

CITY OF GARIBALDI, OREGON URBAN RENEWAL PLAN

**City of Garibaldi
August 2006**

**Prepared by
Spencer & Kupper, Portland, Ore.**

Printed on 8/27/2006

GARIBALDI, ORE. URBAN RENEWAL PLAN

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100. INTRODUCTION

The Garibaldi Urban Renewal Plan is the culmination of several recent study efforts; including a 2006 update of Garibaldi's Comprehensive Plan, recent updates of utility Master Plans, and the "Garibaldi Connections Project", a February 2006 study funded by 1000 Friends of Oregon jointly for the City of Garibaldi, Port of Garibaldi and Economic Development Council of Tillamook County (EDCTC). The Connections Project was especially instrumental in initiating community dialogue about aesthetic and economic improvements that could be made in Garibaldi, and in developing an extensive list of projects and actions to carry out those improvements. The Connections Project acknowledges the development of an urban renewal plan as a key community effort to implement the strategies and ideas of the Connections Project. Further incentive for development of this urban renewal plan is a proposed mixed-use development on what had been a large industrial site in the Renewal District. The project as proposed could lead to a transformation of Garibaldi and its economy.

The Garibaldi City Council began reviewing urban renewal after Council President Sue McCarthy and Administrator Kevin Greenwood visited Waldport, Ore. in June 2005 to review that city's successful Urban Renewal District. Impressed with the findings, the City Council co-hosted a workshop, along with the Port of Garibaldi and EDCTC, on June 28 with urban renewal consultant Jeff Tashman of Tashman Johnson LLC and Genevieve Scholl-Erdman from the Hood River Chamber of Commerce to discuss the feasibility of establishing an Urban Renewal District in Garibaldi. 40 people attended the workshop and most were supportive of the Council's effort to explore new ways to improve downtown and encourage economic development.

Based upon the positive public comment from the workshop, the City Council approved a motion at their July 18 meeting to solicit Requests for Proposals (RFPs) for urban renewal planning services to determine the cost of such a project. The RFP was reviewed at their August 15 meeting and distributed later that week. At the September 19 meeting, the City Council reviewed the proposals and determined that the City would not be able to afford the services with the existing budget. Staff was instructed to pursue a Department of Land Conservation and Development (DLCD) Technical Assistance grant to help offset the costs of the planning services.

In November, the City received the DLCD Technical Assistance grant that entirely funded the urban renewal planning project. At their November 21 meeting, the City Council accepted the state grant and awarded the urban renewal planning services contract to Spencer & Kupper of Portland, Ore. In addition, the Council

formed an Ad Hoc group, the City Improvement Advisory Committee (CIAC), to workshop urban renewal and other city development plans. The CIAC was composed of members of the council, planning commission, Port of Garibaldi board, business community and citizens and given the responsibility of making recommendations to the City Council on how to proceed with urban renewal.

Starting on December 29, the CIAC had the first of four meetings to workshop boundaries, goals, projects, make-up of the agency and tax increment financing. With a number of City utility master plans, a Port vision plan, and the 1000 Friends of Oregon Connections Plan already outlining projects, the CIAC decided to choose projects from already-existing and approved plans. The City Improvement Advisory Committee's recommendations to the City Council are crystallized in this plan that is now in front of the community.

The Garibaldi Urban Renewal Plan consists of Part One - Text and Part Two - Exhibits. The Garibaldi City Council plus four at-large positions, act as the governing body of the Garibaldi Urban Renewal Agency. The agency was created by Ordinance No. 292 at the June 19 City Council meeting.

This Plan has been prepared pursuant to Oregon Revised Statute (ORS) Chapter 457, the Oregon Constitution, and all applicable laws and ordinances of the State of Oregon and Garibaldi respectively. All such applicable laws and ordinances are made a part of this Plan, whether expressly referred to in the text or not.

This Garibaldi Urban Renewal Plan for the Garibaldi Urban Renewal Agency was approved by the Garibaldi City Council on August 21, 2006 by Ordinance No. 294.

200. CITIZEN PARTICIPATION

The Garibaldi City Council appointed a citizen ad hoc committee in the fall of 2005 to work with the consultant on preparation of the renewal plan and provide a forum for public involvement in developing all major elements of the plan. The City Improvement Advisory Committee (CIAC) met and provided comment and input on the plan boundary, goals, project activities, and on the financial and tax impact elements of the plan. Details of the draft plan were published in the City's newsletter in June, 2006. In addition to the open public meetings held by the CIAC, the City held a widely advertised Community Open House on July 13, 2006 to introduce the plan.

The Garibaldi Planning Commission met to review the Plan on July 24, 2006. The Garibaldi City Council scheduled a public hearing on adoption of this Plan on August 21, 2006. Additional notice for the Council hearing on the Plan's adoption was provided, as required by ORS 457.120.

ACKNOWLEDGEMENT OF COMMUNITY INVOLVEMENT

CITY IMPROVEMENT ADVISORY COMMITTEE

Everett Brown, Mayor
Sue McCarthy, Council President
Theresa Taylor, Planning Commission
Carolee North, Planning Commission
Christy Stumpf, Citizen
Rob Trost, Old Mill Marina
Janice Owens, Comfort Inn
Matt Hastie, Cogan Owens Cogan, LLC
Darus Peake, Port of Garibaldi
Don Bacon, Port of Garibaldi
Valerie Folkema, Port of Garibaldi
Suzan Greenwood, Tillamook Estuary Project
Dan Eisenbeis, 1000 Friends of Oregon
Christy Vail, Economic Development Council
Valerie Grigg Devis, Planner, Dept. of Transportation
Laren Woolley, DLC/D/Oregon Coast
Wayne Schultz, Public Works Director

CITY COUNCIL

Hon. Everett Brown, Mayor
Sue McCarthy, President
Jerry Bartolomucci, Vice President
Terry Kandle, Member
Paul Daniels, Member

PLANNING COMMISSION

Paul Schachner, Chair
Carolee North, Vice Chair
Theresa Taylor, Member
Bill Luth, Member
Nick Stumph, Member

CONSULTANT

Charles Kupper, Spencer & Kupper,
Portland, Ore.

STAFF ASSISTANCE

Kevin Greenwood, Administrator
Dale Jordan, Planner
Wayne Schultz, Public Works Director

300. BOUNDARY DESCRIPTION

A map of the boundary of the Garibaldi Urban Renewal District is shown in Exhibit 1, attached to this Plan. A legal description of the project boundary is included as Attachment A of this Plan. If inconsistencies exist between Exhibit 1 and Attachment A, Attachment A governs.

400. RELATIONSHIP TO LOCAL OBJECTIVES

The Garibaldi Urban Renewal Plan will help the Garibaldi Urban Renewal Agency carry out goals and objectives of Garibaldi's Comprehensive Plan, the Garibaldi Connections Project, the Port of Garibaldi Vision Plan, utility master plans and the project goals developed by the CIAC.

A. GOALS OF CITY IMPROVEMENT ADVISORY COMMITTEE

1. OVERALL ECONOMIC DEVELOPMENT

- Promote economic development
- Promote private development
- Assist public and private development as incentive to further growth and development

2. TRANSPORTATION AND INFRASTRUCTURE

- Provide infrastructure
- Make transportation and access improvements
- Enhance circulation/access to currently under-developed properties
- Improve, repair utilities, place them underground

3. IMPROVE VISUAL APPEARANCE

- Do streetscape and beautification projects
- Signage/gateway plan
- Make loans and grants to commercial and residential properties

4. ADMINISTRATIVE GOALS

- Work with Port, City, EDCTC, and other local jurisdictions to keep communications open
- Use renewal dollars as matching funds for other loans or grants

B. GARIBALDI COMPREHENSIVE PLAN

The 2006 update of Garibaldi's Comprehensive Plan contains the following goals, objectives, and recommendations that are relevant to the actions and projects proposed in the Garibaldi Urban Renewal Plan.

1. HOUSING

- Encourage development of housing in locations that are easily accessible through walking and bicycling to municipal and commercial services and facilities.
- Encourage and support the development of housing units in conjunction with commercial development (e.g., housing located above commercial uses) to provide diversity and security in commercial areas and a range of housing options.
- Monitor public facility capacity to ensure that proposed new housing can be adequately served by water, sewer, transportation, drainage and other public facilities.

2. ECONOMIC DEVELOPMENT

- Work with the local business community to strengthen the downtown commercial area as an important tourist and commercial center.
- Ensure public facilities and services are available to serve existing and prospective new businesses.
- Implement the Garibaldi Connections recommendations to create a more appealing "destination community."

3. PARKS, OPEN SPACE, PUBLIC FACILITIES

- Provide a range of park and recreational facilities to meet the needs of residents and visitors.
- Acquire new park sites and develop the reservoir, grange hall and other existing sites.
- Work with developers of the Old Mill site to ensure that adequate park lands are incorporated into new development.
- Incorporate recommendations from the Garibaldi Connections Project as funding and land become available.

500. PROPOSED LAND USES

The use and development of land in the Garibaldi Urban Renewal District shall be in accordance with the regulations prescribed in the City's Comprehensive Plan, Zoning Ordinance, Sign Ordinance, Subdivision Ordinance, and other applicable local, county, state or federal laws regulating the use of property in the Urban Renewal District.

