

FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:
PUBLIC WORKS FILE NO.:

August 26, 2013
4 (b)

TO: **MAYOR AND CITY COUNCIL**
THROUGH: **LINDA NORRIS, CITY MANAGER**
FROM: **PETER FERNANDEZ, P.E., PUBLIC WORKS DIRECTOR**
SUBJECT: **PROPOSED VEHICULAR, PEDESTRIAN AND ALTERNATE FIRE
ACCESS TO THE RESIDENCES AT RIVERFRONT PARK**

ISSUE:

Shall Council:

1. Consider the request of Minto View, LLC, to allow using of Riverfront Park property to support the proposed mixed-use, multi-family development on the former Boise Cascade property, identified as The Residences at Riverfront Park, in the following manner:
 - a. Pedestrian and vehicular access easement through the State Street driveway and the south parking lot; and
 - b. Alternate fire access easement through the Park from the north, consistent with Condition No. 6 of the Site Plan Review Decision Case No. SPR13-01?
2. Direct staff to initiate the vacation of public rights-of-way within the former Boise Cascade property?

RECOMMENDATION:

Staff recommends that Council consider the request from Minto View, LLC, for access through Riverfront Park property.

1. If Council chooses to allow access, as requested for the development, through the Park, direct staff to enter into discussions with Minto View, LLC, and address the following:
 - a. Design and construction of the new access drive, and all elements of the redesigned Riverfront Park south parking lot;
 - b. Design and construction of the alternate fire access facilities that are consistent with the Riverfront Park master plan;
 - c. Compensation to the City for the use of the Riverfront Park property for private purposes;

- d. Improvements to Riverfront Park that will mitigate the impact of the requested access;
 - e. Transfer and improvement of Developer owned property abutting Riverfront Park in compliance with federal regulations regarding conversion of park property subject to the federal Land & Water Conservation Act; and
 - f. Any other issues that may arise related to the permanent shared use of the Riverfront Park driveway and the proposed development's interaction with its customary operation, use of the planned Minto Island Pedestrian Bridge, and the Pringle Creek pedestrian walkway.
2. Direct staff to initiate a vacation of the public rights-of-way within the property.

INTRODUCTION AND POLICY DISCUSSION:

On February 5, 2013, Minto View, LLC, the developer of the former Boise Cascade property south of Riverfront Park (the Developer), submitted a letter (Attachment 1) requesting that Council:

1. Grant pedestrian and vehicular access through Riverfront Park to a portion of the former Boise Cascade property;
2. Vacate a portion of right-of-way on the property; and
3. Release public utility easements on the property.¹

A request for the permanent private use of a City of Salem park property is very rare. While such a request would typically be presented to Council with a staff recommendation for denial, this proposal is quite unique given its location and history. Given that this proposal presents both opportunities for the community and possible negative impacts to the City's premier events park, staff believes that the decision to grant the access easements is ultimately a policy decision for Council. Thus, staff's recommendation to Council is to "consider" the request for access, rather than the standard recommendation to "accept" or "deny."

The staff report includes a summary of the development history of the site up to the current proposal, and the impacts of the proposed development to the local transportation system and the operations of the Riverfront Park south parking lot and maintenance yard.

¹ *Salem Revised Code* (SRC) Chapter 2.200 delegates authority to the City Manager to release the City's interests in easements no longer needed for a public purpose, and therefore, no Council action on this third request is necessary.

HISTORY AND BACKGROUND:

The former Boise Cascade site is an approximately 13-acre property located southwest of Salem's historic downtown core. It is bounded by Front and Commercial Streets SE on the east, Bellevue Street SE on the south, and the Willamette River slough and Riverfront Park on the west. The site is bisected north-south by the Portland & Western Railroad² and east-west by Pringle Creek. The portion of the site that is the subject of the access request is the approximately 3.8-acre westernmost parcel called the Waterfront Block. The project site location is shown in Exhibit A of Attachment 1.³

Brief History of Redevelopment Planning for the Site

The property was the location of a paper mill and finishing plant for many years. In 2005, Boise Cascade announced that it would be ending its operations at the plant. The company worked with the City and the Strategic Economic Development Corporation (SEDCOR) to engage the Urban Land Institute (ULI) in a master planning effort for the site. In 2006, a ULI team of land development experts worked with a large number of community stakeholders to create a vision for the redevelopment of the site. The ULI final report discussed the opportunities and challenges of the site, provided a general master plan of development opportunities, and provided a series of recommendations for the City and Boise Cascade to consider in addressing its redevelopment.

To aid in redeveloping the site, the City has undertaken a number of efforts consistent with the ULI vision and recommendations. These included adoption of a mixed-use zone for the site, and establishment of the South Waterfront Urban Renewal Area by the Urban Renewal Agency. The City is also in the final stages of acquiring the 307 acres of Minto Island that are still owned by Boise Cascade.

In 2007, the Developer purchased the Boise Cascade property and began working on development plans that would implement the ULI vision for the site and meet the requirements of the mixed-use zoning. In the years since the Developer's acquisition, several modified development plans have been proposed and none have yet come to fruition. The modifications have been the result of the difficult physical constraints of the site, the economic hardships of the recession, and the inability to attract desired anchor tenants to the property due to socio-economic limitations of the community and site constraints.

² The former Burlington Northern Santa Fe Railroad, now owned by the Genessee & Wyoming Railroad.

³ Mr. Shipman's letter provides many of the relevant maps, and labeled them as exhibits. For ease of reference, staff refers to these exhibits throughout the report.

Development Proposal and Site Access

Earlier this year, staff received a development proposal from the Developer, for the approximately 3.8-acre portion of the property known as the Waterfront Block. The proposal includes development of 118 multi-family units, 2,000 square feet for specialty retail, and 4,100 square feet for a private membership health and fitness club. The development was the subject of a Type II Site Plan Review (Case No. SPR13-01). Final approval of the site plan was issued on March 22, 2013, with an effective date of April 9, 2013. The approved site plan for the site is illustrated in Exhibit B of Attachment 1.

The majority of the Waterfront Block is paved and was previously used by Boise Cascade as parking for tractor trailers. During the time it was used by Boise Cascade, the parcel's access was via a private railroad crossing through the Boise Cascade property south of State Street. In a prior development proposal, the Developer proposed to create a new public street and railroad crossing that would have connected Front Street SE to the Waterfront Block and the Riverfront Park south parking lot. The Developer had dedicated the right-of-way for this new public street and Council approved closing the State Street railroad crossing to allow for this new crossing (see Exhibit C of Attachment 1).

When that development proposal did not come to fruition, the rail crossing permit issued by the Oregon Department of Transportation at the new location expired (Exhibit E of Attachment 1). The public rights-of-way that were dedicated from this prior proposal still exist, but these rights-of-way are not currently contemplated for access to the proposed development. The Developer has requested that the City initiate a vacation process for these rights-of-way. Staff has begun preparation for the vacation, but formal initiation of the vacation process will not occur until access issues for the site have been resolved.

For the proposed development, site access is proposed via a new private two-lane driveway, to be constructed within the existing Riverfront Park south parking lot area, connecting the State Street entrance to Riverfront Park to the proposed development. The driveway will provide vehicular and pedestrian access to the proposed development, as well as the Riverfront Park parking lot. Construction of the new driveway will also require a complete reconstruction of the existing 72-space Riverfront Park parking lot.⁴ The development proposal includes a reconfigured 78-space parking lot. The additional six spaces are created through a small land donation to the City and creation of 33 compact parking spaces, 41 standard-sized spaces, and four ADA-accessible spaces for park users. The land donation also provides space for the relocated Riverfront Park maintenance yard. The proposed driveway and redesigned parking lot are illustrated in Attachment 3.

⁴ Two of the existing Riverfront Park parking lot spaces are designated ADA accessible. The remaining 70 spaces are standard size.

The developers engaged DKS Associates to provide a traffic analysis for the proposed development. The analysis provided an estimate of the traffic generation, vehicle queuing at peak hours, and operation of the State Street at Front Street SE signal once the development is completed. The results of the analysis are summarized below.

- The development will generate 950 new daily trips, 59 of which will be during the p.m. peak hour.
- The maximum vehicle queue length on the Riverfront Park driveway at the Front Street signal will be 100 feet in the p.m. peak hour.

The site plan also provides a pedestrian walkway along the south edge of the Waterfront Block along Pringle Creek. This walkway is consistent with the zoning requirements of the site and will ultimately link Riverfront Park—and the planned Minto Island Pedestrian Bridge—to Commercial Street SE and the pedestrian walkway under construction underneath the new Commercial Street Bridge. This new pedestrian access will connect with the existing pedestrian trail system along Pringle Creek and the Mill Race, which provide off-street pedestrian connections to the Civic Center, Pringle Park, Salem Hospital, and Willamette University.

Primary and Alternate Fire Access

Primary access for fire department apparatus for the proposed development is required in accordance with the fire code and is proposed through the new, private, two-lane driveway. All structures within proposed development are identified as being equipped with automatic fire sprinkler systems, which allows up to 200 dwelling units served by a single primary fire department access road—in this case, the proposed private driveway.

The proposed private driveway (the primary fire access road) is impacted by the active Portland & Western Railroad line at the State Street intersection. Railroad crossing closures occur daily and obstruct access for extended time periods due to train lengths and train speed restrictions. This obstruction does not meet the requirements of the fire code related to unobstructed fire apparatus access roads and an alternate fire apparatus access is required to overcome the potential access impairment.

Alternate fire access to the proposed development is proposed from the north via Water Street NE through the east side walkways of Riverfront Park, connecting with the primary access on the new two-lane driveway on the west side of the railroad tracks (see Attachment 4). Current sidewalk design in Riverfront Park does not meet the minimum fire code requirements for fire apparatus access roadways. Additional width will be required, along with engineering analysis to ensure existing sidewalk construction is designed to support the imposed load of fire apparatus.⁵

⁵ Many of the existing Riverfront Park walkways are already rated for heavy vehicular traffic, designed to accommodate the tractor trailer rigs of carnivals and other event transportation vehicles, as well as access to the stage. The Minto Island bridge project will also provide wider walks at the south end of the park.

Appraised Value of Proposed Access

The City has engaged an appraiser to determine the value of both the new private driveway easement, as well as the alternate fire access easement. In recent discussions with the National Parks Service and the Oregon Department of Parks and Recreation, staff learned that the appraisal must adhere to federal "yellow book" standards to value the property interests. The appraisal is not yet complete. Staff anticipates its completion on, or about, September 2, 2013.

Impacts to Riverfront Park Operations

The fire lane designation of the internal sidewalk system from the north parking lot of Riverfront Park to the State Street connection at the Carousel will require this portion of the sidewalk to be kept open and clear at all times, with the exception of routine pedestrian activity. Park activity that includes vehicle access/parking, vendor set up, or use of the designated fire lane will have to be restricted. High occupancy events at Riverfront Park will need to ensure that obstructions not block the alternative fire access for emergency vehicles.

Federal Land and Water Conservation Fund Program: 6(f) Determination

The City has utilized grant funding from the federal Land & Water Conservation Fund Act (LWCF Act) since the inception of the Act in 1965. Whenever this funding is used to acquire or develop parks, the benefitted property is encumbered and must remain in public outdoor recreation use in perpetuity. If a conflicting use is determined to exist on these park properties, the owner of the park property may obtain National Park Service permission to continue that conflicting use by converting other property into public park use of equivalent value and recreational utility. This process is authorized under section 6(f) of the LWCF Act, and is referred to as a "6(f) conversion."

