

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Transfer of Surface)
Mining Operating Permit No. 05-0074) ORDER NO. 43-2009
from Pacific Cascade Resources to)
Kerr Contractors, Inc.)

WHEREAS, Kerr Contractors, Inc. has completed application requirements for a request for the transfer of the operating permit for the Neer City Quarry, Operating Permit No. 05-0074; and

WHEREAS, the Columbia County Surface Mining Administrator has reviewed the application and, on June 6, 2009, recommended approval of the transfer; and

WHEREAS, the Board of County Commissioners considered said request for transfer at their meeting on July 1, 2009 and provided an opportunity for the public to comment on the request; and


WHEREAS, no testimony was offered for or against the request;

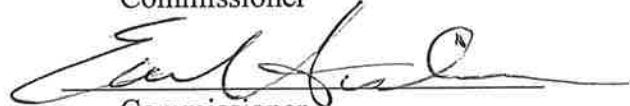
NOW, THEREFORE, IT IS HEREBY ORDERED that Surface Mining Operating Permit No. 05-0074 for the Neer City Quarry is hereby transferred from the Pacific Cascade Resources to Kerr Contractors, Inc., P.O. Box 1060, Woodburn, Oregon 97071.

Dated this 1st day of July, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON


Chair


Commissioner


Commissioner

Approved as to Form

By: 
Office of County Counsel

BOARD COMMUNICATION

FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT

MEETING DATE: July 1, 2009 Regular Meeting Consent Agenda

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Todd Dugdale, Director of Land Development Services

SUBJECT: Surface Mining Permit #05-0074 Neer City Quarry
Request to Transfer Operating Permit
From Pacific Cascade Resources
To: Kerr Contractors, Inc

Order # 43-2009

SUMMARY: A Surface Mining Operating Permit Transfer request has been received for Operating Permit No. #05-0074 for the Neer City Quarry. The current permit holder is Pacific Cascade Resources. Kerr Contractors acquired the Neer City Quarry site on a foreclosure sale. The new owner/permittee has

The new owner/permittee has current reclamation plan and permit transfer form, copy of the amount of \$18,500 as prescribed repletion fee payments.

*K Hearing:
In the Matter of the
Transfer of Surface Mining
Operating Permit No.
05-0074 from Pacific
Cascade Resources to
Kerr Contractors, Inc.*

FINANCIAL IMPACT: None

ATTACHMENTS:

1. Surface Mining Permit Transfer Form and Reclamation Bond
2. Surface Mining Administrator's Report
3. Board Order No. _____

REQUESTED ACTION/RECOMMENDATION:

The application for operating permit transfer has been reviewed by the Surface Mining Administrator. Staff recommends approval of the transfer of Operating Permit #05-0074 from Pacific Cascade Resources to Kerr Contractors, Inc.

SUGGESTED MOTION:

I move that Operating Permit #05-0074 for the Neer City Quarry be transferred to Kerr Contractors, Inc.

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES

COURTHOUSE
ST. HELENS, OREGON 97051
PHONE (503) 397-1501

SURFACE MINING PERMIT TRANSFER FORM

SITE INFORMATION:

ID NO.: 05-0074 SITE NAME: NEER CITY PIT

LEGAL DESCRIPTION: TOWNSHIP 6N, RANGE 2W, SECTION 11

TAX LOT NO.: 600

NUMBER OF ACRES IN PERMIT: 10.466

CURRENT PERMITTEE

Name PACIFIC CASCADE RESOURCES

Address UNKNOWN

(BANKRUPT)

Phone _____

* NEW PERMITTEE

* Name KERR CONTRACTORS, INC.

* Address P.O. BOX 1060

* WOODBURN, OR. 97071

* Phone 971-216-0050

BONDING COMPANY _____ BOND AMOUNT: _____

The new permittee accepts all reclamation liability from the surface mining operation stated above, except any exempt ground mined prior to July 1, 1972. In addition, the permittee is responsible for reclamation of any new mining related disturbance conducted at the site. The new permittee will reclaim all lands subject to the reclamation plan and operation maps submitted to Columbia County. A copy of the current reclamation plan is required to be submitted with this transfer form. The reclamation plan for the site can be modified, however approval from the Columbia County Surface Mining Administrator is required. An original of the surety bond, assignment of deposit or letter of credit for the current bond requirement must be submitted with this form. All permit fees and regulatory fees must be current before the permit can be transferred.

NEW PERMITTEE NAME & TITLE: BRENT KERR, PRESIDENT

SIGNATURE: [Signature] DATE: 6-1-09

LANDOWNER: KERR CONTRACTORS, INC.

