

## IMPACT STATEMENT

**Legislation title:** Vacate a portion of SW Moody Ave north of Ross Island Bridge subject to certain conditions and reservations (Hearing; Ordinance; VAC-10085)

**Contact name:** Lance D. Lindahl, PBOT Right-of-Way Acquisition

**Contact phone:** 503-823-7465

**Presenter name:** Lance D. Lindahl

### **Purpose of proposed legislation and background information:**

The purpose of this legislation is to vacate a portion of SW Moody Avenue north of the Ross Island Bridge, as recommended in the City Engineer's Report.

A petition to vacate an unimproved portion of SW Moody Avenue north of Ross Island Bridge was initiated by ZRZ Realty Company ("ZRZ"), for the purpose of eliminating excess right-of-way that existed after the realignment of SW Moody Avenue and to incorporate this land into current and future development along the frontage of parcels owned by ZRZ and 3030 Property LLC (the "Property Owners").

The petition was certified by the City Auditor's Office on September 5, 2012. The proposed vacation is depicted on Exhibits 1B and 2B of the Ordinance.

Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations. Although no substantive objections were received, TriMet requested the Petitioner reduce the amount of right-of-way requested to be vacated in order to allow for construction and operation of the Portland to Milwaukie Light Rail project.

The Planning and Sustainability Commission reviewed and approved the proposed street vacation on April 8, 2014. An Engineer's Report was completed on September 4, 2014, recommending approval of the street vacation, subject to certain conditions and reservations. The Report, inclusive of the Planning and Sustainability Commission's recommendation, is attached.

The ordinance complies with state law under ORS 271 and City Code, Chapter 17.84 and will complete the street vacation process.

### **Financial and budgetary impacts:**

Street vacations are cost recovery programs, typically paid for by the Petitioner, and do not alter PBOT's budget. Expenses for processing a street vacation request typically range between \$7,000 and \$20,000, depending on the complexity. This street vacation falls higher than the typical range and is estimated (with moderate confidence) to be approximately \$26,000.

Revenue paid by the Petitioner for this street vacation will cover the actual expenditures incurred by City staff for the processing of this request. The SAP Cost Object is 9TR000001853. The revenue and expenses are occurring in FY 2012-13, 2013-14, and 2014-15.

This legislation does not affect staffing levels nor result in a new or modified financial obligation or benefit now or in the future.

If City Council does not approve the ordinance, the Property Owners will have less property for future development, potentially affecting the future sale of their properties.

**Community impacts and community involvement:**

Pursuant to ORS 271.080 the Petitioner obtained the required signatures from surrounding property owners in the 'affected area' as stated in said statute, showing support of the vacation request. As an additional requirement of the state statute, the City Auditor also published notice of the public hearing in the Daily Journal of Commerce and has posted the notice in the area proposed for vacation.

Comments were also solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations in Southwest Portland. No substantive objections were received.

The Planning and Sustainability Commission (P&SC) advertised and then held a public hearing on April 8, 2014. No one from the public came forward to testify in support or opposition of the vacation and the P&SC ultimately approved the vacation request.

There do not appear to be any impacts to the community from vacating this right-of-way. No opposition to this street vacation request is expected. There is no future public involvement anticipated since this ordinance will conclude the street vacation process.

Information regarding the advertising details can be provided by Toni Anderson, City Auditor's Office, 503-823-4022, or [toni.anderson@portlandoregon.gov](mailto:toni.anderson@portlandoregon.gov).

### Budgetary Impact Worksheet

**Does this action change appropriations?**

- YES:** Please complete the information below.
- NO:** Skip this section

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

KK 1-29-15

\*\*\* ONLY \*\*\*

ADDITIONAL DOCUMENT



Steve  
Novick  
Commissioner

September 4, 2014

Leah Treat  
Director

**CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED VACATION OF  
A PORTION OF SW MOODY AVENUE NORTH OF ROSS ISLAND BRIDGE (R/W #7511)**

**Background**

- 1. Proposed Street Vacation Area.** Two portions of SW Moody Avenue located north of the Ross Island Bridge. The first area is of variable length and width, is located north of the Ross Island Bridge and both north and south of future SW Woods Street, and contains approximately 16,055 square feet. The second area is of variable length and width, and is located north of future SW Woods Street and approximately 8.15 feet south of land conveyed to TriMet by Document 2011-070937 in Multnomah County Deed Records, and contains approximately 4,891 square feet. These areas all together contain approximately 20,946 square feet. Both areas are unimproved, remnant rights-of-way from the recent realignment and reconstruction of SW Moody Avenue.