ZONING CLASSIFICATIONS IN THE URBAN RENEWAL DISTRICT

- R-1 - Medium-Density Residential: The intent of these provisions is to provide an area of primarily single family homes, duplexes and manufactured homes, with apartments used as a conditional use.
- C-1 - Commercial: The intent of these provisions is to centralize commercial uses along U.S. Highway 101, and to maintain primary commercial uses such as stores, banks and offices in the central area of town. Large land users are intended to be located on the fringes of the commercial zone.
- I-1 - General Industrial: The intent of these provisions is to provide sites for industrial activities requiring large land areas, and which have generally greater impacts on the community, and which may be incompatible with other uses. Proximity to highway and railroad transportation is considered important.
- WD-1 - Water-Dependent Development: The intent of these provisions is to provide area in which primarily water dependent and water related uses are located for the support of the marine industry.
- WD-2 - Waterfront Development Support: The intent of these provisions is to provide backup area for waterfront uses, and a location for non-water dependent and water-related uses in a waterfront setting.
- EN - Estuary Natural: The intent of these provisions is to provide for preservation and protection of significant fish and wildlife habitats and other areas which make an essential contribution to estuarine productivity or fulfill scientific research or educational needs.
- EC-1 - Estuary Conservation 1: The intent of these provisions is to provide for long-term utilization of areas that support, or have the potential to support, valuable biological resources; for longer-term maintenance and

enhancement of biological productivity; for the long-term maintenance of the aesthetic values of estuarine areas, in order to promote or enhance the low-intensity recreational use of estuarine areas adjacent to rural or agricultural shorelands.

600. OUTLINE OF DEVELOPMENT

The Garibaldi Urban Renewal Plan consists of activities and actions that treat the causes of blight and deterioration in the Garibaldi Urban Renewal District. Project activities further are intended to implement the vision and guiding principles in Section 400 of this Plan. Project activities to treat blighting conditions and to implement community and comprehensive plan goals include:

- Providing infrastructure and utility upgrades to service new development in the Urban Renewal District, with initial emphasis on the Old Mill development site.
- Providing incentives to new public and private building investments in the Urban Renewal District, with initial emphasis on the Old Mill Site.
- Providing incentives for the repair and rehabilitation of deficient structures in the Urban Renewal District.
- Contribute to public buildings and facilities in the Urban Renewal District.
- Contribute to streetscape improvements in the Urban Renewal District.
- Provide funding for public parks and trails in the Urban Renewal District.

Section 700 provides further description of each urban renewal project to be undertaken within the Garibaldi Urban Renewal District.

700. DESCRIPTION OF PROJECTS TO BE UNDERTAKEN

The activities authorized for funding in the Garibaldi urban renewal plan are taken from City utility master plans detailing needed infrastructure improvements in the Garibaldi Urban Renewal District, from recommendations contained in the Garibaldi Connections Project, from recommendations contained in the Port of Garibaldi Vision Plan, and from recommendations by members of the CIAC.

To achieve the objectives of this Urban Renewal Plan, the following activities will be undertaken by the Urban Renewal Agency in accordance with applicable federal, state, county, and county laws, policies, and procedures. The Renewal Agency may fund these activities in full, in part, or it may seek other sources of funding for them.

A. PUBLIC IMPROVEMENTS

Public improvements include the construction, repair, or replacement of curbs,

sidewalks, streets, parking, parks and open spaces, pedestrian and bicycle amenities, water, sanitary sewer and storm sewer facilities, utilities, and other public facilities necessary to carry out the goals and objectives of this Plan.

1. PUBLIC PARKS AND OPEN SPACES

The Renewal Agency may participate in funding the design, acquisition, construction or rehabilitation of public spaces, parks or public recreation facilities within the Urban Renewal District. Projects that may be undertaken include:

- Grange Hall Picnic Area
- Miami Cove Shoreline and Water Trail
- School Creek Restoration
- Biak St. Overlook
- Development of City/Port Trail
- Access to Garibaldi Beach
- Heron Observation Deck
- Coast Guard Way Kayak Launch
- Gateway Improvements between US101 & Port of Garibaldi at 6th
- Bayshore Trail signing, paving, 10th to 12th Sts.
- Widen S. 7th St. for bike lane
- Widen American Way, stripe and ADA ramps
- Property acquisition for parks
- Build public plazas and squares

2. STREET, CURB, AND SIDEWALK IMPROVEMENTS

The Renewal Agency may participate in funding sidewalk and roadway improvements including design, redesign, construction, resurfacing, repair and acquisition of right-of way for curbs, streets, and sidewalks. Street, curb, and sidewalk improvements may include:

- Sidewalk Improvements through Port and Downtown
- Sixth St. Sidewalk Improvement to School
- Develop traffic calming features along Garibaldi Ave.
- Emergency Sign Improvement
- US 101 Widening
- US101 & 7th St. Reconstruction
- 1st St./US101 Right-Out Only
- 14th St./US101 Right-Out Only
- S. 3rd St. Improvements

- New 2nd St. Old Mill/Port Access
- Sidewalk on 6th St from Evergreen Ave. to US101
- US101 Bump-outs in Special Transportation Area
- Stripe Crosswalks on Biak Ave.
- Provide Crosswalks on S. American Ave. at 6th and 7th Sts
- Sidewalk on S. 7th St. from US101 to existing
- Sidewalk on 3rd St. from Evergreen Ave. to US101
- US101 ADA Ramps Downtown
- S. American Ave. ADA Ramps at 6th & 7th Sts.
- Expand Port Sidewalks
- S. Commercial Ave. Sidewalks
- US101 Northside Sidewalks
- US101 Southside Sidewalks
- Boat basin boardwalk
- Upgrade of Commercial Ave.

3. PUBLIC UTILITIES

The Renewal Agency is authorized to participate in funding improvements to water, storm, and sanitary sewer facilities in the area. Utility improvements may include:

STORMWATER

- School Creek - 4th & Acacia to 5th & RR
- Whitney Brook - 1st to US101
- Hobson Creek - Arizona Way
- Johnson Creek - 8th to RR ROW
- Johnson Creek - 11th to RR ROW
- School Creek - 3rd & Birch to 4th & Acacia
- Johnson Creek - 7th and 11th to RR ROW
- Johnson Creek - 10th St. to 9th & US101

WATER

- Two lines and borings under US101 at Driftwood Ave.
- New line along Third St. between Ginger and Driftwood Aves.
- New reservoir connection
- Line along 101 for Watseco intertie

WASTEWATER

- Lumberman's Park Pump Station Upgrade

- Miscellaneous Upsizing/Upgrading

MISCELLANEOUS UTILITY

- Bury overhead utilities along Garibaldi Ave.
- Improve Port street lights
- Underground utilities US101 from 12th to Driftwood Ave

4. STREETSCAPE AND NEIGHBORHOOD BEAUTIFICATION PROJECTS

The Renewal Agency is authorized to participate in activities improving the visual appearance of the project area. These improvements may include:

- Mural Project at Museum
- Landscaping around Public Bathrooms
- Interpretative Signage
- Gateway Signs
- US101 Decorative Street Lighting
- Gateway enhancement from US101
- Native Plant Restoration
- Addition of public art

5. PEDESTRIAN, BICYCLE, AND TRANSIT IMPROVEMENTS

The Renewal Agency may participate in funding improvements to public transit facilities, and make improvements including design, redesign, construction, resurfacing, repair and acquisition of right-of-way for pedestrian and bicycle paths and connections. These activities will improve transit options, and facilitate pedestrian and bicycle usage in the Garibaldi Urban Renewal District. These improvements may include:

- Water Trail Entry Point
- Railroad Pedestrian Barriers
- Improved Transit Stop
- Improved signage

6. PUBLIC BUILDINGS AND FACILITIES

The Renewal Agency may participate in development of public facilities in the Renewal District. The extent of the Renewal Agency's participation in funding such facilities will be based upon the Renewal Agency determining the proportional benefit of that project to the Garibaldi Urban Renewal District, and the importance of the project in carrying out Plan objectives. Potential public facilities to be funded may include:

PUBLIC PARKING

- Parking Lot Development at Third St.
- Parking Feasibility Study
- Pave 6th St. Lot
- Pave lots in Port area
- Improve Bay Lane Parking Lot
- Large Recreational Vehicle Lot

OTHER PUBLIC FACILITIES

- Amphitheatre Project
- Additional Public Restrooms
- Assist in constructing or improving public safety and administrative buildings
- Railroad Crossing Development
- Development of new boat basin
- Seawall development from Old Mill Peninsula
- Modernization of docks/boat access

B. PRESERVATION AND REHABILITATION

This activity will help improve the condition and appearance of buildings in the project area, and encourage infill and reuse in the Garibaldi Urban Renewal District. The Renewal Agency may participate, through loans, grants, or both, in maintaining and improving exterior and interior conditions of buildings or properties within the Garibaldi Urban Renewal District.

C. DEVELOPMENT AND REDEVELOPMENT

The Renewal Agency also is authorized to provide loans or other forms of financial assistance to parties wishing to develop or redevelop land or buildings within the Garibaldi Urban Renewal District. The Agency may make this assistance available as it deems necessary to achieve the objectives of this Plan. Examples of such assistance include, but are not limited to:

- Below market interest rate loans.

