

Title and Trust Company

SCHEDULE "A"

The property covered by this certificate is accurately and fully described as follows:

Commencing at the Meander Corner between Sections 15 and 16, Township 8 North, Range 10 West, Willamette Meridian;

thence South $64^{\circ} 12'$ East 2627.8 feet along the basing line to the point of beginning;

thence South $6^{\circ} 28'$ West to an intersection with the Government meander line along the right bank of Skipanon Creek in the Southeast quarter of the Southwest quarter of Section 15, in Township 8 North, of Range 10 West of the Willamette Meridian;

thence North $16^{\circ} 30'$ East following said meander line to a point in said line;

thence following said meander line along the boundary of the Donation Land Claim of Ninian A. Eberman and Emma H. Eberman;

thence along the meander line of Lot 1 of Section 15;

thence along the meander line of the Donation Land Claim of George W. Coffenberry and Sarah F. Coffenberry, to a point which is South of a point in the Basing Line 4842.4 feet from the initial point thereof;

thence North to a point in the Basing Line 4842.4 feet from the initial point thereof;

thence North $15^{\circ} 0'$ East 4388.2 feet, more or less, to an intersection with the United States Government pier head line, as now established, along and in front of the South bank of the Columbia River;

thence Northwesterly along said pier head line 1903.9 feet, more or less, to a point, which point is North $19^{\circ} 0'$ East 4058.4 feet from the place of beginning, which point is also the Northeast corner of what is known as Skipanon Waterway;

thence South $19^{\circ} 0'$ West 4058.4 feet to the place of beginning, in the County of Clatsop, State of Oregon.

The aforesaid easement is more particularly described in a deed dated January 16, 1957 from Clatsop County, a political subdivision of the State of Oregon to the United States, of record in Volume 239, page 181 of the records of the aforesaid county.

Title and Trust Company

SCHEDULE "B"

The easement in or over the property described in SCHEDULE "A" hereof is free and clear from all interests, encumbrances, and defects of title and all other matters whatsoever of record, or which, though not of record, are known to this Corporation to exist impairing or adversely affecting the title to said property, except the following:

1. Rights of fishing, navigation and commerce in the Federal Government and State of Oregon and rights of the public in and to that portion of said premises lying below the high water line of Skipanon River and Columbia River.
2. Easement for the construction of bulkheads granted to City of Warrenton by instrument recorded September 13, 1919 in Book 99, page 37, Deed Records, to which reference is hereby made.
3. Dredging and disposal rights granted to United States of America by instrument recorded March 23, 1931 in Book 129, page 628, Deed Records, to which reference is hereby made.

Project: Skipanon River Channel
Warrenton, Oregon
Tract No. A-100E

ATTORNEY'S FINAL MEMORANDUM OPINION OF TITLE

I, C. R. STEARNS, of the City of Portland, County of Multnomah, State of Oregon, employed as an Attorney-Adviser (General) in the Real Estate Division of the Office, District Engineer, Corps of Engineers, of the Department of the Army, at Portland, Oregon, hereby certify:

(1) That I am an attorney at law qualified and authorized to practice law in the State of Oregon.

(2) That I have made a careful examination of Final Certificate of Title for Easements No. C-20-818-A issued by Title and Trust Company, Portland, Oregon ~~and countersigned by~~ as of 26 February 7, 1956, covering the following described land situate in Clatsop County, Oregon, to wit:

Commencing at the Meander Corner between Sections 15 and 16, Township 8 North, Range 10 West, Willamette Meridian;
thence South 64° 12' East 2627.8 feet along the basing line to the point of beginning;
thence South 6° 28' West to an intersection with the Government meander line along the right bank of Skipanon Creek in the Southeast quarter of the Southwest quarter of Section 15, in Township 8 North, of Range 10 West of the Willamette Meridian;
thence North 16° 30' East following said meander line to a point in said line;
thence following said meander line along the boundary of the Donation Land Claim of Ninian A. Eberman and Emma H. Eberman;
thence along the meander line of Lot 1 of Section 15;
thence along the meander line of the Donation Land Claim of George W. Coffenberry and Sarah F. Coffenberry, to a point which is South of a point in the Basing Line 4842.4 feet from the initial point thereof;
thence North to a point in the Basing Line 4842.4 feet from the initial point thereof;
thence North 15° 0' East 4388.2 feet, more or less, to an intersection with the United States Government pier head line, as now established, along and in front of the South bank of the Columbia River;

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(See reverse side hereof)

thence Northwesterly along said pier head line 1903.9 feet, more or less, to a point, which point is North 19° 0' East 4058.4 feet from the place of beginning, which point is also the Northeast corner of what is known as Skipanon Waterway;
thence South 19° 0' West 4058.4 feet to the place of beginning.

