Monday, May 4, 2020
10:00 a.m.  Special Meeting

**NOTE SPECIAL DATE & TIME**

Livestreamed on YouTube at:
https://www.youtube.com/channel/UCwNz5TMyHTN4itpJm_efb9Q

Constituent input may be submitted via email to boc@co.lincoln.or.us

I.  CALL TO ORDER

II.  SOUND CHECK

III. ROLL CALL - ESTABLISHMENT OF A QUORUM

IV. ADOPTION OF CONSENT CALENDAR
   A. Minutes of Board of Commissioners Meeting
      1.  Order #5-20-  Board of Commissioners Meeting Minutes 4.20.2020

   B. Commission Appointments and Resignations
      1.  Order #5-20-  Changes in Membership to the Siletz Law Enforcement Budget Committee

   C. License Applications or Renewals

   D. Tax Foreclosure, Right-of-Way, Sales and Deeds

   E. General Budget Resolutions

   F. Acting as Governing Body of County Wide Service Districts

   G. Documents and Recording Matters in the Commissioners Journal
      1.  Order #5-20-  Agreement between Lincoln County and the Confederated Tribes of Siletz Indians for Peer Support (effective 10/1/2019 – 9/30/2020; not to exceed $23,640)

      2.  Order $5-20-  Agreement between Lincoln County and the Confederated Tribes of Siletz Indians for HIV EIOS Subcontract in connection with OHA Contract #155918 for HIV Early Intervention (effective calendar year 2020; not to exceed $80,320.99)

      3.  Order #5-20-  Amendment #6 to Intergovernmental Agreement #159171 between Oregon Health Authority and Lincoln County for the Financing of Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling (removes $50,000 of funding from MHS28 for Invoice Services)

      4.  Order #5-20-  Partnership Agreement Letter to Participate in the ANTECEDENT Projects (effective until 4/30/2022)

      5.  Order #5-20-  Amendment to Services Agreement between Lincoln County and Stantec
Consulting Services, Inc. (termination date extended to 9/30/2020)

6. Order #5-20- Amendment #8 to Intergovernmental Agreement #159820 between Oregon Health Authority and Lincoln County for the Financing of Public Health Services (shifts funding from PE46-04 to PE46-03)

7. Order #5-20- Amendment to Services Agreement between Lincoln County and The Blue Cell, LLC (termination date extended to 9/15/2020)

8. Order #5-20- Amendment #1 to Criminal Justice Commission Justice Reinvestment Grant Program Grant Agreement #JR-19-021

H. Execution of Documents

V. REPORTS
   A. Lincoln County Public Health COVID-19 Update – Presented by Nicole Fields, Public Health Deputy Director

   B. Rachael Maddock-Hughes – Lincoln County Incident Management Team Finance Section Leader - Invited

   C. Wiley Thompson – OSU Extension Regional Director - Invited

   D. Dave Price - OCCC Small Business Development Center Director – Invited

   E. Chris Chandler – Public Affairs Manager, PUD - Invited

   F. Commissioners

VI. DECISION/ACTION
   1. Order #5-20- Petition to Withdraw from Bear Valley Special Road District – Presented by Kristin Yuille, Assistant County Counsel

VII. DISCUSSION/INFORMATION

VIII. ADJOURN

IX. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD

   Thursday, May 7, 2020 – 6:00 p.m. – Lincoln County Budget Committee Meeting

   Monday, May 11, 2020 – 9:00 a.m. – Office Meeting and Board Briefing in the Commissioner’s Small Meeting Room, Lincoln County Courthouse Room #110, 225 West Olive Street, Newport; meeting to cover office priorities, operations, procedures and workflow

   Monday, May 11, 2020 – 10:00 a.m. – Board of Commissioners Meeting

For special physical, language or other accommodations at Board’s meeting, please contact the Board at 265-4100 (voice) or dial 7-1-1 Relay Service and include e-mail as soon as possible, but at least 48 hours before the meeting.
March 19, 2020

