

PORTLAND DEVELOPMENT COMMISSION
Portland, Oregon

RESOLUTION NO. 6889

**AUTHORIZING THE FIRST AMENDMENT TO DECLARATION
OF PRIVATE STORM SEWER EASEMENT AND SECOND
AMENDMENT TO DECLARATION OF PRIVATE SANITARY
SEWER MAINTENANCE AGREEMENT AND EASEMENT
BETWEEN PORTLAND DEVELOPMENT COMMISSION AND
VANPORT CONDOMINIUM OWNERS' ASSOCIATION**

WHEREAS, PDC and Vanport Partners, LLC entered into a Disposition and Development Agreement dated April 14, 2006, for the first phase of the project on the Vanport Square Site, which was successfully completed in March 2008;

WHEREAS, PDC and Vanport Partners, LLC entered into Private Storm Sewer and Private Sanitary Sewer Agreements, recorded on August 23, 2006, in support of the Vanport Square Site development project;

WHEREAS, PDC and Vanport Partners, LLC amended the Private Sanitary Sewer Easement, which was recorded on November 30, 2007;

WHEREAS, PDC and Vanport Partners, LLC then entered into a Memorandum of Understanding dated December 20, 2006, for the development of the second phase housing development on the Vanport Square Site;

WHEREAS, subsequently on February 12, 2010, Lisac Brothers Construction, Inc. and Vanport Partners, LLC approached PDC with a development concept for ten (10) single family, market-rate houses;

WHEREAS, on December 8, 2010 (Resolution No. 6839) the PDC Board of Commissioners (the "Board") authorized the Executive Director to enter into a Disposition and Development Agreement with Lisac Brothers Construction, Inc. for housing project on the Vanport Square Site which was subsequently executed on February 22, 2011 (the "DDA"); and

WHEREAS, PDC and Lisac Brothers Construction, Inc. having determined it necessary to amend the Private Sanitary Sewer and Private Storm Water Easements in order to reflect the final housing project configuration on the Vanport Square Site.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is hereby authorized to execute the Amendment to Declaration of Private Storm Sewer Easement and the Second Amendment to Declaration of Private Sanitary Sewer Maintenance Agreement and Easement with the Vanport Condominium Owners' Association, substantially in the form attached hereto respectively as Exhibit A and Exhibit B (collectively, the "Amendments") and associated with certain PDC-owned property located on the east side of NE Garfield Avenue between NE Sumner Street and NE Emerson Street, partition plat 2006-136 lot 1, in the Oregon Convention Center and Interstate Corridor Urban Renewal Areas;

BE IT FURTHER RESOLVED that the Executive Director may approve changes to the Amendments if such modifications do not materially change PDC's obligations or risks from those currently contained therein; and

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

Adopted by the Portland Development Commission June 22, 2011.



Recording Secretary

AFTER RECORDING RETURN ORIGINAL TO:

Land Use Services Division
City of Portland Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201

**SECOND AMENDMENT TO
DECLARATION OF PRIVATE SANITARY SEWER MAINTENANCE
AGREEMENT AND EASEMENT**

This Second Amendment to Declaration of Private Sanitary Sewer Maintenance Agreement and Easement (this “Amendment”) is between the City of Portland, acting by and through the Portland Development Commission, the duly designated urban renewal agency of the City of Portland, Oregon, a municipal corporation (“PDC”) and Vanport Condominiums Owners’ Association, an Oregon nonprofit corporation (“Association”).

