

Amend to add a sentence to the finding in Section 1(2), after "The consolidation of property will provide for the future development of Portland Rowing Club's property," that says,

"At the time Portland Rowing Club applies for a permit for such future development, the Club will be required to grant an easement for the Willamette Greenway Recreational Trail as provided by Chapter 33.272 of the City Code."

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator John Deyo		2. Telephone No. 503-823-4285	3. Bureau/Office/Dept. PBOT/RWA
4a. To be filed (date): August 7, 2013	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and CBO Budget Analyst: July 24, 2013
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

Vacate portions of SE Sherrett St and SE Umatilla St west of SE Grand Ave subject to certain conditions and reservations (Hearing; Ordinance; VAC-10080)

2) Purpose of the Proposed Legislation:

The purpose of this legislation is to vacate portions of SE Sherrett Street and SE Umatilla Street as recommended in the Engineer's Report.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|---|---|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input checked="" type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

Revenue and/or Expense:
 Is ALL the Revenue and/or Expense a part of the current year's budget? or 5-yr CIP? _____
 SAP COST OBJECT No(s).: 7TRES0000249
 All Revenue and Expense financial questions must be completed regardless of the current year's budget. Documents may be returned where the FIPIS portion has not been sufficiently completed.

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

Revenue from this street vacation will cover the actual expenditures incurred by City staff for the processing of this request.

5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not

known. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.) Expenses for processing a street vacation request typically range between \$5,000 and \$20,000 depending on the complexity. This street vacation falls at the high end of the range and is estimated to be approximately \$23,000.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** (If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)
No.
- **Will positions be created or eliminated in future years as a result of this legislation?**
No.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)

Not applicable to this action.

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

YES: Please proceed to Question #9.

NO: Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

There do not appear to be any impacts to the community from vacating the rights-of-way.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

The Planning and Sustainability Commission advertised and then held a public hearing on September 11, 2012. Legal counsel representing the Portland Rowing Club and the Board President from the Waverly Landing Condominium Association were both present and testified at the hearing.

c) How did public involvement shape the outcome of this Council item?

Testimony during the hearing in support of the proposed street vacation helped to confirm the Planning and Sustainability Commission's position to support the vacation request.

d) Who designed and implemented the public involvement related to this Council item?

The Planning and Sustainability Commission.

e) Primary contact for more information on this public involvement process (name, title, phone, email):

John Deyo, Right-of-Way Agent III, 503-823-4285, john.deyo@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No. There is no future public involvement anticipated since this ordinance will conclude the street vacation process.

KK 07-22-13

BUREAU DIRECTOR

 LEAH TREAT, Bureau of Transportation

BACKGROUND INFORMATION
ONLY – NOT PART OF THE
ORDINANCE



Charlie
Hales
Mayor

John
Widmer
Interim
Director

May 23, 2013

**CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED
VACATION OF PORTIONS OF SE SHERRETT STREET AND SE UMATILLA
STREET WEST OF SE GRAND AVENUE (R/W #7360)**

Background

1. **Proposed Street Vacation Areas.** SE Sherrett Street, said area being approximately 500 feet long by 107 feet wide, containing approximately 53,550 square feet and SE Umatilla Street, said area being approximately 550 feet long by 35 feet wide, containing approximately 19,114 square feet. The areas are currently unimproved and are more specifically depicted on Exhibits 1 and 2 attached hereto.
2. **Petitioner.** The street vacation was initiated by the City of Portland – Bureau of Environmental Services (BES). The Portland Rowing Club (PRC) is the owner of the abutting property to the north of the proposed street vacation area of SE Sherrett Street, and Waverly Landing Condominiums, Waverly Marina Association and Oregon Department of State Lands are owners of the abutting property to the south of the proposed street vacation area of SE Sherrett Street. Sellwood Harbor Condominiums is the owner of the abutting property to the north of the proposed street vacation area of SE Umatilla Street, and PRC is the owner of the abutting property to the south of the proposed street vacation area of SE Umatilla Street.
3. **Purpose.** The street vacation is proposed pursuant to a Stipulated General Judgment, Case No. 0912-17034 dated April 6, 2010, in exchange for the granting of easements to BES required for the Sellwood Pump Station Project No. E08467 and is attached as Exhibit 7. The consolidation of property will provide for the future development of PRC's property.
4. **Compliance with Minimum Requirements.** Vacation proceedings have been City initiated without a petition or consent of property owners in accordance with ORS 271.130 (Vacation on council's own motion) and notice shall be given as provided by ORS 271.110 (Notice of hearing).
5. **Other Required Approval.** In accordance with ORS 271.190, since the area to be vacated lies within 5,000 feet of the harbor line, approval in writing of the proposed vacation has been secured from the Port of Portland and the Commission of Public Docks.

1120 SW Fifth Avenue, Suite 800 • Portland, OR 97204 • 503-823-5185
FAX 503-823-7576 • TTY 503-823-6868 • www.portlandoregon.gov/transportation

An Equal
Opportunity
Employer

To ensure equal access, the Portland Bureau of Transportation will make accommodations in full compliance with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations and additional information, and complaints, contact the Title II and Title VI Coordinator at Room 1204, 1120 SW Fifth Ave., Portland, OR 97204, or by telephone 503-823-5185, City TTY 503-823-6868, or use Oregon Relay Service: 711.

6. **Due Diligence Review.** Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations. A summary of this due diligence effort is attached as Exhibit 5 hereto. Of particular significance were comments by BES and Portland Parks & Recreation which requested that certain conditions be satisfied prior to the street being vacated. Additionally, Northwest Natural Gas has requested that the street vacation ordinance reserve an easement for their existing facility.
7. **Planning and Sustainability Commission Review.** The Planning and Sustainability Commission reviewed and approved the proposed street vacation on September 11, 2012, with its Report and Recommendation attached as Exhibit 6 hereto.
 - I. **Costs.** The vacation request was initiated by BES. The Representative has provided an Internal Order No to bill the bureau directly to reimburse the department for staff costs incurred for processing the street vacation request.

Bureau of Transportation Recommendation

The Bureau of Transportation hereby finds the proposed street vacation application to be acceptable, and in the event that no substantive objections are made known to City Council at the upcoming public hearing, recommends approval of the street vacation, subject to the conditions and reservations specified below. The areas to be vacated are more specifically described as follows:

As described on Exhibits 3 and 4 attached hereto.

Conditions, Reservations and Releases

1. **Conditions.** The following conditions must be satisfied by the Petitioner prior to the street vacation ordinance being recorded by the City and thereby considered effective:
 - A. **Costs.** In the event that additional processing requirements exceed current projections, Petitioner may be required to pay additional processing costs to the City prior to the Street Vacation Ordinance being recorded.
2. **Reservations and Release**
 - A. **Bureau of Development Services (BDS).** As a condition of street vacation approval, a public recreational trail easement will be reserved over the entirety of the vacated

street areas, excepting therefrom those portions lying below the Ordinary High Water Line of the Willamette River.

This easement will be reserved to provide for the maintenance, operation, inspection, repair, reconstruction, replacement and enlargement of a recreational trail and necessary appurtenances.

- B. Bureau of Environmental Services.** The Bureau of Environmental Services owns and maintains certain improvements within the street area of SE Umatilla Street to be vacated. As a condition of street vacation approval, the Petitioner will agree to the reservation of a public sewer easement over an existing 10 inch sanitary sewer facility along the entire length and width of the vacated street area of SE Umatilla Street.

This easement will be reserved to provide for the maintenance, operation, inspection, repair, reconstruction, replacement and enlargement of the existing public sewer facility and necessary appurtenances, and is reserved on the condition that no building construction, material storage, filling, grade change or tree planting will be permitted within said easement area without the prior written consent of the Director of the Bureau of Environmental Services, and further that the City or its contractors will not be responsible for damage to any improvements, including landscaping existing on the easement area, if such things are damaged or destroyed by the City or its contractors in the course of reconstruction or maintenance of the existing public sewer facility.

This easement allows BES access at all times.

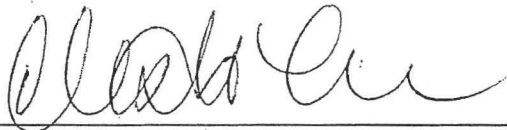
- C. Portland Parks & Recreation (PP&R).** Like BDS, PP&R also requires as a condition of street vacation approval, the public recreational trail easement be reserved over the entirety of the vacated street areas, excepting therefrom those portions lying below the Ordinary High Water Line of the Willamette River.

This easement will be reserved to provide for the maintenance, operation, inspection, repair, reconstruction, replacement and enlargement of a public recreational trail and necessary appurtenances. It is reserved with the following conditions:

- i) No improvements of any kind shall be constructed in the easement area without the prior written consent of the Director of Portland Parks & Recreation.
- ii) No deep rooted plants may be planted in the easement area without the prior written consent of the Director of Portland Parks & Recreation.

- iii) No trash, compost or other forms of debris may be dumped or stored in the easement area.
 - iv) Once the trail is constructed, no actions may be taken that unreasonably prevent or interfere with the public's use of the trail.
- D. Costs.** BES agrees to pay any additional processing costs to Right-of-Way Acquisition, including costs to record the ordinance and closing of the file.
- E. Utilities.** In accordance with ORS 271.120 and City of Portland policy, the street vacation ordinance shall not cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, including but not limited to those identified by NW Natural. The ordinance will reserve an easement for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such thing; that no building or structure of any kind shall be built or erected within a distance of ten (10) feet from the centerline of any such utility, except with the prior written consent of the City Engineer and the owner of the utility and that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Director of the Bureau of Development Services, to the end that such construction may be so adjusted with reference to all public utilities in said areas as to cause a minimum of danger or inconvenience to the public and to the owner of such utility and to protect and preserve the same as presently constructed or hereinafter reconstructed, renewed, replaced and/or enlarged. Removal or relocation of existing utilities and release of easements in the street vacation area will require the necessary conveyance documents and possible written agreements between the Petitioner and owner(s) of the utilities.
- F. City Release.** Notwithstanding "Reservations and Release" 2E and except for 2A, 2B and 2C above, the Ordinance will serve as a full release of City interests in the street vacation area and will provide City Bureaus with the authority necessary to take all other legal actions as may be reasonably necessary (including the issuance of quitclaim deeds acknowledging the release of any interests) to achieve this intent.
- 3. Repeal.** In the event the Petitioner fails to fully comply with the above conditions within one year of Council adopting the Ordinance, City Council may repeal the Ordinance at its sole discretion.
- 4. Effective Date.** The street vacation will not be effective until a certified copy of the vacating Ordinance has been recorded by the City in Multnomah County Deed Records.

Prerequisites to recording the vacating Ordinance are that 30 days have passed after final Council passage of the Ordinance, that all conditions of the vacating Ordinance have been met, and that all vacation costs have been paid.



City Engineer or designee

TO THE COUNCIL:

The Mayor concurs with the recommendation of the City Engineer and the Planning and Sustainability Commission and;

RECOMMENDS:

That the City Council accepts the City Engineer and Planning and Sustainability Commission Reports, which recommend that the proposed street area be vacated subject to conditions and reservations provided herein.

