



City of Salem SALEM PUBLIC ART COMMISSION MEETING

Monday, September 26, 2022
9:30 A.M. – 11:30 A.M.

Si necesita ayuda para comprender esta información, por favor llame 503-540-2371

PARTICIPANTS

Commission Members

Chris D'Arcy, Chair; Paula Booth; Spencer Emerick; Zach Hull; Susan Napack

Staff

Keith Bondaug-Winn, Management & Program Analyst

AGENDA

1. Welcome and call to order
2. Public Hearing – Pacific Coast Producers Proposal for Public Mural at 1520 Woodrow Street NE.
3. Action Items
4. Commissioners Comments
5. Adjourn

Next Meeting: October 12, 2022; 9:30 A.M – 11:30 A.M.

This meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Interested persons may view the meeting online on [YouTube](#). Please submit written comments on agenda items, or pre-register to provide Public Comment on items not on the agenda, by 5 p.m. or earlier one day prior to the day of the meeting at kbondaug@cityofsalem.net

Special accommodations are available, upon request, for persons with disabilities or those needing sign language interpretation, or languages other than English. To request accommodations or services, please call 503-540-2371 (TTD/TTY 503-588-6439) at least two business days in advance.

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, and source of income, as provided by Salem Revised Code 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities.

PROCEDURE FOR HEARINGS ON PUBLIC ART MURALS

- 1. Open the public hearing.**
- 2. Ask if there are any conflicts of interest or ex parte contacts.**
- 3. Call for Staff presentation, including review of section criteria.**
- 4. Ask if the Commissioners have any questions of Staff.**
- 5. Call for the Applicant's presentation. *(Total of 15 minutes for entire presentation—including all representatives).***
- 6. Ask if there is a Neighborhood Association representative wishing to speak. *(10-minute limit).***
- 7. Public Testimony, if any *(5-minute limit per person)*. Have written testimony included into the record of the hearing.**
- 8. Ask if there are any additional questions of Staff.**
- 9. Call for the Applicant's Rebuttal, if any.**
- 10. Close the public hearing.**
- 11. Call for a Motion on proposed mural.**
- 12. Proceed to Commission deliberations on proposed mural Motion. *(No additional testimony can be received without formally re-opening the hearing.)***
- 13. Call for an open role count vote on the proposed mural Motion.**
- 14. Report the result on the record.**

TO: SALEM PUBLIC ART COMMISSION

FROM: Keith Bondaug-Winn, Management & Program Analyst
Staff Liaison to Salem Public Art Commission (SPAC)

HEARING DATE: September 26, 2022

SUMMARY: Proposal for painting to be installed and accepted into the Public Art Collection as a Public Mural

LOCATION: 1520 Woodrow St NE, Salem, OR 97301

APPLICANT(S): Jason Whitehurst (Pacific Coast Producers)

REQUEST: Review application materials and public testimony submitted for a Public Mural located at 1520 Woodrow St NE (Marion County Assessors Map and Tax Lot number 073W14DD00100)

CRITERIA: Salem Revised Code (SRC) Chapter 15 – Public Art
SPAC Public Art Collection Guidelines, Policies And Procedures

RECOMMENDATION: APPROVE the proposal as submitted, contingent upon the conveyance of a public mural easement to the City from the owner of the building upon which the mural will be located, in a form approved by the City Attorney.

SUMMARY:

The applicant is seeking to install a painting on the southern-facing exterior wall of a general industrial building located on the north side of Woodrow Street, at 1520 Woodrow St. NE, Salem, OR 97301 (**Attachment A – Vicinity Map**). The building’s zoning designation is General Industrial and is located within the Northeast Neighbors (NEN) neighborhood association. The mural illustrates the rich history of Oregon cherry growers by celebrating local farms, fruit production, and packaging. The mural hopes to honor the history of Salem and pay homage to Salem’s “Cherry City” namesake. The mural will be created with aerosol paint and finished with a UV barrier.

BACKGROUND:

As stated in the Salem Public Art Commission Guidelines, Policies and Procedures, “The purpose of the Public Mural Program Procedures and Standards is to ensure that Public Mural Program enhances the aesthetics of the City, provides avenues for original artistic expression in the City, provides public edification through access to original works of public art, encourages community participation in the creation of original works of art, and reduces the incidence of graffiti and other crime while increasing community identity and fostering a sense of place.”

Pursuant to [Salem Revised Code \(SRC\) Chapter 15 – Public Art](#) (15.070 through 15.100) and the [Salem Public Art](#)

[Commission \(SPAC\) Guidelines, Policies, and Procedures](#), all public murals require approval from the Salem Public Art Commission (SPAC) for acceptance into the Public Art Collection. Per the listed requirements, SPAC shall hold a public hearing and receive testimony on the proposed mural from interested members of the public. Public notice shall be provided to the Neighborhood Association where the proposed mural would be placed no later than 30 days before the hearing. This notice shall explain the purpose of the hearing and contain a picture and description of the mural. A public hearing notice was sent to NEN via electronic mail, posted to the City of Salem website, delivered to the applicant, and posted on the building on August 26, 2022 (**Attachment B – Public Hearing Notice**).

FACTS AND FINDINGS:

Staff reviewed the application materials and the findings for the applicable criteria and guidelines are listed below.

Criteria: SRC 15.090 - Procedures, Mandatory Criteria for Public Murals.

- (a) Public murals shall remain in place, without alterations, for a period of not less than seven years, except as may be specified by the Salem Public Art Commission in the conditions of approval.
- (b) In historic districts, public murals may only be allowed on buildings that are non-historic non-contributing buildings or structures. Murals in historic districts shall not be allowed on a building façade. For purposes of this paragraph, the building façade is defined as the wall that contains the main entrance onto the premises.
- (c) No public murals shall be allowed on single family dwellings, duplexes, or multi-family dwellings. As used in this subsection, single family dwellings, duplexes, or multi-family dwellings do not include mixed-use buildings which contain a single-family dwelling, duplex, or multi-family dwellings.
- (d) No public mural may contain electrical components, three dimensional structural elements; employ electrical lights as part of the image, moving structural elements, flashing or sequential lighting, interior lighting elements, any automated method that causes movement, or any method that causes periodic changes in the appearance of the public mural or changes the mural image or message.
- (e) Public murals shall be located in a manner that is accessible to the public.
- (f) The approval and acceptance of each public mural shall be contingent upon the conveyance of a public mural easement to the City from the owner of the building upon which the mural will be located, in a form approved by the City Attorney. The terms of the easement shall grant the right to create the public mural on the wall of the building and provide that the person granting the easement will maintain and restore the public mural in its original condition for the period of the easement, and state that upon termination of the easement, the mural shall be removed, and the building restored to its prior condition.

Criteria 15.090 - Findings

Pacific Coast Producers Mural

Staff recommends that SPAC find that *Criteria: 15.090 Procedures, Mandatory Criteria for Public Murals (a) through (f)* have been met per the summary below:

The applicant is requesting approval for the installation of an exterior painting on the south facing façade on the building located on the north side of the street at 1520 Woodrow St. NE, Salem, OR, 97301.

- The applicant has agreed to maintain the painting for seven years and is working with the Legal department on drafting and erecting a public mural easement with respect to the proposed mural. Staff recommends that the SPAC find that SRC 15.090 (a) and (f) are anticipated to be met.
- The mural is not in a historic district. SRC 15.090(b) is not relevant to this case.
- Staff recommends that the SPAC find that SRC 15.090 (c) and (d) have been met. The location does not contain any dwelling units or electrical components, three dimensional structural components, electric lighting or moving structural elements.
- The painting is located on the south facing façade of a general industrial building and is visible to the public from Woodrow Street NE and from the passing rail line, as the building sits at the northeast corner of the railroad crossing on Woodrow Street NE. Staff recommends that the SPAC find that SRC 15.090 (e) has been met.

Criteria: SPAC Guidelines, Policies, and Procedures (GPP) 8.A.(1) - Public Mural Selection Criteria

In addition to the criteria established in the Public Art Collection Development Guidelines, criteria for approving public murals include:

- (a) Strength of artist's concept for, and originality of, proposed public mural.
- (b) Demonstrated craftsmanship of artist.
- (c) Appropriateness of scale of the public mural to the wall on which the proposed public mural will be painted/attached.
- (d) Appropriateness of the scale of the public mural to the surrounding neighborhood.
- (e) Architectural, geographical, socio-cultural and/or historical relevance of the public mural to the site.
- (f) General support/advocacy for the public mural from the building owner/user, surrounding neighborhood, adjacent businesses, and arts community.
- (g) Demonstrated ability to complete the proposed public mural on time and within budget.
- (h) If the proposed public mural will be located in a historic district, the proposed public mural:
 - Will be on a building or structure that is "non-historic non-contributing" under historic preservation laws.
 - Will not be located on the building façade. For purposes of this criterion, the building façade is defined as the wall that contains the main entrance onto the premises.
- (i) The proposed public murals will not be located on a single-family dwelling, duplex, or multi-family dwelling. As used in this subsection, single family dwellings, duplexes, or multi-family dwellings do not include mixed-use buildings which contain residences.
- (j) The proposed public mural will not contain electrical components, three dimensional structural elements; employ electrical lights as part of the image, moving structural elements, flashing or

sequential lighting, interior lighting elements, any automated method that causes movement, or any method that causes periodic changes in the appearance of the public mural or changes the mural image or message.

