

PORTLAND DEVELOPMENT COMMISSION

Portland, Oregon

RESOLUTION NO. 7052

AUTHORIZING THE EXECUTION OF A DEED FOR RIGHT-OF-WAY PURPOSES FOR THE REAL PROPERTY LOCATED AT NW 9TH AVENUE AND NAITO PARKWAY AND WITHIN THE RIVER DISTRICT URBAN RENEWAL AREA TO THE CITY OF PORTLAND

WHEREAS, the Portland Development Commission (“PDC”) is the owner of a 1,518 square foot (“SF”) parcel located at NW 9th Avenue and Naito Parkway (the “Property”) having acquired the Property in 1993 as part of the Union Station Acquisition in the Downtown Waterfront Urban Renewal Area (“URA”);

WHEREAS, the Property was incorporated into the River District URA in 2000;

WHEREAS, as part of the NW 9th Avenue Realignment Project (the “Project”) performed and completed by the City of Portland (“City”) Bureau of Transportation (“PBOT”) an 832 SF section of the Property was constructed as the new NW 9th Avenue;

WHEREAS, the 832 SF section of the Property is managed and maintained by and at the sole expense of PBOT but is still owned by PDC; and

WHEREAS, PDC and PBOT desire to consolidate control of the Property with other property comprising the Project and owned by PBOT.

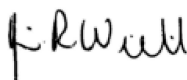
NOW, THEREFORE, BE IT RESOLVED, that the PDC Board of Commissioners authorizes the Executive Director to execute a Deed for Right-Of-Way Purposes substantially in the form attached hereto as Exhibit A (the “Deed”) to convey a right-of-way easement on the Property to the City;

BE IT FURTHER RESOLVED, that the Deed may be modified to convey the Property to a different City Bureau if requested by the City;

BE IT FURTHER RESOLVED, that the Executive Director is authorized to modify the Deed so long as the modifications, in the opinion of the Executive Director after consultation with General Counsel, do not materially increase PDC’s obligations or risks; and

BE IT FURTHER RESOLVED, that this resolution shall become effective immediately upon its adoption.

Adopted by Portland Development Commission on June 4, 2014



PORTLAND DEVELOPMENT COMMISSION

Portland, Oregon

RESOLUTION NO. 7052

EXHIBIT A

**AUTHORIZING THE EXECUTION OF A DEED FOR RIGHT-OF-WAY
PURPOSES FOR THE REAL PROPERTY LOCATED AT NW 9TH AVENUE
AND NAITO PARKWAY AND WITHIN THE RIVER DISTRICT URBAN
RENEWAL AREA TO THE CITY OF PORTLAND**

Exhibit A includes this page and contains six pages:

- Deed for Right-of-Way Purposes
 - Exhibit A: R/W# 7199-3, NW 9th Avenue at NW Naito Parkway, 1N1E34BB 800 Street Dedication
 - Exhibit B: property map

Grantor's Name & Address:

Portland Development Commission
Attn: Ember A. Breckenridge
Real Estate Services
222 NW 5th Avenue
Portland, OR 97209

DEED FOR RIGHT-OF-WAY PURPOSES

KNOW ALL PERSONS BY THESE PRESENTS, that the **City of Portland, acting by and through its Portland Development Commission**, the duly designated urban renewal agency of the City of Portland, Oregon, ("Grantor"), in consideration of the sum of One and no/100 Dollar (\$1.00), and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the State of Oregon, ("Grantee"), the receipt whereof is hereby acknowledged, hereby conveys unto the City of Portland, an easement for public street and right-of-way purposes in the real property situated in the City of Portland, County of Multnomah, and State of Oregon, being particularly described as follows ("Subject Property"):

As described on Exhibit A and shown on Exhibit B attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD, the same easement to the City of Portland for the uses and purposes aforesaid forever.

- A. Grantor represents that to the best of its knowledge after appropriate inquiry under the circumstances, the Subject Property is in compliance with all local, State and Federal environmental laws and regulations.
- B. Grantor represents that it has disclosed all knowledge of any release of hazardous substances onto or from the Subject Property, and disclosed any known report, investigation, survey, or environmental assessment regarding the Subject Property in Grantor's possession which includes documents in the possession of Grantor's contractors or agents. "Release" and "hazardous substance" shall have the meaning as defined under Oregon law.