The proposed vacation areas are more specifically described on Exhibits 1 and 3 and depicted on Exhibits 2 and 4 attached hereto.

- 2. Petitioner.** ZRZ Realty Company is one of the owners of the abutting property to the east of the proposed street vacation area. The other abutting property owner is 3030 Property LLC. Both owners are controlled by the Zidell family.
- 3. Purpose.** The street vacation is proposed in order to eliminate excess right-of-way that existed after the realignment of SW Moody Avenue, and to incorporate this land into current and future development along the frontages of parcels owned by ZRZ Realty Company and 3030 Property LLC. No buildings or development are planned for the vacation area at this time.
- 4. Compliance with Minimum Requirements.** The Petitioner has secured necessary signatures of property owners in the area, as required under ORS 271.080 (Vacation in incorporated cities; petition; consent of property owners). The Office of the City Auditor approved the required petition on September 5, 2012.
- 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.

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

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 PBOT Street Lighting, PBOT Bridges and Structures, and the Bureau of Environmental Services (BES) which requested that certain conditions be satisfied prior to the street being vacated. Additionally, Pacific Power, CenturyLink, Northwest Natural, and Comcast Cable have requested that the street vacation ordinance reserve easements for their existing facilities.
7. **Planning and Sustainability Commission Review.** The Planning and Sustainability Commission reviewed and approved the proposed street vacation on April 8, 2014, with its Report and Recommendation attached as Exhibit 6 hereto.
8. **Costs.** The Petitioner has paid \$20,000 to date to reimburse the City for staff costs incurred processing the street vacation request. Based on a review of the case file, processing costs to date and estimated cost forward to bring the project through City Council, total approximately \$25,000.

#### **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 1 and 3 and depicted on Exhibits 2 and 4 attached hereto and by this reference made a part hereof.

All together containing 20,946 square feet, more or less.

#### **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. **Bureau of Transportation, Street Lighting.** The City of Portland owns one wood pole with a streetlight (D11-10A/103). As a condition of street vacation approval, Portland General Electric will remove the existing street light at the expense of the Petitioner and return it to the City of Portland.

**B. Bureau of Environmental Services.** BES owns and maintains certain improvements within the street area to be vacated. As a condition of street vacation approval, the Petitioner will grant a 20 foot wide sewer easement centered over an existing 42 inch combined sewer pipe to the City. Said easement will be in substantially the same form as Exhibits 7 and 8 attached hereto and will be recorded concurrently and delivered with the street vacation ordinance.

Ownership of all abandoned sewers will be transferred to the property owners. Ownership of all inlets and other related storm sewers will be transferred to the property owners. The 12 inch storm sewer out of facility MH APX 988 will become a private service lateral and will no longer function as a public sewer main. Storm connections to facility MH API 058 will be a private service lateral in the public right-of-way.

**C. Bureau of Transportation, Bridges and Structures.** PBOT owns and maintains a retaining wall for the adjacent portion of SW Moody Avenue that was recently relocated and reconstructed. As a condition of street vacation approval, the Petitioner will grant a Retaining Wall Access and Maintenance Easement over the westerly 8.00 feet of the street vacation areas. Said easement will be in substantially the same form as Exhibits 9 and 10 attached hereto and will be recorded concurrently and delivered with the street vacation ordinance. In the event that property within the easement area is redeveloped, Grantor may request release of the easement area from the Director of the Bureau of Transportation, City of Portland. Grantor shall pay all costs associated with the release of the easement area.