Due to a 6(f) conversion that occurred in 1989, a portion of Riverfront Park was encumbered with 6(f) protections. The City is currently seeking a 6(f) boundary determination from the National Parks Service that will likely result in the entirety of Riverfront Park being encumbered with 6(f) protections. The proposed apartment complex access through the Park is considered a conflicting use, and would thereby require a 6(f) conversion of other non-park property before the requested access could be granted.⁶ The LWCF Act guidelines allow for a "minor conversion," of a small portion of the whole site, if suitable comparable property is directly adjacent to the subject property. If the access is approved, staff will work with the developer to determine suitable replacement property on the developer's Waterfront Block site.

⁶ Staff understands that the alternate fire access easement will not be considered an infringement to the 6(f) encumbrance because enhanced fire access to all sections of Riverfront Park is considered a bona fide outdoor recreational use.

FACTS AND FINDINGS:

Access

1. The Developer proposes to construct a 118-unit multi-family complex that includes 2,000 square feet of specialty retail and a 4,300-square-foot private membership health and fitness club. The site will provide 185 private parking spaces. Site Plan approval for the proposed development was granted on March 22, 2013, with effective date of April 9, 2013.
2. Access to the development is proposed through the Riverfront Park State Street driveway, via a private two-lane driveway to be constructed on the eastern edge of the existing parking lot. Access to a residential development through a park parking lot is not compatible with the Riverfront Park Master Plan. The master plan will need to be amended if the City ultimately grants access.
3. Alternate fire access is required for the development. Alternate fire access may be achieved via Water Street NE, through Riverfront Park, connecting to the primary access on the west side of the railroad tracks. Existing sidewalks within Riverfront Park do not meet the minimum fire code requirements for width and would need to be improved to provide a minimum 16-foot-wide fire department access from the north parking lot of Riverfront Park to the connection with the new two-lane driveway at State Street. The mid-section of fire lane must be 20 feet wide by 100 feet long west of the railroad tracks, to allow for emergency vehicle passing. An engineering analysis will be required to ensure existing and proposed sidewalk construction is designed to support the imposed load of fire apparatus.
4. As part of the access request, the Developer has proposed to reconstruct the Riverfront Park south parking lot to provide 78 parking spaces. The reconfigured parking lot will have 41 standard spaces, 33 compact spaces, 4 ADA accessible spaces, and no central planted area. The current configuration of the parking lot provides 72 parking spaces; 70 standard spaces and 2 ADA accessible spaces.
5. The proposed development will generate 950 new daily trips, 58 of which will be during the p.m. peak hour. The results of the traffic impact analysis indicate that queues created by the development's traffic will not unduly affect access to and from the Park, its parking lot, or the operation of the State Street/Front Street signal. One of the requirements for the minor 6(f) conversion will be to provide a sufficient buffer between the private driveway for the apartments and the Riverfront Park. This is not without precedent, as zoning regulations require barriers, buffer yards, and landscape screening to mitigate negative impacts of adjacent incompatible uses.

Land Values

6. An appraisal of the value of the primary access and alternate fire access easements has been commissioned and will be provided to Council when it is completed in early-September. The appraisal must be completed to federal "yellow book" standards to address the required 6(f) conversion process.
7. The majority of Riverfront Park is subject to the LWCF Act restrictions. The restrictions require that the park be preserved for outdoor recreation purposes in perpetuity, and prohibits private use of the property. Before private access may be allowed, the City will be required to apply for a 6(f) conversion through the National Parks Service. The 6(f) conversion will require the developer to provide land abutting the park to the City of equal area, value, and recreational utility. The conversion will also be required to meet National Parks Service criteria related to the size of the converted property relative to the overall size of Riverfront Park.

The estimated area of the requested access and alternate fire access is 14,260 square feet. Staff estimates that an additional 8,900 square feet of land adjacent to Riverfront Park would have to be dedicated to the City to comply with a new 6(f) Conversion.

Impacts to Riverfront Park

8. Salem does not have experience with a dense mixed-use residential development located adjacent to a high use activity park. Staff believes that the close proximity could create conflicts for apartment residents, commercial tenants, and park users. These potential conflicts include:
 - a. The existing Riverfront Park maintenance facility is used for tool, equipment, and material storage, splash fountain chemical storage, a storage area for mowers and other maintenance vehicles, and event supplies. The maintenance facility will need to be relocated as a result of this proposal. The proposed new location is in the very southeast corner of the Park next to the apartment complex, and across the proposed driveway. This will likely create conflicts for parks staff needing access to this facility.
 - b. Riverfront Park is regularly rented out to event organizers for large public events. This use typically closes the south parking lot to regular parking use except for event staff and ADA parking. The new driveway to accommodate the apartment complex will limit event organizer's ability to manage the flow of traffic as it has been done since the Park's opening. Managing traffic flow to the park during large events at the park will be affected.

- c. The Carousel and playground are within 50 feet of the existing parking lot. The proposed parking lot reconfiguration would eliminate the middle pedestrian refuge island, which raises potential safety concerns, especially for park users visiting the playground and carousel. This concern will be addressed through design of the reconfigured parking lot. Further the final design will be subject to review by the National Park Service as part of the 6(f) conversion process, which will require that the reconfiguration address pedestrian safety in the park.

Next Steps

If Council elects to allow access through Riverfront Park for the proposed development, and directs staff to begin discussions with the Developer as set forth in this report, staff will promptly schedule a meeting with the developer to share information regarding the necessary steps that must be accomplished before access may be formally granted.

Staff will return to Council with updates as new substantive information becomes available, and will seek Council's approval of all elements of any final agreement for a grant of access.

Attachments:

1. February 5, 2013, Letter from Mark Shipman
2. Project Site Location
3. Proposed Driveway and Redesigned Parking Lot
4. Park Access Map

Ward 1

August 20, 2013



February 5, 2013

Via Hand Delivery

Linda Norris
City Manager
City of Salem
555 Liberty St. SE
Room 220
Salem, OR 97301

RE: Minto View, LLC (Waterfront Property)
Our File No: 23001

Dear Linda:

Please accept this letter and attached exhibits as our formal request to the Salem City Council, ("Council") on behalf of Minto View, LLC, ("MV") to obtain access to its Waterfront property (the "Subject Property") through the south parking lot of Riverfront Park. The Subject Property is identified on the attached Exhibit "A." In addition to access, there are two other requests that MV is making of Council: correction of failed right of way deed and release of non-essential easements. These requests will be more fully addressed below.

There are a number of reasons why access should be granted by the City.

1. There will be a significant economic benefit for the development of the Waterfront parcel.

MV is proposing to construct a \$17,000,000 residential (apartment) project on the Waterfront parcel. This will provide construction jobs, permit and SDC fees to the City. It will involve improvements to the south parking lot of Riverfront Park. It will bring 200 residents into the downtown area, which the City and downtown businesses have desired for years. It will also bring commercial retail space to serve patrons of Riverfront Park and the apartments (e.g. café, gelato shop). The economic benefits to allowing access for the development of the Waterfront parcel are significant, and will be more fully addressed in the subsequent Multi Unit Tax Incentive Program (MUHTIP) application that MV will be submitting to the City this month. MV has commissioned EcoNorthwest to undertake an economic benefit analysis on the positive impact of the Residences project and will be providing this to the City as part of its MUHTIP application. Without this access, no investment into the Waterfront parcel will be possible, and accordingly the City will accrue no economic benefit from this property.

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- 2. The development of the Waterfront parcel (with the residential project) and adjoining North Block parcel (proposed Acute Rehab Center) will be significant catalysts for the rest of the former Boise Cascade site and downtown Salem.**

Development of the Waterfront parcel will be the first of several important steps that will provide important inertia toward the full redevelopment of the former Boise Cascade site. Together with the Acute Rehab Center proposed by Marquis Companies for the North Block, the two projects represent an investment of \$30 Million, the addition of 50 full time jobs, 200 residents, and at least 200 construction jobs. Approving the access request is the first step in this critical sequencing of development for this area of downtown Salem.

- 3. The development of the Waterfront parcel and adjoining North Block parcel coupled with the MUHTIP credits will enable the creek to be enhanced.**

Enhancement of the creek and providing a pedestrian path connecting City park paths has been an integral part of the redevelopment of the North Block parcel. The cost to enhance the creek is significant and can only be achieved if the residential project and the Marquis Acute Rehab Center are built, and the MUHTIP abatement is granted for both projects. Assuming both projects are granted MUHTIP credits, the enhancement of the creek will be a significant contribution to the public and downtown area.

- 4. Access to the Waterfront parcel will not adversely affect the Carousel use, the south Riverfront Park parking lot, or the surrounding street system.**

Our architect (Lloyd Hill) has worked on a number of access concepts with city public works staff which would provide access to the Waterfront parcel in a manner that is safe and efficient. Attached as Exhibit "B" is the final design rendering of the proposed access plan that calls for widening the existing south (Carousel) parking lot to the East, by adding a separate driveway 24 – 26' in width; separating the south Riverfront Park parking lot from the apartment (access) driveway by a sidewalk and landscaped median. This design plan for the Waterfront parcel driveway will allow a physical separation between the apartment traffic and Riverfront Park traffic in a safe manner.

The proposed access plan will also improve and enhance the existing south Riverfront parking lot by changing the striping of the current south parking lot to allow for additional 16 parking stalls. The cost for the access driveway expansion, constructing the median, new landscaping, lighting and restriping of the south Riverfront parking lot will be borne by MV.

Finally, the proposed use of the Waterfront parcel will not adversely affect the local street system. MV engaged Scott Mansur of DKS Associates, Inc. (DKS) to complete the traffic analysis for the proposed residential apartment use. DKS concluded that the amount of traffic coming from the Waterfront parcel was less than the threshold required for a traffic impact analysis during peak hour and overall. Practically speaking, the traffic analysis showed that congestion would not be an issue as a result of this development and there would be adequate room for queuing between the intersection stop bar and closest internal conflict point. In fact, the traffic impact is far less than the impact expected and approved from development on the Waterfront parcel when the zone change on the property was approved by the City. DKS did recommend an internal driveway east of the existing Carousel parking area be constructed to allow direct access to the Waterfront parcel. This is the driveway shown on Exhibit B that MV now proposes to construct.

This information has been submitted to Tony Martin, Traffic Engineer with the City of Salem for his review, and we anticipate approval of the traffic circulation plan.

5. There will be Sufficient Fire Access to the Waterfront Parcel.

Fire access to the Waterfront parcel is best illustrated on the attached map, Exhibit "C." Primary fire access will be via State Street. In the event that the Primary access is blocked by a train, alternative access will be obtained via Union Street and through Riverfront Park. The sidewalk network system at Riverfront Park will safely handle the loads of an emergency vehicle. MV's civil engineer, Michael Poissant, with AKS Engineering & Forestry will be providing a letter verifying this fact. Further, the sidewalk system was designed for one way looped emergency access to serve the park. This proposed access (for the Waterfront parcel) is the same access system that was previously approved by the City of Salem when the Carousel facility was constructed on the south end of Riverfront Park.

Additional fire access will be obtained from the north via the public alley between Division and Union Streets, and then south to Riverfront Park. Although concern was raised about potential interference from an existing conveyor system in this alley, John Layton, with Layton Manufacturing has confirmed that the conveyor system no longer serves Layton Manufacturing. It will be removed. See attached Exhibit "D."

In the event the proposed access above is blocked, Riverfront Park and the Waterfront Parcel can still be accessed in an emergency via the Union Street Bridge, which was designed to accommodate loads from emergency vehicles.

Finally, although there has been speculation that long trains could block both the State Street and Union Street Crossing, discussions with Portland & Western Rail Road staff here in Salem indicate that the length of the trains that run along the railroad tracks at this location are not a mile in length, but are less than 4,000' in length. Further, the trains that run on these tracks are scheduled in advance, and if the City has an event at Riverfront Park, Portland & Western can reschedule these trains to run on off peak hours so as to not conflict with the use of Riverfront Park for that event.

