

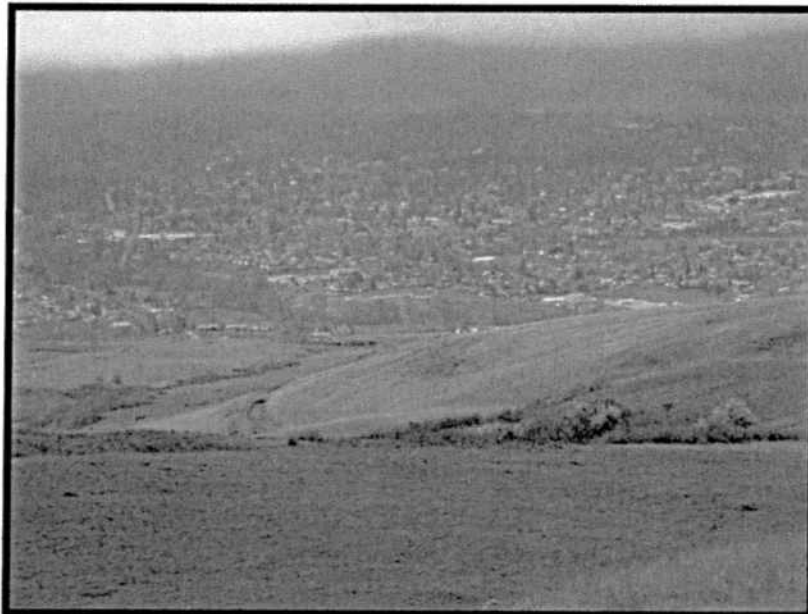
**CITY OF
ASHLAND
PUBLIC WORKS / ENGINEERING DIVISION
REQUEST FOR PROPOSALS
Beneficial Use of the
“Imperatrice Ranch” Property**

PROJECT NO: 2009-12

TYPE OF PROPOSAL: PROPOSALS FOR THE BENEFICIAL USE OF THE
840 ACRE “IMPERATRICE RANCH” PROPERTY

DISTRIBUTION DATE: July __, 2009

BID OPENING DATE: 2:00 PM, August __, 2009



CITY OF ASHLAND
20 E. MAIN STREET
ASHLAND OR 97520
(541) 488-5347



**CITY OF ASHLAND
PUBLIC WORKS DIVISION
REQUEST FOR PROPOSALS**

**FOR THE BENEFICIAL USE OF THE 840 ACRE "IMPERATRICE RANCH"
PROPERTY OWNED BY THE CITY OF ASHLAND**

The City of Ashland (City) is seeking proposals for the private and / or public use of the Imperatrice Ranch property located north of Interstate 5. Currently, this City-owned property is being leased for cattle grazing. The City desires to determine the most beneficial use for the property and is inviting interested parties to submit proposals. The best use of the properties could be defined as the use that most closely addresses the following requirements:

1. The use should be beneficial to City;
2. The use should promote sustainable use of resources;
3. The use should consider the use of City's wastewater effluent discharge from its wastewater treatment facility
4. The use should take into consideration all environmental aspects of the property including: soil conservation measures, riparian area preservation, wildlife reserve area preservation, forest preservation areas and proposed pedestrian trail connections.
5. The use must be compatible with Jackson County land use ordinances.

Proposals must be received by 2:00 PM, August ____, 2009, in the City of Ashland Engineering Office located at 51 Winburn Way, Ashland OR 97520; Mailing address: 20 E. Main Street Ashland OR 97520. Express mail address: 51 Winburn Way, Ashland OR 97520. For further information contact Michael Faught, Public Works Director at 541 552-2420. To obtain a copy of the Request for Proposal documents, contact Nancy Slocum at 541 552-2420 or slocumn@ashland.or.us.

Proposal selection will be made by the Ashland City Council and will result in an agreement between City and the successful proposals that will clearly define the conditions of the property usage. Multiple proposals may be accepted if it best meets the City's requirements.

The City of Ashland reserves the right to reject any and all proposals, to waive formalities or to accept any proposal which appears to serve the best interest of the City of Ashland.

Michael R. Faught
Public Works Director

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**CITY OF ASHLAND
DEPARTMENT OF PUBLIC WORKS
REQUEST FOR PROPOSAL
AVIATION ENGINEERING SERVICES**

SECTION 1 SOLICITATION INFORMATION AND REQUIREMENTS

1.1 DEFINITIONS AND SUMMARY OVERVIEW

1.1.1 DEFINITIONS

For the purposes of this RFP:

“Agency” or “City” means City of Ashland.

“Business days” means calendar days, excluding Saturdays, Sundays and all City recognized holidays.

“Calendar days” or “days” means any day appearing on the calendar, whether a weekday, weekend day, national holiday, State holiday or other day.

“Imperatrice Ranch” means 840 acres of land owned by City of Ashland and comprised of the following tax lots: 38 1E 27 TL 100; 38 1E 28 TL 500, 600 and 700; and 38 1E 32 TL 100 and 200 and 38 1E 33 TL 200.

“Proposers” – All firms submitting Proposals are referred to as Proposers in this document; after negotiations, an awarded Proposer will be designated as “Consultant.”

“PWD” means City of Ashland Public Works Department.

“RFP” means Request for Proposal.

“Scope of Work” means the general character and range of services and supplies needed, the work’s purpose and objectives, and an overview of the performance outcomes expected by Agency.

“Statement of Work” means the specific provision in the final Contract which sets forth and defines in detail (within the identified Scope of Work) the agreed-upon objectives, expectations, performance standards, services, deliverables, schedule for delivery and other obligations.

“Qualification Based Selection” or “QBS” (for the purposes of this RFP) means evaluations and scoring of proposals based on qualifications, experience and project approach, without considering cost.

“WWTP” means waste water treatment plant.