(k) The public murals will be located in a manner that is accessible to the public.

Criteria SPAC Guidelines, Policies, and Procedures 8.A.(1) - Findings

Pacific Coast Producers Mural

Staff recommends that the SPAC find that GPP 8.A.(1)(a) through (f) have been met through the conditions provided below:

The applicant is requesting SPAC approval for the installation of an exterior painting on a general industrial building located at 1520 Woodrow Street NE. The original art for the mural was created by Jamie Stark, an artist hired by Pacific Coast Producers for the purpose of creating an original mural that illustrates the rich history of Oregon Cherry growers. Per the application materials (**Attachment C – Application**), “This mural celebrates the local farms, fruit production, and packaging. The mural illustrates the rich history of Oregon Cherry growers which goes back to the early 1900’s. Salem Oregon is called “Cherry City.” The mural hopes to honor the history of Salem.” Blaine Fontana is the artist who was selected to paint the mural. He brings 20 years of experience as a professional artist and designer, including work on professional murals here in Salem.

The painting is proposed to be sited on the south facing façade of a general industrial building located at the northeast railroad crossing at Woodrow Street NE. The building sits in an area that has been zoned for General Industrial use. The size of the painting has been scaled to fit the building façade and is visible to the public from Woodrow Street NE and the rail line. Adverse impacts to the building or surrounding neighborhood have not been documented and are not anticipated. A letter of support from the Northeast Neighbors (NEN) neighborhood association demonstrate strong public support for the painting to be accepted by SPAC into the Public Art Collection.

Staff recommends that SPAC find that *Criteria: SPAC Guidelines Policies and Procedures (GPP). 8.A.(1) - Public Mural Selection Criteria (g) through (k) have been met.*

- Commissioned muralist, Blaine Fontana, states in the application, “After many years of experience, I am hyper communicative and realistic with production goals. 95% of the time I complete projects as per agreed in contract; delays only occur due to weather or unforeseen issues.” Total cost of installing and maintaining the mural is the responsibility of the applicant. Staff finds that GPP 8.A.(1)(g) have been met.
- GPP 8.A.(1)(h) through 8.A.(1)(k) have already been addressed per SRC 15.090(b) through 15.090 (e). These conditions have been met.

Public Comment

Summary of comments received during open public comment period (as of September 16, 2022).

- A. Neighborhood Association: The subject property is located in the Northeast Neighbors (NEN) neighborhood boundaries. An email from the NEN chair offers strong support of the project and at the September 13 neighborhood association meeting, NEN unanimously approved sending a letter of support to the Salem Public Art Commission (**Attachment D – Emailed Comments**).
- B. Staff received one email from Mayor Bennett in support of the project (as of September 16, 2022) and anticipate more in the upcoming week (**Attachment D – Emailed Comments**).

VI. RECOMMENDATION

According to SRC Chapter 15 and the SPAC Guidelines, Policies, and Procedures Manual, a public mural enhances the aesthetics of the City, provides avenues for original artistic expression in the City, provides public edification through access to original works of public art, encourages community participation in the creation of original works of art, and reduces the incidence of graffiti and other crime while increasing community identity and fostering a sense of place.

Based upon the information presented in the application, the findings as presented in this staff report, and the public testimony received, staff recommends that the Salem Public Arts Commission APPROVE the proposal as submitted, contingent upon the conveyance of a public mural easement to the City from the owner of the building upon which the mural will be located, in a form approved by the City Attorney.

VIII. DECISION ALTERNATIVES

- A. APPROVE the proposal as submitted by the applicant and indicated on the drawings.
- B. APPROVE the proposal with conditions to satisfy specific guideline(s).
- C. DENY the proposal based on noncompliance with identified guidelines in SRC 15, indicating which guideline(s) is not met and the reason(s) the guideline is not met.

VIII. APPEAL

The decision of the Salem Public Art Commission in this matter is final and may not be appealed.

- Attachments:**
- A. Vicinity Map
 - B. Public Hearing Notice
 - C. Application
 - D. Emailed Comments

Prepared by: Keith Bondaug-Winn, Management & Program Analyst - Salem Public Art Commission Staff

07 3W 14DD SALEM



MARION COUNTY, OREGON
SE1/4 SE1/4 SEC14 T7S R3W W.M.
SCALE 1" = 100'

LEGEND

LINE TYPES

- | | |
|--------------------------|-----------------------|
| Taxlot Boundary | Historical Boundary |
| Road Right-of-Way | Easement |
| Railroad Right-of-Way | Railroad Centerline |
| Private Road ROW | Taxcode Line |
| Subdivision/Plat Bndry | Map Boundary |
| Waterline - Taxlot Bndry | Waterline - Non Bndry |

CORNER TYPES

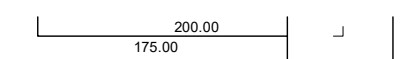
- | | |
|-----------------------|--------------------|
| + 1/16TH Section Cor. | ⊕ 1/4 Section Cor. |
| ⊙ DLC Corner | ⊕ Section Corner |
| | 16 15
21 22 |

NUMBERS

- Tax Code Number
00 00 0
- Acreege
0.25 AC
- All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS

- 100A1
- 100A3
- 100A4
- 100A5
- 100A6
- 100A7
- 100A8
- 100A9
- 300
- 700A1
- 900A1
- 900A2
- 900A3
- 900A4
- 900A5
- 901A1
- 901A2

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

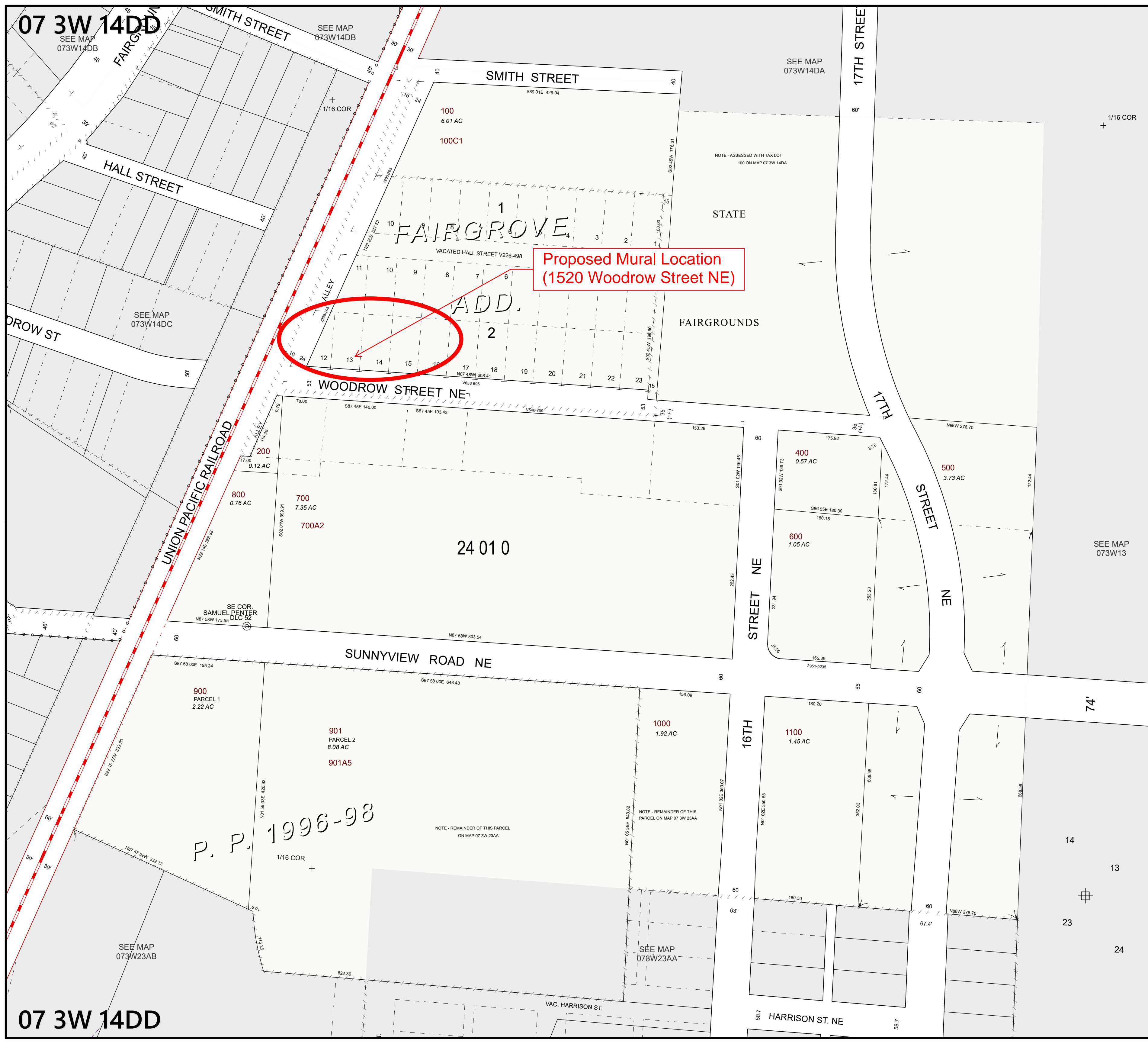


Assessors Office
Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 10/16/2020

