

PROSPER PORTLAND

Portland, Oregon

RESOLUTION NO. 7507

AUTHORIZING GRANT OF AN ACCESS EASEMENT TO MULTNOMAH COUNTY FOR MAINTENANCE AND OPERATIONS UNDER THE BROADWAY BRIDGE

WHEREAS, in 1987, Prosper Portland Board acquired property located at 1111 NW Naito Parkway and an adjacent parcel under the Broadway Bridge as part of its acquisition of Union Station (collectively, the "Property");

WHEREAS, since acquisition, Prosper Portland has informally provided access to Multnomah County ("County") for maintenance and operation of the Broadway Bridge;

WHEREAS, the County is seeking a recorded easement on and over the Property in order to ensure continued maintenance access for the operations and safety of the Broadway Bridge;

WHEREAS, the Property is contemplated as a future site for affordable housing if inadequate progress toward affordable housing goals is made on Prosper Portland's property located at the site of the former United States Postal Service, and the proposed access easement has been determined to be unlikely to interfere with this possible future use of the Property; and

WHEREAS, Prosper Portland is willing to provide this access easement to the County for maintenance and operations under the Broadway Bridge.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is authorized to execute and record an access easement with the County, substantially in the form of the easement attached as Exhibit A to this resolution, in order to provide the County access on and over the Property for maintenance and operation of the Broadway Bridge;

BE IT FURTHER RESOLVED, that the Executive Director is authorized to execute any amendments or other modifications to the access easement, so long as the terms of the same do not materially increase Prosper Portland's obligations or risks, as determined by the Executive Director in consultation with Prosper Portland's General Counsel; and

BE IT FURTHER RESOLVED, that with the affirmative vote of no less than four commissioners for this resolution, this resolution will become effective immediately upon its adoption, and otherwise it will take effect thirty days after adoption.

Grantors:

Prosper Portland
220 N.W. Second Ave. Suite 200
Portland, Or. 97209

Broadway Bridge
Item No. 2023-01

After recording return to:

Grantee: Multnomah County; attn: Patrick Hinds
Land Use & Transportation Division, Bldg. #425

Easement

Prosper Portland, “**Grantor**”, grants to MULTNOMAH COUNTY, a Political Subdivision of the State of Oregon, “**Grantee**”, an easement for accessing, inspecting, replacing, repairing, maintaining and operating the Broadway Bridge over, upon, and across the following real property as described in the attached Exhibit A-1, A-2, A-3, and A-4 (collectively, the Property) and shown on attached Exhibit B-1, B-2, B-3, and B-4.

Grantor represents and warrants that Grantor has the authority to do this grant.

Grantee, by accepting this easement, is not accepting liability for any preexisting release of hazardous substances onto or from the Property, and Grantor is not attempting to convey any such liability.

Grantor shall not grant or allow any subsequent uses or activities in the easement area described in Exhibit A-1, A-2, A-3, and A-4 that would interfere with the Grantee’s use of said easement.

Subject to the limits of the Oregon Tort Claims Act and Oregon Constitution, each party agrees to indemnify, hold harmless and defend the other, and its directors, officers, employees and agents, from and against all claims, suits, actions of whatsoever nature, damages or losses, and all expenses and costs incidental to the investigation and defense thereof including reasonable attorneys’ fees, resulting from or arising out of the activities of the other, its officers, employees or agents under this easement.

The true consideration paid for this grant stated in terms of dollars is \$0.00, but consists of other value given, which is the whole consideration.

Dated this _____ day of _____, 2023

Grantor: For Prosper Portland

Kimberly Branam

Executive Director

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me on _____, 2023, by Kimberly Branam, Executive Director of Prosper Portland.

Notary Public for Oregon
My Commission Expires: _____

The described property is accepted for use in conjunction with the Broadway Bridge on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this _____ day of _____, 2023

By: _____
Jon Henrichsen, P.E., County Engineer
for Multnomah County, Oregon

REVIEWED:
By Jenny M. Madkour, County Attorney
For Multnomah County, Oregon

By: _____
Courtney Lords, Assistant County Attorney

EXHIBIT A-1

Broadway Bridge Item No. 2023-01

PARCEL 1 – MAINTENANCE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northwest One-Quarter of Section 34, Township 1 North, Range 1 East, of the Willamette Meridian, City of Portland, Multnomah County, Oregon, and being a portion of Parcel 1 of Partition Plat No. 2001-69, Multnomah County Plat Records, being more particularly described as follows:

COMMENCING at a found 5/8" Iron Rod at the most easterly corner of said Parcel 1, said point also being on the southwesterly right of way line of NW Naito Parkway;