SIGNATURE: [Signature] DATE: 6-1-09

* Date Approved _____ *
* COLUMBIA COUNTY USE ONLY *
* By _____ *

COLUMBIA COUNTY



OREGON

DEPARTMENT OF LAND DEVELOPMENT SERVICES

Columbia County Courthouse, St. Helens, Oregon 97051

Phone: (503)397-1501 Fax: (503)366-3902

BOND # 6643978

SURETY BOND TO CONDUCT MINING

For Surface Mining Operating Permit Issued to: Kerr Contractors, Inc.
Site Location: Section 11, T 6 N, R 2 W, 1/4 NE, Tax Lot 600, Columbia County, Oregon.
Permit # 05-0074

KNOW ALL MEN BY THESE PRESENTS:

That we, Kerr Contractors, Inc., P.O. Box 1060, Woodburn, OR. 97071, as principal and Safeco Insurance Company of America, 16505 SW 72nd Ave., Bldg. F, Portland, OR 97223, a corporation duly licensed to do business in the State of Oregon, as surety, being held and firmly bound unto Columbia County, political subdivision of the State of Oregon, to pay said County the sum of Eighteen Thousand Five Hundred and No/100 Dollars (\$18,500.00), lawful money of the United States, we bind ourselves and our legal representatives jointly and severally by these Presents.

DATED this 4th Day of June, 2009.

The condition of the above obligation is such that:

WHEREAS, the above principal is an applicant for a permit to conduct surface mining in Columbia County Pursuant to the Columbia county Surface Mining Ordinance.

WHEREAS, it is understood and agreed that the County may grant to principal extensions of time to complete his or her reclamation plan, said extensions being based upon causes beyond principal's control; and

WHEREAS, such extensions of time shall not cancel the bond but continue it in full force and effect for the period of such extension of time;

NOW THEREFORE, if the said principal shall faithfully perform the requirements of the reclamation plan filed with Columbia County, the terms and conditions of this operating permit, and the provisions of the Columbia County Surface Mining Ordinance, then this obligation shall be void; otherwise it will remain in full force and effect; provided that, if the surety elects to cancel this bond as to subsequent liability, surety must give written notice to the principal and to Columbia County at least thirty (30) days prior to the effective date of cancellation.

Kerr Contractors, Inc.
Principal
By: [Signature]
Brent Kerr
Title: President
Date: 6-5-09

Safeco Insurance Company of America
Surety
By: [Signature]
Vicki Mather
Title: Attorney-in-Fact
Date: June 4, 2009

By: _____
Title: _____
Date: _____

By: [Signature]
Title: Richard W. Kowalski, Agent/Witness to Surety
Date: June 4, 2009



POWER OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

KNOW ALL BY THESE PRESENTS:

No. 7521

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

*****GLORIA BRUNING; GENE M. DIETZMAN; JOEL A. DIETZMAN; J. PATRICK DOONEY; JAMES P. DOONEY; PHILIP O. FORKER; JOHN D. KLUMP; RICHARD W. KOWALSKI; VICKI MATHER; BRENT OLSON; RAY M. PAIEMENT; KAREN A. PIERCE; TAMARA A. RINGEISEN; Portland, Oregon*****

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st day of March, 2009

Dexter R. Legg

T. Mikolajewski

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 4th day of June, 2009



Dexter R. Legg

Dexter R. Legg, Secretary

NEER City Quamy

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Courthouse
St. Helens, OR 97051
(503)397-1501

RECLAMATION PLAN FOR OPERATING PERMIT NUMBER 05-0074

Name, address and telephone number of the Permittee:

PACIFIC CASCADE RESOURCES
70087 NICOLAI ROAD
RAINIER, OR 97048 (503)556-9049

Name, address and telephone number of all landowners within the permit boundary:

SAME (SEE EXHIBIT "A" ATTACHED; LEGAL OWNERSHIP)

Name, address and telephone number of all mineral rights owners if different from the landowners listed in question B:

NA

Legal description of permit boundary including Tax Lot Number(s), Section(s), Township, Range WM:

Tax Lot Number 600, _____, _____, _____
Section 11, _____, Township 6N Range 2W WM.

Zoning on Tax Lots listed question D:

Tax Lot Number, Zoning PF-76, _____, _____, _____
_____, _____, _____, _____

Number of acres in permit boundary: 10.66 acres.