1.1.2 SUMMARY OVERVIEW

The City of Ashland (City) is seeking proposals for the private and / or public use of the Imperatrice Ranch property located north of Interstate 5. Currently, this City-owned property is being leased for cattle grazing, but City desires to determine the most beneficial use for the property and is inviting interested parties to submit proposals for this use. The best use of the properties could be defined as the use that most closely addresses the following requirements:

- The use should be beneficial to City
- The use should promote sustainable use of resources
- The use should consider the use of City's wastewater effluent discharge from its wastewater treatment facility
- The use takes into consideration all environmental aspects of the property including: soil conservation measures, riparian area preservation, wildlife reserve area preservation, forest preservation areas and proposed pedestrian trail connections
- The use must be compatible with Jackson County Land Development Ordinances

City will evaluate each proposal received in accordance with the procedures set forth in this document and shall identify the proposal that best meets City's goals and provides the most beneficial use for the property. There is no guarantee that City will select one of the proposals as submitted. City further reserves the right to negotiate with one or more of the proposers to alter, delete or add additional conditions or requirements to better meet City's needs. City reserves the right to reject any or all proposals, to waive formalities or to accept any proposal which appears to serve the best interests of City.

Proposers responding to this RFP do so solely at their expense, and City is not responsible for any proposer expenses associated with the RFP.

General Background Information

Property Acquisition

On April 9, 1996, the City purchased 846 acres of land known as the "Imperatrice Ranch" property from Kimberly White, Karen White, and Marion Imperatrice for \$950,287.98. The property was purchased using food and beverage tax proceeds with the intent to land apply the City's wastewater treatment plant effluent and biosolids. The effluent and biosolids land application plan was suspended after surrounding neighbors and members of the community expressed concerns about effluent land application proposals.

In an effort to generate revenues that would cover the costs of the annual property taxes and TID water rights, the City entered into a lease agreement with Ron Anderson, a cattle rancher from Eagle Point. This lease generated \$11,000 for the first year in revenue for the property. The original lease agreement with Mr. Anderson was a one-year lease that expired April 14, 1999. The lease was never renewed; Mr. Anderson has continued to use the property on the same terms on a month-to-month agreement paying \$1,000 per month. This month-to-month arrangement has offset the annual costs of the property for the last ten years.

General Property Description

The property is comprised of the following seven tax lots:

1. 38 1E 27 – 100

2. 38 1E 28 – 500
3. 38 1E 28 – 600
4. 38 1E 28 – 700
5. 38 1E 32 – 100
6. 38 1E 32 – 200
7. 38 1E 33 – 200

The seven lots total approximately 840 acres, but some sources show up to 890 acres. The property is located north of Interstate 5, outside the City Urban Growth Boundary. The Talent Irrigation District (TID) east lateral traverses three of the tax lots for a total linear exposure of 7,780 feet. The area below the canal, totaling 180 acres, is irrigated and has a current water right of 475 acre-feet per season (April to September). The property is predominately pasture land with approximately 546 acres currently being used for cattle grazing.

There are no year-round streams on the property, but several intermittent streams that flow during the wet season. At least one spring, Hamby Spring, is located on the property in the southwesterly section of the property.

The property has several acres of nearly level land near the north boundary of the property, but most of the property has a relatively steep (10 to 20 percent) southern exposure.

The property currently has no utility services available on site. Since the property is located outside City's Urban Growth Boundary, potable water service from City's water system is not possible. Nor does the property meet minimum criteria for City sanitary sewer service.

The property is within the service area of Pacific Power and can be service from that source, but no service currently exists on the property.

Legal Description

The legal description of the property is shown on the following attached Exhibit A:

EXHIBIT A

TRACT A: The Southwest Quarter of Section 27 in Township 38 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon.

(Code 5-2, Account #1-9618-5, Map #381E27, Portion Tax Lot #100)

TRACT B: Beginning at the southeast corner of Section 28, Township 38 South, Range 1 East, of the Willamette Meridian in Jackson County, Oregon; thence West, along the the south line of Section 28, a distance of 605.0 feet; thence North, parallel with the east line of Section 28, a distance of 2630.0 feet; thence East 605.0 feet to said east line; thence South, along said east line, 2630.0 feet to the Point of Beginning.

(Code 5-2, Account #1-12340-6, Map #381E28, Tax Lot #600)

TRACT C: Beginning at the southeast corner of Section 28 in Township 38 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon; thence West along the south line of said Section, 1650.0 feet; thence North parallel with the east line of said Section, 2630.0 feet; thence East 1650.0 feet to the east line of said Section; thence South, along said line, 2630.0 feet to the point of beginning. EXCEPTING THEREFROM the following: Beginning at the southeast corner of Section 28, Township 38 South, Range 1 East, of the Willamette Meridian in Jackson County, Oregon; thence West, along the the south line of Section 28, a distance of 605.0 feet; thence North, parallel with the east line of Section 28, a distance of 2630.0 feet; thence East 605.0 feet to said east line; thence South, along said east line, 2630.0 feet to the Point of Beginning.

ALSO, the West 60.0 acres of the Southeast Quarter of Section 28 in Township 38 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon. ALSO, Tract 15 of "ASHLAND ACRES" in Jackson County, Oregon, according to the official plat thereof, now of record.

(Code 5-2, Account #1-12339-2, Map #381E28, Tax Lot #500)

(Code 5-2, Account #1-12341-4, Map #381E28, Tax Lot #700)

TRACT D: Beginning at the northwest corner of Donation Land Claim No. 49 in Township 38 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon; thence South 50.0 feet, along the west line of said Claim; thence East parallel with the north line of said Claim, 2870.0 feet; thence North 50.0 feet to said north line; thence West, along said line, 2870.0 feet to the point of beginning. EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded in Volume 530 page 505 of the Deed Records of Jackson County, Oregon.

