

L E A S E A D D E N D U M

Reference is made to that certain lease dated May 1, 1977, by and between City of Portland, a municipal corporation, Lessor, and William J. Severs, an individual, Lessee.

This addendum shall serve, when executed, to amend said lease by changing only the following terms and conditions:

PROPERTY The property leased is the land lying within the 33rd Avenue right-of-way beneath the N. E. 33rd Avenue viaduct, terminating on the south at the concrete wall to the north of the railway track, and on the north on a line parallel to and 100 feet north of the aforementioned concrete wall, containing approximately 5,500 sq. ft.

LEASE PRICE Lessee shall pay to the City, commencing June 1, 1981, and on the first day of each month thereafter for the remaining term of this lease the sum of Forty-two and 30/100 Dollars (\$42.30) rent, and in addition thereto, shall pay to the appropriate Multnomah County officer any real property taxes assessed against the property, on or before November 15 of each year during the remaining term of this lease.

CONDITIONS Should the Lessor re-lease the property which the Lessee has vacated under this addendum, Lessee shall have the right of first refusal for such leasing purposes.

All other terms and conditions shall remain the same.

Accepted and approved this day of April, 1981

CITY OF PORTLAND, Lessor

WILLIAM J. SEVERS, Lessee

Auditor

Commissioner of Public Utilities

APPROVED BY THE BOARD

2002 APR 22

LEASE OF REAL PROPERTY/33RD AVENUE VIADUCT

The CITY OF PORTLAND (City) leases to WILLIAM J. SEVERS (Lessee) of 3256 N. Columbia Blvd., Portland, Oregon 97211, the following described real property for the term and under the conditions provided for herein.

PROPERTY:

The property leased is the land lying within the 33rd Avenue right-of-way beneath the N.E. 33rd Street viaduct terminating on the south at the concrete wall to the north of the railway track and terminating on the north at the sidewalk and approximating 6,500 sq. ft.

TERM:

The property is leased commencing May 1, 1977 and continuing through the last day of April, 1982.

LEASE PRICE:

Lessee shall pay to City commencing May 1, 1977 and on the first of each month thereafter for the term of this lease the sum Fifty Dollars (\$50.00) rent, and in addition thereto, shall pay to the appropriate Multnomah County officer real property taxes as billed which payment shall be made prior to each November 15 during the term of this lease.

CONDITIONS:

Property is leased to Lessee on the following conditions:

Viaduct Protection. Lessee shall not permit or suffer to be placed upon property any flammable material or thing and in the event any such material or thing is placed on the property, Lessee shall without delay cause it to be removed.

Lessee shall place on viaduct columns protective material in places and of a type and in a manner approved by the City Engineer.

Lawful Use. Lessee shall not do or permit or suffer any unlawful act upon the premises and shall not do, suffer, or permit any act on the property which is in violation of City and state laws and regulations.

Nonassignability. This lease and any right of Lessee thereunder may not be assigned, transferred or otherwise alienated by Lessee without the express approval of the City.

Improvements. Lessee is authorized to construct a chain link fence upon the premises and in the event the fence restricts access to the viaduct or its columns, Lessee shall provide the City Engineer with keys to permit his access. Lessee shall make no other improvements without prior written authority from the City Engineer.

City Right of Entry. City reserves unto itself access to property for the purpose of inspection, repair, maintenance or construction of viaduct or utilities thereunder and Lessee shall remove his chattels as may be required for said work at the request of the City Engineer. If City work results in substantial interference with Lessee's use of the property, the rent shall be proportionately abated.

Maintenance. Lessee shall maintain the premises in a clean and orderly condition commensurate with the appearance and use of the neighboring area.

Insurance. Lessee shall, prior to commencement of this lease, file with the City Auditor an insurance policy satisfactory in form to the City providing liability and property damage insurance with a single limit of \$300,000 or equivalent. The policy shall name the City, its officers, agents, and employees as additional insureds and shall carry a cross-liability provision as approved by the City.

Termination. This lease may be terminated by Lessee or City at any time upon sixty (60) days written notice. The lease may be terminated by City upon forty-eight (48) hours written notice should Lessee fail to comply with any demand of the City Engineer that Lessee comply with the terms of this lease except City may terminate the lease upon ten (10) days notice for Lessee's failure to pay the lease payment or taxes as provided.

Upon such termination or at the end of the lease term, Lessee shall vacate the premises leaving it in a clean and safe condition. Improvements as authorized therein may remain if written permission of the City Engineer is obtained.

