

RESOLUTION NO. 1826  
November 2018

RESOLUTION OF THE EUGENE WATER & ELECTRIC BOARD  
DECLARING CERTAIN REAL PROPERTY AS SURPLUS  
AND SUBJECT TO TRANSFER

WHEREAS, the Eugene Water & Electric Board (“EWEB”) holds title to real property in the name of the City of Eugene, for the use and benefit of Eugene Water & Electric Board which is legally described in Exhibit A and hereinafter commonly referred to as the “Headquarters property”;

WHEREAS, EWEB staff has evaluated the Headquarters property as no longer needed for utility purposes;

WHEREAS, the provisions of ORS 271.310 authorize EWEB to sell real property within its possession or control if the real property is no longer needed for public use or EWEB determines that the sale is in the public interest;

WHEREAS, Eugene Code 2.195 provides EWEB to have entire control of the water and electric utilities of the City of Eugene, and all property connected therewith;

WHEREAS, Eugene Code 2.196 provides the City of Eugene with the first opportunity to negotiate for purchase of the Headquarters property for other municipal purposes;

WHEREAS, EWEB has provided the City of Eugene with access to the Headquarters property in anticipation of EWEB’s surplus declaration and allowed the City of Eugene to evaluate the condition of the real property and associated structures for other municipal purposes;

WHEREAS, EWEB believes that the ratepayers’ interest is served by timely transfer of the Headquarters property in accordance with certain criteria under present real estate market conditions; and,

WHEREAS, the EWEB Commissioners have had the opportunity to address anticipated terms and conditions with those designated to negotiate the real property transactions during the course of executive session in accordance with ORS 192.660(2)(e).

NOW, THEREFORE, BE IT RESOLVED by the Eugene Water & Electric Board that:

The Headquarters property is hereby found to be no longer needed for utility purposes and that its disposition by sale in accordance with the terms of ORS 271.310 and Eugene Code 2.196 is in the public interest. The General Manager or delegee is hereby directed to negotiate the terms and conditions for transfer of the Headquarters property, subject to the following criteria:

1. The transaction shall be closed on or before December 31, 2020, with the intent that the transaction will not remain pending as a matter before the subsequently elected EWEB Board of Commissioners to be sworn in during January 2021.
2. Purchaser shall grant EWEB a Leasehold at no cost for continued secure exclusive occupancy on the 4<sup>th</sup> floor of the south Headquarters property for utility operations through December 2022.
3. Purchaser shall grant EWEB a Leasehold at no cost for continued exclusive occupancy of 5000 contiguous square feet of floor space with direct public access on the first floor of the South Building on the Headquarters property for EWEB customer operations through December 2022.
4. The purchaser of the Headquarters property shall agree to accept assignment as Lessor of the existing Lease and terms with tenant Philips, and any other active leases, at the time of Headquarters property transfer.
5. The real estate market conditions do not materially change to the detriment of EWEB's financial interest prior to executing the property sale agreement.
6. If the City of Eugene timely expresses interest to negotiate for the purchase of the Headquarters property pursuant to Eugene Code 2.196, the Purchase Sale Agreement shall be negotiated and fully executed by the parties no later than March 28, 2019, unless extended in writing by both parties. If a negotiated Purchase Sale Agreement is not executed and said date is not extended by both parties in writing by March 28, 2019 at 6:00 PM PST, the city's opportunity to obtain the property in accord with Eugene Code 2.196 is thereby waived by the City and EWEB may dispose of the property under state law without further claim of right by the City.
7. If the Headquarters property is purchased by the City of Eugene, or their Agent, for other municipal purposes, the transaction shall include a ten-year deed restriction from time of transfer that the Headquarters property remain in public ownership for other municipal purposes which includes a material portion of the building space used directly for city operations and/or staff, and the allocation of square footage being determinable by agreement with existing tenant.
8. EWEB will require any and all purchasers to deposit earnest money into an interest-bearing escrow account within 5 business days from the date an offer, or Purchase Sale Agreement, is fully executed by the parties.
9. If the City of Eugene notifies EWEB of an intent to negotiate for purchase in accordance with Eugene Code 2.196, then the Headquarters property will remain as surplus and subject to disposition to the City of Eugene at least through March 28, 2019. If the City of Eugene's opportunity to negotiate the purchase of the Headquarters property under Eugene Code 2.196 is waived or otherwise extinguished without execution of a purchase sale agreement, the General Manager

shall consider whether real estate market conditions have materially changed the value of disposition to the detriment of EWEB and determine whether the Headquarters property should be retained by EWEB until the General Manager is satisfied that EWEB's value interest is supported.