RECITALS

- A. PDC owns that certain parcel of property legally described as **Parcel 1 of Partition Plat No. 2006-136, a recorded plat in the Plat records of Multnomah County, Oregon** (“Parcel 1”) and the Association is the condominium owners’ association for the adjacent parcel of property legally described as **Parcel 2 of Partition Plat No. 2006-136, a recorded plat in Multnomah County, Oregon** (“Parcel 2”).
- B. PDC recorded that certain Declaration of Private Sanitary Sewer Maintenance Agreement and Easement on August 23, 2006 as Document No. 2006-157753 in the Deed Records of Multnomah County, Oregon (the “Original Declaration”) creating an easement for the construction and perpetual maintenance of ten (10) sewer extensions that connect future development on Parcel 1 to the main City Sanitary Sewer line.
- C. PDC recorded that certain Amendment to Declaration of Private Sanitary Sewer Maintenance Agreement and Easement on November 30, 2007 as Document No. 2007-205118 in the Deed Records of Multnomah County, Oregon (the “First Amendment”). The Original Declaration and First Amendment are collectively referred to herein as the “Declaration”.
- D. The parties desire to amend the Declaration to clarify the location of the sanitary sewer easement over Parcel 2. Capitalized terms not defined herein have the meaning set forth in the Declaration.

AGREEMENT

The parties agree as follows:

1. Amendment. Section 2 of the Declaration is hereby deleted in its entirety and replaced by the following:

A perpetual, non-exclusive easement for private sanitary sewer purposes shall be located on Parcel 2, for the benefit of Parcel 1. The legal description of the easement area is set forth on the attached Exhibit A and depicted on the attached Exhibit B to this Agreement.
2. Replacement of Exhibits A and B. The original Exhibits A and B to the Declaration are hereby deleted and replaced with the attached Exhibits A and B.
3. Effect of Amendment. Except as expressly modified by this Amendment and any other amendment, the Declaration is unmodified and remains in full force and effect.
4. Approval of Association. This Amendment has been approved by majority of the board of directors for the Association, as required by ORS 100.405(6)(a)(B)(ii).

In witness whereof, the parties hereto have executed this Amendment on the _____ day of _____, 2011.

PDC:

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

By: _____

Its: _____

ASSOCIATION:

**VANPORT CONDOMINIUMS OWNERS’
ASSOCIATION,** an Oregon nonprofit corporation

By: _____

Jeana M. Woolley, Chairperson

STATE OF OREGON)
) ss.
County of Multnomah)

SUBSCRIBED AND SWORN to before me this _____ day of _____,
2011, by _____, _____ of Portland Development Commission, the duly
designated urban renewal agency of the City of Portland, Oregon, a municipal corporation, on
behalf of the commission.

Notary Public for Oregon
My Commission expires: _____

STATE OF OREGON)
) ss.
County of Multnomah)

SUBSCRIBED AND SWORN to before me this _____ day of _____,
2011, by Jeana M. Woolley, Chairperson of the Vanport Condominiums Owners’ Association, an
Oregon corporation, on behalf of said corporation.

Notary Public for Oregon
My Commission expires: _____

The undersigned hereby approves the foregoing Second Amendment to Declaration of Private
Sanitary Sewer Maintenance Agreement and Easement, as required by Section 8 of the Original
Declaration.

CITY OF PORTLAND, OREGON,
an Oregon municipal corporation

By: _____
Its: _____

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Fax: (503) 925-8969



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EXHIBIT A
Sanitary Sewer Easement

Tracts of land for sanitary sewer easements located in the Northwest One-Quarter of Section 22, Township 1 North, Range 1 East, Willamette Meridian, City of Portland, Multnomah County, Oregon, being more particularly described as follows:

Commencing at the southeast corner of Parcel 1 of Partition Plat 2006-136, being on the northerly right-of-way of NE Sumner Street (30.00 feet from centerline) from which a 1-1/8 inch brass disc inscribed "WESTLAKE CONSULTANTS" bears South 01°48'46" West 5.00 feet; thence along the east line of said Parcel 1, North 01°48'46" East 26.53 feet to the Point of Beginning 1; thence North 01°48'46" East 15.00 feet to a point; thence South 88°11'14" East 70.00 feet to a point on the west line of a sewer easement described in Ordinance No. 179880; thence South 01°48'46" West 15.00 feet to a point; thence North 88°11'14" West 70.00 feet to the Point of Beginning 1.