R/W # 7199-24

After Recording Return to :

1N1E34BB

Kris Calvert, City of Portland

1120 SW 5th Avenue, 8th Fl

Portland, OR 97204

Tax Statement shall be sent to: No Change

- C. Grantor warrants, to the best of its knowledge, that there are no underground storage tanks, as defined under Oregon law, presently on or under the Subject Property.
- D. It is understood and agreed that the City, by accepting this dedication, is not accepting any liability for any release of hazardous substances onto or from the Subject Property, and that the Grantor is not attempting to convey any such liability.
- E. To the extent permitted by Oregon law and within the limits of the Oregon Tort Claims Act, the Grantor, its successors and assigns, agree to defend, indemnify and hold harmless the City, its officers, agents, and employees against all liabilities, damages, losses, claims, demands, actions, and suits (including attorney fees and costs) resulting from the presence or release of hazardous substances onto or from the Subject Property caused or contributed to by Grantor. This provision shall not apply to a release of hazardous substances onto or from the Subject Property caused by the officers, agents or employees of the City. Any action taken pursuant to this provision shall not constitute an admission of liability or waiver of any defenses to liability.
- F. Grantor represents and warrants that it has the authority to grant this easement, that the Subject Property, to Grantor's knowledge, is free from all liens and encumbrances that would materially affect the easement grant, and that they will defend the same to the City against all claims and demands of all persons whomsoever.
- G. Grantor agrees that the consideration recited herein is just compensation for the Subject Property or property rights conveyed, which includes damage to the property remainder, if any, resulting from the acquisition or use of said Subject Property or property rights.

The remainder of this page was intentionally left blank.

IN WITNESS WHEREOF, the Grantor above named has, pursuant to resolution of its Board of Commissioners, duly and legally adopted, caused these presents to be signed by J. Scott Andrews as Chairman, this _____ day of _____, 20__.

PORTLAND DEVELOPMENT COMMISSION,
the duly designated urban renewal agency of the City
of Portland, Oregon

J. Scott Andrews, Chairman

State of OREGON

County of MULTNOMAH

This instrument was acknowledged before me on _____, 20__,
by J. Scott Andrews as Chairman of the Portland Development Commission, the duly designated
urban renewal agency of the City of Portland, Oregon.

Notary Public for Oregon
My Commission expires _____

IN WITNESS WHEREOF, the Grantor above named has, pursuant to resolution of its Board of Commissioners, duly and legally adopted, caused these presents to be signed John C. Mohlis as Secretary, this _____ day of _____, 20__.

PORTLAND DEVELOPMENT COMMISSION,
the duly designated urban renewal agency of the City
of Portland, Oregon

John C. Mohlis, Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
Portland Development Commission Legal Counsel

State of OREGON

County of MULTNOMAH

This instrument was acknowledged before me on _____, 20__,
by John C. Mohlis as Secretary of the Portland Development Commission, the duly designated urban
renewal agency of the City of Portland, Oregon.

Notary Public for Oregon
My Commission expires _____

APPROVED AS TO FORM:

City Attorney

APPROVED:

Director or designee

RESOLUTION NO. 7052

RESOLUTION TITLE:

AUTHORIZING THE EXECUTION OF A DEED FOR RIGHT-OF-WAY PURPOSES FOR THE REAL PROPERTY LOCATED AT NW 9TH AVENUE AND NAITO PARKWAY AND WITHIN THE RIVER DISTRICT URBAN RENEWAL AREA TO THE CITY OF PORTLAND


Adopted by the Portland Development Commission on June 4, 2014

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Chair Scott Andrews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Commissioner Aneshka Dickson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Tom Kelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner John Mohlis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Charles Wilhoite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Consent Agenda <input type="checkbox"/> Regular Agenda				

CERTIFICATION

The undersigned hereby certifies that:

The attached resolution is a true and correct copy of the resolution as finally adopted at a Board Meeting of the Portland Development Commission and as duly recorded in the official minutes of the meeting.

	<p>Date:</p> <p>July 9, 2014</p>
<p>Gina Wiedrick, Recording Secretary</p>	