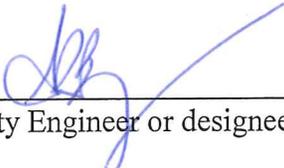
**D. Costs.** In accordance with Item 8 in the Background section above, the estimated administrative cost for completing the street vacation process is \$25,000, of which \$20,000 has been paid to date. Petitioner will remit \$5,000 to the City prior to the scheduled City Council hearing. In the event 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. 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 Pacific Power, CenturyLink, Northwest Natural, and Comcast Cable. 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.

- B. City Release.** Notwithstanding 2A and except for 1B and 1C, 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.



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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,

Commissioner Steve Novick

Attachments:

- Exhibit 1, Legal Description of Proposed Vacation Area (ZRZ Realty Company)
- Exhibit 2, Map of Proposed Vacation Area (ZRZ Realty Company)
- Exhibit 3, Legal Description of Proposed Vacation Area (3030 Property LLC)
- Exhibit 4, Map of Proposed Vacation Area (3030 Property LLC)
- Exhibit 5, Summary of Comments
- Exhibit 6, Planning & Sustainability Commission Recommendation
- Exhibit 7, Draft Sewer Easement Document (ZRZ Realty Company)
- Exhibit 8, Draft Sewer Easement Document (3030 Property LLC)
- Exhibit 9, Draft Retaining Wall Access and Maintenance Easement (ZRZ Realty Company)
- Exhibit 10, Draft Retaining Wall Access and Maintenance Easement (3030 Property LLC)

## EXHIBIT 1



LAND SURVEYORS  
ENGINEERS

(360) 695-1385  
1111 Broadway  
Vancouver, WA  
98660

LEGAL DESCRIPTION  
SW MOODY AVENUE VACATION  
(ZRZ REALTY PORTION)  
RWA# 7511

July 14, 2014

A tract of land situated in the North half of Section 10, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, Multnomah County, Oregon described as follows:

All of that portion of SW Moody Avenue lying North of the North right-of-way line of SW Ross Island Way, a 62.00 foot right-of-way, and lying East of a line which is 31.50 feet East of and parallel with the centerline of re-aligned Moody Avenue which is described as follows:

COMMENCING at the Southwest corner of Lot 4, Block 119, Caruthers Addition to the City of Portland, being on the North right-of-way line of SW Gibbs Street, and being 30.00 feet from, when measured at right angles to, the centerline thereof;

THENCE South  $86^{\circ} 59' 41''$  East, along the South line of said Lot 4, a distance of 94.00 feet to the Southwest corner of that easement for right-of-way conveyed to the City of Portland by Document 2011-051439, Multnomah County records;

THENCE continuing South  $86^{\circ} 59' 41''$  East, along the Easterly projection of said South line, a distance of 44.50 feet to a point 44.50 feet East of the West line of said easement for right-of-way as measured at right angles to said West line and the TRUE POINT OF BEGINNING;

THENCE North  $03^{\circ} 00' 19''$  East, parallel with said West line, a distance of 465.14 feet to the beginning of a 77.00 foot spiral curve to the left at Station 24+25.33;

THENCE along said 77.00 foot spiral curve to the left, a distance of 77.00 feet (the long chord of which bears North  $02^{\circ} 21' 58''$  East a distance of 77.00 feet) to the P.C.S at Station 23+48.33 and a 1150.00 foot radius curve to the left;

THENCE along said 1150.00 foot radius curve to the left, through a central angle of  $21^{\circ} 37' 31''$  (the long chord of which bears North  $09^{\circ} 43' 31''$  West, a distance of 431.47 feet), an arc distance of 434.04 feet to the P.S.C. at Station 19+14.29 and a 77.00 foot spiral curve to the left;

THENCE along said 77.00 foot spiral curve to the left, a distance of 77.00 feet (the long chord of which bears North  $21^{\circ} 49' 00''$  West, a distance of 77.00 feet) to the end of said spiral curve at Station 18+37.29;

THENCE North  $22^{\circ} 27' 22''$  West, a distance of 366.20 feet to the terminus of said centerline.