ALSO, Tracts 9, 10, 11 and 12 of "ASHLAND ACRES" in Jackson County, Oregon, according to the official plat thereof, now of record. EXCEPTING therefrom that portion acquired by the State of Oregon, by and through its State Highway Commission, by Final Judgment rendered October 16, 1962 in the Circuit Court of Oregon for Jackson County, under Case No. 61-822L, and recorded in Volume 170 page 599 of the Circuit Court Journal. ALSO EXCEPTING therefrom, the following: Beginning at the southwest corner of said Tract 9; thence North 948.30 feet to the

LP-65935 (continued)

northwest corner thereof; thence East 567.70 feet; thence South 8°45' West 1144.0 feet to the northerly line of the County Road; thence North 64°35' West, along said line, 429.6 feet to the point of beginning. ALSO EXCEPTING therefrom that portion acquired by the State of Oregon, by and through its State Highway Commission, by Final Judgment rendered September 7, 1966 in the Circuit Court of Oregon for Jackson County, under Case No. 65-342L and recorded in Volume 204 page 654 of the Circuit Court Journal. ALSO EXCEPTING therefrom that portion conveyed by Deed recorded February 17, 1967 as No. 67-01380 of the Official Records of Jackson County, Oregon. ALSO, EXCEPTING THEREFROM the following: A parcel of land lying in Tracts 8, 9, 11 and 12, ASHLAND ACRES, Jackson County, Oregon, the said parcel being described as follows: Beginning at a point opposite and 150 feet Northeasterly of Engineer's Station 1345+00 on the center line of the relocated Pacific Highway; thence Southeasterly in a straight line to a point opposite and 200 feet Northeasterly of Engineer's Station 1350+00 on said center line; thence Northeasterly in a straight line to a point opposite and 550 feet Northeasterly of Engineer's Station 1354+00 on said center line; thence Southeasterly, parallel with said center line to a point opposite Engineer's Station 1362+00; thence Southeasterly in a straight line to a point opposite and 152.5 feet Northeasterly of Engineer's Station 1373+00 on said center line; thence Northwesterly in a straight line to a point opposite and 150 feet Northeasterly of Engineer's Station 1372+00 on said center line; thence Northwesterly in a straight line to a point opposite and 180 feet Northeasterly of Engineer's Station 1366+00 on said center line; thence Northwesterly, parallel with said center line, to a point opposite Engineer's Station 1363+00; thence Northwesterly in a straight line, to a point opposite and 170 feet Northeasterly of Engineer's Station 1357+00 on said center line; thence Northwesterly in a straight line to a point opposite and 150 feet Northeasterly of Engineer's Station 1351+00 on said center line; thence Northwesterly, parallel with said center line, to the point of beginning.

The center line referred to herein is described as follows:

Beginning at Engineer's center line Station 1345+00, said station being 1230.70 feet South and 353.36 feet East of the northeast corner of the John Barrett Donation Land Claim No. 48 in Township 38 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon; thence South 62°21' East 2800 feet to Engineer's center line Station 1373+00.

Bearings are based upon the Oregon Co-ordinate System, South Zone.

ALSO, Beginning at a point which is South 645.00 feet of the northeast corner of Tract 7 in "ASHLAND ACRES" in Jackson County, Oregon, according to the official plat thereof, now of record; thence South 105.00 feet; thence West 521.30 feet; thence North 0°09' East 140.00 feet; thence South 85°46' East 500.40 feet to the point of beginning.

(Code 5-8, Account #1-12687-6, Map #381E32, Tax Lot #100)
(Code 5-8, Account #1-12688-4, Map #381E32, Tax Lot #200)
(Code 5-11, Account #1-12360-1, Map #381E32, Tax Lot #200)

LP-65935 (continued)

TRACT E: Tracts 16, 17, 18, 19 and 20 of "ASHLAND ACRES" in Jackson County, Oregon, according to the official plat thereof, now of record. EXCEPTING THEREFROM that portion acquired by the State of Oregon, by and through its State Highway Commission, by Final Judgment rendered October 16, 1962 in the Circuit Court of Oregon for Jackson County, under Case No. 61-822L, and recorded in Volume 170 page 599 of the Circuit Court Journal. ALSO EXCEPTING therefrom that portion acquired by the State of Oregon, by and through its State Highway Commission, by Final Judgment rendered September 7, 1966 in the Circuit Court of Oregon for Jackson County, under Case No. 65-342L and recorded in volume 204 page 654 of the Circuit Court Journal. ALSO EXCEPTING therefrom that portion of Tracts 18, 19 and 20 of "ASHLAND ACRES" in Jackson County, Oregon, lying Southwesterly of Oregon Interstate Highway No. 5. ALSO EXCEPTING THEREFROM the following: Beginning at the northeast corner of Tract 17 of "ASHLAND ACRES" in Jackson County, Oregon, according to the official plat thereof, now of record and which is the southeast corner of Section 28 in Township 38 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon; thence South 1705.00 feet to the north line of tract described in Volume 170 page 567 of the Deed Records of Jackson County, Oregon; thence West 660.00 feet; thence North 1705.00 feet to the north line of said Tract 17; thence East 660.00 feet to the point of beginning.

ALSO, Beginning at a point South 89°45' West 40.00 chains from the quarter corner between Sections 33 and 34 in Township 38 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon; thence North 1485.00 feet; thence North 89°45' East 440.22 feet to the west line of Tract 17 in "ASHLAND ACRES" in Jackson County, Oregon, according to the official plat thereof, now of record; thence South, along said line, 1485.00 feet; thence South 89°45' West 440.22 feet to the point of beginning.

(Code 5-8, Account #1-12714-2, Map #381E33, Tax Lot #200)

(Code 5-11, Account #1-12367-6, Map #381E33, Tax Lot #200)

1.2 TAX LOT DESCRIPTIONS

The property is comprised of seven separate tax lots which are described in further detail and includes data from the Jackson County Assessors Office:

Jackson County Map Reference:	38 1E 27 Tax Lot 100
Address Location:	Approximately 1.5 to 2 miles North of Ashland approximately .25 miles Northeast of the North end of Mountain Avenue. This property is located above the East TID canal.
Owner of Record:	City of Ashland
Assessor's Account No:	1-009618-5
Present Use:	160 acre dry pasture
Highest and Best Use:	Present use
Zone:	Exclusive Farm Use (EFU)
Size:	160 acres
Property Description:	<p>An appraisal in 1999 states that the Jackson County Planning Department made the following statements in regard to this property: 38 1E 27 TL 100 appears to be a parcel that has been illegally created. Records show that prior to 1973, it was combined with 38 1E 27 TL 101 and 38 1E 34 TL 100 was conveyed to Jenkins (OR-75-12047) and 38 1E 27 TL 100 was conveyed to Kimberly White in 1987 (OR-87-25339-41). The three tax lots created did not comply with ordinance requirements in effect at the time, primarily because they did not have access. Under present regulations, findings would also have to be made that each parcel can stand alone as a separate commercial farm unit, in addition to the provision of access. This would be very difficult. It appears that the most easily accomplished alternative would be to consolidate subject (38 1E 27 TL 100) with an adjacent ownership, either with 38 1E 28 TL 600 in the Imperatrice ownership or with one of the parcels to the north, east, or south.</p> <p>Also it should be noted that subject parcel should be consolidated with 38 1E 34 TL 100 as subject parcel is not considered a legal parcel by Jackson County. Soils information indicated that the soils on this property are approximately 95% Carney and Carney Cobbly Clay soils with are Class 4 soils.</p>

Jackson County Map Reference:	38 1E 28 Tax Lot 500 and 700 38 1E 32 Tax Lot 200 38 1E 33 Tax Lot 200
Address Location:	Approximately 2 miles North of Ashland. This parcel of four tax lots lays adjacent to the Northeast side of Interstate 5 and the associated "Northbound" I-5 weigh station. This property extends uphill in a Northeasterly direction across the east canal of the TID.
Owner of Record:	City of Ashland
Assessor's Account No:	38 1E 28 Tax Lot 500 1-012339-2 38 1E 28 Tax Lot 700 1-012341-4 38 1E 32 Tax Lot 200 1-012688-4 38 1E 33 Tax Lot 200 1-012367-6
Present Use:	224.4 acre irrigated pasture 423.95 acre dry pasture
Highest and Best Use:	1.95 acre home site 422 acre dry pasture 244.4 acres irrigation pasture
Zone:	EFU
Size:	648.35 acres
Property Description:	<p>An appraisal in 1999 states: the Jackson County Planning Department states that this group of parcels is described in Volume 356, Page 197, dated September 4, 1951. No document could be found separating these tax lots prior to adoption of county-wide zoning on September 1, 1973. As a result, this block of land is considered as one parcel for development purposes.</p> <p>This large parcel has an 80 to 90% chance or better for qualifying for a farm dwelling permit on this EFU zoned land. Access would be via an easement from or consolidation with 38 1E 33 TL 100. The soils on this parcel are virtually all Class 4 soils even though many of the acres are irrigated. The soils are primarily Carney clay soils with some Carney Cobbly clay soil areas.</p>

Jackson County Map Reference:	38 1E 28 Tax Lot 600
Address Location:	Approximately 1.5 to 2 miles North of Ashland approximately .25 miles North of the North end of Mountain Avenue. This property is located above the East TID canal.
Owner of Record:	City of Ashland
Assessor's Account No:	1-012340-6
Present Use:	35 acre dry pasture
Highest and Best Use:	1 acre home site 34 acres dry land pasture
Zone:	EFU
Size:	35 acres
Property Description:	An appraisal in 1999 states that 38 1E 28 TL 600 is addressed in Volume 468, Page 107, dated February 5, 1959, which described only this parcel. As a result it is recognized as a separate 35 acre unit even though it does not currently meet access requirements. The access problem would most likely be solved by an easement written as servient to 38 1E 33 TL 100. A bridge adequate for fire trucks would have to be constructed across the East TID canal. The property should be able to meet all other requirements of an EFU property in process for a non-farm dwelling permit.

Jackson County Map Reference:	38 1E 32 Tax Lot 100
Address Location:	Approximately 2 miles North of Ashland adjacent to both sides of Butler Creek Road. This property is approximately 200-300 feet North of Interstate 5.
Owner of Record:	City of Ashland
Assessor's Account No:	1-012687-6
Present Use:	dry pasture
Highest and Best Use:	Consolidation with adjacent parcel(s) for access or pasture use.
Zone:	EFU
Size:	3.17 acres
Property Description:	An appraisal in 1999 states that this is a 3.17 acre parcel of land which was set out in the 927 Survey Plat Book 2, Page 10, a survey of Ashland acres. This long narrow parcel as created for access purposes and would not be a legally buildable lot. Soils on this property are virtually all Class 4 soil being primarily Carney and Coker clay soil.

1.3 LEGAL ENCUMBRANCES

The property is subject to numerous legal encumbrances and title exceptions that must be considered prior to future development. The following exceptions have been disclosed by the most recent title report.

1. The premises herein described have been zoned or qualified for "Farm Use" tax assessment. At such time as said land is disqualified for such "Farm Use," the property will be subject to additional taxes and interest and possible statutory penalty.
2. The effect of said property, or any part thereof, lying within the Talent Irrigation District, and subject to all water and irrigation rights, easements for ditches and canals, and all regulations of said District, including all assessments, leans and charges assessed, and to be assessed.
3. Right of way to R.B. Hargadine, record notice of which appears in Deed recorded April 2, 1880 in Volume 8 page 726 of the Deed Records of Jackson County, Oregon.
4. Right of way for canal and ditch, 50.0 feet wide, and rights in connection therewith, granted to the Talent Irrigation District, by instrument recorded March 15, 1923 in Volume 143 page 570 of the Deed Records of Jackson County, Oregon.
5. Right of way for the transmission and distribution of electricity, and for other purposes, granted to The California Oregon Power Company, a California corporation, by instrument recorded March 6, 1924 in Volume 149 page 97 of the Deed Records of Jackson County, Oregon.
6. Rights of way for the transmission and distribution of electricity and for other purposes, granted to The California Oregon Power Company, a California corporation, by instruments recorded in Volume 168 page 153 and Volume 256 page 443 of the Deed Records of Jackson County, Oregon.
7. Rights of way for the transmission and distribution of electricity, also right to install guys and anchors and for other purposes, granted to The California Oregon Power Company, a California corporation, by instruments recorded in Volume 184 page 122 and Volume 440 page 220 of the Deed Records of Jackson County, Oregon.
8. Ditch right of way, as set forth in deed recorded September 23, 1923 in Volume 195 page 50 of the Deed Records of Jackson County, Oregon.
9. Right of way for the purpose of the operation, maintenance, repair and reconstruction of canals, reserved by the Talent Irrigation District, in deed recorded December 30, 1936 in Volume 210 page 536 of the Deed Records of Jackson County, Oregon.
10. Perpetual easement for the construction, repair, maintenance and operation of a 50.0 foot canal, and rights in connection therewith, granted to the Talent Irrigation District, by instrument recorded in Volume 214 page 303 of the Deed Records of Jackson County, Oregon.
11. Right of way for the Eagle Mill Ditch, record notice of which appears in Deed recorded June 12, 1943 in Volume 244 page 155 of the Deed Records of Jackson County, Oregon.
12. Perpetual easement and rights in connection therewith, for underground conduit, cable and other fixtures, granted to The Pacific Telephone and Telegraph Company a California corporation, by instrument recorded March 13, 1947 in Volume 280 page 49 of the Deed Records of Jackson County, Oregon.
13. Perpetual easement and rights in connection therewith, for underground conduit, cable and other fixtures, granted to The Pacific Telephone and Telegraph Company a California corporation, by instrument recorded March 13, 1947 in Volume 280 page 50 of the Deed Records of Jackson County, Oregon.