Exempt ground claimed in permit boundary (ie: ground mined prior to 1972) Exempt ground claimed: NA acres

Explanation of exemption claimed: NA

I. Pre-mine Conditions

1. Current land use: EXISTING QUARRY / FOREST LAND
2. Type and density of vegetation: NATIVE GRASSES, SHRUBS + TREES.
MAJORITY OF SITE DISTURBED BY PREVIOUS MINING ACTIVITIES.
3. Depth of topsoil: 0-2 FEET
4. Depth of overburden or waste rock that will have to be removed:
0-2 feet
5. Are there any drainages in the permit boundary? Yes ___ No X
If yes, a map is required showing drainage and buffer areas.
6. Are there wetlands in the permit boundary? Yes ___ No X

J. Mine Plan

1. Mining method(s) to be employed:

a. Single Bench	<input checked="" type="radio"/> b. Multiple Bench	<input checked="" type="radio"/> c. Side Hill Cut
d. Pond Excavation	e. Placer Mine	f. Other
2. Will blasting be incorporated into the mining operation?
Yes X No ___
3. Distance to the nearest non-owned structure from the mining operation (ie: house, well, garage, etc.) +/- 400 feet
4. Are there any property lines within 500' of the mine area?
Yes X No ___ If yes, a map is required showing lines.
5. Type of vegetation and removal method: NATIVE VEGETATION REMOVED WITH CONVENTIONAL EQUIPMENT; MAJORITY OF SITE HAS NO VEGETATION SINCE IS A PREVIOUS/EXISTING QUARRY.
6. Topsoil salvage depth: 0-2 FEET
7. Will overburden stockpile or spoil locations be created by the mining operation? Yes X No ___
If yes, what is the estimated volume(s)? +/- 1,500 yards
Additional information may be required if spoil dump is located on steep slopes or large volumes of material.
8. Approximate mine depth: 0-100 feet below surface.
9. Approximate depth to groundwater: + 50 feet below surface.
10. Is there a well or wells on the property? Yes ___ No X
Please state the distance to the closest well to the mine area.
+/- 400 FEET NORTH AND EAST

~~GROUNDWATER IS NOT ANTICIPATED TO BE AFFECTED BY MINING AND RECHARGE WELLS IN THE AREA ARE GENERALLY DRILLED TO DEPTHS OF 200-600 FEET BELOW GROUND SURFACE, WITH WATER LEVELS DEEPER THAN 400'~~

11. Will mine site dewatering be required? A permit may be required from the Water Resources Department for the dewatering activity.

Yes _____ No

12. Will waste water be contained on-site in a pond or discharged off-site? A permit from the Department of Environmental Quality may be required for waste water control facilities.

Yes _____ No

13. Please explain discharge or containment procedures for the mine site dewatering.

NA

14. List types of equipment to be used for mining and processing.

a. Mining Equipment: DUMP TRUCKS, EXCAVATORS, CRUSHER, SCREEN PLANT

b. Type of Processing (check one):

_____ 1. Wash water will be discharged off-site.

_____ 2. Wash water will be contained in a closed system.
Source of water? _____

3. Dry processing.

_____ 4. No on-site processing.

K. Post-Mining Land Use

What will be the planned subsequent beneficial use of the permit area? The planned subsequent beneficial use must be compatible with local zoning requirements. Examples include grazing, wildlife, wetlands, timber, etc.

RETURN TO FOREST ZONE USES

L. Reclamation Timing

Columbia County Surface Mining Ordinance requires that reclamation be completed within three years following completion of mining.

① Reclamation will begin 360 days after mining is completed.

2. Reclamation will be concurrent with mining: Yes _____ No

Please explain procedures for concurrent reclamation:

NA

Surface Water Management

1. How will surface water runoff through the permit area be handled during mining?

BERMS AND DITCHES TO COLLECT ON-SITE WATER TO ALLOW INFILTRATION + DISPERSAL INTO VEGETATION, ROCK FRACTURES OR SUMP AREAS - ALL ON-SITE.

2. What will be the minimum undisturbed setback of the operation from any stream or drainage?

200 FEET

3. Describe methods employed to control erosion and sedimentation in the permit area. Be specific, i.e., seeding and mulching stockpiles on bare areas, contour ditching, waterbars, etc.

FIRST, ISOLATE THE SOURCE OF SEDIMENT. DIVERT MAJORITY OF OVERLAND FLOW AROUND MINE SITE TO ORIGINAL DRAINAGE. LAST, REMOVE SEDIMENT BY FILTERING + GRAVITY SEPARATION.

4. Will settling ponds or dams be constructed? Yes No

- a. Please state size of the impoundment(s) and how they will be created. Will the pond be excavated or will berms be constructed?

NA

- b. If a dam will be constructed, how high will it be? If a dam is higher than 10' or stores more than 9.2 acre-feet of water, approval from the Water Resources Department is required.

NA

- c. If berms or a dam will be constructed, please describe construction details and attach a sketch showing construction methods. NA

- d. How deep will the impoundments be? NA

- e. If the impoundments are to be removed upon completion of mining, how will the ponds be drained or filled?