- Our request of Council on the access element is for Council to approve MV's access request, and to approve the specific access road and south Riverfront Park parking lot design and direct staff to work with MV's professionals to come up with an agreement (e.g. a reciprocal access and parking agreement) that will formally allow access to the Waterfront property, allow for the reconstruction/stripping of the Carousel parking area, enter necessary agreements, and undertake necessary steps to provide access as depicted on Exhibit B.

Failed Right of Way Dedication

In order to accommodate early designs for development on the Waterfront parcel and the North Block, the City obtained a permit from ODOT for a new, at-grade railroad crossing between the two parcels. See Exhibit "E." The crossing required new right of way dedication for public streets to the new crossing. See Exhibit "F." A condition of ODOT's permit for the new crossing was closure of the existing, at-grade railroad crossing at State Street to Riverfront Park and the Carousel. Subsequently, general consensus was against closure of the existing rail crossing at State Street. The new crossing was not constructed, and the ODOT permit for the new crossing was allowed to expire.

A dedication deed from the Berrey Family, LLC, and MWIC Pringle Corp. for a right of way that was intended to connect to the alternative railroad crossing to access the Waterfront parcel was recorded on the Waterfront parcel and the North Block property. We discovered that the grantors under that deed never held legal title to the property, and accordingly they had no right to dedicate the right of way. Additionally, it is my understanding that the City Council did not formally accept this grant by resolution or ordinance, and the remaining property is entirely owned by private property owners and not the City. Thus, the dedication was flawed and the dedication of right of way is invalid. Our client is now requesting that this flawed dedication be corrected and the title encumbrance cleared from the record.

There no longer exists a permit for the new rail crossing, and we understand that most in our community (if not all) do not desire closure of the State Street rail crossing (to the Carousel). Accordingly, even if the right of way were validly created, it no longer serves a purpose. We therefore request the Council formally release whatever its interest may be in the property. A quitclaim deed would be appropriate. A quitclaim deed issued by the City back to the two property owners of the Waterfront and North Block properties would be the most efficient way to remove the errant deed in question.

We have spoken with Tom Jewett, Title Officer with Ameri-Title and asked him to verify whether a quitclaim would be adequate to clear the title encumbrance from the record in this situation. The attached email, Exhibit "G," from Tom does verify that a quitclaim deed from the City to the current property owners would be sufficient to clear the record of the invalid transfer of a portion of the Waterfront Property and the North Block property to the City of Salem.

We believe the quitclaim deed would be sufficient and that a more formal process is not needed to resolve the recording of the errant deed. If the Council concludes that a vacation is necessary to formally clear the errant deed from the Waterfront and North Block properties, we would request that Council initiate the vacation of the right of way.

- Our request of Council on this element is for Council to approve the release of the errant deed, and direct staff to work with MV's professionals to issue a quitclaim deed in order to formally release the flawed dedication; in the alternative, we request that the Council formally initiate the vacation of the errant deed and direct staff to begin preparing the necessary documentation to start this process.

Residual Utility Easement Reservations

When the City vacated the right of ways to Trade Street and Front Street, the City reserved easements for utilities over these rights of ways which was the standard practice at the time. As a part of the proposed development, we will either be abandoning those utilities, or relocating them and as such need these utility easements relocated as well. To this end, we will need the City to release (quitclaim) their interest in the utility easement reservations, and we will be working with the individual franchise utility providers to do the same. The failure to relocate these easements renders the North Block virtually unbuildable and also inhibits building on the Waterfront parcel.

- Our request of Council on this element is for Council to approve the release of the residual easements, and direct staff to work with MV's professionals to issue a quitclaim deed in order to release the residual easements.

Conclusion

The property owner has spent significant time and cost to conclude that no other reasonable alternatives exist to access the Waterfront parcel. The information provided above shows there is no technical or practical reason to deny access, as the proposed residential project will not adversely impact the south Riverfront parking lot or the existing transportation system and there are viable alternative fire access routes available to ensure that adequate fire protection is provided. We request that the Council formally initiate the process to grant access through the City (Park) property in the manner described above.

We also request that the Council agree to release the errant right of way deed through the recording of a quitclaim deed, or formally initiate the release of the errant deed by City initiated vacation. Finally, we request that the Council agree to release the old utility easements through the quitclaim deed process after the associated utilities are either relocated or abandoned.

I look forward to working with you and your team at the City to accomplish these bold and important projects.

Respectfully Submitted,



MARK D. SHIPMAN
mshipman@sglaw.com
Voice Message #310

MDS:nkb
Enclosures

cc: Peter Fernandez
John Wales
Vicki Hardin-Woods
Tom Phillips
Randall Tosh
Tony Martin
Clinton Dameron
Natasha Zimmerman
Brian Moore

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LEGEND

LINE TYPES

- TAX LOT BOUNDARY OLD PROPERTY LINE
- ROAD RIGHT-OF-WAY VACATED RIGHT-OF-WAY
- RAILROAD RAILROAD RIGHT-OF-WAY
- STREAM, LAKE, ETC. STREAM, LAKE, ETC.
- TAX LOT BOUNDARY NON-BOUNDARY
- SUBDIVISION BOUNDARY PARTITION PLAT EDY.
- TAX CODE BOUNDARY EASEMENT

SYMBOL TYPES

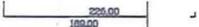
- D.L.C.
- CONTROL POINTS
- SURVEY MONUMENTS
- C.L.O. CORNERS
- SECTION 1/4 SEC 1/16 SEC
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NUMBERS

TAX CODE NO.
000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT OF WAY.

TICK MARKS - WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAYS.



ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.

tables

EXHIBIT

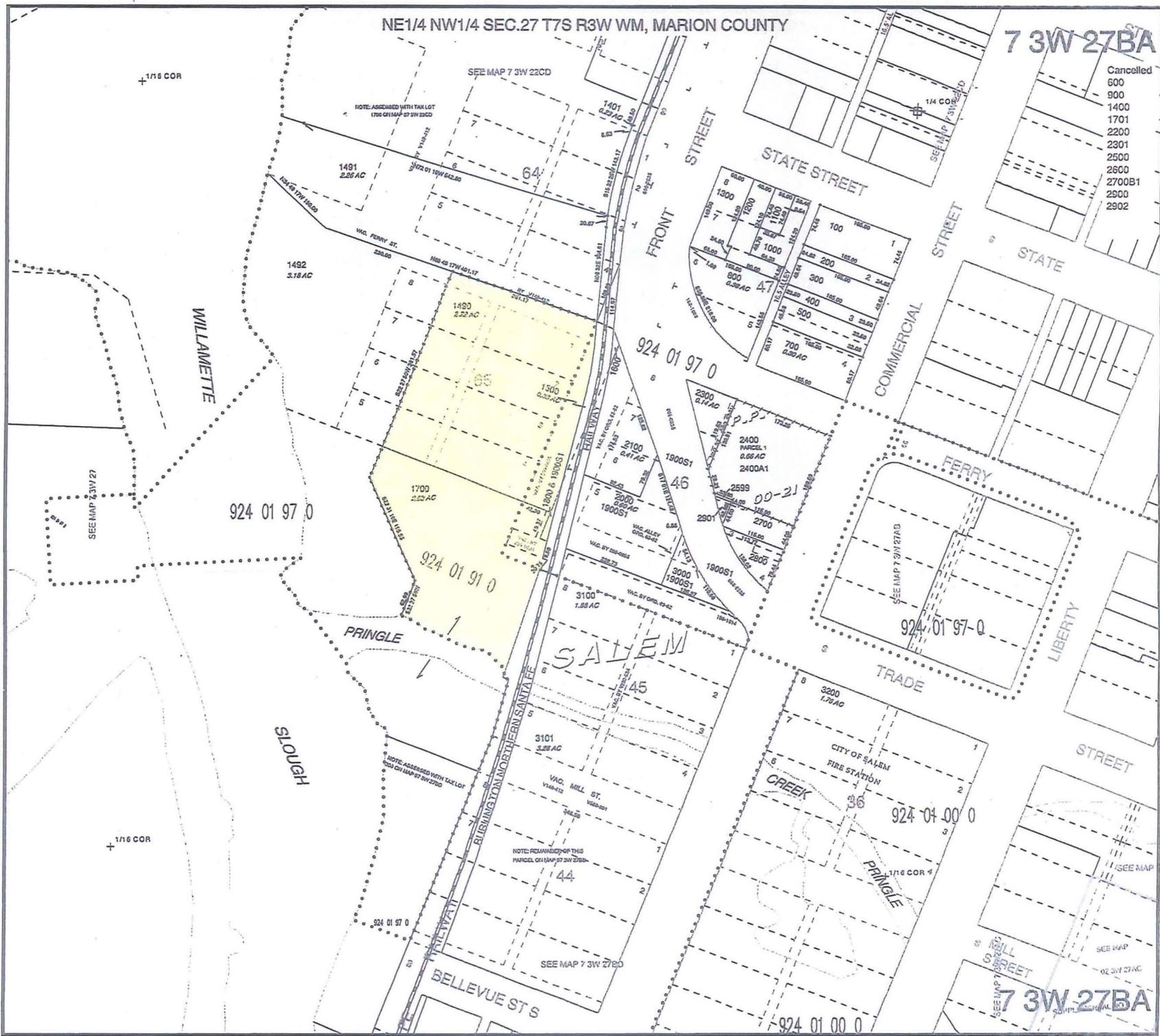


1" = 100'
August 03, 2009

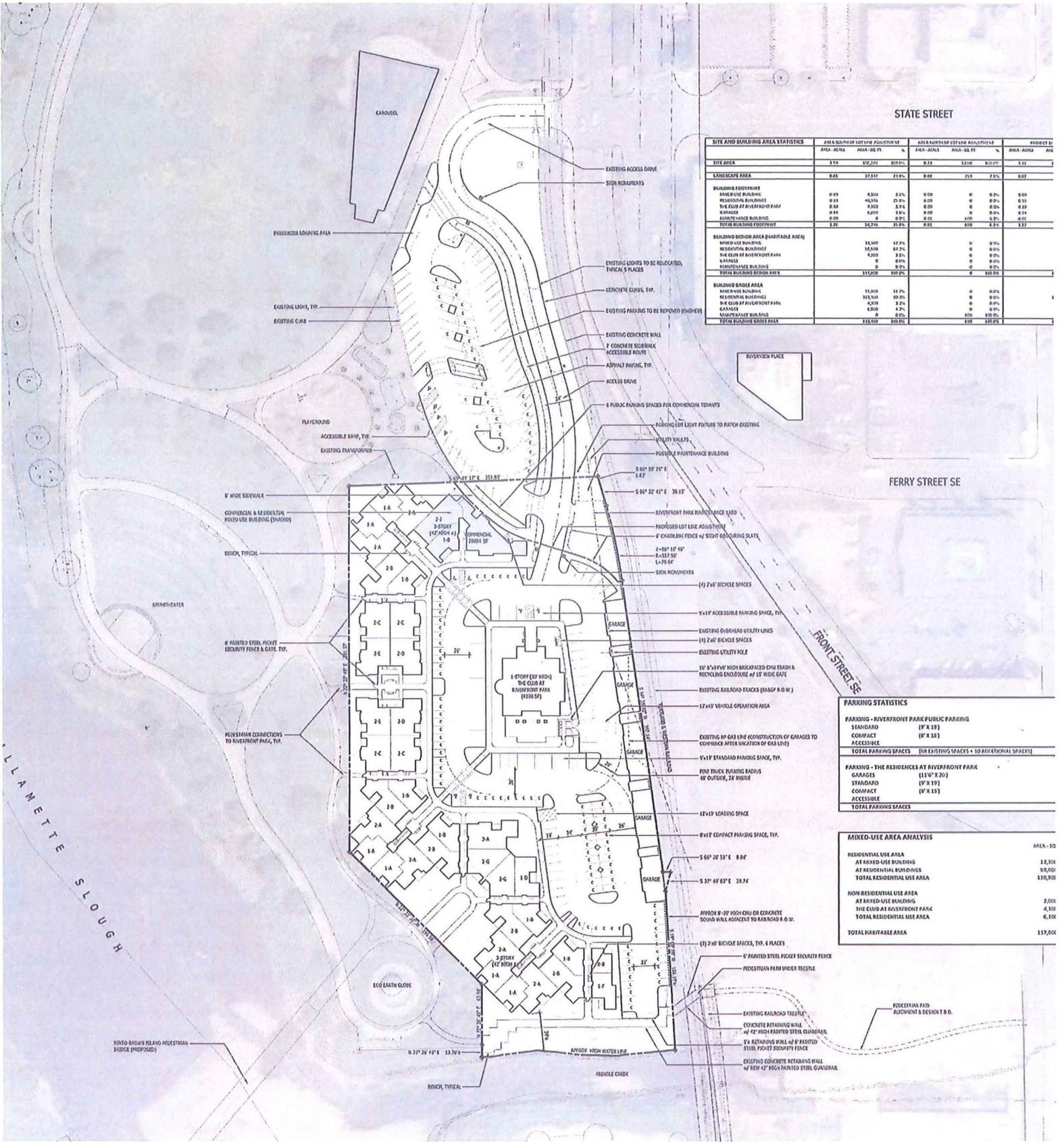
NE1/4 NW1/4 SEC.27 T7S R3W WM, MARION COUNTY

