tax Totals included in payment options to the left.)

TOTAL (After Discount): \$2,634.66

All Payments Processed Upon Receipt

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Pay by Phone at: (888) 510-9274