

Grantor's Name and Address:

Capitol Hill PDX LLC
PO Box 96068
Portland, OR 97296

Multnomah County Official Records
E Murray, Deputy Clerk

2022-066615

07/07/2022 11:39:56 AM

EASE-EASE Pgs=5 Stn=36 ATKBH
\$25.00 \$11.00 \$10.00 \$60.00

\$106.00**EASEMENT FOR RIGHT-OF-WAY PURPOSES**

Capitol Hill PDX LLC, an Oregon limited liability company ("Grantor"), for good and valuable non-monetary consideration, the receipt whereof is hereby acknowledged, hereby grants unto the City of Portland, a municipal corporation of the State of Oregon, ("Grantee"), which acquires pursuant to its eminent domain power and authority, an easement for public street and right-of-way purposes in the real property, being particularly described as follows ("Subject Property"):

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

Contains 1,645 square feet, more or less.

TO HAVE AND TO HOLD, the same easement to the City of Portland for the uses and purposes aforesaid forever.

- A. Grantor represents that, to the best of Grantor's knowledge after appropriate inquiry under the circumstances, the Subject Property complies with all local, State and Federal environmental laws and regulations.
- B. Grantor represents that Grantor has disclosed all knowledge of any release of hazardous substances onto or from the Subject Property and has disclosed any known report, investigation, survey, or environmental assessment regarding the Subject Property in Grantor's possession, including documents in the possession of Grantor's contractors or agents. "Release" and "hazardous substance" have the meaning as defined under Oregon law.
- C. Grantor warrants that, to the best of Grantor's knowledge after appropriate inquiry under the circumstances, there are no underground storage tanks, as defined under Oregon law, presently on or under the Subject Property.

R/W #9400

1S1E21CB TL 3300

Permit #20-211439-000-00-CO

After Recording Return to:

Thomas Handley, City of Portland

1120 SW 5th Avenue, Suite 1331

Portland, OR 97204

Tax Statement shall be sent to: No Change

- D. It is understood and agreed that the Grantee, by accepting this dedication, is not accepting any liability for any release of hazardous substances onto or from the Subject Property, and that the Grantor is not attempting to convey any such liability.
- E. Grantor, on behalf of Grantor and of Grantor's successors and assigns, agrees to defend, indemnify, and hold Grantee and its officers, agents, and employees harmless against all liabilities, damages, losses, claims, demands, actions, and suits (including attorney fees and costs) resulting from the presence or release of hazardous substances onto or from the Subject Property. This provision shall not apply to a release of hazardous substances onto or from the Subject Property caused by the officers, agents or employees of the Grantee. Any action taken pursuant to this provision shall not constitute an admission of liability or waiver of any defenses to liability.
- F. Grantor represents and warrants that Grantor has the authority to grant this easement, that the Subject Property is free from all liens and encumbrances that would materially affect the easement grant, and that Grantor and Grantor's successors will defend the same to the Grantee against all claims and demands of all persons whomsoever.
- G. Grantor agrees that the consideration recited herein is just compensation for the Subject Property or property rights conveyed, which includes damage to the property remainder, if any, resulting from the acquisition or use of said Subject Property or property rights.
- H. Grantor understands and agrees that if Grantor terminates the development for any reason, Grantor is not entitled to the return of the property rights granted to Grantee.

This section is intentionally left blank.

IN WITNESS WHEREOF, Capitol Hill PDX LLC, an Oregon limited liability company, pursuant to its Operating Agreement, duly and legally adopted, has caused these presents to be signed by its Manager, this 2nd day of June, 2022.

CAPITOL HILL PDX LLC,
AN OREGON LIMITED LIABILITY COMPANY

MARK R. MADDEN REVOCABLE LIVING TRUST,
DATED 10/29/2002, ITS MANAGER

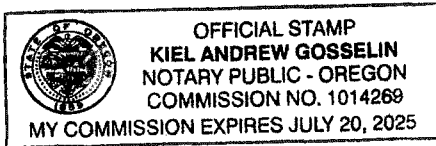
By

Mark R. Madden, Trustee

STATE OF Oregon

County of MULTNOMAH

This instrument was acknowledged before me on June 2, 2022, by Mark R. Madden, Trustee of the Mark R. Madden Revocable Living Trust, dated 10/29/2002, as Manager of Capitol Hill PDX LLC, an Oregon limited liability company.



