

Multnomah County Official Records
E Murray, Deputy Clerk

2018-086508



\$276.00

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08/16/2018 04:10:31 PM

2R-ORDINANC


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\$205.00 \$11.00 \$60.00

CITY OF PORTLAND
Office of the City Auditor
1221 SW Fourth Avenue, Room 130
Portland, OR 97204

I hereby certify this Ordinance No. 188941 to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody on August 14, 2018.

Mary Hull Caballero
Auditor of the City of Portland

By 
Deputy

ORDINANCE No. 188941

Vacate portions of SW Hall St, SW Lincoln St, SW Grant St, and SW Sherman St at SW Naito Pkwy subject to certain conditions and reservations (Hearing; Ordinance; VAC-10089)

The City of Portland ordains:

Section 1. The Council finds:

1. On July 31, 2013 the Bureau of Transportation ("PBOT" or "Petitioner") initiated a request for the vacation of portions of SW Hall Street, SW Lincoln Street, SW Grant Street, and SW Sherman Street (the "Street Area").
2. The City of Portland ("City"), by and through PBOT, and the Oregon Department of Transportation ("ODOT") jointly own the land adjacent to the Street Area (except the blocks abutting SW Hall Street, which are owned solely by ODOT). This land was used for a portion of the SW Harbor Drive / Route 99 Highway from the 1940s until the road was removed in the 1970s for construction of Tom McCall Waterfront Park.
3. PBOT discovered that portions of SW Hall, Lincoln, Grant, and Sherman Streets had not been vacated as previously thought, and since these areas are no longer needed for street purposes, the vacation of these streets will facilitate future projects.
4. In support of the Portland-Milwaukie Light Rail Project ("PMLR"), City Council previously passed Ordinance 184517, agreeing to transfer real property to Trimet, including the City's interest in a portion of SW Lincoln Street. This transfer cannot be completed until the vacation of SW Lincoln is completed.
5. The vacation is in conformance with the City of Portland's Comprehensive Plan and is consistent with recommendations made by the Director of PBOT and the Planning and Sustainability Commission, as provided in the Bureau Director's Report, dated July 10, 2017 and on file with the Office of the City Auditor (the "Auditor") and PBOT.
6. In accordance with ORS 271.100, the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof, posted notice in the areas proposed for vacation, and provided notice to property owners in the affected area as required by ORS 271.110 and 130.
7. In accordance with ORS 271.190, since the Street 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.

8. Other procedural requirements of ORS 271 have been complied with, and the Council having held a public hearing, finds no objections were made or filed hereto, and it is in the public interest to vacate the Street Area.

NOW, THEREFORE, the Council directs:

- a. The following described Street Area is hereby vacated:

As described on **Exhibits 1A, 1B, and 1C**, and depicted on **Exhibits 2A, 2B, and 2C** attached and incorporated by reference.

All together containing 32,793 square feet, more or less.

- b. The vacation of the above-described Street Area is granted subject to the following conditions and reservations:

1. To satisfy a condition of approval from PBOT Development Review, the Petitioner has recorded a Declaration of Covenant ("PBOT Springing Easement"), which is attached as **Exhibit 3** and incorporated by reference. The PBOT Springing Easement reserves the following two (2) easements upon the City's sale of its interest in the property:

- An easement for a future pedestrian access over SW Grant Street.
- An easement for a future pedestrian access over the portion of SW Lincoln Street not being transferred to TriMet.

i. The PBOT Springing Easement across SW Lincoln Street and SW Grant Street must be wide enough so that future walkways / facilities can meet ADA requirements.

ii. Upon transfer of ownership of vacated SW Grant Street, ownership and maintenance of the existing public stairway in SW Grant ROW will be transferred to the buyer/grantee, unless retained in a separate public easement and PBOT agrees to maintain it.

iii. At the time of development, these easements can be modified, subject to review and satisfaction of the authorizing City bureau(s).

2. To satisfy a condition of street vacation approval from the Bureau of Environmental Services ("BES"), the Petitioner has recorded a Declaration of Covenant ("BES Springing Easement"), which is attached as **Exhibit 4** and incorporated by reference. The BES Springing Easement reserves the following two (2) easements upon the City's sale of its interest in the property:

- A twenty (20) foot wide sewer easement along SW Grant Street for maintenance and reconstruction of an active sewer line. The length runs from SW Naito to the east end of the proposed vacation area.
- A twenty (20) foot wide sewer easement in SW Sherman Street for maintenance and reconstruction of an active sewer line. The length runs from the west end of the proposed vacation area to SW Naito.

At the time of development, these easements can be modified, subject to review and satisfaction of BES.

3. BES has an abandoned sewer line within the SW Lincoln Street vacation area. PBOT and ODOT, their successors and assigns, hereby accept ownership of the abandoned line in said area, and waive any claims of any nature that may arise in connection with the existence of such facilities or the City's prior use of those facilities.
4. TriMet constructed a drainage facility across SW Lincoln Street to convey storm water under the light rail structure in SW Lincoln Street. The Petitioner will grant TriMet a revocable permit for a twenty (20) foot wide corridor for the drainage facility under Parcel 2 of the vacation area, in substantially the same form as shown on **Exhibit 5** and incorporated by reference. The permit will automatically terminate if and when the facility is replaced by a permanent facility that is designed, permitted and constructed to the satisfaction of the authorizing City bureau(s).
5. In accordance with ORS 271.120 and City of Portland policy, the street vacation ordinance (this "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 **Northwest Natural** and **Comcast**. Subject to Paragraph 5 below, this 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 said vacated 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 in the street vacation area will require

written agreements between the Petitioner and owner(s) of the utilities.

6. Notwithstanding b.5 and except for b.1, b.2, b.3 and b.4 this 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.
7. If any property, encumbered by an easement reserved in this Ordinance or granted separately pursuant to an Ordinance condition, is ever rededicated as public right-of-way, that portion of the easement located in the rededicated right-of-way shall automatically be terminated.
8. City costs associated with processing the street vacation shall be paid in full before the City records this Ordinance.
9. In the event the Petitioner fails to fully comply with the above conditions within one year of Council adopting this Ordinance, City Council may repeal this Ordinance at its sole discretion.

Section 2. Petitioner shall file with the Auditor, in a form approved by the City Attorney, a document in writing, accepting the terms and conditions of this Ordinance.

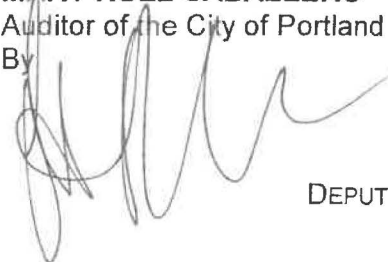
Section 3. Notice is given that the street vacation will not be effective until a certified copy of this Ordinance has been recorded by the City in Multnomah County Deed Records. Prerequisites to recording this Ordinance are that 30 days have passed after final Council passage of this Ordinance, that all conditions of this Ordinance have been met, and that all vacation costs have been paid.

Section 4. After the prerequisites to recording this Ordinance have been met, the Auditor shall return a certified copy of this Ordinance and the acceptance thereof, to the Right-of-Way Acquisition ("RWA") Section, PBOT, which shall, at the expense of the Petitioner, file with the recorder, the assessor, and the surveyor of the county in which said property is located, the certified copy of this Ordinance and the acceptance, and any map, plat or other record which may be required by law. The RWA Section shall return the recorded Ordinance to the Auditor and retain a copy in RWA File No. 7652.

Passed by the Council, **MAY 16** 2018

Commissioner Dan Saltzman
Prepared by: Karl Arruda :SP
April 6, 2018

MARY HULL CABALLERO
Auditor of the City of Portland
By



DEPUTY

R/W # 7652
S.W. NAITO PARKWAY AND S.W. HALL STREET
S.W. HALL STREET – STREET VACATION

EXHIBIT 1A

A Tract of Land being a portion of the Stephen Coffin Donation Land Claim No. 48, situated in the Southwest One-Quarter of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, Being More Particularly Described As Follows:

Beginning at a point in that tract designated as Tract II in Survey No. 62082, Multnomah County Survey Records, said Beginning Point bears South 89°06'37" East, a distance of 2,380.14, from a brass disk marking a witness corner on the North line of the Finice Caruthers Donation Land Claim No. 43, also being on the South line of Said Stephen Coffin Donation Land Claim No. 48, also being a point of a non-tangent circular curve;

Thence, Northerly a distance of 60.25 feet, along the arc of circular curve to the right, of which the radius point lies South 71°38'44" East, a radial distance of 1,195.00 feet through a central angle of 02°53'20" (long chord bears North 19°47'56" East, a distance of 60.25 feet) to a point of non-tangency, also being a point on the North Right-of-Way line of S.W. Hall Street, 60.00 feet in width;

Thence, along said North Right-of-Way line, South 65°02'28" East, a distance of 96.74 feet, to the West Right-of-Way line of S.W. Water Avenue, width varies;

Thence, along said West Right-of-Way line, South 02°56'55" West, a distance of 64.72 feet, to the Southerly Right-of-Way line of S.W. Hall Street;

Thence, along said South Right-of-Way line, North 65°02'28" West, a distance of 115.58 feet to the POINT OF BEGINNING

Containing 6,385 square feet.