VIA ELECTRONIC MAIL: kyuille@co.lincoln.or.us
Original to follow via first class mail

Lincoln County Board of Commissioners
c/o Kristin H. Yuille, Assistant County Attorney
Office of Lincoln County Legal Counsel
225 W. Olive Street, Room 110
Newport, OR 97365

RE: Petition for Withdrawal of Real Property ("Petition")
Property Address: 366 Bear Creek Road, Otis, OR 97368 ("Property")
(Notice Reference Number: NG20-47)
Our File No: 30807

Dear Members of the Board:

As you know, this office represents Mark S. Baeke and Regina F. Baeke, Trustees of the Baeke Living Trust dated May 8, 2019, and any amendments thereto ("Baeke"), the owner of the Property described above and petitioners under the Petition. At the hearing conducted on March 11, 2020, a question was raised regarding the precedent that may be set should the Board grant Baeke’s Petition. The example of the individual who petitioned for removal of the individual’s property from a pool district on the basis that the individual never used the pool was cited, and Baeke’s non-use of the roads within the Bear Valley Special Road District was compared to the older citizens who no longer use or need public schools. Because these comments occurred at the end of the hearing, I did not have an opportunity to address these concerns at the hearing, and am now responding to those concerns.

With respect to pools, recreation districts are formed by a community to provide recreation facilities for the community’s inhabitants. ORS 266.110. It provides services to entire community. For example, the Greater Toledo Pool Recreation District provides a swimming pool to the inhabitants of Toledo. Although a resident of the district may never have used the pool, the option to do so is nevertheless available because the recreational district has provided the pool to the community. The district fulfills its purpose of servicing the inhabitants of the community even if an individual living in the district voluntarily decides to not use the facilities.

Similarly, school districts serve the community as a whole in educating the children who reside in the district. Assessments and taxes levied on properties within these districts benefit the whole community by providing recreational opportunities and supporting education within the community, even if a member of the community elects to not use the facilities or does not have children currently attending a school in the district.
March 19, 2020
Lincoln County Board of Commissioners
Page 2

In contrast, special road districts are more limited in scope. Only “contiguous territory lying within any county and not incorporated within the limits of a city” may be included in a special road district. ORS 371.305. Special road districts are formed “for the purpose of improving roads within the district.” ORS 371.336 (emphasis added). Only those property owners who are actually serviced by the special road district—those who must use the roads to access their property—are assessed taxes to support the district’s activities. This difference between special road districts and other community-focused districts suggests that any precedent in granting the Petition will be limited to special road districts.

Additional unique facts distinguish Baete’s Petition from attempts to avoid paying district assessments on the alleged basis of non-use. Unlike a community pool which will presumably provide service to all who elect to use it, the Bear Valley Special Road District (“BVSRD”) omitted Baete’s Property when it recently made improvements along the roads it manages. This would be comparable to the Greater Toledo Pool Recreation District decided that taxing community members from a certain street could not use the pool. The BVSRD’s voluntary decision to not service Baete’s Property (coupled with the BVSRD’s approval of Baete’s Petition) is the strongest support for approval of the Petition. Baete’s reasonable non-use of the roads within the district based on practicality (it would be impractical and absurd for Baete to access their Property through the roads of the BVSRD) only adds support for approval of the withdrawal.

In conclusion, Baete’s Petition is easily and reasonably distinguished from attempts to withdraw from districts that serve the community at large because special road districts serve a much more limited purpose and scope. Additionally, the BRSD itself has demonstrated by its own actions that it does not provide service to the Property, independent of Baete’s non-use of the roads. These distinguishing facts lessen the concern that the Board would set a precedent that would undermine the functionality of districts as defined in ORS 198.010. Baete respectfully request that the Board grant the Petition.