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EXCEPT from the above described property any portion thereof lying West and North of the following described line:

COMMENCING at said centerline station P.S.C. 19+14.29;

THENCE North  $69^{\circ} 22' 38''$  East, a distance of 31.50 feet to the TRUE POINT OF BEGINNING;

THENCE North  $19^{\circ} 03' 44''$  West, a distance of 28.44 feet;

THENCE North  $12^{\circ} 47' 58''$  West, a distance of 23.22 feet;

THENCE North  $13^{\circ} 31' 27''$  West, a distance of 23.86 feet;

THENCE North  $31^{\circ} 13' 29''$  West, a distance of 20.74 feet to a point 8.15 feet from, when measured perpendicular to, the Westerly extension of the South line of that tract described as Parcel 1 in that deed to Tri-County Metropolitan Transportation District of Oregon (TriMet) as recorded in Document No. 2011-070937, Multnomah County records;

THENCE North  $68^{\circ} 29' 17''$  East, parallel with and 8.15 feet from, said Westerly extension, a distance of 22.98 feet, more or less to the East right-of-way of said SW Moody Ave and terminus of said line.

ALSO EXCEPT a strip of land 64.00 feet wide, lying 32.00 feet on either side of the following described centerline:

COMMENCING at said centerline station P.S.C. 19+14.29;

THENCE along said centerline and along the arc of a 1150.00 foot radius curve to the right (the long chord of which bears South  $17^{\circ} 26' 37''$  East, a distance of 124.16 feet), an arc distance of 124.22 feet to the TRUE POINT OF BEGINNING;

THENCE North  $75^{\circ} 57' 16''$  East, a distance of 100.00 feet to the TERMINUS of said centerline.

ALSO EXCEPT any portion thereof which lies South of a line situated in Section 10, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

COMMENCING at the Northeast corner of that parcel of land conveyed to 3030 Property LLC by Document No. 2012-056835 of Multnomah County deed records;

THENCE North  $86^{\circ} 59' 41''$  West along the North line of said 3030 Property LLC parcel a distance of 344.67 feet to a 27.03 foot radius curve to the left;



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THENCE continuing along said North line and along said 27.03 foot radius curve to the left, a distance of 31.20 feet (the long chord of which bears South 59° 56' 12" West a distance of 29.50 feet) to the East line of SW Moody Avenue and the TRUE POINT OF BEGINNING of said line;

THENCE South 70° 44' 14" West, radial to said East line of SW Moody Avenue, a distance of 32.29 feet to a line 31.50 feet East, as measured radially, of the above described centerline of re-aligned Moody Avenue and the terminus of said line.

Containing approximately 4,891 square feet, more or less.

