

Professional Land Surveyors
info@chsveyinc.com

• 6150 S.W. 124th Avenue •
Beaverton, Oregon 97008-4724

Telephone 503/644-3179
Fax 503/644-3190

EXHIBIT "1"
LEGAL DESCRIPTION
FOR
STREET VACATION

A TRACT OF LAND IN SW FALCON STREET, A STREET DEDICATED TO THE PUBLIC IN THE PLAT OF "CAPITOL HILL" A DULY RECORDED PLAT IN THE MULTNOMAH COUNTY PLAT RECORDS, SAID TRACT BEING IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 18, BLOCK 26 OF SAID "CAPITOL HILL", BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID SW FALCON STREET; THENCE S89°44'22"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1.00 FOOT TO THE **TRUE POINT OF BEGINNING**; THENCE S00°15'38"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID STREET, BEING A POINT ON THE NORTH LINE OF BLOCK 27 OF SAID PLAT; THENCE S89°44'22"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND THE NORTH LINE OF SAID BLOCK 27, A DISTANCE OF 141.55 FEET TO A POINT BEING 65.40 FEET SOUTHEASTERLY OF, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF PACIFIC HIGHWAY #99W; THENCE N49°39'37"E, A DISTANCE OF 77.66 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID SW FALCON STREET AND THE SOUTH LINE OF SAID BLOCK 26, SAID POINT BEING 64.00 FEET SOUTHEASTERLY OF, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF PACIFIC HIGHWAY #99W; THENCE N89°44'22"E, ALONG NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 82.13 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 5,592 SQUARE FEET, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 18, 1980
ALBERT HERTEL
1896

RENEWAL DATE: 6/30/2017

EXHIBIT 2

STREET VACATION EXHIBIT MAP

FOR EKATERINA GARYFALLOU

IN LOTS 5 - 9 AND 11 - 16 BLOCK 27, "CAPITAL HILL"

IN THE NE 1/4 OF THE SW 1/4, OF SECTION 21, T. 1 S., R. 1 E., W.M.

MULTNOMAH COUNTY

SCALE 1" = 100'

OREGON

JUNE 29, 2016



S.W. EVANS STREET

S.W. 19th AVENUE

BLOCK 26

PACIFIC HIGHWAY 99W

(C.R. NO 1299- S.W. BARC)

S89°44'26"W

BLOCK 26

18 19 20

S.W. FALCON ST

S.W. 17th AVENUE

AREA TO BE
VACATED

BLOCK 27

S.W. HUME STREET

S.W. MULTNOMAH BLVD.

2" IRON ROD

SURVEYORS INC.

6150 S.W. 124th AVE.

BEAVERTON, OREGON 97008

(503) 644-3179

REGISTERED
PROFESSIONAL
LAND SURVEYOROREGON
JULY 18, 1980
ALBERT HERTEL
1896

RENEWS: 6/30/2017

Grantor's Name and Address:

0282, LLC
 1725 SW Multnomah Blvd.
 Portland, OR 97219

DEED FOR RIGHT-OF-WAY PURPOSES

0282, LLC, an Oregon limited liability company, ("Grantor"), for good and valuable non-monetary consideration, the receipt whereof is hereby acknowledged, hereby grants unto the City of Portland, a municipal corporation of the State of Oregon, ("Grantee"), which acquires pursuant to its eminent domain power and authority, an easement for public street and right-of-way purposes in the real property, being particularly described as follows ("Subject Property"):

A parcel of land over and across a portion of Lots 2 and 3, Block 27, in the duly recorded Plat of "Capital Hill" situated in the southwest one-quarter of Section 21, T1S, R1E, W.M., in the City of Portland, County of Multnomah, State of Oregon, said parcel being the north 24.00 feet of said Lot 3 and the north 24.00 feet of the west 15.00 feet of said Lot 2 as depicted on Exhibit A attached and incorporated by reference.

Contains 1560 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/his/her/their 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. "Release" and "hazardous substance" shall have the meaning as defined under

R/W #7890

1S1E21CA TL 9400

After Recording Return to:

Karl Arruda, City of Portland

1120 SW 5th Avenue, 8th Floor

Portland, OR 97204

Tax Statement shall be sent to: No Change

Oregon law. All known reports, investigations, or environmental assessments regarding the Subject Property are listed on Exhibit * attached hereto.

