

WAIVER OF FIRST RIGHT OF ACQUISITION

*Exhibit "1"*

151945

By virtue of Oregon Revised Statutes 274.040, The Port of Portland as riparian owner has the first right to purchase or lease submersible land from the State of Oregon presently needed by the City of Portland for a permanent easement for drainage described as:

A parcel of land lying in the northwest 1/4 of Section 21, Township 1 North, Range 1 East, Willamette Meridian, Multnomah County, Oregon; the said parcel being described as follows:

Beginning at a point opposite and 50.05 feet southwesterly of Engineer's Station "Ba" 63+79.56 on the center line of North Basin Avenue, said point being 1,098.04 feet South and 313.49 feet East of the northwest corner of Section 21, Township 1 North, Range 1 East, Willamette Meridian; thence North  $79^{\circ} 08' 31''$  West 139.76 feet; thence North  $52^{\circ} 34' 37''$  West 55.90 feet; thence South  $10^{\circ} 51' 29''$  West 80 feet; thence North  $74^{\circ} 17' 35''$  East 55.90 feet; thence South  $79^{\circ} 08' 31''$  East 134.45 feet; thence South  $34^{\circ} 08' 31''$  East 50.35 feet; thence on a 112-foot radius curve left (the long chord of which bears North  $13^{\circ} 55' 48''$  West 72.27 feet) 73.59 feet to the point of beginning.

Except therefrom that portion lying northeasterly of the following described line:

Beginning at Engineer's Station "An" 31+93 on the center line of North Anchor Street extended; thence North  $37^{\circ} 47' 12''$  West 400 feet to the terminus of said line.

EXHIBIT "1"

The center line of North Basin Avenue herein referred to <sup>151945</sup> is described as follows:

Beginning at Engineer's center line Station "Ba" 63+00; said station being 1,004.12 feet South and 310.27 feet East of the northwest corner of Section 21, Township 1 North, Range 1 East, Willamette Meridian; thence South 34° 08' 31" East 700 feet to Engineer's center line Station "Ba" 70+00.

The center line of North Anchor Street extended herein referred to is described in Parcel 1.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 1,459 square feet, more or less.

The Port by this instrument waives its first right of acquisition and to lease from the State of Oregon to the City of Portland on the above-described Parcel on the condition that the Port have the sole right to lease or purchase the described Parcel or any part thereof

from the City at such time as the land is no longer needed as a permanent drainage easement and is available for lease or sale. Price for the Parcel shall be the same as paid by City to State.

Dated this 9 day of June, 1981.

CITY OF PORTLAND

THE PORT OF PORTLAND

By \_\_\_\_\_  
Commissioner of Public Works

By [Signature]  
Executive Director

By \_\_\_\_\_  
City Auditor

APPROVED AS TO FORM

APPROVED AS TO FORM

[Signature]  
City Attorney

[Signature]  
Counsel for  
The Port of Portland

06/04/81  
0287L:07F50

APPROVED AS TO FORM

Christopher P. Thomas

CITY ATTORNEY

## ORDINANCE No. 151945

An ordinance authorizing the acceptance of a waiver allowing the City to acquire certain submersible lands from the State in connection with the North Basin Avenue - North Going Street interchange project, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. In conjunction with the North Basin Avenue - North Going Street interchange project, it will be necessary to fill certain submersible lands presently owned by the State of Oregon of which, the Port of Portland has the first right to acquire them from the State. Due to the fact that this is a City street project, the Port has agreed to waive its right of acquisition of such lands from the State in favor of the City. Said waiver is marked Exhibit "1" attached hereto and by this reference incorporated herein.
2. That the acceptance of this waiver is necessary to the construction of the project, and its acceptance has been recommended by the City Engineer.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of Public Works and the Auditor are hereby authorized to accept on behalf of the City a waiver of the first right of acquisition of certain real property, marked Exhibit "1" and attached hereto.

Section 2. The Council declares that an emergency exists because any delay in the acceptance of the waiver of the first right of acquisition of the real property would be detrimental to the completion of the construction of the North Basin Avenue - North Going Interchange project; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUL 15 1981  
Commissioner Lindberg  
R.C. Ireland:clp  
June 25, 1981

Attest:

  
Auditor of the City of Portland

Calendar No. **2333**

ORDINANCE No. **151915**

Title

An ordinance authorizing the acceptance of a waiver allowing the City to acquire certain submersible lands from the State in connection with the North Basin Avenue - North Going Street interchange project, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG		
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed JUL 6 1981

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By *Gordon Hall*  
Deputy

INTRODUCED BY	
COMMISSIONER LINDBERG	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works <i>Lin/Tran</i>	
BUREAU APPROVAL	
Bureau:	
Prepared By:	Date:
R. C. Irelan	6/25/81
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head:	
CALENDAR	
Consent <input checked="" type="checkbox"/>	Regular <input type="checkbox"/>
NOTED BY	
City Attorney <i>[Signature]</i>	
City Auditor	
City Engineer	