Project 40020
March 31, 2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Thomas P. Beinhauer

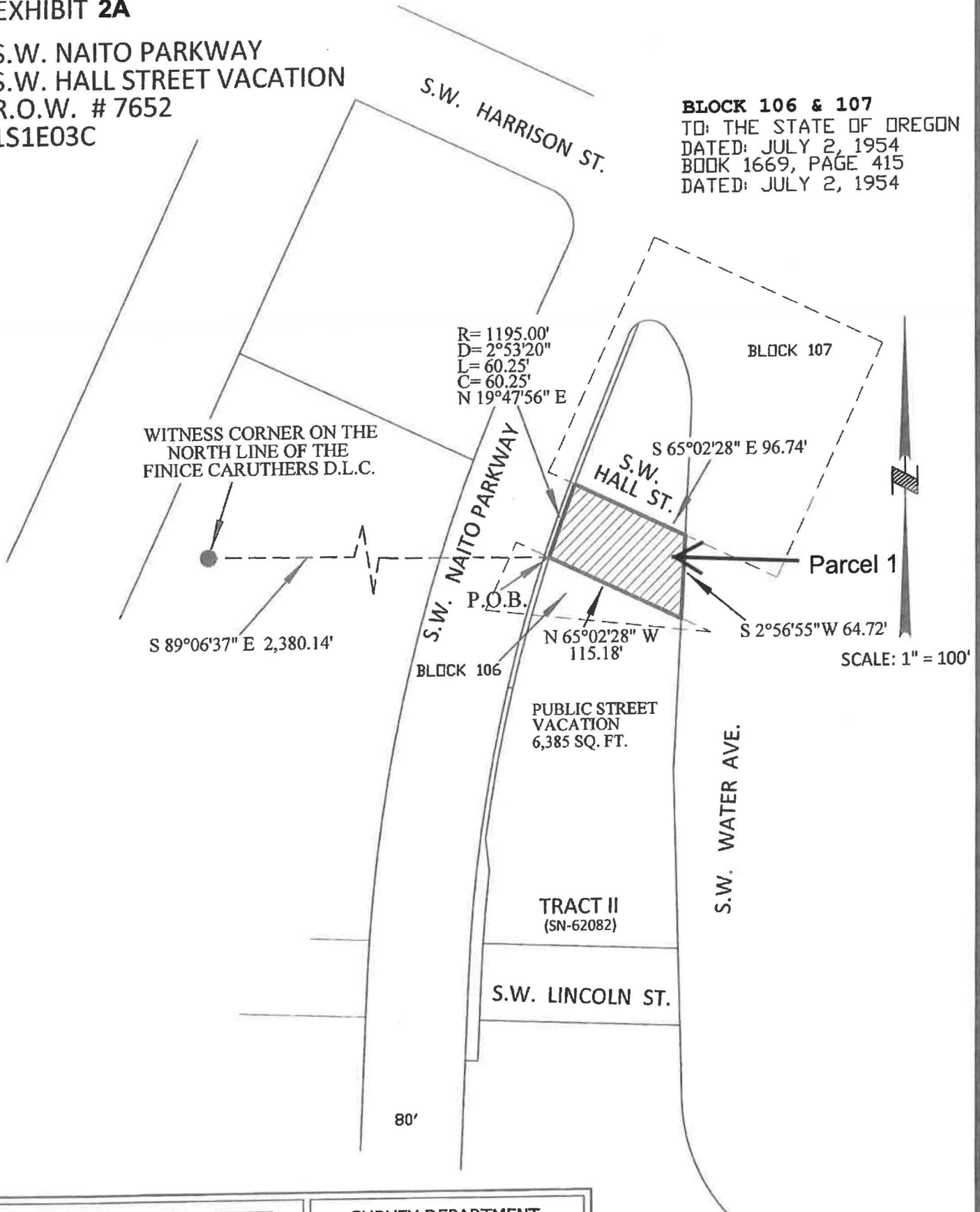
OREGON
JULY 17, 1994
THOMAS P. BEINHAUER
2654

EXPIRES 12-31-2017

EXHIBIT 2A

**S.W. NAITO PARKWAY
S.W. HALL STREET VACATION
R.O.W. # 7652
1S1E03C**

**BLOCK 106 & 107
TO: THE STATE OF OREGON
DATED: JULY 2, 1954
BOOK 1669, PAGE 415
DATED: JULY 2, 1954**



PBOT
PORTLAND BUREAU OF TRANSPORTATION

SURVEY DEPARTMENT,
1120 SW 5TH AVE., SUITE 800
PORTLAND, OREGON 97204
PHONE 503-823-7150

JOB #40020
REVISED: OCTOBER 16, 2017

R/W # 7652
S.W. NAITO PARKWAY AND S.W. LINCOLN STREET
S.W. LINCOLN STREET – STREET VACATION

EXHIBIT 1B

A Tract of Land being a portion of the Finice Caruthers Donation Land Claim No. 43, situated in the Southwest One-Quarter of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, Being More Particularly Described As Follows:

Beginning at a point in that tract designated as Tract II in Survey No. 62082, Multnomah County Survey Records, said Beginning Point bears South 80°18'46" East, a distance of 2,358.40, from a brass disk marking a witness corner on the North line of the Finice Caruthers Donation Land Claim No. 43:

Thence, North 2°14'12" East, a distance of 30.01 feet, to a point of a tangent circular curve;

Thence, Northerly, a distance of 30.00 feet along the arc of a 1189.00 foot radius circular curve to the right through a central angle 01°26'44" (long chord bears North 02°57'33" East, a distance of 30.00 feet) to a point of non-tangency, also being on the North Right-of-Way line of S.W. Lincoln Street, 60.00 feet in width;

Thence, along said North Right-of-Way line, South 87°45'48" East, a distance of 154.84 feet, to the West Right-of-Way line of S.W. Water Avenue, width varies;

Thence, along said West Right-of-Way line, South 01°30'51" East, a distance of 60.13 feet, to the South Right-of-Way line of said S.W. Lincoln Street;

Thence, along said South Right-of-Way line, North 87°45'48" West, a distance of 159.16 feet to the POINT OF BEGINNING.

Containing 9,428 square feet.

Project 40020
March 31, 2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR

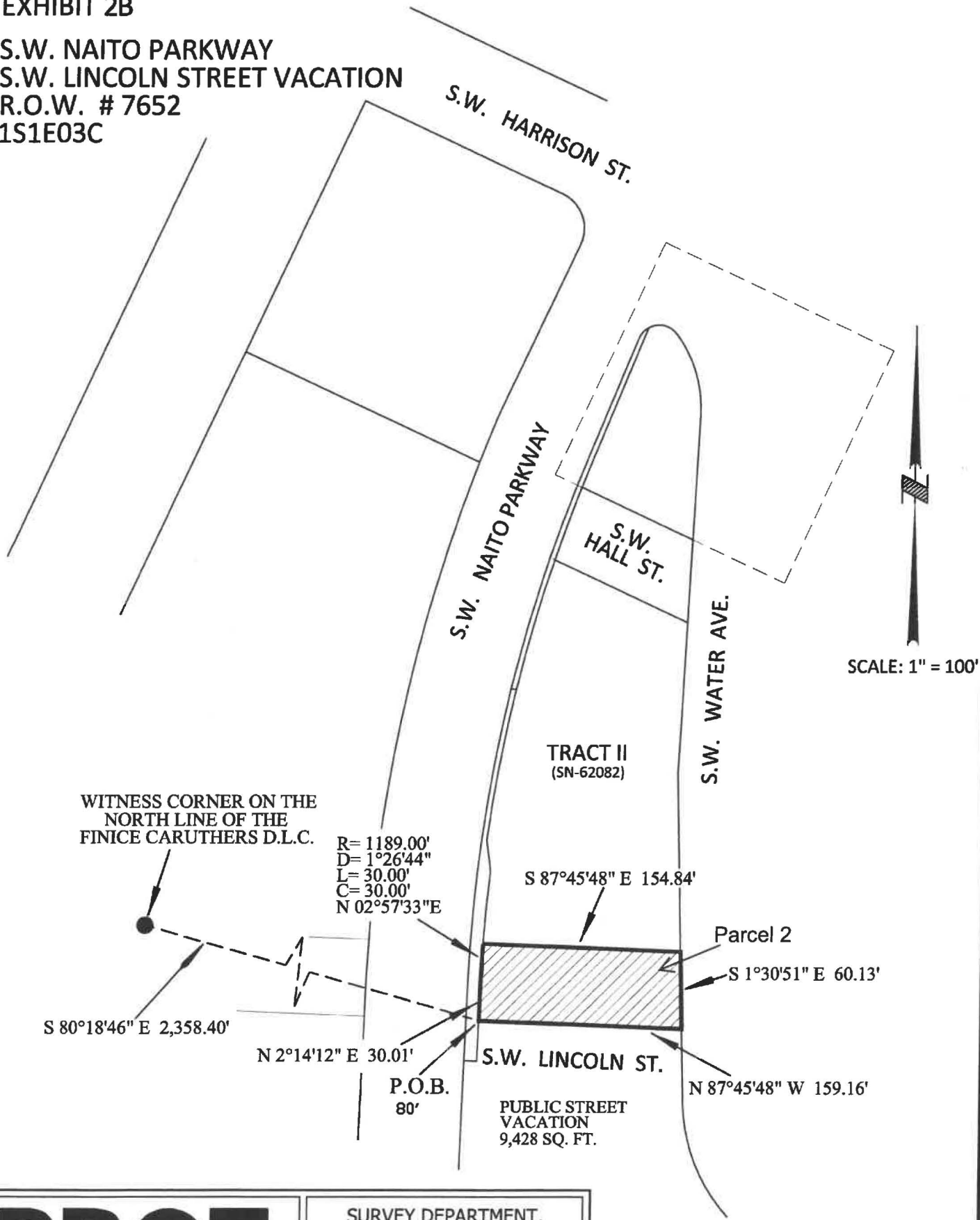
Thomas P. Beinbauer

OREGON
JULY 17, 1994
THOMAS P. BEINHAUER
2654

EXPIRES 12-31-2017

EXHIBIT 2B

S.W. NAITO PARKWAY
S.W. LINCOLN STREET VACATION
R.O.W. # 7652
1S1E03C



PBOT
PORTLAND BUREAU OF TRANSPORTATION

SURVEY DEPARTMENT,
1120 SW 5TH AVE., SUITE 800
PORTLAND, OREGON 97204
PHONE 503-823-7150

JOB #40020
MARCH 31, 2017

**RW # 7652
Street Vacation**

Exhibit 1C

Parcel 3: SW Grant Street

A portion of SW Grant Street, east of SW Naito Parkway, in the Plat of Caruthers Addition to Caruthers Addition, situated in the southwest one-quarter of Section 3, T1S, R1E, W.M., in the City of Portland, Multnomah County, State of Oregon,

Being that portion of said SW Grant Street between the following two lines:

A line running from a point 8 feet west of the northeast corner of Lot 1, Block C, Caruthers Addition to Caruthers Addition, extended northerly to a point on the south line of Lot 6, Block B that is 8 feet west of the southeast corner of Lot 6, and

A line running from a point 20 feet east of the northwest corner of Lot 8, Block C, extended northerly to a point on the south line of Lot 4, Block B, that is 20 feet east of the southwest corner of Lot 4.

Containing 10,320 square feet, more or less.