7 3W-27BA

- Cancelled
- 600
- 900
- 1400
- 1701
- 2200
- 2301
- 2500
- 2600
- 2700B1
- 2900
- 2902



7 3W-27BA



STATE STREET

FERRY STREET SE

FRONT STREET SE

SITE AND BUILDING AREA STATISTICS	AREA SOUTH OF LOT LINE ADJUSTMENT			AREA NORTH OF LOT LINE ADJUSTMENT			PROJECT #
	AREA - ACRES	AREA - SQ. FT.	%	AREA - ACRES	AREA - SQ. FT.	%	
SITE AREA	1.59	132,221	100.0%	0.00	0.00	0.0%	3.12
LANDSCAPE AREA	0.65	57,117	43.2%	0.00	0.00	0.0%	0.65
BUILDING FOOTPRINT							
MIXED-USE BUILDING	0.09	4,310	3.2%	0.00	0.00	0.0%	0.09
RESIDENTIAL BUILDING	0.10	40,345	30.5%	0.00	0.00	0.0%	0.10
THE CLUB AT RIVERFRONT PARK	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
GARAGE	0.14	6,070	4.6%	0.00	0.00	0.0%	0.14
APPROXIMATE BUILDING	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
TOTAL BUILDING FOOTPRINT	1.26	104,725	78.5%	0.00	0.00	0.0%	1.27
BUILDING BOUNDARY AREA (PARCELS AREA)							
MIXED-USE BUILDING	14,500	12.7%		0	0.0%		
RESIDENTIAL BUILDING	352,000	26.6%		0	0.0%		
THE CLUB AT RIVERFRONT PARK	0	0.0%		0	0.0%		
GARAGE	4,310	3.3%		0	0.0%		
MANUFACTURE BUILDING	0	0.0%		0	0.0%		
TOTAL BUILDING BOUNDARY AREA	114,810	86.6%		0	0.0%		
BUILDING GROSS AREA							
MIXED-USE BUILDING	11,300	8.5%		0	0.0%		
RESIDENTIAL BUILDING	313,300	23.7%		0	0.0%		
THE CLUB AT RIVERFRONT PARK	0	0.0%		0	0.0%		
GARAGE	4,310	3.3%		0	0.0%		
MANUFACTURE BUILDING	0	0.0%		0	0.0%		
TOTAL BUILDING GROSS AREA	118,910	90.0%		0	0.0%		

PARKING STATISTICS	
PARKING - RIVERFRONT PARK PUBLIC PARKING	
STANDARD (8'X13')	0
COMPACT ACCESSIBLE (8'X13')	0
TOTAL PARKING SPACES (IN EXISTING SPACES + 10 ALTERNATE SPACES)	0
PARKING - THE RESIDENCES AT RIVERFRONT PARK	
GARAGES STANDARD (8'X13')	0
COMPACT ACCESSIBLE (8'X13')	0
TOTAL PARKING SPACES	0

MIXED-USE AREA ANALYSIS		AREA - SQ
RESIDENTIAL USE AREA		
AT MIXED-USE BUILDINGS	32,300	
AT RESIDENTIAL BUILDINGS	98,400	
TOTAL RESIDENTIAL USE AREA	130,700	
NON-RESIDENTIAL USE AREA		
AT MIXED-USE BUILDING	2,000	
THE CLUB AT RIVERFRONT PARK	4,100	
TOTAL RESIDENTIAL USE AREA	6,100	
TOTAL HABITABLE AREA	137,800	

THE RESIDENCES AT RIVERFRONT PARK

SALEM, OREGON

HILL ARCHITECTS



SITE JANUA



RESIDENCES AT RIVERFRONT PARK
SALEM, OREGON

HILL ARCHITECTS

FIRE DEPARTMENT AC
JANUAR



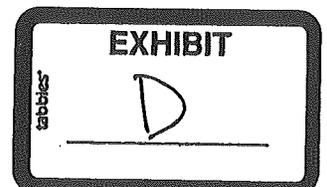
From: John Layton [mailto:JohnL@layton-mfg.com]
Sent: Thursday, January 10, 2013 9:12 AM
To: Mark D. Shipman
Subject: RE: Conveyor Tracks/Alley Way

Mark,

This email serves to confirm that the conveyor tracks in the alley in our Division Street property is no longer used by Layton or our current tenant (Factory Operations Management, LLC). In fact the Conveyor mechanism has been dismantled and scrapped.

Please let me know if you need additional documentation.

John Layton



ORDER NO. 50815

ENTERED 10/22/2009

ODOT CROSSING NO. 3E-071.39
U.S. DOT NO. 067040K
(Closed State Street Crossing)

ODOT CROSSING NO. 3E-071.53
U.S. DOT NO. 927312W
(New Street B Crossing)

**BEFORE THE OREGON DEPARTMENT
OF TRANSPORTATION**

RX 1545

In the Matter of the Construction of the Railroad-Highway)
Grade Crossing at Street B and Closure of the Railroad-)
Highway Grade Crossing at State Street and PORTLAND)
& WESTERN RAILROAD INC., (PNWR), Oregon)
Electric District, in Salem, Marion County, Oregon.)

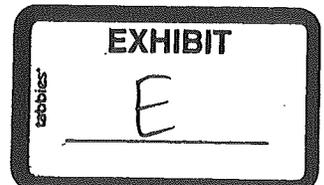
ORDER

On October 5, 2009, City of Salem made application under ORS 824.204 and 824.206 seeking authority to construct and close the subject grade crossings. Applicant provided acceptable engineered drawings for the project on October 21, 2009. The affected railroad is PNWR. Applicant is the public authority in interest.

Rail Division staff has investigated the application. By e-mail dated October 22, 2009, staff served the application and a Proposed Order (PO) for the parties to review and acknowledge their agreement. No objections to the PO were received from any party.

All parties in this matter have agreed that the proposed grade crossing is required by the public safety, necessity, convenience and general welfare. The parties have further agreed that the existing Street grade crossing will no longer be required by the public safety, necessity, convenience and general welfare upon opening of the new grade crossing at Street B. Therefore, under ORS 824.214, the Department may enter this Order without hearing.

Applicant proposes to construct a new grade crossing No. 3E-071.53, replacing the existing grade crossing No. 3E-071.39. The new crossing will provide access to the former Boise Cascade industrial site, which is currently under redevelopment in the South Waterfront Urban Renewal area of Salem. Applicant estimates 1,500 vehicles per day will use the crossing at a design speed of 25 miles per hour (mph). There is a daily average of 6-8 freight trains through the crossing area. The maximum authorized speed on this track is 10 mph. Upon opening of the new grade crossing, the existing grade crossing will be permanently closed to all vehicles, bicycles and pedestrians. Applicant will provide detailed plans of the closure for approval by ODOT Rail Division upon development of said plans. ODOT Rail will issue a Supplemental Order addressing the permanent closure of the grade crossing, except for use by emergency vehicles.



ORDER NO. 50815

The Appendix to this Order depicts the alignment of the tracks and roadway. Street B will cross the tracks at an angle of ≈ 90 degrees. The roadway will be 30 feet wide between curbs at the crossing with 5-foot wide sidewalks on each side. The crossing will be equipped with automatic protective devices, consisting of two flashing-light signals and automatic gates. Additional sets of flashing-lights will be installed in the NE and SW quadrants of the crossing as depicted in the Appendix to this Order. Two advance warning (W10-1) signs, advance warning pavement markings and two stop clearance lines will be installed as depicted in the Appendix to this Order.

From the foregoing, the Department finds that the proposed grade crossing is required by the public safety, necessity, convenience and general welfare. It is neither practical nor necessary to construct a separated crossing at this location. The Department further finds the existing grade crossing No. 3E-071.39 will no longer be required by the public safety, necessity, convenience and general welfare and shall be closed upon opening of the new grade crossing. The application should be granted upon the following terms and conditions.

IT IS THEREFORE ORDERED that:

1. The authority to construct the new grade crossing and close the existing grade crossing is granted. Construction of crossing No. 3E-071.53 shall be substantially in progress within **two years** from the entered date of this Order. Otherwise, the authority expires on that date. Upon opening of the new grade crossing, crossing No. 3E-071.39 shall be permanently closed and removed from the Department's Catalog of Public Railroad-Highway Crossings. No authority to establish a Quiet Zone is granted by this Order.
2. The new grade crossing shall not be opened to public use until the ordered automatic signals, circuitry are installed and operational.
3. Applicant (City of Salem) shall:
 - a. Construct and maintain that portion of the crossing lying outside lines drawn perpendicular to the end of ties to accommodate the roadway configuration and sidewalks depicted in the Appendix to this Order, and bear all the costs. The roadway approaches shall comply with OAR 741-120-0020.
 - b. Furnish, install and maintain standard curb according to OAR 741-110-0030 (7) adjacent to the ordered automatic signals at the crossing, and bear all the costs. Curb shall commence not less than 10 feet from the centerline of track and extend at full height not less than 50 feet in advance of the automatic signals.
 - c. Furnish, install and maintain two stop clearance lines at the crossing according to OAR 741-110-0030 (2) (d); two advance warning (W10-1) signs and advance warning pavement markings on the roadway approaches to the crossing according to OAR 741-110-0030 (1), and bear all the costs. All ordered devices shall be located according to OAR 741-110-0040 (4) or OAR 741-110-0040 (5), as appropriate.
 - d. Provide detailed design plans for the closure of crossing No. 3E-071.39, and bear all the costs.