Respectfully submitted,

Mayor Charlie Hales

Attachments:

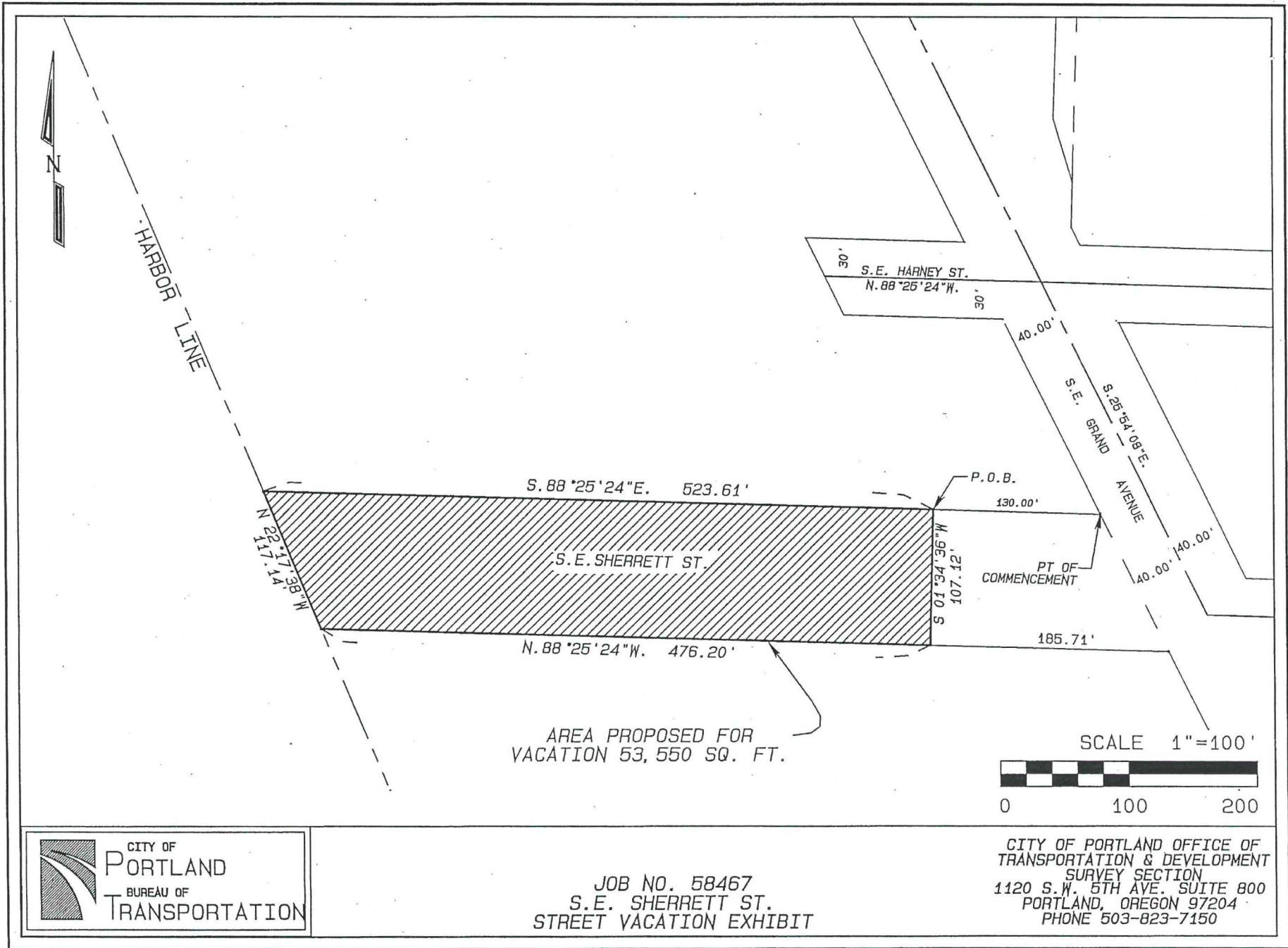
Exhibits 1 and 2, Proposed Maps

Exhibits 3 and 4, Legal Descriptions

Exhibit 5, Summary of Comments

Exhibit 6, Planning & Sustainability Commission Recommendation

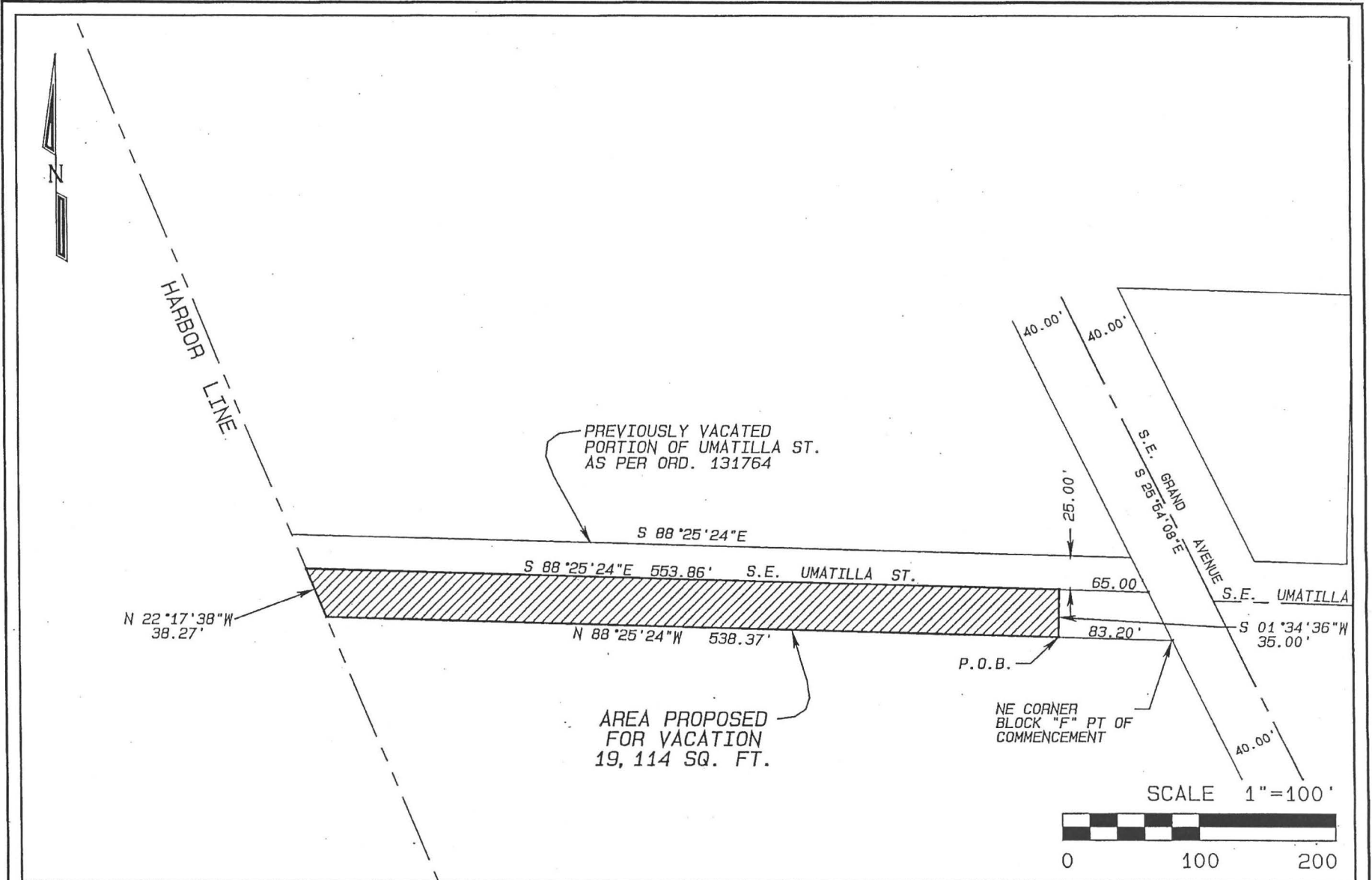
Exhibit 7, Stipulated General Judgment dated April 6, 2010




 CITY OF
PORTLAND
 BUREAU OF
TRANSPORTATION

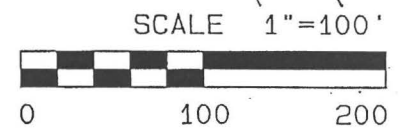
JOB NO. 58467
 S.E. SHERRETT ST.
 STREET VACATION EXHIBIT

CITY OF PORTLAND OFFICE OF
 TRANSPORTATION & DEVELOPMENT
 SURVEY SECTION
 1120 S.W. 5TH AVE. SUITE 800
 PORTLAND, OREGON 97204
 PHONE 503-823-7150



PREVIOUSLY VACATED
 PORTION OF UMATILLA ST.
 AS PER ORD. 131764

AREA PROPOSED
 FOR VACATION
 19,114 SQ. FT.



JOB NO. 58467
 S.E. UMATILLA ST.
 STREET VACATION EXHIBIT

CITY OF PORTLAND OFFICE OF
 TRANSPORTATION & DEVELOPMENT
 SURVEY SECTION
 1120 S.W. 5TH AVE. SUITE 800
 PORTLAND, OREGON 97204
 PHONE 503-823-7150

EXHIBIT 3

STREET VACATION – SE SHERRETT STREET

A PORTION OF BLOCK G, IN THE TOWN OF SELLWOOD, AND A PORTION OF SE SHERRETT STREET, SITUATED IN SECTIONS 22,23,26, AND 27, TOWNSHIP 1 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SE GRAND AVENUE AND THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO THE CITY OF PORTLAND, FOR STREET PURPOSES, RECORDED JANUARY 22, 1969 IN BOOK 660, PAGE 17, DEED RECORDS OF MULTNOMAH COUNTY;

THENCE NORTH 88°25'24" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 130.00 FEET, TO THE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED;

THENCE SOUTH 01°34'36" WEST, A DISTANCE OF 107.12 FEET, TO A POINT ON THE SOUTH LINE OF SE SHERRETT STREET;

THENCE NORTH 88°25'24" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 476.20 FEET, TO THE EASTERLY HARBOR LINE OF THE WILLAMETTE RIVER;

THENCE NORTH 22°17'38" WEST, ALONG SAID EASTERLY HARBOR LINE, A DISTANCE OF 117.14 FEET TO A POINT ON THE NORTH LINE OF THE AFOREMENTIONED STREET DEDICATION;

THENCE SOUTH 88°25'24" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 523.61 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 53,550 SQUARE FEET, MORE OR LESS.

EXHIBIT 4**STREET VACATION – SE UMATILLA STREET**

A PORTION OF SE UMATILLA STREET IN THE TOWN OF SELLWOOD, SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 22 AND THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK "F" IN THE TOWN OF SELLWOOD, SAID POINT BEING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SE GRAND AVENUE AND THE SOUTH LINE OF SE UMATILLA STREET;

THENCE NORTH 88°25'24" WEST, ALONG THE SOUTH LINE OF SE UMATILLA STREET, A DISTANCE OF 83.20 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED;

THENCE CONTINUING NORTH 88°25'24" WEST, ALONG THE SOUTH LINE OF SE UMATILLA STREET, A DISTANCE OF 538.37 FEET TO THE EASTERLY HARBOR LINE OF THE WILLAMETTE RIVER;

THENCE NORTH 22°17'38" WEST, ALONG SAID EASTERLY HARBOR LINE, A DISTANCE OF 38.27 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 25.00 FEET OF SE UMATILLA STREET, WHICH POINT IS THE SOUTHWEST CORNER OF THAT STREET VACATED BY ORDINANCE 131764;

THENCE SOUTH 88°25'24" EAST, ALONG THE SOUTH LINE OF SAID VACATION, A DISTANCE OF 553.86 FEET TO A POINT THAT IS 65.00 FEET WESTERLY OF THE WEST LINE OF SE GRAND AVENUE;

THENCE SOUTH 01°34'36" WEST, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 19,114 SQUARE FEET, MORE OR LESS.