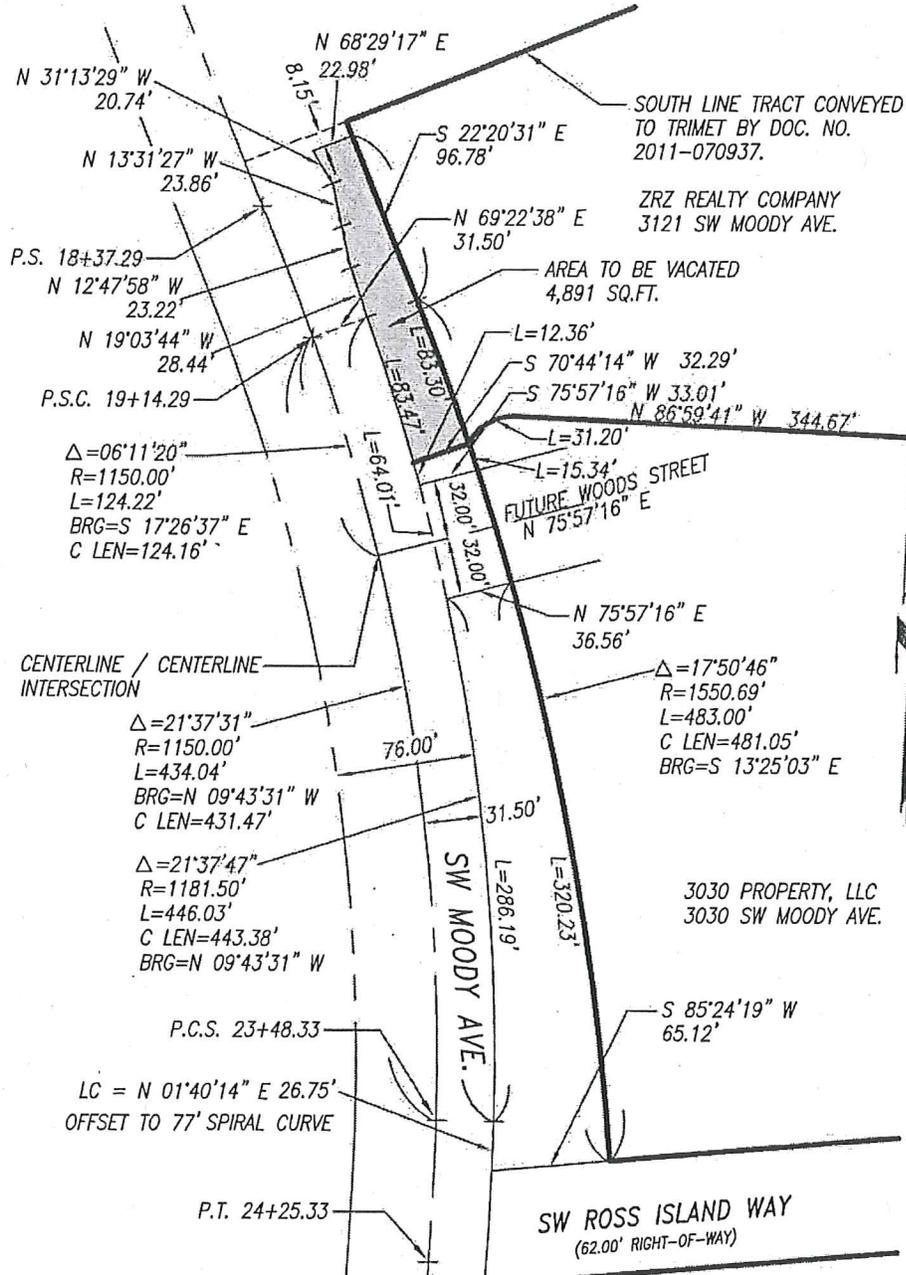


RENEWAL DATE: JUNE 30, 2016

EXHIBIT 2

EXHIBIT MAP  
S.W. MOODY AVENUE VACATION

A PORTION OF THE NE 1/4 AND THE NW1/4, SECTION 10,  
T. 1 S., R. 1 E., W.M.,  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



**OLSON** LAND SURVEYORS  
**ENGINEERS**  
 ENGINEERING INC. 1111 BROADWAY, VANCOUVER, WA 98660  
 1-360-695-1385  
 1-503-289-9936

RWA# 7511



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COMMENCING at the Southwest corner of Lot 4, Block 119, Caruthers Addition to the City of Portland, being on the North right-of-way line of SW Gibbs Street, and being 30.00 feet from, when measured at right angles to, the centerline thereof;

THENCE South  $86^{\circ} 59' 41''$  East, along the South line of said Lot 4, a distance of 94.00 feet to the Southwest corner of that easement for right-of-way conveyed to the City of Portland by Document 2011-051439, Multnomah County records;

THENCE continuing South  $86^{\circ} 59' 41''$  East, along the Easterly projection of said South line, a distance of 44.50 feet to a point 44.50 feet East of the West line of said easement for right-of-way as measured at right angles to said West line and the TRUE POINT OF BEGINNING;

THENCE North  $03^{\circ} 00' 19''$  East, parallel with said West line, a distance of 465.14 feet to the beginning of a 77.00 foot spiral curve to the left at Station 24+25.33;