THENCE along said southwesterly right of way line, North 39°57'05" West, a distance of 140.04 feet to the intersection of said southwesterly right of way line with the northwesterly line of that "Easement for Overhead Approaches Pier Support" per Book 537, Page 412, recorded in 1911, Multnomah County Deed Records, said point being the **POINT OF BEGINNING** of the herein described parcel;

THENCE departing said southwesterly right of way and along said northwesterly easement line, South 51°31'36" West, a distance of 49.81 feet to a point of non-tangent curvature;

THENCE departing said northwesterly easement line, 62.83 feet along the arc of a 40.00-foot radius curve to the right through a central angle of 90°00'00" (the long chord of which bears North 06°31'36" East, 56.57');

THENCE North 51°31'36" East, a distance of 8.77 feet to a point on said southwesterly right of way line;

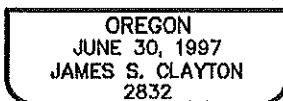
THENCE along said southwesterly right of way line, South 39°57'05" East, a distance of 40.01 feet to the **POINT OF BEGINNING**.

Said parcel contains 1,628 square feet of land, more or less.

This legal description along with the basis of bearings thereof, was prepared based on that Partition Plat Number 2001-69, Multnomah County Plat Records.



James S. Clayton
Digitally signed by James S. Clayton
Date: 2023.02.14 08:57:48 -08'00'



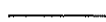
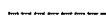

RENEWS: 1/1/2024

EXHIBIT B-1

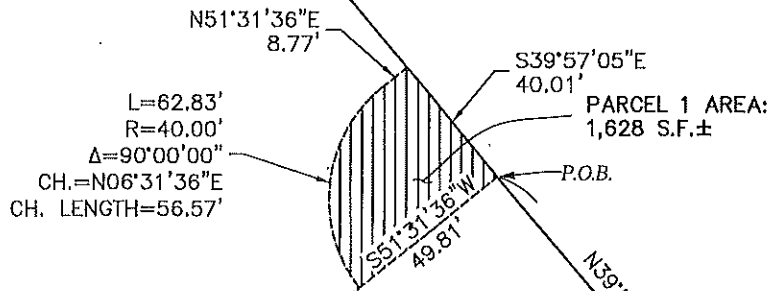
BROADWAY BRIDGE
EASEMENT PARCEL 1
ITEM NO. 2023-01

PARCEL 2
PARTITION PLAT NO. 2001-69

LEGEND

-  PROPERTY LINE
-  EASEMENT LINE
-  PARCEL AREA
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

NW NAITO PARKWAY



PARCEL 1
PARTITION PLAT NO. 2001-69

EXISTING 70' EASEMENT
PER BOOK 537, PAGE 412
1911

BROADWAY
BRIDGE

RAILROAD

P.O.C.
FOUND 5/8"
IRON ROD

UNION
STATION

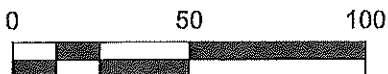
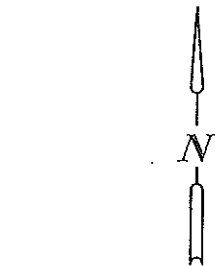
REGISTERED
PROFESSIONAL
LAND SURVEYOR

James S. Clayton

Digitally signed by James S. Clayton
Date: 2023.02.14 08:58:51 -08'00'

OREGON
JUNE 30, 1997
JAMES S. CLAYTON
2832

RENEWS: 1/1/2024



SCALE: 1" = 50'



DEPARTMENT OF COMMUNITY SERVICES
COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE.,
PORTLAND, OR. 97233-5910

EXHIBIT A-2

Broadway Bridge Item No. 2023-01

PARCEL 2 – MAINTENANCE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northwest One-Quarter of Section 34, Township 1 North, Range 1 East, of the Willamette Meridian, City of Portland, Multnomah County, Oregon, and being a portion of Parcel 1 of Partition Plat No. 2001-69, Multnomah County Plat Records, being more particularly described as follows:

COMMENCING at a found 5/8" Iron Rod at the most easterly corner of said Parcel 1, said point also being on the southwesterly right of way line of NW Naito Parkway;

THENCE along said southwesterly right of way line, North 39°57'05" West, a distance of 140.04 feet to the intersection of said southwesterly right of way line with the northwesterly line of that "Easement for Overhead Approaches Pier Support" per Book 537, Page 412, recorded in 1911, Multnomah County Deed Records, said point being the **POINT OF BEGINNING** of the herein described parcel;

THENCE departing said southwesterly right of way line and along said northwesterly easement line, South 51°31'36" West, a distance of 244.81 feet to a point on the southwesterly line of said Parcel 1;

THENCE departing said northwesterly easement line, and along said southwesterly line of Parcel 1, North 39°55'10" West, a distance of 10.00 feet;

THENCE departing said southwesterly line of Parcel 1, North 51°31'36" East, a distance of 244.81 feet to a point on said southwesterly right of way line of NW Naito Parkway;

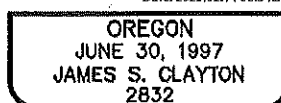
THENCE along said southwesterly right of way line, South 39°57'05" East, a distance of 10.00 feet to the **POINT OF BEGINNING**.