Parcel 4: SW Sherman Street

A portion of SW Sherman Street, west of SW Naito Parkway, in the Plat of Caruthers Addition to Caruthers Addition, situated in the southwest one-quarter of Section 3, T1S, R1E, W.M., in the City of Portland, Multnomah County, State of Oregon,

Being that portion of said SW Sherman Street between the following two lines:

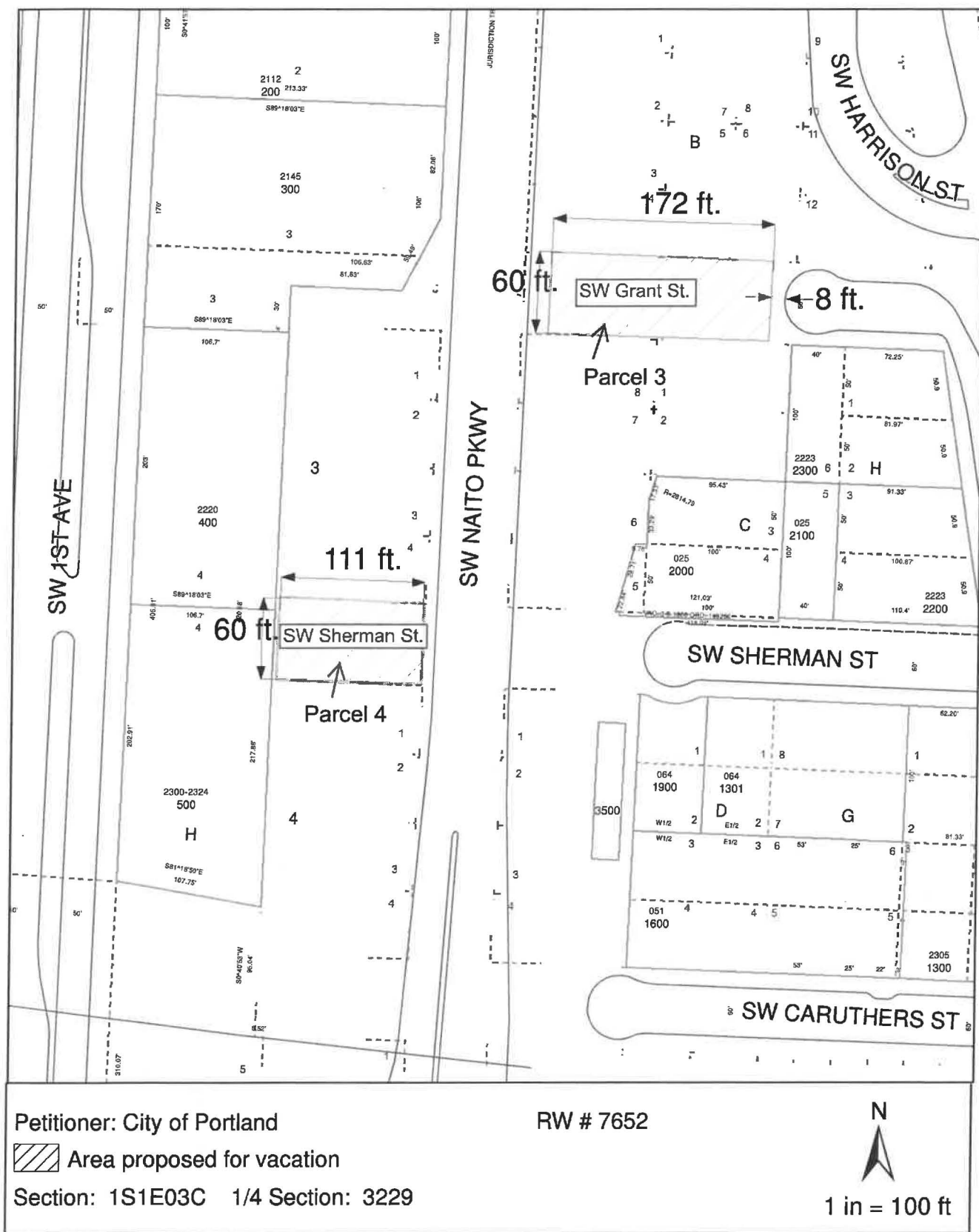
The northerly extension of the west line of Block 4 (vacated), Caruther's Addition to Caruthers Addition, and

A line 7 feet west of and parallel with the east line of Tract I, Survey 62082, Multnomah County Survey Records.

Containing 6,660 square feet, more or less.

Exhibit 2C

SW Hall, Lincoln, Grant and Sherman Streets at SW Naito Parkway



Petitioner: City of Portland

RW # 7652

 Area proposed for vacation

Section: 1S1E03C 1/4 Section: 3229



1 in = 100 ft

Exhibit 3

ODOT File 08191
ODOT Map 1A-8-30

Multnomah County Official Records
R Weldon, Deputy Clerk

2016-123517

Grantor's Name and Address:
ODOT – Senior Property Agent
123 NW Flanders Street
Portland, OR 97209



\$96.00

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09/30/2016 02:56:46 PM

1R-COVNT

Pgs=11 Stn=24 ATRJG

\$55.00 \$11.00 \$20.00 \$10.00

DECLARATION OF COVENANT TO RESERVE FUTURE WALKWAY EASEMENT

RECITALS

- A. The State of Oregon, by and through its Department of Transportation (“State”), and The City of Portland (“the City”), a municipal corporation of the State of Oregon, are the owners of that certain parcel of land (“the Property”) in the County of Multnomah and State of Oregon described as follows:

As described as Parcel 2 on Exhibit A and depicted as Tract II on Exhibit B attached hereto and by this reference made a part hereof, EXCEPTING THEREFROM that portion of said Parcel 2 and said Tract II located in Blocks 106 and 107, City of Portland, Plat Book 2 Pages 2 and 3, Multnomah County Plat Records.

All together containing 130,019 (minus Blocks 106 & 107) square feet, more or less.

- B. Said Property includes the reversionary rights and underlying fee interest in the rights-of-way for portions of SW Sherman Street, SW Grant Street and SW Lincoln Street.
- C. The City and State desire that portions of SW Grant Street and SW Lincoln Street be vacated by the City and title to those vacated streets inure to the City and State as the abutting property owners.
- D. The City desires to reserve, in its favor, pedestrian walkway easements over a portion of SW Grant Street and a portion of SW Lincoln Street to protect public access if and when the City conveys its interest in the Easement Area (as defined below) or a portion thereof.

R/W # 7652

1S1E03C

*Pls
Killmer*

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

COVENANT

1. The Easement Area is described as follows (the "Easement Area"):

As described on Exhibits C1 and C2 and depicted on Exhibits D1 and D2 attached hereto and by this reference made a part hereof.

All together containing 15,993 square feet, more or less.

2. Upon the conveyance by the City of the Easement Area or a portion thereof, a non-exclusive easement ("the Easement") will arise, in favor of the City, over the portion of the Easement Area included in the conveyance.
3. Unless the City terminates this covenant as provided herein, the Easement will be subject to the following terms:
 - a. The Easement gives the City the right to construct, reconstruct, inspect, and maintain a walkway for use by the public over and across the Easement Area or such portion of the Easement Area as is included in the conveyance, together with a right to access to accomplish the foregoing.
 - b. The Easement continues in perpetuity and binds all subsequent owners and occupants of the Easement Area, or any portion thereof affected by this Easement.
 - c. The public's rights of access and movement within this walkway easement will be the same as though said walkway existed within a public right-of-way.
 - d. No utilities, buildings, facilities, easements, material storage, grade changes, or tree planting will be allowed within the Easement Area without prior written consent of the Director of the Bureau of Transportation. Landscaping which by its nature is shallow-rooted, does not obstruct the walkway, and may be easily removed, requires no consent.
4. This covenant may be terminated in whole, or partially released, at the sole discretion of the City by written, recorded instrument, but in no case until a replacement permanent public walkway easement or public right-of-way has been established to the satisfaction of the Director of the Bureau of Transportation.

The remainder of this page is intentionally left blank.

Executed this 29th day of August, 2016.

City of Portland, Bureau of Transportation

By: *Christine Leon*

Name: Christine Leon
Bureau of Transportation Director or Designee

State of OREGON

County of MULTNOMAH

On this 29th day of August, 2016, personally appeared Christine Leon, who being duly sworn, did say that he is the Director, Bureau Transportation, or her designee, of the City of Portland, a municipal corporation, and that said instrument was signed in behalf of said corporation by authority of its City Council, and acknowledged said instrument to be its voluntary act and deed.

Karl N Arruda
Notary Public for Oregon
My Commission expires 8/3/2017



Executed this 1st day of August, 2016.

State of Oregon, by and through its Department
of Transportation

By: Joseph A. Gray
Name: Joseph A. Gray
Title: State Right of Way Manager

State of OREGON

County of MARION

On this 1st day of August, 2016, personally
appeared Joseph A. Gray, who being duly sworn, did say that he is
State Right of Way Manager, of the State of Oregon, by and through its
Department of Transportation, and that said instrument was signed in behalf of said State, and
acknowledged said instrument to be its voluntary act and deed.



Dale R Shafer
Notary Public for Oregon
My Commission expires 10/12/2019

APPROVED AS TO FORM:

APPROVED AS TO FORM

Joseph A. Gray 8/15/16
City Attorney CITY ATTORNEY

EXHIBIT "A"

PARCEL 1: Situated in the Southwest one-quarter of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon; being portions of (vacated) Blocks 3 and 4, (and adjacent vacated streets), CARUTHERS ADDITION, Plat Book 1, Page 35, Multnomah County Plat Records, and a portion of Lot 3, Block H, SOUTH AUDITORIUM ADDITION, Plat Book 1195, Pages 51 & 52, Multnomah County Plat Records; and being more particularly described as follows:

Beginning at the Southeast corner of Lot 4, Block H, SOUTH AUDITORIUM ADDITION, Plat Book 1195 pages 49 and 50, Multnomah County Plat Records; thence along the East line of said Block H, North 0°41' 57" East 424.93 feet to an angle point therein; thence continuing along said East line, North 0°43' 51" East 30.00 feet to an angle point therein and the South line of said Lot 3; thence along said South line South 89°18' 03" East 81.63 feet to the West line of that tract conveyed in Book 287 page 190, Multnomah Deed Records; thence along said West line, North 25°32' 50" East 59.49 feet to the West right-of-way line of SW Naito Parkway (SW Front Avenue) being 30.00 feet West of the center line thereof; thence along a Southerly extension of said right-of-way line, South 0°41' 57" West 54.00 feet to the South east corner of said Lot 3; thence along the arc of a 10,500.00 foot radius curve to the right, through an angle of 2°33'24", the long chord of which bears South 1°58' 39" West 468.49 feet, an arc length of 468.52 feet; thence North 81°18'50" West 97.12 feet to the point of beginning.