NA

- f. Is (are) settling pond(s), wetlands, or a water impoundment to be left upon final reclamation? NA

Yes No If yes, see page 9.

Visual Screening

Visual screening can be very effectively employed to hide sites from public notice.

1. Does natural landform or vegetative screen presently exist along the permit boundary? Yes No

2. If yes, how will the screen be maintained during mining?

MINING OPERATION IS BELOW STREET VIEW. A SAFETY BERM PLANTED WITH SHRUBS/TREES ALONG STREET (NEAR CITY ROAD).

3. How wide is the screen? 20 FEET

4. Will a berm and/or vegetation be established to develop a visual screen for the operation? Yes No

If yes, please describe height, width, location of berm and type and density of vegetation.

ALONG NORTHERN PORTION OF MINING AREA; ALONG NEAR CITY ROAD; BERM TO BE A MINIMUM OF 5 FEET W HEIGHT PLANTED WITH DENSE SHRUBS/TREES.

1. Noise Screening

Topsoil or overburden berms can be very effectively employed in certain situations to dissipate crusher noise. Will noise berms be constructed for this operation?

Yes No

If yes, show the berm location on the site map. Also, please describe height and width of the berm.

2. Equipment and Structures Removed

Upon final reclamation, will all structures, equipment and refuse be removed from the site? Yes No If no, please explain.

3. Map or Aerial Photo Requirements

A mine plan map is required. It can be an aerial photo, blue line copy of an aerial photo, an engineered drawing or a properly scaled hand drawing.

1. Map(s) requirements include, but are not limited to:

- a. Scale (1"= 100' to 600').
- b. North shall be indicated.
- c. List the appropriate legal description(s) and, if practical, the tax lot numbers.
- d. The boundaries of area to be permitted and any setbacks for the excavation area.

- f. The locations of all water courses, streams, rivers, springs and wells.
- g. The present mine areas and future mining blocks, if known.
- h. The area(s) for topsoil and overburden storage.
- i. The locations of all proposed access roads.
- j. All property lines in the permit area and within 500' of permit boundary.
- k. The location of mine, processing and stockpile areas plus visual and sound berms.
- l. The date of map preparation and the name of the person preparing the map.

2. Pre- and post-mining cross-sections of the land surface may also be required.

2. Reclamation Procedures

1. Land Shaping

- a. What will be the steepest above-water excavated slopes left after mining (1-1/2:1 is the general maximum)?

1 1/2:1 SLOPES, AND QUARRY BENCHES

- b. What will be the steepest above-water fill slopes left after mining (2:1 is the general maximum)?

2:1

- c. Describe how adjacent property will be protected against steep banks, deep holes or other hazards during and after mining.

MINING EXCAVATIONS WILL BE STABLE. RECLAMATION WILL CREATE A SAFE SITE.

- d. What is being done to ensure slope stability?

Excavated slopes: 1 1/2:1 MAXIMUM CUT ANGLES OR BENCHES.

Fill Slopes: NONE PLANNED; IF NECESSARY FOR RECLAMATION FILL SLOPES WILL BE COMPACTED AND PROPERLY BENCHMARKED IN-SLOPE.

2. Revegetation Techniques - Vegetative survival at least equal to the original ground cover will normally be considered acceptable. This may take three or more years to complete.

- a. How and where will soils or subsoils be stored for reclamation?

IN BERMS ON FLATTER AREAS BY NEER CITY ROAD.

- b. What measures will be taken to reduce compaction, prevent water and wind erosion of the stockpiles?

PLANT BERMS WITH VEGETATION

Toxic materials at the site: How will toxic materials be handled if any?

TOXIC MATERIALS WILL NOT BE STORED ON SITE. ALL

EQUIPMENT ON-SITE WILL BE PROPERLY MAINTAINED TO REDUCE ANY POSSIBILITY OF GAS OR OIL LEAKS.

d. What will be the average depth of soil replaced on the area to be reclaimed? 0-2 feet.

e. Will additional material be utilized as a soil substitute to complete the revegetation? Yes No X

If yes, please specify type(s), amount(s) and source.

OVERBURDEN MATERIAL THAT WAS STOCKPILED AT

THE LOWER-SOUTHERN PORTION OF THE SITE, WILL BE UTILIZED AS SOIL FOR RECLAMATION.

f. Will any waste products, such as tailings, crusher rejects, etc., be generated during mining? Yes No X

If yes, what will be done with them?

g. Describe seedbed preparation methods prior to planting.

ENSURE CONTACT BETWEEN SEED AND SOIL; ADEQUATE

MOISTURE; DOZER TRACKS CAN ENHANCE SEED GERMINATION AND REDUCE RUNOFF; PLANT IN FALL.

h. List species to be seeded and/or planted by type and amount.

