

## IMPACT STATEMENT

**Legislation title:** Vacate NW Terminal St between NW 17<sup>th</sup> Ave and NW Upshur St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10119)

**Contact name:** Lance Lindahl, PBOT Right-of-Way Acquisition

**Contact phone:** 503-823-7465

**Presenter name:** Lance Lindahl

### **Purpose of proposed legislation and background information:**

The purpose of this legislation is to vacate a portion of Terminal Street between NW 17<sup>th</sup> Avenue and NW Upshur Street as recommended in the Bureau Director's Report (the "Street Area").

The petition was initiated by Park Office LLC (the "Petitioner"), for the purpose of supporting the recent development of a multi-story office and retail building. Construction was completed in May 2018 and tenants have moved into the building.

The Petitioner is the owner of the abutting property to the north of the Street Area and all of the vacation area will revert to them.

The Street Area is currently improved with pedestrian pathways, landscaping, and stormwater infiltration area that support the adjacent private development.

The petition was certified by the City Auditor's Office on January 5, 2018. The Street Area is depicted on Exhibit A of the ordinance.

The Planning and Sustainability Commission ("PSC") reviewed and recommended approval of the street vacation request on May 8, 2018. The attached Bureau Director's Report was completed on February 16, 2018, reflecting PSC's recommendation subject to certain conditions and reservations.

The ordinance complies with state law under ORS 271 and City Code, Chapter 17.84 and will complete the street vacation process.

### **Financial and budgetary impacts:**

The process for vacating streets is a cost recovery program, typically paid for by the Petitioner, and does not have a net impact on PBOT's budget. Expenses for processing a street vacation request typically range between \$8,000 and \$20,000+, depending on

the complexity. This street vacation falls below the low end of the range and is estimated (with moderate confidence) to be approximately \$6,000.

Revenue paid by the Petitioner for this street vacation will cover the actual expenditures incurred by City staff for the processing of this request. The SAP Cost Object is 9TR000002539. The revenue and expenses are occurring in FY 2016-17, FY 2017-18, and FY 2018-19.

This legislation does not affect staffing levels nor will result in a new or modified financial obligation or benefit now or in the future.

If City Council does not approve the ordinance, the Street Area will remain as public right-of-way. The Petitioner will be limited in their use of this area and will need to revise their property management plans.

**Community impacts and community involvement:**

Pursuant to ORS 271.080, the Petitioner obtained the required signatures from surrounding property owners in the 'affected area' as stated in said statute, showing support of the vacation request. As an additional requirement of the state statute, the City Auditor also published notice of the public hearing in the Daily Journal of Commerce and has posted the notice near the Street Area.

Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood and business associations in the area. PBOT did not receive any objections to the vacation request.

The PSC advertised and then held a public hearing on May 8, 2018. No one from the public came forward to testify in support or opposition of the vacation, and the PSC ultimately recommended approval to City Council of the proposed vacation.

There do not appear to be any other impacts to the community from vacating this right-of-way. No opposition to this street vacation request is expected and no one has expressed their desire to testify at the hearing. There is no future public involvement anticipated since the ordinance will conclude the street vacation process.

Information regarding the advertising details can be provided by Toni Anderson, City Auditor's Office, 503-823-4022, or [toni.anderson@portlandoregon.gov](mailto:toni.anderson@portlandoregon.gov).

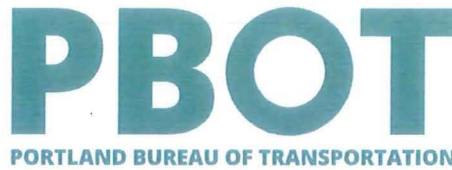
**100% Renewable Goal:**

Not Applicable.

**Budgetary Impact Worksheet****Does this action change appropriations?**☐ **YES:** Please complete the information below.☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

KK 8-29-18



BACKGROUND INFORMATION  
ONLY – NOT PART OF THE  
ORDINANCE

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185  
Fax 503.823.7576 TTY 503.823.6868 [www.portlandoregon.gov/transportation](http://www.portlandoregon.gov/transportation)

Dan Saltzman Commissioner Leah Treat Director

July 9, 2018

**FINDINGS & RECOMENDATIONS REPORT FROM THE BUREAU DIRECTOR TO CITY COUNCIL ON THE PROPOSED VACATION OF NW TERMINAL STREET BETWEEN NW 17<sup>TH</sup> AVENUE AND NW UPSHUR STREET. (R/W #8528)**

**1. Findings:**

- A. **Proposed Street Vacation Area.** NW Terminal Street between NW 17<sup>th</sup> Avenue and NW Upshur Street, said area being approximately 576 feet long by 20 feet wide, containing approximately 11,520 square feet. The area is currently improved with pedestrian pathways, landscaping, and stormwater infiltration areas that support the adjacent private development.
- B. **Petitioner.** On January 4, 2017, Park Office LLC (the "Petitioner"), being represented by Jonathan Ledesma at Project^, petitioned the City to vacate the Street Area as defined in Recommendation No. 2. The Petitioner owns the property to the north of the Street Area.
- C. **Purpose.** The street vacation is proposed in order to consolidate property in support of the recent development of a multi-story office and retail building. Construction was completed in May 2018 and tenants are currently in the process of moving into the building.
- D. **Compliance with Minimum Requirements.** The Petitioner has secured necessary signatures of property owners in the 'affected area', as required under ORS 271.080 (Vacation in incorporated cities; petition; consent of property owners). The Office of the City Auditor certified the required petition on January 5, 2018.
- E. **Other Required Approval.** In accordance with ORS 271.190, since the Vacation Area lies within 5,000 feet of the harbor line, approval in writing of the proposed vacation has been secured from the Port of Portland.