PARCEL 2: Situated in the Southwest one-quarter of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon; being portions of Blocks A, B, C and D (and adjacent streets), CARUTHERS ADDITION TO CARUTHERS ADDITION, Plat Book 1 Page 34, Multnomah County Plat Records, and portions of Blocks 106 and 107 (and adjacent Hall Street), CITY OF PORTLAND, Plat Book 2 Pages 2 and 3, Multnomah County Plat Records (and adjacent streets); and being more particularly described as follows:

Beginning at the Southeast corner of Lot 5, of said Block D, CARUTHERS ADDITION TO CARUTHERS ADDITION; thence along the South line of said Block D, North 89°18' 03" West 75.14 feet to a non-tangent 3,000.00 foot radius curve; thence to the right, along said curve, through an angle of 4°23'49", the long chord of which bears North 1°29'58" West 230.17 feet, an arc length of 230.23 feet to a line which is parallel with and 50.00 feet east of the centerline of S.W. Naito Parkway (SW Front Ave.); thence along said parallel line, North 0°41'57" East 520.00 feet to the beginning of a 1,199.00 foot radius curve to the right; thence along said curve, through an angle of 20°07'28", the long chord of which bears North 10°45'41" East 418.97 feet, an arc length of 421.13 feet to a line which is parallel with and 51.00 feet east of the centerline of S.W. Naito Parkway (SW Front Ave.); thence along said parallel line, North 20°49'25" East 100.32 feet to the beginning of a 17.50 foot radius curve to the right; thence along said curve, through an angle of 122°16'04", the long chord of which bears North 81°57'27" East 30.65 feet, an arc length of 37.34 feet to a point of compound curvature; thence along a 97.50 foot radius curve to the right, through an angle of 38°19'10", the long chord of which bears South 17°44'56" East 64.00 feet, an arc length of 65.21 feet; thence South 01°24'40" West 281.79 feet; thence South 03°03'06" East 257.13 feet to the beginning of a 137.50 foot radius curve to the left; thence along said curve, through an angle of 74°50'03", the long chord of which bears South 4°02'8" East 167.09 feet, an arc length of 179.59 feet to the west right-of-way line of S.W. Water Avenue; thence along last said right-of-way line, South 10°06'33" East 16.83 feet to the north right-of-way line of S.W. Grant Street; thence along last said right-of-way line, North 89°18'03" West 100.76 feet to a northerly extension of the east line of said Block C; thence along said extension and east line of Block C, South 00°41'57" West 160.00 feet to the north line of that tract conveyed by Document No. 2004-128833, Multnomah County Deed records; thence along the north and west line of said tract the following six courses: North 89°18'03" West 95.43 feet; along the arc of a non-tangent 2,814.79 foot radius curve to the left, through an angle of 0°21'09", the long chord of which bears South 15°59'42" West 17.32 feet, an arc length of 17.32 feet; South 0°41'57" West 33.29 feet; North 89°18'03" West 8.78 feet; along the arc of a non-tangent 2,814.79 foot radius curve to the left, through an angle of 0°34'59", the long chord of which bears South 14°49'34" West 28.65 feet, an arc length of 28.65 feet; and along the arc of a 1,138.92 foot curve to the left, through an angle of 01°08'54", the long chord of which bears South 14°01'18" West 22.83 feet, an arc length of 22.83 feet to the north right-of-way line of S.W. Sherman Street (street vacation ordinance no. 115050);

EXHIBIT "A"
(Continued)

thence South 18°36'59" East 63.58 feet to the north west corner of that tract conveyed by Document No. 2002-056706, Multnomah County Deed records (northwest corner Lot 1, said Block D); thence South 0°41'5 7" West 200.00 feet to the Point of Beginning.

Exhibit B

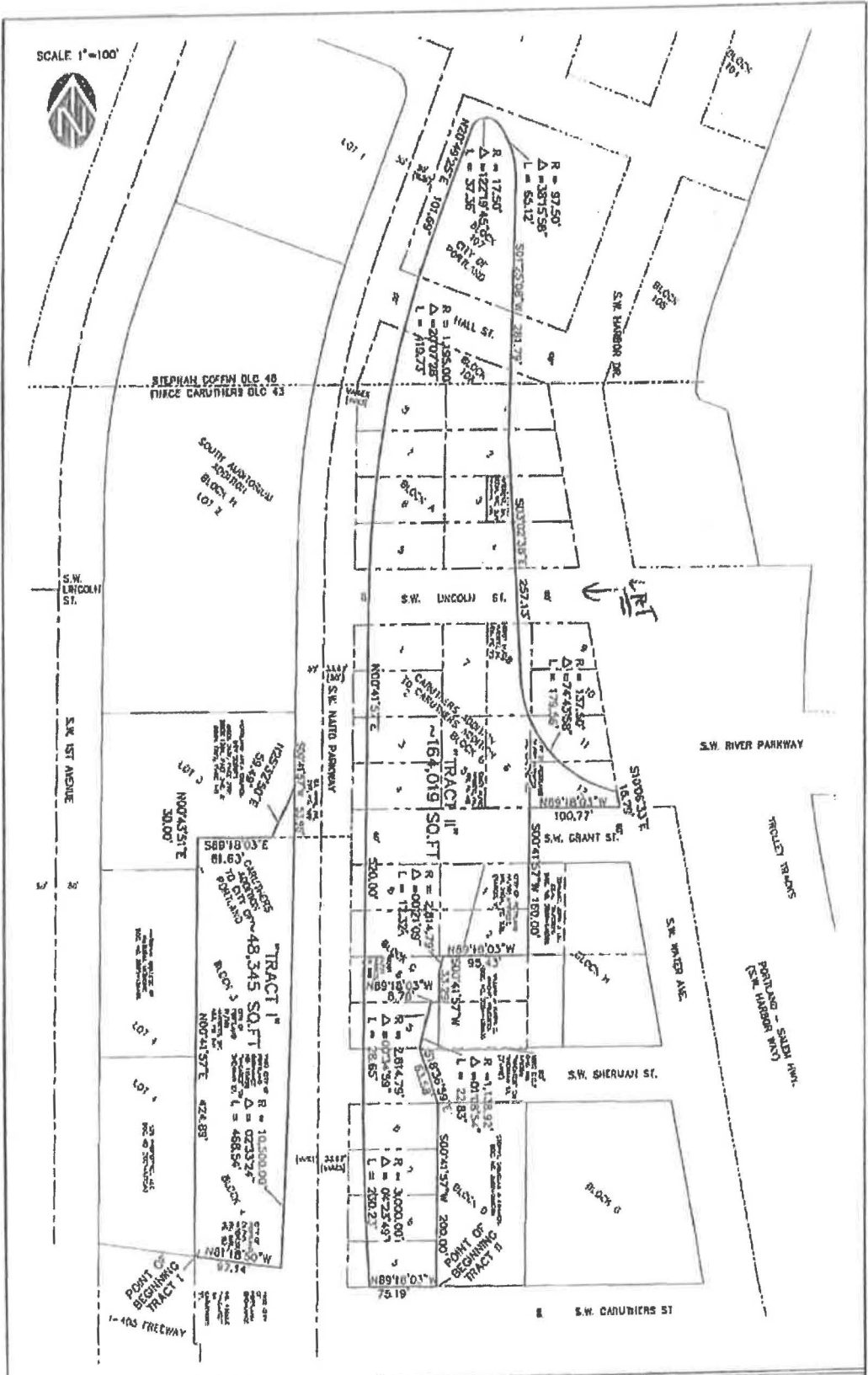


EXHIBIT MAP
 IN THE S.W. 1/4 SEC. 3,
 T. 1 S., R. 1 E., W.M.
 CITY OF PORTLAND,
 MULTNOMAH COUNTY, OREGON

DATE	6/13/08
DRAWN BY	GHA
CHECKED BY	IGB
REVISIONS	6/24/08
JOB NO.	1750-11

WESTLAKE
 CONSULTANTS INC.

ENGINEERING • SURVEYING • PLANNING

PACIFIC CORPORATE CENTER
 1510 S.W. 86TH AVENUE, SUITE 100
 TIGARD, OREGON 97224

(503) 621-5888
 FAX (503) 621-0767

RW #7652

SW Grant Street Walkway Easement

Exhibit C1

A portion of SW Grant Street, east of SW Naito Parkway, in the Plat of Caruthers Addition to Caruthers Addition, situated in the southwest one-quarter of Section 3, T1S, R1E, W.M., in the City of Portland, Multnomah County, State of Oregon,

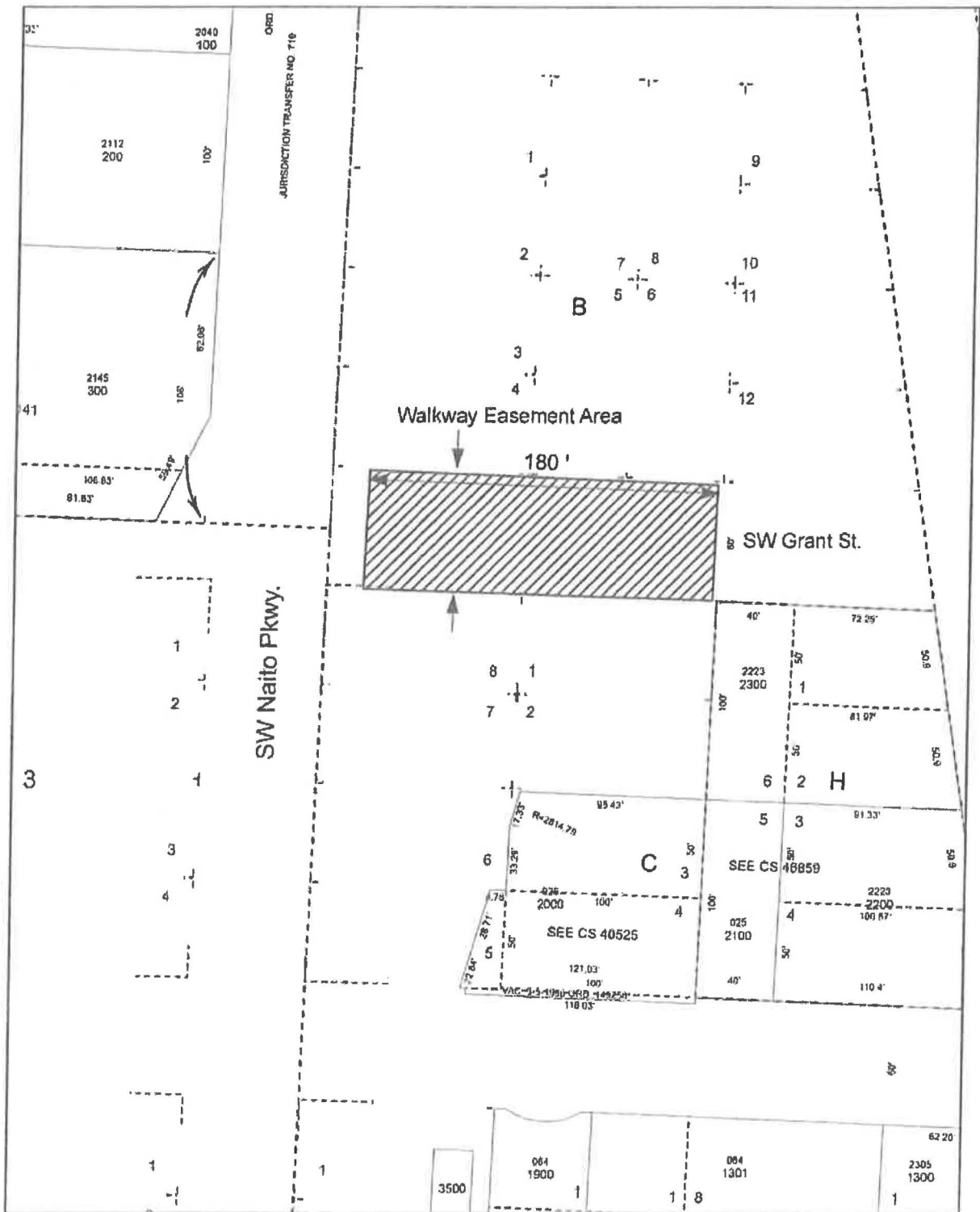
Being that portion of said SW Grant Street between the following two lines:

The east line of Lot 1, Block C, Caruthers Addition to Caruthers Addition, extended northerly to the southeast corner of Lot 6, Block B, Caruthers Addition to Caruthers Addition, and

A line running from a point 20 feet east of the northwest corner of Lot 8, Block C, extended northerly to a point on the south line of Lot 4, Block B, that is 20 feet east of the southwest corner of Lot 4.

Containing 10,800 square feet, more or less.

Exhibit D1



Walkway easement over a portion of SW Grant St.

Legal: A Portion of SW Grant Street, Caruthers Addition to Caruthers Addition
 Grantor: City of Portland and State of Oregon
 R/W: 7652 1/4 Section:3229 Section: 1S1E03C
 Walkway Easement
 1 in = 75 ft



R/W # 7652
S.W. NAITO PARKWAY AND S.W. LINCOLN STREET
PUBLIC WALKWAY EASEMENT

EXHIBIT C2

A Tract of Land being a portion of the Finice Caruthers Donation Land Claim No. 43, situated in the Southwest One-Quarter Of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, Being More Particularly Described As Follows:

Beginning at a point in that tract designated as Tract II in Survey No. 62082, Multnomah County Survey Records, said Beginning Point bears South 81°06'10" East, a distance of 2,354.39, from a brass disk marking a witness corner on the North line of the Finice Caruthers Donation Land Claim No. 43:

Thence, South 88°04'01" East, a distance of 107.92 feet;

Thence, South 87°59'02" East, a distance of 34.95 feet;

Thence, easterly, a distance of 12.74 feet along the arc of a circular curve to the right of which the radius point lies, South 02°00'02" West, a radius of 1,164.96 feet, and having a central angle of 00°37'36", (long chord bears, South 87°23'31" East, a distance of 12.74 feet) to a point of non-tangency, on the East line of said Tract II;

Thence along said East line, South 01°30'51" East, a distance of 33.43 feet, to the South Right-of-Way line of S.W. Lincoln Street;

Thence along said South Right-of-Way line, North 87°45'48" West, a distance of 157.80 feet;

Thence leaving said Right-of-Way line, North 02°14'12" East, a distance of 30.00 feet, to a point of circular curve;

Thence, northerly, a distance of 2.74 feet along the arc of a circular curve to the right of which the radius point lies, South 87°45'48" East, a radius of 1,189.00 feet, and having a central angle of 00°07'55", (long chord bears, North 02°24'43" East, a distance of 2.74 feet) to the POINT OF BEGINNING.

Containing 5,193 square feet.

Project 40020
April 6, 2015

REGISTERED
PROFESSIONAL
LAND SURVEYOR

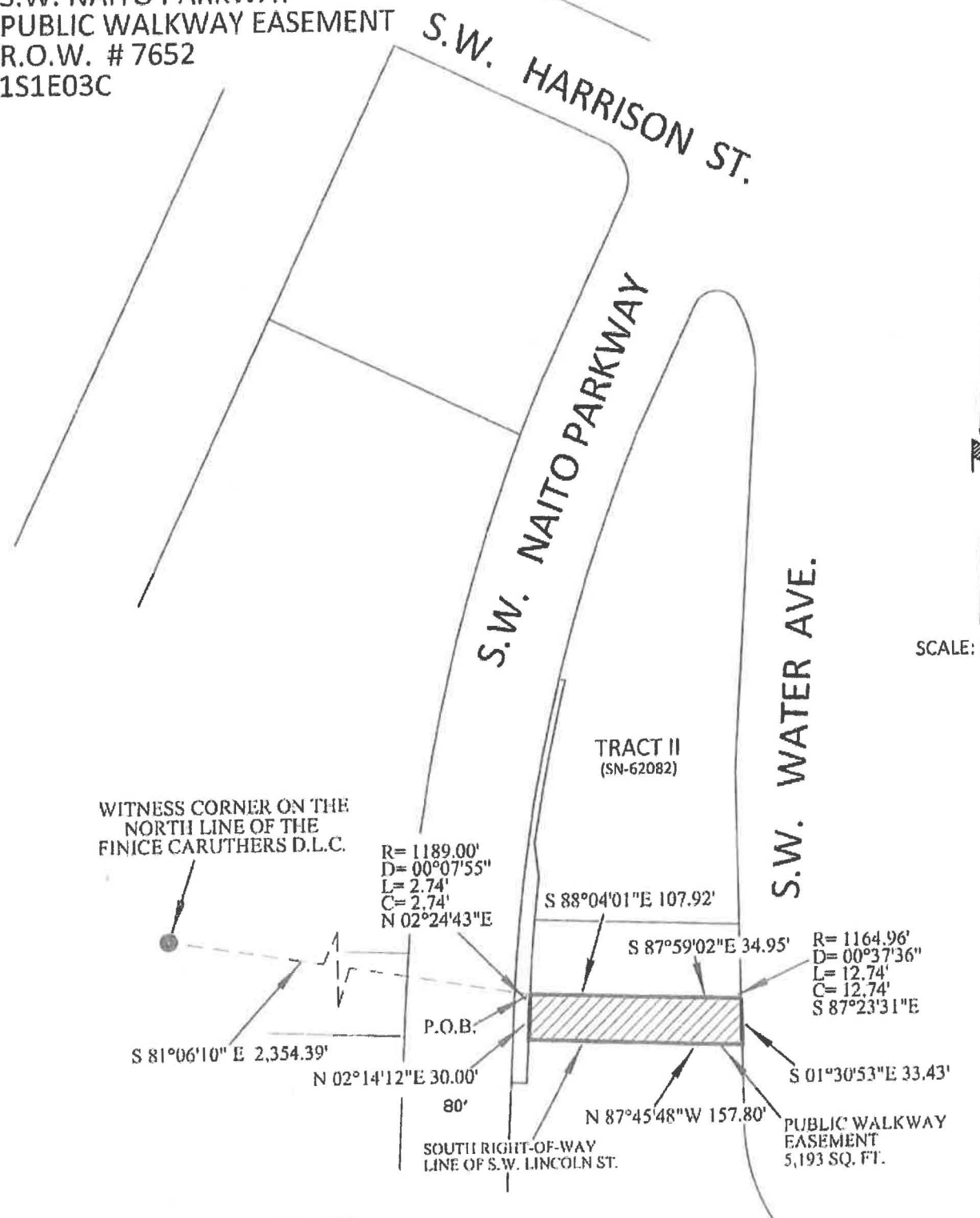
Thomas P. Beinbauer

OREGON
JULY 17, 1994
THOMAS P. BEINHAUER
2654

EXPIRES 12-31-2015

EXHIBIT D2

S.W. NAITO PARKWAY
 PUBLIC WALKWAY EASEMENT
 R.O.W. # 7652
 1S1E03C



SCALE: 1" = 100'



SURVEY DEPARTMENT,
 1120 SW 5TH AVE., SUITE 800
 PORTLAND, OREGON 97204
 PHONE 503-823-7150

JOB #40020
 APRIL 6, 2015

ODOT File 08200
ODOT Map 1A-8-30

Multnomah County Official Records
R Weldon, Deputy Clerk

2016-123518

Grantor's Name and Address:
ODOT – Senior Property Agent
123 NW Flanders Street
Portland, OR 97209



\$96.00

01793151201601235180110118

09/30/2016 02:56:46 PM

1R.COVNT

Pgs=11 Stn=24 ATRJG

\$55.00 \$11.00 \$20.00 \$10.00

DECLARATION OF COVENANT TO RESERVE FUTURE SEWER EASEMENT

RECITALS

- A. The State of Oregon, by and through its Department of Transportation (“State”), and The City of Portland (“the City”), a municipal corporation of the State of Oregon, are the owners of those certain parcels of land (“the Property”) in the County of Multnomah and State of Oregon described as follows:

As described as Parcels 1 and 2 on Exhibit A and depicted as Tracts I and II on Exhibit B attached hereto and by this reference made a part hereof, EXCEPTING THEREFROM that portion of said Parcel 2 and said Tract II located in Blocks 106 and 107, City of Portland, Plat Book 2 Pages 2 and 3, Multnomah County Plat Records.

All together containing 178,364 square feet, more or less.

- B. Said Property includes the reversionary rights and underlying fee interest in the rights-of-way for portions of SW Sherman Street, SW Grant Street, and SW Lincoln Street.
- C. The City and State desire that portions of SW Sherman Street and SW Grant Street be vacated by the City and title to those vacated streets inure to the City and State as the abutting property owners.
- D. Two sewer lines (“the Facilities”) belonging to the City are located on the Property under SW Sherman Street west of SW Naito Parkway and under SW Grant Street.
- E. The City desires to reserve an easement in its favor to protect the Facilities if and when the City conveys its interest in the Easement Area (as defined below) or a portion thereof.

R/W # 7652

IS1E03C

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

*PH
C 11/1/16*

COVENANT

1. The Easement Area is described as follows (the "Easement Area"):

As described on Exhibits C1 and C2, and depicted on Exhibits D1 and D2 attached hereto and by this reference made a part hereof.

All together containing 5,756 square feet, more or less.

