

EXHIBIT A  
MUTUAL RELEASE

151016

This Mutual Release is executed on December \_\_\_, 1980 by the City of Portland, Oregon, a municipal corporation of the State of Oregon, by its Exposition-Recreation Commission (Commission) and the Multnomah Amateur Athletic Club, an Oregon corporation (Club).

RECITALS:

1. The Commission owns and operates the Civic Stadium on land adjacent to land owned and occupied by the Club in the operation of its Athletic Club.
2. The Commission bought the land occupied by the Civic Stadium from the Club in December 1976.
3. Ground subsidence and water seepage beneath the tennis court and volleyball court on the Club property and beneath the Civic Stadium south curtain-wall have caused the tennis court retaining wall to move and have undermined and moved the Civic Stadium south curtain wall. Each of the parties has asserted claims against the other as to the damage to the tennis court retaining wall and to the Civic Stadium south curtain wall.
4. In order to alleviate this situation, the Commission desires to install drainage pipes on the Club's property connecting to a sewer, in order to control the seepage of water and ground subsidence under the tennis court and volleyball court and the Civic Stadium south curtain wall.
5. The parties hereto now desire and agree to fully settle and satisfy any and all disputes between them arising out of the conditions described above and, therefore, now execute this mutual release and settlement of all claims and disputes arising out of or which may arise out of the water seepage and ground subsidence condition.

Accordingly, and in consideration of this mutual release, the Commission and the Club, each for itself, its officers, directors, members, shareholders, agents, servants and employees, its successors and assigns, hereby expressly releases the other, its officers, directors, members, shareholders, agents, servants and employees, its successors and assigns, from any and all claims, demands, actions or causes of action which the parties now have or in the future may have, whether or not the same be now existent or known or whether it later develops or becomes known, arising out of the conditions and damage described above.

Contemporaneously with the execution of this mutual release and in further consideration hereof, the Club has executed and delivered to the Commission an easement on the Club's property for the purpose of laying down, constructing and perpetually maintaining the necessary drainpipes to protect the tennis court retaining wall and the Civic Stadium south curtain wall from damage by water seepage and ground subsidence and for the purpose of repairing, reconstructing and perpetually maintaining the Civic Stadium south curtain wall.

This mutual release contains the entire agreement between the parties hereto and that terms of this release are contractual and not a mere recital.

EXECUTED on December \_\_\_, 1980.

THE CITY OF PORTLAND, OREGON, a municipal corporation of the State of Oregon, acting by its Exposition-Recreation Commission

By \_\_\_\_\_  
Chairperson

By \_\_\_\_\_  
Secretary-Treasurer

MULTNOMAH AMATEUR ATHLETIC CLUB

By \_\_\_\_\_  
President

By \_\_\_\_\_  
Secretary

STATE OF OREGON     )  
                          ) ss.  
County of Multnomah)

The foregoing instrument was acknowledged before me on December \_\_\_, 1980 by Sandra Jernstedt, Chairperson of the Exposition-Recreation Commission, on behalf of the City of Portland.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My commission expires:

STATE OF OREGON     )  
                          ) ss.  
County of Multnomah)

The foregoing instrument was acknowledged before me on December \_\_\_, 1980 by \_\_\_\_\_, for his \_\_\_\_\_ of Multnomah Amateur Athletic Club, an Oregon corporation, on behalf of the Corporation.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My commission expires:

## PERMANENT EASEMENT

The Multnomah Amateur Athletic Club, an Oregon corporation, Grantor, for valuable consideration, the receipt of which is hereby acknowledged, hereby grants to the City of Portland, a municipal corporation of the State of Oregon, acting by its Exposition-Recreation Commission (Commission) the right to lay down, construct and perpetually maintain drain pipes through, under and along the following described real property:

A strip of land 10 to 12 feet in width, situated in Block 5, Section 33, Township 1 north, Range 1 east, W.M., in the City of Portland, County of Multnomah, State of Oregon. Easement more particularly described as follows:

Beginning at the southwest corner of Block 5 of Amos N. King's land claim recorded in Book 550 page 1008, Multnomah County Deed of Records. Thence, northerly along the easterly line of S.W. 20th Avenue 240.17 feet to a point on the southerly face of the curtain wall of the civic stadium structure said point being the true point of beginning for the permanent easement a strip of land 12 feet in width lying adjacent to and adjoining southeasterly along the face of the stadium structure curtain wall approximately 173 feet to the existing road easement.