SALEM
07 3W 14DD



Proposed Mural Location
(1520 Woodrow Street NE)

P.P. 1996-98



HEARING NOTICE

Proposal for a Public Mural

There is a public mural proposal for the property listed in this notice and shown on the attached map. The City is seeking input from neighbors on the proposal. If you have questions or comments about the proposal, contact the staff person listed below. If you need help understanding this information, please call 503-588-6406.

Esta carta es un aviso sobre una propuesta de un muro público para la propiedad referida en este aviso y se muestra en el mapa adjunto. La ciudad está buscando la opinión de los vecinos sobre la propuesta. Si tiene preguntas o comentarios sobre la propuesta, póngase en contacto con nosotros al 503-588-6406.

PROPERTY LOCATION:

1520 Woodrow St NE, Salem OR 97301

SUMMARY:

There is a proposal for a public mural on the property listed in this notice and shown on the attached map. The City is seeking input from neighbors and the general public about the proposal. The proposed installation will be considered for acceptance into the Public Art Collection as a public mural. Pursuant to [Salem Revised Code \(SRC\) Chapter 15 – Public Art](#) (15.070 through 15.100), all public murals require approval from the Salem Public Art Commission (SPAC) for acceptance into the Public Art Collection.

HEARING INFORMATION:

Pursuant to [Salem Revised Code \(SRC\) Chapter 15](#) (15.070 through 15.100) and the [Salem Public Art Commission \(SPAC\) Guidelines, Policies, and Procedures](#), SPAC will hold a public hearing to receive public testimony on a proposal that has been submitted for acceptance as a public mural on an exterior wall. The painting will be sited on the southern-facing exterior wall on the building located on the north side of the street at 1520 Woodrow St NE. This building's zoning designation is General Industrial and is located within the Northeast Neighbors (NEN) neighborhood association.

Date And Time Of The Public Hearing: Salem Public Art Commission Special Public Hearing, Monday, September 26, 2022, 9:30 a.m.

EFFECTIVE JULY 1, 2022, ALL BOARDS AND COMMISSIONS PUBLIC MEETINGS ARE REQUIRED TO BE HELD VIRTUALLY AS PER CITY OF SALEM ADMINISTRATIVE POLICY AND PROCEDURES (APP) 2.8 – BOARD AND COMMISSION PUBLIC MEETING REQUIREMENTS.

To view the meeting LIVE on YouTube please visit this link with any computer, tablet, or smart phone:
https://www.youtube.com/channel/UCQLj9RKZNHu4wfYcs_TC0TA

HOW TO PROVIDE TESTIMONY:

Both written and oral testimony will be accepted on this proposal.

To provide written testimony: Direct written comment to the staff support listed below. Staff recommends emailing your comments to ensure receipt before the public hearing.

Note: Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number.

All written comments must be received by Thursday, September 22, 2022, at 5:00 p.m.

To provide testimony digitally at the public hearing: Sign up by contacting the staff support listed below to receive the digital meeting instructions.

All requests to attend digitally must be received by Monday, September 26, 2022, at 8:30 a.m.

STAFF SUPPORT:

Keith Bondaug-Winn, Management Analyst, City of Salem Public Works Department, 555 Liberty Street SE, Room 325, Salem, Oregon 97301. Telephone: 503-588-6406; Email: kbondaug@cityofsalem.net

NEIGHBORHOOD ASSOCIATION:

Northeast Neighbors (NEN), Lynn Takata, Chair; Email: lynntakata@aol.com

MURAL DESCRIPTION:

This proposal is for a mural that illustrates the rich history of Oregon cherry growers by celebrating local farms, fruit production, and packaging. The mural hopes to honor the history of Salem and pay homage to Salem's "Cherry City" namesake. This mural will be created with aerosol and finished with a UV barrier and will be applied to the southern exterior of the building located on the north side of Woodrow Street at 1520 Woodrow Street NE, Salem, OR 97301.

ADDITIONAL INFORMATION:

Per the SPAC Guidelines, Policies, and Procedures, public notice shall be provided to the Neighborhood Association where the proposed mural would be placed no later than 30 days before the hearing. This notice shall explain the purpose of the hearing and contain a picture (attached) and description of the mural. A copy of this public notice will be placed on the exterior of the proposed location as well as on the City of Salem website under Public Notices: <https://www.cityofsalem.net/government/public-notices-and-hearings/other-public-notices>

Any person wishing to provide testimony either for or against the proposal may do so in the manner provided in this public notice. The Salem Public Art Commission will receive testimony and make a final decision on the proposal. If the Public Mural Application is approved, notice of the decision will be mailed to the Northeast Neighbors (NEN) Neighborhood Association, anyone who participated in the hearing, and anyone who requested to receive notice.

The September 26, 2022 public hearing is an open, public meeting. Special accommodations are available, upon request, for persons with disabilities. Services may be requested for sign language interpretation or languages other than English. To request accommodations or services, please call 503-588-6406 at least two business days prior to the meeting.

**COMMISSION
PACKET:**

The Salem Public Art Commission Packet will be available seven (7) days prior to the hearing, and will thereafter be posted on the City of Salem website: <https://www.cityofsalem.net/government/boards-commissions/commissions/salem-public-art-commission>

ACCESS:

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

CRITERIA:

Salem Revised Code (SRC) Section 15.090 – Procedures, mandatory criteria for public murals; Section 15.100 - Public mural neighborhood involvement.

The Salem Revised Code (SRC) is available to view at this link: <http://bit.ly/salemorcode>. Type in the chapter number(s) listed above to view the applicable criteria.

Salem Public Art Commission Public Art Collection Guidelines, Policies And Procedures Section 8.A.1. Public Mural Program Policy Selection Criteria.

The SPAC Public Art Collection Guidelines, Policies And procedures is available to view at this link: <https://www.cityofsalem.net/home/showpublisheddocument/4804/637796722358470000>

**NOTICE MAILING
DATE:**

August 26, 2022 (via electronic mail to: lynntakata@aol.com)

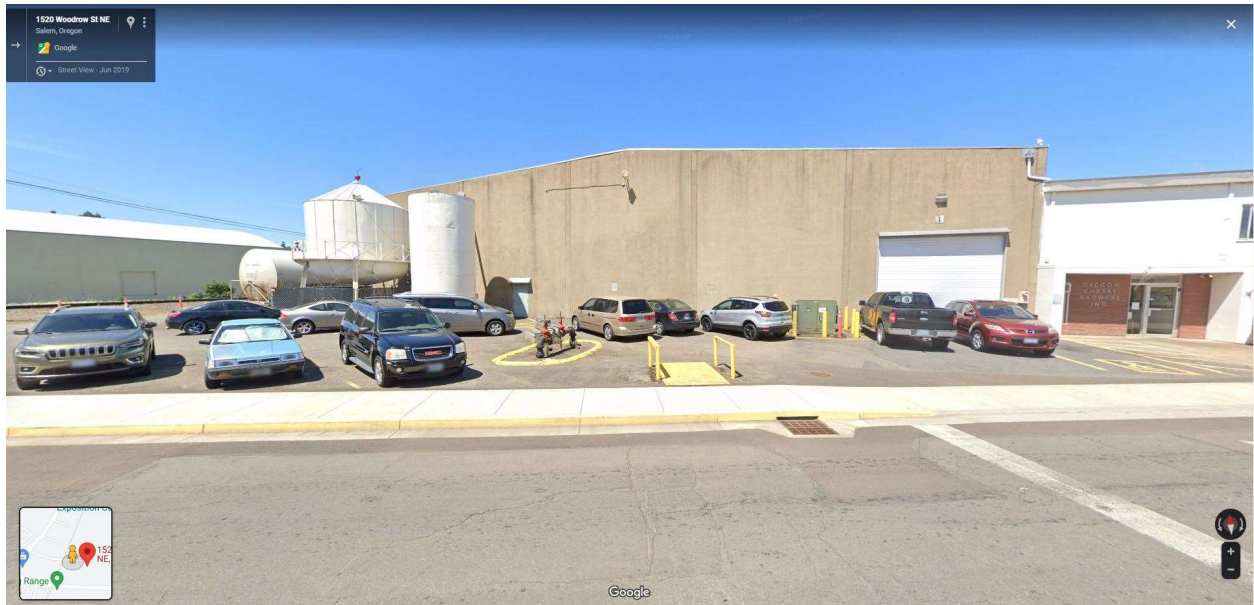


Figure 1 - Google Street View of Building; facing north from 1520 Woodrow St NE, Salem, OR 97301