- C. Grantor warrants 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. 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. 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 is free from all liens and encumbrances that would materially affect the easement grant, and that Grantor and its successors 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.
- H. The right of repurchase has been waived pursuant to ORS 35.385(1)(b).

This section is intentionally left blank

EXHIBIT 3

IN WITNESS WHEREOF, 0282, LLC, an Oregon limited liability company, pursuant to its Articles of Organization, duly and legally adopted, has caused these presents to be signed by its Member, this _____ day of _____, 20____.

0282, LLC,
AN OREGON LIMITED LIABILITY COMPANY

By: _____
Manager / Member

STATE OF _____

County of _____

This instrument was acknowledged before me on _____, 20____, by _____ as a Manager / Member of 0282, LLC, an Oregon limited liability company.

Notary Public for (state) _____
My Commission expires _____

APPROVED AS TO FORM:

City Attorney

APPROVED AND ACCEPTED:

Bureau Director or designee

Date

Exhibit A

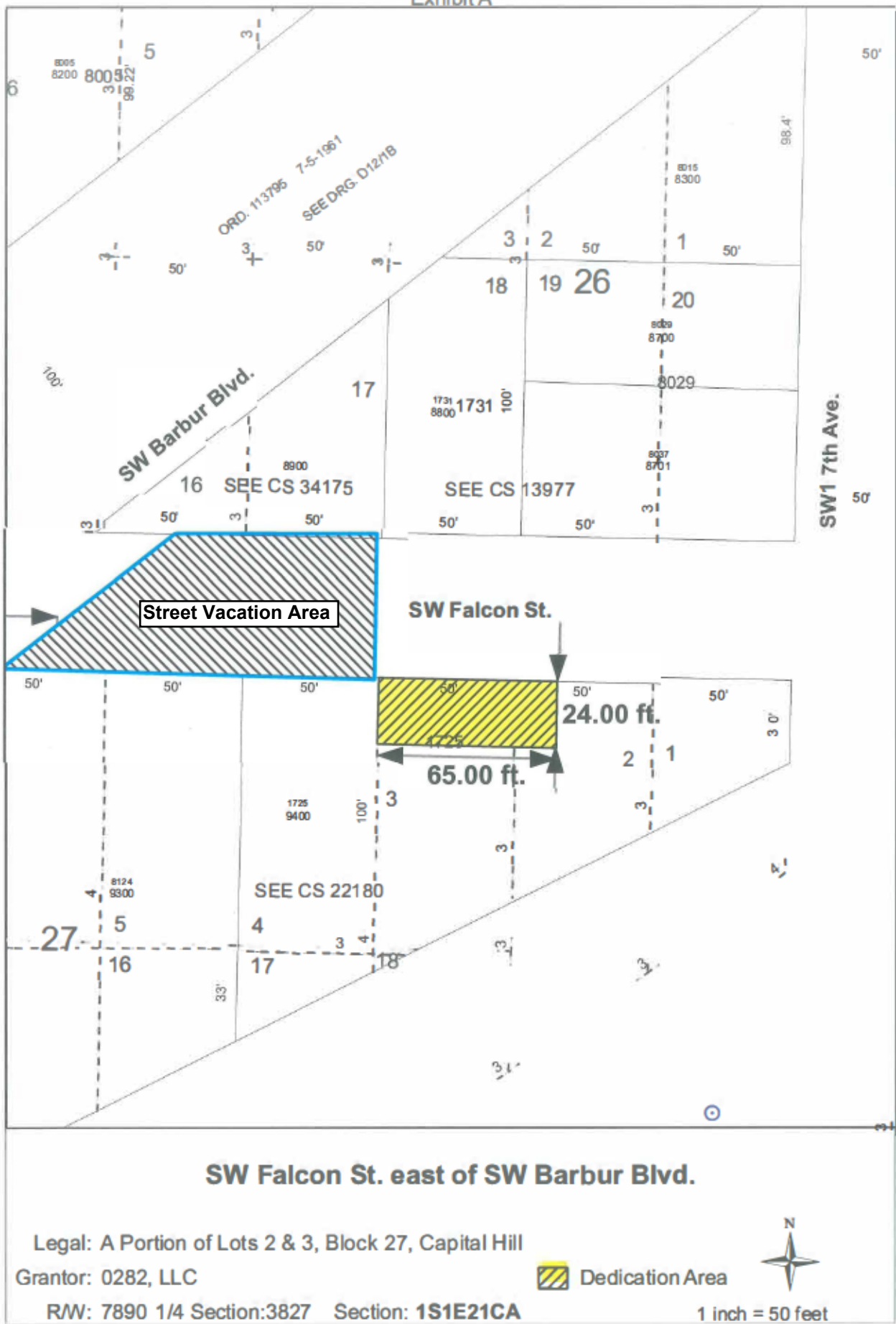


EXHIBIT 4

OWNERSHIP CONFIRMATION AND AGREEMENT TO PERFORM

1. "0282, LLC" is the owner (the "Owner") of certain real property located at 1725 SW Multnomah Boulevard, Portland, OR 972 (the "Property").
2. The Owner has dedicated a portion of the Property to the City of Portland ("City") in that certain Deed for Right-of-Way Purposes (the "Deed") serialized as R/W # 7890.
3. The Owner agrees to not take any action, including but not limited to transferring the Property to another party, or subjecting the Property to any liens or encumbrances which would interfere with, or compromise, the property rights granted in the Deed.
4. The Owner agrees that if it misrepresents its authority to grant the Deed and/or if its actions or failure to act prevents City from successfully recording or obtaining the property rights granted in the Deed, they will indemnify, hold harmless, and defend City, its officers, employees and agents from any and all claims, losses, damages, attorney fees, costs and liabilities arising out of its misrepresentations, acts or omissions.

IN WITNESS WHEREOF, the Grantor above named, has hereunto set its hand this _____ day of _____, 20____.

0282, LLC,

By: _____
MANAGER / MEMBER

STATE OF _____

