

PORTLAND DEVELOPMENT COMMISSION
Portland, Oregon

RESOLUTION NO. 6856

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A DEED FOR DEDICATION OF PUBLIC RIGHT OF WAY TO CITY OF PORTLAND IN CONNECTION WITH DEVELOPMENT OF A PUBLIC PLAZA ON PDC-OWNED PROPERTY AT 834 NE MARTIN LUTHER KING JR BLVD IN THE OREGON CONVENTION CENTER URBAN RENEWAL AREA.

WHEREAS, in 1989 the Oregon Convention Center Urban Renewal Plan ("Plan") was approved by the Portland City Council (Ordinance No. 161925), Goal 1 of which is to maximize the regional job potential of the Oregon Convention Center through development of a convention center headquarters hotel ("HQ Hotel");

WHEREAS, to implement the Plan, the Portland Development Commission ("PDC") acquired two blocks (encompassing three contiguous parcels) in the Oregon Convention Center Urban Renewal Area in 2000, 2001, and 2005 for purposes of developing the HQ Hotel;

WHEREAS, due to the economic downturn, the HQ Hotel project is not expected to be built in the near term and, of the blocks acquired for the HQ Hotel, PDC now desires to establish a public plaza on PDC-owned property located at 834 Ne Martin Luther King Jr. Blvd for use as an outdoor event venue;

WHEREAS, PDC has completed demolition of the existing structure on and entered into a lease agreement with Metro requiring that Metro construct a public plaza for an outdoor event venue on ;

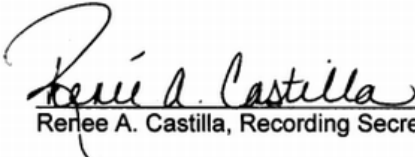
WHEREAS, to meet the Lloyd District Design Standards for sidewalk width and as a condition of the land use approval for construction of the public plaza (Land Use Application 10-172070), the City of Portland is requiring a dedication of right of way along NE Pacific and NE Grand Avenues; and

WHEREAS, in order to enable the construction of the public plaza on, PDC desires to grant the right of way required by the City of Portland.

NOW, THEREFORE, BE IT RESOLVED that the PDC Board of Commissioners hereby authorizes the Executive Director to execute a deed from PDC to the City of Portland, substantially in the form attached hereto as Exhibit A, to dedicate right of way along the NE Pacific Avenue and NE Grant Avenue portions of Block 26 in the Oregon Convention Center Urban Renewal Area; and

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

Adopted by the Portland Development Commission March 23, 2011.


Renee A. Castilla, Recording Secretary

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/00 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, 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”):

Two strips of land over and across a portion of property situated in the northwest one-quarter of Section 35, T1N R1E, W.M., in the City of Portland, County of Multnomah, State of Oregon, being more particularly described as follows:

The east 3.00 feet of that certain parcel of land described in Exhibit 1 of Document No. 2000-174334, recorded December 22, 2000, Multnomah County Deed Records;

And

The north 2.00 feet of said Document No. 2000-174334, excepting therefrom the east 3.00 feet described above.

As depicted on Exhibit A 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.

R/W # 7268

After Recording Return to : _____

1N1E35BC TL 900

106/800/David Kuhnhausen

Tax Statement shall be sent to: _____

_____ No Change

- 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. All known reports, investigations, surveys or environmental assessments regarding the Subject Property are listed on Exhibit B attached hereto.
- 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.

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:

City Engineer or his designee

PDC

PORTLAND DEVELOPMENT COMMISSION

Resolution Number 6856

Title:

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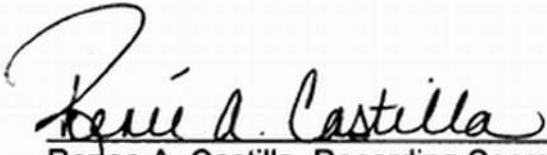
Adopted by the Portland Development Commission on March 23, 2011.

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 type="checkbox"/>	Commissioner Steven Straus	<input 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.


Renee A. Castilla, Recording Secretary

Date: April 14, 2011