Notice. Notice to Lessee hereunder is accomplished by deposit in the mail of a certified letter addressed to Lessee at 3256 N. Columbia Blvd. Notice to City is accomplished by deposit in the mail of a certified letter addressed to the City Auditor at City Hall, Portland, Oregon.

Representation. Lessee covenants that he has investigated the property and its improvements, has independently determined that it is suitable for his purposes and has not relied to any degree upon statements made by employees or representative of City.

DATED this _____ day of _____, 1977.

William J. Severs
WILLIAM J. SEVERS, Lessee

CITY OF PORTLAND

By _____

By _____

Approved as to form:

City Attorney

ORDINANCE No. 143463

An Ordinance authorizing a 5-year lease of 6,500 square feet of property under the 33rd Avenue Viaduct to William J. Severs, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- (1) The space under the 33rd Avenue Viaduct is not utilized by the city except as required for servicing the viaduct and probably will not be required for other city purposes within the next five years;
- (2) Maintenance of this space, an area of approximately 6,500 square feet, is a continuing cost to the city;
- (3) The space can be leased to William J. Severs of 3256 N. Columbia Blvd., who operates a business contiguous with this property, and the terms of the lease would include \$50 a month rental, maintenance, the right of termination, protection of the viaduct, and the right of entry by the city to service the viaduct and utilities;
- (4) The lease attached hereto is in appropriate form to accomplish these purposes;

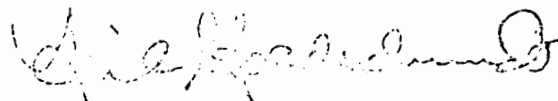
NOW, THEREFORE, the Council directs:

- (a) A lease similar in form to Exhibit "A" hereof with William J. Severs for the lease of the right-of-way beneath the 33rd Avenue Viaduct is authorized.

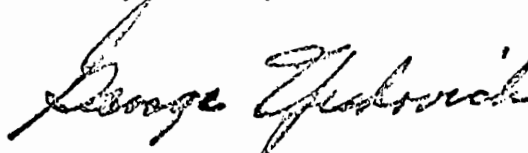
Section 2. The Council declares that an emergency exists because a lease agreement with satisfactory terms is now available to the city and the city should take advantage of it; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, APR 13 1977

COMMISSIONER MCCREADY
Donald C. Jeffery:at
March 15, 1977


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

ORDINANCE No. 151435

An Ordinance authorizing an addendum to a lease agreement with William J. Severs, an individual, Lessee, reducing the area of leased property and adjusting the rental rate for space under the N. E. 33rd Avenue viaduct, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That Ordinance No. 143463, passed by the Council on April 13, 1977, authorized a 5-year lease of 6,500 square feet of property under the N. E. 33rd Avenue viaduct for \$50 a month to William J. Severs, who operates a business contiguous to the property.
2. That the Bureau of Maintenance has need of a portion of the property leased to William J. Severs.
3. That William J. Severs has agreed to relinquish his leasehold rights to the portion needed by the Bureau of Maintenance in return for an adjustment in rent and reserving the right of first refusal if the City were to re-lease the portion which he has relinquished, during the term of the lease.
4. That \$42.31 per month is a fair amount of rent for the property being leased for the remaining term of the lease.
5. That the City Attorney has approved the Lease Addendum.

NOW, THEREFORE, the Council directs:


- a. The Auditor and the Commissioner of Public Utilities are authorized to execute an Addendum to the lease with William J. Severs, an individual, to lease 5,500 sq. ft. of space for \$42.31 per month for the remaining term of his lease of property under the N. E. 33rd Avenue viaduct, such agreement to be substantially as shown in Exhibit A attached to the original only hereof and by this reference made a part.

Section 2. The Council declares that an emergency exists in that the City requires the use of the property without undue delay; therefore this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council,

APR 22 1981
Commissioner Strachan
April 10, 1981
Joan M. Cassidy:mjp
BUC

Attest:


Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan		
Lindberg		
Schwab		
Stracke		
Ivancie		

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

Calendar No. 1231

ORDINANCE No. 151435

Title

An Ordinance authorizing an addendum to a lease agreement with William J. Severs, an individual, Lessee, reducing the area of leased property and adjusting the rental rate for space under the N. E. 33rd Avenue viaduct, and declaring an emergency.

Filed APR 17 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By 

Deputy

INTRODUCED BY
Commissioner Strachan

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities <i>MDS</i>
Works

BUREAU APPROVAL
Bureau: Facilities Management
Prepared By: J. M. Cassidy Date: 4/13/81
Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

CALENDAR
Consent <input checked="" type="checkbox"/> Regular

NOTED BY
City Attorney
City Auditor
City Engineer