Sincerely,

[Signature]

JOSHUA D. FEIL
jfeil@sglaw.com
Voice Message #363

JDF/HBE:jol
cc: Client (via email only)

4833-9564-6135, v. 3
March 9, 2020

VIA ELECTRONIC MAIL: kyuille@co.lincoln.or.us
Original to follow via first class mail

Lincoln County Board of Commissioners
c/o Kristin H. Yuille, Assistant County Attorney
Office of Lincoln County Legal Counsel
225 W. Olive Street, Room 110
Newport, OR 97365

RE: Petition for Withdrawal of Real Property ("Petition")
Property Address: 366 Bear Creek Road, Otis, OR 97368 ("Property")
(Notice Reference Number: NG20-47)
Our File No: 30807

Dear Members of the Board:

As you know, this office represents Mark S. Baete and Regina F. Baete, Trustees of the Baete Living Trust dated May 8, 2019, and any amendments thereto ("Baete"), the owner of the Property described above and petitioners under the Petition. I am writing on Baete's behalf to provide supplemental information for the Board's consideration following the hearing held on January 8, 2020 ("Hearing") and in support of Baete's Petition for withdrawal of their Property from the Bear Valley Special Road District ("BVSRD").

A. Property History

First, I would like to clarify the history of the Property and of Baete's ownership. The Property lies within the Bear Creed Meadows subdivision plat, originally recorded in the Lincoln County property records on February 15, 1984 at Book 14, page 13. A copy of this plat is attached as Exhibit 1. At the time, Baete's Property was part of the parcel identified on Exhibit 1 as "Lot 6." A house and shed were located on the southeast quadrant of Lot 6, connected to N. Deer Drive by a driveway that ran over the parcel immediately to the west via gravel drive running over an apparent access easement.

In 1996, the owner of Lot 6 recorded Partition Plat No. 1996-24, which partitioned Lot 6 into Parcels 1, 2 and 3. A copy of this partition plat is attached as Exhibit 2. The 2.19-acre Parcel 1 of this plat is the Property. The then-existing house and shed were located on Parcel 3 of this plat. As part of this partition, the Lincoln County Sanitarian prepared a Report of Evaluation for Lot One Lot - One-Site Sewage Systems identified as R# 5336 for Lot 1. A copy of this report is attached as Exhibit 3. Exhibit 3 identifies the location of the house that had existed on Lot 6 prior to the partition and the location of the driveway over the neighboring property. Because of the slope of Parcel 1, only the eastern portion of the Property (fronting N. Bear Creek Road) was approved for construction.
March 9, 2020
Lincoln County Board of Commissioners
Page 2

As the Board is aware, the BVSRD was created in late summer 1998, and the Property was included within the district boundary. Mark and Regina Baete purchased the Property contemporaneously with the creation of the BVSRD. Originally, they planned to build a residence on the west side of the Property. However, they then learned that Lincoln County had only approved the eastern side of the Property for construction. Accordingly they built their home on the east side of the Property with access along the frontage of N. Bear Creek Road. In May 2019, Baete transferred the Property to their trust, which is the current owner of record.

B. Feasibility

ORS 198.870(4) provides that a petition for withdrawal of property from district shall be approved “if it has not been, or is not or would not be, feasible for the territory described in the petition to receive service from the district.” Oregon courts have not defined “feasible” in the context of withdrawal petitions under ORS Chapter 198. Lincoln County has not approved the western portion of the Property for construction. Prior to Baete’s ownership of the Property and its partition, access to N. Deer Drive was accomplished via an apparent easement over the neighboring property—which Baete has not used since purchasing the Property. And the BVSRD has not provided service to the Property in that it omitted Property from its recent improvements while serving the neighboring properties. While it is possible to access the Property from N. Deer Drive, it is certainly not practical, and given the conditions imposed on the development of the Property and the BVSRD’s own actions, it has not been feasible for the Property to receive service from the BVSRD.