*The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.*



- F. **Due Diligence Review.** Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood and business associations. A summary of this due diligence effort is attached as Exhibit 2 and incorporated by reference. Of particular significance were comments by the Bureau of Environmental Services which requested that certain conditions be satisfied prior to the Street Area being vacated. Additionally, Portland General Electric has requested that the street vacation ordinance (the "Ordinance") reserve easements for their existing facilities.
- G. **Planning and Sustainability Commission Review.** The Planning and Sustainability Commission reviewed and recommended approval of the Street Area on May 8, 2018, with its Report and Recommendation attached as Exhibit 3 and incorporated by reference.
- H. **Costs.** The Petitioner has paid \$5,000 to date to reimburse the City for staff costs incurred processing the street vacation request. The amount paid appears sufficient to complete the process.

## 2. Recommendation:

The Bureau of Transportation hereby finds the proposed street vacation application to be acceptable, and in the event that no substantive objections are made known to City Council at the upcoming public hearing, recommends approval of the street vacation, subject to the conditions specified below. The "Street Area" is specifically described as follows:

That portion of NW Terminal Street situated in Section 28, T1N, R1E, W.M., City of Portland, County of Multnomah, State of Oregon, lying between the east right-of-way line of NW 17<sup>th</sup> Avenue, being 60.00 feet wide, and the north right-of-way line of NW Upshur Street, being 60.00 feet wide, as depicted on attached Exhibit 1 and incorporated by reference.


Containing 11,520 square feet, more or less.

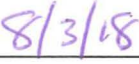
- 3. **Conditions:** The following conditions must be satisfied by the Petitioner prior to the Ordinance being recorded by the City and thereby considered effective:
  - A. **Bureau of Environmental Services (BES):** BES owns and maintains certain improvements within the Street Area. As a condition of street vacation approval, the Petitioner will grant a Sewer Tunnel Easement to the City of Portland over the easterly portion of the Street Area. The easement will abut the existing Sewer Tunnel Easement on the parcel to the north and will be of a width that is acceptable to BES. A professional legal description and exhibit map of the easement area will be prepared by the City at the expense of the Petitioner. The Easement document will be in substantially the same form as Exhibit 4

attached and incorporated by reference, and will be recorded concurrently with the recording of the Ordinance.

- B. **Costs.** In the event that additional processing requirements exceed current projections listed in Finding 1H, Petitioner may be required to pay additional processing costs to the City prior to the Ordinance being recorded.
  - C. **Utilities.** In accordance with ORS 271.120 and City of Portland policy, the Ordinance shall not cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, including, but not limited to those identified by Portland General Electric. The Ordinance will reserve an easement for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such thing; that no building or structure of any kind shall be built or erected within a distance of ten (10) feet from the centerline of any such utility, except with the prior written consent of the City Engineer and the owner of the utility and that any and all contemplated building plans in the Street Area shall be submitted for approval to the City Engineer and to the Director of the Bureau of Development Services, to the end that such construction may be so adjusted with reference to all public utilities in said areas as to cause a minimum of danger or inconvenience to the public and to the owner of such utility and to protect and preserve the same as presently constructed or hereinafter reconstructed, renewed, replaced and/or enlarged. Removal or relocation of existing utilities and release of easements in the Street Area will require the necessary conveyance documents and possible written agreements between the Petitioner and owner(s) of the utilities.
  - D. **City Release.** Notwithstanding Condition 3C and except for Condition 3A, the Ordinance will serve as a full release of City interests in the Street Area and will provide City Bureaus with the authority necessary to take all other legal actions as may be reasonably necessary (including the issuance of quitclaim deeds acknowledging the release of any interests) to achieve this intent.
- 4. **Comment.** Portland Parks & Recreation commented that they are supportive of there being a pedestrian path within the Street Area that strengthens trail connections and visual access to the nearby Willamette Greenway. Recent pedestrian improvements constructed by the Petitioner are consistent with this goal.
  - 5. **Repeal.** In the event the Petitioner fails to fully comply with the above conditions within one year of Council adopting the Ordinance, City Council may repeal the Ordinance at its sole discretion.
  - 6. **Effective Date.** The street vacation will not be effective until a certified copy of the Ordinance has been recorded by the City in Multnomah County Deed Records. Prerequisites to recording

the Ordinance are that 30 days have passed after final Council passage of the Ordinance, that all conditions of the Ordinance have been met, and that all vacation costs have been paid.

  
\_\_\_\_\_  
Bureau Director or designee

  
\_\_\_\_\_  
Date

TO THE COUNCIL:

The Commissioner-in-Charge concurs with the recommendation of the Bureau Director and the Planning and Sustainability Commission and;

RECOMMENDS:

That the City Council accepts the Bureau Director and Planning and Sustainability Commission Reports, which recommend that the proposed street area be vacated subject to conditions and reservations provided herein.