County of _____

This instrument was acknowledged before me on _____, 20____, by _____ as Manager / Member of 0282, LLC

Notary Public for (state) _____
My Commission expires _____

Approved as to form:

City Attorney

EXHIBIT 5

Grantor's Name & Address:

Salonica, LLC

*

*

SEWER EASEMENT

Salonica, LLC, an Oregon limited liability company, 0282, LLC, an Oregon limited liability company, Ekaterini T. Garyfallou, Trustee of the Ekaterini Garyfallou Living Trust, (collectively, "Grantor"), for good and valuable non-monetary consideration, the receipt whereof is hereby acknowledged, hereby grants unto said City of Portland, ("Grantee"), a municipal corporation of the State of Oregon, a perpetual easement ("this Easement") for the purpose of laying down, constructing, reconstructing, operating, inspecting, monitoring and maintaining a sewer or sewers, outfalls, drainageways, and appurtenances, through, under, over and along the following described parcel ("the Easement Area"):

As described on Exhibit A and depicted on Exhibit B attached and incorporated by reference.

Contains 5,592 square feet, more or less.

IT IS UNDERSTOOD and agreed that:

- A. Grantee will reasonably endeavor to minimize impacts to existing structures and surfaces. Grantee will restore areas disturbed by Grantee or Grantee's contractor to a condition that, in the reasonable judgment of Grantee, is as good as the condition that existed before the work began, except as to permanent changes made necessary by and authorized under this Easement. The area of repair or replacement will be limited to the area of damage, may have appearance variations due to age or weathering, and does not include any portion of the public right-of-way, as defined by Grantee.
- B. Except for existing facilities, no other utilities, buildings, facilities, easements, material storage, grade changes or tree planting will be allowed within the Easement Area without the prior written consent of the Director of the Bureau of Environmental Services. Landscaping

R/W #7890

BES #EP254

1S1E21CA

After Recording Return to:

Karl Arruda, City of Portland

1120 SW 5th Avenue, Suite 800

Portland, OR 97204

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which by its nature is shallow-rooted and may be easily removed to permit access to the sewer lines and facilities authorized by this Easement shall not require consent.