C. Neighboring Properties

At the Hearing, the Board noted that Baete’s Property is not the only property that boarders both N. Deer Drive (which is in the BVSRD) and North Bear Creek Road (which is not). Attached as Exhibit 4 is a photo overlay of these tax lots produced from Lincoln County’s Webmaps application. The structures on these properties are all located on the west side and are accessed from roads within the BVSRD. Granting the relief sought in the Petition will not establish a precedent for these properties to also withdraw from the BVSRD.

D. Conclusion

For the reasons stated in the Petition as supplemented by this letter, Baete respectfully requests that the Board grant their request to withdraw the Property from the BVSRD.

Sincerely,

[Signature]

HUNTER B. EMERIC
hemerick@sglaw.com
Voice Message 339

HDE:df
Enclosures
cc: Client (via email only)
BEAR CREEK MEADOWS
A SUBDIVISION IN SECTION 3, T.T.S., N. 10 W., R. 20 E.
LINCOLN COUNTY, OREGON

SCALE 1" = 200' END

NOTES: ALL LOT CORNERS AND CURVE POINTS ARE MARKED WITH 6" x 8" x .10" IRON BOLTS WITH YELLOW PLASTIC TAPE IDENTIFIED "M.E." EROU. INK.

BASE OF REASONS: FROM POINT BETWEEN NORTHEAST CORNER AND THE NORTH EAST CORNER OF SECTION 3 AS ESTABLISHED BY COUNTY SURVEY NUMBER 6868.

LEGEND
7" IRON BOLT IDENTIFIED "M.E." EROU. INK.
10" IRON BOLT IDENTIFIED "BEAR CREEK HIDEOUT".

APPROVALS
EXAMINED AND APPROVED BY
Lincoln County Planning Commission
Date 3/1/63
Lincoln County Clerk
Date 2/17/64
Lincoln County Surveyor
Date 3/10/64
Lincoln County Board of Commissioners
Date 3/14/64

STATE OF OREGON
COUNTY OF LINCOLN

SURVEYOR'S CERTIFICATE

James M. Hamilton, Oregon Registered Professional Land Surveyor, number 116, the Section 3, T.T.S., N. 10 W., R. 20 E., Lincoln County, Oregon, plat, and plat map and all things described thereon, are hereby dedicated and conveyed to the public use forever and hereby accepted as property corners.

DEDICATION

NOW ALL MEN BE THESE PRESENTS THAT Edward C. Hooks, his heirs and assigns, do hereby dedicate the plat of BEAR CREEK MEADOWS to the public use forever and hereby accept the same as property corners.

BEAR CREEK HIDEOUT
BEAR CREEK MEADOWS


STATE OF OREGON
COUNTY OF LINCOLN

FED 1963
NOTICE: FILED TO PUBLIC ON DATE OF FILING.

Lincoln County Planning Commission
Date 3/1/63
Lincoln County Clerk
Date 2/17/64
Lincoln County Surveyor
Date 3/10/64
Lincoln County Board of Commissioners
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BEAR CREEK MEADOWS

REPORT OF EVALUATION FOR ONE LOT
ON-SITE SEWAGE SYSTEMS
(Technical Report - Not a Permit)

Proposed Partition
Parcel #1

(Section)
 Lage
(Tax Lot/Tract, No.)
(Township) (Range)
(Block No.)
(County)

The site has been found suitable for installation of the following kinds of on-site sewage disposal systems, with the limitations and additional requirements indicated:

The Initial and Future Repair Systems to be standard, serial distribution trenches sized at 75 linear feet per 150 gallons per day of sewage flow. The design flow is 450 GPD. Maximum trench depth to be 30 inches. All current DEQ setback requirements apply including 100' setback to any well.

Plot Plan of Approvable Area:

Any alteration of the natural conditions in the area approved for the on-site system or replacement area may void this approval. This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided and that conditions on subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit in accordance with O.R.S. 454.605 through 454.753 and Administrative Rules of the Environmental Quality commission. Any such subdivision, partitioning or alteration may void this report.

