

PORTLAND DEVELOPMENT COMMISSION
Portland, Oregon

RESOLUTION NO. 6634

**AUTHORIZING EXECUTION OF A DEED FOR RIGHT OF WAY
PURPOSES TO THE CITY OF PORTLAND FOR THE
CONSTRUCTION AND OPERATION OF LIGHT RAIL LINES,
ACCESSORIES AND APPURTENANCES IN THE RIVER
DISTRICT URBAN RENEWAL AREA**

WHEREAS, the Tri-County Metropolitan Transportation District of Oregon (“TriMet”), the Oregon Department of Transportation (“ODOT”), the City of Portland (including a local improvement district in the downtown), the Clackamas County Urban Renewal Agency, and the Portland Development Commission (“PDC”), through TriMet, desire to extend light rail along I-205 from Clackamas Town Center to Gateway Transit Center and in downtown Portland from the Steel Bridge to Portland State University along 5th and 6th Avenues (“I-205/Mall Light Rail Project”);

WHEREAS, on August 11, 2004, the PDC Board of Commissioners (“Board”) adopted Resolution No. 6171, which authorized the Executive Director to enter into an Intergovernmental Grant Agreement (“IGA”) with TriMet to provide \$20 million in local matching funds for the I-205/Mall Light Rail Project;

WHEREAS, to assure the I-205/Mall Light Rail Project meets community expectations for design quality and functionality, and in support of the establishment of a Small Business Support Program to mitigate construction impacts, on June 2, 2007, the Board adopted Resolution No. 6464, which authorized an amendment of the IGA to provide an additional \$2,865,686 in local matching funds;

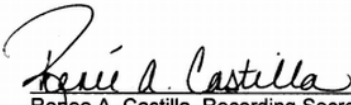
WHEREAS, the approved design and alignment of the I-205/Mall Light Rail Project requires use of property currently owned by PDC for light rail operations, including 211 square feet of Block A&N, located in Old Town/Chinatown, for right of way purposes (see Exhibit A);

WHEREAS, PDC and the City of Portland (the “City”) have negotiated the terms and conditions of the Deed for Right of Way Purposes, attached hereto in substantially complete form as Exhibit B, for the purposes of providing an easement on a portion of Block A&N to the City; and