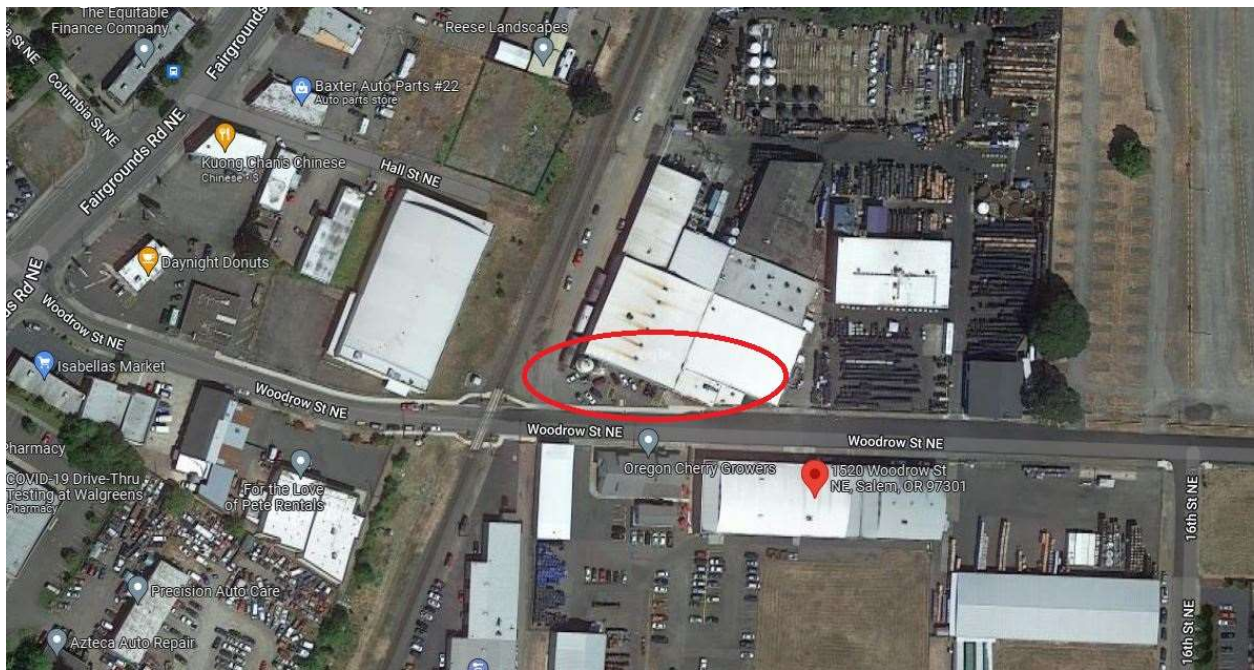


Figure 2 - Google Aerial View of Building and Property at 1520 Woodrow St NE, Salem, OR 97301

SALEM CHERRIES MURAL DESIGN



FULL BUILDING VIEW 1



FULL BUILDING VIEW 2



MURAL PROCESS APPLICATION FORM – GENERAL

REDACTED

1. GENERAL DATA REQUIRED *[to be completed by the applicant]*

1520 Woodrow Street NE, Salem Oregon 97301

 ADDRESS OF SUBJECT PROPERTY
 Pacific Coast Producers

 (Name of Applicant(s))
 1520 Woodrow Street NE, Salem Oregon 97301


 (Applicant's Mailing Address with ZIP Code) (Day-time Phone / Cell Phone)
 jwhitehurst@pcoastp.com

 (Applicant's E-mail Address) (Fax Number)

 (Existing Use of Subject Property) (Comp Plan Designation) (Zoning)

- **Has contact been made with the Neighborhood Association?** Yes No
 The Neighborhood Association is Northeast Neighbors (NEN)
 - **Owner's Representative** or Design Professional to be contacted regarding matters on this application, if other than applicant:
 - Same as applicant
- (Name) _____ (Mailing Address with ZIP Code) _____
 (E-Mail Address) _____ (Phone / Cell / Fax) _____

2. SIGNATURES OF ALL PROPERTY OWNERS and/or Contract Purchasers are required:


 Printed: Jason Whitehurst _____ 1520 Woodrow Street NE, Salem Oregon 97301
 _____ (Mailing Address with ZIP Code)
 Printed: _____ (Mailing Address with ZIP Code)

3. SUBMITTAL FEES

Application Fee..... \$ 125.00
 Processing Fee.....\$ 12.50
 Automation Fee..... \$ 5.00
Total..... \$ 142.50

MURAL WORK PROPOSED

In a Commercial Historic District? NO
 In a Public Historic District? NO

NOTE: There is an additional Archiving Fee of \$.50 per page, charged at time of submission. This fee is waived if electronic versions of all materials are also submitted.

FOR STAFF USE ONLY

RECEIVED BY _____ DATE _____ RECEIPT NO. _____
 N.A. _____ WARD NO. _____ CASE NO. _____
 Adjacent N.A. _____

Salem Public Art Commission Public Mural Selection Criteria

To be completed by Applicant

This form outlines the selection **criteria** that the Salem Public Art Commission uses to select or commission a work of art. Because the Commission uses this information to evaluate the proposed acquisition of public art, please respond thoroughly. [If more space is needed, attach additional statements to this form.]

1. **Strength of artist's concept for, and originality of, mural.**
Describe how your proposal meets this criteria.
The original art for the mural was created by Jamie Stark, an artist hired by Pacific Coast Producers for purpose of creating an original mural. Jamie Stark has created art for murals at several of our plants. Stark is a professional artist who understands the importance of original concepts and artist integrity.
"The mural, designed by client, will evoke a nostalgic and vintage narrative of local Farms and the heritage brand, essentially showcasing an approachable and timeless piece that harmonizes with the environment." Blaine Fontana - muralist.
2. **Demonstrated craftsmanship of artist.**
Describe how your proposal meets this criteria.
"I bring 20 years experience as a professional artist and designer. Having collaborated with numerous global and local brands, adhere to the brief and exceed expectations upon final production." Blaine Fontana - muralist
Blaine Fontana is a muralist who has already created professional murals in Salem Oregon.
Blaine Fontana has also worked throughout Oregon.
3. **Appropriateness of the design and scale of the mural to the wall on which the mural will be painted / attached.**
Describe how your proposal meets this criteria.
"Client has provided a dynamic and seamless design that accents the building while providing a timeless image that will be enjoyed for many years. This mural will be created with aerosol, and finished with a UV barrier."- Blaine Fontana
The mural was designed specifically for the space. Please see the attached concept art.
4. **Appropriateness of the scale of the mural to the surrounding neighborhood.**
Describe how your proposal meets this criteria.
The scale of the mural is ideal for the building and the surrounding industrial location.

5. **Architectural, geographical, socio-cultural and/or historical relevance of the mural to the site.**
Describe how your proposal meets this criteria.
"This mural celebrates the local farms, fruit production and packaging." Blaine Fontana
The mural illustrates the rich history of Oregon Cherry growers which goes back to the early 1900's. Salem Oregon is called "Cherry City". the mural hopes to honor the history of Salem.

6. General support/advocacy for the mural from the building owner/user, surrounding neighborhood, adjacent businesses, and arts community.

Describe how your proposal meets this criteria.

"This mural will brighten and create a geo tag curiosity in a business district that will provoke pride and identity" Blaine Fontana

7. Demonstrated ability to complete the mural on time and within budget.

Describe how your proposal meets this criteria.

"After many years of experience, I am hyper communicative and realistic with production goals. 95% of the time I complete projects as per agreed in contract. delays only occur due to weather or unforeseen issues" Blaine Fontana

Pacific Coast Producers has commissioned Blaine Fontana for the mural.

8. If the mural will be located in a historic district, the mural:

- o Will be on a building or structure that is "non-historic non-contributing" under historic preservation laws.
- o Will not be located on the building façade. For purposes of this criterion, the building façade is defined as the wall that contains the main entrance onto the premises.