ORDER NO. 50815

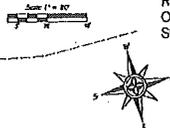
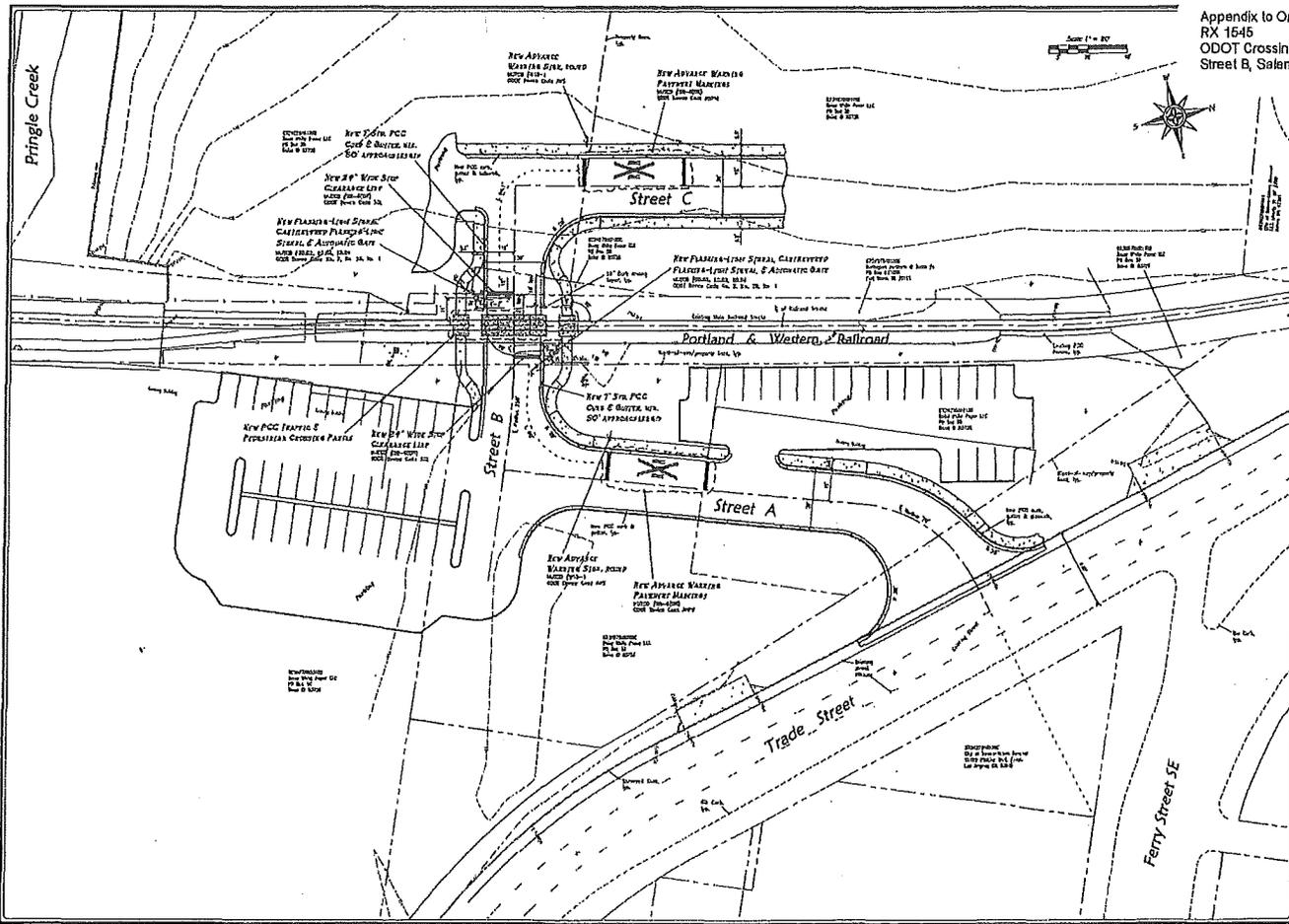
- e. Bear all the cost of work items ordered in paragraphs 4.a., and 4.b., below.
4. PNWR shall:
- a. Subject to reimbursement by applicant, construct that portion of the crossing lying between lines drawn perpendicular to the end of ties to accommodate the roadway configuration and sidewalks depicted in the Appendix to this Order.
 - b. Subject to reimbursement by applicant, furnish and install two flashing light signals and two automatic gates at the crossing. Furnish and install additional flashing-lights on the signal masts in the NE and SW quadrants of the crossing as depicted in the Appendix to this Order. The signals shall be located according to OAR 741-110-0040 (1) and activated according to OAR 741-110-0070.
 - c. Maintain the ordered automatic signals and circuitry, that portion of the crossing lying between lines drawn two feet outside the rails, and bear all the costs.
 - d. Notify the Rail Division of the Department in writing or by facsimile transmission not less than five working days prior to the date that the ordered automatic signals will be activated and placed in service.
5. Each party shall notify the Rail Division of the Department in writing upon completion of its portion of the project.

Made, entered, and effective

October 22, 2009

Kelly Taylor
Kelly Taylor
Rail Division Administrator

Appendix to Order No. 50815
 RX 1545 Sheet 1/1
 ODOT Crossing 3E-071.53
 Street B, Salem



JDM/LLC, Inc.	
PROJECT NO.	3E-071.53
DATE	07-15-14
BY	JDM
CHECKED BY	JDM
DATE	07-15-14
SCALE	AS SHOWN
PROJECT	PRELIMINARY RAILROAD CROSSING @ MP 71.53
DATE	07-15-14
BY	JDM
CHECKED BY	JDM
DATE	07-15-14

DEPARTMENT OF TRANSPORTATION

CERTIFICATE OF SERVICE

RX 1545

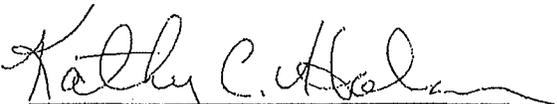
I, Kathy C. Holmes, Executive Assistant of the Rail Division for the Department of Transportation of the State of Oregon, hereby certify that on the 23rd day of October 2009, I served copies of Staff's Service Letter and Final Order No. 50815 upon the appropriate parties listed below via regular mail at Salem, Oregon, with postage prepaid and addressed as their addresses appear in the records of the Department of Transportation.

Applicant

Mark Becktel
Transportation Services Manager
City of Salem
555 Liberty ST SE Room 325
Salem OR 97301

Parties

Dale A. Hansen, VP Engineering
Portland & Western Railroad Co
200 Hawthorne AVE SE Suite C-320
Salem OR 97301



Kathy C. Holmes, Executive Assistant
Oregon Department of Transportation
Rail Division

RIGHT-OF-WAY DEDICATION

Berrey Family LLC and MWIC Pringle Corp., ("Grantors"), hereby dedicates a perpetual right-of-way for street purposes on, over, and under the following- described property, and forever dedicates for use as a public street all of the following-described real property situated in Marion County, Oregon:

See Exhibit A and Exhibit B, attached hereto and by this reference incorporated herein.

The dedicated property shall only be used for public street purposes, which includes utilities.

Grantor warrants that (1) Grantor has marketable title to the property, (2) the City of Salem may peaceably enjoy the rights and benefits of this dedication, (3) there are no other interests in the property that conflict with the City's intended use of this dedication, (4) the dedicated property is free of encumbrances except those of which Grantor has notified the City of Salem, and (5) Grantor has the unrestricted right to dedicate the property without additional consent or permission.

Grantee's acceptance of this dedication is conditioned on the following:

Grantee assumes no liability for any hazardous waste on or from the property described herein. Grantor, its successors and assigns, agree to defend, indemnify and hold harmless Grantee, its officers, agents, and employees against any and all liabilities, damages, penalties, losses, claims, actions, suits, and judgments (including attorney fees and costs), and any costs or expenses incurred resulting from the presence of hazardous waste onto or from the property, including any and all costs associated with clean up or remediation that may be required. This provision shall not apply to a release of hazardous waste onto or from the property caused by the officers, agents, or employees of the City. Any action taken pursuant to this provision shall not constitute an admission of liability or waiver of any defenses to liability. "Hazardous waste" has the same meaning as provided in Oregon Revised Statutes 466.005(7) (2007 ed.).

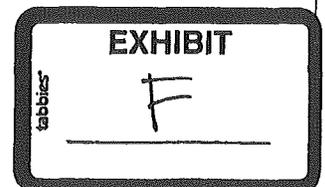
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAW AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

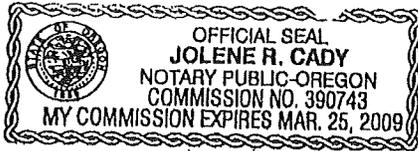
✓ After recording return to:
City of Salem Recorder's Office
555 Liberty St SE, Room 205
Salem, OR 97301-3503



Imaged

--- 2840154 ---





By: Lawrence Tokarski
Lawrence Tokarski, President of
MWIC Pringle Corporation

STATE OF OREGON)
County of Marion)

This instrument was acknowledged before me on 1-7, 2009, by
Lawrence Tokarski as President of MWIC Pringle Corporation.

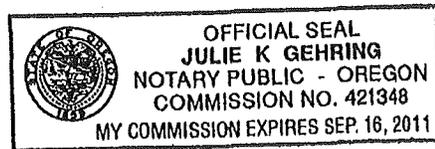
Jolene R. Cady
Notary Public--State of Oregon
My Commission expires: 3-25-09

By: Dan Berrey
Dan Berrey, President of
Berrey Family LLC

STATE OF OREGON)
County of Marion)

This instrument was acknowledged before me on January 7, 2009, by
Dan Berrey as President of Berrey Family LLC.

Julie K Gehring
Notary Public--State of Oregon
My Commission expires: 9-16-2011



ACCEPTED ON BEHALF OF THE
CITY OF SALEM

By: [Signature]
Its: City Clerk

APPROVED AS TO FORM:

By: [Signature]
City Attorney

[Signature]
1/7/09

EXHIBIT "A"

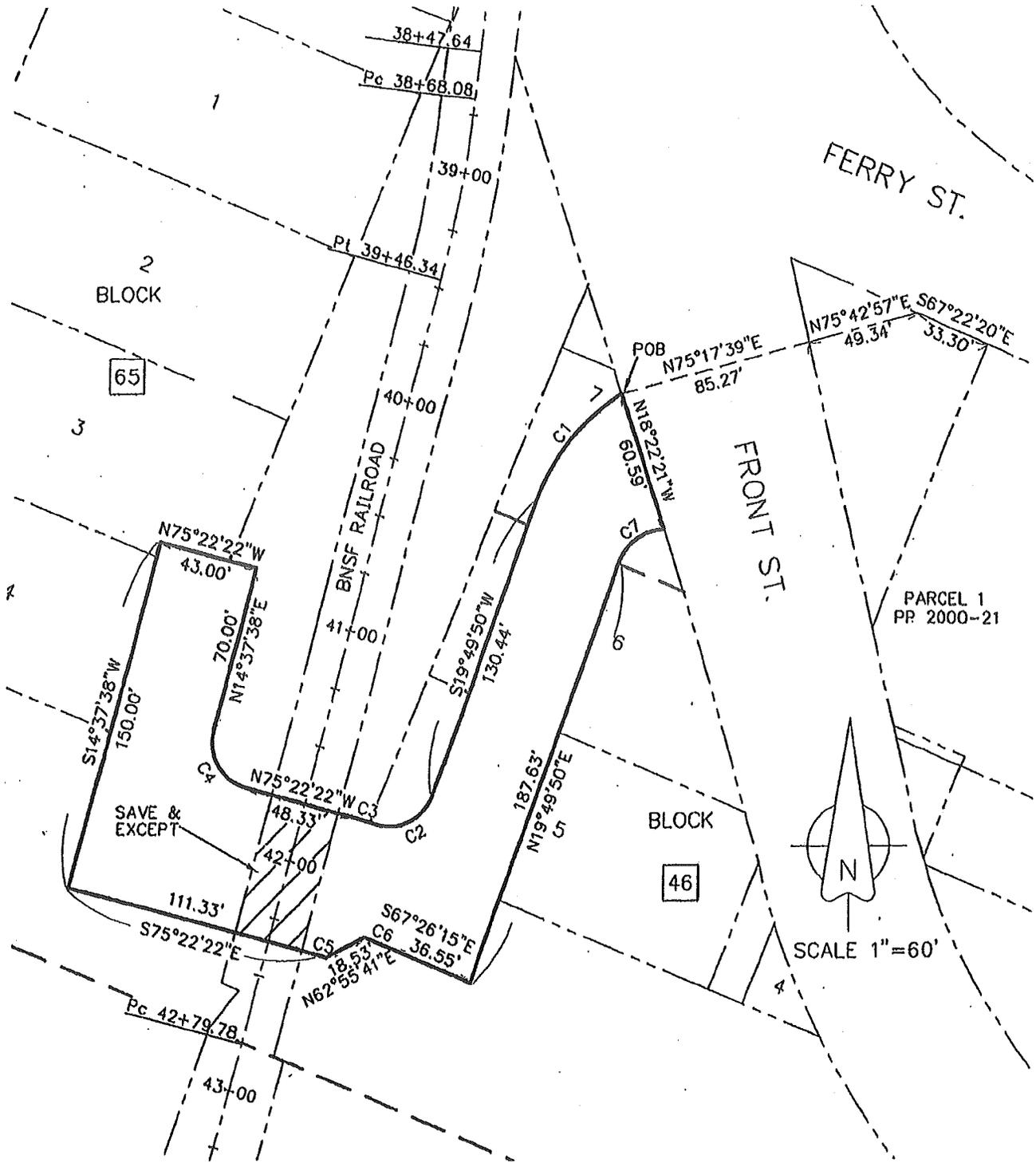
A tract of land for road right of way, within that tract of land described in Reel 2902, Page 60, Marion County deed records, located in Blocks 46 and 65, Town Plat of Salem, as recorded in Marion County Book of Plats, Volume 1, Page 20, located in the Northwest quarter of section 27, Township 7 South, Range 3 West, Willamette Meridian, City of Salem, Marion County, Oregon and more particularly described as:

