

PORTLAND DEVELOPMENT COMMISSION
Portland, Oregon

RESOLUTION NO. 6596

**AUTHORIZE DISPOSITION OF A PERMANENT EASEMENT AT
123 NE 3RD AVENUE, BLOCK 69, IN THE CENTRAL
EASTSIDE URBAN RENEWAL AREA, TO THE OREGON
DEPARTMENT OF TRANSPORTATION FOR THE POTENTIAL
FUTURE EXPANSION OF AN EXISTING I-84 HIGHWAY ON-
RAMP IN EXCHANGE FOR RELINQUISHMENT OF
ENCUMBRANCE ON BLOCKS 67 AND 68**

WHEREAS, on February 17, 1999 (Resolution 5228), the Portland Development Commission ("PDC") adopted the Eastbank at Burnside: Lower East Burnside Redevelopment Plan ("Eastbank at Burnside Plan"), which emphasizes a mixed-use gateway project at the foot of the Burnside Bridge in the Central Eastside Urban Renewal Area;

WHEREAS, PDC acquired Blocks 67, 68 and 76, and portions of Blocks 69 and 75 in the Central Eastside urban Renewal Area, collectively known as the Burnside Bridgehead property (the "Property"), to implement the Eastbank at Burnside Plan;

WHEREAS, the Oregon Department of Transportation ("ODOT") possesses an easement encumbering a portion of Blocks 67 and 68, which easement was acquired in the 1950's by ODOT for the purpose of constructing a future ramp from I-84 to East Burnside Street;

WHEREAS, said easement, recorded on December 3, 1956, in Book 1819, Page 516, Multnomah County Record of Deeds, must be removed from title to the Property in order for the Property to be redeveloped;

WHEREAS, ODOT acknowledges that said easement on Blocks 67 and 68, is no longer needed;

WHEREAS, ODOT desires a permanent easement on Block 69 for the potential future replacement and/or expansion of an existing I-84 highway on-ramp, which will allow for increased traffic capacity as well as an upgrading of the facility per new seismic standards;

WHEREAS, said easement will continue to allow parking for the Burnside Bridgehead project on the site below;

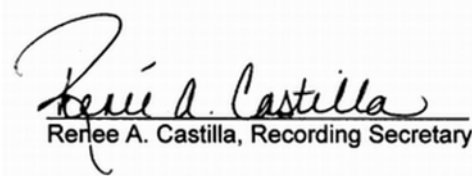
WHEREAS, on July 5, 2006, ODOT appraised the proposed permanent easement on Block 69 at \$34,650 and the ODOT highway easement on Blocks 67 and 68 at \$73,635; and

WHEREAS, ODOT has agreed to accept the permanent easement on Block 69 and release the highway easement on Blocks 67 and 68 for a net payment to ODOT of \$38,985.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is hereby authorized to execute a Permanent Easement, substantially in the form attached hereto as Exhibit A, affecting a portion of certain PDC-owned property located at 123 NE 3rd Avenue, Block 69, in the Central Eastside Urban Renewal Area, to the Oregon Department of Transportation in exchange for the Oregon Department of Transportation's release of a highway easement encumbering Blocks 67 and 68 of said PDC-owned property, for a net payment of \$38,985; and

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

Adopted by the Portland Development Commission on June 11, 2008.



Renee A. Castilla, Recording Secretary

File 6012120
Drawing 10B-1-36

PERMANENT EASEMENT

CITY OF PORTLAND, acting by and through the Portland Development Commission, Grantor, for the true and actual consideration of \$_____, does grant to the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, its successors and assigns, a permanent easement for highway overpass facilities, upon, over and across the property described on Exhibit "A" dated July 11, 2006, attached hereto and by this reference made a part hereof.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

Map and Tax Lot #: 1N 1E 34DA - 1400

Property Address:

File 6012120
Drawing 10B-1-36

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this _____ day of _____, 20_____.

APPROVED AS TO FORM:

CITY OF PORTLAND ACTING BY AND THROUGH THE
PORTLAND DEVELOPMENT COMMISSION

By _____

By _____
Executive Director

By _____
Auditor

STATE OF OREGON, County of _____

Dated _____, 20_____. Personally appeared _____
and _____, who, being sworn, stated that they are the Executive Director and Auditor of
the City of Portland acting by and through the Portland Development Commission, Oregon, a municipal corporation, and that
this instrument was voluntarily signed on behalf of said municipal corporation by authority of its Ordinance No.
_____, passed by the Council of said City on this _____ day of _____, 20_____.

Notary Public for Oregon
My Commission expires _____

Accepted on behalf of the Oregon Department of Transportation

EXHIBIT A - Page 1 of 1

File 6012120
Drawing 10B-1-36
July 11, 2006

Permanent Easement For Highway Overpass Facilities

A parcel of land lying in Lots 3 and 4, Block 69, EAST PORTLAND, Multnomah County, Oregon; said parcel being that portion of said Lots 3 and 4 lying Southerly of and adjacent to that property designated as Parcel 11 and described in that Deed to the State of Oregon, by and through its State Highway Commission, recorded June 15, 1962 in Book 2121, Page 31, Multnomah County Record of Deeds; lying Westerly of a line parallel with and 55.00 feet Easterly of the West line of said Block 69, EAST PORTLAND; and lying Northerly of a line parallel with and 20.00 feet Northerly of the South line of said Block 69, EAST PORTLAND.

This parcel of land contains 2310 square feet, more or less.

PDC

PORTLAND DEVELOPMENT COMMISSION

Resolution Number 6596

TITLE: RE AUTHORIZE DISPOSITION OF A PERMANENT EASEMENT AT 123 NE 3RD AVENUE, BLOCK 69, IN THE CENTRAL EASTSIDE URBAN RENEWAL AREA, TO THE OREGON DEPARTMENT OF TRANSPORTATION FOR THE POTENTIAL FUTURE EXPANSION OF AN EXISTING I-84 HIGHWAY ON-RAMP IN EXCHANGE FOR RELINQUISHMENT OF ENCUMBRANCE ON BLOCKS 67 AND 68

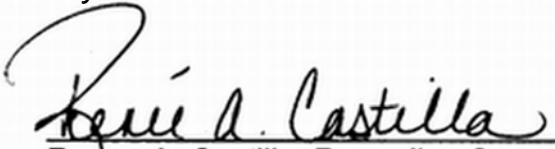
Adopted by the Portland Development Commission on June 11, 2008.

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Mark Rosenbaum, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Sal Kadri	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Bertha Ferrán	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Charles Wilhoite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	John Mohlis	<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.


Renee A. Castilla, Recording Secretary

Date: June 12, 2008