Describe how your proposal meets this criteria.

NA

9. The mural will not be located on a single family dwelling, duplex, or multi-family dwelling. Single family dwellings, duplexes, or multi-family dwellings do not include mixed-use buildings which contain residences.

Describe how your proposal meets this criteria.

NA

10. The mural will not contain electrical components, three dimensional structural elements, employ electrical lights as part of the image, moving structural elements, flashing or sequential lighting, interior lighting elements, any automated method that causes movement, or any method that causes periodic changes in the appearance of the mural or changes the mural image or message.

Describe how your proposal meets this criteria.

NA

11. The mural will be located in a manner that is accessible to the public.
Describe how your proposal meets this criteria.

The mural may be viewed from the street and sidewalks.

12. Maintenance: Explain how you will maintain the mural for 7 years.
Describe how your proposal meets this criteria.

"Light pressure washing for natural dirt and dust. The artist top-coat is UV protected and graffiti resistant."
Blaine Fontana

13. Public Safety: Explain how the mural will not present a safety hazard to the public and will meet applicable federal, state, and local building codes and regulations.

Describe how your proposal meets this criteria
Mural is on private property above a lot, during production, all OSHA standards and safety protocols will be practiced.

I certify that the responses are true and correct representations of the mural proposal and may be used as findings and evidence in the decisions made by the Salem Public Arts Commission:

Applicant's Signature: Jason Whitehurst

Name (Print or Type): Jason Whitehurst, Regional Operations Manager

Applicant's Mailing Address: 1520 Woodrow Street NE, Salem Oregon 97301

Applicant's Phone Number(s) [REDACTED]

Property Owner(s) Signature(s) Jason Whitehurst

Name(s) (Print or Type): Jason Whitehurst

Property Owners(s) Phone Number(s) [REDACTED]

Date: 08/22/2022

After recording return to:

City of Salem
City Recorder
555 Liberty St. SE
Room 205
Salem, OR 97301-3503

EASEMENT

THIS EASEMENT is between _____, Grantor, and the City of Salem, an Oregon municipal corporation, Grantee.

RECITALS

A. The Grantee has adopted a program for the placement of public murals within the Grantee's corporate limits as part of its public art program. The Salem Public Art Commission administers the Grantee's public art program.

B. Grantor owns the property legally described in "Exhibit A" ("the Property"), which is attached hereto and incorporated herein by reference, and is willing to make the exterior wall of a building or structure on the property available to Grantee for the placement of public mural, as defined in SRC 15.010(k). The public mural is described in "Exhibit B" ("the Artwork"), which attached hereto and incorporated herein by reference.

IN CONSIDERATION of the mutual promises and performances set forth below, the parties agree as follows:

1. Grant of Easement. Grantor conveys, grants and warrants to Grantee, its successors and assigns, an easement for the purpose of installing, maintaining, operating and exhibiting the Artwork on the exterior wall of the building or structure located on the Property. The Artwork and its location on the Property shall be as approved by the Salem Public Art Commission prior to placement.

2. Term of Easement. This easement shall be for a period of seven years from the date of placement of the Artwork on the Property. Unless terminated as provided in Section 5, this easement shall automatically renew thereafter, and shall remain in full force and effect unless and until terminated.

3. Maintenance and Removal of Artwork. Grantor shall be responsible for maintaining and, if necessary, restoring and repairing the Artwork during the existence of this easement. Grantee may remove the Artwork from the Property if, in the sole judgment of Grantee, the Artwork is being excessively damaged, and Grantor fails or refuses to maintain or repair the Artwork after thirty days written notice from Grantee requesting Grantor to do so. If Grantee removes the Artwork from the Property pursuant to this section, Grantee will restore the Property to its original condition.

4. Right of Entry. Grantee shall have the right to enter the Property during normal business hours, and at all other times with advance approval of the Grantor, for any and all of the purposes described in this easement.

5. Termination.

(a) At the expiration of the seven year easement period, this easement shall renew for successive one year terms, unless either party provides thirty days written notice of termination to the other party. Grantor expressly agrees that upon termination, Grantor shall remove the Artwork and repair the Property such that its appearance is consistent with the Salem Revised Code. Such removal shall occur within thirty days of termination of the easement, unless this period is extended in writing by Grantee.

(b) Within the initial seven year easement period, this easement may be terminated by Grantor with Grantee's consent in writing upon Grantor's showing of any of the following:

(i) The Property is to be sold and the buyer requires removal of this easement as a condition of the purchase and sale; or

(ii) The Property is to be refinanced and the lender requires removal of this easement as a condition of the refinancing; or

(iii) The Property is to be substantially remodeled or altered in a way that precludes continued maintenance of the Artwork; or

(iv) Circumstances have materially changed and the continued existence of this easement or maintenance of the Artwork substantially impedes Grantor's reasonable use and enjoyment of the Property.

Grantee shall not unreasonably withhold consent to termination upon Grantor's satisfactory demonstration of any of the foregoing conditions of termination.

(c) Grantee may terminate this easement at any time at its sole discretion upon thirty days written notice to Grantor, should Grantor fail to substantially perform Grantor's obligations under Section 3. Should Grantee elect to exercise this right of termination, Grantor expressly agrees that the Artwork shall be removed and the Property restored to its prior condition. Such removal shall occur within thirty days of the termination of this easement, unless this period is extended in writing by Grantee.

6. Remedies. The parties acknowledge that breaches of this easement will affect substantial harm to the public interest, that is difficult or impossible to prove as actual damages. The parties agree that the prevailing party in an action for the breach of this agreement shall be entitled to:

(a) Liquidated damages in an amount of \$2,500 per material breach;

(b) Specific performance of the terms of this agreement;

(d) Any other remedies available at law or in equity.

The remedies under this easement are cumulative. The failure to exercise on any occasion any remedy shall not operate to forfeit the remedy on another occasion. The use of one remedy shall not be taken to exclude or waive the right to use another.

7. Notice. Notice shall be made to the following addresses, unless otherwise agreed upon, in writing, by the parties:

To Grantor:

[Add name and address of grantee]

To Grantee:

City of Salem

[Add name and address of proper city official]

With a copy to:

Salem City Attorney's Office

555 Commercial St. SE

Salem, OR 97301-3503

8. Binding Effect. This easement shall run with the land and be binding upon and inure to the benefit of the Grantor and Grantee, and their respective successors or assigns, and any person or entity acquiring any right, title, or interest in the Property.

9. Contractual Relationships; Assignment. This easement does not constitute either party as the agent or legal representative of the other for any purpose whatsoever. The parties are not granted any express or implied right or authority to assume or create any obligation or responsibility on behalf of the other or to bind the other in any manner whatsoever.

10. Amendments. The parties expressly reserve the right to modify this easement, from time to time, by mutual agreement. No modification or amendment of this easement shall be effective unless in writing, signed by authorized representatives of the parties, and recorded in the deed records of the appropriate county.

11. Invalidity of Particular Provisions. Should any term, provision, condition or other portion of this easement or the application thereof be held to be inoperative, invalid or unenforceable, the remainder of this easement or the application of the term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect.

12. No Waiver. No waiver of full performance by any party shall be construed, or operate, as a waiver of any subsequent default or breach of any of the terms, covenants or conditions of this easement.

IN WITNESS WHEREOF, the City of Salem has caused this agreement to be executed by its duly authorized representative(s) on _____ (date).

GRANTOR:

By: _____
[SIGNATURE OF GRANTOR'S REPRESENTATIVE], Grantor

(name and title of grantor representative)

STATE OF _____)
 ss.)
County of _____)

This instrument was acknowledged before me on _____, 20____ by
____ as _____ of the
Grantor.