Beginning at the southwest corner of Block 5 of Amos N. King's land claim recorded in Book 550 page 1008 Multnomah County Deed of Records. Thence, northerly along the easterly line of S.W. 20th Avenue 240.17 feet to a point thence southeasterly along the face of the stadium structure curtain wall 29 feet to a point, defined here as Point A being the true point of beginning for the centerline of a 12 foot wide easement lying perpendicular to the stadium structure and parallel with the S.W. 20th Avenue for a distance of 88.00 feet.

Thence, continuing from said Point A along the stadium structure curtain wall southeasterly 56.00 feet to a point being the true point of beginning for the centerline of a 10 foot wide easement lying perpendicular to the stadium structure and parallel with the S.W. 20th Avenue for a distance of 35.00 feet.

together with the right to enter upon the following described real property:

Beginning at the southwest corner of Block 5 of Amos N. King's land claim recorded in Book 550 page 1008, Multnomah County Deed of Records. Thence, northerly along the easterly line of S.W. 20th Avenue 240.17 feet to a point on the southerly face of the curtain wall of

the civic stadium structure said point being the true point of beginning for the permanent easement a strip of land 12 feet in width lying adjacent to and adjoining southeasterly along the face of the stadium structure curtain wall approximately 173 feet to the existing road easement.

for the purpose of repairing reconstructing and perpetually maintaining the south curtain wall of the Civic Stadium structure, located on the Commission's premises described in the Deed from the Grantor to the City of Portland, recorded March 6, 1967, in Book 550, page 1008, Multnomah County Deed Records.

This easement does not convey to the Commission any right or title to the surface of the soil along the route of the drain pipes or along the Civic Stadium south curtain wall except for the purpose of laying down, inspecting, restoring and replacing these pipes and for the purpose of reconstructing and perpetually maintaining the south curtain wall of the Civic Stadium. When entry upon the property is required for the above described purposes, the Commission shall restore the surface of the property to the condition in which it was found.

The Multnomah Amateur Athletic Club, pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused its President and Secretary to execute this Easement and its corporate seal to be affixed to it on January 21, 1981.

MULTNOMAH AMATEUR ATHLETIC CLUB, an Oregon corporation

Philip A. Brown  
President  
Millard McClung  
Secretary

STATE OF OREGON       )  
                                  )ss.  
County of Multnomah)

The foregoing Easement was acknowledged before me on January 21, 1981 by Philip A. Brown and Millard McClung of Multnomah Amateur Athletic Club, an Oregon corporation, on behalf of the Corporation.

Kyle Kenney  
NOTARY PUBLIC FOR OREGON

My commission expires: 3-31-84

151016

PORTLAND  
CIVIC  
STADIUM

MAC TENNIS  
COURT

EXST  
RETAINING  
WALL

TEMPORARY  
EASEMENT FOR  
CONSTRUCTION

STADIUM  
SOUTHWEST  
CURTAIN WALL

MAC  
VOLLEYBALL  
COURT

ACCESS  
ROAD

MULTNOMAH  
ATHLETIC  
CLUB BLDG

## TEMPORARY EASEMENT LOCATION

1" = 200'



## TEMPORARY EASEMENT

The Multnomah Amateur Athletic Club, an Oregon corporation, Grantor, for valuable consideration, the receipt of which is hereby acknowledged, hereby grants to the City of Portland, a municipal corporation of the State of Oregon, acting by its Exposition-Recreation Commission (Commission) a temporary easement and right to enter upon the following described real property:

All that area lying southerly of the stadium wall structure to the intersection of the projection of the south wall line of the Multnomah Athletic Club Building, and the east right of way of 20th Avenue southeasterly for a distance of approximately 225 feet, except any area closer than 5 feet to the Multnomah Athletic Club Building or within the building proper. The area described herein is shown on the attached figure.