- Write down of land acquisition costs.
- Provision of public parking to assist development.
- Assistance in providing utilities and other infrastructure.
- Technical assistance, including architectural assistance, and zoning change work.
- Transfer of assembled sites at fair reuse value.
- Assist in cleanup of environmental hazards

D. PROPERTY ACQUISITION AND DISPOSITION

In order to carry out the objectives of this Plan, the Renewal Agency is authorized to acquire land or buildings for public and private development purposes. The procedures for acquiring and disposing of property are described in Sections 800 of this Plan.

- Acquisition of deteriorated buildings
- Acquisition of land for open space projects

E. PLAN ADMINISTRATION

Tax increment funds may be utilized to pay indebtedness associated with preparation of this Plan, to carry out design plans, miscellaneous land use and public facility studies, engineering, market, and other technical studies as may be needed during the course of the Plan. Project funds also may be used to pay for personnel and other administrative costs incurred in management of the Plan.

800. PROPERTY ACQUISITION AND DISPOSITION PROCEDURES

The Renewal Agency is authorized to acquire property within the Area, if necessary, by any legal means to achieve the objectives of this Plan. Property acquisition, including limited interest acquisition, is hereby made a part of this Plan and may be used to achieve the objectives of this Plan. However, private property within the Renewal District shall not be taken by eminent domain for the purpose of conveying any ownership or possessory interest in all or part of the property to a private party for economic development by, or the commercial benefit of the private party. This restriction shall not apply to property which, by reason of dilapidated condition, compromised structural integrity, or failed mechanical systems poses an actual identifiable threat of harm to public safety or health. All acquisition of property will require an amendment to the plan as set forth in Section 1100.

A. ACQUISITION REQUIRING CITY COUNCIL APPROVAL.

Acquisitions described in Section 800 A1 and A2 of this plan will require an amendment as set forth in Section 1100 B2. City Council ratification is required for Renewal Agency acquisitions for the following purposes:

1. Acquisition of land for development by the public or private sector.
2. Acquisition for any purpose that requires the use of the Agency's powers of eminent domain.

B. ACQUISITION NOT REQUIRING CITY COUNCIL APPROVAL.

Land acquisition not requiring City Council ratification requires a minor amendment to this Plan as set forth in Section 1100 C2. The minor amendment to the Renewal Plan may be adopted by the Renewal Agency by Resolution. The Agency may acquire land without Council ratification where the following conditions exist:

1. Where it is determined that the property can be acquired without condemnation and is needed to provide public improvements and facilities as follows:
 - Right-of-way acquisition for streets, alleys or pedestrian ways;
 - Right-of-way and easement acquisition for water, sewer, and other utilities.

2. Where the owner of real property within the boundaries wishes to convey title of such property by any means, including by gift.

C. PROPERTIES TO BE ACQUIRED

At the time this plan was adopted, no properties are identified for acquisition. If plan amendments to acquire property are approved, a map exhibit shall be prepared showing the properties to be acquired and the property will be added to the list of properties to be acquired. The list of properties acquired will be shown in this section of the Plan. The map exhibit shall be appropriately numbered and shall be included in Part Two as an official part of this Urban Renewal Plan.

900. REDEVELOPER'S OBLIGATIONS

Redevelopers within the Garibaldi Urban Renewal District will be subject to controls and obligations imposed by the provisions of this Plan. Redevelopers also will be obligated by the following requirements:

- A. The Redeveloper shall develop or redevelop property in accordance with the land-use provisions and other requirements specified in this Plan.
- B. The Renewal Agency may require the redeveloper to execute a development agreement acceptable to the Renewal Agency as a condition of any form of assistance by the Renewal Agency. The Redeveloper shall accept all conditions and agreements as may be required by the Renewal Agency.
- C. The Redeveloper shall submit all plans and specifications for construction of improvements on the land to the Renewal Agency or its designated agent, for review and approval prior to distribution to reviewing bodies as required by the City.
- D. The Redeveloper shall commence and complete the development of such property for the use provided in this Plan within a reasonable period of time as determined by the Renewal Agency.
- E. The Redeveloper shall not execute any instrument whereby the sale, lease, or occupancy of the real property, or any part thereof, is restricted upon the basis of age, race, color, religion, sex, marital status, or national origin.

1000. RELOCATION

The Renewal Agency will provide relocation assistance to all persons or businesses displaced by project activities. Those displaced will be given assistance in finding replacement facilities. All persons or businesses that may be displaced will be contacted to determine such relocation needs. They will be provided information on available space and will be given assistance in moving. All relocation activities will be undertaken and payments made, in accordance with the requirements of ORS 281.045-281.105 and any other applicable laws or regulations.

Relocation payments will be made as provided in ORS 281.060. Payments made to persons displaced from dwellings will assure that they will have available to them decent, safe, and sanitary dwellings at costs or rents within their financial reach. Payment for moving expenses will be made to residences and businesses displaced. The Development Agency may contract with Oregon Department of Transportation (ODOT), or other appropriate agencies or parties for assistance in administering its relocation program.

1100. PLAN AMENDMENTS

It is anticipated that this Plan will be reviewed periodically during the execution of the Project. The Plan may be changed, modified, or amended as future conditions warrant. Types of Plan amendments are:

A. SUBSTANTIAL AMENDMENTS

Substantial Amendments are limited to amendments:

1. Adding land to the Garibaldi Urban Renewal District that is in excess of one percent of the existing area of the Plan.
2. Increasing the maximum amount of indebtedness that can be issued or incurred under the Plan.

Substantial Amendments shall require the same notice, hearing and approval procedure required of the original Plan, including public involvement, consultation with taxing districts, presentation to the Planning Commission and adoption by the City Council by non-emergency ordinance after a hearing notice of which is provided to individual households as prescribed in ORS 457.

B. OTHER AMENDMENTS REQUIRING APPROVAL BY ORDINANCE OF CITY COUNCIL

The following types of amendments will require adoption by a non-emergency ordinance of the City Council, and require consultation with taxing districts, and presentation to the Planning Commission, but will not require the special notice prescribed in ORS 457.120.

1. The addition of improvements or activities which represent a substantial change in the purpose and objectives of this Plan, and which cost more than \$500,000. The \$500,000 amount will be adjusted annually from the year 2006 according to the "Engineering News Record" construction cost index for the Northwest area.
2. Acquisition of property for purposes specified in Section 800 A1 and A2 of this Plan.

C. MINOR AMENDMENTS.

Minor amendments may be approved by the Agency through resolution. Such amendments are defined as:

1. Amendments to clarify language, add graphic exhibits, make minor modifications in the scope or location of improvements authorized by this Plan, or other such modifications which do not change the basic planning or engineering principles of the Plan.
2. Acquisition of property for purposes specified in Section 800B1 and 800B2 of this Plan.
3. Addition of a project substantially different from those identified in Sections 700 of the Plan or substantial modification of a project identified in Section 700 if the addition or modification of the project costs less than \$500,000 in 2006 dollars.
4. Increases in the Garibaldi Urban Renewal District boundary that are less than one percent of the existing area of the Plan.

From time to time during the implementation of this Plan, the Planning Commission and the City Council may officially approve amendments or modifications to the City's Comprehensive Plan and implementing ordinances. Furthermore, the City Council may from time to time amend or approve new codes, regulation or ordinances, which affect the implementation of this Plan.

When such amendments, modifications, or approvals have been officially enacted by the City Council, such amendments, modifications or approvals that affect the provisions of the Plan shall, by reference, become a part of this Plan.

1200. MAXIMUM INDEBTEDNESS

The maximum indebtedness authorized under this Plan is eleven million, forty thousand and seventy dollars (\$11,040,070). This amount is the principal of indebtedness, and does not include interest or indebtedness incurred to refund existing indebtedness.

1300. FINANCING METHODS

A. GENERAL

The Renewal Agency may borrow money and accept advances, loans, grants and other forms of financial assistance from the federal government, the state, city, county or other public body, or from any sources, public or private for the purposes of undertaking and carrying out this Plan. In addition, the Renewal Agency may borrow money from, or lend money to a public entity in conjunction with a joint undertaking of a project authorized by this Plan. If such funds are loaned, the Renewal Agency may promulgate rules and procedures for the methods and conditions of payment of such loans. The funds obtained by the Renewal Agency shall be used to pay or repay any costs, expenses, advances and indebtedness incurred in planning or undertaking project activities or in otherwise exercising any of the powers granted by ORS Chapter 457.

B. TAX INCREMENT FINANCING

This Plan will be financed in whole, or in part, by tax increment revenues. The ad valorem taxes levied by all taxing districts in which all or a portion of the Garibaldi Urban Renewal District is located shall be divided as provided in Section 1C, Article IX of the Oregon Constitution and ORS 457.420 to 457.460.

C. PRIOR INDEBTEDNESS

Any indebtedness permitted by law and incurred by the Renewal Agency or the County in connection with preplanning for this Plan shall be repaid from tax increment proceeds generated pursuant to this section.

1400. DEFINITIONS

The following definitions will govern the construction of this Plan unless the context otherwise requires:

Agency, Renewal Agency or Urban Renewal Agency means the governing body of the Garibaldi Urban Renewal District.

Area means the area included within the boundaries of the Garibaldi Urban Renewal District.

Bonded Indebtedness means any formally executed written agreement representing a promise by a unit of government to pay to another a specified sum of money, at a specified date or dates at least one year in the future.