2. Upon the conveyance by the City of the Easement Area or a portion thereof, a perpetual, non-exclusive easement ("the Easement") will arise, in favor of the City, over the portion of the Easement Area included in the conveyance.
3. Unless the City terminates this covenant as provided herein, the Easement will be subject to the following terms:
 - a. The Easement continues in perpetuity and binds all subsequent owners and occupants of the Easement Area, or any portion thereof affected by this Easement.
 - b. The Easement gives the City the right to lay down, construct, reconstruct, operate, inspect, and maintain a sanitary sewer line and to access the Easement Area therefor.
 - c. No utilities, buildings, facilities, easements, material storage, grade changes, or tree planting will be allowed within the Easement Area without prior written consent of the Director of the Bureau of Environmental Services. Landscaping which by its nature is shallow-rooted and may be easily removed to permit access to the Facilities requires no consent.
4. This covenant may be terminated at the sole discretion of the City by written, recorded instrument, but, if the Facilities are still in operation, no termination shall be recorded until an easement benefiting the City and affecting the Facilities has been recorded.

The remainder of this page is intentionally left blank.

Executed this 22nd day of September, 2016.

City of Portland, Bureau of Environmental Services

By: Elisabeth Reese Cadigan

Name: Elisabeth Reese Cadigan
Bureau of Environmental Services Director or
Designee

State of OREGON

County of MULTNOMAH

On this 22nd day of September, 2016, personally
appeared Elisabeth Reese Cadigan who being duly sworn, did say that he is the
Director, Bureau of Environmental Services, or his designee, of the City of Portland, a municipal
corporation, and that said instrument was signed in behalf of said corporation by authority of its
City Council, and acknowledged said instrument to be its voluntary act and deed.



Tina Marie Wilson
Notary Public for Oregon
My Commission expires 3/3/18

Executed this 1st day of August, 2016.

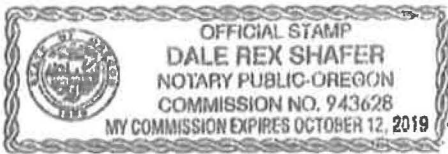
State of Oregon, by and through its Department of Transportation

By: [Signature]
Name: Joseph A. Gray
Title: State Right of Way Manager

State of OREGON

County of MARION

On this 1st day of August, 2016, personally appeared Joseph A. Gray, who being duly sworn, did say that he is State Right of Way Manager, of the State of Oregon, by and through its Department of Transportation, and that said instrument was signed in behalf of said State, and acknowledged said instrument to be its voluntary act and deed.



Dale R. Shafer
Notary Public for Oregon
My Commission expires 10/12/2019

APPROVED AS TO FORM:

APPROVED AS TO FORM

[Signature]
City Attorney
CITY ATTORNEY 8/16/16

EXHIBIT "A"

PARCEL 1: Situated in the Southwest one-quarter of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon; being portions of (vacated) Blocks 3 and 4, (and adjacent vacated streets), CARUTHERS ADDITION, Plat Book 1, Page 35, Multnomah County Plat Records, and a portion of Lot 3, Block H, SOUTH AUDITORIUM ADDITION, Plat Book 1195, Pages 51 & 52, Multnomah County Plat Records; and being more particularly described as follows:

Beginning at the Southeast corner of Lot 4, Block H, SOUTH AUDITORIUM ADDITION, Plat Book 1195 pages 49 and 50, Multnomah County Plat Records; thence along the East line of said Block H, North 0°41' 57" East 424.93 feet to an angle point therein; thence continuing along said East line, North 0°43' 51" East 30.00 feet to an angle point therein and the South line of said Lot 3; thence along said South line South 89° 18' 03" East 81.63 feet to the West line of that tract conveyed in Book 287 page 190, Multnomah Deed Records; thence along said West line, North 25°32' 50" East 59.49 feet to the West right-of-way line of SW Nallo Parkway (SW Front Avenue) being 30.00 feet West of the center line thereof; thence along a Southerly extension of said right-of-way line, South 0°41' 57" West 54.00 feet to the South east corner of said Lot 3; thence along the arc of a 10,500.00 foot radius curve to the right, through an angle of 2°33'24", the long chord of which bears South 1°58' 39" West 468.49 feet, an arc length of 468.52 feet; thence North 81°18'50" West 97.12 feet to the point of beginning.

PARCEL 2: Situated in the Southwest one-quarter of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon; being portions of Blocks A, B, C and D (and adjacent streets), CARUTHERS ADDITION TO CARUTHERS ADDITION, Plat Book 1 Page 34, Multnomah County Plat Records, and portions of Blocks 106 and 107 (and adjacent Hall Street), CITY OF PORTLAND, Plat Book 2 Pages 2 and 3, Multnomah County Plat Records (and adjacent streets); and being more particularly described as follows:

Beginning at the Southeast corner of Lot 5, of said Block D, CARUTHERS ADDITION TO CARUTHERS ADDITION; thence along the South line of said Block D, North 89° 18' 03" West 75.14 feet to a non-tangent 3,000.00 foot radius curve; thence to the right, along said curve, through an angle of 4°23'49", the long chord of which bears North 1°29'58" West 230.17 feet, an arc length of 230.23 feet to a line which is parallel with and 50.00 feet east of the centerline of S.W. Nallo Parkway (SW Front Ave.); thence along said parallel line, North 0°41'57" East 520.00 feet to the beginning of a 1,199.00 foot radius curve to the right; thence along said curve, through an angle of 20°07'28", the long chord of which bears North 10°45'41" East 418.97 feet, an arc length of 421.13 feet to a line which is parallel with and 51.00 feet east of the centerline of S.W. Nallo Parkway (SW Front Ave.); thence along said parallel line, North 20°49' 25" East 100.32 feet to the beginning of a 17.50 foot radius curve to the right; thence along said curve, through an angle of 122°16'04", the long chord of which bears North 81°57'27" East 30.65 feet, an arc length of 37.34 feet to a point of compound curvature; thence along a 97.50 foot radius curve to the right, through an angle of 38°19'10", the long chord of which bears South 17° 44'56" East 64.00 feet, an arc length of 65.21 feet; thence South 01°24'40" West 281.79 feet; thence South 03°03'06" East 257.13 feet to the beginning of a 137.50 foot radius curve to the left; thence along said curve, through an angle of 74°50'03", the long chord of which bears South 4°02'8" East 167.09 feet, an arc length of 179.59 feet to the west right-of-way line of S.W. Water Avenue; thence along last said right-of-way line, South 10°06'33" East 16.83 feet to the north right-of-way line of S.W. Grant Street; thence along last said right-of-way line, North 89°18'03" West 100.76 feet to a northerly extension of the east line of said Block C; thence along said extension and east line of Block C, South 00°41'57" West 160.00 feet to the north line of that tract conveyed by Document No. 2004-128833, Multnomah County Deed records; thence along the north and west line of said tract the following six courses: North 89°18'03" West 95.43 feet; along the arc of a non-tangent 2,814.79 foot radius curve to the left, through an angle of 0°21'09", the long chord of which bears South 15°59'42" West 17.32 feet, an arc length of 17.32 feet; South 0°41'57" West 33.29 feet; North 89°18'03" West 8.78 feet; along the arc of a non-tangent 2,814.79 foot radius curve to the left, through an angle of 0°34'59", the long chord of which bears South 14°49'34" West 28.65 feet, an arc length of 28.65 feet; and along the arc of a 1,138.92 foot curve to the left, through an angle of 01°08'54", the long chord of which bears South 14°01'18" West 22.83 feet, an arc length of 22.83 feet to the north right-of-way line of S.W. Sherman Street (street vacation ordinance no. 115050);

EXHIBIT "A"
(Continued)

thence South 18°36'59" East 63.58 feet to the north west corner of that tract conveyed by Document No. 2002-056706, Multnomah County Deed records (northwest corner Lot 1, said Block D); thence South 0°41'5 7" West 200.00 feet to the Point of Beginning.

Exhibit B

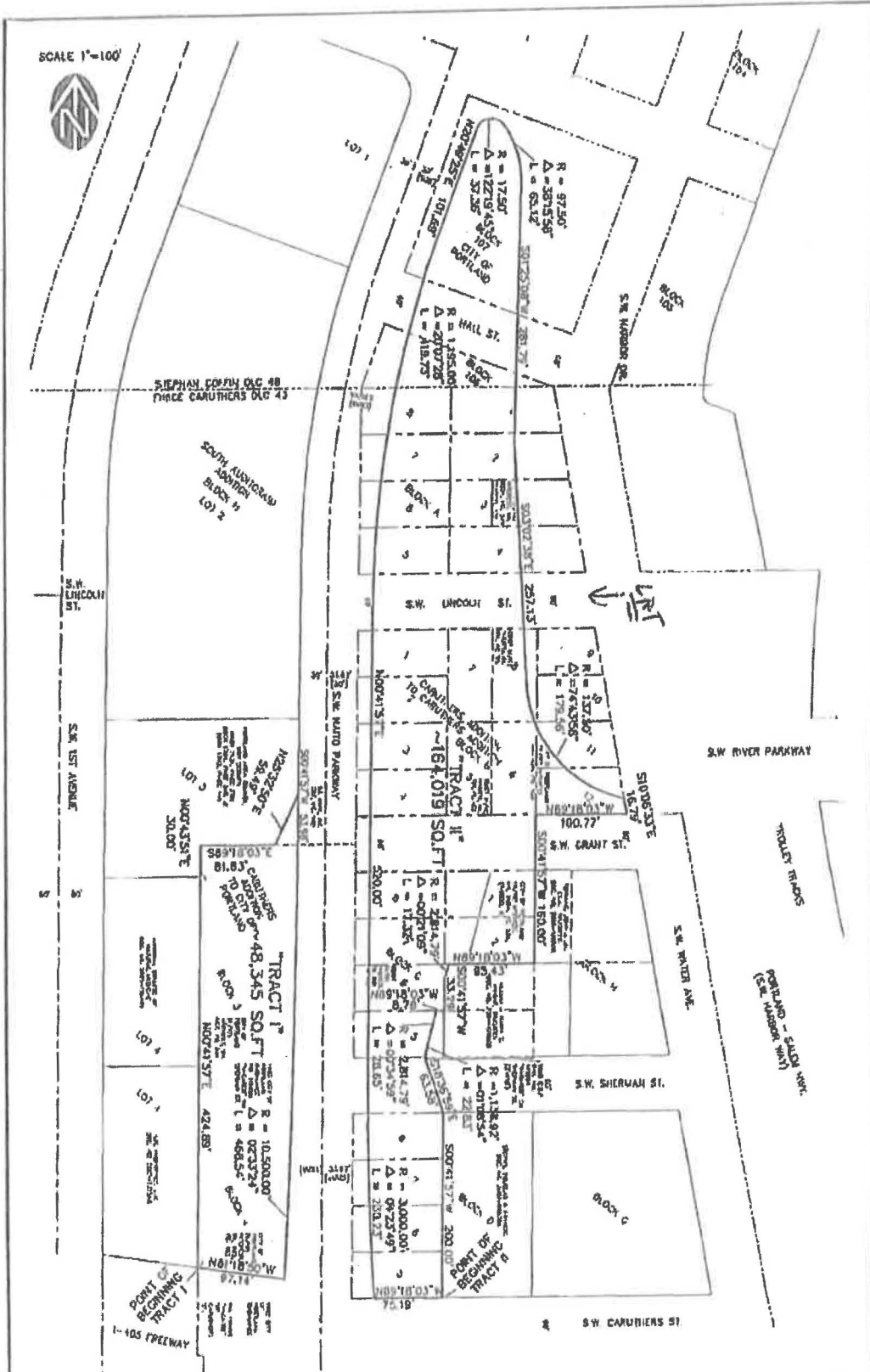


EXHIBIT MAP
 IN THE S.W. 1/4 SEC. 3,
 T. 1 S., R. 1 E., W.M.
 CITY OF PORTLAND,
 MULTNOMAH COUNTY, OREGON

DATE	6/13/08
DRAWN BY	ORA
CHECKED BY	TGR
REVISIONS	6/24/08
JOB NO.	1750-11

WESTLAKE
 CONSULTANTS INC.