The General Manager is directed to provide notice of availability of the Headquarters property in accordance with these criteria to the City of Eugene as anticipated by Eugene Code 2.196. The General Manager or delegee is authorized to proceed in selling the Headquarters property including the authority to negotiate the final terms and conditions of the sale subject to the above-stated criteria. The General Manager is authorized to execute all documents on behalf of EWEB necessary for closing the surplus property sale transaction and dispose of the surplus property in accordance with Board policies.

DATED this 6th day of November 2018.

THE CITY OF EUGENE, OREGON  
Acting by and through the  
Eugene Water & Electric Board

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President

I, ANNE M. KAH, the duly appointed, qualified, and acting Assistant Secretary of the Eugene Water & Electric Board, do hereby certify that the above is a true and exact copy of the Resolution adopted by the Board at its November 6, 2018 Board Meeting.

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Assistant Secretary

**EXHIBIT A**  
Property Description

**PARCEL 1:**

A 33 foot strip adjoining Lot 1 in Block 5, on the North of the ORIGINAL PLAT OF EUGENE CITY, as platted and recorded in Judgment Docket "A", Pages 2 and 3, Lane County Court Records, in Lane County, Oregon, being the South half of vacated East Third Avenue adjacent to said Lot 1, in Lane County, Oregon.

**PARCEL 2:**

All of that part of the North 55 feet of Lot 1 in Block 5 of the ORIGINAL PLAT OF EUGENE CITY, Lane County, Oregon, lying East of a line parallel to and seventy four feet East as platted and recorded in Judgment Docket "A", Pages 2 and 3, Lane County Court Records, from the West line of said lot, in Lane County, Oregon.

**PARCEL 3:**

Lot 7, Block 6, EUGENE CITY, as platted and recorded in Judgment Docket A, Page 2, Lane County Oregon Court Records, in Lane County, Oregon.

EXCEPTING THEREFROM the following described property conveyed to the State of Oregon by deed recorded March 20, 1948, in Reception No. 62355, Lane County Oregon Deed Records, as follows: A parcel of land lying in Block 6 of EUGENE CITY, in Section 29, Township 17 South, Range 3 West of the Willamette Meridian, in Lane County, Oregon, the said parcel being described as follows: Beginning on the South line of Lot 7, Block 6, EUGENE CITY, at a point which is 135.58 feet South 89° 57' 30" East from the Southwest corner of Block 6, said point also being 40 feet Westerly from (when measured at right angles to) the center line of the relocated Ferry Street Bridge-6th and 7th Street Highway Connection at Engineer's Station 20+69.22; thence South 89° 57' 30" East a distance of 24.47 feet to the Southeast corner of said Lot 7; thence North 0° 02' 30" East along the East line of said Lot 7 a distance of 80.72 feet, more or less, to the Northeast corner of Lot 7; thence South 17° 33' 30" West a distance of 84.66 feet to the place of beginning, in Lane County, Oregon.

ALSO EXCEPT all that portion described in Deed to the City of Eugene dated March 31, 1997, recorded April 25, 1997, Reception No. 9727969, Lane County Official Records, in Lane County, Oregon.