Said parcel contains 2,448 square feet of land, more or less.

This legal description along with the basis of bearings thereof, was prepared based on that Partition Plat Number 2001-69, Multnomah County Plat Records.



James S. Clayton
Digitally signed by James S. Clayton
Date: 2023.02.14 08:54:55 -08'00'



RENEWS: 1/1/2024

EXHIBIT B-2

BROADWAY BRIDGE
EASEMENT PARCEL 2
ITEM NO. 2023-01

PARCEL 2
PARTITION PLAT NO. 2001-69

LEGEND

- PROPERTY LINE
- - - EASEMENT LINE
- ▨ PARCEL AREA
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

PARCEL 1
PARTITION PLAT NO. 2001-69

PARCEL 2 AREA:
2,448 S.F.±

S39°57'05"E
10.00'

P.O.B.

N51°31'36"E 244.81'
S51°31'36"W 244.81'

EXISTING 70' EASEMENT
PER BOOK 537, PAGE 412
1911

N39°57'05"W 140.04'

P.O.C.
FOUND 5/8" IRON ROD

RAILROAD

N39°55'10"W
10.00'

BROADWAY
BRIDGE

UNION
STATION

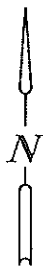
REGISTERED
PROFESSIONAL
LAND SURVEYOR

James S. Clayton

Digitally signed by James S. Clayton
Date: 2023.02.14 09:00:05 -08'00'

OREGON
JUNE 30, 1997
JAMES S. CLAYTON
2832

RENEWS: 1/1/2024



SCALE: 1" = 50'



DEPARTMENT OF COMMUNITY SERVICES
COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE.,
PORTLAND, OR. 97233-5910

EXHIBIT A-3

Broadway Bridge Item No. 2023-01

PARCEL 3 – MAINTENANCE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northwest One-Quarter of Section 34, Township 1 North, Range 1 East, of the Willamette Meridian, City of Portland, Multnomah County, Oregon, and being a portion of Parcel 1 of Partition Plat No. 2001-69, Multnomah County Plat Records, being more particularly described as follows:

COMMENCING at a found 5/8" Iron Rod at the most easterly corner of said Parcel 1, said point also being on the southwesterly right of way line of NW Naito Parkway;

THENCE along the southeasterly line of said Parcel 1, South 50°03'00" West, a distance of 244.81 feet to the most southerly corner of said Parcel 1;

THENCE along the southwesterly line of said Parcel 1, North 39°55'10" West, a distance of 146.35 feet to the intersection of said southwesterly line of Parcel 1 with the northwesterly line of that "Easement for Overhead Approaches Pier Support" per Book 537, Page 412, recorded in 1911, Multnomah County Deed Records, said point being the **POINT OF BEGINNING** of the herein described parcel;

THENCE departing said northwesterly easement line, and along said southwesterly line of Parcel 1, North 39°55'10" West, a distance of 40.01 feet;

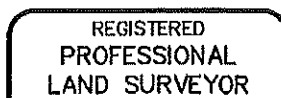
THENCE departing said southwesterly line of Parcel 1, North 51°31'36" East, a distance of 8.77 feet to the beginning of a tangent curve;

THENCE 62.83 feet along the arc of a 40.00-foot radius curve to the right through a central angle of 90°00'00" (the long chord of which bears South 83°28'24" East, 56.57') to a point on said northwesterly easement line;

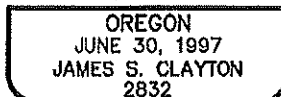
THENCE along said northwesterly easement line, South 51°31'36" West, a distance of 47.76 feet to the **POINT OF BEGINNING**.

Said parcel contains 1,587 square feet of land, more or less.

This legal description along with the basis of bearings thereof, was prepared based on that Partition Plat Number 2001-69, Multnomah County Plat Records.