Respectfully submitted,

Commissioner Dan Saltzman

Attachments:

Exhibit 1, Area Proposed Exhibit Map

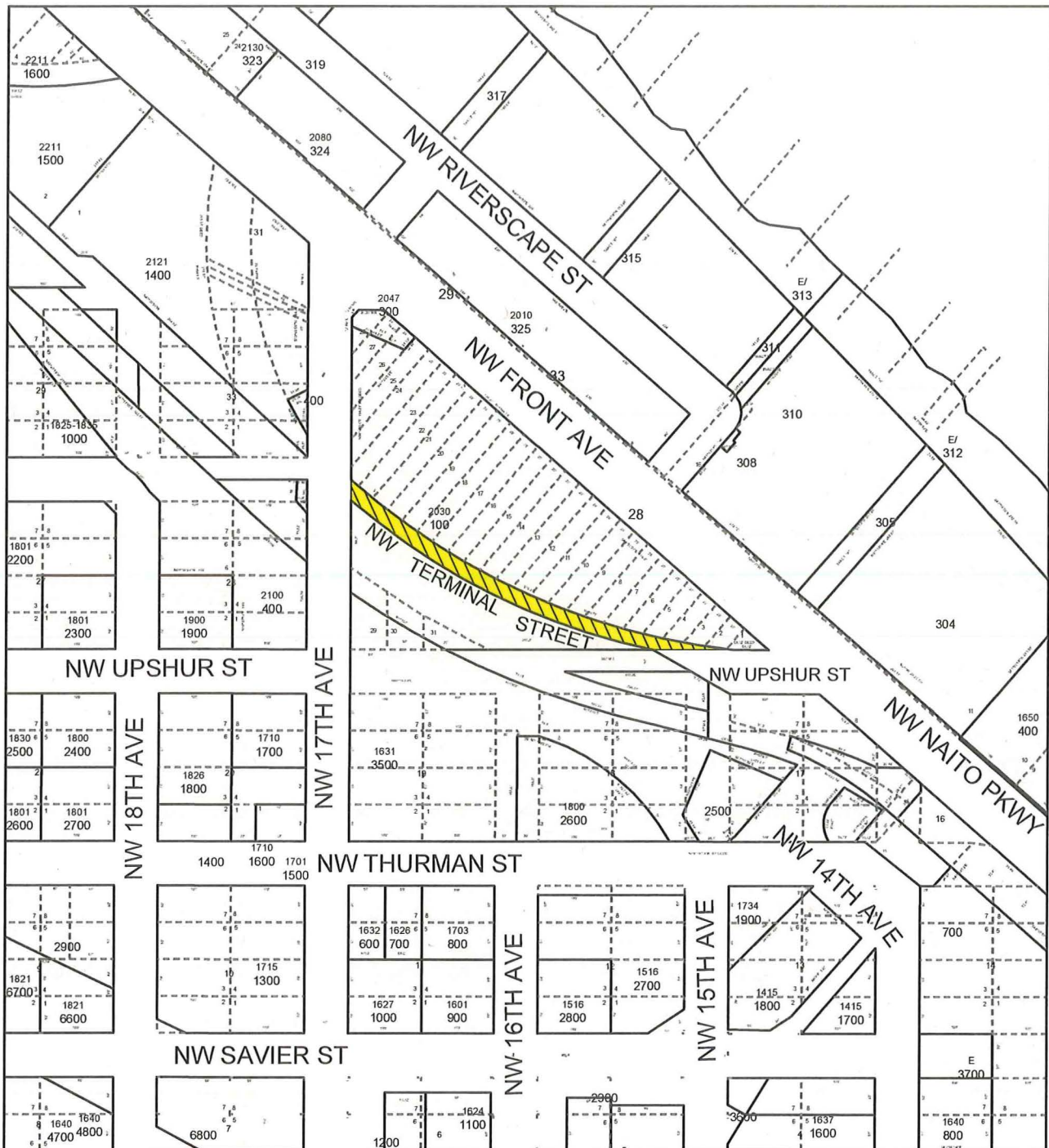
Exhibit 2, Summary of Comments

Exhibit 3, Planning & Sustainability Commission Recommendation Report with Exhibit

Exhibit 4, Sewer Tunnel Easement with Exhibits



# Exhibit 1



## NW Terminal Street between NW 17th Avenue and NW Upshur Street

Petitioner: Park Office LLC

 Area Proposed for Vacation

State ID: 1N1E28DC 1/4 Section: 2828



1 in = 200 ft



## Exhibit 2

### Comments Summary

R/W #8528 NW Terminal Street between NW 17th Avenue and NW Upshur Street	RWA Project Manager: Lance Lindahl	Petitioner/Applicant: Park Office LLC
SAP No.: 9TR000002539		Contact: Jonathan Ledesma
VAC-10119		Project^
IQ #13-147272		1116 NW 17th Avenue
EA#15-206825		Portland, OR 97205
		Phone: 206-850-7025
		jonathan@projectpdx.com
Commenting Party	Response Date	Comments / Conditions
<b>City Bureaus / Depts. Notified:</b>		
City Auditor <b>Toni Anderson</b>	1/5/18	Petition Certified
PBOT Development Review <b>Bob Haley</b>	2/27/18	No objection.
PBOT Transportation Planning <b>Bob Kellett</b>	2/26/18	No objection.
PBOT Permit Engineering <b>Chris Wier</b>	3/2/18	No objection.
PBOT Trans Systems Mgmt <b>Carl Snyder</b>	2/13/18	No objection.
PBOT Active Transportation <b>Dana Dickman</b>	3/6/18	No objection.
PBOT Bridges and Structures <b>Cameron Glasgow</b>	2/2/18	No objection.
Bureau of Development Services <b>Sean Williams</b>	2/26/18	No objection.
Bureau of Development Services <b>Lisa Baumgartner</b>	3/16/18	No objection.
Bureau of Environmental Services <b>Bret Winkler</b> 503-823-6170	3/1/18	<b>No objection subject to the following conditions:</b> Petitioner will grant a Sewer Tunnel Easement over the easterly portion of the vacation area. The easement will abut the existing Sewer Tunnel Easement on the parcel to the north and will be of a width that is acceptable to BES. A professional legal description and exhibit map of the easement area will be prepared by the City at the expense of the Petitioner. A separate easement document will be recorded concurrently with the recording of the street vacation ordinance.
Portland Water Bureau <b>Mari Moore</b>	2/26/18	No objection.
Portland Fire & Rescue <b>AJ Jackson</b>	2/5/18	No objection.