(3) That by Right of Way Easement from Clatsop County, a political subdivision of the State of Oregon dated 16 January 1957, and duly recorded 25 February 1957 in Book 239, page 181, Clatsop County, Oregon Deed Records, title to a valid easement in the aforescribed land, for the purposes set forth in said easement was conveyed to and vested in the United States of America, free and clear of all encumbrances, defects, interests, and other matters adversely affecting the same, except as follows, which title infirmities have been waived by the District Engineer:

- (1) Rights of fishing, navigation and commerce in the Federal Government and State of Oregon and rights of the public in and to that portion of said premises lying below the high water line of Skipanon River and Columbia River.
- (2) Easement for the construction of bulkheads granted to City of Warrenton by instrument recorded September 13, 1919 in Book 99, page 37, Deed Records, to which reference is hereby made.
- (3) Dredging and disposal rights granted to United States of America by instrument recorded March 23, 1931 in Book 129, page 628, Deed Records, to which reference is hereby made.

Date: 15 April 1957

C. R. Stearns
C.R. Stearns Attorney-Adviser (General)

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BOOK 239 PAGE 181

SPOIL DISPOSAL EASEMENT
PERPETUAL

This deed made this 16th day of January, 1957, between Clatsop County, a political subdivision of the State of Oregon, party of the first part, and the United States of America, party of the second part, WITNESSETH:

WHEREAS, in the River and Harbor Act of Congress approved June 30, 1948, provision was made for the improvement of Skipanon River Channel, Warrenton, Oregon in accordance with a project set forth in Senate Document No. 93, 80th Congress, 1st Session subject to the condition that local interests furnish free of cost to the United States suitable spoil disposal areas for said improvement, and

WHEREAS, the party of the first part is the owner in fee simple of a tract of land siuate in Clatsop County, State of Oregon, more particularly described as follows:

Commencing at the Meander Corner between Sections 15 and 16, Township 8 North, Range 10 West, Willamette Meridian;
 thence South 64° 12' East 2627.8 feet along the basing line to the point of beginning;
 thence South 6° 28' West to an intersection with the Government meander line along the right bank of Skipanon Creek in the Southeast quarter of the Southwest quarter of Section 15, in Township 8 North, of Range 10 West of the Willamette Meridian;
 thence North 16° 30' East following said meander line to a point in said line;
 thence following said meander line along the boundary of the Donation Land Claim of Ninian A. Eberman and Emma H. Eberman;
 thence along the meander line of Lot 1 of Section 15;
 thence along the meander line of the Donation Land Claim of George W. Coffenberry and Sarah F. Coffenberry, to a point which is South of a point in the Basing Line 4842.4 feet from the initial point thereof;
 thence North to a point in the Basing Line 4842.4 feet from the initial point thereof;
 thence North 15° 0' East 4388.2 feet, more or less, to an intersection with the United States Government pier head line, as now established, along and in front of the South bank of the Columbia River;
 thence Northwesterly along said pier head line 1903.9 feet, more or less, to a point, which point is North 19° 0' East 4058.4 feet from the place of beginning, which point is also the Northeast corner of what is known as Skipanon Waterway;
 thence South 19° 0' West 4058.4 feet to the place of beginning.

AND WHEREAS the party of the second part desires to use said tract of land for the purpose of depositing spoil from dredging operations and other uses incident thereto,

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NOW THEREFORE, in consideration of the sum of one dollar (\$1.00), the receipt of which is hereby acknowledged, and the benefits to the party of the first part that will result from the proposed improvement of the Skipanon River Channel, Warrenton, Oregon, the party of the first part does hereby grant, bargain, sell and convey unto the party of the second part, and its assigns, the perpetual right and privilege to deposit on the hereinbefore described tract of land or any part thereof any and all spoil and other matter excavated in the improvement and maintenance of the aforesaid improvement. RESERVING HOWEVER, to the party of the first part, his heirs and assigns, all such rights and privileges in said tract of land as may be used and enjoyed without interfering with or abridging the rights and easements hereby conveyed to the party of the second part.

The said party of the first part hereby expressly and fully releases the United States of America, its officers, agents, servants, and contractors from liability for any and all damages done or caused to be done, and from any claim or demand whatsoever for injuries suffered by or done to the said premises by reason of the deposit of such spoil or other material.

TO HAVE AND TO HOLD the said rights and easements unto the party of the second part, the United States of America, and its assigns, for the purposes aforesaid, forever. And the said party of the first part, for himself and for its ^{successors} ~~heirs~~ and assigns, does hereby covenant with the party of the second part that it is lawfully seized in fee of the aforegranted premises; that the said premises are free from all encumbrances; that it has good right to sell and convey the same as aforesaid; and that it will warrant and defend the title of the same to the said party of the second part, and its assigns, against the lawful claims and demands of all persons.