Exhibit 5

Comments Summary

R/W #7360 SE Sherrett St. / SE Umatilla St. west of SE Grand Ave.	RWA Project Manager: John Deyo	Petitioner/Applicant: City of Portland, BES Contact: Tammy Cleys
SAP Cost Object No.: 7TRES0000249		
VAC-10080		
IQ # 11-168189		
Commenting Party	Response Date	Comments / Conditions
City Bureaus / Depts. Notified:		
City Auditor Toni Anderson		City initiated - April 6, 2010 (date of Stipulated General Judgment)
PBOT Development Review Fabio de Freitas	9/19/2011, 11/18/2011	No objection. Comment only: Street vacation shall not preclude any future easements, rights-of-way, etc. needed for future public trail alignment across PRC property.
Transportation Planning Stuart Gwin	11/18/11	No objection
PBOT Permit Engineering Chon Wong	9/12/11	No objection
PBOT Trans Systems Mgmt Carl Snyder	10/4/11	No objection
PBOT Street Lighting Tod Rosinbum	8/19/11	No objection
PBOT Project Management Kathryn Levine	9/7/11	No objection
PBOT Bridges and Structures David Olongaigh	10/4/11	No objection
Development Services Sean Williams 503-823-7612	9/7/11	No objection subject to the following condition: Easement for public recreational trail must be reserved over entirety of vacated rights-of-way, excepting therefrom those portions lying below the Ordinary High Water Line of the Willamette River.
Environmental Services Marc Jones 503-823-7064	9/20/2011, email 1/29/2013	No objection subject to the following condition: Reserve sewer easement over entirety of vacated portion of SE Umatilla Street for existing storm sewer and outfall.

Comments Summary

Commenting Party	Response Date	Comments / Conditions
Water Bureau Rick Nelson	8/26/11	No objection
Fire Bureau Jeff Galvan	9/19/2011, 11/21/2011	No objection
Park Bureau Brett Horner 503-823-1674	9/19/11	No objection subject to the following condition: Reserve a trail easement for public access purposes over vacated portions of SE Umatilla and SE Sherrett, excepting therefrom those portions lying below the Ordinary High Water Line of the Willamette River.
Urban Forestry Division Luke Miller	8/25/11	No objection
Planning Commission John Gillam		
Neigh Assoc Notified:		
Sellwood-Moreland Improvement League Mat Millenbach, Land Use/Planning Committee Chair		No response
SE Uplift Anne Dufay, Executive Director		No response
Local Agencies Notified:		
ODOT Region 1 Tamara Patrick		No response
Port of Portland Brian Shelden		No response
TriMet John Baker		No response
Public Utilities Notified:		
PGE John Nelson	8/26/11	No objection
Pacific Power Tom Kikes		No response
Qwest Lynn M. Smith	9/7/11	No objection

Comments Summary

Commenting Party	Response Date	Comments / Conditions
Northwest Natural Computing & Drafting Tech	8/23/11	Have facilities with proposed vacation area, reserve easement.
Comcast Cable Coax & Fiber Design	8/22/11	No objection

Exhibit 6



Sam
Adams
Mayor

Tom
Miller
Director

PLANNING AND SUSTAINABILITY COMMISSION REPORT AND RECOMMENDATION TO CITY COUNCIL

FILE NUMBER: R/W #7360

COMMISSION MEETING HELD AT 12:30 PM, SEPTEMBER 11, 2012

1900 SW 4TH BUILDING, 2ND FLOOR, ROOM 2500 A

I. GENERAL INFORMATION

Street Vacation Request: SE Sherrett Street beginning about 157 feet west of the SE Grand Avenue right of way and running west to the Willamette River, and SE Umatilla Street beginning about 74 ft west of the Grand Avenue right of way and running west to the Willamette River

Petitioner: Bureau of Environmental Services (BES)
Tammy Cleys, 1120 SW 5th Ave, Room 1100,
Portland, OR 97204; (503) 823-7641

Purpose: The request is being made pursuant to an agreement between BES and the Portland Rowing Club in exchange for the granting of easements for BES Sellwood Pump Station

Neighborhood: Sellwood – Moreland Improvement League
Matt Millenbach, Land Use/Planning Committee,
8210 SE 13th Avenue, Portland, OR 97202
millenbach@aol.com

SE Uplift
Anne Dufay, Executive Director, 3534 SE Main
Street, Portland, OR 97214; 503-232-0010

Quarter Section: 3830

1120 S.W. 5th Avenue, Suite 800 • Portland, Oregon, 97204-1914 • 503-823-5185
FAX 503-823-7576 or 503-823-7371 • TTY 503-823-6868 • www.portlandoregon.gov

An Equal
Opportunity
Employer

To ensure equal access, the Portland Bureau of Transportation will make accommodations in full compliance with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations and additional information, and complaints, contact the Title II and Title VI Coordinator at Room 1204, 1120 SW 5th Ave, Portland, OR 97204, or by telephone 503-823-5185, City TTY 503-823-6868, or use Oregon Relay Service: 711.

Designation/Zone: CMgq (Mixed Commercial / Residential with Greenway - River General (g) and Greenway - River Water Quality (q) overlays)

II. FACTS

A. History and Background

The City of Portland - Bureau of Environmental Services (BES) has initiated the proposed vacation of portions of SE Sherrett St. and SE Umatilla St. pursuant to an agreement between BES and the Portland Rowing Club (PRC). The agreement states that BES will initiate the street vacation process as part of the overall consideration for the granting of easements to BES on PRC's property for the Sellwood Pump Station Project. The vacation will give PRC the ability to lease the riparian rights within the vacated area directly from the Oregon Department of State Lands for use as floating home moorage.

B. Concurrent Land Use Actions

The application is not associated with a concurrent land use action. It is pursuant to the granting of easements for a BES pump station.

C. The Transportation Element

SE Umatilla Street and SE Sherrett Street west of the Grand Avenue right of way are both classified as local streets (Street Design).

Both of the street segments proposed for vacation are unimproved and have steep grades sloping down toward the river.

The segment of SE Sherrett Street proposed to be vacated is designated as a Recreational Trail in the Zoning Code and would connect the Springwater Corridor (Trail) to the Willamette Greenway.

The Willamette Greenway runs north-south along the east side of the Willamette River across the Portland Rowing Club property between SE Sherrett and SE Umatilla and is designated a Recreational Trail in the Zoning Code. No greenway is constructed on the Portland Rowing Club property between SE Sherrett and SE Umatilla Street. However, the greenway is constructed north between SE Umatilla Street and SE Spokane Street and south between SE Sherrett Street and SE Spokane Street. The Willamette Greenway in this area is a riverfront pedestrian trail.

Bicycle classifications are shown on an attachment. There are no bikeway classifications on the street segments proposed for vacation. The Springwater

Corridor (Trail) runs north-south within the Grand Avenue right of way adjacent to an active short line railroad. The Springwater Trail is designated an Off-street path. SE Umatilla is designated a City Bikeway from the east to the Springwater Trail. SE Sherrett has no bicycle classification.

D. Neighborhood Plan

The Sellwood-Moreland Neighborhood Plan includes a section called "the River's Edge" and an objective to strengthen and create connections between the neighborhood and the river.

III. FINDINGS

A. Comprehensive Plan Goals and Policies Consideration

The relevant policies of the Comprehensive Plan are:

Policy 6.20 Connectivity states:

Support development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods, and other activity centers.

Comment: The segment of SE Sherrett Street proposed for vacation is needed to provide recreational access for pedestrians consistent with the Zoning Code.

No transportation access is needed on either street segment to fulfill this policy.

Policy 6.21 Right-of-Way Opportunities states:

Preserve existing rights-of-way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purposes of nearby streets will be maintained.

Comment: Other than the need for recreational access on SE Sherrett Street, there is no need to preserve the existing rights of way for transportation functionality.

Policy 8.14 Natural Resources, Objective I. States:

Consideration of Scenic Resources in Street Vacations. Require the preservation and maintenance of existing and potential view corridors and view points when approving street vacations. Require view easements within or near street vacations where access to viewpoints or view corridors is desired.

Comment: A recreational trail easement along both rights of way would preserve existing views.

Policy 11.11 Street Plans, Objectives D. and E. state:

D. Provide full street connections with spacing of no more than 530 feet between connections, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints.

E. Provide bike and pedestrian connections at approximately 330-foot intervals on public easements or rights-of-way when full street connections are not possible, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints..

Comment: Both of the rights of way proposed for vacation are basically street stubs which only provide access to adjoining properties.

Policy 12.4 Provide for Pedestrians, Objective G. states:

Retain rights for pedestrian access and circulation when considering requests for street vacations. Preserve existing pedestrian routes and protect routes needed by pedestrians in the future. Ensure that street vacations do not reduce access to light and air or the intimate scale that is so much a part of Portland's character.

Comment: A recreational trail easement along both rights of way would provide an opportunity for pedestrian access to the river and the Willamette Greenway.

B. Policy Considerations - Current and Future Need

Not relevant

C. Other Relevant Comprehensive Plan Policies (and/or Plans)

Policy 2.7. Willamette River Greenway Plan - Implement the Willamette River Greenway Plan which preserves a strong working river while promoting recreation, commercial and residential waterfront development along the Willamette south of the Broadway Bridge.

Policy 6.37 Southeast Transportation District, Objective D: Facilitate pedestrian access and safety in Southeast Portland by improving connections to the Willamette River.

Policy 8.11 Special Areas, Objective H - Willamette River Greenway: Protect and preserve the natural and economic qualities of lands along the Willamette River through implementation of the city's Willamette River Greenway Plan.

Comment: A recreational trail easement along both rights of way would provide an opportunity for pedestrian access to the river and the Willamette Greenway consistent with these additional policies of the Comprehensive Plan.

D. Zoning Code Considerations

Placing a recreational trail easement on both rights of way would be consistent with the Zoning Code designation of SE Sherrett Street as a recreational trail.

E. Subdivision Code Considerations

none

F. Improvement Considerations

none

G. Utility Considerations

There is a need for stormwater conveyance and outfall over the entirety of the vacated SE Umatilla Street right of way.

H. Neighborhood Issues

Placing a recreational trail easement on both rights of way would benefit the neighborhood and is consistent with the Sellwood-Moreland Neighborhood Plan.

I. Other Considerations

The Portland Rowing Club (PRC) was required to grant an easement for the Willamette Greenway Trail as a condition of approval in two separate land use cases. The first case, CU 91-75, identified the location of the easement to be "along the high water line" of the Willamette River. This condition was not enforced prior to or after approval of the plans submitted by PRC in 1975. The reason for this is unclear. At the time the City was negotiating with PRC in 2010 to acquire easements for the Sellwood Pump Station on PRC's property, the Bureau of Development Services (BDS) and Portland Parks & Recreation (PP&R) determined that the location identified in the 1975 land use decision was not feasible for a trail, as the elevation was too low to ensure that the trail would remain above water year-round. Therefore, the City decided it would not pursue enforcement of this condition.

The second case, LUR 92-00690 GW, granted approval for construction of a new houseboat within an existing houseboat moorage. The applicants were two individuals who were deedholders to slip #2 at the moorage. PRC, the owner of the upland parcel to which this case was tied, was not listed as a co-applicant. As

a condition of approval, an easement for the Willamette Greenway Trail "for a width of 25 feet, beginning at the ordinary high water line and running landward for 25 feet" was required. As with the 1975 case, this condition was not enforced prior to or after approval of the plans submitted by the applicant in 1992. At the time the City was negotiating with PRC in 2010 to acquire easements for the Sellwood Pump Station, the BDS and PP&R determined that the City would not pursue enforcement of this condition, as the applicants did not have the authority to bind PRC in the granting of an easement on PRC's property. There was also some question about the ability to enforce the condition in light of the Dolan proportionality test.