## Comments Summary

Commenting Party	Response Date	Comments / Conditions
Parks, Urban Forestry Division <b>Joel Smith</b>	1/31/18	No objection.
Portland Parks & Recreation <b>Mike Abatte</b>	3/13/18	<b>No objection. Comment Only:</b> PP&R is supportive of a pedestrian path that strenghtens trail connections and visual access to the nearby Willamette Greenway.
BTS Corporate GIS <b>Paul Cone</b>	1/31/18	No objection.
PBOT Signals & Street Lighting <b>Dan Spoelstra</b>	2/28/18	No objection.
PBOT Parking Control <b>Kelly Sills</b>	2/13/18	No objection.
Planning & Sustainability Commission	5/8/18	Approved.
<b>Neigh Assoc Notified:</b>		
Neighbors West-Northwest Hillary Mackenzie, President Mark Sieber, Executive Director		No response.
Northwest District Association John Bradley, Land Use Chair		No response.
Pearl District Business Assoc.		No response.
<b>Local Agencies Notified:</b>		
<b>ODOT Region 1</b> Jon Makler	2/9/18	No objection.
<b>ODOT Rail</b> Prescott Mann	2/5/18	No objection.
<b>Port of Portland</b> Phil Healy	1/30/18	No objection.
<b>TriMet</b> Nick Stewart	1/31/18	No objection.
<b>Public Utilities Notified:</b>		
<b>PGE</b> Laura Binam 503-464-8265	2/1/18	Have facilities in vacation area, reserve easement.
<b>Pacific Power</b> Richard Birch	1/31/18	No facilities in street area.
<b>CenturyLink</b> Karen Caime	2/28/18	No facilities in street area.
<b>Northwest Natural</b> Richard Hawkes	2/20/18	No facilities in street area.
<b>Comcast Cable</b> Walter Banks		No response.

Exhibit 3



PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185  
Fax 503.823.7576 TTY 503.823.6868 [www.portlandoregon.gov/transportation](http://www.portlandoregon.gov/transportation)

Dan Saltzman Commissioner Leah Treat Director

**CITY OF PORTLAND PLANNING AND SUSTAINABILITY  
COMMISSION REPORT AND RECOMMENDATION TO  
THE PORTLAND CITY COUNCIL**

**CONSENT AGENDA HEARD ON MAY 8, 2018**

**FILE NUMBER: R/W #8528**

**I. GENERAL INFORMATION**

**Street Vacation Request:** R/W #8528, NW Terminal Street between NW 17<sup>th</sup> Avenue and NW Upshur Street

**Petitioner:** Park Office LLC. The representative is Jonathan Ledesma, [jonathan@projectpdx.com](mailto:jonathan@projectpdx.com), (206) 850-7025)

**Purpose:** The stated purpose for the vacation is to consolidate property for future development.

**Neighborhood:** Northwest District Neighborhood Association

**Quarter Sections:** 2828

**Designation/Zone:** EXd



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## **II. EXECUTIVE SUMMARY AND RECOMMENDATION**

The purpose of this action is to vacate right-of-way that is not used for a transportation purpose to consolidate property for future development. The Planning and Sustainability Commission recommends **APPROVAL** of the street vacation request, with conditions.

## **III. FACTS**

### **A. History and Background**

The petitioner has requested the proposed vacation to consolidate adjacent properties in support of development of a multi-story office and retail building that is currently under construction. The right of way is currently unimproved and unused. The petitioner has indicated that future improvements in the vacated right of way will include pedestrian pathways, landscaping, and stormwater infiltration areas.

### **B. Concurrent Land Use Actions**

There are no concurrent land use actions at this time.

### **C. The Transportation Element**

NW Terminal is classified as a Local Service Traffic Street, Local Service Transit Street, Local Service Bikeway, Local Service Pedestrian Street, Local Freight Street, Minor Emergency Response Street, and Local Design Street in the transportation element of the Comprehensive Plan.

### **D. Neighborhood Plan**

The area proposed for vacation is located in the Northwest District Plan (2003) and is part of the Central City River District.

## **IV. FINDINGS**

### **A. Comprehensive Plan Goals and Policies Consideration**

The relevant policies of the Comprehensive Plan are:

#### **Policy 6.20 Connectivity states:**

Support development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods, and other activity centers.

*Comment: A well connected transportation grid network exists in the Northwest District. NW Terminal Street is currently unimproved and does not serve the larger transportation network.*



**Policy 6.21 Right-of-Way Opportunities states:**

Preserve existing rights-of-way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purposes of nearby streets will be maintained.

