

Multnomah County Official Records
E Murray, Deputy Clerk

2023-022816

04/17/2023 12:13:56 PM

EASE-EASE Pgs=4 Stn=68 ATJN
\$20.00 \$11.00 \$10.00 \$60.00

\$101.00

Grantor's Name and Address:

DEZ Development LLC
10117 SE Sunnyside Road, Suite F1123
Clackamas, OR 97015

EASEMENT FOR RIGHT-OF-WAY PURPOSES

DEZ Development 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"):

A strip of land over and across a portion of Lot 3, Block 5, in the duly recorded Plat of "Giltner-White Park" situated in the northeast one-quarter of Section 19, T1S, R2E, W.M., in the City of Portland, County of Multnomah, State of Oregon, said strip being the north 3.00 feet of the east 75.00 feet of said Lot 3 as depicted on Exhibit A attached and incorporated by reference.

Contains 225 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

R/W #9499

1S2E19AC TL 1300

Permit # 22-200103-000-00-SD

After Recording Return to:

Heather Byers, City of Portland

1120 SW 5th Avenue, Suite 1331

Portland, OR 97204

Tax Statement shall be sent to: No Change

under the circumstances, there are no underground storage tanks, as defined under Oregon law, presently on or under the Subject Property.

- 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, DEZ Development LLC, an Oregon limited liability company, pursuant to its Operating Agreement, duly and legally adopted, has caused these presents to be signed by its Member, this 3rd day of March, 2023.

DEZ DEVELOPMENT LLC,
AN OREGON LIMITED LIABILITY COMPANY

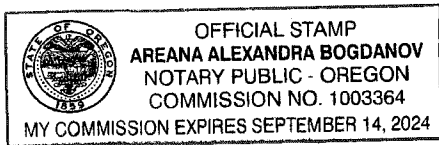
By: _____

Slavik Dezhnyuk, Member

STATE OF Oregon

County of Clackamas

This instrument was acknowledged before me on March 3rd, 2023 by Slavik Dezhnyuk as a Member of DEZ Development LLC, an Oregon limited liability company.



Notary Public for (state) Oregon
My Commission expires 9/14/2024

APPROVED AS TO FORM:

Adrienne DelCotto

City Attorney

APPROVED AND ACCEPTED:

David E. McElDowney

Bureau Director or designee

4/17/2023 | 11:18 AM PDT

Date

Exhibit A