ENGINEERING • SURVEYING • PLANNING

PACIFIC CORPORATE CENTER
 1011 S.W. SECOND PARKWAY, SUITE 100
 PORTLAND, OREGON 97204

PHONE (503) 881-8888
 FAX (503) 881-8187

R/W # 7652
S.W. NAITO PARKWAY AND S.W. GRANT STREET
1S1E03C
SEWER EASEMENT

EXHIBIT C1

A Sewer Easement, situated in the Southwest One-Quarter of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, being 20.00 feet in width, lying 10.00 feet on each side of the following described centerline, being More Particularly Described As Follows:

Commencing at a point marked by 5/8 inch diameter iron rod with a yellow plastic cap inscribed " WESTLAKE CONSULTANTS", set in Survey number 62082, Multnomah County Survey Records, said point being located at the intersection of the Westerly Right-of-Way line of S.W. Water Avenue, 60.00 feet in width, with the Northerly Right-of-Way line of S.W. Grant Street, 60.00 feet in width;

Thence, along the North Right-of-Way line of S.W. Grant Street, North 89°18'03" West, a distance of 100.76 feet, to the Northwest corner of said street;

Thence along the West line of said street, South 00°41'57" West, a distance of 42.02 feet, to the POINT OF BEGINNING;

Thence, North 89°17'49" West, a distance of 183.97 feet, to the East Right of Way line of S.W. Naito Parkway, Width varies, also being the TERMINIUS POINT of this Description;

The side lines of said easement are to extend or foreshorten, so as to terminate upon the property line of said tract.

Containing 3,679 square feet.

Project 40020
April 27, 2015

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Thomas P. Beinbauer

OREGON
JULY 17, 1994
THOMAS P. BEINHAUER
2654

EXPIRES 12-31-2015

EXHIBIT D1

R.O.W. # 7652

S.W. NAITO PARKWAY- S.W. GRANT ST.
1S1E03C



SCALE: 1" = 50'

P.O.C.
5/8" I.R. W/ YELLOW
PLASTIC CAP
SN-62082

N 89°18'03"W 100.76'

20.00' WIDE
SEWER
EASEMENT
3,679 SQ. FT.

TERMINUS POINT

S 00°41'57"W 42.02'

S.W. GRANT ST.

P.O.B.

CENTERLINE
N 89°17'49"W 183.97'

60'

S.W. WATER AVE.

S.W.

SHERMAN

ST.

PARKWAY

NAITO

S.W.



CITY OF
PORTLAND
BUREAU OF
TRANSPORTATION

SURVEY DEPARTMENT,
1120 SW 5TH AVE., SUITE 800
PORTLAND, OREGON 97204
PHONE 503-823-7150

JOB #40020
APRIL 27, 2015

R/W # 7652
S.W. NAITO PARKWAY AND S.W. SHERMAN STREET
1S1E03C
SEWER EASEMENT

EXHIBIT C2

A Sewer Easement, situated in the Southwest One-Quarter of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, being 20.00 feet in width, lying 10.00 feet on each side of the following described centerline, being More Particularly Described As Follows:

Commencing at a point marked by 5/8 inch diameter iron rod with a 1-1/2 inch diameter aluminum cap inscribed " WESTLAKE CONSULTANTS", set in Survey number 62082, Multnomah County Survey Records, said point being located at a point of circular curve on the West Right-of-way line of S.W. Naito Parkway, width varies;

Thence, along said West Right-of-Way line, Southerly, a distance of 263.50 feet along the arc of a circular curve to the right having a radius of 10,500.00 feet through a central angle of 1°26'16", (long chord bears, South 1°25'05" West, a distance of 263.48 feet), to a point of non-tangency, also being the POINT OF BEGINNING;

Thence, North 89°16'35" West, a distance of 67.18 feet, to an angle point;

Thence, South 81°01'46" West, a distance of 36.66 feet, to the TERMINIUS POINT of this Description;

The side lines of said easement are to extend or foreshorten, so as to terminate upon the property line of said tract.

Containing 2,077 square feet.

Project 40020
April 27, 2015

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Thomas P. Beinbauer

OREGON
JULY 17, 1994
THOMAS P. BEINHAUER
2654

EXPIRES 12-31-2015

EXHIBIT D2

R.O.W. # 7652
S.W. NAITO PARKWAY- S.W. SHERMAN ST.
1S1E03C

AVE.

FIRST

S.W.



SCALE: 1" = 50'

P.O.C.
5/8" I.R. W/ 1-1/2"
ALUMINUM CAP
SN-62082

PARKWAY

R= 10,500.00,
D= 1°26'16"
L= 263.50'
C= 263.48'
S 1°25'05"W

NAITO

20.00' WIDE
SEWER
EASEMENT
2,077 SQ. FT.

TERMINUS POINT

P.O.B.

S.W.

CENTERLINE
N 89°16'35"W 67.18'
CENTERLINE
S 81°01'46"W 36.66'

VARIES



CITY OF
PORTLAND
BUREAU OF
TRANSPORTATION

SURVEY DEPARTMENT,
1120 SW 5TH AVE., SUITE 800
PORTLAND, OREGON 97204
PHONE 503-823-7150

JOB #40020
APRIL 27, 2015

EXHIBIT 5

REVOCABLE PERMIT

City of Portland
Bureau of Transportation
1120 SW 5th Avenue, 8th floor
Portland OR 97204

R/W #7652

Permitter: **City of Portland**, a municipal corporation of the State of Oregon (“City”)

Permittee: **Tri-County Metropolitan Transportation District of Oregon**, a mass transit district organized under the laws of the State of Oregon (“TriMet”)

- A. In order to permit TriMet to maintain a storm water facility (“Facility”) under the Portland-Milwaukie Light Rail Structure east of SW Naito Parkway at Lincoln Street, the undersigned City of Portland hereby grants to TriMet, its employees, agents or contractor, the right to enter upon the real property for the purpose of reconstructing, operating, inspecting, monitoring and maintaining a sewer or sewers and outfalls, wing walls, drainageways, and flow control features and appurtenances, through, under, over and along the following described parcel (“Easement Area”):

As described on **Exhibit A** and depicted on **Exhibit B**, attached hereto and by this reference made a part hereof.

Contains 1,685 square feet, more or less.

- B. Permitter hereby represents and warrants that it is the owner of the real property described in Exhibit A or otherwise is authorized to grant this permit.
- C. It is understood and agreed this right and license shall be effective as of the date of recording of the street vacation ordinance for SW Lincoln Street east of SW Naito Parkway (“Ordinance”). After the recording of the Ordinance, City is planning to convey to TriMet ownership of the real property containing most of the Facility. After said conveyance document is accepted and recorded, this Permit of Entry shall terminate with respect to the portions of the Facility in the area transferred to TriMet, but remain in effect for any portion of the Facility remaining on property owned by Permitter.
- D. Permitter 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 rights herein granted.
- E. This Permit does not grant or convey to Permittee any fee title or other interest in the property.
- F. Permitter makes no warranty, guarantee, or representation concerning the physical condition of the Permit Area, nor its suitability for any of Permittee's intended purposes.

- G. Permittee shall require any contractor performing work in the Permit Area to maintain a commercial general liability insurance policy, combined single limit, not less than \$2 million in aggregate and \$1 million each occurrence, naming Permittor as an additional insured and Permittee shall provide a certificate of insurance with an endorsement to the policy, to Permittor evidencing the same prior to entering into the Permit Area.
- H. Permittee shall not suffer or permit any liens in the Permit Area or Permittor's remaining property as a result of the work or any entry into the Permit Area.
- I. Permittee shall maintain, repair and replace the improvements owned or used by Permittee in the Permit Area and keep them in good and safe condition at all times. If excavation is necessary in order to maintain, repair, replace or remove any of the improvements, all work shall be done in a safe and workmanlike manner, in accordance with all laws and codes, and Permittee shall maintain all necessary permits.
- J. This Permit is intended for Permittee's use only. No other utilities, buildings, facilities, permits, material storage, grade change or tree planting will be allowed within the Permit Area without prior written consent of the Director of the Bureau of Transportation.
- K. In conjunction with Permittee's use of the Permit, Permittee shall not: (i) violate any law; (ii) create any condition that is a safety hazard; or (iii) unreasonably interfere with Permittor's use of its adjacent property.
- L. In the event that the Permit Area or other improvement located within or adjacent to the Permit Area is disturbed or destroyed by the exercise of any rights granted herein or any associated construction, Permittee shall promptly remove any debris and restore the Permit Area or other improvement to a condition not less than the condition prior to the exercise of such rights, except for the improvements necessary to the project.
- M. To the fullest extent permitted by law, Permittee shall hold harmless, indemnify and defend Permittor and its officers, employees and agents from and against all claims, demands, penalties, and causes of action of any kind or character (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation of law, which occurs, arises out of, or results from acts or omissions or use of the Permit Area by the Permittee, its officers, agents, employees, contractors, invitees, or any other third parties.
- N. No materials shall be stored, used, manufactured or disposed of within the Permit Area, except in compliance with all federal, state, and local law, provided that in no case may there be stored, used, manufactured, or disposed of within the Permit Area, any hazardous substances, or any substances or materials which constitute a public health hazard, as defined by rules of the Oregon State Health Division. No condition shall be permitted within the Permit Area that constitutes a health hazard, as defined by rules of the Health Division. As used in this Permit, "Hazardous Substance" means: (i) any hazardous substance as defined by the Comprehensive Environmental Response, Compensation and Liability Act, as amended from time to time; or (ii) any hazardous waste defined by the Resource Conservation and Recovery Act of 1976, as amended from time to time; or (iii) any hazardous substances as defined by Oregon Revised Statute 465.200 and/or implementing regulations of the Oregon

Department of Environmental Quality; or (iv) any and all material or substance defined as hazardous pursuant to any federal, state or local laws or regulations or order; or (v) any and all material or substance which is or becomes regulated by any federal, state or local governmental authority; or (vi) any and all material or substance which contains oil, gasoline, diesel fuel or other petroleum hydrocarbons and their by-products.