As a part of the City's agreement with PRC for the Sellwood Pump Station easements, the City agreed that it would not seek to enforce conditions of land use approvals in both of these cases regarding the granting of easements for the Willamette Greenway Trail across PRC's property. Given the circumstances in both of the prior land use cases, BDS and PP&R staff supported the agreement.

City staff believes that when Portland Rowing Club undertakes development on their property, they will have to dedicate land or an easement for the Willamette Greenway on their property. BES will fund the construction of not only the connector trail on Sherrett between the Springwater Trail and the Willamette Greenway, but also the Willamette Greenway on PRC property once an easement or right of way is established.

V. STAFF RECOMMENDATION

It is recommended that the street vacation be approved with the following conditions:

1. Bureau of Development Services Review: Grant an easement for a public recreational trail over the entirety of the vacated rights of way
2. Bureau of Environmental Services Review: Grant an easement for stormwater conveyance and outfall over the entirety of the vacated SE Umatilla Street right of way

VI. EXHIBITS

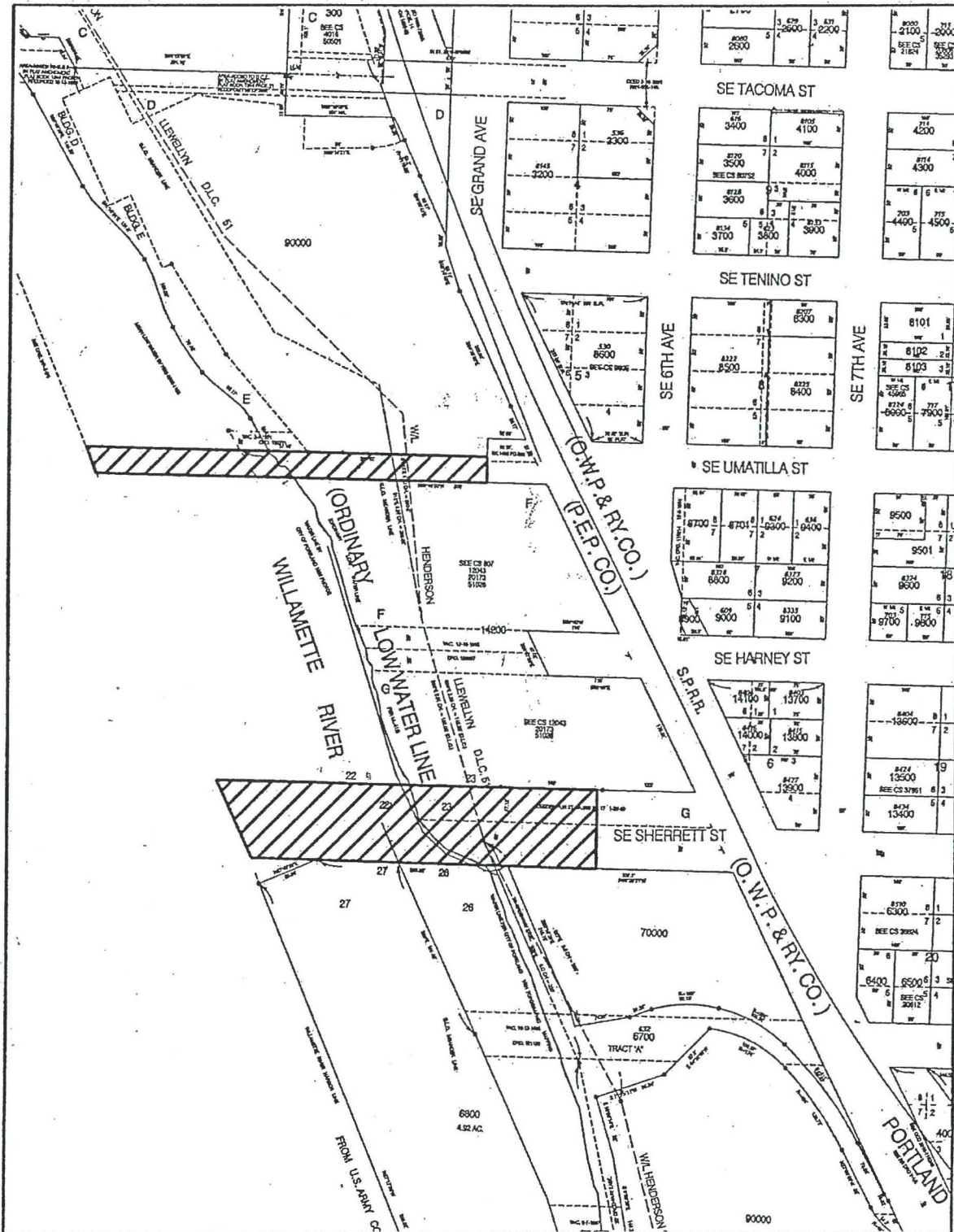
- A. Area proposed for vacation (3 pages)
- B. Recreational Trails (Zoning Code)
- C. Bicycle Facilities (Transportation System Plan)

Bureau of Transportation Staff Planner:

Paul Smith, Transportation Planning Manager
503/823-7736
paul.smith@portlandoregon.gov

cc:

John Deyo, Right-of-Way Case Manager
Tammy Cleys , BES, Petitioner
Matt Millenbach, Sellwood – Moreland Improvement League
Anne Dufay, Southeast Uplift
Case File



SE SHERRETT STREET AND SE UMATILLA STREET WEST OF SE GRAND AVENUE

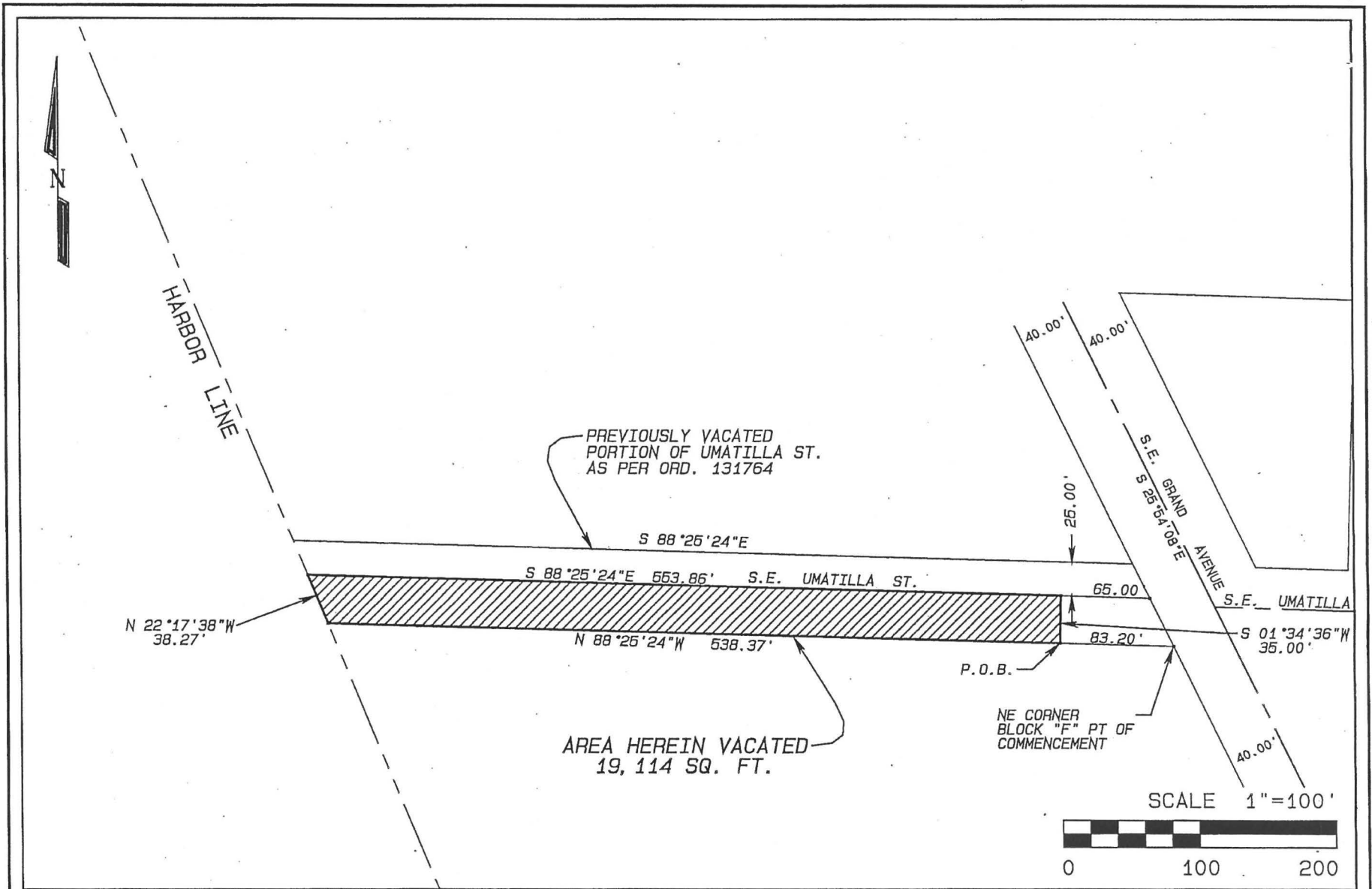
Petitioner: City of Portland, Bureau of Environmental Services


1/4 Section: 3830 Section: 1S1E23CC

 Area Proposed for Vacation



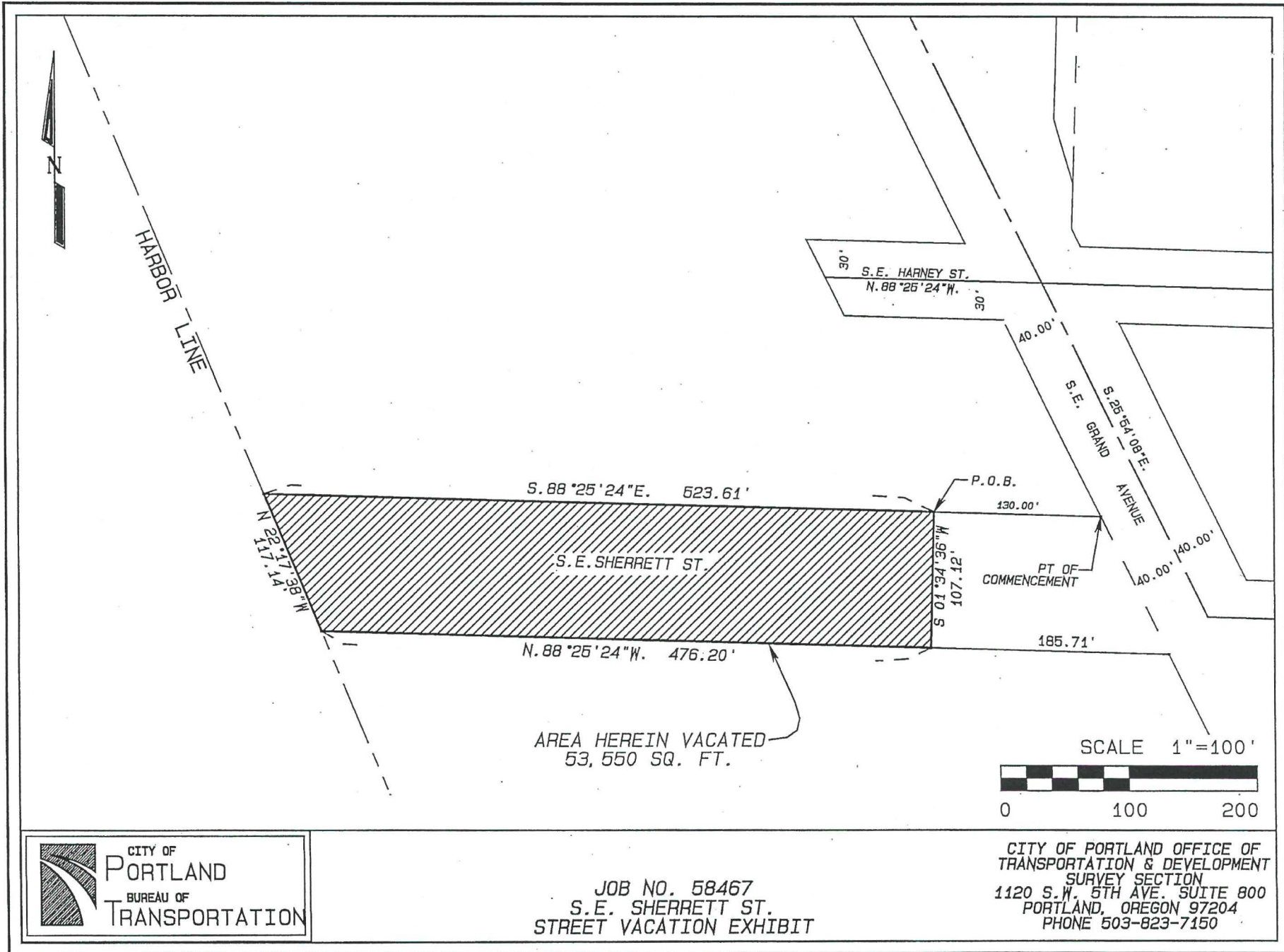
Scale: 1" to 200'