*Comment: The established street patterns will not be interrupted by the proposed street vacation of NW Terminal and the functional purposes of nearby streets will be maintained.*

**Policy 8.14 Natural Resources, Objective I. States:**

Consideration of Scenic Resources in Street Vacations. Require the preservation and maintenance of existing and potential view corridors and view points when approving street vacations. Require view easements within or near street vacations where access to viewpoints or view corridors is desired.

*Comment: No existing or potential view corridors have been identified in the review of the street vacation request.*

**Policy 11.11 Street Plans, Objectives D and E state:**

D. Provide full street connections with spacing of no more than 530 feet between connections, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints.

E. Provide bike and pedestrian connections at approximately 330-foot intervals on public easements or rights-of-way when full street connections are not possible, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints.

*Comment: Per Objective D, the proposed street vacation does not impact full street connections spacing.*

*Per Objective E, the proposed street vacation does not impact bicycle and pedestrian connectivity and access.*

**Policy 12.4 Provide for Pedestrians, Objective G. states:**

Retain rights for pedestrian access and circulation when considering requests for street vacations. Preserve existing pedestrian routes and protect routes needed by pedestrians in the future. Ensure that street vacations do not reduce access to light and air or the intimate scale that is so much a part of Portland's character.

*Comment: Pedestrian access and circulation will not be impacted if this vacation request is approved.*





## **B. Neighborhood Plan Considerations**

*Comment: The Northwest District Plan (2003) includes a street plan map for the district. The map does not include NW Terminal Street and there are no identified uses for the right-of-way. Additionally, the plan identifies the Upshur Warehouse District as a subarea with a historical industrial character and relationship to NW Upshur. The proposed street vacation does not impact this vision.*

## **C. Other Relevant Comprehensive Plan Policies (and/or Plans)**

*Comment: There are no other Comprehensive Plan policies or policies from other adopted plans that are relevant to this request.*

## **D. Zoning Code Considerations**

Other zoning code designations that could apply and that should be considered during review of a street vacation request include environmental zoning or designation as a recreational greenway trail.

*Comment: There are no zoning code considerations.*

## **E. Subdivision Code Considerations**

Notice of this street vacation request was provided to the Bureau of Development Services (BDS) to determine if there are any relevant impacts to consider related to future subdivision of property in the area. BDS responded with no objections.

## **F. Improvement and Utility Considerations**

The street vacation request was reviewed by PBOT for conformance with standards for street improvements. PBOT responded with no objections. Other public agencies, public and private utilities were notified of this street vacation request. The Bureau of Environmental Services responded with the following condition for approval:

A Sewer Tunnel Easement over the easterly portion of the vacation area is required. The easement will abut the existing Sewer Tunnel Easement on the parcel to the north and will be of a width that is acceptable to BES. A professional legal description and exhibit map of the easement area will be prepared by the City at the expense of the Petitioner. A separate easement document will be recorded concurrently with the recording of the street vacation ordinance.

Additionally, a blanket easement will be reserved over the entire area to be vacated for any utility company that may have facilities.

Portland Parks and Recreation responded with no objection but did have the following comment:



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PP&R is supportive of a pedestrian path that strengthens trail connections and visual access to the nearby Willamette Greenway.

- Portland Fire and Rescue responded with no objection.
- Urban Forestry responded with no objection.
- The Bureau of Technology Services responded with no objection.
- TriMet responded with no objection.
- Comcast responded that it does not have facilities in the street area.
- ODOT responded with no objection.
- The Port of Portland responded with no objection.
- PGE responded that it has facilities in the area.
- CenturyLink does not have facilities in the street area.
- Northwest Natural does not have facilities in the street area.
- Pacific Power does not have facilities in the street area.
- Comcast Cable did not respond

#### **G. Neighborhood Issues**

Notice of this street vacation request was provided to the Neighbors West-Northwest, Northwest District Association, and Pearl District Business Association. There were no responses.

#### **V. CONCLUSIONS**

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide future facilities. Additionally, approval of the street vacation will not affect the functional performance of the street system in the area.

#### **VI. PLANNING AND SUSTAINABILITY COMMISSION RECOMMENDATION**

As a consent agenda item on the January 9, 2018 meeting, the Planning and Sustainability Commission recommended **approval** of the vacation of the area as shown on Exhibit 1, **with conditions**:

- Prior to recording the street vacation ordinance, the Petitioner shall comply with all conditions set forth in IV.F above.