Notary Public – State of Oregon

GRANTEE:

Accepted on behalf of the City of Salem:

By: _____
[SIGNATURE OF GRANTEE'S REPRESENTATIVE], Grantee

(name and title of city representative)

SALEM CHERRIES MURAL DESIGN

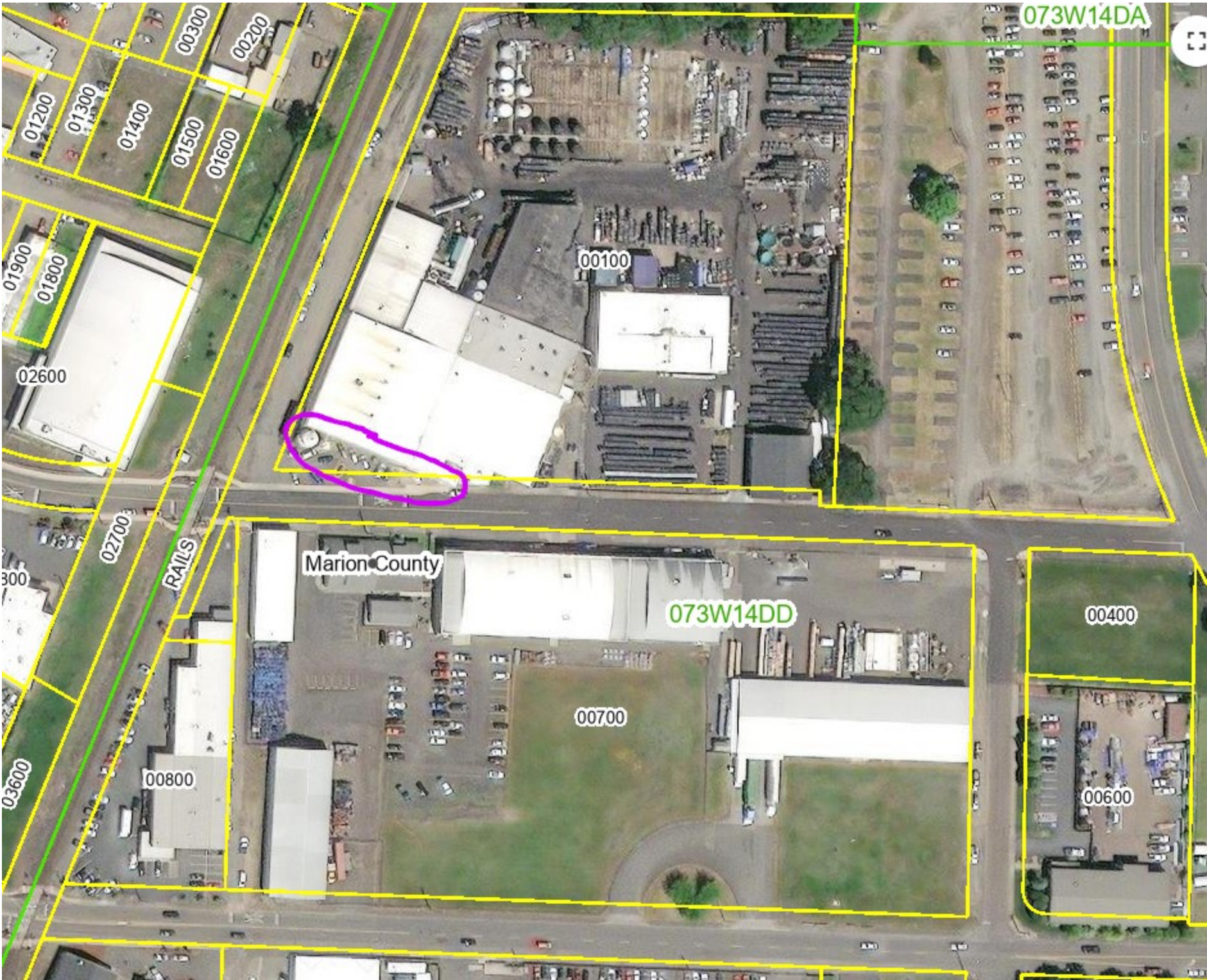


FULL BUILDING VIEW 1



FULL BUILDING VIEW 2





073W14DA



Marion County

073W14DD

RAILS

00700

00400

00600

00800

A.M.

A.M.

A.M.

300

03600

02700

02600

01800

01900

00200

01500

01400

01300

01200

00100

TICOR TITLE 471817059893

REEL 3958 PAGE 434
MARION COUNTY
BILL BURGESS, COUNTY CLERK
06-19-2017 03:57 pm.
Control Number 463673 \$ 81.00
Instrument 2017 00031001

MAIL TAX STATEMENTS TO:

OCG Acquisition, LLC
c/o Pacific Coast Producers
ATTN: Matt Strong, CFO
PO Box 1600
Lodi, CA 95241

AFTER RECORDING RETURN TO:

OCG Acquisition, LLC
c/o Pacific Coast Producers
ATTN: Matt Strong, CFO
PO Box 1600
Lodi, CA 95241

STATUTORY WARRANTY DEED

Oregon Cherry Growers, Inc., an Oregon cooperative corporation (the "*Grantor*"), conveys and warrants to *OCG Acquisition, LLC*, an Oregon limited liability company (the "*Grantee*"), the real property described in *Exhibit A*, which is attached hereto and incorporated herein, free of encumbrances created or suffered by the Grantor except as specifically set forth in *Exhibit B*, attached hereto and incorporated herein.

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."

The true and actual consideration paid for this conveyance is Four Million Eight Hundred Thousand Dollars (\$4,800,000).

[Signature Page to Follow]

Dated this 13 day of June, 2017.

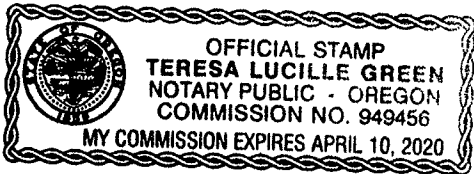
GRANTOR:
Oregon Cherry Growers, Inc.

By: Timothy Ramsey
Timothy Ramsey, President

State of Oregon)
) ss.
County of Marion)

On this 13 day of June, 2017, personally appeared Timothy Ramsey, who being duly sworn, did say that he is the President of Oregon Cherry Growers, Inc., an Oregon cooperative corporation, and that said instrument was signed on behalf of said cooperative corporation by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

Before me:



Teresa Lucille Green
Notary Public for Oregon
My Commission Expires: April 10, 2020

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

Tract 1:

All of Blocks Numbered One (1) and Two (2) in Fairgrove Addition to Salem, Oregon, and the vacated Hall Street lying between said blocks as shown by the duly recorded plat thereof on file and of record in Volume 9, on Page 139, Record of Town Plats for Marion County, State of Oregon, said above-mentioned Hall Street being more particularly described as follows, to-wit:

Beginning at the Northwesterly corner of Lot Numbered Eleven (11) in Block Numbered Two (2) of Fairgrove Addition to the City of Salem, Marion County, Oregon, according to the duly recorded plat thereof now of record in the office of the Recorder of Conveyances of and for said county; and running thence Easterly, along the Northerly line of said Block Numbered Two (2), to the Northeasterly corner of Lot Numbered One (1) in said Block Numbered Two (2); thence Northerly to the Southeasterly corner of Lot Numbered One (1) in Block Numbered One (1) of said Fairgrove Addition; thence Westerly, along the Southerly line of said Block Numbered One (1), to the Southwesterly corner of Lot Numbered Ten (10) in said Block Numbered One (1); and thence Southwesterly to the place of beginning.

ALSO: Beginning at an iron pipe in the Northwest corner of Block One of Fairgrove Addition to Salem, Oregon; thence North 22°15' East 177.5 feet to the iron pipe; thence South 89° East 25.75 feet to an iron pipe thence South 22°15' West 178.0 feet to the iron pipe in the North line of said Block One; thence North 88° West 25.75 feet to the point of beginning.

EXCEPTING THEREFROM the rights if any of the City of Salem, a municipal corporation, as grantee named in that certain deed recorded in Volume 208, page 295, Deed Records for Marion County, Oregon, the description in the deed being as follows: " A strip of land 24 feet in width, extending from the South line of Smith Street to the North line of Woodrow Street in the City of Salem, Oregon, entirely over, along and across those certain premises heretofore conveyed by Geo. Smith and Marie A. Smith, his wife to Western Board Products Company, a corporation, by warranty deed dated the 2nd day of May 1930, recorded on the 5th day of May, 1930 in Book of Deeds Vol. 207 page 128 Record of Deeds of Marion County, Oregon, to which record reference is hereby made for a more complete description of the premises herein conveyed."

FURTHER EXCEPTING THEREFROM, that portion of the property conveyed to the City of Salem, a municipal corporation from Willamette Cherry Growers, Inc., an Oregon corporation by Warranty Deed dated September 12, 1967 and recorded November 01, 1967 in Deed Book 638, page 606.

AND BEING a portion of the same property conveyed to Willamette Cherry Growers, Inc., an Oregon corporation, an undivided one-half interest from J.N. Roby and Myrtie J. Roby by deed dated March 03, 1937 and recorded March 04, 1937 in Deed Book 228, page 248; AND ALSO BEING a portion of the same property conveyed to Willamette Cherry Growers, Inc., an Oregon corporation an undivided one-half interest from D.B. Jarman and Edith M. Jarman by deed dated March 03, 1937 and recorded March 04, 1937 in Deed Book 228, page 249.