CITY OF PORTLAND
 BUREAU OF
TRANSPORTATION

JOB NO. 58467
 S.E. UMATILLA ST.
 STREET VACATION EXHIBIT

CITY OF PORTLAND OFFICE OF
 TRANSPORTATION & DEVELOPMENT
 SURVEY SECTION
 1120 S.W. 5TH AVE. SUITE 800
 PORTLAND, OREGON 97204
 PHONE 503-823-7150



JOB NO. 58467
S.E. SHERRETT ST.
STREET VACATION EXHIBIT

CITY OF PORTLAND OFFICE OF TRANSPORTATION & DEVELOPMENT
SURVEY SECTION
1120 S.W. 5TH AVE. SUITE 800
PORTLAND, OREGON 97204
PHONE 503-823-7150

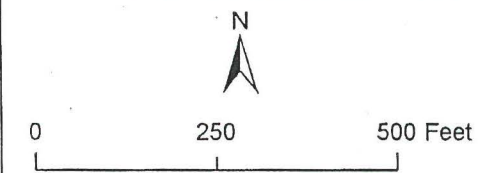
GARTH, City of Portland GARTH 2.9.2



Taxlot Selection | Map Detail Change ID

Scale: 1: 386' Taxlot State-id

Boundaries Environment Places/LURs Code Overlays Transit/TSP PDC

Geographic area and/or selection was successfully passed from the Taxlot Selection tab. Scale 1"=386' X:7,648,423 Y:662,207 1:02 PM 2/14/2012



 Parks and Open Spaces
 Regional Waterbodies

Bicycle Classifications

 City Bikeway
 Off-street Path
 Local Service Bikeway

Exhibit 7

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

CITY OF PORTLAND, a municipal
corporation,

Plaintiff,

v.

THE PORTLAND ROWING CLUB, an
Oregon mutual benefit nonprofit corporation,

Defendant.

Case No. 0912-17034

STIPULATED GENERAL JUDGMENT
AND MONEY AWARD

Based on the stipulation of the parties, it is hereby

ORDERED AND ADJUDGED that plaintiff is awarded the easements in the forms attached to this Judgment and incorporated herein, and defendant shall promptly execute the same and deliver them to plaintiff for recording;

IT IS FURTHER ORDERED AND ADJUDGED that defendant, The Portland Rowing Club, shall have judgment against plaintiff, City of Portland, in the amount of \$1,584,000.00;

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff shall not seek to enforce conditions of land use approvals in cases CU 91-75 and LUR 92-00690 GW regarding dedication of a greenway trail across defendant's property, and that plaintiff shall apply for and pursue vacation of portions of Sherrett Street and Umatilla Street abutting defendant's property, as depicted on the map attached to this Stipulated Judgment.

IT IS FURTHER ORDERED AND ADJUDGED that the amount of \$1,030,000 deposited with the Court by plaintiff as its estimate of just compensation has been or shall be

Page 1 - STIPULATED GENERAL JUDGMENT AND MONEY AWARD

1 released to defendant, in care of Dean N. Alterman, its attorney, in partial satisfaction of this
 2 Judgment;

3 IT IS FURTHER ORDERED AND ADJUDGED that each party shall bear its own
 4 costs, expenses and attorney fees incurred in this matter.

5 **MONEY AWARD**

6 1. The name and address of the judgment creditor are:

7 The Portland Rowing Club
 8 Attn: Tim Cheadle, Commodore
 9 100 SE Harney Street, #17
 10 Portland, OR 97202

11 2. The name, address, and telephone number of the judgment creditor's attorney

12 are:

13 Dean N. Alterman
 14 Folawn Alterman & Richardson
 15 805 SW Broadway, Suite 2750
 16 Portland, OR 97204
 17 Telephone: (503) 517-8200

18 3. The judgment debtor is:

19 Name: City of Portland
 20 Address: 1120 SW Fifth Avenue
 21 City, State ZIP: Portland, OR 97204
 22 Date of Birth: N/A
 23 Social Security number: N/A
 24 Driver license number: N/A
 25 State of issue: N/A

26 4. The name of the judgment debtor's attorney is:

Harry Auerbach, OSB #821830
 Chief Deputy City Attorney
 1221 SW 4th Avenue, Rm 430
 Portland, OR 97204
 Telephone: (503) 823-4047

5. No person or public body, other than the judgment creditor's attorney, is
 entitled to a portion of a payment on the judgment.

6. The amount of the judgment is: \$1,584,000.00.

- 1 7. No prejudgment interest is owed.
 2 8. No attorneys' fees are claimed or owed.
 3 9. No costs and disbursements are claimed or owed.
 4 10. Post-judgment simple interest at the rate of 9 percent per annum on that
 5 portion of the judgment (\$554,000.00) in excess of the portion of the judgment
 6 (\$1,030,000.00) which plaintiff has deposited into the Court, and which the Court has
 7 directed to be released to defendant, accruing from the day after defendant delivers the
 8 executed easements to plaintiff or thirty days after the date of entry of the judgment,
 9 whichever is later, until paid.

10
 11 DATED: APR 06 2010

12
 13 *M. Fuchs*
 14 Circuit Judge X CA

15 Stipulated by:

16 *Harry Auerbach*
 17 Harry Auerbach, OSB #821830
 18 Chief Deputy City Attorney
 19 Attorney for Plaintiff City of Portland
 1221 SW 4th Avenue, Rm 430
 20 Portland, OR 97204
 Telephone: (503) 823-4047

21 *Dean N. Alterman*
 22 Dean N. Alterman, OSB #891850
 23 Folawn Alterman & Richardson LLP
 24 Attorney for Defendant Portland Rowing Club
 805 SW Broadway Ste 2750
 25 Portland, OR 97205
 26 Telephone: (503) 517-8200

PUMP STATION EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that **The Portland Rowing Club**, a corporation duly organized and incorporated under the laws of the State of Oregon (Grantor), in consideration of the sum of One Million Four Hundred Thirty Thousand Nine Hundred Seventy-seven and no/100 Dollars (\$1,430,977.00), and other good and valuable consideration to it paid by the City of Portland, a municipal corporation of the State of Oregon, the receipt whereof is hereby acknowledged, does hereby grant unto the City of Portland (Grantee), the right to locate, construct, perpetually maintain, repair, reconstruct, renew, and replace a pump station, its attendant generator facilities and landscaping in, on, under and above the following described parcel:

As described on Exhibit "A" and depicted on Exhibit "B" attached hereto and by this reference made a part hereof.

THE HEREIN DESCRIBED pump station easement is subject to the following conditions:

- A. No surface or underground structure, permanent or temporary, shall be constructed within the easement without the written consent of the Director of the Bureau of Environmental Services, which consent shall not be unreasonably withheld. Grantee may construct only such structures within the easement as are required for the pump station facilities.
- B. No grade change in excess of one (1) foot in elevation shall be allowed within the easement without the written consent of the Director of the Bureau of Environmental Services, which consent shall not be unreasonably withheld.

R/W #6910
SID 1S1E23CC 14200

After Recording Return to:

106/800/John Deyo

Tax Statement shall be sent to:

No Change

- C. In the event the Grantor sells or leases the property upon which the easement is located, the sale or lease will be subject to this easement which will be binding upon the Grantor's heirs, successors and assigns.
- D. Grantor reserves all other rights not conveyed herein, but will not exercise said rights in any manner that would be inconsistent or interfere with or materially affect rights herein granted.
- E. Grantor represents and warrants that it 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 they will defend the same to Grantee against the lawful claims and demands of all persons whomsoever.
- F. This easement is granted pursuant to the exercise of the eminent domain power and authority of Grantee, with the consideration paid by Grantee accepted as just compensation for the property or property rights conveyed, which includes damage to the property remainder, if any, resulting from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by the City, its officers, agents and employees beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.
- G. Grantee shall contain the noise and odors from operation of its facilities constructed under this Easement, to the extent it is technologically reasonable and feasible to do so. Grantor acknowledges that this Easement is granted for the purpose of constructing, maintaining and operating sewer facilities, and Grantee acknowledges that Grantor is not granting an Easement to maintain a nuisance. To the extent that Grantee's facilities constructed hereunder produce noise, odors, or other nuisances that exceed what a reasonable person would expect under the circumstances, Grantor retains its right to seek redress in accordance with law.
- H. Grantor represents that to the best of its knowledge, after appropriate inquiry under the circumstances, the subject property is in compliance with all local, State and Federal environmental laws and regulations.
- I. Grantor represents that it has disclosed all knowledge of any release of hazardous substances onto or from the property, and disclosed any known report, investigation, survey or environmental assessment regarding the subject property. "Release" and "hazardous substance" shall have the meaning as defined under Oregon law.
- J. Grantor warrants that ^{it knows of} ~~there are~~ no underground storage tanks, as defined under Oregon law, presently on or under the subject property.
- K. Grantee, by accepting this easement, is not accepting liability for any preexisting release of hazardous substances onto or from the subject property, and Grantor is not attempting to convey any such liability.

IN WITNESS WHEREOF, ^{The} Portland Rowing Club, an Oregon corporation, pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by Tim Cheadle as Commodore this 1st day of APRIL, 2010.

THE PORTLAND ROWING CLUB, AN OREGON CORPORATION

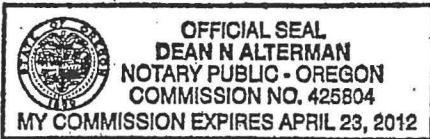
By: Tim Cheadle
Tim Cheadle, Commodore

STATE OF MULTNOMAH OREGON

County of MULTNOMAH

This instrument was acknowledged before me on APRIL 1, 2010, by Tim Cheadle as Commodore of Portland Rowing Club, an Oregon corporation.

