

EXHIBIT "A"

THIS AGREEMENT made and entered into this _____ day of _____, 1960, by PORTLAND GENERAL ELECTRIC COMPANY, an Oregon corporation, hereinafter referred to as "Company", and the CITY OF PORTLAND, OREGON, a municipal corporation of the State of Oregon, hereinafter referred to as "City",

W I T N E S S E T H:

WHEREAS, City desires to vacate N. E. 19th Avenue between N. E. Skidmore and N.E. Prescott Streets for the purpose of constructing on a portion of said N.E. 19th Avenue water storage facilities, and

WHEREAS, Company presently owns Lots 10, 11 and 12, Block 13, Irvington Heights, which lots are adjacent to the said portion of N.E. 19th Avenue proposed to be vacated, and

WHEREAS, City desires to obtain the agreement of Company to the vacation of said portion of said N.E. 19th Avenue, and

WHEREAS, Company is willing to convey the underlying fee lying within said portion of said N.E. 19th Avenue, subject to the City's willingness to assume certain costs for relocation of facilities and to provide adequate access to said Lots 10, 11 and 12, Block 13, Irvington Heights,

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter contained and in further consideration of the benefit to the public, whether tangible or intangible, to be realized by reason of the use of the designated property for public purposes, the parties agree as follows:

Things to be done by Company:

1. Company agrees to execute the required and necessary consent to the vacation of N.E. 19th Avenue between N.E. Prescott and N.E. Skidmore Streets, such street vacation proceedings having been initiated by Resolution No. 28381.
2. Company shall convey to City its reversionary rights or underlying fee title in and to the vacated street area that would accrue to Lots 10, 11 and 12, Block 13, Irvington Heights, in the city of Portland, county of Multnomah, state of Oregon.

3. Company agrees to relocate its electric power lines in the vacated street area of N. E. 19th Avenue to accommodate the construction of an elevated water storage tank.

Things to be done by City:

1. City shall defray all costs incurred by Company incidental to the relocation of Company's electric power lines in the vacated portion of N. E. 19th Avenue.
2. City agrees to convey to Company the required easement across City-owned property for relocation of Company's electric power lines in the vacated portion of N. E. 19th Avenue.
3. City agrees to provide Company with an easement across City-owned property to the Company's sub-station located on said Lots 10, 11 and 12, Block 13, Irvington Heights, of sufficient width to provide a means of access for trucks and other vehicles to the Company's facility and as a right-of-way for electric power lines.
4. City agrees to relocate the water main serving Lots 10, 11 and 12, Block 13, Irvington Heights and to reset said water service without cost to Company.
5. City agrees to purchase the East one-half of Lots 8, 13 and 14, Block 13, Irvington Heights and the vacated street area that will accrue thereto, lying presently within N. E. 19th Avenue, it being understood that the City presently holds options to purchase said property pending the required vacation proceedings of the portion of N. E. 19th Avenue, lying between N. E. Prescott and N. E. Skidmore Streets.

The parties hereto agree to execute and deliver any and all documents, deeds or things necessary in order to accomplish the terms of the foregoing agreement within a reasonable time after the completion of vacation proceedings on the specified portion of N. E. 19th Avenue.

IN WITNESS WHEREOF, Portland General Electric Company has

caused these presents to be executed by virtue of resolution of its board of directors and City has caused these presents to be executed by its Mayor and Commissioner in charge of the Bureau of Water in accordance with Ordinance No. passed by the Council on

PORTLAND GENERAL ELECTRIC COMPANY

By _____

CITY OF PORTLAND

By _____
Mayor

Approved as to form:

City Attorney

By _____
Commissioner of Public Utilities

RECEIPT

No 119444

OFFICE OF
SI COHN, COUNTY CLERK
MULTNOMAH COUNTY, OREGON

RECORDING DEPARTMENT

NAME

City Auditor
Ordinance
112502

FILE NO.

DOCUMENT	PARTIES	DH
<i>Deed</i>	<i>P. H. E. City</i>	<i>DH</i>
<i>Recorded 10/10/60</i>		
<i>Book 2032</i>		
<i>Page 22</i>		
<i>See Contract 9885</i> <i>Deed # 7321</i>		

ORDINANCE No. 112502

An Ordinance authorizing an agreement between Portland General Electric Company and the City for the purchase of reversionary rights to the vacated street area that would accrue to Lots 10, 11 and 12, Block 13, Irvington Heights in N. E. 19th Avenue at the site of the proposed elevated water storage tank, agreeing to defray certain costs and to provide easements for ingress and egress, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. The Council finds that the Water Bureau desires to obtain the underlying fee title or reversionary rights in and to the vacated street area that would accrue to Lots 10, 11 and 12, Block 13, Irvington Heights in N. E. 19th Avenue, which lots are presently owned by Portland General Electric Company; that Portland General Electric Company has agreed to convey to the City such reversionary rights or underlying fee, subject to the City's agreement to defray costs incurred thereby by Portland General Electric Company in relocating its water facilities, electric transmission lines and being granted easements necessary for ingress and egress to the specified property; now, therefore, the Mayor and Commissioner of Public Utilities are hereby authorized and directed to enter into an agreement with Portland General Electric Company to provide for conveyance to the City of the underlying fee or reversionary rights that would accrue to Lots 10, 11 and 12, Block 13, Irvington Heights, which shall further provide that the City shall grant to Portland General Electric Company necessary easements for ingress and egress to such property, and shall further provide for the assumption by the City of the necessary costs in relocating the water facilities and electric transmission lines presently located in such area, which agreement shall be substantially in accordance with the agreement attached hereto, marked Exhibit "A" and by this reference made a part of this ordinance, and shall be approved as to form by the City Attorney.

Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the city of Portland in this: In order that the required agreement with Portland General Electric Company may be executed before vacation proceedings for a portion of N.E. 19th Avenue have been completed; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, SEP 12 1960


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 3126

ORDINANCE No. 112502

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	/	
Bowes	/	
Earl	/	
Grayson	/	
Schnunk	/	

FOUR-FIFTHS CALENDAR

Bean	
Bowes	
Earl	
Grayson	
Schnunk	

Title

An Ordinance authorizing an agreement between Portland General Electric Company and the City for the purchase of reversionary rights to the vacated street area that would accrue to Lots 10, 11 and 12, Block 13, Irvington Heights in N. E. 19th Avenue at the site of the proposed elevated water storage tank, agreeing to defray certain costs and to provide easements for ingress and egress, and declaring an emergency.

INTRODUCED BY
Commissioner Bean

DRAWN BY
RLH/EG
Date August 31, 1960

NOTED BY THE COMMISSIONER

Affairs
Finance *RLH*
Safety
Utilities
Works

City Attorney *RLH*

NOTED FOR CITY AUDITOR
RLH

APPROVED

Date
By *RAY SMITH*
City Engineer

Date
By

Filed SEP. 1 - 1960

RAY SMITH
Auditor of the CITY OF PORTLAND

By *Ray Smith*
Deputy