Tract 2:

Beginning at an iron pipe in the North line of Block One (1), 25.75 feet from the Northwest corner of said block, in Fairgrove Addition to Salem, Oregon; thence North 22°15' East 178.0 feet to an iron pipe; thence South 89°15' East 426.7 feet to an iron pipe in an angular corner of the State Fairgrounds; thence South 2°31' West, along the West line of said Fairgrounds, 176.1 feet to an iron pipe; thence North 88°West, along the North line of said Block One (1), 486.5 feet to the point of beginning.

AND BEING the same property conveyed to Willamette Cherry Growers, Inc., from George Smith and Marie A. Smith by deed dated May 03, 1945 and recorded May 08, 1945 in Deed Book 320, page 616.

Tract 3:

Beginning at the Northeast corner of Lot One (1), Block One (1), Fairgrove Addition to Salem, Oregon; thence South, along the East boundary line of said addition, 350 feet to the Southeast corner of Lot Twenty-Three (23), Block Two (2) of said addition; thence East 15 feet to the West boundary of the State Fairgrounds; thence North, along the West boundary of the State Fairgrounds 350 feet to a point in said West boundary 15 feet East of the place of beginning; thence West 15 feet to the place of beginning.

AND BEING the same property conveyed to Willamette Cherry Growers, Inc. from George Smith and Marie A. Smith by deed dated May 03, 1945 and recorded May 08, 1945 in Deed Book 320, page 614.

PARCEL 2:

Tract 1:

The following real property in the County of Marion, State of Oregon, bounded and described as follows, to-wit:

Beginning at an iron pipe on the North line of the tract of land described in deed recorded November 05, 1943 in Volume 292, page 311, Deed Records for Marion County, Oregon, which is 291.06 feet North from the Southeast corner of the Samuel Penter Donation Land Claim No. 52 in Township 7 South, Range 3 West of the Willamette Meridian in Marion County, Oregon, said iron pipe being located at the intersection of said North line with the Easterly line of an alley as shown on the recorded plat of Fairgrove Addition to Salem, Marion County, Oregon; thence North 87°59' West, along the North line of said tract described in Volume 292, page 311, Deed Records, 17.00 feet to an iron rod in the Easterly line of the Southern Pacific Company right-of-way; thence South 22°10' West, along said right-of-way, 28.12 feet to an iron pipe; thence South 87°59' East, parallel with the North line of the tract described in Volume 292, page 311, Deed Records, 148.12 feet to an iron pipe; thence North 2°19' East, to and along the West line of that certain parcel of land conveyed to Willamette Cherry Growers, Inc. and described in Volume 422, page 734, Deed Records for Marion County, Oregon, 160.00 feet to an iron rod in Woodrow Street; thence North 87°55' West, along said street, 78.00 feet to an iron pipe on the Easterly line of an alley adjacent to the Southern Pacific Company right-of-way, as shown on the recorded plat of Fairgrove Addition to Salem, Marion County, Oregon; thence South 20°21' West, along the Easterly line of said alley as shown on the recorded plat of Fairgrove Addition, 140.85 feet to the point of beginning, being situated in the David Presley Donation Land Claim No. 69 and Samuel Penter Donation Land Claim No. 52 in Section 14 in Township 7 South, Range 3 West of the Willamette Meridian in Salem, Marion County, Oregon.

EXCEPTING THEREFROM that portion conveyed to the City of Salem, Oregon, a municipal corporation from Willamette Cherry Growers, Inc., an Oregon corporation by Bargain and Sale Deed dated September 08, 1961 and recorded in Deed Book 548, page 709.

FURTHER EXCEPTING THEREFROM, that portion conveyed to Charles F. Dabler and Barbara J. Dabler, husband and wife from Willamette Cherry Growers, Inc., an Oregon corporation by Warranty Deed dated April 26, 1977 and recorded June 10, 1977 in Deed Book 84, page 1030.

AND BEING a portion of the same property conveyed to Willamette Cherry Growers, inc., an Oregon corporation from Asel C. Eoff and Keith Brown, partners doing business as Brown & Eoff by Warranty Deed dated September 08, 1953 and recorded September 15, 1953 in Deed Book 455, page 257; AND ALSO BEING a portion of the same property conveyed to Willamette Cherry Growers, Inc., an Oregon corporation from Frank A. Brown, Sharon L. Brown and Joseph I. Eoff partners doing business as Westwood Products by Deed dated October 05, 1953 and recorded October 06, 1953 in Deed Book 455, page 721.

Tract 2:

Beginning at an iron pipe on the North line of the tract of land described in deed recorded November 05, 1943 in Volume 292, page 311, Deed Records, Marion County, Oregon, which is 291.08 feet North and 121.58 feet South 87°59' East from the Southeast corner of the Samuel Penter Donation Land Claim No. 52 in Township 7 South, Range 3 West of the Willamette Meridian, Marion County, Oregon, said beginning point being South 87°59' East 121.58 feet from an iron pipe located at the intersection of said North line with the Easterly line of an alley as shown on the recorded plat of Fairgrove Addition to Salem, Marion County, Oregon; thence North 2°45' East 133.52 feet to an iron rod in Woodrow Street; thence South 87°00' East, along said street, 140.00 feet; thence South 2°45' West 133.47 feet to an iron pipe on the North line of said lands described in Volume 292, page 311, Deed Records; thence North 87°59' West, along the North line of said land described in Volume 292, page 311, Deed Records, 140.00 feet to the place of beginning.

EXCEPTING THEREFROM, that portion conveyed to the City of Salem, Oregon, a municipal corporation from Willamette Cherry Growers, Inc., an Oregon corporation by Bargain and Sale Deed dated September 08, 1961 and recorded November 11, 1961 in Deed Book 548, page 709.

AND BEING a portion of the same property conveyed to Willamette Cherry Growers, Inc., an Oregon corporation from Roy A. Speare and Jane Speare by Warranty Deed dated November 22, 1950 and recorded November 24, 1950 in Deed Book 422, page 734.

Tract 3:

Beginning at a point in Woodrow Street which point is the Northwest corner of that certain tract of land transferred by Ruth Saunders, et al., to the Willamette Cherry Growers, Inc., and recorded in Volume 455, page 635, Marion County Deed Records, said point being 291.06 feet North and 140.70 feet North 20°46' East and 321.43 feet South 87°45' East from the Southeast corner of the Samuel Penter Donation Land Claim No. 52 in Township 7 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence South 2°43' West, along the West boundary of the lands described in said Volume 455, page 635, 134.35 feet to an iron pipe on the North boundary of that certain tract of land transferred by Columbia Brick Works to Keith Brown Building Supply and recorded in Volume 292, page 311, Marion County Deed Records, said iron pipe also marking the most Westerly Southwest corner of the lands

described in said Volume 455, page 635, and the Southeast corner of that certain tract of land transferred by W.S. Speare to Roy A. Speare and Jane Speare, his wife, and recorded in Volume 296, page 336, Marion County Deed Records; thence North 87°38' West, along the North line of said lands described in volume 292, page 311 and the South line of said lands described in Volume 296, page 336, Marion County Deed Records, 103.36 feet to an iron pipe at the Southeast corner of that certain tract of land transferred to the Willamette Cherry Growers, Inc., by Roy A. Speare and Jane Speare, his wife and recorded in Volume 422, page 734, Marion County Deed Records; thence North 2°41' East, along the East boundary line thereof, 134.25 feet to a point in said Woodrow Street; thence South 87°45' East 103.43 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the City of Salem, Oregon, a municipal corporation from Willamette Cherry Growers, Inc., an Oregon corporation by Bargain and Sale Deed dated September 08, 1961 and recorded September 11, 1961 in Deed Book 548,. page 709.

AND BEING a portion of the same property conveyed to Willamette Cherry Growers, Inc. from Roy A. Speare and Jane Speare by Warranty Deed dated July 28, 1955 and recorded August 12, 1955 in Deed Book 478, page 525.

Tract 4:

Beginning at a point which is North 291.06 feet and North 20°46' East 140.70 feet and South 87°45' East 321.43 feet from a stone marking the Southeast corner of the Samuel Penter Donation Land Claim No. 52 in Section 14, Township 7 South, Range 3 West of the Willamette Meridian in Marion County, Oregon, said point being the Northeast corner of that parcel of land conveyed to Roy A. Speare, et ux, and described in that deed recorded in Volume 296, page 336, Deed Records for Marion County, Oregon; thence South 87°45' East 326.12 feet to an iron pipe; thence South 2°48' West 160.00 feet to the South line of that certain 2.74 acre tract of land described in that deed recorded on page 437 of Volume 181 of said Deed Records for Marion County, Oregon; thence North 87°40'

West, along the South line of said 2.74 acre tract, 117.86 feet, more or less, to the Southwest corner thereof; thence North 2°48' East 26.40 feet to the most Westerly Northwest corner of said 2.74 acre tract; thence North 88°09' West 208.51 feet, more or less, to an iron pipe located at the Southeast corner of the aforesaid Speare tract; thence North 2°43' East, along the East line of said Speare tract, 134.35 feet to the place of beginning, being a part of the David Presley Donation Land Claim in Township 7 South, Range 3 West of the Willamette Meridian, Marion County, Oregon.