^{The}
Dean N. Alterman



Notary Public for Oregon

My Commission expires 4-23-2012

APPROVED AS TO FORM:

Ray Anderson
City Attorney, Chief Deputy

APPROVED:

Bureau of Environmental Services Director
or designee

EXHIBIT "A"

SELLWOOD CSO PUMP STATION PROJECT NO. E08467, R/W #6910

PUMP STATION EASEMENT

A PORTION OF BLOCK G, IN THE TOWN OF SELLWOOD, SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SE GRAND AVENUE AND THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO THE CITY OF PORTLAND, FOR STREET PURPOSES, RECORDED JANUARY 22, 1969 IN BOOK 660, PAGE 17; THENCE N 88° 25' 24" W ALONG SAID NORTH LINE A DISTANCE OF 130.00 FEET TO A POINT; THENCE LEAVING SAID NORTH LINE AND RUNNING N 15° 21' 53" W A DISTANCE OF 64.09 FEET TO A POINT; THENCE N 54° 46' 33" E A DISTANCE OF 105.00 FEET TO A POINT IN THE WEST LINE OF SE GRAND AVENUE; THENCE S 25° 54' 08" E ALONG SAID WEST LINE A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 11,238 SQUARE FEET, MORE OR LESS.

BLOCK "F"

CURVE DATA

- 1 R = 40.00'
Δ = 78°03'57"
L = 54.50'
C = 50.38'
N. 88°11'29"W.
- 2 R = 40.00'
Δ = 94°30'31"
L = 65.98'
C = 58.75'
N. 07°31'17"E.
- 3 R = 20.00'
Δ = 78°03'57"
L = 32.99'
C = 29.38'
S. 07°31'17"W.
- 4 R = 20.00'
Δ = 78°03'57"
L = 27.25'
C = 25.19'
S. 88°11'29"E.

TOTAL TCE AREA
11,419 SQ. FT.
3,459 SQ. FT.
14,878 SQ. FT.

SCALE 1" = 40'

TOWN OF SELLWOOD

PUMP STATION EASEMENT

EXHIBIT "B"

R/W #6910

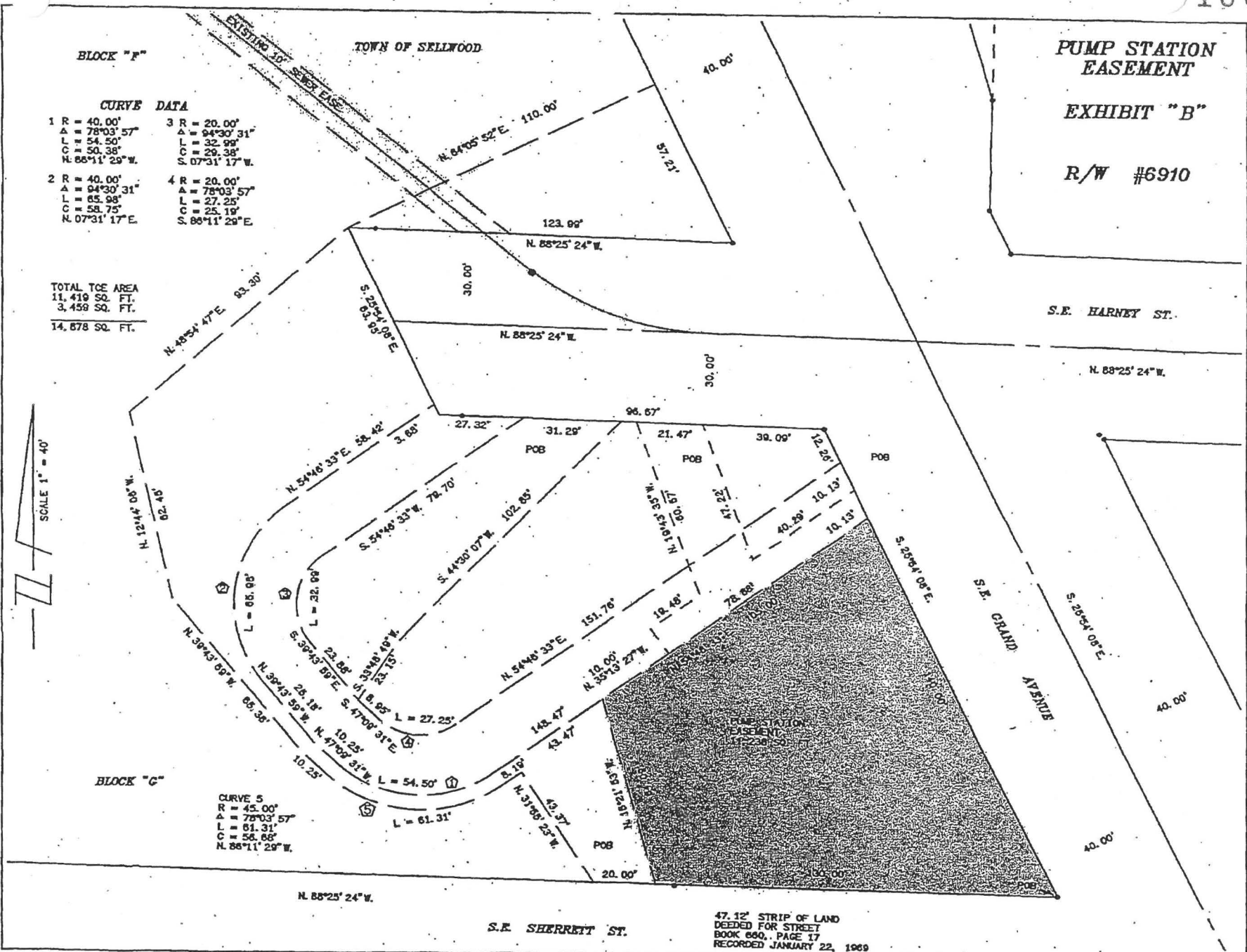
S.E. HARNEY ST.

N. 88°25'24"W.

S.E. GRAND AVENUE

S.E. SHERRETT ST.

47.12' STRIP OF LAND
DEEDED FOR STREET
BOOK 690, PAGE 17
RECORDED JANUARY 22, 1969



SEWER EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that **The Portland Rowing Club**, a corporation duly organized and incorporated under the laws of the State of Oregon, (Grantor), in consideration of the sum of Six Thousand Four Hundred Sixty-Seven and no/100 Dollars (\$6,467.00), and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the State of Oregon (Grantee), does hereby grant unto said City of Portland an exclusive and perpetual easement for the purpose of laying down, constructing, reconstructing, operating, inspecting, monitoring and maintaining a sewer or sewers and appurtenances, through, under, over and along the following described parcel:

As described on Exhibit "A" and depicted on Exhibit "B" attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD and agreed that:

- A. Grantee will restore the easement area to a condition that is as good as or better than the condition existing prior to the original construction, except as to permanent changes made necessary by and authorized under this easement.
- B. No other utilities, buildings, facilities, easements, material storage, grade change or tree planting will be allowed within the easement boundaries without prior written consent of the Director of the Bureau of Environmental Services. Landscaping which by its nature is shallow rooted and may be easily removed to permit access to the sewer lines and facilities authorized by this easement shall not require consent. Grantor may construct utilities within the easement area so long as they do not conflict with Grantee's use of this Easement.

R/W #6910
SID 1S1E23CC 14200

After Recording Return to: _____

106/800/John Deyo _____

Tax Statement shall be sent to: _____

_____ No Change _____

- C. This easement includes the right of access for construction, inspection, maintenance or other sewerage system activities and reasonable rights of access to the easement area across Grantor's adjacent property.
- D. This easement does not grant or convey to Grantee any right or title to the surface of the soil along the route of said sewer except for the purpose of laying down, constructing, reconstructing, operating, inspecting and maintaining the same.
- E. Grantor reserves all other rights not conveyed herein, but will not exercise said rights in any manner that would be inconsistent or interfere with or materially affect rights herein granted.
- F. This easement shall bind the heirs and assigns of Grantor and shall inure to the benefit of the successors in title of Grantee.
- G. Grantor represents and warrants that it 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 it will defend the same to Grantee against the lawful claims and demands of all persons whomsoever.
- H. This easement is granted pursuant to the exercise of the eminent domain power and authority of Grantee, with the consideration paid by Grantee accepted as just compensation for the property or property rights conveyed, which includes damage to the property remainder, if any, resulting from the acquisition or use of said property or property rights.
- I. Grantor represents that to the best of its knowledge, after appropriate inquiry under the circumstances, the subject property is in compliance with all local, State and Federal environmental laws and regulations.
- J. Grantor represents that it has disclosed all knowledge of any release of hazardous substances onto or from the property, and disclosed any known report, investigation, survey or environmental assessment regarding the subject property. "Release" and "hazardous substance" shall have the meaning as defined under Oregon law.
- ^{it knows as}
K. Grantor warrants that ~~there are~~ no underground storage tanks, as defined under Oregon law, presently on or under the subject property.
- L. Grantee, by accepting this easement, is not accepting liability for any preexisting release of hazardous substances onto or from the subject property, and Grantor is not attempting to convey any such liability.

IN WITNESS WHEREOF, Portland Rowing Club, an Oregon corporation, pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by Tim Cheadle as Commodore this FIRST day of APRIL, 2010.

THE PORTLAND ROWING CLUB, AN OREGON CORPORATION

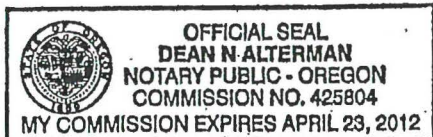
By: Tim Cheadle
Tim Cheadle, Commodore

STATE OF OREGON

County of Multnomah

This instrument was acknowledged before me on APRIL 1, 2010, by Tim Cheadle as Commodore of Portland Rowing Club, an Oregon corporation.

The



Dean N. Alterman
Notary Public for Oregon
My Commission expires 4-23-2012

APPROVED AS TO FORM:

[Signature]
City Attorney, Chief Deputy

APPROVED:

Bureau of Environmental Services Director
or designee

EXHIBIT "A"

SELLWOOD CSO PUMP STATION PROJECT NO. E08467, R/W #6910

SEWER EASEMENT

A PORTION OF BLOCK G, IN THE TOWN OF SELLWOOD, SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SE GRAND AVENUE AND THE SOUTH LINE OF SE HARNEY STREET; THENCE N 88° 25' 24" W ALONG SAID SOUTH LINE A DISTANCE OF 39.09 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED; THENCE S 19° 43' 35" E A DISTANCE OF 47.22 FEET TO A POINT; THENCE N 54° 46' 33" E A DISTANCE OF 40.29 FEET TO A POINT IN THE WEST LINE OF SE GRAND AVENUE; THENCE S 25° 54' 08" E ALONG SAID WEST LINE A DISTANCE OF 10.13 FEET TO A POINT; THENCE S 54° 46' 33" W A DISTANCE OF 78.88 FEET TO A POINT; THENCE N 35° 13' 27" W A DISTANCE OF 10.00 FEET TO A POINT; THENCE N 54° 46' 33" E A DISTANCE OF 19.48 FEET TO A POINT; THENCE N 19° 43' 35" W A DISTANCE OF 60.57 FEET TO A POINT IN THE SOUTH LINE OF SE HARNEY STREET; THENCE S 88° 25' 24" E ALONG SAID SOUTH LINE A DISTANCE OF 21.47 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 1875 SQUARE FEET, MORE OR LESS.