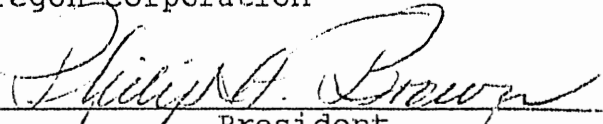
for the purpose of installing drain pipes in order to control the seepage of water from the premises described above onto the Commission's adjacent premises described in the Deed from the Grantor to the City of Portland, recorded March 6, 1967, in Book 550, Page 1008, Multnomah County, Oregon, Deed Records.

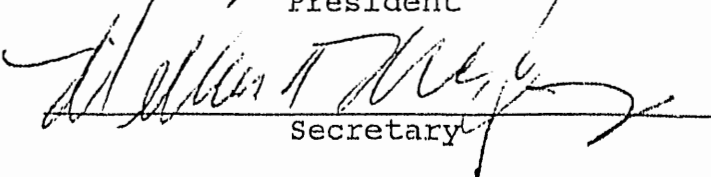
Upon completion of construction the Commission shall restore the surface of the property as nearly as practical to its original condition.

The term of this grant is for a period of 90 days from the date of its execution.

The Multnomah Amateur Athletic Club, pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused its President and Secretary to execute this Easement and its corporate seal to be affixed to it on January 21, 1981.

MULTNOMAH AMATEUR ATHLETIC CLUB, an  
Oregon corporation

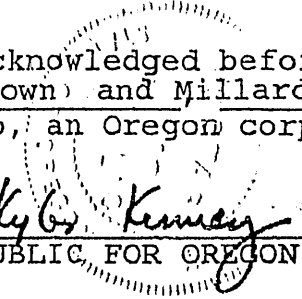
  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

STATE OF OREGON       )  
                          )ss.  
County of Multnomah)

151046

The foregoing Easement was acknowledged before me on January 21, 1981 by Philip A. Brown and Millard McClung of Multnomah Amateur Athletic Club, an Oregon corporation, on behalf of the Corporation.

A circular notary seal for the State of Oregon, featuring a central emblem and the words "NOTARY PUBLIC STATE OF OREGON" around the perimeter. The seal is partially obscured by the signature and the text "NOTARY PUBLIC FOR OREGON".  
Ky G. Kenney  
NOTARY PUBLIC FOR OREGON

My commission expires: 3-31-84





An Ordinance approving the mutual release of claims by the Multnomah Amateur Athletic Club and the Exposition-Recreation Commission arising out of ground subsidence and water seepage at the Civic Stadium; accepting a permanent and a temporary easement on the Club's property for the purpose of installing drain pipes to protect the tennis court retaining wall and the Civic Stadium South Curtain Wall and to maintain the Civic Stadium South Curtain Wall; and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Exposition-Recreation Commission operates the Civic Stadium on land adjacent to land owned and occupied by the Club in the operation of its athletic club. The City bought the land occupied by the Civic Stadium from the Club in December 1976.
2. Ground subsidence and water seepage beneath the tennis court and volleyball court on the Club property and beneath the Civic Stadium South Curtain Wall have caused the tennis court retaining wall to move and have undermined and moved the Civic Stadium South Curtain Wall. Both the Club and the Commission have asserted claims against the other as to the damage to the tennis court retaining wall and to the Civic Stadium South Curtain Wall.

To alleviate this situation, the Commission desires to install drainage pipes on the Club's property connecting to a sewer, in order to control the seepage of water and ground subsidence.

3. By its Resolution No. 288, passed January 14, 1981, the Commission has approved a settlement with the Club by which each party releases all claims which it has or in the future may have against the other, arising out of the ground subsidence and water seepage.
4. In connection with the mutual release of claims, the Club will give the Commission a permanent easement and a temporary easement to install and maintain drain pipes to protect the tennis court retaining wall and the Civic Stadium South Curtain Wall.
5. The Commission has authorized the execution of a mutual release of all claims as indicated above, has accepted the permanent easement and temporary easement executed by the Club and has requested the Council to approve the execution of the Mutual Release and to accept the permanent easement and temporary easement.