County means Tillamook County, Oregon.

Comprehensive Plan means the City's Comprehensive Land Use Plan and its implementing ordinances, policies and development standards.

Displaced person or business means any person or business required to relocate as a result of action by the Urban Renewal Agency to vacate a property for public use or purpose.

Disposition and Development Agreement means an agreement between the Urban Renewal Agency and a private developer which sets forth the terms and conditions under which will govern the disposition of land to a private developer.

Exhibit means an attachment, either narrative or map, to the Urban Renewal Plan for the Garibaldi Urban Renewal Agency.

Mixed Use means a development site, or a single building containing multiple uses. For example, a common type of mixed-use development is one that includes residential and retail uses, with related parking. Other combinations of uses are possible.

ORS means Oregon Revised Statute (State Law) and specifically Chapter 457 thereof.

Plan or Renewal Plan means the Urban Renewal Plan for the Garibaldi Urban Renewal District, Parts One and Two.

Planning Commission means the Planning Commission of the Garibaldi, Oregon.

Project, Activity or Project Activity means any undertaking or activity within the Renewal District, such as a public improvement, street project or other activity which is authorized and for which implementing provisions are set forth in the Urban Renewal Plan.

Report refers to the report accompanying the Urban Renewal Plan, as provided in ORS 457.085 (3).

Redeveloper means any person, individual or group acquiring property from the Development Agency or receiving financial assistance for the physical improvement of privately or publicly held structures and land.

Rehabilitation Loans and Grants means funds provided by the Renewal Agency to owners of existing properties within the Urban Renewal District for the purpose of rehabilitation, renovation, repair, or historic preservation of the property. Loan and grant policies and procedures will be developed by the Agency, to carry out the Rehabilitation and Conservation activities of this Plan.

Redevelopment Assistance means financial assistance provided by the Renewal Agency to private or public developers of property within the urban Renewal District. This assistance is intended to make development within the Renewal District financially feasible and competitive with other locations, and carry out the redevelopment through new construction activities of this Plan. Redevelopment Assistance may take the form of participation in financing public improvements such as parking, infrastructure, landscaping, and public places, providing technical information and assistance to potential redevelopers, re-sale of land at reduced prices, and such other assistance as the Agency determines is within its authority, and necessary.

State means the State of Oregon.

Text means the Urban Renewal Plan for the Garibaldi Urban Renewal District, Part One - Text.

Urban Renewal District, or Urban Renewal District means the geographic area for which this Urban Renewal Plan has been approved. The boundary of the Renewal District is described in Exhibits made a part of this plan.

GARIBALDI URBAN RENEWAL PLAN

GARIBALDI, OREGON

**PART TWO
EXHIBITS & ATTCHMENTS**

EXHIBITS

Exhibit 1..... Map of Plan Boundary

ATTACHMENTS

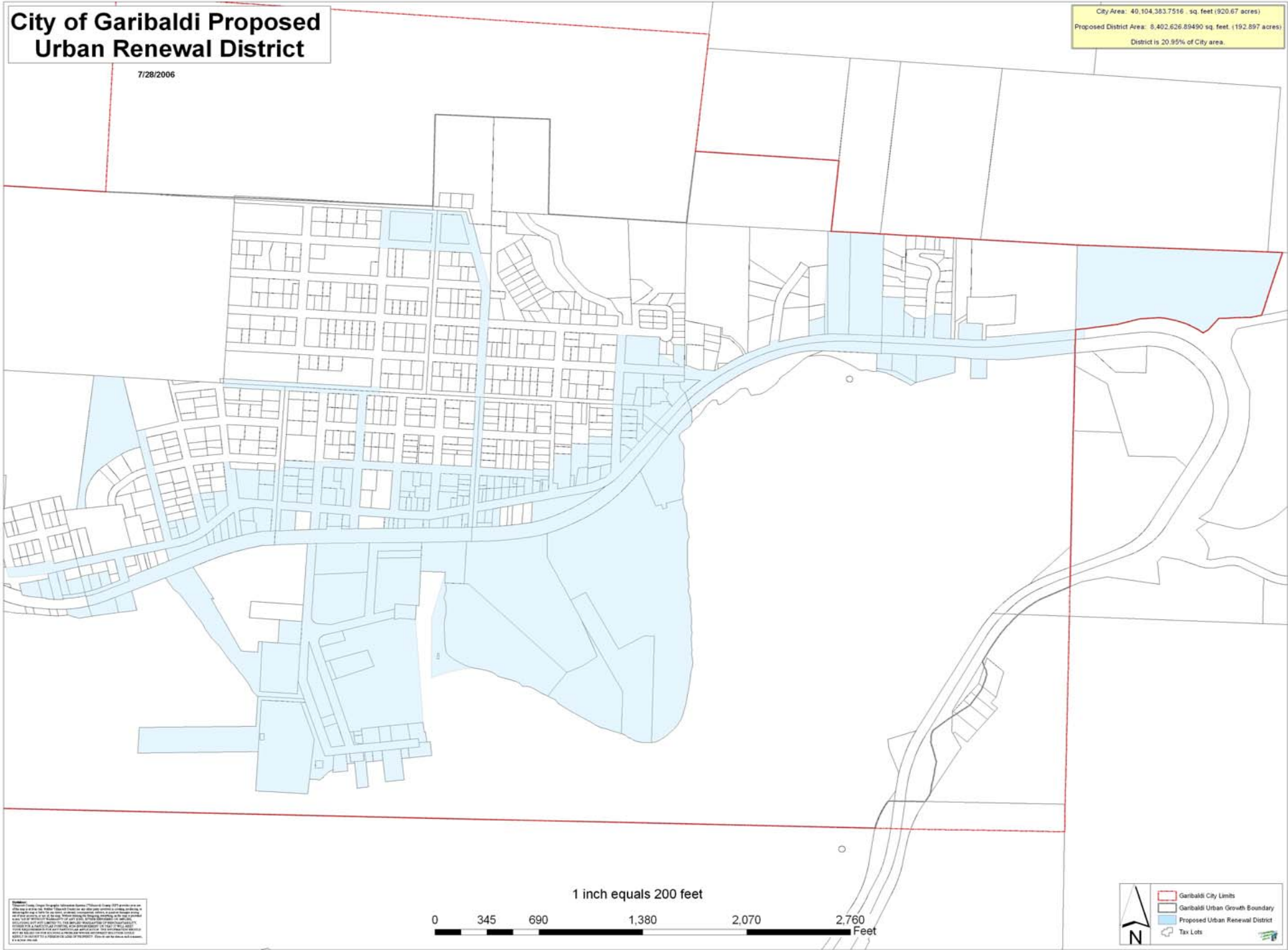
Attachment A Legal Description of Plan Boundary

Exhibit 1- Map of Garibaldi Urban Renewal Plan Boundary

City of Garibaldi Proposed Urban Renewal District

7/28/2006

City Area: 40,104,383.7516 sq. feet (920.67 acres)
Proposed District Area: 8,402,626.89490 sq. feet (192.897 acres)
District is 20.95% of City area.



Disclaimer: This map is provided for informational purposes only. It is not intended to be used as a legal document. The City of Garibaldi is not responsible for any errors or omissions on this map. The City of Garibaldi is not responsible for any damages or losses resulting from the use of this map. The City of Garibaldi is not responsible for any claims or lawsuits filed against the City of Garibaldi or its officials, employees, or agents, in any court of law, arising out of or in connection with the use of this map. The City of Garibaldi is not responsible for any claims or lawsuits filed against the City of Garibaldi or its officials, employees, or agents, in any court of law, arising out of or in connection with the use of this map.