**SEWER
EASEMENT
EXHIBIT "B"**

R/W #6910

BLOCK "F"

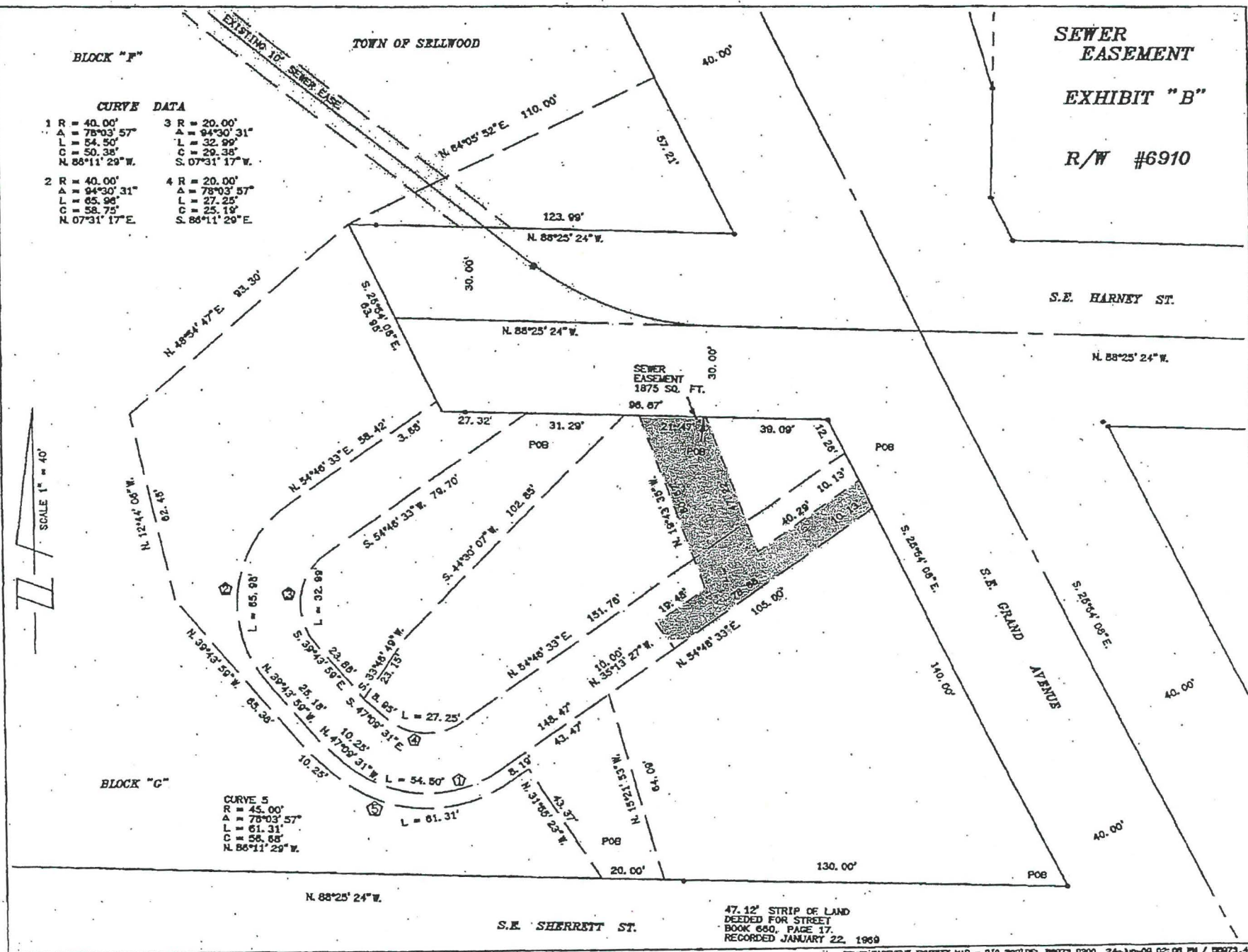
CURVE DATA

- | | |
|----------------|----------------|
| 1 R = 40.00' | 3 R = 20.00' |
| A = 78°03'57" | A = 94°30'31" |
| L = 54.50' | L = 32.99' |
| C = 50.38' | C = 29.38' |
| N. 86°11'29"W. | S. 07°31'17"W. |
| 2 R = 40.00' | 4 R = 20.00' |
| A = 94°30'31" | A = 78°03'57" |
| L = 65.95' | L = 27.25' |
| C = 58.75' | C = 25.19' |
| N. 07°31'17"E. | S. 86°11'29"E. |

BLOCK "G"

- CURVE 5**
 R = 45.00'
 A = 78°03'57"
 L = 61.31'
 C = 56.68'
 N. 86°11'29"W.

TOWN OF SELLWOOD



47.12' STRIP OF LAND
 DEEDED FOR STREET
 BOOK 660, PAGE 17.
 RECORDED JANUARY 22, 1969

ACCESS EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that **The Portland Rowing Club**, a corporation duly organized and incorporated under the laws of the State of Oregon (Grantor), in consideration of the sum of Eleven Thousand Seven Hundred Seventy-Eight and no/100 Dollars (\$11,778.00), and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the State of Oregon (Grantee), does hereby grant unto said City of Portland, a perpetual, non-exclusive easement for the purpose of ingress and egress through, over and across the following described parcel:

As described on Exhibit "A" and depicted on Exhibit "B" attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD:

- A. Grantor shall keep the traveled portions of the easement free of obstructions. No structures shall be erected within the easement area without the prior written consent of the Director of the Bureau of Environmental Services, City of Portland. Grantor may construct and maintain a gate on its driveway, in whole or in part within the easement area, so long as Grantor provides Grantee, on a continuous basis, with the mechanism necessary to open and close such gate.

R/W # 6910
SID 1S1E23CC 14200

After Recording Return to: _____

106/800/John Deyo _____

Tax Statement shall be sent to: _____

_____ No Change _____

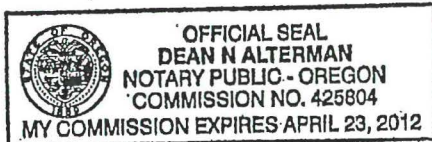
- B. In the event that Grantor's property is redeveloped and an alternative easement location is desired, Grantor may request relocation of the easement area. Grantor shall pay all costs associated with the relocation of the easement area, and relocation shall be subject to the written approval of and acceptance by Grantee.
- C. Grantor represents and warrants that it has the authority to grant the easement and that the easement area is free from all liens and encumbrances that would materially affect the easement grant, except as set forth herein, and that it will defend Grantee against the lawful claims and demands of all persons whomsoever with respect to any liens or encumbrances that would materially affect the easement grant, except as set forth herein.
- D. Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, which includes damages to Grantor's remaining property, if any, resulting from the acquisition or use of said property or property rights.

IN WITNESS WHEREOF, ^{The} Portland Rowing Club, an Oregon corporation, pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by Tim Cheadle as Commodore this FIRST day of APRIL, 2010.

THE PORTLAND ROWING CLUB, AN OREGON CORPORATION
 By: Tim Cheadle
 Tim Cheadle, Commodore

STATE OF OREGON
 County of MULTNOMAH

This instrument was acknowledged before me on APRIL 1, 2010, by Tim Cheadle as Commodore of Portland Rowing Club, an Oregon corporation.



^{The} Dean N. Alterman
 Notary Public for Oregon
 My Commission expires 4-23-2012

Approved as to form:
[Signature]
 City Attorney, Chief Deputy

Approved:

 Bureau of Environmental Services Director
 or designee

EXHIBIT "A"

SELLWOOD CSO PUMP STATION PROJECT NO. E08467, R/W #6910

ACCESS EASEMENT

A PORTION OF BLOCK G, AND A PORTION OF VACATED SE HARNEY STREET, IN THE TOWN OF SELLWOOD, SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SE GRAND AVENUE THAT BEARS S 25° 54' 08" E A DISTANCE OF 12.26 FEET FROM THE INTERSECTION OF THE SOUTH LINE OF SE HARNEY STREET; THENCE S 25° 54' 08" E ALONG THE WEST LINE OF SE GRAND AVENUE A DISTANCE OF 20.26 FEET TO A POINT; THENCE S 54° 46' 33" W A DISTANCE OF 148.47 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 40.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 78° 03' 57", AN ARC DISTANCE OF 54.50 FEET (THE CHORD BEARS N 86° 11' 29" W 50.38 FEET) TO A POINT OF TANGENCY; THENCE N 47° 09' 31" W A DISTANCE OF 10.25 FEET TO A POINT; THENCE N 39° 43' 59" W A DISTANCE OF 25.18 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 40.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 94° 30' 31", AN ARC DISTANCE OF 65.98 FEET (THE CHORD BEARS N 07° 31' 17" E 58.75 FEET) TO A POINT OF TANGENCY; THENCE N 54° 46' 33" E A DISTANCE OF 58.42 FEET TO A POINT IN THE WEST LINE OF SE HARNEY STREET; THENCE S 25° 54' 08" E ALONG SAID WEST LINE A DISTANCE OF 3.68 FEET TO THE SOUTH LINE OF SE HARNEY STREET; THENCE S 88° 25' 24" E ALONG SAID SOUTH LINE A DISTANCE OF 27.32 FEET; THENCE S 54° 46' 33" W A DISTANCE OF 79.70 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 94° 30' 31", AN ARC DISTANCE OF 32.99 FEET (THE CHORD BEARS S 07° 31' 17" W 29.38 FEET) TO A POINT OF TANGENCY; THENCE S 39° 43' 59" E A DISTANCE OF 23.88 FEET TO A POINT; THENCE S 47° 09' 31" E A DISTANCE OF 8.95 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 78° 03' 57", AN ARC DISTANCE OF 27.25 FEET (THE CHORD BEARS S 86° 11' 29" E 25.19 FEET) TO A POINT OF TANGENCY; THENCE N 54° 46' 33" E A DISTANCE OF 151.76 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 6,829 SQUARE FEET, MORE OR LESS.

ACCESS
EASEMENT

EXHIBIT "B"