EXCEPTING THEREFROM, that property conveyed to the City of Salem, Oregon, a municipal corporation from Willamette Cherry Growers, inc., an Oregon corporation by Bargain and Sale Deed dated September 08, 1961 and recorded September 11, 1961 in Deed Book 548, page 709.

AND BEING a portion of the same property conveyed to Willamette Cherry Growers, inc., an Oregon corporation from Ruth E. Sanders (formerly Ruth Ella Mote) and Homer Sanders and Anna Hutchison, widow of I.D. Hutchison, deceased by Deed dated September 14, 1953 and recorded October 01, 1953 in Deed Book 455, page 635.

Tract 5:

Beginning at a point where the projected South line of Woodrow Street is intersected by the projected West line of North Sixteenth Street, in the City of Salem, in Marion County, Oregon; and running thence

South 1°02' West 146.19 feet; thence North 86°55' West 157 feet to an iron pipe; thence North 2°36' East 144.71 feet to a point on the South line of Woodrow Street which is North 87°24'30" West 153.29 feet from the place of beginning; thence South 87°24'30" East, along the South line of Woodrow Street, 153.29 feet to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to the City of Salem, Oregon, a municipal corporation from Willamette Cherry Growers, Inc., an Oregon corporation by Bargain and Sale Deed dated September 8, 1961 and recorded September 11, 1961 in Deed Book 548, page 709.

AND BEING a portion of the same property conveyed to Willamette Cherry Growers, Inc., an Oregon corporation from Lawrence N. Brown and Ida Jo Brown by deed dated July 11, 1955 and recorded July 12, 1955 in Deed Book 477, page 501.

Tract 6:

Beginning at an iron pipe on the South line of the Samuel Penter Donation Land Claim No. 52 in Township 7 South, Range 3 West of the Willamette Meridian in Marion County, Oregon, which iron pipe is 138.8 feet Westerly from the Southeast corner of said claim; running thence North 22°14' East, along the East line of the Southern Pacific Railroad right-of-way, a distance of 283.88 feet to the Southwest corner of that tract of land conveyed to Willamette Cherry Growers, Inc. by deed recorded in Volume 455, page 257, Deed Records for Marion County, Oregon; thence South 87°59' East, along the South line of said Cherry Growers tract, a distance of 148.12 feet to the Southeast corner thereof; thence North 2°19' East, a distance of 26.40 feet to an iron pipe; thence South 87°58' East a distance of 451.02 feet to the most Westerly Northwest corner of a tract of land conveyed to Salem Brick and Tile Company by deed recorded in Volume 181, page 437, Deed Records for Marion County, Oregon; thence South 2°33' West a distance of 26.4 feet to an iron pipe; thence South 87°58' East a distance of 118.8 feet to an iron rod; thence South 86°58' East to the West line of 16th Street; thence South, along the West line of said street, to the North line of Tile Road; thence West, along said North line, to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to Charles F. Dabler and Barbara J. Dabler, husband and wife from Willamette Cherry Growers, Inc., an Oregon corporation by Warranty Deed dated April 26, 1977 and recorded June 10, 1977 in Deed Book 84, page 1030.

AND BEING a portion of the same property conveyed to Willamette Cherry Growers, Inc., an Oregon corporation from Asel C. Eoff and Phillis P. Eoff by Deed dated February 03, 1969 and recorded March 05, 1969 in Deed Book 661, page 3.

EXHIBIT B
ENCUMBRANCES

1. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways, including Smith Street, Woodrow Street NE, Sunnyview Road NE and 16th Street NE.

2. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by resolution or ordinance

Recorded: December 29, 1936
Recording No: Book 226, page 498

3. Purpose: right-of-way over spur track
Recorded: September 15, 1953
Recording No: Book 455, page 257

4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company
Purpose: electrical lines, telephone lines and appurtenances
Recorded: May 6, 1954
Recording No: Book 462, page 712

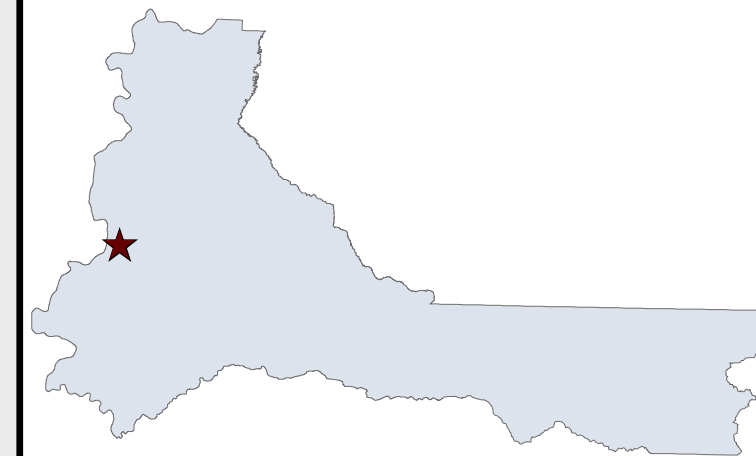
5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Purpose: right-of-way over spur track
Recorded: August 22, 1967
Recording No: Book 635, page 542

6. Revocable Permit Agreement, including the terms and provisions thereof,

Recorded: February 22, 1988
Recording No: Reel 605, page 47

07 3W 14DD SALEM



MARION COUNTY, OREGON
SE1/4 SE1/4 SEC14 T7S R3W W.M.
SCALE 1" = 100'

LEGEND

LINE TYPES

- Taxlot Boundary
- Road Right-of-Way
- Railroad Right-of-Way
- Private Road ROW
- Subdivision/Plat Bndry
- Waterline - Taxlot Bndry
- Historical Boundary
- Easement
- Railroad Centerline
- Taxcode Line
- Map Boundary
- Waterline - Non Bndry

CORNER TYPES

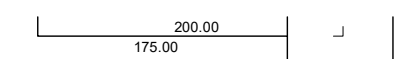
- + 1/16TH Section Cor.
- ⊙ DLC Corner
- ⊕ 1/4 Section Cor.
- ⊕ Section Corner
- 16 15
- 21 22

NUMBERS

- Tax Code Number
- 00 00 0**
- Acreege
- 0.25 AC
- All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS

- 100A1
- 100A3
- 100A4
- 100A5
- 100A6
- 100A7
- 100A8
- 100A9
- 300
- 700A1
- 900A1
- 900A2
- 900A3
- 900A4
- 900A5
- 901A1
- 901A2

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



Assessors Office
Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

PLOT DATE: 10/16/2020

SALEM
07 3W 14DD



Keith Bondaug-Winn

From: lynntakata@aim.com
Sent: Friday, September 16, 2022 10:39 AM
To: Keith Bondaug-Winn
Subject: Re: Special Public Hearing of the Salem Public Art Commission - September 26

Thank you, Keith. I will be attending the SPAC meeting on behalf of Northeast Neighbors (NEN) to offer our strong support for the Cherry City mural honoring the history of Salem.

On Tuesday, September 13, NEN unanimously approved sending a letter of support to the Salem Public Art Commission.

We're delighted to have a beautiful new mural being considered by SPAC in our neighborhood.

I also will be sending a letter of support by the September 22 deadline.

Best,

Lynn Takata
NEN Chair
503-970-1319

On Friday, August 26, 2022, 2:21 PM, Keith Bondaug-Winn <KBondaug@cityofsalem.net> wrote:

Good afternoon, SPAC and Interested Individuals.

A public hearing will be held on Monday, September 26, 2022 at 9:30 AM via Zoom, for SPAC to consider public testimony in the application review process for a public mural to be installed. Please see the attached Hearing Notice for information on how you and your constituents may submit public comment. The Salem Public Art Commission Packet will be available seven (7) days prior to the hearing, and will thereafter be posted on the City of Salem website:

<https://www.cityofsalem.net/government/boards-commissions/commissions/salem-public-art-commission>

Keith Bondaug-Winn

(he/him/his)

Management Analyst II

City of Salem | Public Works Department

555 Liberty St SE, Suite 325, Salem OR 97301-3515

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Office: 503-588-6211 ext. 6406 | Cell: 503-400-1115

Keith Bondaug-Winn

From: Chuck Bennett
Sent: Friday, September 16, 2022 12:22 PM
To: Keith Bondaug-Winn
Cc: Lynda Rose
Subject: Mural for cherry growers

Hi Keith,

I'd like to testify in favor of the Cherry producers proposed mural. Could you let me know what, when and where I need to share my opinions on this.

Chuck Bennett
Mayor

Sent from my iPad