

VOL: 2000 PAGE: 12728
RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES



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Printed: 04/03/2000 06:53:45

DO NOT REMOVE THIS CERTIFICATE

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME: Mar. 31, 2000; 3:37 p.m.

RECEIPT NO: 19032

DOCUMENT TYPE: Termination of Covenants,
Conditions & Restrictions

FEE PAID: \$46.00

NUMBER OF PAGES: 3

A handwritten signature in cursive script that reads "Mary Sue Penhollow".

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK

18071 41-

2000-12728-1

When Recorded, Return to:

Tosco Corporation
P.O. Box 52085
Phoenix, AZ 85072
Attn: Real Estate Adm., DC56

Unit No. 254753 (30716)

**TERMINATION OF DECLARATION OF
CONDITIONS AND RESTRICTIONS**

On August 10, 1998, TOSCO CORPORATION, a Nevada corporation, ("Declarant"), recorded a Declaration of Conditions and Restrictions ("Declaration") affecting the use of the real property described on Exhibit A (the "Property"), which Declaration was recorded as Document No. 98-35192,* records of Deschutes County, State of Oregon. Declarant hereby releases and terminates the Declaration and affirms that the Declaration shall have no further force or effect as to the Property.

*Book 506, page 2936-2938

Dated this 11th day of August, 1999.

TOSCO CORPORATION

By: David Waldschmidt
Name: David A. Waldschmidt
Its: Assistant Secretary

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 11th day of August, 1999, before me, the undersigned, a Notary Public in and for said State, duly commissioned and sworn, personally appeared David A. Waldschmidt, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Patricia A. Williams
Notary Public
My Commission Expires Dec. 7, 2002

EXHIBIT "A"

LEGAL DESCRIPTION

A tract of land located in the Easterly portion of Tract Twenty-seven (27), Westerly portion of Tract Twenty-six (26), and Northwesterly portion of Tract A, all in BLAKLEY HEIGHTS, Deschutes County, Oregon, the aforesaid tract being more particularly described as follows:

Beginning at the Northeasterly corner of said Tract 27, said point further being on the Southerly right of way line of Powers Road; thence South 89° 24' 20" East along said right of way line, 271.50 feet to a point on the Westerly right of way of the Dalles-California Highway (U.S. 97); thence South 35° 53' 00" West along said right of way line 234.92 feet; thence along an arc of a 1462.40 foot radius left 407.75 feet, the chord of which bears South 27° 47' 44" West, 406.44 feet; thence leaving said right of way line North 00° 35' 40" East, 533.24 feet to said Southerly right of way line of Powers Road; thence South 89° 24' 20" East, 50.00 feet to the point of beginning and terminus of this description.

AND ALSO a portion of Tract 27, BLAKLEY HEIGHTS, Deschutes County, Oregon, described more particularly as follows:

Beginning at a point on the North boundary of said Tract 27, the aforesaid point being located South 89° 24' 20" East, a distance of 182.42 feet from the Northwest corner of Tract 27; thence South 0° 35' 40" West for 510.0 feet; thence South 89° 24' 20" East for 85.0 feet; thence North 0° 35' 40" East for 510.0 feet; thence North 89° 24' 20" West for 85.0 feet to the point of beginning.

AND ALSO a portion of Tract 27, BLAKLEY HEIGHTS, Deschutes County, Oregon, described as follows:

The East 150 feet of Tract 27.

EXCEPT the East 50 feet thereof.

SAVE AND EXCEPT THEREFROM the right of way of the present Dalles-California Highway as now in use.

EXCEPTING THEREFROM a parcel of land being a portion of Tract 27, and Tract "A", BLAKLEY HEIGHTS, Deschutes County, Oregon, being described as follows:

Commencing at the Northeast corner of said Tract 27; thence South 00° 35' 40" West, 400 feet on the Easterly line of said tract boundary to the true point of beginning; thence South 89° 24' 20" East, 6.41 feet to a point on a circular curve of the Westerly Dalles-California right of way line; thence on said right of way line 16.79 feet along the arc of a 1682.02 foot radius curve concave to the East (the chord of which bears South 25° 52' 45" West, 16.79 feet) to the point of change from circular to spiral curve; thence along the arc of a spiral curve offset 45' Westerly from the Dalles-California Highway centerline (centerline spiral curve defined as
(Continued)

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LEGAL DESCRIPTION

Continued

follows: L=500, S=8° 45', a=0.7) said curve being concave to the East (the chord of this portion of the 45' offset spiral curve bears South 22° 13' 20" West, 231.09 feet) to a point on offset spiral; thence leaving said right of way North 89° 24' 20" West, 64.07 feet; thence North 00° 35' 40" East, 120.00 feet; thence North 89° 24' 20" West, 85.00 feet; thence North 00° 35' 40" East, 110.00 feet; thence South 89° 24' 20" East, 235.0 feet to the point of beginning and there terminating.

AND ALSO EXCEPTING THEREFROM a tract of land located in a portion of Tract 27 of BLAKLEY HEIGHTS, Deschutes County, Oregon, described as follows:

Commencing at the Northeasterly corner of said Tract 27, said point further being on the Southerly right of way line of Powers Road; thence South 00° 35' 40" West, 290.00 feet on the Easterly line of said Tract boundary; thence leaving said Easterly line North 89° 24' 20" West, 50.00 feet to the true point of beginning; thence South 00° 35' 40" West, 110.00 feet; thence North 89° 24' 20" West, 185.00 feet; thence North 00° 35' 40" East, 110.00 feet; thence South 89° 24' 20" East, 185.00 feet to the point of beginning and the terminus of this description.

ALSO EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its Department of Transportation as described in that certain Deed recorded December 29, 1978, in Book 290 at Page 618, Deed Records.

ALSO EXCEPTING THEREFROM that portion conveyed to Deschutes County in document recorded January 5, 1994 in Book 324 Page 2608, Deschutes County Records.

SUBJECT to a 15.00 foot wide strip of land bordering on and lying Southerly of said Powers Road for the purposes of road right of way.