Notary Public for (state) OREGON
My Commission expires JULY 20, 2025.

APPROVED AS TO FORM:

Adrienne DelCotto

City Attorney

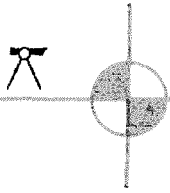
APPROVED AND ACCEPTED:

David E. McElDowney

Bureau Director

7/7/2022 | 8:53 AM PDT

Date _____



CHASE, JONES & ASSOCIATES INC.

FORMERLY BOOTH & WRIGHT

LAND SURVEYORS & ENGINEERS SINCE 1885

530 NE Couch St. | Portland | Oregon 97232
(503)-228-9844 | info@chasejonesinc.com

Date: May 16, 2022
Project #: 16288
RW #9400

Exhibit "A"

Easement for Right of Way Purposes

A portion of that tract conveyed to Capitol Hill PDX LLC in Document No. 2019-139361, recorded December 20, 2019, Multnomah County Deed Records, and being situated in the Southwest Quarter of Section 21, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah, State of Oregon, being described as follows:

BEGINNING at the Northwest corner of said Capitol Hill PDX LLC tract, said point being on the East right of way line of SW Capitol Hill Road and 25.00 feet East of, when measured at right angles, to the centerline of said SW Capitol Hill Road; thence South 89°30'30" East along the North line of said Capitol Hill tract a distance of 11.00 feet; thence South 00°05'10" East a distance of 120.84 feet; thence South 11°17'50" East a distance of 24.19 feet to the South line of said Capitol Hill tract; thence North 89°27'21" West along the South line of said Capitol Hill tract a distance of 15.70 feet to the aforesaid East right of way line of SW Capitol Hill Road, said point being on a 100.00 foot radius non-tangent curve to the right having a radial bearing of South 89°20'11" West into said curve; thence along said right of way line and along said 100.00 foot radius non-tangent curve to the right through a central angle of 00°35'22" (the long chord of which bears North 00°22'08" West a distance of 1.03 feet) a length of 1.03 feet; thence North 00°05'10" West along the East right of way line of said SW Capitol Hill Road a distance of 143.47 feet to the **POINT OF BEGINNING**.

Containing 1,645 square feet, or 0.04 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric D. Jones

OREGON
JULY 16, 1982
ERRIC D. JONES
1996

RENEWES: 6-30-23

EXHIBIT "B"

POINT OF
BEGINNING

TAX LOT 2800

CAPITOL HILL
ESTATES CONDOMINIUM

TAX LOT 3000

SW CAPITOL HILL ROAD
(50' WIDE)

S 89°30'30" E
11.00'

N 00°05'10" W 143.47'

S 00°05'10" E 120.84'

TAX LOT 3300
OWNER: CAPITOL HILL PDX LLC
(DOCUMENT NO. 2019-139361)

EASEMENT FOR RIGHT OF WAY
PURPOSES;
1,645 SQ. FT. OR 0.04 ACRES

S 11°17'50" E
24.19'

Δ=00°35'22"
R=100.00'
L=1.03'
CD=1.03'
CB=N00°22'08"W

N 89°27'21" W
15.70'

TAX LOT 3400

TAX LOT 3500

TAX LOT 3600

TAX LOT 3700

TAX LOT 3200

RW #9400

EXHIBIT MAP

FOR AN
EASEMENT FOR RIGHT OF WAY PURPOSES
OVER A PORTION OF
TAX LOT 3300

SITUATED IN THE
SOUTHWEST 1/4 OF SECTION 21, T. 1 S., R. 1 E., W.M.
CITY OF PORTLAND,
COUNTY OF MULTNOMAH, STATE OF OREGON

CHASE, JONES & ASSOCIATES INC.
530 N. E. COUCH ST. PORTLAND, OREGON 97232
PHONE: (503) 228-9844

PROJECT NO.: 16288
1/4 SECTION: 3827

DATE: MAY 16, 2022
SCALE: 1" = 40'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric D. Jones

OREGON
JULY 16, 1982
ERRIC D. JONES
1996

RENEWS: 6-30-23