**TRACT 2:  
(ADJUSTED PROPERTY 2 OF PROPERTY LINE ADJUSTMENT 11)**

SITUATED in the Southwest 1/4 of Section 29 and the Northwest 1/4 of Section 32, all in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

BEING a portion of the lands that were conveyed to the City of Eugene for the use and benefit of the Eugene Water and Electric Board that was recorded November 16, 1951 in Book 449 at Pages 265-266 in Lane County Oregon Deed Records. The perimeter boundary of said portion is more particularly described as follows:

BEGINNING at the intersection of the south margin of East 4th Avenue with the West line of the tract that was conveyed to the State of Oregon by Deed recorded March 16, 1949 in Book 392 at Page 124 in Lane County Oregon Deed Records; THENCE, southerly along said West line the following one numbered course: (1) along the arc of a 40-foot offset spiral curve to the left that has a chord of South 15° 44' 12'' West 224.48 feet to a point that lies on a line that bears South 74° 38' 49'' East from a point on the north line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45'' East 207.78 feet from the Brass Cap Monument that marks the northwest comer of said claim; THENCE, northwesterly from the terminus of last course and along said line having a bearing of South 74° 38' 49'' East and its northwesterly prolongation, the following one numbered course: (2) North 74° 38' 49'' West 61.91 feet to its intersection with the east margin of vacated Mill Street as vacated under Ordinance Number 19374 that was recorded February 13, 1986 in Reel 1388R at Reception Number 8605882; THENCE, northerly along said east margin of vacated Mill Street, the following one numbered course: (3) North 01° 47' 21'' East 29.69 feet to its intersection with the south margin of the vacated East-West Alley [Ordinance 19374] that lies in Block 10 of the plat of Eugene City, as platted and recorded in Book 'A' at Page 2 of Lane County Oregon Judgment Dockets; THENCE, continuing northerly along said east margin of vacated Mill Street, the following one numbered course: (4) North 01° 47' 21'' East 174.00 feet to its intersection with the south margin of aforecalled East 4th Avenue; AND THENCE, easterly along said south margin, the following one numbered course: (5) South 88° 02' 03'' East 114.29 feet RETURNING to the POINT OF BEGINNING and containing 18,347 square feet, more or less.

Bearings and distances shown hereon are taken and derived from data as shown on the Survey Map by James W. Colton that was filed March 25, 2016 as County Survey File Number 43582. In addition, a Property Line Adjustment Survey Map will be filed by EGR & Associates, Inc. that will reflect monumentation that will be set along the adjusted boundary of the above described land.

The adjusted line is underlined in the above description.

**TRACT 3:  
(ADJUSTED PROPERTY 2 OF PROPERTY LINE ADJUSTMENT 1)**

SITUATED in the Southwest 1/4 of Section 29 and the Northwest 1/4 of Section 32, all in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

BEING a portion of the lands below the Ferry Street Bridge Overhead that were conveyed in the Deed to the City of Eugene for the use and benefit of the Eugene Water and Electric Board that was recorded June 17, 1954 in Reel 39'54D at Reception Number 31967 in Lane County Oregon Deed Records. The perimeter boundary of said portion is more particularly described as follows:

BEGINNING at the intersection of the north line of fractional Lot 6 in Block 11 of the plat of Eugene City, as platted and recorded in Book 'A' at Page 2 of Lane County Oregon Judgment Dockets with the West line of the aforecalled lands below the Ferry Street Overhead; THENCE, leaving said POINT OF BEGINNING and running northerly along said West line, the following one numbered course: (1) along the arc of a 40-foot offset spiral curve to the right that has a chord of North 16° 02' 07'' East 179.38 feet to a point that lies on the south margin of East 4th Avenue; THENCE, easterly along said south margin, the following one numbered course: (2) South 88° 02' 03'' East 83.21 feet to a point that lies on the East line of the aforecalled lands below the Ferry Street Overhead; THENCE, southerly along said East line, the following one numbered course: (3) along the arc of a 40-foot offset spiral curve to the left that has a chord of South 15° 55' 48'' West 243.75 feet to a point that lies on a line that bears South 74° 38' 49'' East from a point on the north line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45'' East 207.78 feet from the Brass Cap Monument that marks the northwest comer of said claim; THENCE, northwesterly from the terminus of last course and along said line having a bearing of South 74° 38' 49'' East, the following one numbered course: (4) North 74° 38' 49'' West 80.00 feet to a point that lies on the aforecalled West line of the lands below the Ferry Street Overhead; AND THENCE, northerly along said West line, the following one numbered course: (5) along the arc of a 40-foot offset spiral curve to the right that has a chord of North 14° 32' 55'' East 45.11 feet RETURNING to the POINT OF BEGINNING and containing 18,728 square feet, more or less.