The above described tract contains 1,050 square feet, more or less.

with the following described tract;

Commencing at the southeast corner of Parcel 1 of Partition Plat 2006-136, being on the northerly right-of-way of NE Sumner Street (30.00 feet from centerline) from which a 1-1/8 inch brass disc inscribed "WESTLAKE CONSULTANTS" bears South 01°48'46" West 5.00 feet; thence along the east line of said Parcel 1, North 01°48'46" East 97.33 feet to the Point of Beginning 2; thence North 01°48'46" East 15.00 feet to a point; thence South 88°11'14" East 70.00 feet to a point on the west line of a sewer easement described in Ordinance No. 179880; thence South 01°48'46" West 15.00 feet to a point; thence North 88°11'14" West 70.00 feet to the Point of Beginning 2.

The above described tract contains 1,050 square feet, more or less.

with the following described tract;

Commencing at the southeast corner of Parcel 1 of Partition Plat 2006-136, being on the northerly right-of-way of NE Sumner Street (30.00 feet from centerline) from which a 1-1/8 inch brass disc inscribed "WESTLAKE CONSULTANTS" bears South 01°48'46" West 5.00 feet; thence along the east line of said Parcel 1, North 01°48'46" East 168.02 feet to the Point of Beginning 3; thence North 01°48'46" East 15.00 feet to a point; thence South 88°11'14" East 70.00 feet to a point on the west line of a sewer easement described in Ordinance No. 179880; thence South 01°48'46" West 15.00 feet to a point; thence North 88°11'14" West 70.00 feet to the Point of Beginning 3.

The above described tract contains 1,050 square feet, more or less.

with the following described tract;

Commencing at the southeast corner of Parcel 1 of Partition Plat 2006-136, being on the northerly right-of-way of NE Sumner Street (30.00 feet from centerline) from which a 1-1/8 inch brass disc inscribed "WESTLAKE CONSULTANTS" bears South 01°48'46" West 5.00 feet; thence along the east line of said Parcel 1, North 01°48'46" East 237.71 feet to the Point of Beginning 4; thence North 01°48'46" East 15.00 feet to a point; thence South 88°11'14" East 70.00 feet to a point on the west line of a sewer easement described in Ordinance No. 179880; thence South 01°48'46" West 15.00 feet to a point; thence North 88°11'14" West 70.00 feet to the Point of Beginning 4.

The above described tract contains 1,050 square feet, more or less.

with the following described tract;

Commencing at the southeast corner of Parcel 1 of Partition Plat 2006-136, being on the northerly right-of-way of NE Sumner Street (30.00 feet from centerline) from which a 1-1/8 inch brass disc inscribed "WESTLAKE CONSULTANTS" bears South 01°48'46" West 5.00 feet; thence along the east line of said Parcel 1, North 01°48'46" East 313.86 feet to the Point of Beginning 5; thence North 01°48'46" East 15.00 feet to a point; thence South 88°11'14" East 70.00 feet to a point on the west line of a sewer easement described in Ordinance No. 179880; thence South 01°48'46" West 15.00 feet to a point; thence North 88°11'14" West 70.00 feet to the Point of Beginning 5.

The above described tract contains 1,050 square feet, more or less.

The above described tracts contain a total of 5,250 square feet, more or less. The basis of bearings is per Survey Number 61442, Multnomah County Survey Records.