WARNING: This document is a technical report for on-site sewage disposal only. It may be converted to a permit only if, at the time of application, the parcel has been found to be compatible with applicable LCDC-acknowledged local comprehensive land use plans and implementing measures of the Statewide Planning Goals. The statement of compatibility may be made on the attached form or its equivalent. Authorized Agent approval is required before a construction permit can be issued.

This report is valid until an on-site sewage system is installed pursuant to a construction permit obtained from Lincoln County, or until earlier cancellation, pursuant to Commission rules, with written notice thereof by the Department of Environmental Quality to the owners according to Department records or the County tax records. Subject to the stated conditions, this report runs with the land and will automatically benefit subsequent owners.

SANITARIAN: [Signature] DATE: 4-3-76 On-Site Waste Mgmt

Exhibit 3
PETITION FOR WITHDRAWAL OF REAL PROPERTY
BEAR VALLEY SPECIAL ROAD DISTRICT

PURSUANT TO ORS 198.870, Mark S. Baete and Regina F. Baete, Trustees of the Baete Living Trust dated May 8, 2019, and any amendments thereto, the owners of the real property described below (the "Property"), hereby petition the Lincoln County Board of Commissioners to withdraw the Property from the Bear Valley Special Road District ("Bear Valley SRD").

A. Property Information:
   i. Address: 366 N. Bear Creek Rd., Otis, OR 97368
   ii. Map/Taxlot #: 07-10-03-A0-01301-00
   iii. Legal Description: See Exhibit A, attached hereto.
   iv. Map: See Exhibit B, attached hereto.

B. The name of the owners of the Property is: Mark S. Baete and Regina F. Baete, Trustees of the Baete Living Trust dated May 8, 2019, and any amendments thereto ("Baete").

C. Baete's mailing address is 366 Bear Creek Road, Otis, OR 97368.

D. Baete's phone number is (541) 996-3606.

E. The reason for this petition is that it has not been and is not feasible for the Property to receive service from the Bear Valley SRD, as demonstrated by the following:
   i. The driveway to the residence and other buildings on the Property is accessed from N. Bear Creek Road as shown in Exhibit C, attached hereto. N. Bear Creek Road is not and has not been part of the Bear Valley SRD road system. See Exhibit D, attached hereto.
   ii. Baete accesses the Property exclusively from N. Bear Creek Road. Accessing the Property from N. Deer Drive is not practical given the location of the residence and buildings on the Property.
   iii. Although a small portion of the Property fronts N. Deer Drive, which is part of the Bear Valley SRD road system, Baete and others do not access the Property from N. Deer Drive.
   iv. There is a gate on the west side of the Property facing N. Deer Drive. Baete and others do not use this gate to access to the Property. Rather, Baete only uses the gate to get to the grass on the side facing N. Deer Drive to mow it.
   v. The Bear Valley SRD recently made construction and improvements to the Bear Valley SRD’s road system, including N. Deer Drive. These improvements included aprons along the access frontage to other properties within the Bear Valley SRD. However, no improvements were made to the access frontage from the Property to N. Deer Drive. See Exhibit E, attached.
F. The Board of the Bear Valley Special Road District Board HAS NOT approved of this petition as shown in Exhibit F, attached hereto.

BAETE LIVING TRUST DATED MAY 8, 2019

Mark S. Baete, Trustee
Date: 11-16-19

Regina F. Baete, Trustee
Date: 11-16-19
EXHIBIT A
LEGAL DESCRIPTION

Parcel 1 of Partition Plat No. 1996-24 filed for record April 26, 1996 in Lincoln County Plat Records.