- C. This Easement includes a right of access for Grantee and its contractors and agents for construction, inspection, maintenance, and other sewerage system activities.
- D. Grantor reserves all other rights not conveyed herein, but will not exercise said rights in any manner that would be inconsistent or interfere with or materially affect the rights herein granted.
- E. This Easement shall bind the heirs and assigns of Grantor and shall inure to the benefit of the successors in title of Grantee.
- F. Grantor represents and warrants that it has the authority to grant this Easement, that the Easement Area is free from all liens and encumbrances that would materially affect the easement grant, and that it will defend the same to Grantee against the lawful claims and demands of all persons whomsoever.
- G. Grantor agrees that the consideration recited herein is just compensation for the Easement Area or property rights conveyed, which includes damage to the property remainder, if any, resulting from the acquisition or use of said Easement Area or property rights.
- H. Grantor represents that to the best of its knowledge, after appropriate inquiry under the circumstances, the Easement Area is in compliance with all local, State and Federal environmental laws and regulations.
- I. Grantor represents that it has disclosed all knowledge of any release of hazardous substances onto or from the Easement Area and disclosed any known report, investigation, survey or environmental assessment that may provide information relevant to the Easement Area. "Release" and "hazardous substance" shall have the meaning as defined under Oregon law.
- J. Grantor warrants that there are no underground storage tanks, as defined under Oregon law, presently on or under the Easement Area.
- K. Grantee, by accepting this Easement, is not accepting liability for any preexisting release of hazardous substances onto or from the Easement Area, and Grantor is not attempting to convey any such liability.

IN WITNESS WHEREOF, Salonica, LLC, an Oregon limited liability company, pursuant to its Articles of Organization, duly and legally adopted, has caused these presents to be signed by its Member, this _____ day of _____, 20____.

Salonica, LLC,
AN OREGON LIMITED LIABILITY COMPANY

By: _____
Member

STATE OF _____
County of _____

This instrument was acknowledged before me on _____, 20____, by _____ as a Member of Salonica, LLC, an Oregon limited liability company.

Notary Public for (state) _____
My Commission expires _____

IN WITNESS WHEREOF, 0282, LLC, an Oregon limited liability company, pursuant to its Articles of Organization, duly and legally adopted, has caused these presents to be signed by its Member, this _____ day of _____, 20____.

0282, LLC,
an Oregon limited liability company

By: _____
Member

STATE OF _____
County of _____

This instrument was acknowledged before me on _____, 20____, by _____ as a Member of 0282, LLC, an Oregon limited liability company.

Notary Public for (state) _____
My Commission expires _____

IN WITNESS WHEREOF, the Owners above named, have hereunto set their hands this _____
day of _____, 20____.

By: _____
Ekaterini T. Garyfallou, Trustee
of the Ekaterini Garyfallou Living Trust

STATE OF OREGON
County of Multnomah

This instrument was acknowledged before me on _____, 20____, by Ekaterini
T. Garyfallou, Trustee of the Ekaterini Garyfallou Living Trust.

Notary Public for Oregon
My Commission expires _____

APPROVED AS TO FORM:

City Attorney

APPROVED:

Bureau of Environmental Services Director
or designee

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PROFESSIONAL
LAND SURVEYOR

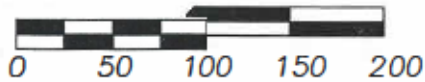
OREGON
JULY 18, 1980
ALBERT HERTEL
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RENEWAL DATE: 6/30/2017

EXHIBIT B

STREET VACATION EXHIBIT MAP

EXHIBIT 5



FOR EKATERINA GARYFALLOU
IN LOTS 5 - 9 AND 11 - 16 BLOCK 27, "CAPITAL HILL"
IN THE NE 1/4 OF THE SW 1/4, OF SECTION 21, T. 1 S., R. 1 E., W.M.
MULTNOMAH COUNTY
OREGON
JUNE 29, 2016



S.W. EVANS STREET

S.W. 19th AVENUE

PACIFIC HIGHWAY 99W
(C.R. NO. 1299- S.W. BAR)

S.W. FALCON ST
S.W. 17th AVENUE

Sewer Easement
Area

S.W. HUME STREET

S.W. MULTNOMAH BLVD.

**CASWELL/
HERTEL**
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