14. Right to the use of spring located on said premises, together with the right of way for pipe line from said spring, and rights in connection therewith, reserved in deed recorded November 8, 1948 in Volume 308 page 252 of the Deed Records of Jackson County, Oregon.
15. Right of way 100.0 feet wide for the transmission and distribution of electricity, and for other purposes, also right to install guys and anchors, granted to The California Oregon Power Company, a California corporation, by instrument recorded April 24, 1957 in Volume 440 page 499 of the Deed Records of Jackson County, Oregon.
16. Perpetual right of way and easement to construct, reconstruct, operate and maintain a buried pipeline, for the purposes of conveying water and rights in connection therewith, granted to the United States of America, by instrument recorded September 22, 1959 in Volume 479 page 305 of the Deed Records of Jackson County, Oregon.
17. Access restrictions imposed by Final Judgment rendered September 7, 1966 in the State Circuit Court of Oregon, for Jackson County, under Case No. 65-342L and recorded in Volume 204 page 654, Circuit Court Journal.
18. "Grantors reserve for themselves, their executors and assigns, an undivided one-half interest in all gas, oil, and mineral rights which are now the property of grantors, and which may hereafter revert to grantors, it being the intention what the other undivided one-half interest in all such gas, oil, and mineral rights shall vest in grantees, there successors and assigns," as set out in deed from Ernest M. Pellkofer et ux, to J.D. Imperatrice et ux, recorded June 30, 1966 as No. 66-07545 of the Official Records of Jackson County, Oregon.
19. Perpetual rights and non-exclusive easements to use the roads, as set out in deed from Marion D. Imperatrice to Richard G. Ireland et ux, recorded October 15, 1974 as no. 74-13557 or the Official Records of Jackson County, Oregon.
20. Perpetual rights and non-exclusive easements to use the roads, also the perpetual right of Richard G. Ireland and Gloria S. Ireland, and their successors in interest to use for all road purposes, and continuation of Smith et ux, recorded October 15, 1974 as No. 74-13559 of the Official Records of Jackson County, Oregon.
21. Grant of Communications Systems Easement, subject to the terms and provisions thereof, granted to AT&T Communications of the Pacific Northwest, Inc., a Washington corporation, and recorded September 12, 1988 as No. 88-18995, of the Official Records of Jackson County, Oregon, as amended and corrected by instruments recorded January 10, 1989 as No. 89-00598, recorded March 8, 1989 as No. 89-04692, and recorded July 25, 1990 as No. 90-18479, said Official Records.
22. A mutual access and utility easement, as set forth in Agreement Creating Easement, subject to the terms and provisions thereof, recorded November 9, 1992 as No. 92-34316, of the Official Records of Jackson County, Oregon.
23. Right of Way Agreement, subject to the terms and provisions thereof, with Pacific Gas Transmission Company, a California corporation, recorded April 6, 1995 as No. 95-09111, of the Official Records of Jackson County, Oregon.
24. Right of Way Agreement, subject to the terms and provisions thereof, with Pacific Gas Transmission Company, a California corporation, recorded April 6, 1995 as No. 95-09113 of the Official Records of Jackson County.
25. Existing Leases, if any.
26. Slope easements granted to the Oregon Department of Transportation in connection with improvements made to the Port of Entry facility.

SECTION 2.0 CONDITIONS OF DEVELOPMENT

2.1 PROPERTY BOUNDARY DETERMINATION

Much of the Imperatrice Ranch property was surveyed and platted as part of the Ashland Acres tracts which was created in 1923 by the Baulfour-Guthrie Trust Company. The survey was completed by F.H. Walker, however, few corner monuments were set as the setting of physical lot corner markers was not required until 1947. As development of the property has been minimal, there have been few retracement surveys since the original platting in 1923. County records indicate that only two surveys have been filed which would affect any of the seven tax lots with the property. The surveys are filed in the office of the Jackson County Surveyor as Survey No. 16230 and 18720. Survey No. 18720 is a correction to the previously filed survey (16230) and both surveys were performed by L.J. Friar and Associates of Medford.

Prior to development of the property, the selected proposer will be required to determine and monument to remaining boundary corners not included on Survey No. 18720. The survey shall be conducted by a licensed professional land surveyor and proposer shall bear all costs for the survey.

2.2 MEANDER ROAD

The Ashland Acres plat created a "Meander Road" (shown on filed Survey No. 18720) which follows along the course of a riparian way along the southeast portion of the property. The meander road which has never been named nor opened, divides the City-owned property from the property to the east. Due to its proximity to the riparian way, the meander road would be difficult to open or to improve in any way; however, its presence as a 40 foot wide street right of way should be noted as to its possible impact to any development plan.