Attachment A - Legal Description of Garibaldi Urban Renewal Plan Boundary

CITY OF GARIBALDI PROPOSED URBAN RENEWAL DISTRICT EXTERIOR BOUNDARY DESCRIPTION

Beginning at the Northeast corner of that tract of land conveyed to GLEN MERRITT, et ux, recorded April 16, 2004, Instrument 2004-2932, Tillamook County Deed Records, situated in Township 1 North, Range 10 West, Section 22, West of the Willamette Meridian, in Tillamook County, Oregon; thence along the North line of said Section 22, to the Northwest corner of said GLEN MERRITT, et ux, tract; thence South along the West line of Section 22 to the North right of way of Oregon Coast Highway 101, said point also being the Southeast corner of that tract of land conveyed to JAMES A. HOLMAN, et ux, recorded November 27, 2002, in Book 441, Page 813, Tillamook County Deed Records; thence Westerly along the South line of said HOLMAN tract to the West line thereof; thence South 1° 41' East 25 feet, more or less, to the North right of way line of Oregon Coast Highway 101; thence West 25 feet; thence North 1° 41' West 113.47 feet to the Northeast corner of that tract of land conveyed to VINCENT H. RICHARD, et ux, recorded December 15, 2000, in Book 422, Page 278, Tillamook County Deed Records; thence Westerly along said North line 104.50 feet, more or less, to the Southwest corner of that tract of land conveyed to VINCENT H. RICHARD, et ux, recorded October 14, 1994, in Book 364, Page 630, Tillamook County Deed Records; thence North 1° 41' 00" East along said RICHARD tract 30.82 feet; thence South 53° 29' 00" West 51.77 feet, more or less, to the Northwest tract of land conveyed to VINCENT H. RICHARD, et ux, recorded December 15, 2000, in Book 422, Page 278, Tillamook County Deed Records; thence continuing South 1° 41' 00" East 107.53 feet to the North right of way line of Oregon Coast Highway 101; thence continuing Westerly, along the North right of way line of Oregon Coast Highway 101, 50.21 feet, more or less, to the Southeast corner of Lot 1, Block 2, POLLYANN PARK Subdivision, situated in Section 22, Township 1 North, Range 10 West, Willamette Meridian; thence North along said East line of Lot 1, Block 2, POLLYANN PARK, 169.90 feet to the Northeast corner thereof; thence South 89° 40' East 112.61 feet, to the Northwest corner of said Lot 1, Block 2, POLLYANN PARK; thence in a straight line Southwesterly, 60 feet, more or less, to the Southeast corner of Lot 1, Block 1, POLLYANN PARK Subdivision; thence North 89° 45' West 75 feet; thence North 55° 52' 45" West 81.28 feet to the West line of Lot 1, Block 1, POLLYANN PARK; thence North along the West line of Lots 1 and 2, Block 1, POLLYANN PARK, to the Northeast corner of that tract of land conveyed to THOMAS NORTH, et ux, recorded March 17, 1992, Book 341, Page 130, Tillamook County Deed Records; thence South 89° 09' West 145.82 feet, more or less, to the Northwest corner of said NORTH tract, said point also being the Southwest corner of that tract conveyed to HAROLD M. STERN, et ux, recorded October 4, 2000, in Book 420, Page 571, Tillamook County Deed Records; thence North along said STERN West line 75 feet, more or less, to the Southwest corner of that tract of land conveyed to RIGOBERTO FERNANDEZ, recorded March 2, 2006, by Instrument 2006-1758, Tillamook County Deed Records; thence North along said FERNANDEZ West line 94.64 feet, more or less, to the Southwest corner of that tract of land conveyed to VIRGINIA L. UNDERHILL, recorded May 25, 1993, in Book 351, Page 37, Tillamook County Deed Records; thence North along said UNDERHILL West line 80.96 feet, more or less, to the Southwest corner of that tract of land conveyed to JOSEPH A. MOTSINGER, et ux, recorded August 2, 2004, by Instrument 2004-7620, Tillamook County Deed Records; thence North along said MOTSINGER West line 111.28 feet, more or less, to the Southwest corner of that tract of land conveyed to GORDON L. SOUTHWICK, et ux, recorded November 3, 1997, in Book 391, Page 173, Tillamook County Deed Records; thence North along said SOUTHWICK West line 95.69 feet, more or less, to the North line of Section 22, Township 1 North, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon; thence continuing in a Westerly direction along the North line of Section 22, 350 feet, more or less, to the Northeast corner of PARCEL 1, PARTITION PLAT 2006-12, recorded March 2, 2006, Partition Plat Records, Tillamook County, Oregon; thence South 01° 38' 12" East 234.63 feet to the Southeast corner of said PARCEL 1, PARTITION PLAT 2006-12; thence continuing in a Southwesterly direction 475 feet, more or less, to the Northeast corner of that tract of land conveyed to KEITH S. TUCKER, et ux, recorded February 21, 1984, in Book 291, Page 563, Tillamook County Deed Records; thence South 73° 33' West 129 feet to the Northwest corner of said TUCKER tract; thence South 108.9 feet, more or less, to the Northerly right of way line of Oregon Coast Highway 101; thence in a Southwesterly direction, along said right of way line, 203.20 feet, more or less, to the Easterly line of the Southerly extension of Franklin Street; thence North 30 feet, more or less, along said Easterly line of Franklin Street extended to a point on the East line of Franklin Street as platted; thence Westerly across Franklin Street, 60 feet to the West line of said Franklin Street as platted; thence South 30 feet, more or less, along the Westerly line of Franklin Street extended to the Northerly line of Oregon Coast Highway 101; thence Southwesterly along the Northerly line of Oregon Coast Highway 101, to the Southeast corner of that tract of land conveyed to

THEODORE H. NELSON, recorded December 27, 2005, by Instrument 2005-11614, Tillamook County Deed Records; thence North 86° 25' West 75.05, more or less, to the Southwest corner of that tract conveyed to said THEODORE H. NELSON; thence North 85° East 30.36 feet; thence North 71° East 108.62 feet, more or less, to a point on the West line of that tract conveyed to WILLIAM M. TROUTMAN, et ux, recorded August 29, 1990, in Book 330, Page 335, Tillamook County Deed Records, said point also being on the East line of Section 21, Township 1 North, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon; thence North along said East line of Section 21, 150 feet, which is the Northeast corner of that tract of land conveyed to LEONARD G. GRIBLER, and LEONA D. GRIBLER FAMILY TRUST, recorded August 3, 1994, in Book 362, Page 657, Tillamook County Deed Records; thence North 88° 24' West 75 feet; thence South 122.51 feet to a point that is North 68° 35' West 81 feet from the Southeast corner of that tract conveyed to said GRIBLER FAMILY TRUST; thence North 68° 35' West 140.46 feet, more or less, to a point on the East line of Lot 18, Block 8, RUSSELL HAWKINS ADDITION TO GARIBALDI; thence North along the East lines of Lot 18 and Lot 1, to the Northeast corner of Lot 1, Block 8, RUSSELL HAWKINS ADDITION TO GARIBALDI; thence Westerly along the North line of Block 8, RUSSELL HAWKINS ADDITION TO GARIBALDI, to the Northwest corner thereof; thence West 60 feet across First Street to the Northeast corner of Lot 1, Block 9, RUSSELL HAWKINS ADDITION TO GARIBALDI; thence South along the East line of Block 9, RUSSELL HAWKINS ADDITION TO GARIBALDI, to the Southeast corner thereof; thence South across Driftwood Avenue to the Northeast corner of Block 6, RUSSELL HAWKINS ADDITION TO GARIBALDI; thence South along the East line of Block 6, RUSSELL HAWKINS ADDITION TO GARIBALDI, to the Southeast corner thereof; thence South 60 feet to the Northeast corner of Lot 3, Block 2, RUSSELL HAWKINS ADDITION TO GARIBALDI; thence South along the East line of Lot 2, Block 2, RUSSELL HAWKINS ADDITION TO GARIBALDI, to the Northeast corner of Lot 11, Block 2, RUSSELL HAWKINS ADDITION TO GARIBALDI; thence Westerly along the North line of said Lot 11, to the Northwest corner thereof; thence South following the West line of Lots 11, 12 and 13, Block 2, RUSSELL HAWKINS ADDITION TO GARIBALDI, to the Southeast corner of PARCEL 2, PARTITION PLAT 1993-15, recorded April 9, 1993, Partition Plat Records, Tillamook County, Oregon; thence South 88° 24' East 113.52 feet to the Southwest corner of PARCEL 2, PARTITION PLAT 1993-15, recorded April 9, 1993, Partition Plat Records, Tillamook County, Oregon; thence South 75 feet, more or less, to the Northeast corner of that tract of land conveyed to GARIBALDI MUSEUM, by instrument recorded December 14, 1988, Book 319, Page 107, Tillamook County Deed Records; thence South 88° 24' West 113.52 feet to the Northwest corner of that tract of land conveyed to GARIBALDI MUSEUM, by instrument recorded December 14, 1988, Book 319, Page 107, Tillamook County Deed Records; thence South, following the West line of said Garibaldi Museum tract to a point East 30 feet of the Southeast corner of Lot 18, Block 3, RUSSELL HAWKINS ADDITION TO GARIBALDI; thence West 30 feet to said Southeast corner of Lot 18, Block 3, RUSSELL HAWKINS ADDITION TO GARIBALDI; thence West along the South line of said Lot 18, to the Southwest corner thereof; thence South 5 feet, more or less, to the Southeast corner of Lot 8, Block 2, BAYLEY PARK Subdivision; thence West along the South line of Block 2, BAYLEY PARK Subdivision, to the Southwest corner of Lot 14, Block 2, BAYLEY PARK Subdivision; thence North 1° 36' West, along the West line of Block 2, BAYLEY PARK Subdivision to the Northwest corner of Lot 1, Block 2, BAYLEY PARK Subdivision; thence continuing North 60 feet, more or less, to the Southwest corner of Lot 14, Block 1, BAYLEY PARK Subdivision; North 1° 36' West, along the West line of Block 1, BAYLEY PARK Subdivision to the Northwest corner of Lot 1, Block 1, BAYLEY PARK Subdivision; thence continuing North 60 feet, more or less, to the Southwest corner of Lot 19, Block 5, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence North along the West line of said Block 5, to the Northwest corner of Lot 18, Block 5, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence North 60 feet, more or less, to the Southwest corner of Block 3, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence North along the West line of said Block 3, to the Northwest corner of Lot 8, Block 3, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence continuing North 60 feet, more or less, to the Southwest corner of that tract of land conveyed to PAT AEDER, by instrument recorded June 29, 1998, Book 397, Page 860, Tillamook County Deed Records; thence North along the West line of said PAT AEDER tract, 148 feet, to the Northwest corner thereof; thence continuing North 50 feet, more or less, to the Northwest corner of that tract of land conveyed to ROBERT TAYLOR, et ux, recorded November 23, 2005, Instrument No. 2005-10629, Tillamook County Deed Records, said point also being on the Easterly line of that 60 foot roadway known as Third Street, as platted and dedicated to the public in the Subdivision Plat of RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence continuing in a Northwesterly direction along the Easterly line of Third Street, approximately 265.54 feet, more or less, to the Southwest corner of PARCEL 1, PARTITION PLAT 1992-31, September 29, 1992, Partition Plat Records, Tillamook County, Oregon; thence continuing in a Northwesterly direction along the Easterly line of Third Street, approximately 300 feet, more or less, to the Northeast corner of the plat of RUSSELL HAWKINS SECOND ADDITION, as platted, said point being on the Easterly line of Third Street as it intersects the North line of Holly Avenue, as platted and dedicated to the public; thence West along the North line of Holly Avenue, approximately 250 feet, more or less, to a point that is North 50 feet from the Northeast corner of Lot 1, Block 2, SECOND AMENDED GARIBALDI PARK Subdivision; thence South 50 feet to