#### **VI. EXHIBITS**

1. Area proposed for vacation

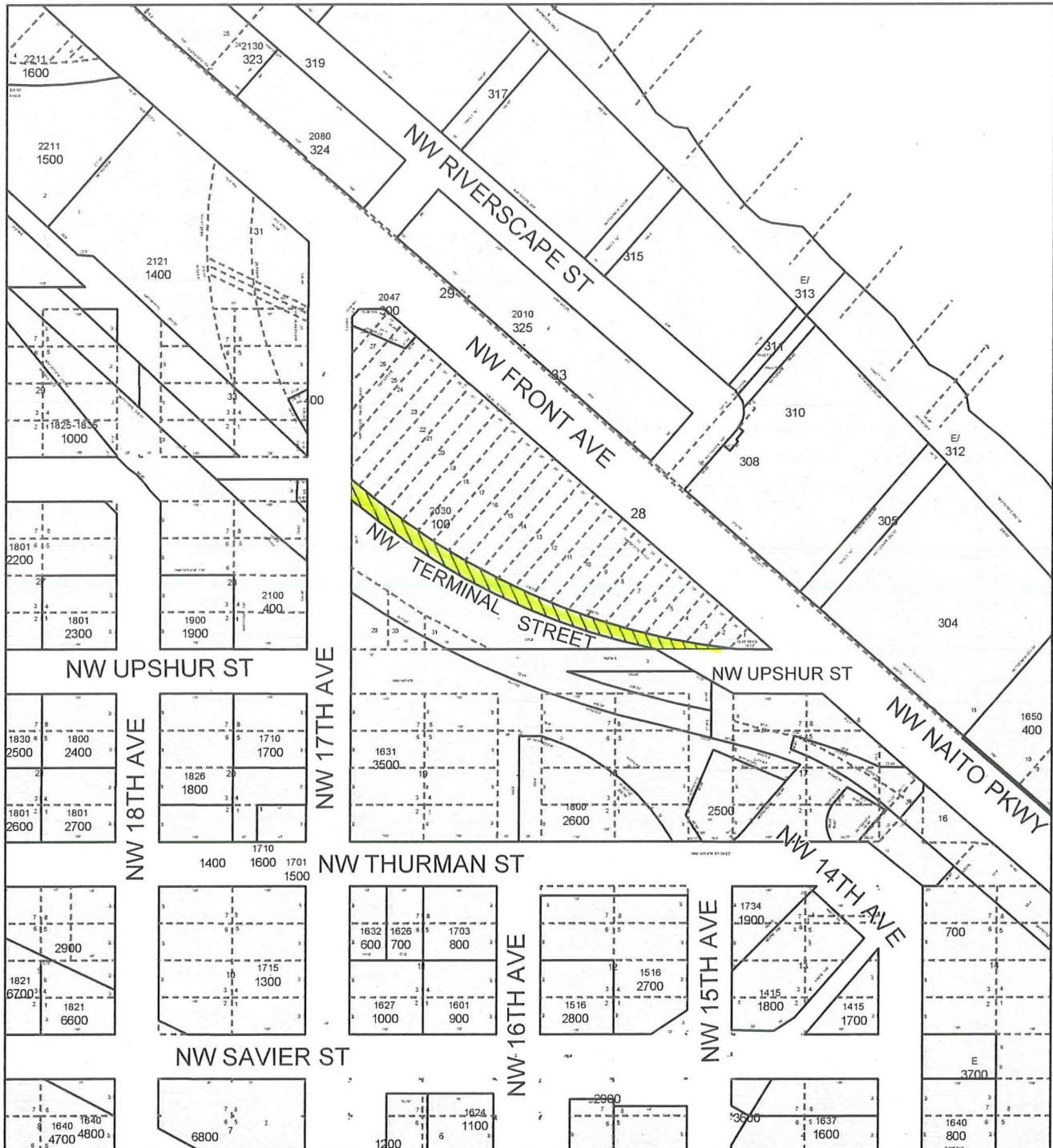
Bureau of Transportation Staff Planner  
Bob Kellett  
503/823-6127  
Bob.Kellett@portlandoregon.gov

cc: Lance Lindahl, Right-of-Way Case Manager




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# EXHIBIT 1



## NW Terminal Street between NW 17th Avenue and NW Upshur Street

Petitioner: Park Office LLC

 Area Proposed for Vacation

State ID: 1N1E28DC 1/4 Section: 2828



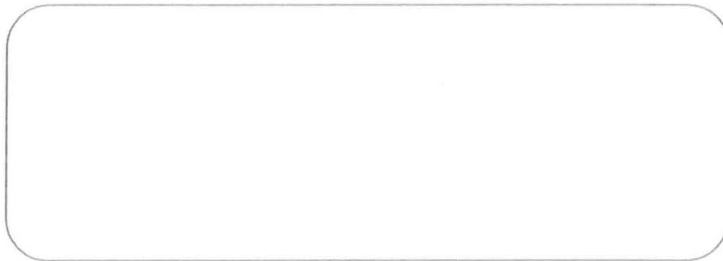
1 in = 200 ft



## Exhibit 4

**Grantor's Name & Address:**

Park Office LLC  
c/o National Real Estate Advisors, LLC  
900 7<sup>th</sup> Street NW, Suite 600  
Washington, D.C., 20001



### SEWER TUNNEL EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that **Park Office LLC**, a Delaware limited liability company, ("Grantor"), for good and valuable non-monetary consideration, the receipt whereof is hereby acknowledged, hereby grants unto the City of Portland ("Grantee"), a municipal corporation of the State of Oregon, does hereby grant unto said City of Portland, the right to lay down, construct, operate, and perpetually maintain a sewer or sewers, and tunnel facilities through, under, and along the following described parcel:

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

Contains \* square feet, more or less.

IT IS UNDERSTOOD and agreed that public sewer easements include the right of access for construction, inspection, maintenance, or other sewerage system activities.

