

**PORTLAND DEVELOPMENT COMMISSION**

Portland, Oregon

**RESOLUTION NO. 7098**

**AUTHORIZING THE EXECUTION OF A DEED FOR RIGHT-OF-WAY PURPOSES FOR THE REAL PROPERTY LOCATED AT SW 5TH AVENUE AND MONTGOMERY STREET AND WITHIN THE SOUTH PARK BLOCKS URBAN RENEWAL AREA TO THE CITY OF PORTLAND**

**WHEREAS**, the Portland Development Commission (“PDC”) since 2002 has owned a 27,000 square foot (“SF”) parcel located at SW 5th Avenue and Montgomery Street (the “Property”) in the South Park Blocks Urban Renewal Area;

**WHEREAS**, as part of the Westside Streetcar Realignment Project (the “Project”) performed and completed by the City of Portland (“City”) Bureau of Transportation (“PBOT”), a 198 SF section of the Property was improved;

**WHEREAS**, the 198 SF section of the Property is managed and maintained by and at the sole expense of PBOT but is still owned by PDC; and

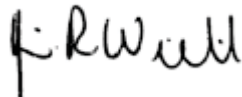
**WHEREAS**, PDC and PBOT desire to consolidate control of the Property with other property comprising the Project and owned by PBOT.

**NOW, THEREFORE, BE IT RESOLVED**, that the PDC Board of Commissioners authorizes the execution of 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 Executive Director is authorized to modify the Deed so long as the modifications, in the opinion of the Executive Director and 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 the Portland Development Commission on February 11, 2015



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Gina Wiedrick, Recording Secretary

**Grantor's Name & Address:**

Portland Development Commission  
Attn: Christine Sale  
222 NW 5<sup>th</sup> Ave.  
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, as Grantor, in consideration of the sum of One and no/100 Dollars (\$1.00), and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the State of Oregon, ("City"), the receipt whereof is hereby acknowledged, hereby conveys unto the City of Portland, which purchases pursuant to its eminent domain power and authority, 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.
- 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.
- H. The right of repurchase has been waived pursuant to ORS 35.385(1)(b).

*[The remainder of this page is left intentionally 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 its Chair and Secretary, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY OF PORTLAND, a municipal corporation of  
the State of Oregon, acting by and through the  
PORTLAND DEVELOPMENT COMMISSION**

By: \_\_\_\_\_  
Name: Tom Kelly  
Title: Chair

By: \_\_\_\_\_  
Name: Aneshka Dickson  
Title: Vice Chair

STATE OF OREGON

County of Multnomah

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_,  
by Tom Kelly, Chair of Portland Development Commission, the duly designated urban renewal agency of  
the City of Portland, Oregon.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires \_\_\_\_\_

STATE OF OREGON

County of Multnomah

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_,  
by Aneshka Dickson, Vice Chair of 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

\\7355\Dedication-PDC.doc

R/W # 7335-01  
S.W. 4<sup>TH</sup> AVENUE – S.W. MONTGOMERY STREET  
1S1E 03CB 2600  
RIGHT-OF-WAY DEDICATION

**EXHIBIT A**

A tract of land being a portion of that tract of land conveyed to The City of Portland, by and through the Portland Development Commission, its duly designated urban renewal agency, by Deed recorded in Document No. 2002- 234375, Multnomah County Deed Records, situated in the Southwest One-Quarter of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, being More particularly described as follows:

Beginning at a the Northeast corner of Block 153, of the duly recorded plat of Portland, Multnomah County Plat Records, said point being the POINT OF BEGINNING;

Thence along the Easterly line of Said Block 153, South 20°52'00" West, a distance of 21.36 feet, to a point of non-tangent circular curve;

Thence, Northerly, a distance of 6.24 feet along the arc of a non-tangent circular curve to the left of which the radius point lies, South 82°26'54" West, a radius of 47.50 feet, and having a central angle of 07°31'44", (long chord bears, North 11°18'58" West, a distance of 6.24 feet) to a point of non-tangency;

Thence, South 74°54'52" West, a distance of 0.77 feet;

Thence, North 19°00'29" West, a distance of 4.18 feet;

Thence, North 69°47'30" East, a distance of 0.87 feet, to a point of non-tangent circular curve;

Thence, northwesterly, a distance of 22.11 feet along the arc of a non-tangent circular curve to the left of which the radius point lies, South 69°47'24" West, a radius of 47.50 feet, and having a central angle of 26°39'52", (long chord bears, North 33°32'31" West, a distance of 21.91 feet) to a point of non-tangency on the Northerly line of said Block 153;

Thence along said Northerly line, South 69°08'53" East, a distance of 23.78 feet to the POINT OF BEGINNING.

Containing 198 square feet.