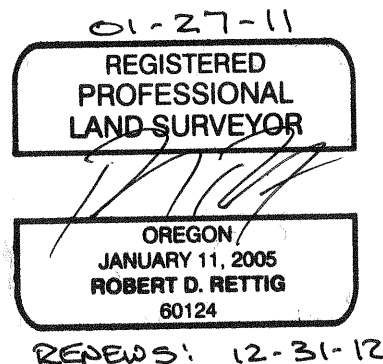
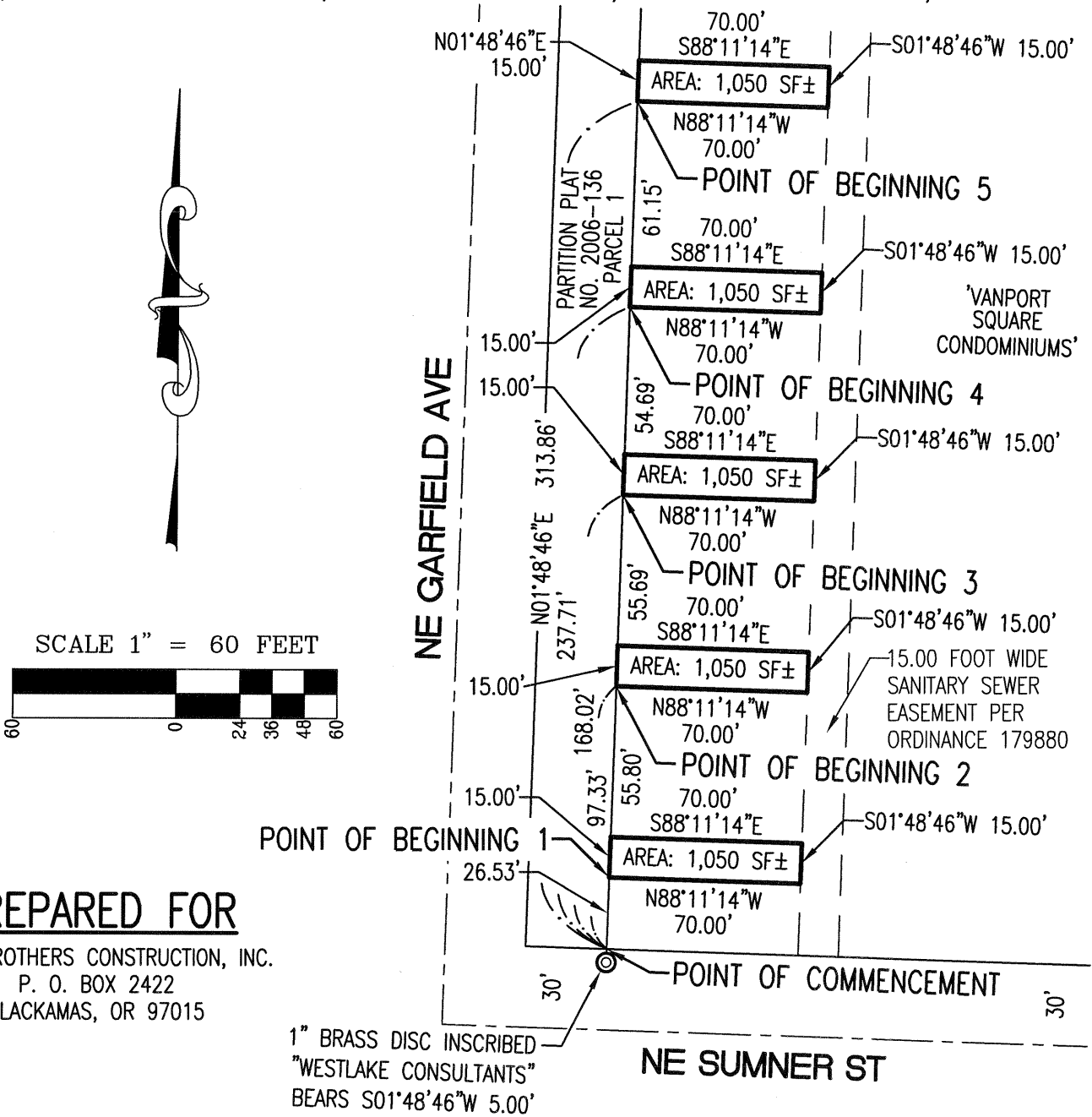


EXHIBIT B

SANITARY SEWER EASEMENT

LOCATED IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



PREPARED FOR

LISAC BROTHERS CONSTRUCTION, INC.
 P. O. BOX 2422
 CLACKAMAS, OR 97015

1" BRASS DISC INSCRIBED
 "WESTLAKE CONSULTANTS"
 BEARS S01°48'46"W 5.00'

THE BASIS OF BEARINGS IS PER SURVEY NUMBER 61442.