2.3 TALENT IRRIGATION DISTRICT (TID) CANAL

The TID east lateral traverses three of the tax lots on the property. The lateral is an open and unlined canal with approximately 7.780 linear feet of frontage. There are two existing wooden bridges that cross the canal. The west canal siphon also crosses tax lot 38 1E 32 TL 200 in a southwesterly direction. The canal, siphon and irrigation laterals are located on five recorded easements. The easements are listed by recording number as follows:

1. 50 foot wide easement – Volume 143 page 570 (1923)
2. Ditch right of way – Volume 195 p 50 (1923)
3. Canal right of way – Volume 210 p 536 (1936)
4. 50 foot wide easement – Volume 214 p 303 (1940c)
5. Eagle Mill Ditch – Volume 244 p 155 (1943)

The TID water right is for 475 acre-feet per irrigation season.

It shall be the responsibility of the proposer to locate all irrigation canals, ditches and siphons and their respective easements and to protect those facilities.

2.4 UTILITY TRANSMISSION LINES

Both Pacific Power and Avista Utilities have major transmission lines in place on the property. These lines are permitted by easements and carry specific rights and obligations for the protection of their facilities. Pacific Power maintains two overhead, very tall voltage transmission lines which run northwesterly across lots 38 1E 27 TL 100 and 38 1E 28 TL 600. The two transmission lines

run parallel about 150 feet apart and are supported by double wooden support structures at random intervals. Pacific Power has a right and obligation to remove tree growth under the power lines and is periodically required to remove trees that may sprout under the power lines. Avista Utilities operates a high pressure buried gas main nearly parallel to and southwesterly of the power lines. The pipeline is not obvious on the ground, but is marked at random locations with a post mounted placard.

It shall be the proposer's duty to determine the boundaries of the easements and the location of the gas pipeline and to determine the impacts that the easements and transmission lines might have on the proposed development.

2.5 TREE PRESERVATION AREA

There is a grove of Oak trees located on the north slope of lots 38 1E 27 TL 100 and 38 1E 28 TL 600 which shall be preserved. The grove is located north of the Pacific Power lines and extends from the top of the ridge to the north boundary line. Proposers must demonstrate how this area is to be protected, and/or utilized for public open space. The preservation area is shown on the vegetation overlay map in the Appendix.

2.6 RIPARIAN PROTECTION ZONES

Two intermittent streams are located on the property as shown on the vegetation overlay map. The streams are unnamed and are not fish bearing, but both streams have well established riparian growth that must be preserved, protected and enhanced. The stream vicinity also has a wetlands element which must also be protected in accordance with Jackson County Land Development Ordinances. The vegetation overlay map indicates that approximate limits of the riparian and wetlands protection zones.

2.7 ENVIRONMENTAL AND CULTURAL OVERLAYS

Chapter 7 of the Jackson County Land Development Ordinances (LDO) lists a portion of the property as being an area of special concern and has established an overlay zone to provide additional wildlife protection. The purpose of the LDO overlay zone is to protect site-specific species and to govern the use of land with the underlying zoning regulations as well as the special regulations set forth in Chapter 7.

A portion of this property is listed as Areas of Special Concern (ASC) 90-1 for deer and elk habitat. ASC 90-1 is described as those lands on which development can affect survival of Black-tailed Deer or Roosevelt Elk herds. Such lands are identified as winter range habitat on base maps prepared by the Oregon Department of Fish and Wildlife (ODFW). The Grizzly Unit has been classified by ODFW as being "Especially Sensitive." This area is located on the northeast corner of lot 38 1E 27 TL 100 as shown on the vegetation overlay map. Development within this area is regulated through the Jackson County LDO Chapter 7.1.1.C.

Proposers must be aware of these requirements and address them in their proposal.

2.8 RECREATIONAL USES

The property affords opportunities for development of public recreational uses including pedestrian trails, open space areas and passive park areas. The area base map shows a number of possible pedestrian trails that might ultimately become part of a proposed Grizzly Peak Trail

System. Proposers must address and incorporate elements of public recreation into their proposed development.

2.9 SOIL HAZARD AREA

A recent publication of the Oregon Department of Geology and Mineral Industries (IMS-9) has listed the surrounding area as being within Hazard Zone D, reflecting low amplification, no liquefaction and low landscape hazard. One area of the property, as shown on the Geology and Earthquake map, is listed as an earthquake hazard zone with higher landslide danger. Soil types and classifications are shown on maps included in the Appendix, however, each proposer must determine the extent of impact the soil might have upon the proposed development.

2.10 COMPLIANCE WITH JACKSON CO LAND DEVELOPMENT ORDINANCES

Each proposer must adequately demonstrate that they have met all applicable land development standards and ordinances established by the Jackson County Planning and Development Department.

3.0 PROPOSAL SUBMITTALS

To be considered by the Ashland City Council, each proposal must also adequately address each of the following elements of development:

3.1 SUSTAINABILITY

The proposal must demonstrate the sustainable use of energy and/or resources in the development and operation of the proposed project. Examples of sustainable projects might include the creation of energy by solar or wind generation. Other examples of acceptable sustainable projects would be agricultural food production.

3.2 PUBLIC BENEFIT

All proposals must clearly demonstrate a public benefit to be derived from the project in the form of recreational opportunities, open space areas with public access, trail systems or other improvements.

Specific examples of public benefit might include development of public park areas, creation of recreation pedestrian, bicycle or equestrian trails. Proposals might include the first phase of a regional Grizzly Peak trail or trails along the TID canal.

3.3 BUSINESS PLAN

Proposers must submit a five (5) year financial and business plan that incorporates all planned development. The plan must clearly identify required development capital and anticipated profits and expenses for all phases of development.

3.4 ENVIRONMENTAL STEWARDSHIP

Proposers must clearly demonstrate that the proposed project / development encompass strong elements of environmental stewardship. The proposal must avoid uses that create air pollution from road dust or from any manufacturing process. Uses that generate noise pollution or other forms of pollution should be avoided. Soil erosion and storm runoff must be strictly controlled and

down slope silt depositions must be acceptably contained on the site. Sensitive and wildlife preserve areas must be protected and preserved.

