

PORTLAND DEVELOPMENT COMMISSION

Portland, Oregon

RESOLUTION NO. 6970

AUTHORIZING THE EXECUTION OF A DEED FOR RIGHT-OF-WAY PURPOSES FOR THE DISPOSITION OF REAL PROPERTY LOCATED AT NW THURMAN STREET AT 29TH AVENUE AND NOT WITHIN A CURRENT URBAN RENEWAL AREA TO THE CITY OF PORTLAND

WHEREAS, the Portland Development Commission ("PDC") is the owner of a 5,952 square foot parcel located at NW Thurman Street at 29th Avenue (the "Property") having acquired the Property on March 28, 1977, to facilitate improving pedestrian access to Lower Macleay Park in implementation of the Department of Housing and Urban Development ("HUD")-funded Northwest Housing and Community Project and specifically the Thurman/Vaughn Corridor (the "Project");

WHEREAS, PDC managed a series of HUD and City of Portland financed improvements to Lower Macleay Park including this Project;

WHEREAS, the Property is used as a pedestrian access for the Project and is managed and maintained by and at the sole expense of the City of Portland but is still owned by PDC; and

WHEREAS, PDC and the City of Portland, Bureau of Transportation ("PBOT") desire to consolidate control of the Property with other property comprising the Project and owned by PBOT.

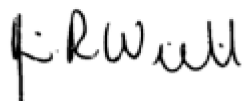
NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is authorized to execute a Deed for Right-of-Way Purposes substantially in the form attached hereto as Exhibit A (the "Deed") to convey a right-of-way easement on the Property to the City of Portland;

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

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 Portland Development Commission on September 12, 2012



Gina Wiedrick, Recording Secretary

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, ("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"):

A strip of land over and across a portion of Lot 8, Block 7, in the duly recorded Plat of "Willamette Heights" situated in the southeast one-quarter of Section 29, T1N, R1E, W.M., in the City of Portland, County of Multnomah, State of Oregon, said strip being the southerly 20.00 feet of said Lot 8 as depicted on Exhibit A attached hereto and by this reference made a part hereof.

Contains 1,000 square feet, more or less.

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,

R/W # 7199-17

1N1E29DC TL 2900

After Recording Return to:

Kris Calvert, City of Portland

1120 SW 5th Ave., 8th Floor

Portland, OR 97204

Tax Statement shall be sent to: No Change

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.

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 its Chair and Secretary, this _____ day of _____, 20__.

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

Patrick Quinton, Executive Director

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 Patrick Quinton, Executive Director of the Portland Development Commission, the duly
designated urban renewal agency of the City of Portland, Oregon.

Notary Public for Oregon
My Commission expires _____

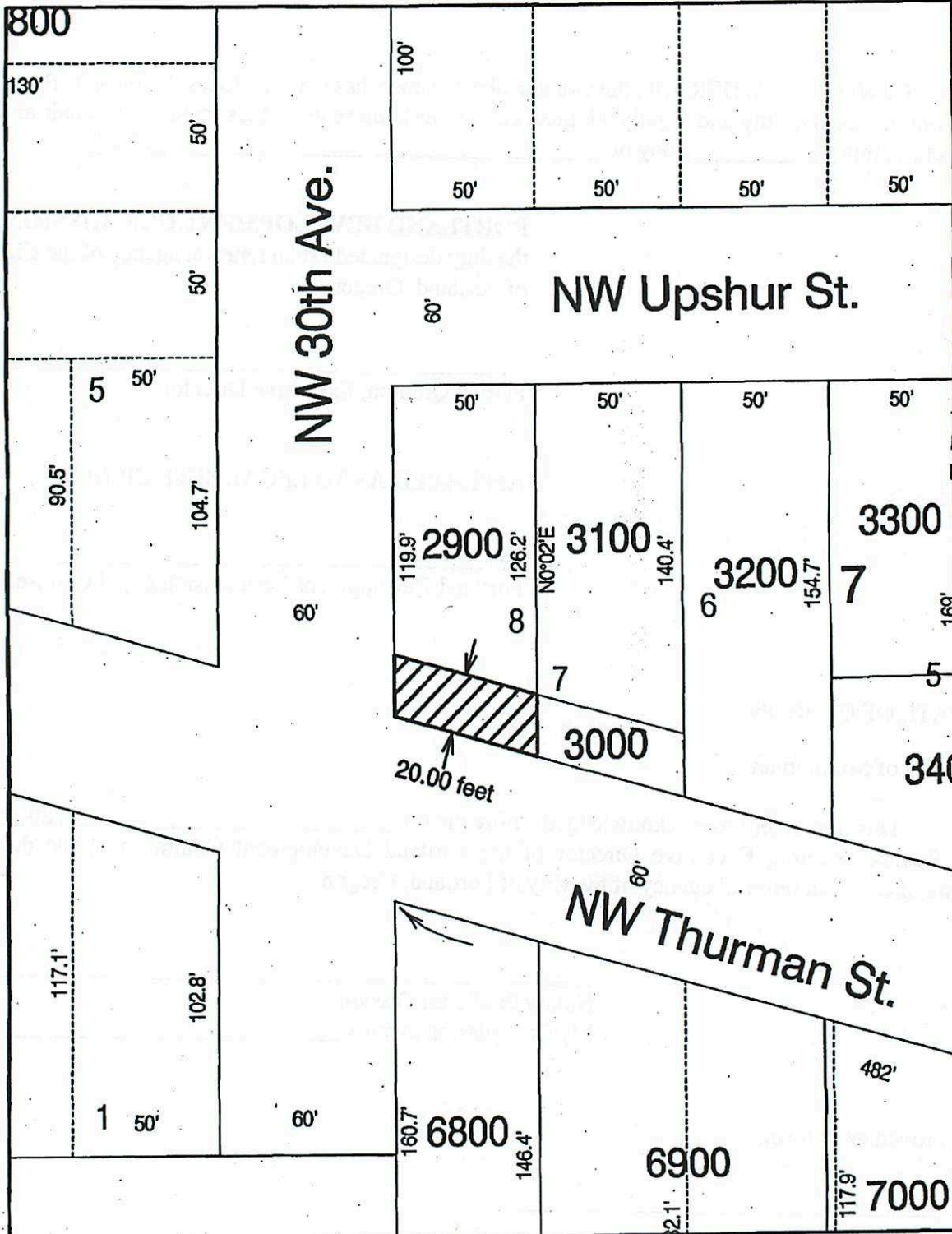
Approved as to form:

City Attorney

Approved:

Director or designee

Exhibit A



NW Thurman Street east of NW 30th Ave.

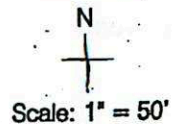
Legal: A portion of Lot 8, Block 7, "Willamette Heights"

Grantor: Portland Development Commission



Dedication Area

R/W: 7199-17 ¼ Section: 2826 Section: 1N1E29DC



RESOLUTION NO. 6970

RESOLUTION TITLE:

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Adopted by the Portland Development Commission on September 12, 2012

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 type="checkbox"/>	Commissioner Charles Wilhoite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consent Agenda		<input checked="" 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>September 13, 2012</p>
<p>Gina Wiedrick, Recording Secretary</p>	