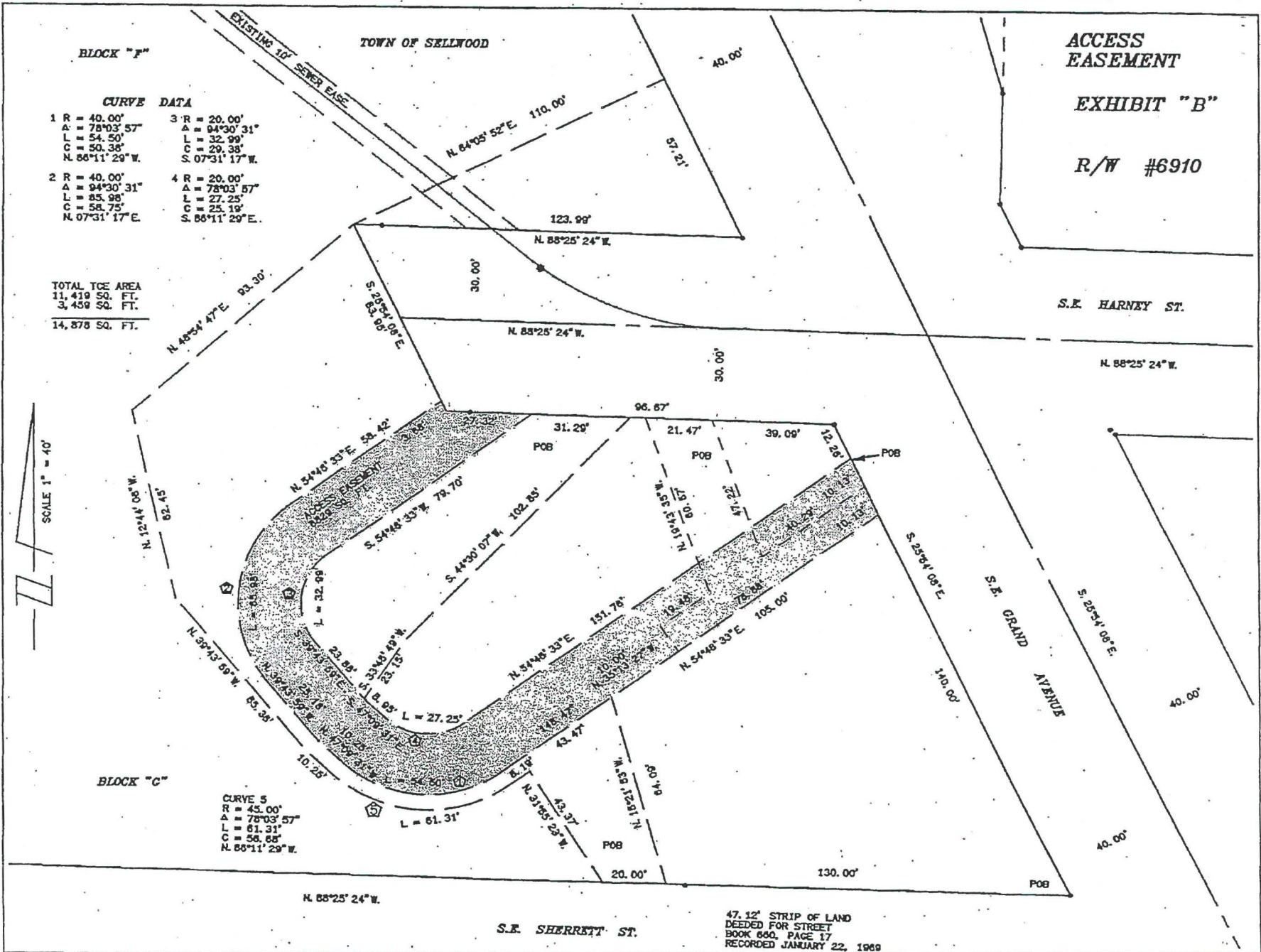
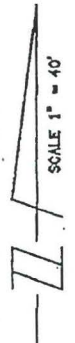
R/W #6910

BLOCK "F"

CURVE DATA

- | | |
|------------------|------------------|
| 1 R = 40.00' | 3 R = 20.00' |
| A = 78°03' 57" | Δ = 04°30' 31" |
| L = 54.50' | L = 32.99' |
| C = 50.38' | C = 29.38' |
| N. 86°11' 29" W. | S. 07°31' 17" W. |
| 2 R = 40.00' | 4 R = 20.00' |
| A = 78°03' 57" | Δ = 78°03' 57" |
| L = 85.98' | L = 27.25' |
| C = 58.75' | C = 25.19' |
| N. 07°31' 17" E. | S. 86°11' 29" E. |

TOTAL TCE AREA
11,419 SQ. FT.
3,459 SQ. FT.
14,878 SQ. FT.



BLOCK "C"

- CURVE 5
- | |
|------------------|
| R = 45.00' |
| A = 78°03' 57" |
| L = 61.31' |
| C = 56.68' |
| N. 86°11' 29" W. |

S.E. SHERRETT ST.

47.12' STRIP OF LAND
DEDICATED FOR STREET
BOOK 650, PAGE 17
RECORDED JANUARY 22, 1969

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that **The Portland Rowing Club**, a corporation duly organized and incorporated under the laws of the State of Oregon (Grantor), in consideration of the sum of One Hundred Thirty-Four Thousand Seven Hundred Seventy-Eight and no/100 Dollars (\$134,778.00), and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the State of Oregon (Grantee), does hereby grant unto said City of Portland a temporary easement for the purpose of supporting construction activities associated with the Sellwood CSO Pump Station Project, through, under, over and along the following described parcel:

As described on Exhibit "A" and depicted on Exhibit "B" attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD and agreed that:

- A. This easement is temporary and granted for original construction for a term of twenty-seven (27) months, commencing no earlier than March 1, 2010 and terminating no later than June 1, 2012. During the time the easement is in effect, Grantor shall be provided reasonable opportunity to make non-conflicting use of the easement area when the area is not being used by Grantee.
- B. In the event of project delays, the term of this easement will automatically extend by the same amount of time as the period of delay, but in no event will it be extended beyond midnight June 1, 2013.

R/W #6910

SID 1S1E23CC 14200

After Recording Return to: _____

106/800/John Deyo _____

Tax Statement shall be sent to: _____

No Change

- C. Grantee agrees to provide Grantor with at least seven (7) days notice prior to commencing work under this easement.
- D. Grantee agrees that it will make every reasonable effort to minimize construction impacts and will maintain access to Grantor's property to the extent practicable.
- E. The City will restore the easement area to a condition that is as good as or better than the condition existing prior to the original construction.
- F. Grantor reserves all other rights not conveyed herein, but will not exercise said rights in any manner that would be inconsistent or interfere with or materially affect rights herein granted.
- G. This easement shall bind the heirs and assigns of Grantor and shall inure to the benefit of the successors in title of Grantee.
- H. Grantor represents and warrants that it 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 it will defend the same to Grantee against the lawful claims and demands of all persons whomsoever.
- I. This easement is granted pursuant to the exercise of the eminent domain power and authority of Grantee, with the consideration paid by Grantee accepted as just compensation for the property or property rights conveyed, which includes damage to the property remainder, if any, resulting from the acquisition or use of said property or property rights.
- J. Grantor represents that to the best of its knowledge, after appropriate inquiry under the circumstances, the subject property is in compliance with all local, State and Federal environmental laws and regulations.
- K. Grantor represents that it has disclosed all knowledge of any release of hazardous substances onto or from the property, and disclosed any known report, investigation, survey or environmental assessment regarding the subject property. "Release" and "hazardous substance" shall have the meaning as defined under Oregon law.
- (TC) L. Grantor warrants that ^{it knows of} ~~there are~~ no underground storage tanks, as defined under Oregon law, presently on or under the subject property.
- M. Grantee, by accepting this easement, is not accepting liability for any preexisting release of hazardous substances onto or from the subject property, and Grantor is not attempting to convey any such liability.

IN WITNESS WHEREOF, Portland Rowing Club, an Oregon corporation, pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by Tim Cheadle as Commodore this FIRST day of APRIL, 2010.

THE PORTLAND ROWING CLUB, AN OREGON CORPORATION

By: Tim Cheadle
Tim Cheadle, Commodore

STATE OF OREGON

County of MULTNOMAH

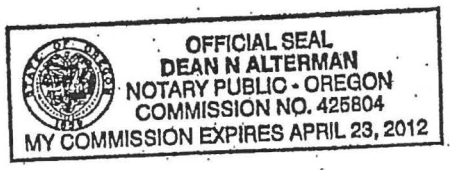
This instrument was acknowledged before me on APRIL 1, 2010, by Tim Cheadle as Commodore of Portland Rowing Club, an Oregon corporation.

The

Dean N. Alterman

Notary Public for Oregon

My Commission expires 4-23-2012



APPROVED AS TO FORM:

Ray Gendron
City Attorney, Chief Deputy

APPROVED:

Bureau of Environmental Services Director
or designee

EXHIBIT "A"

SELLWOOD CSO PUMP STATION PROJECT NO. E08467, R/W #6910

TEMPORARY CONSTRUCTION EASEMENT

A PORTION OF BLOCKS F AND G, AND A PORTION OF VACATED SE HARNEY STREET, IN THE TOWN OF SELLWOOD, SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SE SHERRETT STREET THAT IS N 88°25' 24"W A DISTANCE OF 130.00 FEET FROM THE WEST LINE OF SE GRAND AVENUE; THENCE CONTINUING N 88° 25' 24" W ALONG SAID NORTH LINE A DISTANCE OF 20.00 FEET TO A POINT; THENCE N 31° 55' 23" W A DISTANCE OF 43.37 FEET TO A POINT; THENCE S 54°46' 33"W A DISTANCE OF 8.19 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG THE ARC OF A 45.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 78° 03' 57", AN ARC DISTANCE OF 61.31 FEET (THE CHORD BEARS N 86°11' 29"W 56.68 FEET) TO A POINT OF TANGENCY; THENCE N 47° 09' 31" W A DISTANCE OF 10.25 FEET TO A POINT; THENCE N 39° 43' 59" W A DISTANCE OF 65.36 FEET TO A POINT; THENCE N 12° 44' 06" W A DISTANCE OF 62.45 FEET TO A POINT; THENCE N 48° 54' 47" E A DISTANCE OF 93.30 FEET TO A POINT; THENCE N 64° 05' 52" E A DISTANCE OF 110.00 FEET TO A POINT IN THE WEST LINE OF SE GRAND AVENUE; THENCE S 25° 54' 08" E ALONG SAID WEST LINE A DISTANCE OF 57.21 FEET TO THE NORTH LINE OF SE HARNEY STREET; THENCE N 88° 25' 24" W ALONG SAID NORTH LINE A DISTANCE OF 123.99 FEET TO THE WESTERLY END OF SAID SE HARNEY STREET; THENCE S 25° 54' 08" E ALONG SAID WESTERLY LINE A DISTANCE OF 67.63 FEET TO THE SOUTH LINE OF SE HARNEY STREET; THENCE S 88° 25' 24" E ALONG SAID SOUTH LINE A DISTANCE OF 58.61 FEET TO A POINT; THENCE S 44° 30' 07" W A DISTANCE OF 102.85 FEET; THENCE S 33° 46' 49" W A DISTANCE OF 23.15 FEET TO A POINT; THENCE S 47° 09' 31" E A DISTANCE OF 8.95 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 78° 03' 57", AN ARC DISTANCE OF 27.25 FEET (THE CHORD BEARS S 86° 11' 29" E 25.19 FEET) TO A POINT OF TANGENCY; THENCE N 54° 46' 33" E A DISTANCE OF 151.76 FEET TO A POINT IN THE WEST LINE OF SE GRAND AVENUE; THENCE S 25° 54' 08" E ALONG SAID WEST LINE A DISTANCE OF 20.26 FEET TO A POINT; THENCE S 54° 46' 33" W A DISTANCE OF 105.00 FEET TO A POINT; THENCE S 15° 21' 53" E A DISTANCE OF 64.09 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 21,707 SQUARE FEET, MORE OR LESS.

BLOCK "F"

CURVE DATA

- | | |
|----------------|----------------|
| 1 R = 40.00' | 3 R = 20.00' |
| Δ = 78°03'57" | Δ = 94°30'31" |
| L = 54.50' | L = 32.99' |
| C = 50.38' | C = 29.38' |
| N. 86°11'29"W. | S. 07°31'17"W. |
| 2 R = 40.00' | 4 R = 20.00' |
| Δ = 94°30'31" | Δ = 78°03'57" |
| L = 65.98' | L = 27.25' |
| C = 58.75' | C = 25.19' |
| N. 07°31'17"E. | S. 88°11'29"E. |

- CURVE 5
- | |
|----------------|
| R = 45.00' |
| Δ = 78°03'57" |
| L = 61.31' |
| C = 56.68' |
| N. 86°11'29"W. |

TOWN OF SELLWOOD

TEMPORARY
CONSTRUCTION
EASEMENT
EXHIBIT "B"

R/W #6910

S.E. HARNEY ST.

N. 88°25' 24" W.

SCALE 1" = 40'

S.E. GRAND AVENUE

BLOCK "G"

S.E. SHERRETT ST.

47.12' STRIP OF LAND
DEDICATED FOR STREET
BOOK 880, PAGE 17
RECORDED JANUARY 22, 1969