Commencing at the Northwest corner of Parcel 1, Partition Plat 2000-0021, as recorded in Marion County Book of Partitlon Plats, said point being on the South right of way of Ferry Street; thence along said right of way, N67°22'20"W, a distance of 33.30 feet to a point; thence leaving said right of way S75°42'57"W, a distance of 49.34 feet to a point on the East right of way of Front Street (Trade St), thence across Front Street (Trade St), S75°17'39"W, a distance of 85.27 feet to the Point Of Beginning, said point being a point of non-tangent curve; on the West right of way of Front Street (Trade St); thence along the arc of a 91.50 feet curve to the left, the radius point of which bears S32°13'06"E, through a central angle of 37°57'05" (the chord of which bears S38°48'22"W, 59.51 feet) an arc distance of 60.61 feet to a point; thence S19°49'50"W, a distance of 130.44 feet to a point of curve; thence along the arc of a 20.00 feet radius curve to the right (the chord of which bears S63°21'38"W, 27.55 feet) an arc distance of 30.39 feet to a point of reverse curve; thence along the arc of a 280.00 feet radius curve to the left (the chord of which bears N74°14'28"W, 11.06 feet), an arc distance of 11.06 feet to a point; thence N75°22'22"W, a distance of 48.33 feet to a point of curve; thence along the arc of a 20.00 feet radius curve to the right (the chord of which bears N30°22'22"W, 28.28 feet) an arc distance of 31.42 feet to a point; thence N14°37'38"E, a distance of 70.00 feet to a point; thence N75°22'22"W, a distance of 43.00 feet to a point; thence S14°37'38"W, a distance of 150.00 feet to a point; thence S75°22'22"E, a distance of 111.33 feet to a point of curve; thence along the arc of a 220.00 feet radius curve to the right (the chord of which bears S74°47'26"E, 4.47 feet) an arc distance of 4.47 feet to a point; thence N62°55'41"E, a distance of 18.53 feet to a point of non-tangent curve; thence along the arc of a 233.00 feet radius curve to the right, the radius point of which bears S19°07'59"W, through a central angle of 03°25'46" (the chord of which bears S69°09'08"E, 13.94 feet) an arc distance of 13.95 feet to a point; thence S67°26'15"E, a distance of 36.55 feet to a point; thence N19°49'50"E, a distance of 187.63 feet to a point of curve; thence along the arc of a 21.50 feet radius curve to the right (the chord of which bears N54°21'58"E, 24.38 feet) an arc distance of 25.92 feet to a point; thence N18°22'21"W, a distance of 60.59 feet to the point of beginning.

SAVE AND EXCEPT that portlon of land granted to Burlington Northern (Oregon-Washington) Inc., by Marion County deed reel 335, page 1630.

The above described tract of land contains 20,800 square feet of land more or less.

EXHIBIT "B"



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	91.50'	60.61'	59.51'	S38°48'22"W	37°57'05"
C2	20.00'	30.39'	27.55'	S63°21'38"W	87°03'36"
C3	280.00'	11.06'	11.06'	N74°14'28"W	02°15'47"
C4	20.00'	31.42'	28.28'	N30°22'22"W	90°00'00"
C5	220.00'	4.47'	4.47'	S74°47'26"E	01°09'51"
C6	233.00'	13.95'	13.94'	S69°09'08"E	03°25'46"
C7	21.50'	25.92'	24.38'	N54°21'58"E	69°04'17"

Imaged

2840154

REEL:3026

PAGE: 461

January 21, 2009, 01:09 pm.

CONTROL #: 240600

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 41.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

Imaged

---2840154---

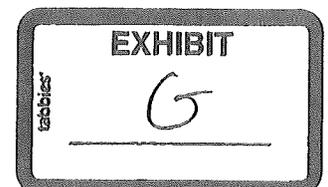
From: Tom Jewett [<mailto:tomj@ameri-title.com>]
Sent: Monday, January 14, 2013 8:38 AM
To: Brian Moore; Stephanie Moore
Cc: Nathan K. Boderman
Subject: RE: Pringle Square/ Right of way dedication

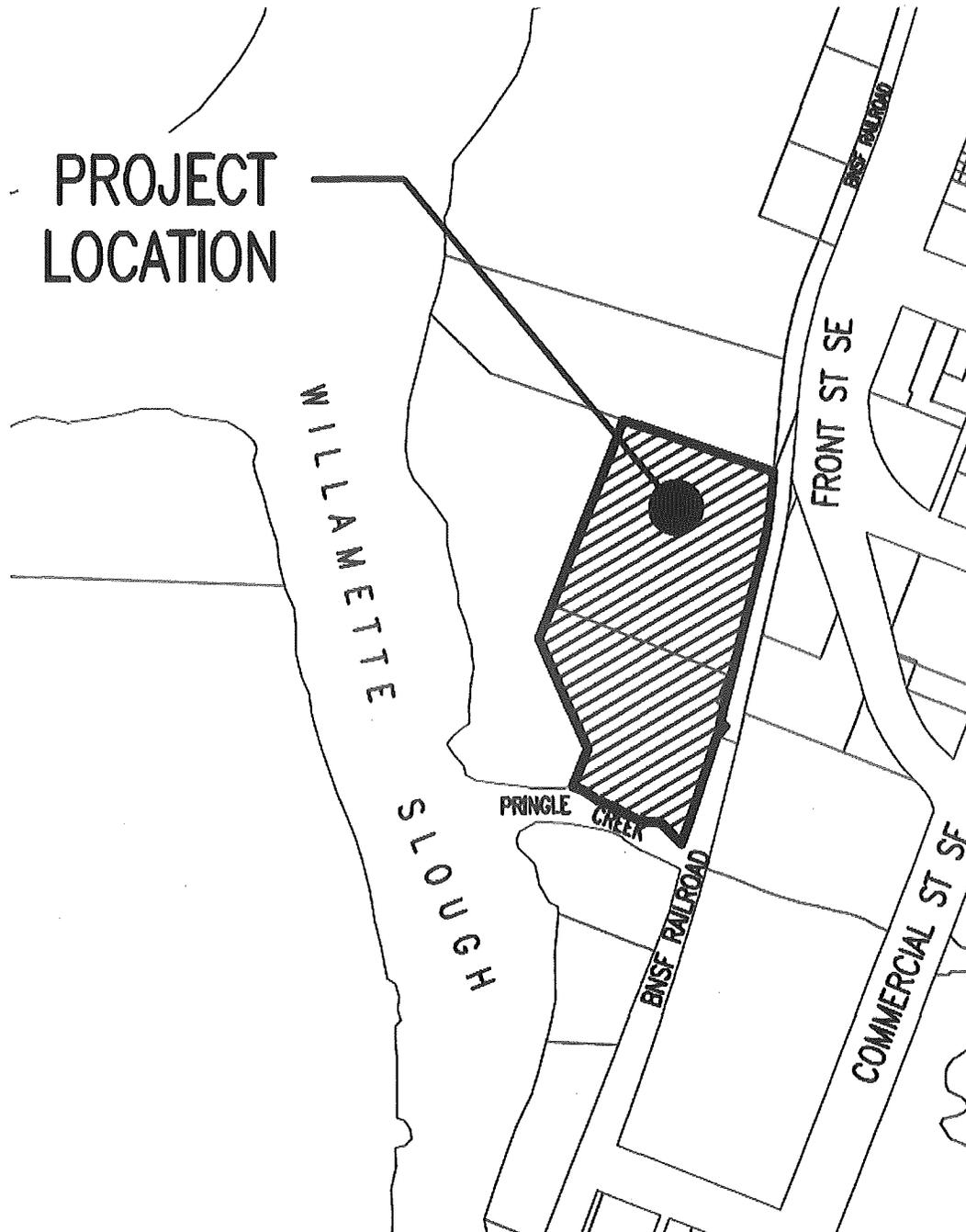
Good Morning Brian,
The title company would characterize the right of way as "uninsurable"; a Quitclaim Deed from the City would be sufficient to clear the exception.