## ORDINANCE No.

NOW, THEREFORE, the Council directs:

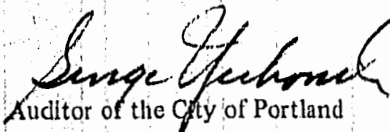
- a. The Exposition-Recreation Commission is authorized to execute a Mutual Release with the Multnomah Amateur Athletic Club releasing all claims, now or in the future, arising out of the ground subsidence and water seepage beneath the tennis court and volleyball court and the Civic Stadium South Curtain Wall. The form of Mutual Release, marked Exhibit A, is attached hereto and by this reference incorporated.
- b. The permanent easement and the temporary easement on the Club property for the purpose of installing and maintaining drain pipes to control seepage of water and ground subsidence under the tennis court and volleyball court and the Civic Stadium South Curtain Wall are hereby accepted. Copies of the permanent easement and temporary easement, marked respectively Exhibits B and C, are attached hereto and by this reference incorporated.
- c. The Commission shall maintain the drain pipes referred to above.

Section 2. The Council declares that an emergency exists because it is necessary to correct the ground subsidence and water seepage as soon as possible; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JAN 28 1981

Mayor Ivancie  
December 26, 1980  
TRWilliams:mc

Attest:

  
Auditor of the City of Portland

## ORDINANCE No.

NOW, THEREFORE, the Council directs:

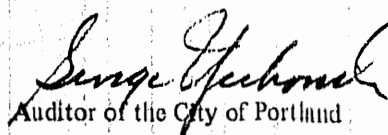
- a. The Exposition-Recreation Commission is authorized to execute a Mutual Release with the Multnomah Amateur Athletic Club releasing all claims, now or in the future, arising out of the ground subsidence and water seepage beneath the tennis court and volleyball court and the Civic Stadium South Curtain Wall. The form of Mutual Release, marked Exhibit A, is attached hereto and by this reference incorporated.
- b. The permanent easement and the temporary easement on the Club property for the purpose of installing and maintaining drain pipes to control seepage of water and ground subsidence under the tennis court and volleyball court and the Civic Stadium South Curtain Wall are hereby accepted. Copies of the permanent easement and temporary easement, marked respectively Exhibits B and C, are attached hereto and by this reference incorporated.
- c. The Commission shall maintain the drain pipes referred to above.

Section 2. The Council declares that an emergency exists because it is necessary to correct the ground subsidence and water seepage as soon as possible; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JAN 28 1981

Mayor Ivancie  
December 26, 1980  
TRWilliams:mc

Attest:

  
Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan		
Lindberg		
Schwab		
<i>Ivancie</i>		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Calendar No. 255

# ORDINANCE No. 151046

## Title

An Ordinance approving the mutual release of claims by the Multnomah Amateur Athletic Club and the Exposition-Recreation Commission arising out of ground subsidence and water seepage at the Civic Stadium; accepting a permanent and a temporary easement on the Club's property for the purpose of installing drain pipes to protect the tennis court retaining wall and the Civic Stadium South Curtain Wall and to maintain the Civic Stadium South Curtain Wall; and declaring an emergency.

Filed JAN 23 1981

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

*George Yerkovich*  
Deputy

INTRODUCED BY	
Mayor Ivancie	
NOTED BY THE COMMISSIONER	
Affairs	<i>J. Ivancie</i> OK
Finance and Administration	
Safety	
Utilities	
Works	
BUREAU APPROVAL	
Bureau:	
Prepared By:	Date:
Thomas R. Williams 1/22/81	
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head:	
<i>J. Ivancie</i> OK	
CALENDAR	
Consent	Regular <input checked="" type="checkbox"/>
NOTED BY	
City Attorney <i>DW</i>	
City Auditor	
City Engineer	