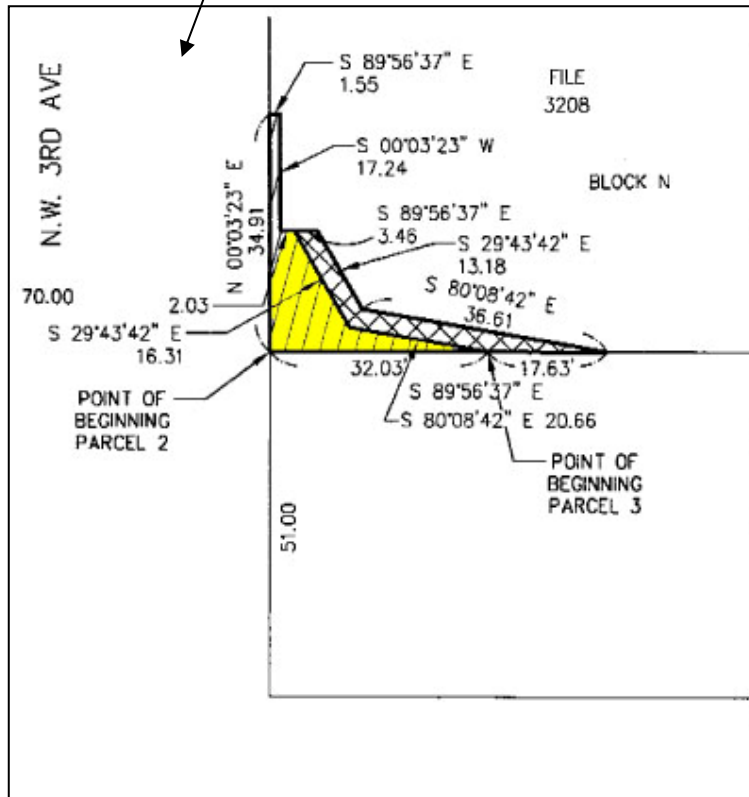
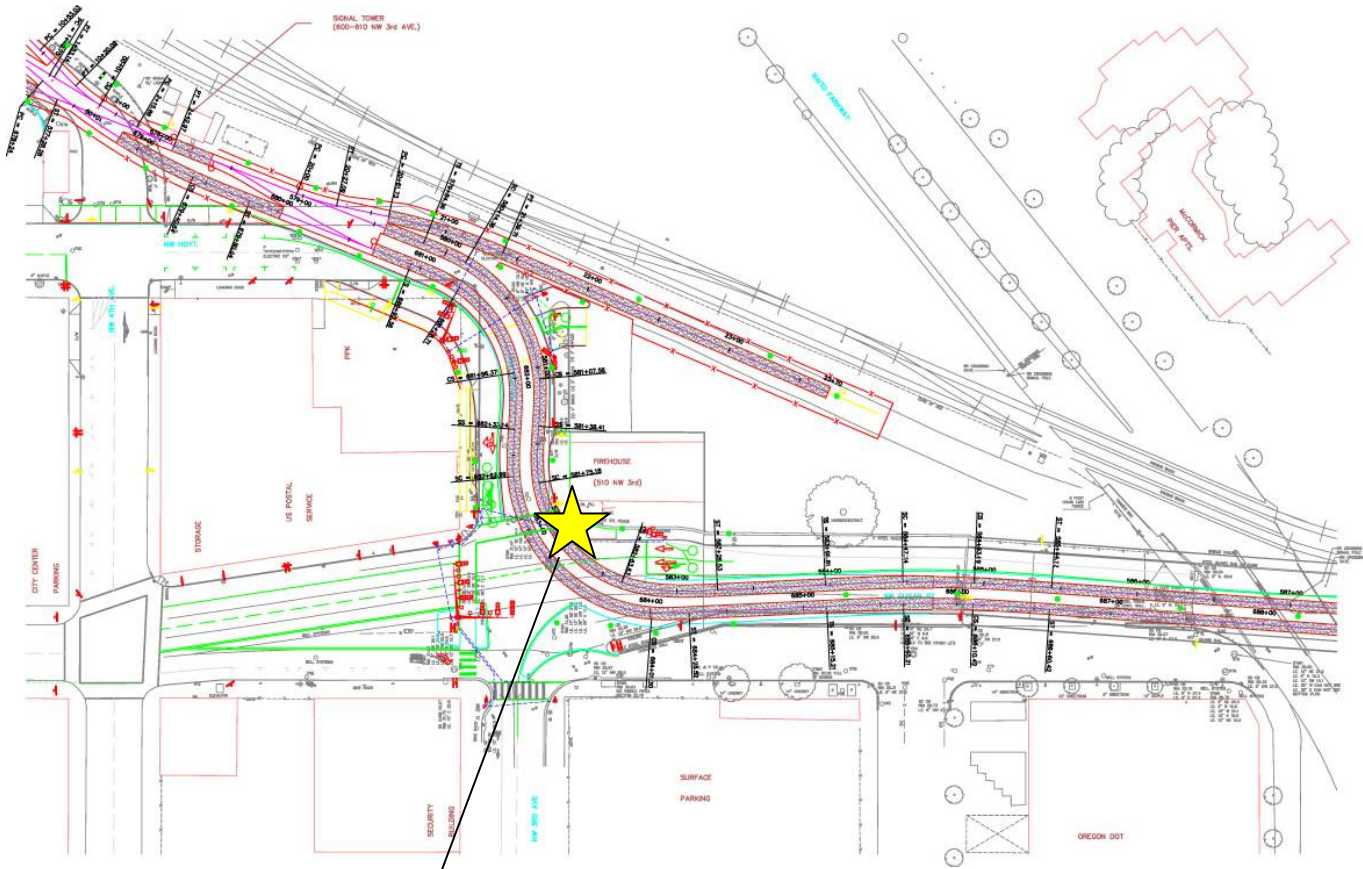
WHEREAS, PDC, the City, and TriMet share an interest in maximizing local and federal financial resources, and minimizing any budget shortfalls or value engineering of the project.