IT IS UNDERSTOOD and agreed that Grantor reserves the right to use the easement area for any lawful purpose not inconsistent with Grantee's permitted use, including the installation, maintenance, repair, removal, replacement or relocation of underground utilities and services, paths, roadways or driveways, parking lots, shallow-rooted landscaping, and continued operation and development of Grantor's property; except that Grantor shall not use the area eight (8) feet around the circumference of the Tunnel, and shall not install load bearing underground improvements within thirty-five (35) feet above the crown of the Tunnel, as shown on Exhibit C attached and incorporated by reference. Grantor further agrees to provide prior notification of its intent to use the easement area for above or below surface installations, which must be approved by the Director of the Bureau of Environmental Services.

THIS INSTRUMENT does not grant or convey to the City of Portland any right or title to the surface of the soil along the route of said sewer.

---

R/W #8528

1N1E28DC 100

After Recording Return to:

Lance Lindahl, City of Portland

1120 SW 5th Avenue, Suite 800

Portland, OR 97204

Tax Statement shall be sent to: No Change



IT IS FURTHER UNDERSTOOD and agreed that:

- A. This Easement includes the right to make visual and photographic inspection of the surface and associated improvements during construction.
- B. This Easement shall bind the heirs and assigns of Grantor and shall inure to the benefit of the successors in title of Grantee.
- C. 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.
- D. Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, which includes 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.
- E. 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; and further, that Grantor has provided Grantee with copies of all reports that it is aware of regarding the environmental condition of the Easement Area.
- F. Grantee, by accepting this Easement, is not accepting liability for any release of hazardous substances onto or from the Easement Area, and Grantor is not attempting to convey any such liability.

IN WITNESS WHEREOF, Park Office LLC, a Delaware 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\_\_\_\_.

PARK OFFICE LLC,  
A DELAWARE LIMITED LIABILITY COMPANY

BY: PARK OFFICE MANAGER LLC,  
A DELAWARE LIMITED LIABILITY COMPANY

By: \_\_\_\_\_  
Maryellen Dolan, Treasurer

STATE OF \_\_\_\_\_

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_, by Maryellen Dolan as Treasurer of Park Office Manager LLC, a Delaware limited liability company as member of Park Office LLC, a Delaware limited liability company.

\_\_\_\_\_  
Notary Public for (state)\_\_\_\_\_  
My Commission expires \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

APPROVED:

\_\_\_\_\_  
Bureau of Environmental Services Director  
or designee

\_\_\_\_\_  
Date

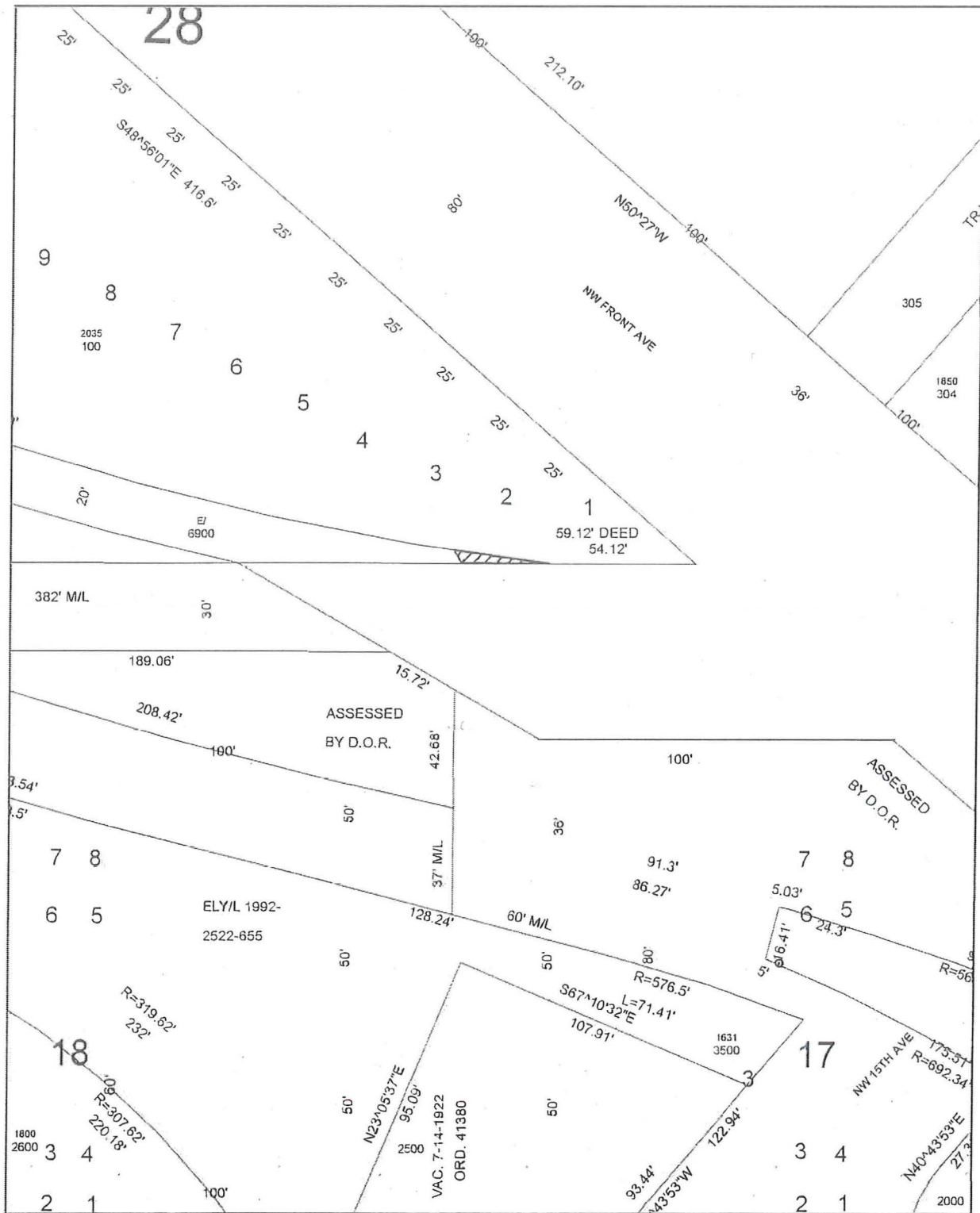
8528/SEWER TUNNEL EASEMENT

## EXHIBIT A

Legal Description to be Prepared by PBOT Survey.