NATIVE SPECIES FOR DISTURBED AREAS + REFORESTATION

FOR POST-MINING LAND USE. NATIVE TREES WILL MOST

LIKELY CONSIST OF DOUGLAS FIR, AND NATIVE GRASS SEED MIXTURES OR NATIVE SEED MIXES - BASED ON EXPERTS + AGENCIES.

i. Describe planting method and the time of year for the planned planting.

SEE #9. ABOVE (DOUG FIR PLANTED AT 200 SEEDLINGS

PER ACRE IN LATE FALL, WINTER OR SPRING)

j. List types and amounts of fertilizer, mulch and lime to be used to supplement the seeding.

IF NECESSARY, WILL BE BASED ON SOIL TYPE.

3. State disposition of all stockpile sites upon final reclamation. If they are to be revegetated, explain procedures which will be employed to decompact the area prior to topsoiling and seeding.

IF NECESSARY, SPREAD SOIL IN STABLE AREAS, CREATE

MICRO-DEPRESSIONS WITH SHEEPSFOOT ROLLER OR DOZERS TO ENHANCE SEED GERMINATION.

4. If applicable, what provisions have been made for stream channel and bank stabilization and rehabilitation? (A Division of State Lands' permit is generally required for stream relocation.)

NA

5. What provisions will be made to control surface water runoff and erosion through the permit area upon completion of mining?

BERMS AND DITCHES TO REMOVE SEDIMENT BY FILTERING AND GRAVITY SEPARATION.

6. Will dewatering be required to complete reclamation?

Yes No

Will backfilling a water filled excavation pit or pond be completed during reclamation? Yes No

Will off-site materials be imported to complete the backfilling?

Yes No

If yes, how will quality of imported backfill be monitored to protect groundwater quality? Monitoring or testing may be required to ensure groundwater protection.

Other Permits if Applicable

	Permit Number	Date Permit Issued
Division of State Lands	<u>NA</u>	<u>NA</u>
Dept. of Environmental Quality	<u>NA</u>	<u>NA</u>
County Land Use Permit (ATTACHED)	<u>CU 17-90</u>	<u>7/2/90</u>
Water Rights	<u>NA</u>	<u>NA</u>
Other (identify)	<u>NA</u>	<u>NA</u>

NOTE: MAPS OR SKETCHES EXCEEDING 11" X 17" MUST BE PROVIDED IN SUFFICIENT NUMBER REQUIRED FOR DISTRIBUTION. (Coordinate with Reclamationist or Mined Land Reclamation Office before submission)

Post-Mining Water Impoundments

1. Number of impoundments: 0

2. Total surface area in acres: NA

4. What will be the steepest in-water slopes left after mining? (Generally 3:1 in-water slopes are the steepest allowable.)

NA

5. Will any shallow ponds, shorelines, or other areas conducive to wetland plant development be left after mining?

NA

6. What is the water source for the impoundment?

NA

7. How will stagnant water be prevented in water impoundments?

NA

8. What will be done for wildlife and fish enhancement (islands, peninsulas, irregular shorelines, fish structures)?

NA

J. Landowners Consent

As surface or mineral rights Owner, I concur with the proposed subsequent use for any mining operation and with the operating and reclamation plan as submitted. I also agree to provide access to the Columbia County Land Development Services or their contractor for reclamation of the mine site if it is declared abandoned by Columbia County.

I CONCUR (Surface Rights) :

[Signature]
Signature

President - P.C.D.C.
Title

6-3-99
Date

I CONCUR (Mineral Rights) :

Signature

Title

Date

V. Applicant's Acceptance

[Signature]
Signature of Applicant

President - P.C.D.C.
Title

6-3-99
Date

*173809-379 TICOR TITLE

COLUMBIA COUNTY, OREGON 2009-003348
DEED-D 04/06/2009 11:53:01 AM
Cnt=1 Pgs=4 HUSERB Total:\$46.00
\$20.00 \$11.00 \$5.00 \$10.00



I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon
certify that the instrument identified herein was recorded in the Clerk
records
Elizabeth E Huser - County Clerk

AFTER RECORDING RETURN TO:
Kerr Contractors, Inc
10910 Hwy 240
Yamhill, Oregon 97148

MAIL ALL TAX STATEMENTS TO:
Kerr Contractors, Inc.
10910 Hwy 240
Yamhill, Oregon 97148

STATUTORY BARGAIN AND SALE DEED

West Coast Bank, a corporation duly organized and existing under the laws of the state of Oregon, "**Grantor**," for and in consideration of **Two Hundred Fifty Thousand and NO/100 DOLLARS (\$250,000.00)**, in hand paid conveys to Kerr Contractors, Inc "**Grantee**," the following described real property situated in the County of Columbia, State of Oregon:

Legal Description:

See attached "**Exhibit One**"

Also known as: Assessor's Property Tax Parcel/Account Number(s):

Map No 0305 6N2W11-00-00900, Account No 19301;

Map No. 0305 6N2W11-00-01100 Account No. 19303;

Map No. 0305 6N2W11-00-01503 Account No. 19310;

Map No. 0305 6N2W11-AA-00600 Account No 19316.