THENCE along said 77.00 foot spiral curve to the left, a distance of 77.00 feet (the long chord of which bears North  $02^{\circ} 21' 58''$  East a distance of 77.00 feet) to the P.C.S at Station 23+48.33 and a 1150.00 foot radius curve to the left;

THENCE along said 1150.00 foot radius curve to the left, through a central angle of  $21^{\circ} 37' 31''$  (the long chord of which bears North  $09^{\circ} 43' 31''$  West, a distance of 431.47 feet), an arc distance of 434.04 feet to the P.S.C. at Station 19+14.29 and a 77.00 foot spiral curve to the left;

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THENCE North  $12^{\circ} 47' 58''$  West, a distance of 23.22 feet;

THENCE North  $13^{\circ} 31' 27''$  West, a distance of 23.86 feet;

THENCE North  $31^{\circ} 13' 29''$  West, a distance of 20.74 feet to a point 8.15 feet from, when measured perpendicular to, the Westerly extension of the South line of that tract described as Parcel 1 in that deed to Tri-County Metropolitan Transportation District of Oregon (TriMet) as recorded in Document No. 2011-070937, Multnomah County records;

THENCE North  $68^{\circ} 29' 17''$  East, parallel with and 8.15 feet from, said Westerly extension, a distance of 22.98 feet, more or less to the East right-of-way of said SW Moody Ave and end of said line.

ALSO EXCEPT a strip of land 64.00 feet wide, lying 32.00 feet on either side of the following described centerline:

COMMENCING at said centerline station P.S.C. 19+14.29;

THENCE said centerline and along the arc of a 1150.00 foot radius curve to the right (the long chord of which bears South  $17^{\circ} 26' 37''$  East, a distance of 124.16 feet), an arc distance of 124.22 feet to the TRUE POINT OF BEGINNING;

THENCE North  $75^{\circ} 57' 16''$  East, a distance of 100.00 feet to the TERMINUS of said centerline.

ALSO EXCEPT any portion thereof which lies North of a line situated in Section 10, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

COMMENCING at the Northeast corner of that parcel of land conveyed to 3030 Property LLC by Document No. 2012-056835 of Multnomah County deed records;

THENCE North  $86^{\circ} 59' 41''$  West along the North line of said 3030 Property LLC parcel a distance of 344.67 feet to a 27.03 foot radius curve to the left;