Thank you,

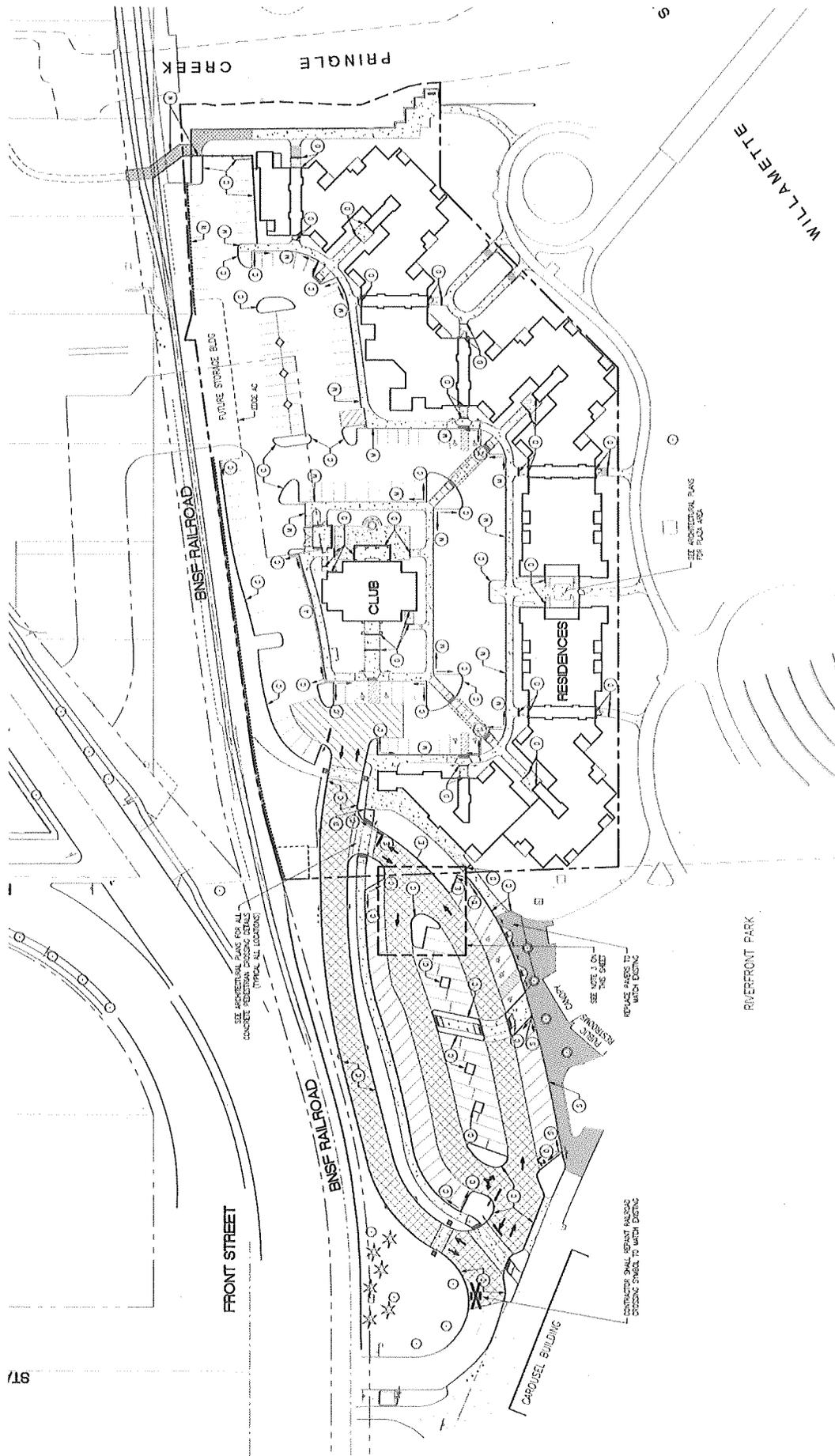
Tom Jewett

Senior Title Officer
AmeriTitle
320 Church St NE
Salem, Or. 97301
Ph.(503)581-1431 F.(503-363-0065)

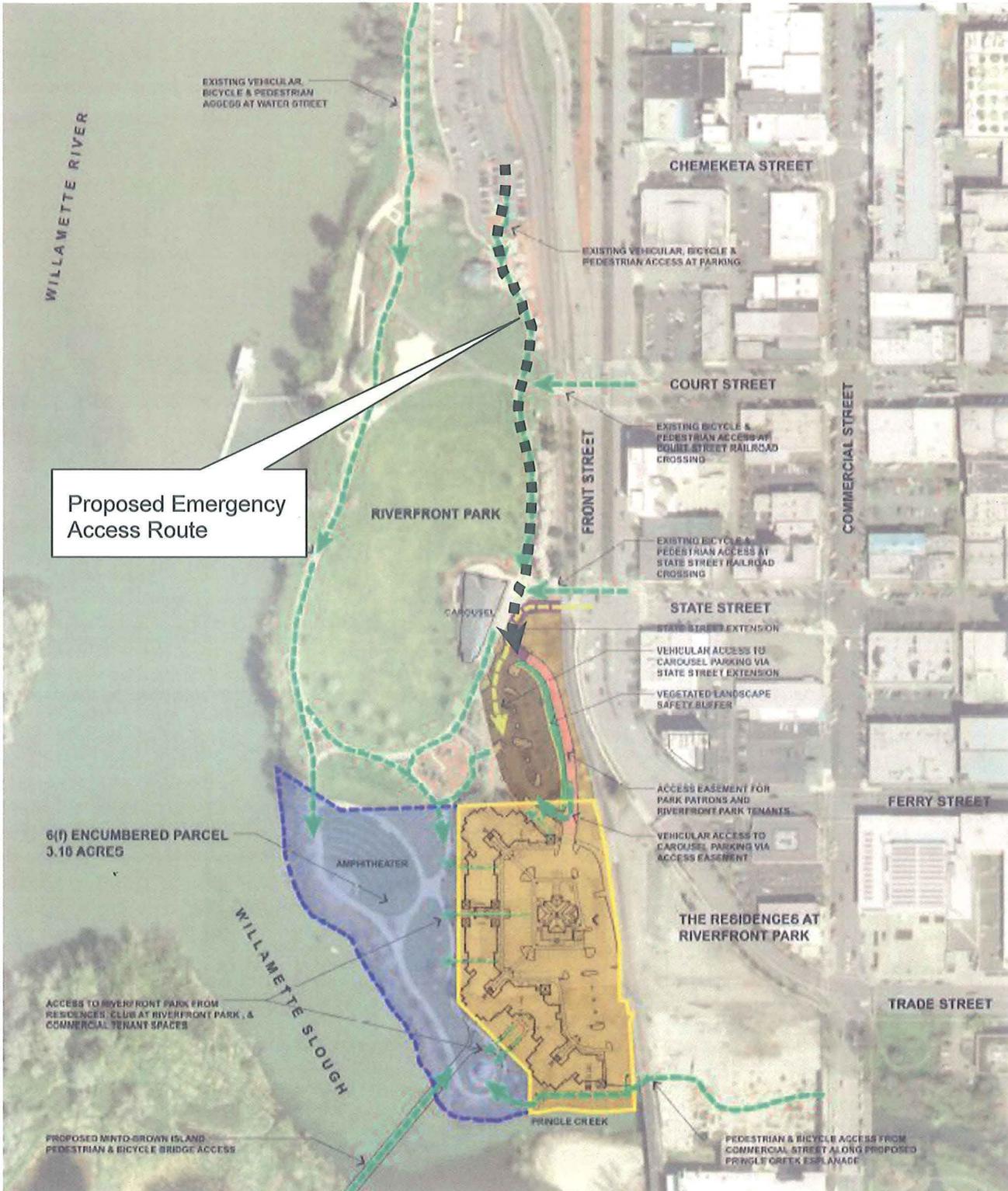




Project Site Location
The Residences at Riverfront Park
Extracted from Permit Set by Hill Architects (dated March 29, 2013)

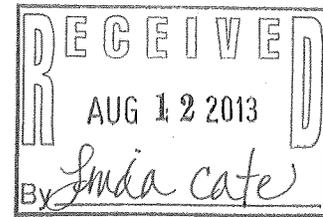


Proposed Driveway and Redesigned Parking Lot
The Residences at Riverfront Park
Extracted from Submittal by Hill Architects (July 3, 2013)



Proposed Emergency Access Route

Park Access Map
The Residences at Riverfront Park
Extracted from Submittal by Hill Architects (July 3, 2013)



DOCUMENT FILED

AUG 12 2013

CITY OF SALEM
CITY RECORDER

**Board of Directors
Officers**

Betty O'Brien
Chair

Bob Ohmart
Vice Chair

Maggie Sather
Secretary

George Histed
Treasurer

Directors

- Michele Atchison
- Gail Bonnicksen
- Dwight Ferris
- Don Herman
- Ozzie Rose
- Sharron Seideman
- Susan Thompson

Carousel Staff

Marie Bradford Blevins
Executive Director

Laura Tea-Pelley
*Volunteer Program Manager and
Executive Assistant*

Melvin Johnson
Operations Manager

Jennie Thompson
Gift Gallery Manager

Debbie Crooks
Events and Programs Manager

Janelle Rasmussen
Financial Bookkeeper/Office Manager

Carrie Beth Langham
*Graphic Design & Event Media
Coordinator*

August 7, 2013

Anna Peterson, Mayor
Chuck Bennett, Council President
City of Salem

Dear Mayor Peterson & Councilor Bennett:

I am writing to inform you the Salem Riverfront Carousel Board of Directors opposes the proposed development of multi-family dwellings west of the railroad tracks and south of the Carousel. This action is the result of a vote of the Board at the July 17, 2013, Board meeting.

We believe the proposed project threatens the long-term health of the Carousel, creates child safety issues and diminishes citizen access to the Carousel. The increased traffic through the Carousel parking area and the congestion at the State Street signal light will be problematic. These issues will diminish use of the carousel and impact revenue necessary to operate the Carousel.

We encourage you to deny the proposal as presented.

Sincerely;

Betty M. O'Brien

Betty O'Brien, Chair
SRC Board of Directors

Marie Bradford Blevins

Marie Bradford-Blevins
Executive Director

cc: SRC Board of Directors

Michele Atchison, Dwight Ferris, Don Herman, George Histed,
Bob Ohmart, Terrienne Petzold, Tom Rohlfing, Ozzie Rose, Sharron
Seideman & Sue Thompson

Mt. West Development
Brian Moore

'Who can resist the magic?'

No goods or services as defined by the Internal Revenue Service have been provided by Salem's Riverfront Carousel, Inc. as a consideration for your making this gift. The Federal Tax Identification Number for Salem's Riverfront Carousel is #91-1815668.

Kathy Hall - Pringle Square

From: Elaine Sanchez <elaine@eksanchez.com>
To: <manager@cityofsalem.net>
Date: 8/20/2013 11:36 AM
Subject: Pringle Square

DOCUMENT FILED

AUG 20 2013
CITY OF SALEM
CITY RECORDER

Dear Mayor Peterson:

We are writing to ask you to not approve the plan for Pringle Square. While we appreciate all Mr. Tokarski has done for Salem, we are very concerned about the safety of children and families who visit Salem's Riverfront Carousel, the playground built by Salem's Rotary Clubs, and the Splashpad, which interestingly was donated by Mr. Tokarski.

Riverfront Park is a true jewel for Salem. It is a place where families can let children run, explore and play. If the city council approves the permit for building Pringle Square, you must also approve the use of the current bike/walking path along the Willamette River as an alternative emergency route. As you know, if a train is blocking the entrance to the Carousel (and to Mr. Tokarski's apartments) emergency vehicles would enter the park from the street that goes past the Gilbert House Children's Museum. Firetrucks, ambulances and other emergency vehicles would pass within 20 feet of the splash pad.

How likely is it that a curious child might hear the sirens of emergency vehicles and run away from the water and into the path of a firetruck?

The exit from the Carousel already becomes bottlenecked on pretty days or when a train passes by. What are the chances that a renter who has been stuck waiting for a train or several changes of the stop light could get in a hurry and push the limit only to run over a toddler who doesn't know any limits yet?

Are 388 temporary constructions jobs worth that risk? Does the fact that Mr. Tokarski has done a lot of good for Salem warrant giving him a tax abatement for 10 years? Does it make sense to sandwich a huge rental complex in between a railroad track and a city park and connect it with a narrow street that directs hundreds of cars and service vehicles daily past the entrance to a children's carousel and playground? It doesn't to us, and we sincerely hope it doesn't to you.

We would like to encourage The City of Salem to find a way to purchase this property from Mr. Tokarski and expand Riverfront Park. Please protect this park and the families who use it.

By finding a way to purchase this property, you can encourage Mr. Tokarski to spend his energy and resources in developing the remainder of the Boise Cascade property so it enhances and expands the quality of life in Salem and becomes something all citizens can enjoy without putting our children's safety at risk.

We know there is a lot of pressure on you to encourage the City Council to vote in favor of this development. Please don't bend under that pressure. Do the right thing for Salem.