In the event of any violation of environmental law or a hazardous substance release within the Permit Area, on other properties, in the air or in adjacent or nearby waterways (including groundwater) which results from or occurs in connection with the occupancy or use of the Permit Area by Permittee or Permittee's employees, agents, contractors, and invitees ("Permittee's Representatives"), Permittee shall promptly notify Permittor and immediately and diligently pursue all acts necessary or appropriate to (i) cure or correct the violation; (ii) investigate, contain, stop, remediate and remove the hazardous substance release; and (iii) clean up and restore the Permit Area and other affected property or water to the extent required by law and compatible with Permittor's current and intended future uses of the Permit Area and other affected property or water. However, Permittee shall not be responsible for any hazardous substance release to the extent the hazardous substance release was not caused by, contributed to or exacerbated by Permittee or Permittee's representatives.

- O. This Permit may not be modified or amended except by a written instrument duly executed by the authorized signatories for the parties hereto.
- P. City may terminate this permit in the event the public's need requires it, or may terminate this permit or declare the encroachment a nuisance if the permittee (or its successors) fails to comply with the conditions of this permit. No expenditure of money hereunder, lapse of time, or other act or thing shall operate as an estoppel against the City, or be held to give the permittee (or its successors) any vested or other right. Upon the expiration of this permit, or upon its sooner termination by the City, the permittee (or its successors) shall, within 120 days, repair, replace, or remove said installations from the street area and restore the street area as directed by and to the satisfaction of the City.
- Q. All notices required under this Permit shall be deemed to be properly served if sent by certified mail, return receipt requested, or delivered by hand to the last address previously furnished by the parties hereto. Until hereafter changed by the parties by notice in writing, notices shall be sent as follows:

To Permittor at:

CITY OF PORTLAND
Attn: Right-of-Way Acquisition Supervisor
1120 SW 5th Avenue, Ste 800
Portland, Oregon 97204

To Permittee at:

Permittee Name
Attn: *
Street Address
City/State/Zip

The date of service of such notice by mail is agreed to be three (3) calendar days after the date such notice is deposited in a post office of the United States Postal Service, postage prepaid, return receipt requested, certified mail or, if delivered by hand, then the actual date of hand delivery.

IN WITNESS WHEREOF, the Permitter above named has caused this instrument to be executed by its Director or designee for the Bureau of Transportation, this _____ day of _____, 20____.

CITY OF PORTLAND

By: _____
Bureau Director or designee Date

State of OREGON

County of MULTNOMAH

On this _____ day of _____, 20____, personally appeared _____, who being duly sworn, did say that he/she is the Director or designee for the Bureau of Transportation of the City of Portland, a municipal corporation, and that said instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be its voluntary act and deed.

Before me _____
Notary Public for Oregon:
My Commission expires: ____

APPROVED AS TO FORM:

City Attorney

APPROVED:

Tri-County Metropolitan Transportation District of Oregon

By: _____
DANIEL W. BLOCHER P.E., EXECUTIVE DIRECTOR

R/W # 7652
S.W. NAITO PARKWAY AND S.W. LINCOLN STREET
DRAINAGE FACILITY

EXHIBIT A

A 20.00 foot wide drainage facility lying 10.00 feet on each side of the following described centerline, being a portion of the Finice Caruthers Donation Land Claim No. 43, situated in the Southwest One-Quarter of Section 3, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, Being More Particularly Described As Follows:

Commencing at a point in that tract designated as Tract II in Survey No. 62082, Multnomah County Survey Records, said Commencing Point bears South 81°06'10" East, a distance of 2,354.39, from a brass disk marking a witness corner on the North line of the Finice Caruthers Donation Land Claim No. 43:

Thence, North 64°20'13" East, a distance of 118.10 feet, to the POINT of BEGINNING of said centerline;

Thence, South 1°29'22" East, a distance of 84.27 feet, to the TERMINUS POINT of this description.

Containing 1,685 square feet.

Project 40020
June 16, 2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR

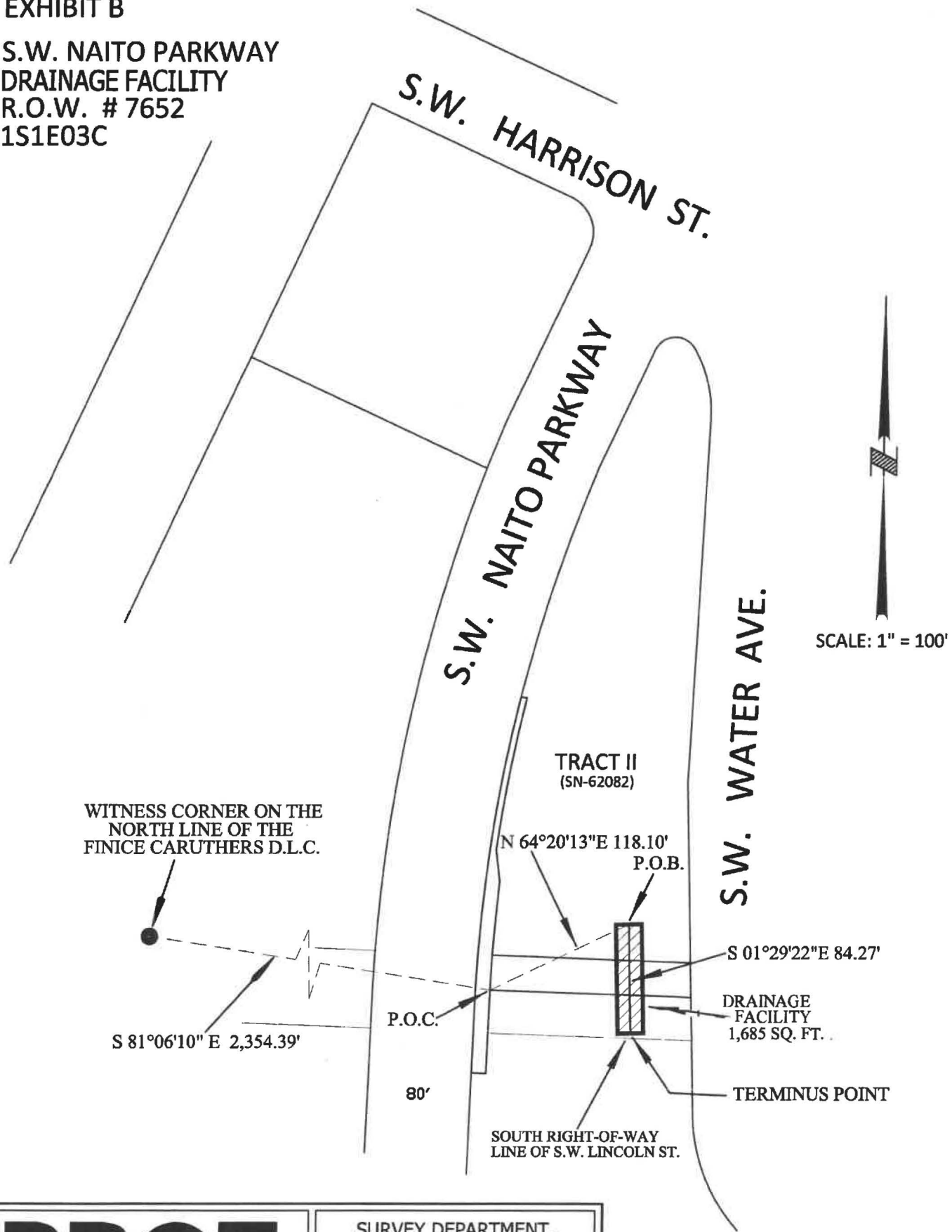
Thomas P. Beinhauer

OREGON
JULY 17, 1994
THOMAS P. BEINHAUER
2654

EXPIRES 12-31-2017

EXHIBIT B

S.W. NAITO PARKWAY
DRAINAGE FACILITY
R.O.W. # 7652
1S1E03C



PBOT
PORTLAND BUREAU OF TRANSPORTATION

SURVEY DEPARTMENT,
1120 SW 5TH AVE., SUITE 800
PORTLAND, OREGON 97204
PHONE 503-823-7150

JOB #40020
JUNE 16, 2017

ACCEPTANCE

Auditor of the City of Portland
City Hall Room 130
1221 SW 4th Avenue
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that Portland Bureau of Transportation hereby accepts the terms and provisions of Ordinance No. 188941, passed by the Portland City Council on May 16, 2018, **Vacate portions of SW Hall St, SW Lincoln St, SW Grant St and SW Sherman St at SW Naito Pkwy subject to certain conditions and reservations; VAC-10089**, and in consideration of the benefits received thereunder Portland Bureau of Transportation hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

6/22/18
Date


(Signature and Title)

Christopher Warner
(Printed Name)

Portland Bureau of Transportation
1001 SW 5th Avenue, Suite 400
Portland OR, 97204

Approved as to form:

APPROVED AS TO FORM

 7/26/18
City Attorney
CITY ATTORNEY

ACCEPTANCE

Auditor of the City of Portland
City Hall Room 130
1221 SW 4th Avenue
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that Oregon Department of Transportation hereby accepts the terms and provisions of Ordinance No. 188941, passed by the Portland City Council on May 16, 2018, **Vacate portions of SW Hall St, SW Lincoln St, SW Grant St and SW Sherman St at SW Naito Pkwy subject to certain conditions and reservations; VAC-10089**, and in consideration of the benefits received thereunder Oregon Department of Transportation hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

7/10/18

Date

Scott C. Claus State Right of Way Manager
(Signature and Title) State Right of Way Manager

Scott C. Claus
(Printed Name)

Oregon Department of Transportation
123 NW Flanders Street
Portland OR 97209

Approved as to form:

Karen L. Moynahan
City Attorney