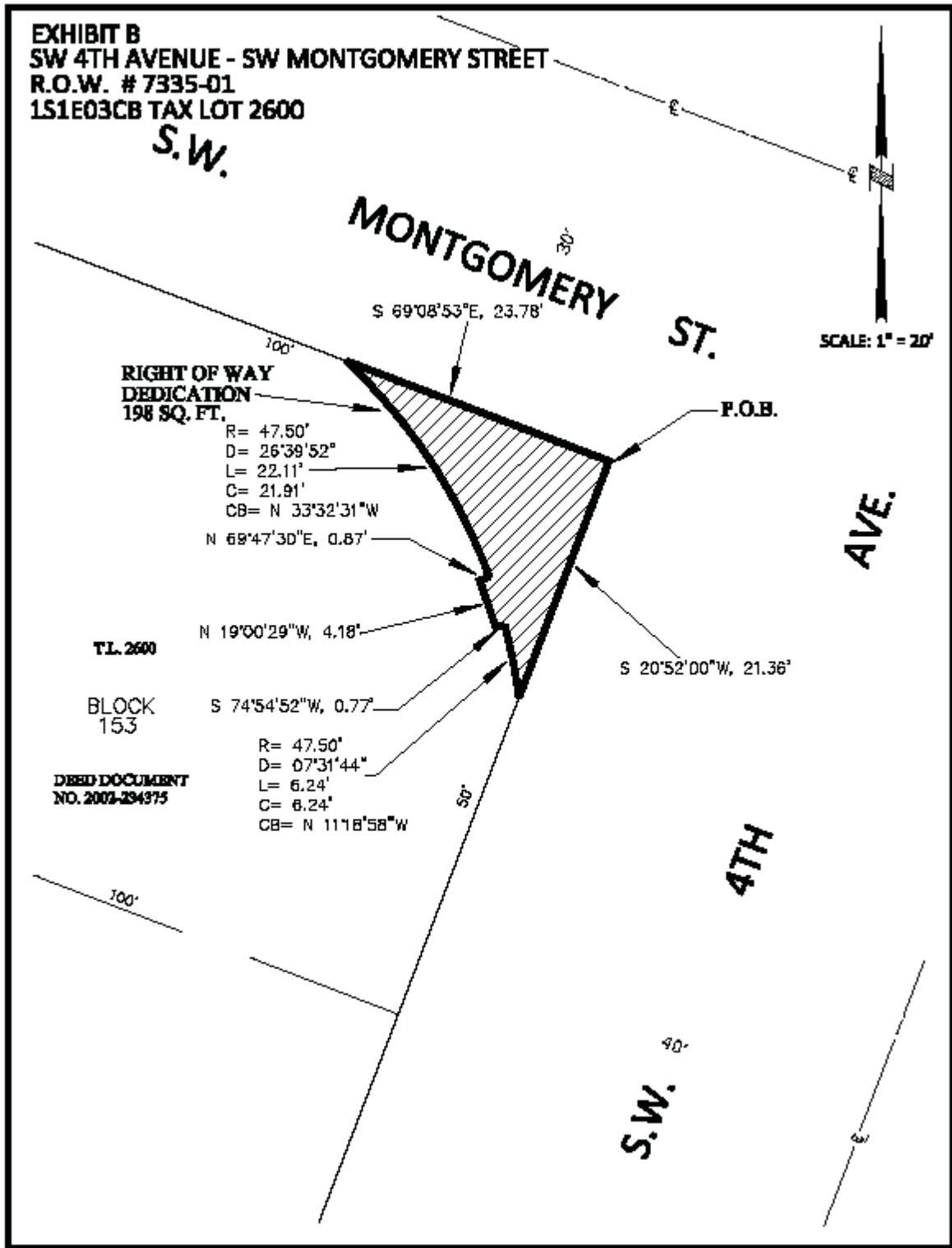
Job No. 40266  
October 13, 20014

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 17, 1984  
THOMAS P. BEINHAUER  
2654

EXPIRES 12-31-2015



**RESOLUTION NO. 7098**

**RESOLUTION TITLE:**

AUTHORIZING THE EXECUTION OF A DEED FOR RIGHT-OF-WAY PURPOSES FOR THE REAL PROPERTY LOCATED AT SW 5TH AVENUE AND MONTGOMERY STREET AND WITHIN THE SOUTH PARK BLOCKS URBAN RENEWAL AREA TO THE CITY OF PORTLAND

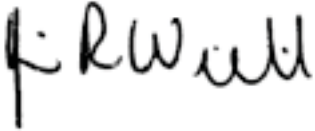
Adopted by the Portland Development Commission on February 11, 2015

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Chair Tom Kelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Aneshka Dickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Mark Edlen	<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 type="checkbox"/>	Commissioner Charles Wilhoite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> <b>Consent Agenda</b> <span style="margin-left: 200px;"><input type="checkbox"/> <b>Regular Agenda</b></span>				

**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><b>Date:</b></p> <p>February 13, 2015</p>
<p><b>Gina Wiedrick, Recording Secretary</b></p>	