SUBJECT TO: EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, CONDITIONS, MINERAL RESERVATIONS AND AGREEMENTS OF RECORD AS DESCRIBED IN THE PRELIMINARY TITLE REPORT ISSUED BY TICOR TITLE INSURANCE COMPANY DATED MARCH 2ND, 2009 ORDER NO. 73809000379.

AS IS Condition:

By recordation of this deed, Grantee hereby acknowledges and agrees the property is accepted on the basis of Grantee's examination of the property and that Grantor has made no representations or warranties expressed or implied as to the property or the improvements or fixtures thereon or appurtenances thereto or their conditions or fitness for use Grantee accepts the property and any improvements or fixtures thereon and appurtenances thereto "AS IS", that is with all defects, if any, "WHERE IS" and without any warranty, expressed or implied as to the condition, repair, acreage or value of said property. Grantor and Grantor's agents have made no promises to repair or alter the property or any improvements.

Without limiting the generality of the foregoing, Grantor makes no warranty or representation expressed or implied with regard to the presence of hazardous substances or toxic waste on the premises or the presence or absence of asbestos in the construction of the improvements on the premises.

All obligations, representations or agreements in any earnest money agreement, sale agreement or any other agreement, whether collateral or direct, written or verbal, express or implied, are hereby merged into this deed and are deemed satisfied, performed and extinguished.

Oregon Notice:

The following is the notice required by Oregon Law. "THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30 930"

Dated this 1st day of April 2009.

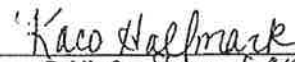
West Coast Bank

By 
Tom Provancha, Senior Vice President

{State of Oregon
{County of Clackamas

This instrument was acknowledged before me on April 1st, 2009 by Tom Provancha of West Coast Bank as Senior Vice President.




Notary Public for State of Oregon
My Commission Expires March 17, 2013

Seal:

EXHIBIT "ONE"

Parcel 1: The Northeast quarter of the Southeast quarter and that part of the South half of the Northwest quarter of the Southeast quarter of Section 11, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, lying West of that certain road described in deed from Frances J. Fowler and C. C. Fowler to George W. Makinster recorded February 19, 1931, in Book 52, page 348, Deed Records of Columbia County, Oregon, and East of the O. J. Thomas County Road as located and existing in 1961.

Parcel 2: That part of the North half of the South half of the Southeast quarter of Section 11, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, lying West of the center of Goble Creek and East of the O. J. Thomas County Road as located and existing in 1961.

Parcel 3: That portion of the North half of the South half of the Southeast quarter of Section 11, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, lying East of the center of Goble Creek, EXCEPTING THEREFROM that tract described in deed to Portland General Electric Company, recorded August 8, 1975 in Book 202, page 128, Deed Records of Columbia County, Oregon.

TOGETHER with an easement for ingress and egress as created by General Judgment Decree recorded April 5, 2005 as Fee Number 05-04526, Records of Columbia County, Oregon and as filed in Columbia County Circuit Court Case Number 04-2242 filed March 30, 2005

Parcel 4: The South half of the South half of the Southeast quarter of Section 11, Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon, EXCEPTING THEREFROM the following described tracts:

A. Tract conveyed to Columbia County by deed recorded March 9, 1928 in Book 45, Page 98, Deed Records of Columbia County, Oregon.

B. Tract conveyed to School District No. 20, by Deed recorded June 5, 1952 in Book 115, Page 63, Deed Records of Columbia County, Oregon.

C. Tract conveyed to George R. Hyde et ux, by Deed recorded April 25, 1966 in Book 161, Page 469, Deed Records of Columbia County, Oregon. D. Tract conveyed to Bonnie Arnold by Deed Recorded November 23, 1970 in Book 179, Page 582 and 583, Deed Records of Columbia County, Oregon.

E. Tract conveyed to Perry M. Olson in Deed recorded November 8, 1965 in Book 259, Page 648 Deed Records of Columbia County, Oregon.