NOW, THEREFORE, BE IT RESOLVED that the execution of the Deed for Right of Way Purposes between PDC and the City of Portland (attached hereto as Exhibit B) is authorized at no expense to the City for the purposes of the construction and operation of the I-205/Mall Light Rail Project; and

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


Relee A. Castilla, Recording Secretary

Deed for Right of Way Purposes – Property Area



DEED FOR RIGHT-OF-WAY PURPOSES

KNOW ALL PERSONS BY THESE PRESENTS, that the **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/100 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:

As described on Exhibit A and shown on Exhibit B 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.

- 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; and further, that the subject property does not present a threat to the health and safety of individuals conducting maintenance and construction activities beneath the surface and that any material excavated from the property can be disposed with clean fill material.
- B. Grantor represents that it has disclosed all knowledge of any release of hazardous substances onto or from the property, and disclosed any known report, investigation, survey, or environmental assessment regarding the subject property which is in Grantor's possession or control. "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 C attached hereto.

R/W # 6778-3208

After Recording Return to :

1N1E34BD TL 600

106/800/Dee A. Walker

Tax Statement shall be sent to:

No Change

- 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, 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 property. This provision shall not apply to a release of hazardous substances onto or from the property caused by the officers, agents or employees of the City or its successors or assigns. 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 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.

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 the City, its officers, agents and employees beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

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 _____, 2008.

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

Charles A. Wilhoite, Chair

John C. Mohlis, Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
Portland Development Commission Legal Counsel

STATE OF OREGON

County of Multnomah

This instrument was acknowledged before me on _____, 2008,
by Charles A. Wilhoite and John C. Mohlis, as Chair and Secretary 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

6778\3208\Dedication-Final-7-30-08



RW # 6778- 3208
Portland Development Commission
10 N.W. 3rd Avenue
Portland, OR 97209
1N1E34BD 600
PGL, DEA INC. 6-7-07
Revised 6-20-07

EXHIBIT "A"

Dedication of Right-of-Way

A parcel of land situated in the northwest one-quarter of Section 34, Township 1 North, Range 1 East, W.M., City of Portland, Multnomah County, Oregon, and being a portion of that property described in Warranty Deed to City of Portland, recorded October 30, 1987 in Book 2054, Page 2425, Multnomah County Records, more particularly described as follows:

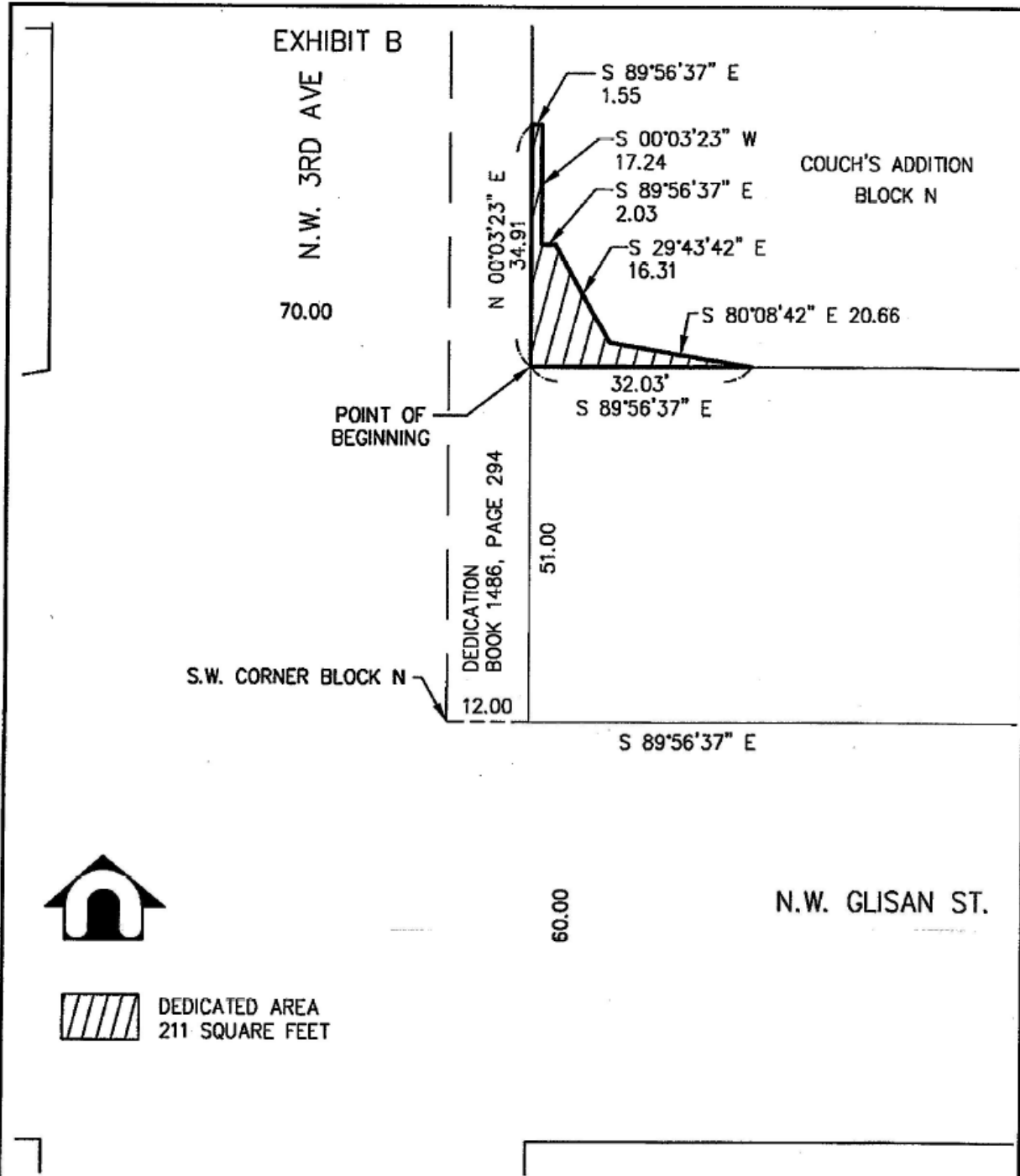
Beginning at a point that bears South 89° 56' 37" East 12.00 feet and North 00° 03' 23" East 51.00 feet from the southwest corner of Block N of the duly recorded plat of Couch's Addition to the City of Portland; said point also being on the easterly right-of-way line of N.W. 3rd Avenue; thence on said easterly right-of-way line North 00° 03' 23" East 34.91 feet; thence South 89° 56' 37" East 1.55 feet; thence South 00° 03' 23" West 17.24 feet; thence South 89° 56' 37" East 2.03 feet; thence South 29° 43' 42" East 16.31 feet; thence South 80° 08' 42" East 20.66 feet to the north line of the south 51.00 feet of said Block N; thence North 89° 56' 37" West 32.03 feet to the point of beginning.

This parcel contains 211 square feet, more or less.

The bearings of this description are based on record of survey SN 59572, as recorded in Multnomah County Survey Records.



RENEWAL 12/31/08




 DAVID EVANS AND ASSOCIATES INC. 2100 Southwest River Parkway Portland Oregon 97201 Phone: 503.223.6063	PROJECT	DOWNTOWN MALL LRT PROJECT		SHEET
	TITLE	RIGHT-OF-WAY #6778-3208		1 OF 1
		EXHIBIT MAP FOR R/W DEDICATION		
	DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SVEM12URS34cop	URSX0000-0034	1"=20'	1	
DRAWN BY	DESIGN BY	APPROVED BY	DATE	
LDM	PGL	KRW	6/20/07	

EXHIBIT C
ENVIRONMENTAL REPORTS, SURVEYS AND ASSESSMENTS

Parametrix, 2005, Phase I Environmental Site Assessment Fire House Properties, Portland, Oregon.

PDC

PORTLAND DEVELOPMENT COMMISSION

Resolution Number 6634

TITLE: AUTHORIZING EXECUTION OF A DEED FOR RIGHT OF WAY PURPOSES TO THE CITY OF PORTLAND FOR THE CONSTRUCTION AND OPERATION OF LIGHT RAIL LINES, ACCESSORIES AND APPURTENANCES IN THE RIVER DISTRICT URBAN RENEWAL AREA


Adopted by the Portland Development Commission on September 24, 2008.

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Charles Wilhoite, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Scott Andrews	<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 checked="" type="checkbox"/>	John Mohlis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Vacant	<input 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: September 24, 2008