# EXHIBIT B



## Vacated NW Terminal Street

Legal: A portion of Vacated NW Terminal Street

Grantor: Park Office LLC

R/W: 8528 Section: 1 N1 E28DC

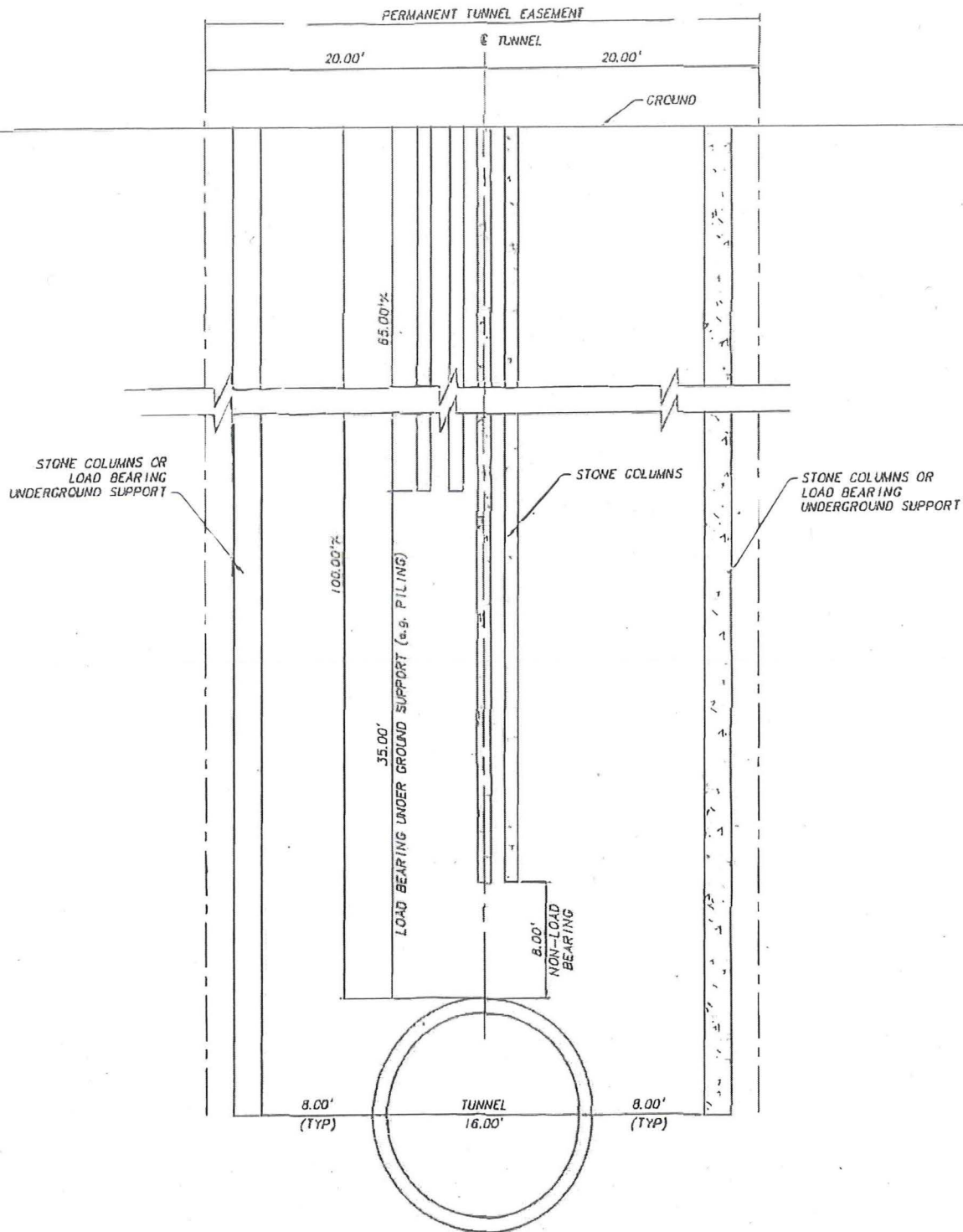


Sewer Tunnel Easement Area



1 in = 50 ft

# EXHIBIT C



RESTRICTIONS ON SUBSURFACE DEVELOPMENT  
TO AVOID PENETRATING TUNNEL

**PB PARSONS  
BRINCKERHOFF**  
100 S.W. Sixth Ave., Portland, OR 97204

CITY OF PORTLAND  
**ENVIRONMENTAL SERVICES**

10 0 5 10 20  
SCALE FEET



**WEST SIDE CSO TUNNEL  
TUNNEL EASEMENT**

JOB NO.  
**6680**

FIGURE NO.