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IN WITNESS WHEREOF, the said Clatsop County, Oregon, party of the first part, has set hereto its hand and seal on the day and year above written, pursuant to an order authorizing this conveyance, which said order was entered at page 654 of Vol. 34 of the proceedings of the County Court of Clatsop County, Oregon.

Clatsop County, Oregon

by Guy Boyington
County Judge

by Verne Stratton
Commissioner

by Donald G. Malarkey
Commissioner

Attest

Mary Hay
County Clerk

State of Oregon :
County of Clatsop : ss.

Be it remembered, that on this 16th day of January, 1957, before me the undersigned Notary Public for the State of Oregon, personally appeared the within named Guy Boyington, County Judge, Verne Stratton, County Commissioner, and Donald G. Malarkey, County Commissioner, who first being duly sworn do say that they are the County Judge and County Commissioners, respectively of Clatsop County, Oregon, the grantor named in the above and foregoing instrument, and that the within instrument was signed and sealed in behalf of said Clatsop County, Oregon by authority of its County Court and said Guy Boyington, Verne Stratton and Donald G. Malarkey acknowledged said instrument to be the free act and deed of said Clatsop County, Oregon.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal this the day and year first in my certificate written.

Chas. M. Johnson
Notary Public for Oregon

My commission expires Dec 6, 1959



SPOLI DISPOSAL EASEMENT
PERPETUAL

CLATSOP COUNTY, a political
subdivision of the State of
Oregon

to

UNITED STATES OF AMERICA

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INDEXED

COMPARED

STATE OF OREGON, } st. 193397
County of Clatsop
I hereby certify that the within instrument
was received for record and recorded in the
record of

DEED

of said County on

FEB 25 2 30 PM 1957

In Book
239
On Page
181

Witness my hand and Seal of office affixed.

MARY HAY
County Clerk.

By *Hollis L. Griffith*
Deputy

DEPARTMENT OF ARMY
OFFICE JUDGE ADVOCATE GENERAL
LANDS DIVISION
RECORDS BRANCH

RETURN TO -
DISTRICT ENGINEER
PORTLAND DISTRICT
529 PITTOCK BLOCK
PORTLAND 5, OREGON
ATTN: Real Estate Division

BOOK 34 PAGE 654

IN THE COUNTY COURT OF THE STATE OF OREGON, FOR CLATSOP COUNTY

In the Matter of the Application of :
 the City of Warrenton, a municipal :
 corporation for a spoil disposal : ORDER
 easement in favor of the United States :
 of America. :

This matter coming on to be heard by the County Court of Clatsop County, Oregon sitting for the transaction of county business, upon the application of the City of Warrenton, a municipal corporation for a spoil disposal easement in favor of the United States of America; and

It appearing to the court that under the River and Harbor Act of Congress approved June 30, 1948, provision was made for the improvement of Skipanon River Channel, Warrenton, Oregon in accordance with a project set forth in Senate Document No. 93, 80th Congress, first session, subject to the condition that local interest furnish free of cost to the United States suitable spoil disposal areas for said improvement; and

It appearing to the court that Clatsop County, Oregon is the owner in fee simple of a tract of land situated in Clatsop County, State of Oregon, which is suitable and desirable for a spoil disposal area in connection with said project, and which tract of land is described as follows:

Commencing at the Meander Corner between Sections 15 and 16, Township 8 North, Range 10 West, Willamette Meridian;
 thence South $84^{\circ} 12'$ East 2627.3 feet along the basing line to the point of beginning;
 thence South $8^{\circ} 28'$ West to an intersection with the Government meander line along the right bank of Skipanon Creek in the Southeast quarter of the Southwest quarter of Section 15, in Township 8 North, of Range 10 West of the Willamette Meridian;
 thence North $16^{\circ} 30'$ East following said meander line to a point in said line;
 thence following said meander line along the boundary of the Donation Land Claim of Ninian A. Aberman and Emma H. Eberman;
 thence along the meander line of Lot 1 of Section 15;
 thence along the meander line of the Donation Land Claim of George W. Coffenberry and Sarah F. Coffenberry, to a point which is South of a point in the Basing Line 4842.4 feet from the initial point thereof;
 thence North to a point in the Basing Line 4842.4 feet from the initial point thereof;
 thence North $15^{\circ} 0'$ East 4388.2 feet, more or less, to an intersection with the United States Government pier head line, as now established, along and in front of the South bank of the Columbia River;
 thence Northwesterly along said pier head line 1903.9 feet, more or less, to a point, which point is North $19^{\circ} 0'$ East 4058.4 feet from the place of beginning, which point is also the Northeast corner of what is known as Skipanon Waterway;
 thence South $19^{\circ} 0'$ West 4058.4 feet to the place of beginning.