01-27-11
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

[Signature]
OREGON
 JANUARY 11, 2005
 ROBERT D. RETTIG
 60124LS

RENEWS: 12/31/12

JOB NAME: VANPORT SQUARE
JOB NUMBER: 2770
DRAWN BY: WCB
CHECKED BY: RDR
DWG NO.: 012711_2770EXB

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 FAX: (503) 925-8969

OFFICES LOCATED IN REDMOND, OR & VANCOUVER, WA

AFTER RECORDING RETURN ORIGINAL TO:

Land Use Services Division
City of Portland Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201

**AMENDMENT TO
DECLARATION OF PRIVATE STORM SEWER EASEMENT**

This Amendment to Declaration of Private Storm Sewer Easement (this “Amendment”) is between the City of Portland, acting by and through the Portland Development Commission, the duly designated urban renewal agency of the City of Portland, Oregon, a municipal corporation (“PDC”) and Vanport Condominiums Owners’ Association, an Oregon nonprofit corporation (“Association”).

RECITALS

- A. PDC owns that certain parcel of property legally described as **Parcel 1 of Partition Plat No. 2006-136, a recorded plat in the Plat records of Multnomah County, Oregon** (“Parcel 1”) and the Association is the condominium owners’ association for the adjacent parcel of property legally described as **Parcel 2 of Partition Plat No. 2006-136, a recorded plat in Multnomah County, Oregon** (“Parcel 2”).
- B. PDC recorded that certain Declaration of Private Storm Sewer Easement on August 23, 2006 as Document No. 2006-157751 in the Deed Records of Multnomah County, Oregon (the “Declaration”) creating an easement for the construction and perpetual maintenance of a private storm sewer system to serve Parcel 1. PDC also recorded that certain Partition Plat 2006-136 in the Plat Records of Multnomah County, Oregon (the “Partition Plat”), which created Parcel 1 and Parcel 2 and identified the location of the private storm sewer easement granted in the Declaration (the “Easement Area”). Section 2(a) of the Declaration referred to the Partition Plat for the depiction of the Easement Area.
- C. The parties desire to amend the Declaration to expand the Easement Area in order to serve the anticipated northernmost and southernmost future lots on Parcel 1. Capitalized terms not defined herein have the meaning set forth in the Declaration.

AGREEMENT

The parties agree as follows:

1. Amendment. The Easement Area described in Section 2 of the Declaration and depicted in the Partition Plat is hereby expanded to include the areas legally described in the attached Exhibit A and depicted in the attached Exhibit B.
2. Effect of Amendment. Except as expressly modified by this Amendment and any other amendment, the Declaration is unmodified and remains in full force and effect.
3. Approval of Association. This Amendment has been approved by majority of the board of directors for the Association, as required by ORS 100.405(6)(a)(B)(ii).

In witness whereof, the parties hereto have executed this Amendment on the _____ day of _____, 2011.

PDC: **PORTLAND DEVELOPMENT COMMISSION,**
the duly designated urban renewal agency of the
City of Portland, Oregon, a municipal corporation

By: _____
Its: _____

ASSOCIATION: **VANPORT CONDOMINIUMS OWNERS’**
ASSOCIATION, an Oregon nonprofit corporation

By: _____
Jeana M. Woolley, Chairperson

STATE OF OREGON)
) ss.
County of Multnomah)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2011, by _____, _____ of Portland Development Commission, the duly designated urban renewal agency of the City of Portland, Oregon, a municipal corporation, on behalf of the commission.