3.5 WASTEWATER EFFLUENT USE

All proposals must address how and to what extent effluent discharge for the City's Wastewater Treatment Plant may be utilized on the project. City's Wastewater Treatment Plant produces Class IV effluent (virtually drinking water quality) which is discharged into Bear Creek via Ashland Creek. New temperature standards have recently been introduced by DEQ which sets a maximum temperature for wastewater discharges into the creek. During summer months this standard is difficult to meet and some remedial action will need to be identified within the next few years.

A water trade may be an option when the warmer effluent water is replaced with cooler irrigation water. The Imperatrice property was originally purchased to land-apply this effluent. While this option was not viable in 1999, the treatment plant has since been upgraded to treat to an even higher class and may now be a possibility. The total summertime effluent discharge is approximately 2 million gallons per day.

3.6 WATER RIGHTS

The property has a current TID water right of 475 acre-feet per irrigation season. Proposals shall provide a specific plan for the use of this right. In the event that the City elects to land apply its wastewater effluent, the TID water may be left in-stream to replace the same amount of effluent applied to the property.

3.7 ADHERANCE TO JACKSON CO LAND DEVELOPMENT ORDINANCES

Proposers must provide a detailed written plan demonstrating compliance with Jackson County Land Development ordinances. The plan must site specific applicable land development codes and ordinances and must fully outline the application process and time lines for application approvals. Proposers must also outline any required applications and permits that must be acquired.

4.0 LEASE AGREEMENT

4.1 LEASE TERMS

The successful proposer will be expected to enter into a written lease agreement in the form attached to this RFP. The document will specify the number of years that the lease will be in affect, which may vary dependent upon the nature of the proposed use and may contain provisions for lease renewals.

4.2 INDEMNIFICATION

The document will further indemnify the City of Ashland from any and all actions of the proposer, on lands owned by the City.

4.3 INSURANCE

The lease will further require that the proposer provide general liability insurance coverage to the limits as specified in the lease agreement. The City of Ashland, its elected officials, officers and employees shall be listed as additional insured on the insurance policy.

4.4 TID ANNUAL CHARGE

Proposed shall be responsible for payment of the Talent Irrigation District annual charge for irrigation on the property. The current annual TID fees are approximately \$9,000.

4.5 ODF FIRE PROTECTION FEES

Proposer shall also pay the annual fee assessed by the Oregon Department of Forestry for fire protection service. The previous years cost for these services was \$1060.81.

4.6 PROPERTY TAXES

Proposer shall also be required to pay the annual property taxes as assessed by Jackson County. The previous years taxes, based upon a EFU zoning were \$854.51.

Appendix

Soils, Wetlands and Springs

Legend

- Imperatrice Property
- Spring
- Wetlands (NWI)**
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
- Soil Types (NRCS)**
 - Brader-Debenger
 - Brader-Debenger loams
 - Camas-Newberg-Evans
 - Carney clay
 - Carney cobbly clay
 - Central Point sandy loam
 - Coker clay
 - Cove clay
 - Darow silty clay loam
 - Heppsie clay
 - Newberg fine sandy loam
 - Padigan clay

Map Labels: CREEK RD, BUTLER CREEK RD, RUSH LN, E BUTLER LN, E ASHLAND LN, E VALLEY VIEW RD, HAMBY SPRING, PORT OF ENTRY, EAGLE MILL RD, N MOUNTAIN AV, PEMS, PUBH, PSSC, PFOC, Cove clay, Carney clay, Carney cobbly clay, Padigan clay, Heppsie clay, Darow silty clay loam, Newberg fine sandy loam, Padigan clay.

Scale: 0 400 800 1,600 2,400 FT

Scale: 1:9,600

National Wetland Inventory:
US Fish and Wildlife Service


Soils Information: Natural Resources Conservation Service

National Wetland Inventory:
US Fish and Wildlife Service

Soils Information: Natural Resources
Conservation Service

Scale: 1:9,600

0 400 800 1,600 3,400 FT



A vertical scale bar with markings at 0, 400, 800, 1,600, and 2,400 FT.