the Northeast corner of said Lot 1, Block 2, SECOND AMENDED GARIBALDI PARK Subdivision; thence South along the East line of said Block 2, SECOND AMENDED GARIBALDI PARK Subdivision to the Southeast corner of Lot 18, Block 2, SECOND AMENDED GARIBALDI PARK Subdivision; thence South 60 feet to the Northeast corner of Lot 1, Block 5, SECOND AMENDED GARIBALDI PARK Subdivision; thence East 60 feet to the Northwest corner of Lot 6, Block 6, SECOND AMENDED GARIBALDI PARK Subdivision; thence East along the North line of Block 6, SECOND AMENDED GARIBALDI PARK Subdivision to the Northeast corner of Lot 1, Block 6, SECOND AMENDED GARIBALDI PARK Subdivision; thence East 60 feet to the Northwest corner of Lot 5, Block 5, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence East along the North line of Block 5, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI, to the Northeast corner of Lot 1 of said Block 5, said point also being on the Westerly line of Third Street; thence Southeasterly along the East line of said Block 5, to the Southeast corner of Lot 10, Block 5, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence Southeasterly 60 feet to the Northeast corner of Lot 1, Block 4, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence South along the East line said Block 4, to the Southeast corner of Lot 12, Block 4, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence South 60 feet to the Northeast corner of Lot 1, Block 2, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence South along the East line of said Block 2, to the Southeast corner of Lot 12, Block 2, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence South 60 feet to the Northeast corner of Lot 1, Block 1, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence South along the East line of said Block 1, to the Southeast corner of Lot 12, Block 1, RUSSELL HAWKINS SECOND ADDITION TO GARIBALDI; thence South 60 feet to the Northeast corner of Lot 10, Block 2, GARIBALDI; thence continuing South along the East line of said Block 2, GARIBALDI, to the Southeast corner thereof; thence South 50 feet to the Northeast corner of Lot 10, Block 3, GARIBALDI; thence South along the East line of Block 3, GARIBALDI, to the Southeast corner of Lot 6, Block 3, GARIBALDI; thence West along the South line of Lots 6 and 5 of said Block 3, to the Southwest corner of Lot 5, Block 3, GARIBALDI; thence West 60 feet to the Southeast corner of Lot 6, Block 4, GARIBALDI; thence West along the South line of Lots 6 and 5, to the Southwest corner of Lot 5, Block 4, GARIBALDI; thence West 60 feet to the Southeast corner of Lot 8, Block 6, BAYVIEW ADDITION TO GARIBALDI; thence West along the South line of said Block 6, to the Southwest corner of Lot 5, Block 6, BAYVIEW ADDITION TO GARIBALDI; thence North 200 feet along the West line of Block 6, to the Northwest corner of Lot 4, Block 6, BAYVIEW ADDITION TO GARIBALDI; thence North 60 feet to the Southwest corner of Lot 5, Block 1, BAYVIEW ADDITION TO GARIBALDI; thence North 200 feet along the West line of Block 1, to the Northwest corner of Lot 4, Block 1, BAYVIEW ADDITION TO GARIBALDI; thence East along the North line of said Block 1, 100 feet to the Northeast corner of Lot 3, Block 1, GARIBALDI; thence North 60 feet, more or less, to the Southwest corner of Lot 7, Block 13, SECOND AMENDED GARIBALDI PARK Subdivision; thence West 60 feet to the Southeast corner of Lot 18, Block 14, SECOND AMENDED GARIBALDI PARK Subdivision; thence continuing West, along the South line of said Block 14 to the Southwest corner of Lot 10, Block 14, SECOND AMENDED GARIBALDI PARK Subdivision; thence West 60 feet to the Southeast corner of Block 15, SECOND AMENDED GARIBALDI PARK Subdivision; thence continuing West along the South line of said Block 15, SECOND AMENDED GARIBALDI PARK Subdivision to the Southwest corner thereof; thence South 60 feet, more or less, to the Northwest corner of Lot 5, Block 3, BAYVIEW ADDITION; thence East along the North line of said Block 3, to the Northeast corner of Lot 1, Block 3, BAYVIEW ADDITION; thence South 88° 24' East 115.64 feet, to a point on the West line of Eighth Street as platted and dedicated to the public; thence continuing South 88° 24' East 200 feet to a point 60 feet West of the Northwest corner of Lot 4, Block 2, BAYVIEW ADDITION TO GARIBALDI; thence East 60 feet to the Northwest corner of Lot 4, Block 2, BAYVIEW ADDITION TO GARIBALDI; thence continuing East 200 feet to the Northeast corner of Lot 1, Block 2, BAYVIEW ADDITION TO GARIBALDI; thence South along the East line of said Block 2, to the Southeast corner of Lot 8, Block 2, BAYVIEW ADDITION TO GARIBALDI; thence South 60 feet to the Northeast corner of Lot 1, Block 5, BAYVIEW ADDITION TO GARIBALDI; thence South along the East line of said Block 5, to the Southeast corner of Lot 8, Block 5, BAYVIEW ADDITION TO GARIBALDI; thence West along the South line of said Block 5, to the Southwest corner of Lot 5, Block 5, BAYVIEW ADDITION TO GARIBALDI; thence Southwesterly 60 feet, more or less, to the Northeast corner of that tract of land conveyed to RANDY STELZIG, et ux, recorded October 18, 2002, Book 440, Page 787, Tillamook County Deed Records; thence Westerly 200 feet, more or less, to the Northwest corner of said tract of land conveyed STELZIG tract; thence South 50 feet to the Southwest corner of that tract of land conveyed to RANDY STELZIG, et ux; thence Southwesterly 60 feet, more or less, to the Northeast corner of Lot 10, Block E, EAST GARIBALDI Subdivision; thence West along the North line of Block E, EAST GARIBALDI Subdivision to the Northwest corner of Lot 6, Block E, EAST GARIBALDI Subdivision, said point also being on the South line of Lot 2, Block 9, BAYVIEW ADDITION; thence continuing Westerly along the South line of said Lot 2, Block 9, BAYVIEW ADDITION, to the Southwest corner thereof; thence Northwesterly along the West line of said Lot 2, to the Northwest corner of said Lot 2, Block 9, BAYVIEW ADDITION; thence Westerly 40 feet, more or less, to the Northeast corner of Lot 1, Block 3, GARIBALDI HEIGHTS Subdivision; thence South along the Easterly line of Block 3, GARIBALDI HEIGHTS Subdivision, to the Northeast corner of