James S. Clayton
Digitally signed by James S. Clayton
Date: 2023.02.14 08:56:04 -08'00'




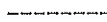
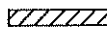
RENEWS: 1/1/2024

EXHIBIT B-3

BROADWAY BRIDGE
EASEMENT PARCEL 3
ITEM NO. 2023-01

PARCEL 2
PARTITION PLAT NO. 2001-69

LEGEND

-  PROPERTY LINE
-  EASEMENT LINE
-  PARCEL AREA
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

PARCEL 1
PARTITION PLAT NO. 2001-69

NW NAITO PARKWAY

BROADWAY BRIDGE

EXISTING 70' EASEMENT
PER BOOK 537, PAGE 412
1911

P.O.C.
FOUND 5/8"
IRON ROD

PARCEL 3 AREA:
1,587 S.F.±

L= 62.83'
R= 40.00'
Δ= 90°00'00"
CH.=S83°28'24"E
CH. LENGTH=56.57'

N51°31'36"E
8.77'

N39°55'10"W
40.01'

S51°31'36"W
47.76'

P.O.B.

N39°55'10"W 146.35'

S50°03'00"W 244.81'

RAILROAD

UNION
STATION

REGISTERED
PROFESSIONAL
LAND SURVEYOR

James S. Clayton

Digitally signed by James S.
Clayton
Date: 2023.02.14 09:00:59 -0800'

OREGON
JUNE 30, 1997
JAMES S. CLAYTON
2832

RENEWS: 1/1/2024



SCALE: 1" = 50'



DEPARTMENT OF COMMUNITY SERVICES
COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE.,
PORTLAND, OR. 97233-5910

EXHIBIT A-4

**Broadway Bridge
Item No. 2023-01**

PARCEL 4 – MAINTENANCE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northwest One-Quarter of Section 34, Township 1 North, Range 1 East, of the Willamette Meridian, City of Portland, Multnomah County, Oregon, and being a portion of Parcel 1 of Partition Plat No. 2001-69, Multnomah County Plat Records, being more particularly described as follows:

COMMENCING at a found 5/8" Iron Rod at the most easterly corner of said Parcel 1, said point also being on the southwesterly right of way line of NW Naito Parkway;

THENCE along said southwesterly right of way line, North 39°57'05" West, a distance of 70.02 feet to the intersection of said southwesterly right of way line with the southeasterly line of that "Easement for Overhead Approaches Pier Support" per Book 537, Page 412, recorded in 1911, Multnomah County Deed Records; said point being the **POINT OF BEGINNING** of the herein described parcel;

THENCE departing said southwesterly right of way line, and along said southeasterly easement line, South 51°31'36" West, a distance of 244.85 feet to the intersection of said southeasterly easement line with the southwesterly line of said Parcel 1;

THENCE departing said southeasterly easement line, and along said southwesterly line of Parcel 1, South 39°55'10" East, a distance of 10.00 feet;

THENCE departing said southwesterly line of Parcel 1, North 51°31'36" East, a distance of 244.86 feet to a point on said southwesterly right of way line of NW Naito Parkway;

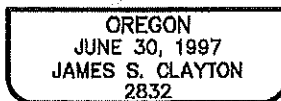
THENCE along said southwesterly right of way line, North 39°57'05" West, a distance of 10.00 feet to the **POINT OF BEGINNING**.

Said parcel contains 2,448 square feet of land, more or less.

This legal description along with the basis of bearings thereof, was prepared based on that Partition Plat Number 2001-69, Multnomah County Plat Records.



James S. Clayton
Digitally signed by James S. Clayton
Date: 2023.02.14 08:57:04 -08'00'



RENEWS: 1/1/2024

EXHIBIT B-4

BROADWAY BRIDGE
EASEMENT PARCEL 4
ITEM NO. 2023-01

PARCEL 2
PARTITION PLAT NO. 2001-69

NW NAITO PARKWAY

LEGEND

- PROPERTY LINE
- - - EASEMENT LINE
- ▨ PARCEL AREA
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

PARCEL 1
PARTITION PLAT NO. 2001-69

RAILROAD

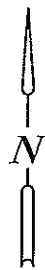
EXISTING 70' EASEMENT
PER BOOK 537, PAGE 412
1911

BROADWAY BRIDGE

P.O.B.
N39°57'05"W
70.02'
10.00'
P.O.C.
FOUND 5/8" IRON ROD

PARCEL 4 AREA:
2,448 S.F.±

10'
S51°31'36"W 244.85'
N51°31'36"E 244.86'



S39°55'10"E
10.00'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

James S. Clayton

Digitally signed by James S. Clayton
Date: 2023.02.14 09:02:09 -08'00'

OREGON
JUNE 30, 1997
JAMES S. CLAYTON
2832

RENEWS: 1/1/2024

UNION
STATION



SCALE: 1" = 50'



DEPARTMENT OF COMMUNITY SERVICES
COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE.,
PORTLAND, OR. 97233-5910