The court being of the opinion that the improvement of the Skipanon River Channel and the construction of a moorage basin at Warrenton will be of great benefit to the entire community and that the use of the above described premises as a spoil disposal area will not lessen its value;

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Now, therefore, it is considered and ordered that a perpetual spoil disposal easement be granted to the United States of America on the above described premises to be used in connection with the project above mentioned.

Dated at Astoria, Oregon, this 16th day of January, 1957.

Court of Clatsop County, Oregon

Harry H. Houghton Judge

James H. Houghton Commissioner

Edward L. Houghton Commissioner

RECEIVED and ENTERED JAN 16 1957 being
the 11th day of said term of said Court

STATE OF OREGON, }
COUNTY OF CLATSOP, } SS.

I, MARY HAY, County Clerk and ex-officio Clerk of the _____ County _____ Court
of the County and State aforesaid, do hereby certify that the foregoing copy of ORDER, In the
Matter of the Application of the City of Warrenton, a municipal corporation
for a spoil disposal easement in favor of the United States of American,
as recorded in Book 34, Page 654 of Commissioners Journal - - - - -

has been by me compared with the original and that it is a correct transcript therefrom and of the
whole of such original Order - - -

as the same appears _____ on file and of record _____ in my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed the seal of said court at Astoria, Oregon, this
_____ 26th day of _____ February _____ A. D. 1957

_____ MARY HAY _____, County Clerk.
By Helen L. Griffith _____, Deputy.

A-109E

CORRECTED SPECIAL REPORT

Date: March 27, 1981

Report No.: 4-57139

City of Warrenton
c/o Hal Snow, Attorney
901 Commercial
Astoria, Oregon 97103

At your request and for a limited purpose, we have determined, as of March 18, 1981, that as to the following parcels:

Port of Astoria, a Municipal corporation of Clatsop County, is the owner of Parcel No. 1 below;

The City of Warrenton is the owner of Parcel No. 2 below;

Clatsop County, a political subdivision of the State of Oregon, is the owner of Parcels No. 3, 4 and 5 below.

The parcels in question are described as follows:

PARCEL NO. 1: Blocks 3, 8, 10, 11, 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 32, 34, and 35, Portoria, City of Warrenton, Clatsop County, Oregon.

PARCEL NO. 2: South 20 feet of even width of Lots 13 thru 16, inclusive, Block 36 and the South 20 feet of even width of Lots 3 through 5, inclusive, Block 37, Portoria, City of Warrenton, Clatsop County, Oregon.

PARCEL NO. 3: Block 36, Portoria, EXCEPTING THEREFROM the South 20 feet of even width of Lots 13 through 16, inclusive, in the City of Warrenton, Clatsop County, Oregon.

PARCEL NO. 4: Block 37, Portoria, EXCEPTING THEREFROM the South 20 feet of even width of Lots 3 through 5, inclusive, in the City of Warrenton, Clatsop County, Oregon.

PARCEL NO. 5: Block 33, Portoria, in the City Warrenton, Clatsop County, Oregon.-----

Also Blocks 3, 10, 11, 20, 29 and 32, Portoria, City of Warrenton, Clatsop County, Oregon, are subject to perpetual soil disposal rights, dredging rights and easements, including the terms and provisions thereof, granted the U. S. of America, by instrument recorded March 23, 1981 in Book 129, Page 628, and February 25, 1957 in Book 239, Page 181, Clatsop County, Oregon, Deed Records.

EXHIBIT "C"

The Port of Astoria acquired Parcel No. 1 from Clatsop County by deed dated July 22, 1968 and recorded August 19, 1968 as fee #241988 in Book 309, Page 359, Clatsop County, Oregon, Deed Records.

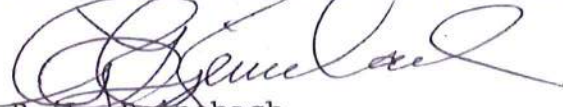
The City of Warrenton acquired Parcel No. 2 by deed dated and recorded December 19, 1930 in Book 145, Page 514, Clatsop County, Oregon, Deed Records.

Clatsop County acquired Block 36 and 37, Portoria, by tax deed recorded May 1, 1927 in Book 121, Page 49; acquired Lots 1 through 4, Block 33, Portoria, by tax deed recorded August 14, 1936 in Book 137, Page 495; and acquired Lots 9 through 16, Block 33, Portoria, by tax deed recorded June 24, 1932 in Book 132, Page 65, Clatsop County, Oregon, Deed Records.

This special report is NOT a commitment to issue title insurance, is not a title report and no liability of any kind is assumed to anyone other than the addressee above, nor beyond the sum charged herefore.

Very truly yours,

PIONEER NATIONAL TITLE INSURANCE CO.

A handwritten signature in dark ink, appearing to read "R. L. Reinebach", is written over the printed name.

R. L. Reinebach
Title Officer