Lot 4, Block 3, GARIBALDI HEIGHTS Subdivision; thence Westerly along the North line of Lots 4 and 8, to the Northwest corner of Lot 8, Block 3, GARIBALDI HEIGHTS Subdivision; thence Westerly 60 feet, more or less, to the Northeast corner of that tract of land conveyed to DAVID MAXWELL, et ux, recorded August 30, 2001, Book 428, Page 814, Tillamook County Deed Records, said point being on the West line of Tenth Street, as platted and dedicated to the public; thence continuing Southeasterly along the West line of Tenth Street, 150 feet, to the Northeast corner of that tract of land conveyed to BRUCE CLARK, recorded August 23, 1999, Book 410, Page 356, Tillamook County Deed Records; thence South 74° 23' West 200 feet, more or less, to the Northwest corner of that tract of land conveyed to ROY JAMIESON, et ux, recorded March 5, 1997, Book 385, Page 47, Tillamook County Deed Records, said point being on the East line of Eleventh Street, as platted and dedicated to the public; thence North 15° 37' West 350 feet to the Northwest corner of that tract of land conveyed to JAMES JENSEN, et ux, recorded July 8, 1999, Book 408, Page 981, Tillamook County Deed Records; thence North 15° 37' West 60 feet to the Southwest corner of PARCEL 1, PARTITION PLAT 1990-1, recorded March 12, 1990, Partition Plat Records, Tillamook County, Oregon; thence North 15° 37' West 100 feet to the Northwest corner of PARCEL 1, PARTITION PLAT 1990-1, recorded March 12, 1990, Partition Plat Records, Tillamook County, Oregon; thence North 15° 37' West 100 feet to the Northwest corner of that tract of land conveyed to GARIBALDI PROPERTY LLC, recorded May 24, 2001, Book 426, Page 193, Tillamook County Deed Records; thence North 60 feet, more or less, to a point on the South line of that tract of land conveyed to JOHN FOULK, et ux, recorded September 25, 1998, Book 400, Page 587, Tillamook County Deed Records; thence South 74° 23' West 60 feet, more or less, to the Southwest corner of that tract of land conveyed to JOHN FOULK, et ux; thence North 15° 37' West 400 feet, more or less, to the Northwest corner of that tract of land conveyed to JOHN FOULK, et ux; thence West 173.1 feet to the Northwest corner of that tract of land conveyed to CITY OF GARIBALDI, recorded November 21, 2005, Instrument No. 2005-10522, Tillamook County, Oregon; thence South 5° 41' East 1092.6 feet, more or less, to the North line of that tract of land conveyed to USA COAST GUARD, as stated in Agreement recorded May 1, 1980, Book 269, Page 263, Tillamook County Deed Records and known as Tax Account No. 1N10 21BD 9500; thence North 81° 21' East 75 feet, more or less, to a point which is South 81° 21' West 150 feet from the Southeast corner of that tract of land conveyed to said USA COAST GUARD; thence in a Northerly direction following the West line of that tract of land conveyed to DAVID SIGAFOOS, et ux, recorded September 18, 1999, Book 410, Page 883, Tillamook County Deed Records, to the Northwest corner of that tract of land conveyed to JERALD REIBER, et ux, November 14, 1986, Book 306, Page 754, Tillamook County Deed Records; thence continuing in a Northeasterly direction 65 feet, more or less, to the Northwest corner of that tract of land conveyed to JERALD REIBER, et ux, tract; thence continuing in a Northeasterly direction 120 feet, more or less, to the Northwest corner of that tract of land conveyed to RICHARD MYERS, et ux, recorded April 4, 1996, Book 377, Page 232, Tillamook County Deed Records; thence continuing in a Northeasterly direction 138 feet, more or less, to the Northeast corner of said RICHARD MYERS tract, said point also being on the West line of Eleventh Street as platted and dedicated to the public; thence South 15° 37' West 150 feet, more or less, to the Southeast corner of said tract RICHARD MYERS tract; thence South 60 feet, more or less, to the Northeast corner of that tract of land conveyed to HAROLD ROYALTY, et ux, recorded January 2, 1985, Book 296, Page 445, Tillamook County Deed Records; thence South 15° 37' West 102.74 feet to the Southeast corner of said HAROLD ROYALTY, et ux, tract; thence South 15° 37' West 110.37 feet to the Southeast corner of that tract of land conveyed to DAVID LARSEN, et ux, recorded March 18, 2005, Instrument No. 2005-2210, Tillamook County Deed Records; thence South 15° 37' West 50 feet to the Northeast corner of PARCEL 2, PARTITION PLAT 1992-4, recorded April 21, 1992, Partition Plat Records, Tillamook County, Oregon; thence South 15° 37' West 112.50 feet to the Southeast corner of PARCEL 1, PARTITION PLAT 1992-4, recorded April 21, 1992, Partition Plat Records, Tillamook County, Oregon; thence South 15° 37' West 100 feet to the Southeast corner of that tract of land conveyed to KENNETH SMITH, et al, recorded July 30, 2004, Instrument No. 2004-6504, Tillamook County Deed Record, said point also being on the Northerly right of way line of Oregon Coast Highway 101; thence South 75° 27' West 111.00 feet to the Southwest corner of said KENNETH SMITH, et al, tract; thence South 75° 27' West 109.3 feet, more or less, to the Southeast corner of that tract of land conveyed to USA COAST GUARD, as stated in Agreement recorded May 1, 1980, Book 269, Page 263, Tillamook County Deed Records and known as Tax Account No. 1N10 21BD 9500; thence South 75° 27' West 250 feet, more or less, to the Southeast corner of that tract of land conveyed to RACHEL HAMANN, recorded February 6, 1968, Book 211, Page 279, Tillamook County Deed Records; thence South 75° 27' West 60 feet to the Southeast corner of that tract of land conveyed to RACHEL HAMANN, recorded May 5, 1971, Book 223, Page 9, Tillamook County Deed Records; thence South 75° 27' West 50 feet to the Southeast corner of Lot 1, Block 6, GARIBALDI; thence West along the South line of said Block 6, GARIBALDI, 150 feet, more or less, to the Southwest corner of Lot 3, Block 6, GARIBALDI; thence Northwesterly 60 feet to the Southeast corner of Lot 1, Block 5, GARIBALDI; thence Westerly following the South line of Block 5, GARIBALDI to the Southwest corner of Lot 4, Block 5, GARIBALDI; thence Northwesterly 60 feet to the Southeast corner of Lot 1, Block 4, GARIBALDI; thence due South across the right of way line of Oregon Coast Highway 101 to the Southeast corner of that tract of land conveyed to MIKE OPOKA, et ux, recorded September 30, 1988, Book 318, Page 16, Tillamook

County Deed Records, said point also being on the Northerly right of way line of the Port of Tillamook Bay Rail Road; thence Southeasterly along the Northerly right of way line of the Port of Tillamook Bay Rail Road 60 feet, more or less, to the West line of Lot 5, Block 2, GARIBALDI; thence Southerly and Easterly following the North line of the Port of Tillamook Bay Rail Road to the Southeast corner of Lot 4, Block 1, GARIBALDI; thence South across the Port of Tillamook Bay Rail Road to the Northeast corner of that tract of land conveyed to PORT OF GARIBALDI, June 24, 1980, Book 270, Page 123, Tillamook County Deed Records; thence continuing South along the West line of that tract of land conveyed to PORT OF GARIBALDI, to the Southwest corner thereof, said point being on the approximate shore line of Tillamook Bay; thence following the approximate shore line of the Tillamook Bay, in a Southeasterly direction, to the Southeast corner of that tract of land conveyed to PORT OF GARIBALDI, recorded June 26, 1980, Book 270, Page 191, Tillamook County Deed Records; thence North along the East line of that tract of land conveyed to PORT OF GARIBALDI to the Northeast corner thereof (said point also being South of the Southerly right of way line of the Port of Tillamook Bay Rail Road); thence following the approximate shore line of the Tillamook Bay, in an Easterly direction to Westerly line of that tract known as PARCEL C, in that Agreement between USA COAST GUARD and PORT OF BAY CITY, recorded May 1, 1980, Book 269, Page 263, Tillamook County Deed Records, said PARCEL C comprises a boathouse, with trestle; from said last point the trestle, tree feet in breadth, extends on a line somewhat East of South; thence, shortly before the boathouse, it forms an oblique angle and continues seaward on a line barely East of South; and then, at the boathouse, it gives onto the deck of the boathouse. The boathouse includes that deck and walkway on pilings and a launch way; thence Southeasterly following the Westerly line of that existing deck, to a point at the Northwest corner of USA COAST GUARD tract; thence South 209.86 feet, more or less on the North line of the USA COAST GUARD, as stated in Agreement recorded May 1, 1980, Book 269, Page 263, Tillamook County Deed Records tract; thence Westerly 800 feet; thence South 180 feet to the most Westerly Southwest corner of said USA COAST GUARD tract; thence Northeasterly 800 feet to the West line of that tract of land conveyed to USA COAST GUARD tract known as PUBLIC CARGO DOCK; thence Southerly 300 feet, more or less, to the Southwest corner of that USA COAST GUARD tract; thence Easterly 350 feet along the South line thereof, to the Southeast corner of that USA COAST GUARD tract; thence North 150 feet, more or less, along the East line of said USA COAST GUARD tract to the approximate shore line of the Tillamook Bay; thence Northeasterly following the approximate shore line of the Tillamook Bay to the West line of that tract of land conveyed to PORT OF BAY CITY, recorded July 19, 1991, Book 336, Page 185, Tillamook County Deed Records; thence South to the Southwest corner of that tract of land conveyed to PORT OF BAY CITY; thence North along the East line of that tract of land conveyed to PORT OF BAY CITY, to the approximate shore line of the Tillamook Bay; thence Easterly to the West line of that tract of land conveyed to PORT OF BAY CITY; thence South 160 feet, more or less, to the Southwest corner of that tract of land conveyed to PORT OF BAY CITY; thence Northeasterly 95 feet, more or less, to the Southeast corner of that tract of land conveyed to PORT OF BAY CITY; thence Northerly along the East line of that tract of land conveyed to PORT OF BAY CITY, to the approximate shore line of the Tillamook Bay; thence Northeasterly 135 feet, more or less, following the approximate shore line of the Tillamook Bay to a point on the West line of that tract of land conveyed to PORT OF BAY CITY; thence South 160 feet, more or less, to the Southwest corner of that tract of land conveyed to PORT OF BAY CITY; thence Northeasterly along the South line of said PORT OF BAY CITY tract, 125 feet to the Southeast corner thereof; thence Northerly along the East line of that tract conveyed to said PORT OF BAY CITY, to the Southwest corner of that tract of land conveyed to PORT OF BAY CITY; thence Northeasterly 200 feet, more or less, to the Southeast corner of that tract of land conveyed to VANDECOEVERING FISH DOCK, recorded December 4, 1989, Book 325, Page 207, Tillamook County Deed Records; thence Northwesterly 100 feet, more or less, to the Northeast corner of that VANDECOEVERING FISH DOCK tract; thence Southwesterly 28 feet, more or less, to the East line of that tract of land conveyed to PORT OF BAY CITY; thence following the Easterly line of said tract conveyed to PORT OF BAY CITY, to the most Northerly corner thereof; thence in a Northerly direction to the Southwest corner of that tract of land conveyed to PORT OF GARIBALDI, recorded April 16, 1984, Book 292, Page 460, Tillamook County Deed Records; thence West along the South line of said PORT OF GARIBALDI tract, 165 feet; thence South 74.69 feet to the Northwest corner of that tract of land conveyed to PORT OF GARIBALDI; thence Southerly and Easterly, following the approximate shoreline to the Southeasterly corner of that tract of land conveyed to OLD MILL INVESTMENT LLC, recorded October 21, 2005, Instrument No. 2005-9477, Tillamook County Deed Records; thence following said approximate shoreline in a Northeasterly and Northerly direction to a point on the Southerly right of way line of the Port of Tillamook Bay Rail Road, which is South 50 feet from the Meander Corner of Sections 21 and 22, Township 1 North, Range 10 West of the Willamette Meridian; thence Northeasterly along the Southerly right of way line of the Port of Tillamook Bay Rail Road, to the Northwest corner of that tract of land conveyed to BEVERLY MERRILL, TRUSTEE, recorded November 2, 1998, Book 401, Page 654, Tillamook County Deed Records; thence South 1° 09' East 108 feet to the Southwest corner of said BEVERLY MERRILL, TRUSTEE, tract; thence East 27.74 feet; thence South 82° 11' East 60 feet, more or less; thence South 82° 11' East 26 feet; thence South 60° 01' East 151.29 feet; thence Northeasterly along the South line of that tract of land conveyed to