Bearings and distances shown hereon are taken and derived from data as shown on the Survey Map by James W. Colton that was filed March 25, 2016 as County Survey File Number 43582. In addition, a Property Line Adjustment Survey Map will be filed by EGR & Associates, Inc. that will reflect monumentation that will be set along the adjusted boundaries of the above described lands.

The adjusted lines are underlined in the above description.

**TRACT 4:  
(ADJUSTED PROPERTY 1 OF PROPERTY LINE ADJUSTMENT 6)**

SITUATED in the Southwest 1/4 of Section 29 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

BEING a portion of Lot 1 in Block 5 of the plat of Eugene City, as platted and recorded in Book 'A' at Page 2 of Lane County Oregon Judgment Dockets. The perimeter boundary of said portion is more particularly described as follows:

Commencing at the southwest corner of said Lot 1; and running thence along the south line of said Lot 1 South 88° 03' 19'' East 74.00 feet to the TRUE POINT OF BEGINNING:

THENCE, leaving said TRUE POINT OF BEGINNING northerly along a line that is parallel with the east margin of Ferry Street, the following one numbered course: (1) North 01° 50' 57'' East 26.04 feet to its intersection with the south line of the north 55 feet of said Lot 1 as said north 55 feet was conveyed to Ralph B. Winters and Gladys Winters in the Warranty Deed that was recorded June 2, 1944 in Book 268 at Pages 413-414 in Lane County Oregon Deed Records; THENCE, easterly along said south line of the north 55 feet of Lot 1, the following one numbered course: (2) South 88° 04' 34'' East 45.32 feet to a point that lies on a line that bears North 01° 57' 52'' East from a point on the north line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45'' East 686.66 feet from the Brass Cap Monument that marks the northwest corner of said claim; THENCE, southerly from the terminus of last course and along said line having a bearing of North 01° 57' 52'' East, the following one numbered course: (3) South 01° 57' 52'' West 26.06 feet to its intersection with the south line of said Lot 1; AND THENCE, westerly along said south line of Lot 1, the following one numbered course: (4) North 88° 03' 19'' West 45.27 feet RETURNING to the TRUE POINT OF BEGINNING and containing 1,180 square feet, more or less.

Bearings and distances shown hereon are taken and derived from data as shown on the Survey Map by James W. Colton that was filed March 25, 2016 as County Survey File Number 43582. In addition, a Property Line Adjustment Survey Map will be filed by EGR & Associates, Inc. that will reflect monumentation that will be set along the adjusted boundaries of the above described lands.

The adjusted line is underlined in the above description.

**TRACT 5:  
(ADJUSTED PROPERTY 1 OF PROPERTY LINE ADJUSTMENT 5)**

SITUATED in the Southwest 1/4 of Section 29 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

BEING portions of (a) Lot 2 in Block 5 of the plat of Eugene City, as platted and recorded in Book 'A' at Page 2 of Lane County Oregon Judgment Dockets; and (b) the East-West alley lying between Lots 2 and 3 in said Block 5 as vacated under Ordinance Number 19705 that was recorded July 13, 1990 in Reel 1642R at Reception Number 9033151 in Lane County Oregon Deed Records. The perimeter boundary of said lands is more particularly described as follows:

Commencing at the northwest corner of said Lot 2; and running thence along the north line of said Lot 2 South  $88^{\circ} 03' 19''$  East 74.00 feet to the TRUE POINT OF BEGINNING: THENCE, leaving said TRUE POINT OF BEGINNING easterly along said north line of Lot 2, the following one numbered course: (1) South  $88^{\circ} 03' 19''$  East 45.27 feet to a point that lies on a line that bears North  $01^{\circ} 57' 52''$  East from a point on the north line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South  $88^{\circ} 15' 45''$  East 686.66 feet from the Brass Cap Monument that marks the northwest corner of said claim; THENCE, southerly from the terminus of last course and along said line having a bearing of North  $01^{\circ} 57' 52''$  East, the following one numbered course: (2) South  $01^{\circ} 57' 52''$  West 88.05 feet to its intersection with the centerline of aforecalled vacated East-West alley; THENCE, westerly along said vacated alley centerline, the following one numbered course: (3) North  $88^{\circ} 02' 03''$  West 69.10 feet to a point that lies southerly of and perpendicular to the north margin of said alley and lies distant South  $01^{\circ} 57' 57''$  West 7.00 feet from the southeast corner of the lands that were conveyed as Tract I in the Warranty Deed to the City of Eugene that was recorded in April, 1969 in Reel R431 at Reception Number 60012 in Lane County Oregon Deed Records; THENCE, northerly to said southeast corner, the following one numbered course: (4) North  $01^{\circ} 57' 57''$  East 7.00 feet; AND THENCE, continuing northerly along the east lines of said Tract I, the following two numbered courses: (5) North  $32^{\circ} 11' 55''$  East 47.50 feet; and (6) North  $01^{\circ} 50' 57''$  East 40.00 feet, parallel with said east margin of Ferry Street, RETURNING to the TRUE POINT OF BEGINNING and containing 4,646 square feet, more or less.

Bearings and distances shown hereon are taken and derived from data as shown on the Survey Map by James W. Colton that was filed March 25, 2016 as County Survey File Number 43582. In addition, a Property Line Adjustment Survey Map will be filed by EGR & Associates, Inc. that will reflect monumentation that will be set along the adjusted boundaries of the above described lands.

The adjusted line is underlined in the above description.

**TRACT 6:  
(ADJUSTED PROPERTY 1 OF PROPERTY LINE ADJUSTMENT 3)**

SITUATED in the Southwest 1/4 of Section 29 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

BEING portions of (a) Lot 3 in Block 5 of the plat of Eugene City, as platted and recorded in Book 'A' at Page 2 of Lane County Oregon Judgment Dockets; and (b) the East-West alley lying between Lots 2 and 3 in said Block 5 as vacated under Ordinance Number 19705 that was recorded July 13, 1990 in Reel 1642R at Reception Number 9033151 in Lane County Oregon Deed Records. The perimeter boundary of said portions is more particularly described as follows:

BEGINNING at the southwest corner of said Lot 3; THENCE, leaving said POINT OF BEGINNING and running northerly along the east margin of Ferry Street, the following one numbered course: (1) North 01° 50' 57'' East 87.00 feet to its intersection with the centerline of aforecalled vacated East-West alley; THENCE, easterly along said vacated alley centerline, the following one numbered course: (2) South 88° 02' 03'' East 119.09 feet to a point that lies on a line that bears North 01° 57' 52'' East from a point on the north line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45'' East 686.66 feet from the Brass Cap Monument that marks the northwest corner of said claim; THENCE, southerly from the terminus of last course and along said line having a bearing of North 01° 57' 52'' East, the following one numbered course: (3) South 01° 57' 52'' West 87.00 feet to a point that lies on the south line of said Lot 3; AND THENCE, westerly along said south line of Lot 3, the following one numbered course: (4) North 88° 02' 03'' West 118.91 feet RETURNING to the POINT OF BEGINNING and containing 10,353 square feet, more or less.

Bearings and distances shown hereon are taken and derived from data as shown on the Survey Map by James W. Colton that was filed March 25, 2016 as County Survey File Number 43582. In addition, a Property Line Adjustment Survey Map will be filed by EGR & Associates, Inc. that will reflect monumentation that will be set along the adjusted boundaries of the above described lands.

The adjusted line is underlined in the above description.

**TRACT 7:  
(ADJUSTED PROPERTY 1 OF PROPERTY LINE ADJUSTMENT 4)**

SITUATED in the Southwest 1/4 of Section 29 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

BEING a portion of the lands that are described as "Property 2 After Adjustment" in that certain Declaration of Property Line Adjustment Deed [PLA 3] that was recorded April 17, 2018 at Reception Number 2018-017627 in Lane County Oregon Deed Records. The perimeter boundary of said portion is more particularly described as follows:

BEGINNING at the northwest comer of Lot 4 in Block 5 of the plat of Eugene City, as platted and recorded in Book "A" at Page 2 of Lane County Oregon Judgment Dockets; THENCE, leaving said POINT OF BEGINNING and running easterly along the north line of said Lot 4, the following one numbered course: (1) South 88° 02' 03" East 118.91 feet to a point that lies on a line that bears North 01° 57' 52" East from a point on the north line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45" East 686.66 feet from the Brass Cap Monument that marks the northwest comer of said claim; THENCE, southerly from the terminus of last course and along said line having a bearing of North 01° 57' 52" East, the following one numbered course: (2) South 01° 57' 52" West 146.00 feet to a point that lies on the south margin of East 4th Avenue as vacated under Ordinance Number 19705 that was recorded July 13, 1990 in Reel 1642R at Reception Number 9033151 in Lane County Oregon Deed Records; THENCE, westerly along said south margin of vacated East 4th Avenue, the following one numbered course: (3) North 88° 02' 03" West 118.62 feet to its intersection with the east margin of Ferry Street; AND THENCE, northerly along said east margin of Ferry Street, the following one numbered course: (4) North 01° 50' 57" East 146.00 feet RETURNING to the POINT OF BEGINNING and containing 17,340 square feet, more or less.

Bearings and distances shown hereon are taken and derived from data as shown on the Survey Map by James W. Colton that was filed March 25, 2016 as County Survey File Number 43582. In addition, a Property Line Adjustment Survey Map will be filed by EGR & Associates, Inc. that will reflect monumentation that will be set along the adjusted boundaries of the above described lands.

The adjusted line is underlined in the above description.

**TRACT 8:  
(ADJUSTED PROPERTY 1 OF PROPERTY LINE ADJUSTMENT 10)**

SITUATED in the Southwest 1/4 of Section 29 and in the Northwest 1/4 of Section 32, all in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

BEING a portion of the lands that are described as "Property 1 After Adjustment" in that certain Declaration of Property Line Adjustment Deed [PLA 9] that was recorded April 17, 2018 at Reception Number 2018-017633 in Lane County Oregon Deed Records. The perimeter boundary of said portion is more particularly described as follows:

BEGINNING at the intersection of the east line of the lands below the Ferry Street Bridge Overhead that were conveyed in the Deed to the City of Eugene for the use and benefit of the Eugene Water and Electric Board that was recorded June 17, 1954 in Reel 39'54D at Reception Number 31967 in Lane County Oregon Deed Records with the south margin of East 4th Avenue as said street is shown on of the plat of Eugene City, as platted and recorded in Book 'A' at Page 2 of Lane County Oregon Judgment Dockets; THENCE, easterly, leaving said POINT OF BEGINNING and along said south margin of East 4th Avenue, the following one numbered course: (1) South 88° 02' 03'' East 323.73 feet to a point that lies on a line that bears North 01° 57' 52'' East from a point on the north line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45'' East 686.66 feet from the Brass Cap Monument that marks the northwest comer of said claim; THENCE, southerly from the terminus of last course and along said line having a bearing of North 01° 57' 52'' East and its southerly extension, the following one numbered course: (2) South 01° 57' 52'' West 327.60 feet to a point that lies on a line that bears South 74° 38' 49'' East from a point on the aforecalled north line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45'' East 207.78 feet from the aforecalled Brass Cap Monument that marks the northwest corner of said claim; THENCE, northwesterly along last called line having a bearing of South 74° 38' 49'' East, the following one numbered course: (3) North 74° 38' 49'' West 393.25 feet to a point that lies on the east line of the lands below the Ferry Street Bridge Overhead: AND THENCE, northeasterly along said east line, the following one numbered course: (4) along a 40-foot offset spiral curve to the right that has a chord of North 15°55'48'' East 243.75 feet RETURNING to the POINT OF BEGINNING and containing 101,288 square feet, more or less.

Bearings and distances shown hereon are taken and derived from data as shown on the Survey Map by James W. Colton that was filed March 25, 2016 as County Survey File Number 43582. In addition, a Property Line Adjustment Survey Map will be filed by EGR & Associates, Inc. that will reflect monumentation that will be set along the adjusted boundaries of the above described lands.

The adjusted line is underlined in the above description.