

PORTLAND DEVELOPMENT COMMISSION

Portland, Oregon

RESOLUTION NO. 7152

AUTHORIZING THE EXECUTION OF A DEED FOR RIGHT-OF-WAY PURPOSES WITH THE CITY OF PORTLAND FOR THE REAL PROPERTY LOCATED AT NE 112TH AVENUE AND HOLMAN STREET WITHIN THE AIRPORT WAY URBAN RENEWAL AREA

WHEREAS, since 1992, the Portland Development Commission ("PDC") has owned a 2,000 square foot unimproved parcel located at NE 112th Avenue and Holman Street (the "Property") in the Airport Way Urban Renewal Area;

WHEREAS, the Property was acquired to further the Second Amendment to the Airport Way Urban Renewal Plan which authorized the acquisition of land in the Holman Street Area for redevelopment;

WHEREAS, it was envisioned that the infrastructure construction, including the redevelopment of this Property, would be completed by January 1993; however, due to the 1990 passage of Ballot Measure 5 it was later decided it was no longer cost effective to redevelop the Holman Street area; and

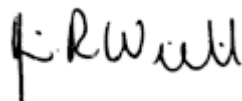
WHEREAS, PDC and the City of Portland Bureau of Transportation (PBOT) desire to consolidate control of the Property with other property owned by PBOT.

NOW, THEREFORE, BE IT RESOLVED, that the PDC Board of Commissioners authorizes the execution of 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 PBOT;

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 the Portland Development Commission on November 18, 2015



Gina Wiedrick, Recording Secretary

Grantor's Name and Address:
Portland Development Commission
222 NW 5th Ave
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, ("Grantee"), 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 an across a portion of Lot 4, Block 112, in the duly recorded Plat of “Parkrose” situated in the southwest one-quarter of Section 15, T1N, R2E, W.M., in the City of Portland, County of Multnomah, State of Oregon, said strip being the south 10.00 feet of the west 200.00 feet of the east 400.00 feet of said Lot 4 as depicted on the Exhibit A attached hereto and by these reference made a part hereof.

Contains 2,000 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, 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 Grantee, 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 Grantee, 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 Grantee. 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 Grantee 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.

THIS SECTION 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 Executive Director, this _____ day of _____, 20____.

**CITY OF PORTLAND, a municipal corporation
of the State of Oregon, acting by and through the
PORTLAND DEVELOPMENT COMMISSION**

By: _____
Name: Tom Kelly
Title: Chair

By: _____
Name: Aneshka Dickson
Title: Vice Chair

State of OREGON

County of MULTNOMAH

This instrument was acknowledged before me on _____, 20____
_____,
by Tom Kelly, Chair of the Portland Development Commission, the duly designated urban
renewal agency of the City of Portland, Oregon.

Notary Public for Oregon
My Commission expires _____

State of OREGON

County of MULTNOMAH

This instrument was acknowledged before me on _____, 20____
_____,
by Aneshka Dickson, Vice Chair 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:

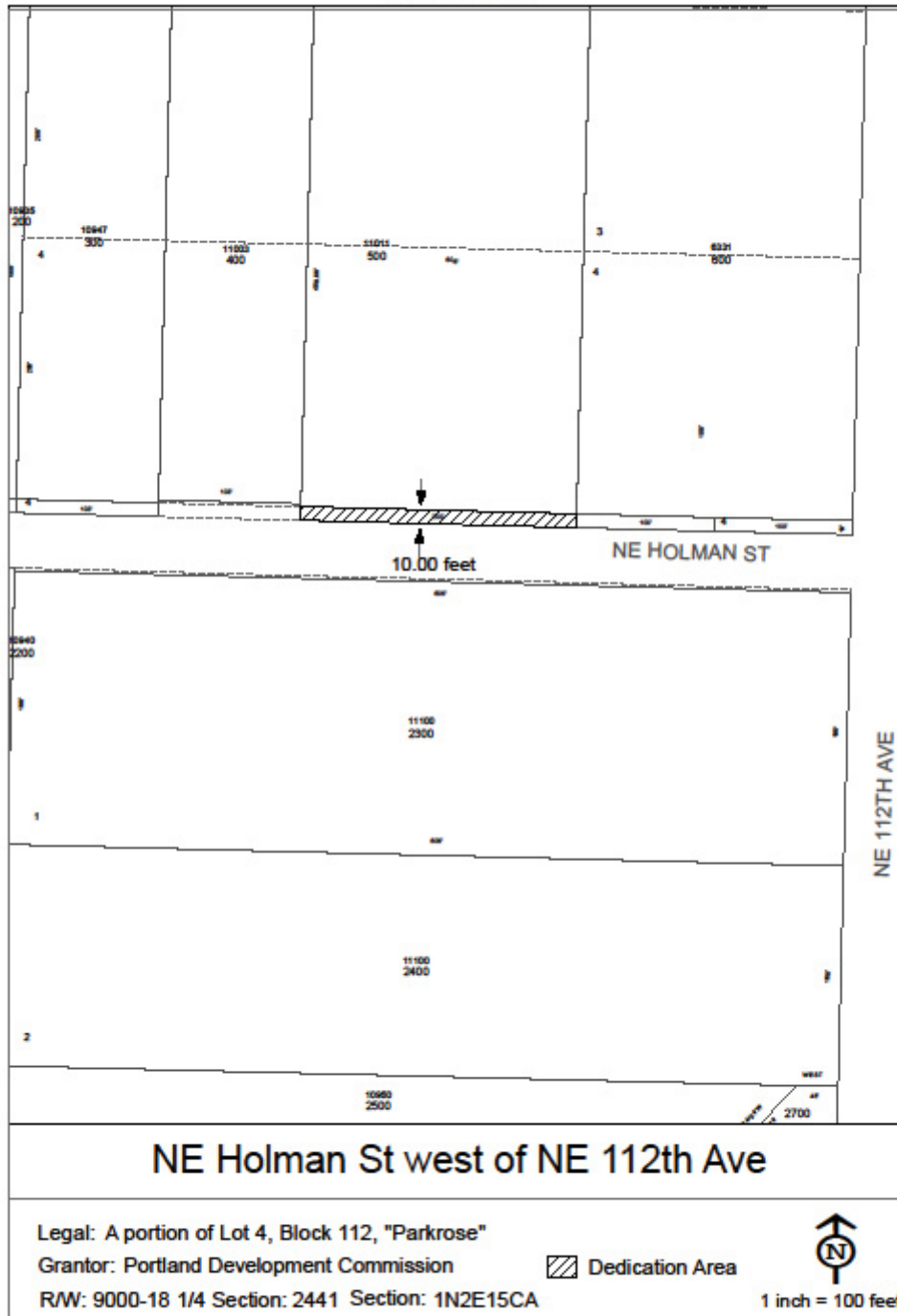
City Attorney

APPROVED AND ACCEPTED:

Bureau Director or designee

8016\Dedication-PDC

Exhibit A



RESOLUTION NO. 7152

RESOLUTION TITLE:

AUTHORIZING THE EXECUTION OF A DEED FOR RIGHT-OF-WAY PURPOSES WITH THE CITY OF PORTLAND FOR THE REAL PROPERTY LOCATED AT NE 112TH AVENUE AND HOLMAN STREET WITHIN THE AIRPORT WAY URBAN RENEWAL AREA

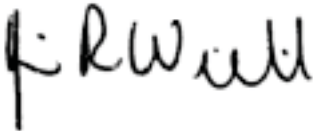
Adopted by the Portland Development Commission on November 18, 2015

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Chair Tom Kelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Gustavo Cruz, Jr.	<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 Mark Edlen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner William Myers	<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 as duly recorded in the official minutes of the meeting.

	<p>Date:</p> <p style="text-align: center;">November 20, 2015</p>
<p>Gina Wiedrick, Recording Secretary</p>	