F. Also excepting and reserving unto the Grantor the following described parcel, to-wit: Beginning at the Southeast corner of that tract of land conveyed to Portland General Electric Company by Deed August 6, 1976 and recorded in Book 202, Page 128, Deed Records of Columbia County, Oregon; thence South $3^{\circ} 00' 51''$ West along a Southerly projection of the East line of said PGE Company tract to a point on the Northerly right of way of County Road No. P-243 (Goble Shiloh Basin Road); thence Northwesterly along the North right of way of said County Road to an iron rod, said iron rod being at the most Southerly corner of that tract of land quitclaimed and released from the County of Columbia to PGE Company by Quitclaim Deed dated December 24, 1975 and recorded January 13, 1976 in Book 204, Page 163, Deed Records of Columbia County, Oregon; thence, tracing the Southerly boundary of the last aforesaid tract, North $49^{\circ} 51' 30''$ West 164.10 feet to the most Westerly corner thereof; thence, continuing on the Northerly boundary of Thomas Road No. P-6, North $49^{\circ} 51' 30''$ West 6.28 feet to a $5/8$ inch iron rod at an angle point of said road; thence, tracing the Northerly boundary of said road, North $84^{\circ} 29' 10''$ West 136.47 feet to a $5/8$ inch iron rod; thence, tracing a Southerly extension of the Westerly line of tract as described in aforesaid Book 202, Page 128, Deed Records of Columbia County, Oregon, North $3^{\circ} 00' 51''$ East 51.38 feet to the Southwest corner thereof; thence, tracing the Southerly

line of aforesaid tract South 86° 59' 08" East 628.04 feet to the place of beginning

Parcel 6: That part of the Northeast quarter of the Northeast quarter of Section 11, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, described as follows:

Beginning at the corner common to Sections 1, 2, 11 and 12, said township and range; thence West on the line between Sections 2 and 11 a distance of 495 feet to the East line of Nelson's Addition to Near City Cemetery recorded in Plat Book 2, page 97, Records of Columbia County, Oregon; thence South on the East line of said Plat a distance of 44 feet to the Southwest corner of the second tract conveyed to William S. McGregor et ux by deed recorded in Book R, page 388, Deed Records of Columbia County, Oregon, which is the true point of beginning; thence continuing South on the East line of said Plat to the Southeast corner thereof; thence West on the South line thereof 108 feet, more or less, to the West line of the tract conveyed to Michael Dean Near by deed recorded in Book 20, page 547, Deed Records of Columbia County, Oregon; thence South on said West line 1216 feet, more or less, to its intersection with the South line of the Northeast quarter of Section 11; thence East along the South line of said Northeast quarter of Northeast quarter of Section 11 a distance of 603.9 feet to the line between Sections 11 and 12; thence North along said Section line 658 feet, more or less, to the Southeast corner of a tract of land heretofore conveyed to Geo. Fowler; thence West along the South line of said Fowler tract 330 feet to the Southwest corner of said Fowler tract; thence North along the West line of said Fowler tract 284 feet to the Northwest corner of said Fowler tract; thence East along the North line of said Fowler tract 231 feet; thence North 20 feet to the South line of the Monroe tract; thence West along the South line of the said Monroe tract 181 feet to the Southwest corner of said Monroe tract; thence North along the West line of the said Monroe tract 330 feet, more or less, to the Northwest corner of said Monroe tract; thence West along the South line of the McGregor tract 215 feet to the true point of beginning. EXCEPTING therefrom tract conveyed to Columbia County, Oregon by deed recorded November 7, 1928 in Book 46, page 454 Deed Records of Columbia County, Oregon.

EXCEPTING THEREFROM the following described parcel:

That part of the Northeast quarter of the Northeast quarter of Section 11, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, described as follows:

Beginning at the corner common to Sections 1, 2, 11 and 12, said township and range; thence West on the line between Sections 2 and 11 a distance of 495.00 feet to the East line of Nelson's Addition to Near City Cemetery recorded in Plat Book 2, page 97, Records of Columbia County, Oregon; thence South on the East line of said Plat a distance of 44.00 feet to the Southwest corner of the second tract conveyed to William S. McGregor et ux by deed recorded in Book R, page 388, Deed Records of Columbia County, Oregon, which is the True Point of Beginning; thence continuing South on the East line of said Plat to the Southeast corner thereof; thence West on the South line thereof 108.00 feet, more or less, to the West line of the tract conveyed to Michael Dean Near by deed recorded in Book 20, page 547, Deed Records of Columbia County, Oregon; thence South on said West line 210.00 feet, more or less, to its intersection with the Northerly right of way line of J.F. Terry Road No. P-143; thence Southeasterly along said Northerly right-of-way line a distance of 330.00 feet, more or less, to the Southwest corner of the Gerald R. Godsey and Cindy K. Godsey tract as described in Instrument No. 91-05517; thence North along the West line of the said Godsey tract 330.00 feet, more or less, to the Northwest corner of said Godsey tract; thence West along the South line of the McGregor tract 215.00 feet to the True Point of Beginning