Notary Public for Oregon
My Commission expires: _____

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EXHIBIT A
Storm Sewer Easement

Tracts of land for storm sewer easement located in the Northwest One-Quarter of Section 22, Township 1 North, Range 1 East, Willamette Meridian, City of Portland, Multnomah County, Oregon, being more particularly described as follows:

Commencing at the southeast corner of Parcel 1 of Partition Plat 2006-136, being on the northerly right-of-way line of NE Sumner Street (30.00 feet from centerline) from which a 1-1/8 inch brass disc inscribed "WESTLAKE CONSULTANTS" bears South 01°48'46" West 5.00 feet; thence along the east line of said Parcel 1, North 01°48'46" East 21.85 feet to the Point of Beginning 1; thence North 01°48'46" East 21.00 feet to a point; thence South 88°11'14" East 13.00 feet to a point; thence South 01°48'46" West 21.00 feet to a point; thence North 88°11'14" West 13.00 feet to the Point of Beginning 1.

The above described tract contains 273 square feet, more or less.

and the following described tract;

Commencing at the southeast corner of Parcel 1 of Partition Plat 2006-136, being on the northerly right-of-way line of NE Sumner Street (30.00 feet from centerline) from which a 1-1/8 inch brass disc inscribed "WESTLAKE CONSULTANTS" bears South 01°48'46" West 5.00 feet; thence along the east line of said Parcel 1, North 01°48'46" East 309.88 feet to the Point of Beginning 2; thence North 01°48'46" East 18.00 feet to a point; thence South 88°11'14" East 13.00 feet to a point; thence South 01°48'46" West 9.00 feet to a point; thence North 87°42'18" West 5.17 feet to a point; thence South 27°02'08" West 10.00 feet to a point; thence North 88°11'14" West 3.57 feet the Point of Beginning 2.

The above described tract contains 168 square feet, more or less.

The above described tracts contain a total of 441 square feet, more or less. The basis of bearings is per Survey Number 61442, Multnomah County Survey Records.