Imperatrice Property

Spring

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Freshwater Pond

Brader-Nebenger

brauer-Devinger Joannis

Carney clay

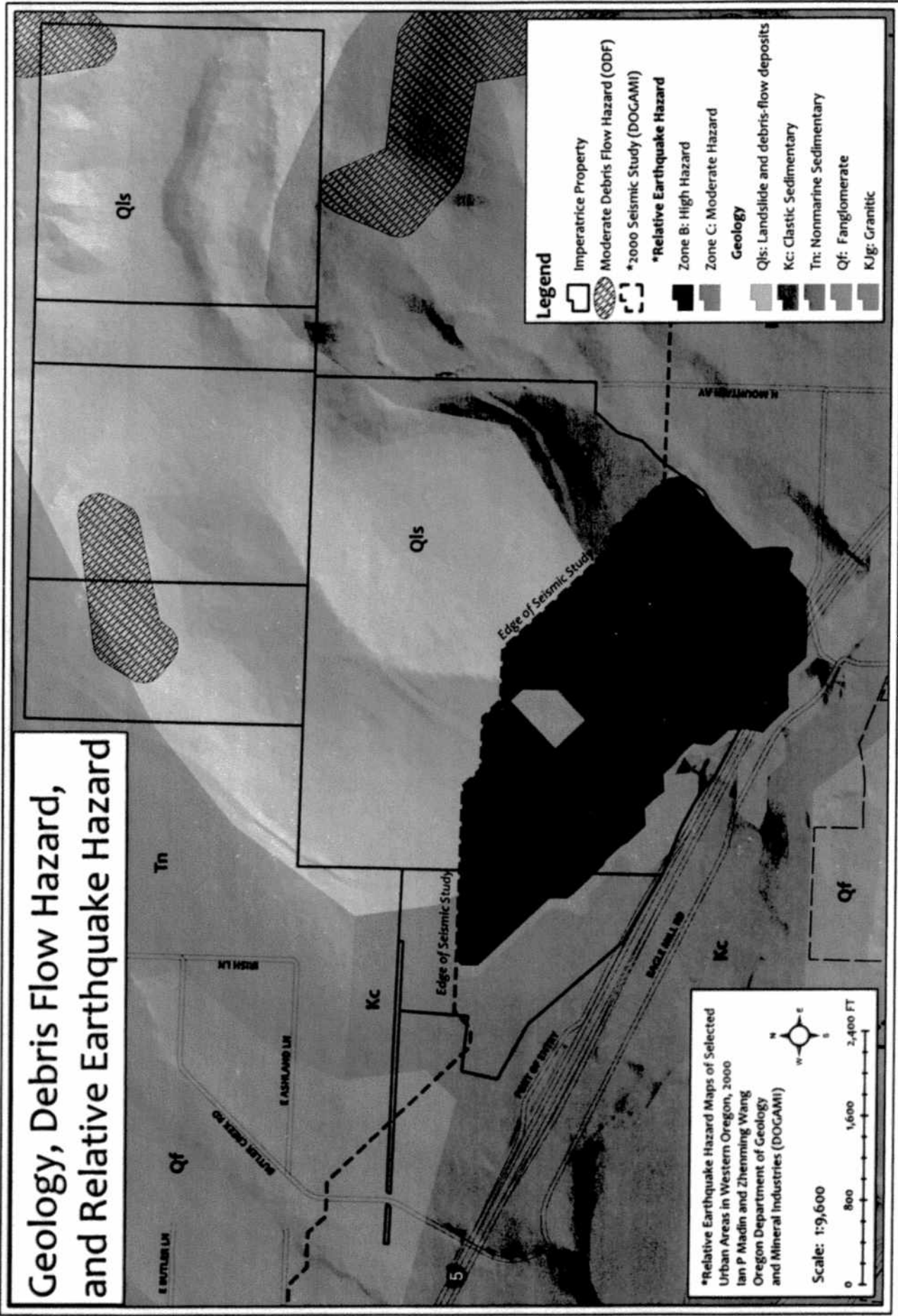
Central Point sandy

Cove clay

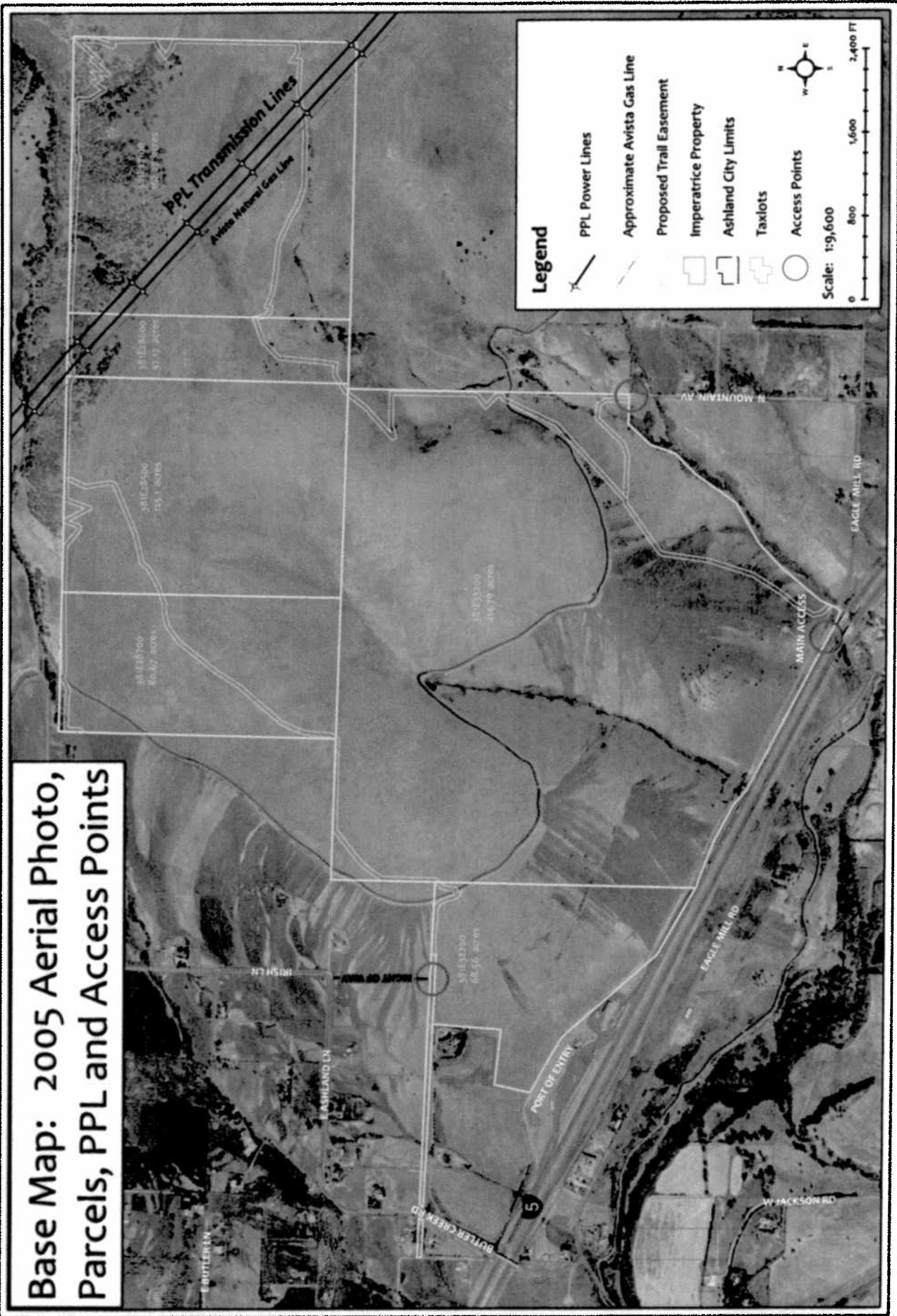
Hennsle clay

Newberg nine sandy loam

Geology, Debris Flow Hazard, and Relative Earthquake Hazard



Base Map: 2005 Aerial Photo, Parcels, PPL and Access Points



[illegible]

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Guangdong Zongheng

RR-5

Imperatrice Properties



Scale: 1:15,000



Imperatrice Properties