From: "Robert D. Brinkmann" <Robert.D.Brinkmann@mlrr.oregongeology.com>
To: "Todd Dugdale" <DugdallT@co.columbia.or.us>
Date: 6/9/2009 5:48 PM
Subject: Goble and Neer City permit transfers: 05-0031, 0074

Todd, I reviewed the permit transfer materials you faxed for the above and everything looks acceptable to allow the transfer for both permits. Thanks

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

In the Matter of the Transfer of the)
Operating Permit Permit #05-0074)
from Pacific Cascade Resources to)
Kerr Contractors, Inc)

ORDER NO. _____

WHEREAS, Kerr Contractors, Inc has completed application requirements for a request for the transfer of the operating permit for the Neer City Quarry, Operating Permit #05-0074, and

WHEREAS, the Columbia County Surface Mining Administrator has reviewed the application and, on June 6, 2009, recommended approval of the transfer.

WHEREAS, the Board of County Commissioners considered said request for transfer at the their meeting on July 1, 2009 and provided an opportunity for the public to comment on the request, and

WHEREAS, no testimony was offered for or against the request,

IT IS HEREBY ORDERED that Operating Permit #05-0074 for the Neer City Quarry is hereby transferred from Pacific Cascade Resources to Kerr Contractors, Inc, P.O. Box 1060, Woodburn, Oregon 97071.

**BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

Approved as to Form

Chairman

County Counsel

Commissioner

Commissioner

COLUMBIA COUNTY



OREGON

DEPARTMENT OF LAND DEVELOPMENT SERVICES

Columbia County Courthouse, St. Helens, Oregon 97051

Phone: (503)397-1501 Fax: (503)366-3902

BOND # 6643978

SURETY BOND TO CONDUCT MINING

For Surface Mining Operating Permit Issued to: Kerr Contractors, Inc.
Site Location: Section 11, T 6 N, R 2 W, 1/4 NE, Tax Lot 600, Columbia County, Oregon.
Permit # 05-0074

KNOW ALL MEN BY THESE PRESENTS:

That we, Kerr Contractors, Inc., P.O. Box 1060, Woodburn, OR. 97071, as principal and Safeco Insurance Company of America, 16505 SW 72nd Ave., Bldg. F, Portland, OR 97223, a corporation duly licensed to do business in the State of Oregon, as surety, being held and firmly bound unto Columbia County, political subdivision of the State of Oregon, to pay said County the sum of Eighteen Thousand Five Hundred and No/100 Dollars (\$18,500.00), lawful money of the United States, we bind ourselves and our legal representatives jointly and severally by these Presents.

DATED this 4th Day of June, 2009.

The condition of the above obligation is such that:

WHEREAS, the above principal is an applicant for a permit to conduct surface mining in Columbia County Pursuant to the Columbia county Surface Mining Ordinance.

WHEREAS, it is understood and agreed that the County may grant to principal extensions of time to complete his or her reclamation plan, said extensions being based upon causes beyond principal's control; and

WHEREAS, such extensions of time shall not cancel the bond but continue it in full force and effect for the period of such extension of time;

NOW THEREFORE, if the said principal shall faithfully perform the requirements of the reclamation plan filed with Columbia County, the terms and conditions of this operating permit, and the provisions of the Columbia County Surface Mining Ordinance, then this obligation shall be void; otherwise it will remain in full force and effect; provided that, if the surety elects to cancel this bond as to subsequent liability, surety must give written notice to the principal and to Columbia County at least thirty (30) days prior to the effective date of cancellation.

Kerr Contractors, Inc.
Principal

By: [Signature]
Brent Kerr
Title: President
Date: 6-5-09

Title:
Date:

Safeco Insurance Company of America
Surety

By: [Signature]
Vicki Mather
Title: Attorney-in-Fact
Date: June 4, 2009

By: [Signature]
Richard W. Kowalski, Agent/Witness to Surety
Date: June 4, 2009



POWER OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

No. 7521

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

*****GLORIA BRUNING; GENE M. DIETZMAN; JOEL A. DIETZMAN; J. PATRICK DOONEY; JAMES P. DOONEY; PHILIP O. FORKER; JOHN D. KLUMP; RICHARD W. KOWALSKI; VICKI MATHER; BRENT OLSON; RAY M. PAIEMENT; KAREN A. PIERCE; TAMARA A. RINGEISEN; Portland, Oregon*****

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st day of March, 2009

Dexter R. Legg (handwritten signature)

TAMIKOLAJEWSKI (handwritten signature)

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 4th day of June, 2009



Dexter R. Legg (handwritten signature)

Dexter R. Legg, Secretary