BEVERLY MERRILL, TRUSTEE, 260 feet, more or less, to the Southeast corner of said BEVERLY MERRILL, TRUSTEE tract; thence North 0° 43' West 108.71 feet, more or less, to said Northeast corner of tract of land conveyed to BEVERLY MERRILL, TRUSTEE, said point also being on the Southerly right of way line of the Port of Tillamook Bay Rail Road; thence East 104.5 feet, more or less, along the South right of way line of the Port of Tillamook Bay Rail Road to the Northwest corner of that tract of land conveyed to LEROY GODFREY, recorded December 30, 2002, Book 442, Page 764, Tillamook County Deed Records; thence South 160 feet, more or less, to the Southwest corner of tract of land conveyed to said LEROY GODFREY; thence East 104.5 feet, more or less, to the Southeast corner of that tract of land conveyed to LEROY GODFREY; thence North 160 feet, more or less, to the Northeast corner of said tract of land conveyed to LEROY GODFREY, said point also being on the Southerly right of way line of the Port of Tillamook Bay Rail Road; thence Easterly along the Southerly right of way line of the Rail Road, to a point on the West line of the Northwest quarter of the Northeast quarter of Section 22, Township 1 North, Range 10 West, Willamette Meridian; thence due North along the West line 100 feet, more or less, to a point on the Northerly line of the Port of Tillamook Bay Rail Road; thence Northeasterly along the Northerly line of said Rail Road, 90 feet, more or less, to the East line of that 20 foot Right of Entry, granted to TILLAMOOK PEOPLE'S UTILITY DISTRICT, recorded August 15, 1967, Book 208, Page 451, Tillamook County Deed Records; thence North 70 feet, more or less, to the Northerly right of way line of Oregon Coast Hwy 101, said point also being on the South line of that tract of land conveyed to GLEN MERRITT, et ux, recorded April 16, 2004, Instrument 2004-2932, Tillamook County Deed Records; thence along the South line of the GLEN MERRITT tract and the North right of way line of the Oregon Coast Hwy 101, to its intersection with that County Roadway known as Miami River Road; thence along the South line of the GLEN MERRITT tract and the North line of Miami River Road, to the Southeast corner of said GLEN MERRITT tract; thence North 15° West 495 feet, more or less, to the Northeast corner of said GLEN MERRITT tract and the Point of Beginning, the entire exterior boundary description herein described being in Sections 21 and 22, Township 1 North, Range 10 West, Willamette Meridian, in Tillamook County, Oregon.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:

- a) Lots 4, 5, 6 and 7, Block 4, BAYLEY PARK Subdivision, in Tillamook County, Oregon.
- b) Lots 1 and 2, Block 7, BAYVIEW ADDITION TO GARIBALDI, in Tillamook County, Oregon.
- c) Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block H, EAST GARIBALDI, in Tillamook County, Oregon. ALSO that portion described as: Beginning at the Southeast corner of Lot 1, Block H, EAST GARIBALDI; thence West along the South lines of Lots 1, 2, 3 and 4, to the Southwest corner of said Lot 4; thence South 20.7 feet to the North right of way line of Oregon Coast Hwy 101; thence East along said North right of way line to a point 24.7 feet South of the Southeast corner of Lot 1, Block H, EAST GARIBALDI; thence North 24.7 feet to the point of beginning.
- d) PARCELS 1 AND 2, PARTITION PLAT 2005-12, recorded May 24, 2005, Partition Plat Records, Tillamook County, Oregon.
- e) Lots 1, 2, 7 and 8, Block C, EAST GARIBALDI, in Tillamook County, Oregon.
- f) Beginning at the Northeast corner of that tract of land conveyed to JDC INVESTMENTS, LLC, recorded August 30, 2005, Instrument No. 2005-7747, Tillamook County Deed Records, said point also being on the South right of way line of the Oregon Coast Hwy 101; thence Southwesterly along said right of way line 290 feet, more or less, to the Northwest corner of that tract of land conveyed to LARRY L. CANTRALL, TRUSTEE, recorded January 3, 2005, Instrument No. 2005-15, Tillamook County Deed Records; thence Southeasterly 139 feet, more or less, to the Southwest corner of that tract of land conveyed to BENJAMIN HATHAWAY, et ux, recorded July 31, 1995, Book 371, Page 273, Tillamook County Deed Records, said point also being on the North right of way line of the Port of Tillamook Bay Rail Road; thence along the North right of way line of said Rail Road, to the Southeast corner of that tract of land conveyed to JDC INVESTMENTS, LLC, recorded August 30, 2005, Instrument No. 2005-7747, Tillamook County Deed Records; thence Northwesterly 85.60 feet, more or less, to the Point of Beginning, being situated in Section 21, Township 1 North, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon.
- g) Beginning at the Northeast corner of that tract of land conveyed to T. C. FULTON, et ux, recorded March 9, 1943, Book 84, Page 420, Tillamook County Deed Records, said point also being on the South right of way line of the Oregon Coast Hwy 101; thence South 74° West along said right of way line 246 feet, more

or less, to the Northwest corner of that tract of land conveyed to KURTIS SOURS, et ux, recorded June 30, 2004, Instrument No. 2004-5541, Tillamook County Deed Records; thence South 74° West 100 feet to the Northwest corner of that tract of land conveyed to ROBERT CHRISTENSEN, et ux, recorded August 26, 2005, Instrument No. 2005-7657, Tillamook County Deed Records; thence Southeasterly 75 feet to the Southwest corner of said ROBERT CHRISTENSEN, et ux, tract; thence Easterly 100 feet to the Southeast corner of said ROBERT CHRISTENSEN, et ux, tract; thence North 16° West 10 feet, more or less, to the Southwest corner of that tract conveyed to KURTIS SOURS, et ux, recorded June 30, 2004, Instrument No. 2004-5541, Tillamook County Deed Records; thence North 74° East 187 feet, more or less, to the West line of that tract of land conveyed to T. C. FULTON, et ux, recorded March 9, 1943, Book 84, Page 420, Tillamook County Deed Records; thence South 16° East 100 feet, more or less, to a point on the North right of way line of the Port of Tillamook Bay Rail Railroad (said point also being the Southwest corner of that tract of land conveyed to LEONARD STINNETT, et ux, recorded January 26, 1984, Book 291, Page 224, Tillamook County Deed Records; thence Northeasterly along said right of way line and the South line of said LEONARD STINNETT, et ux, tract, 60 feet, more or less, to the Southeast corner thereof; thence North 16° East, 160 feet, more or less, to the Point of Beginning, being situated in Section 21, Township 1 North, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon.

- h) That tract of land known as D.W. HARDWOODS, Tillamook County Tax No. 1N10 21AC 14101 and CITY OF GARIBALDI, Tillamook County Tax No. 1N10 21AC 14102, more particularly described as follows: **All that land lying South of the Southern line of the Port of Tillamook Bay Rail Road and East of that tract known as PARCEL C**, in that Agreement between USA COAST GUARD and PORT OF BAY CITY, recorded May 1, 1980, Book 269, Page 263, Tillamook County Deed Records, **and West of the County Road leading to the USA COAST GUARD DOCKS, and North of the following described line:** Beginning at the Northwest corner of that property known as TRACT "B" in that modified Lease Agreement recorded by Instrument 2003-428961, Tillamook County Deed Records; thence Easterly 125.54 feet to the Northeast corner of TRACT "B"; thence North 95 feet to the Northwest corner of TRACT "A"; thence Easterly along the North line of TRACT "A", to a point West 150 feet from the Northeast corner of TRACT "A"; thence North 196 feet, more or less, to the South line of that tract known as CITY OF GARIBALDI, Tillamook County Tax. No. 1N10 21AC 14102; thence East 150 feet to the County Road.

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