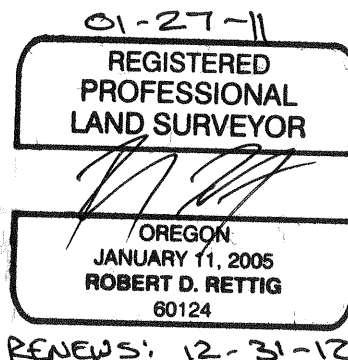
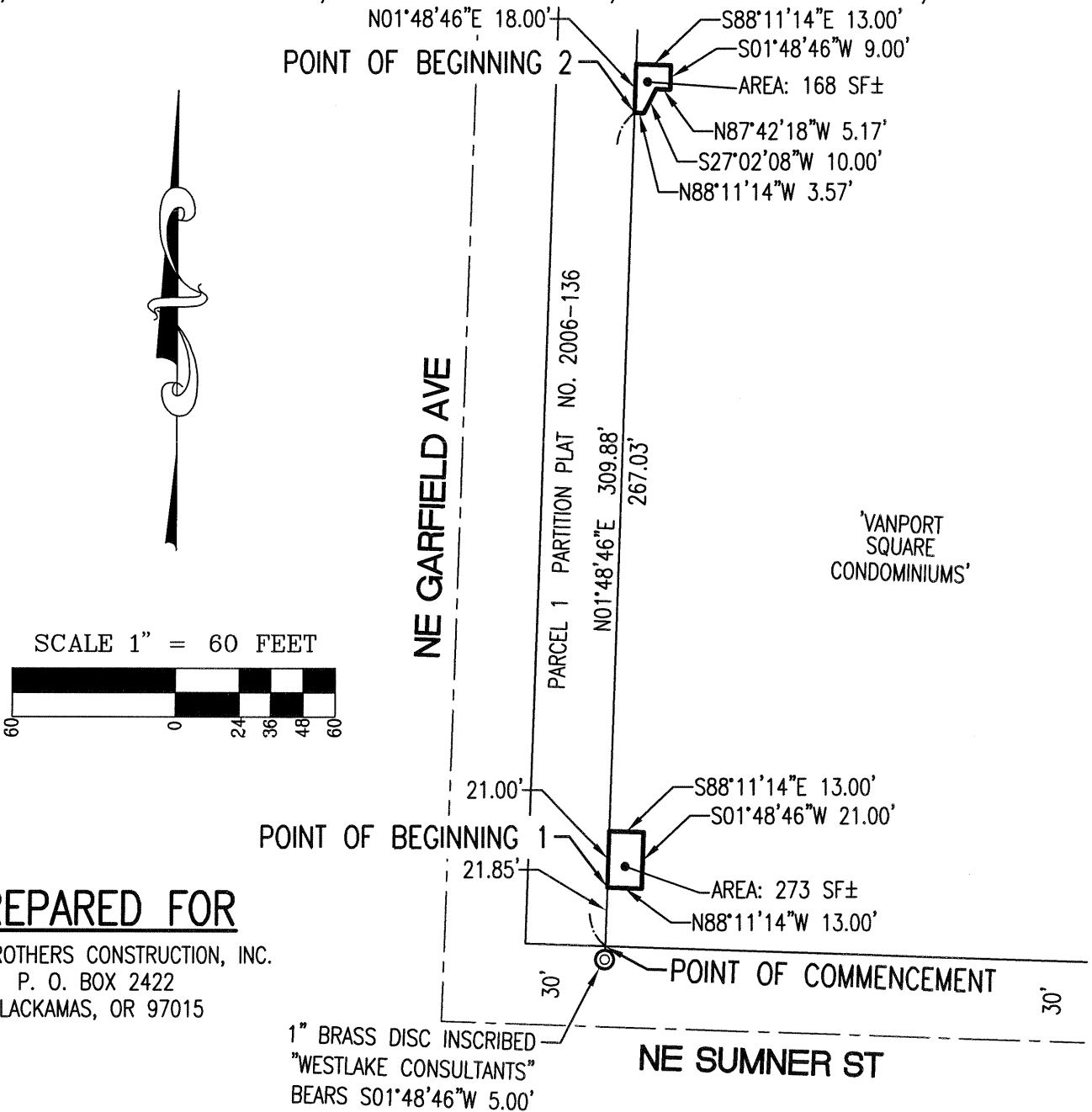


EXHIBIT B

STORM SEWER EASEMENT

LOCATED IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



PREPARED FOR

LISAC BROTHERS CONSTRUCTION, INC.
 P. O. BOX 2422
 CLACKAMAS, OR 97015

01-27-11

REGISTERED PROFESSIONAL LAND SURVEYOR

[Signature]
OREGON
 JANUARY 11, 2005
 ROBERT D. RETTIG
 60124LS

RENEWS: 12/31/12

JOB NAME: VANPORT SQUARE
JOB NUMBER: 2770
DRAWN BY: WCB
CHECKED BY: RDR
DWG NO.: 012711_2770EXB

THE BASIS OF BEARINGS IS PER SURVEY NUMBER 61442.

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 FAX: (503) 925-8969

OFFICES LOCATED IN REDMOND, OR & VANCOUVER, WA

PDC

PORTLAND DEVELOPMENT COMMISSION

Resolution Number 6889

Title:

AUTHORIZING THE FIRST AMENDMENT TO DECLARATION OF PRIVATE STORM SEWER EASEMENT AND SECOND AMENDMENT TO DECLARATION OF PRIVATE SANITARY SEWER MAINTENANCE AGREEMENT AND EASEMENT BETWEEN PORTLAND DEVELOPMENT COMMISSION AND VANPORT CONDOMINIUM OWNERS' ASSOCIATION

Adopted by the Portland Development Commission on June 22, 2011.

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 checked="" type="checkbox"/>	Commissioner Aneshka Dickson	<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 Steven Straus	<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 duly recorded in the official minutes of the meeting.



Recording Secretary

Date: June 22, 2011