Property is free from encumbrances except:

1. An easement created by instrument, including the terms and provisions thereof,
   Recorded : January 24, 1955 Book: 168 Page: 498
   (Exact location unknown)

2. An easement created by instrument, including the terms and provisions thereof,
   Dated   : March 21, 1985
   Recorded : April 23, 1985 Book: 160 Page: 646
   In Favor of : Pacific Power and Light Company
                Construction and distribution lines
   (Exact location unknown)


4. Reciprocal easements with maintenance language, including the terms and provisions thereof,
   Dated   : May 3, 1996
   Re-recorded : May 13, 1996 Book: 317 Page: 1787
   First Party : Marcella D. Rhoades
   Second Party : Bruce F. Rudan, and heirs and assigns
EXHIBIT B
TAX MAP – 366 N. BEAR CREEK ROAD
EXHIBIT C
TAXLOT/PHOTO OVERLAY OF 366 N. BEAR CREEK RD.
Exhibit C: Taxlot/Photo Overlay of 366 N. Bear Creek Rd.
EXHIBIT D
B E A R  V A L L E Y  S P E C I A L  R O A D  D I S T R I C T
B O U N D A R Y  M A P
EXHIBIT E
PHOTOGRAPHS OF ACCESS TO
N. DEER DRIVE FROM PROPERTY
Access to Property from N. Bear Creek Rd.
Comparison: Improvement to Neighboring Property Frontage Along N. Deer Drive
EXHIBIT F

The Board of Directors of the Bear Valley Special Road District hereby approves of this petition by endorsement:

ENDORSEMENT BY THE
BOARD OF DIRECTORS
OF THE
BEAR VALLEY SPECIAL ROAD DISTRICT

Randall C. Neal
Date: 10/15/2019

James R. Sweltz
Date: 10/15/19

Adena Harmon
Date: 10/15/2019
MAIL TAX STATEMENTS TO:
Mark S. and Regina F. Baete, Trustees
Baete Living Trust
366 Bear Creek Road
Otis, OR 97368

AFTER RECORDING RETURN TO:
Freeman Green, Attorney
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308

WARRANTY DEED

Mark S. Baete and Regina F. Baete, as tenants by the entirety, Grantors, convey to Mark S. Baete and Regina F. Baete, Trustees of the Baete Living Trust dated May 8, 2018, and any amendments thereto, Grantee, the following described real property situated in the County of Lincoln, State of Oregon:

See Exhibit ‘A’ attached hereto and made a part hereof.

Grantors covenant that Grantors are seized of an indefeasible estate in the real property described above in fee simple, that Grantors have good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantors warrant and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantors, provided that the foregoing covenants are limited to the extent of coverage available to Grantors under any applicable standard or extended policies of title insurance, it being the intention of the Grantors to preserve any existing title insurance coverage.

This deed is executed to partially fund a trust of Grantors, and the true and actual consideration stated in terms of dollars is ZERO.

The following is the notice as required by Oregon law: “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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.”
WITNESS Grantors’ hand this 8th day of May 2018.

Mark S. Baete

Regina F. Baete

STATE OF OREGON

COUNTY OF MARION

) ss.

On this 8th day of May 2018, personally appeared the above named Mark S. Baete and Regina F. Baete and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Savanna Campbell

Notary Public for Oregon

My Commission Expires: 1-7-2020
Exhibit ‘A’

Parcel 1 of Partition Plat No. 1996-24 filed for record April 26, 1996 in Lincoln County Plat Records.

Property is free from encumbrances except:

1. An easement created by instrument, including the terms and provisions thereof,
   Recorded : January 24, 1955   Book: 168   Page: 498
   (Exact location unknown)

2. An easement created by instrument, including the terms and provisions thereof,
   Dated : March 21, 1985
   Recorded : April 23, 1985   Book: 160   Page: 646
   In Favor of : Pacific Power and Light Company
               Construction and distribution lines
   (Exact location unknown)


4. Reciprocal easements with maintenance language, including the terms and provisions thereof,
   Dated : May 3, 1996
   Re-recorded : May 13, 1996   Book: 317   Page: 1787
   First Party : Marcella D. Rhoades
   Second Party : Bruce F. Rudan, and heirs and assigns