Thank you,

Dr. Alex A Sanchez and Elaine K Sanchez

Kathy Hall - Pringle Creek Development

From: <jroregonbauer@msn.com>
To: "citycouncil@cityofsalem.net" <citycouncil@cityofsalem.net>
Date: 8/20/2013 3:41 PM
Subject: Pringle Creek Development
Attachments: Salem City Council- Jim Bauer Letter for Agust 26th Hearing.doc

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AUG 20 2013
CITY OF SALEM
CITY RECORDER

08/20/2013

Dear Salem City Council,

I write to you today regarding your August 26th hearing related to the development in the Pringle Creek area. I write to you as citizen, who is also a member of the Board of the Oregon Artists Series Foundation. Although this Board has not taken any formal action in order to present a Board opinion about the project, we have discussed how the development of infrastructure improvements that are proposed in this development plan, also create useful and potentially very positive opportunities for presenting interesting outdoor art into the Downtown core.

Much energy and discussion has been focused on the jobs and people coming to downtown through this project, but our interest has been the opportunities this development project brings to creating space for more public access to outdoor art and sculpture. There are very thoughtfully and usefully developed improvements that include lighting, pathways, sidewalks, and public access green-spaces, intermixed in the Pringle Creek proposals.

We have discussed with the development staff, and would like to continue discussing and encouraging, that lighting, pathways, sidewalks and green spaces associated with this development should be focused into creating a canvas for future outdoor sculptures, art that recognized the historic significance of the native people to the area, creative banners, and many more ideas the specifically present outdoor art. It is our Boards opinion that outdoor art, added downtown and in the park areas, will greatly aid in the creating citizen interest and community pride in the downtown core.

This letter is meant to encourage you to see how the development of the site is necessary for improving the look of the downtown. This development can also add more to the downtown than just the two building projects. Thoughtful planning, focused to integrate the developments pathways with the downtown, and using the development as a method or means to bridge people into and out of the downtown areas, appears to be left out of the discussion. I urge you to include these opportunities in your thinking.

You have difficult choices ahead. I hope this letter helps you understand in more detail how development can also turn the site into a useful catalyst that does more than just bring jobs and apartments into the area. With a bit more creativity, focus, and direction, the pathways, sidewalks, lighting and green-spaces can become a useful canvas for building and strengthening the pedestrian appeal of the downtown core using private investment.

Best Regards

Jim Bauer
1866 Merritt Street S,
Salem Oregon 97302
Board Member, Oregon Artists Series Foundation

Kathy Hall - Citizen Input for August 26th meeting

From: Sue CROTHERS <suebean2@msn.com>
To: "citycouncil@cityofsalem.net" <citycouncil@cityofsalem.net>
Date: 8/20/2013 8:46 PM
Subject: Citizen Input for August 26th meeting

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AUG 20 2013

CITY OF SALEM
CITY RECORDER

Dear Council Members,

I am writing to object in the strongest terms to approving use of any portion of Riverfront Park for access to the apartment complex being considered for construction on the old Boise property. At the very least, the request should be denied for the safety of the individuals, families and children who in my view have FIRST CLAIM on that right of way in the city park.

I also urge extreme caution in granting a permit to building yet another multiple living unit in the vicinity when so many units already stand vacant downtown. I saw an initial mock-up of this proposed project and was shocked by its intrusion into what should be lovely open space for the public to enjoy. Honestly, I could not believe what I was seeing. Salem deserves and needs more **visible and physical public access** to the riverfront, not less. If approved at all, the construction of living units must respect those needs and values and take into consideration future generations ability to access and enjoy this resource. This project as currently conceived would in my view obstruct view, commercialize a public space, and move development of the riverfront in the wrong direction, toward access by select residents and away from community enjoyment.

Please consider human scale, human needs, not just the desire of an aggressive builder for profit, when you consider these proposals. And please listen carefully to the public, which, I recall, also objected in force to destroying a vibrant downtown block for construction of the Transit Mall.

Respectfully,

Susan Crothers
1530 Chemeketa Street NE
Salem, OR 97301

August 26, 2013
4 (b)

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AUG 21 2013

CITY OF SALEM
CITY RECORDER

From: Ann Watters <ann.sue@icloud.com>
To: <citycouncil@cityofsalem.net>
Date: 8/21/2013 6:21 AM
Subject: Fate of apartment complex at Boise Cascade rests on access | Statesman Journal | statesmanjournal.com

Scrape this whole project. They need to pay taxes and the carousel area will be wrecked. Ann
<http://www.statesmanjournal.com/article/20130820/UPDATE/308200052/Fate-of-apartment-complex-at-Boise-Cascade-rests-on-access>

Ann Watters RPP,RPE,BCPP
Polarity Center of Salem
1940 Breyman NE
Salem, Or 97301-4352
503-581-6512

August 26, 2013
4 (b)

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AUG 21 2013

CITY OF SALEM
CITY RECORDER

From: Neal Feldman <neal.feldman@comcast.net>
To: <citycouncil@cityofsalem.net>
Date: 8/21/2013 7:07 AM
Subject: Boise Cascade apts question

I do not mind the apartments... let folks spend what they want to... my beef with it, and with any and all similar projects, is this waiving of fees or taxes.

Here... you want to waive fees, taxes etc, then do it for EVERYONE. I would love not having to pay property taxes, development fees, sewer fees, water fees, etc etc etc for ten years.

What ever happened to the concept of EQUAL treatment under the law for EVERYONE?

So give Me and every other resident of Salem the SAME sweetheart deal, or give it to NO ONE!

Neal Feldman
Salem, OR

August 26, 2013
4 (b)

Kathy Hall - Pringle Project (Boise Site)

DOCUMENT FILED

From: "Hacke Resch, Barb A" <Barb.HackeResch@morganstanley.com>
To: "citycouncil@cityofsalem.net" <citycouncil@cityofsalem.net>
Date: 8/21/2013 9:59 AM
Subject: Pringle Project (Boise Site)

AUG 21 2013
CITY OF SALEM
CITY RECORDER

To the members of the Salem City Council,

First let me "Thank you" all for your commitment to civic duty. I know that you all put in a tremendous amount of time and energy into your council seat, without the financial reward.

I wanted to add my support for the Pringle Project and the jobs, economic support and downtown vibrancy it would bring to Salem. The fact that more than 200 people would be working right in the downtown area is exciting. People with jobs and a paycheck will add to the efforts already underway.

The fact that we have an opportunity to tie in the development of the walking bridge, trails and expansion of Minto Brown to the development of the Riverpark side in a comprehensive plan is wonderful and huge credit to the council for working to make this a reality. A true gift to the city and a legacy to be passed on and proud of!

Thank you again for your service, and your support of helping Salem to continue to grow and be a wonderful place to live.

Have a great Day!

Remember to Google me.....Barb Hacke Resch

For timely information, or to register for on-line access to your account please consult my website:

http://www.morganstanleyfa.com/barbara_hackeresch

Morgan.Stanley Wealth Management

Barbara Hacke Resch

Financial Advisor

Financial Planning Specialist

503-588-5738

1-800-824-0995

E-Mail: barb.hackeresch@morganstanley.com

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From: <wallacereed@comcast.net>
To: <manager@cityofsalem.net>
Date: 8/21/2013 9:59 AM
Subject: New Circumstances For Their Own Grade Crossing

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AUG 21 2013

CITY OF SALEM
CITY RECORDER

----- Forwarded Message -----

From: wallacereed@comcast.net
To: salemmanager@cityofsalem.net
Cc: pfernandez@cityofsalem.net, mbecktel@cityofsalem.net, kkeever@cityofsalem.net
Sent: Tue, 20 Aug 2013 18:13:44 -0000 (UTC)
Subject: New Circumstances For Their Own Grade Crossing

Dear City of Salem Mayor Peterson, City Councilors, Manager Norris: August 20, 2013

Recently, conditions may have changed enough in the Oregon Department of Transportation's Rail Division such that the developer of the Boise property might very well be able to get ODOT Rail's permission to establish their own at grade railroad crossing. I strongly recommend that the developer be required to explore that option again before any City decision is formally taken to provide access via the Carousel grade crossing.

Sources that I trust have provided the following information on the issue.

The state (ODOT Rail) has exclusive jurisdiction over all public RR crossings. Earlier, ODOT Rail seems to have decided that "jurisdiction" meant unilateral decision-making. However, that's simply not true. It just means that the regulatory process resides with the state and anyone can petition for the regulatory process. The road authority, in this case the City of Salem, the railroad, and ODOT Rail are equal parties in a regulatory process. That process includes rights to hearings, the Court of Appeals and ultimately, the Oregon Supreme Court.

A few years back, after the City and developer were not successful in negotiating a new grade crossing for the Boise development, the City agreed to close the Carousel crossing, in trade for the new crossing that would access both sites. There is nothing in the law or administrative rules that requires a trade. That is a whole new recent concept which may have been driven by the "unilateral" approach.

The Portland and Western Railroad may not want anymore signalized crossings. They cost money. However, the State has no business using that as a criteria for approving a new crossing. It should be concerned about public safety, not the cost to a railroad. And, the ODOT Rail administrators in charge of the earlier decision that led to the Carousel crossing trade concept are no longer with ODOT Rail.

Finally, there was an order signed by ODOT Rail at the time the trade concept came up, but it expired after a year. If the City it does not have a copy, it would be good to obtain one. Clearly, the current regulatory environment should give everyone the opportunity to restart a regulatory process with ODOT Rail.

I believe that this regulatory request option should be undertaken as soon as possible and that any decision to use the Carousel crossing to access the proposed apartment complex on the Boise property be delayed until a final regulatory decision has been made on a new crossing for the developer.

Thank you all for your help in preserving the magic of Salem's Carousel.

Wallace Reed 940 Leffelle St. SE Salem, Or, 97302 503-588-3666

Kathy Hall - Cascade property

DOCUMENT FILED

From: "Dana & Doug Barricklow" <dbarricklow@gmail.com>
To: <citycouncil@cityofsalem.net>
Date: 8/21/2013 10:19 AM
Subject: Cascade property

AUG 21 2013
CITY OF SALEM
CITY RECORDER

Please vote against the present plan for access to the Riverfront Park for the apartments Tokarski plans to build. This would be very destructive to the park as it is today. There must be another way or perhaps the apartments could be built where the Rehab facility is planned. A rehab/nursing home located there doesn't seem appropriate for the area.
Dana Barricklow

August 26, 2013
4 (b)

Kathy Hall - The proposed Boise Cascade project

DOCUMENT FILED

From: "Dana & Doug Barricklow" <dbarricklow@gmail.com>
To: Salem City Council <Citycouncil@cityofsalem.net>
Date: 8/21/2013 3:04 PM
Subject: The proposed Boise Cascade project

AUG 21 2013
CITY OF SALEM
CITY RECORDER

I totally agree with the views Carol Snyder and others expressed against the plan for the project Tokarski and others has proposed for the Boise Cascade property. A rehab facility should not be there. An apartment complex should not be there. Anything that interferes with the park area and access should not happen. Property tax holidays for this project should not happen, especially since the City has to periodically cut services for lack of money. Respectfully, Doug Barricklow

August 26, 2013
4 (b)

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AUG 21 2013

CITY OF SALEM
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From: Sally & Ray Hollemon <rhollemon@comcast.net>
To: <citycouncil@cityofsalem.net>
Date: 8/21/2013 3:16 PM
Subject: Comment on Boise Cascade project

Dear City Council members,

I oppose the proposed access to the apartment complex:

1. One access road from the Riverside Park entrance would increase congestion there.
2. One access road into the apartment complex could be a safety issue in case of a fire in the complex.

Could Bellevue St. or Oak St. or Leslie St. be extended across the railroad tracks so the developer could build an access road to the west of the tracks? (Of course, that would cost him more money.)

I also oppose the city giving tax relief to the project. The city needs more taxes, not less, and the people who can afford to live in the proposed apartment complex can afford to pay the city tax. After all, this complex is not intended for low-income people.

Thank you for taking my comments into consideration as you decide on this issues.

Sally Hollemon
3335 Crestview Dr. S
Salem, OR 97302