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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PORTLAND GENERAL ELECTRIC
COMPANY, an Oregon corporation,

Plaintiff,

v.

STATE OF OREGON, by and through
THE OREGON DEPARTMENT OF STATE
LANDS, and +/- FIVE ACRES OF
UNIMPROVED LAND/ALONG THE
WILLAMETTE RIVER NEAR WEST
LINN, OREGON,

Defendants.

Case No.: 3:22-cv-00533

NOTICE OF CONDEMNATION

**To: Oregon Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301**

**Copy to: Matthew B. Devore
Assistant Attorney General
Oregon Dept. of Justice
1162 Court St NE
Salem, OR 97301**

This Notice of Condemnation is served pursuant to Rule 71.1(d) of the Federal Rules of Civil Procedure.

1. The Plaintiff, Portland General Electric Company (“PGE”), has filed a Complaint in the Portland Division of the United States District Court for the District of Oregon to acquire by condemnation certain interests in real property in which you may claim to or do hold an interest.

2. The property to be condemned (“the Property”) is a parcel of land legally described on Exhibit A.

3. PGE seeks to acquire all of your interests in the Property, up to and including fee title.

4. PGE operates the Willamette Falls Hydroelectric Project (“the Project”) pursuant to a license issued by the Federal Energy Regulatory Commission (“FERC”) pursuant to the Federal Power Act. The Property is within the FERC licensed area. Ownership and control of the Property, including the inherent right through ownership to control persons seeking to access the Property, are required for PGE to meet its obligations of the FERC license. The Property is necessary and appropriate in PGE’s maintenance and operation of the Project, including hydroelectric power generation, public and Project safety, management of environmental resources, protection of historic properties, and other beneficial public uses required by the Project license and the Federal Power Act.

5. The authority for this condemnation action is Section 21 of the Federal Power Act, 16 U.S.C. § 814.

6. You may serve an answer on PGE’s attorneys within 21 days after being served with this Notice.

7. Failure to serve an answer will constitute consent to the taking of your interests in the Property and to the Court's authority to proceed with the condemnation action and fix the compensation.

8. If you do not serve an answer, you may file a notice of appearance.

9. The names, address, phone numbers, and email addresses of PGE's attorneys can be found in the signature block below. PGE may be served through its attorneys at the address for Ball Janik LLP below.

Dated: April 8, 2022.

Plaintiff's Attorneys:	<u>s/ Stephen T. Janik</u> Stephen T. Janik
	<u>s/ Jack L. Orchard</u> Jack L. Orchard
Oregon State Bar Nos.:	Stephen T. Janik, OSB 741538 Jack L. Orchard, OSB 721888
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Email Addresses:	sjanik@balljanik.com jorchard@balljanik.com

EXHIBIT A

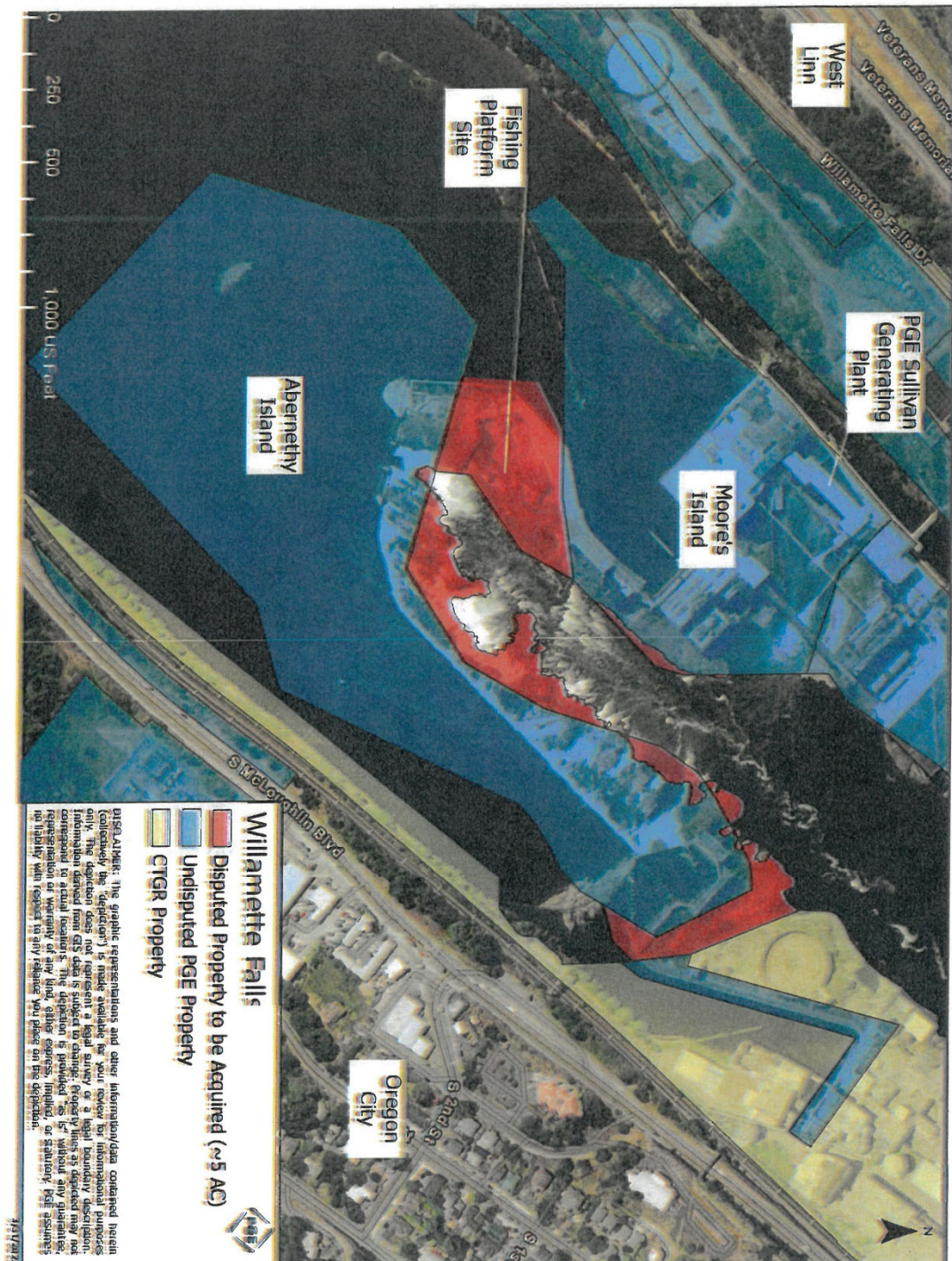


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Portland General Electric

Tax Map 2S2E31

Legal Description for Condemnation - CONFIDENTIAL

Tax Lots 702 and 600

April 6, 2022

Legal description for Condemnation describing the disputed area claimed by Portland General Electric Company (PGE) at Willamette Falls located in the Southeast one quarter of Section 36, Township 2 South, Range 1 East and in the Southwest one quarter of Section 31, Township 2 South Range 2 East, Willamette Meridian. The said tract being more particularly described as follows:

All that land lying above the Ordinary Low Water Line of the Willamette River at an elevation of 6.0 feet (NGVD 29 datum) and being bounded as follows:

On the left bank on the north by the outfall channel of the Sullivan Power Plant at the north end of Moore's Island

On the left bank on the west by the Robert Moore Donation Land Claim (Moore DLC) No. 67 in the area known as Moore's Island

On the left bank on the southwest by the existing Federal Energy Regulatory Commission (FERC) project boundary (Project No 2233) at the top of Willamette Falls near the existing PGE dam structure and extending between the said Moore DLC and that tract of land known as Abernethy Island described in the patent from the United States to Portland General Electric.

On the south at the center of the said falls and the right bank of the river by said Abernethy Island tract

On the right bank on the north by the south line of that tract of land granted to the Confederated Tribes of Grand Ronde deed Document No. 2019-048467, Clackamas County Deed Records.

TOGETHER WITH the following described tract on the right bank of the Willamette River:

A tract of land bounded west by the said Ordinary Low Water Line of the Willamette River; bounded on the south by the said Abernethy Island tract conveyed to Portland General Electric; bounded on the north by said deed to Confederated Tribes of Grand Ronde by Document no. 2019-048467 and by that Property Line adjustment deed to Portland General Electric by Document no. 2000-041748, Clackamas County Deed Records; bounded on the east by said existing Federal Energy Regulatory Commission (FERC) project boundary (Project No 2233) at the top of the falls.

The total area of the property herein described being 4.82 acres more or less.

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The intent of this description is to include all those portions of the said Moore DLC known as Moore's Island lying between the historically described meander line and the Ordinary Low Water Line of the left bank of the Willamette River; all of the Willamette Falls area lying between the Moore DLC and the Abernethy Island tract conveyed by patent to Portland General Electric; all the area lying between the said Ordinary Low Water Line of the right bank of the Willamette River and the combined area of the said patent from the United States to Portland General Electric and the area within the Portland General Electric Willamette Falls Operational Boundaries not previously defined, but generally depicted in Exhibit G of the Willamette Falls Development Project, Federal Energy Regulatory Commission (FERC) Project no. 2233.



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