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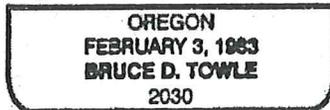
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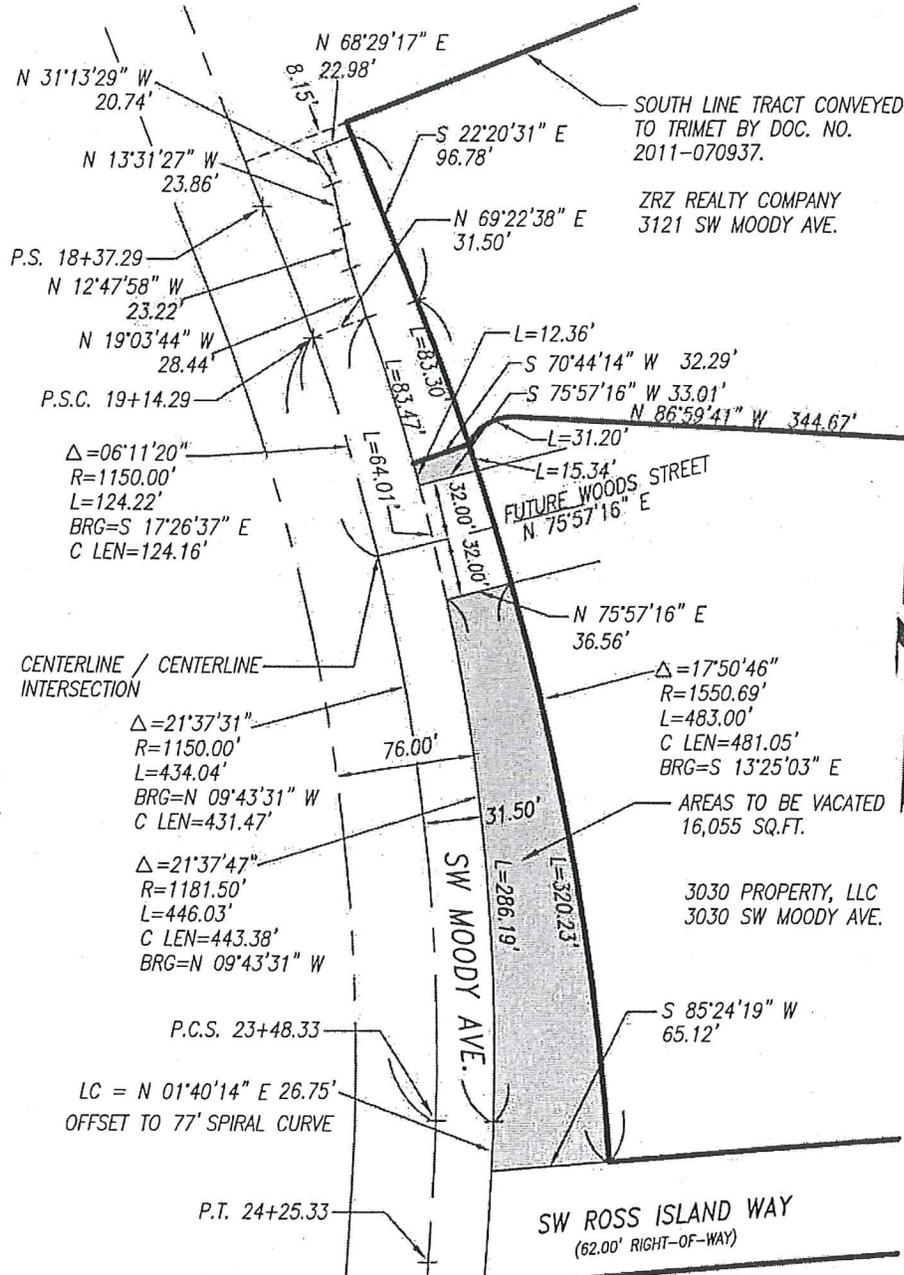
*B. D. Towle*



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1-360-695-1385  
1-503-289-9936

RWA# 7511

## Comments Summary

R/W #7511 SW Moody Avenue north of Ross Island Bridge	RWA Project Manager: Lance D. Lindahl	Petitioner/Applicant: ZRZ Realty Contact: Ryan Schera, Mackenzie 1515 SE Water Avenue, Suite100 Portland, OR 97214 Phone: 503-224-9560
SAP Cost Object No.: 9TR000001853		
VAC-10085		
IQ # 12-146804 and 11-199577		
<b>Commenting Party</b>	<b>Response Date</b>	<b>Comments / Conditions</b>
<b>City Bureaus / Depts. Notified:</b>		
City Auditor Toni Anderson	9/5/12	Petition Certified.
PBOT Development Review Bob Haley	1/21/14	No objection.
PBOT Active Transportation Dan Bower	12/30/13	No objection.
Transportation Planning Courtney Duke	1/20/14	No objection.
PBOT Permit Engineering Chon Wong	1/22/14	No objection.
PBOT Trans Systems Mgmt Carl Snyder	12/30/13	No objection.
PBOT Street Lighting Bonnie Nicholas 503-823-5450	11/26/13	<b>No objection subject to the following condition:</b> Wood pole with streetlight (D11-10A/103) to be removed prior to vacation. The light is to be removed by Portland General Electric at the expense of the Petitioner and returned to the City of Portland.
PBOT Project Management Chris Armes	12/5/13	No objection.
PBOT Bridges and Structures David O'Longaigh 503-823-0371	1/22/14	<b>No objection subject to the following condition:</b> Petitioner will grant a Retaining Wall Access and Maintenance Easement over the westerly 8.00 feet of the street vaction areas.
Development Services Sean Williams	11/26/13	No objection.

## Comments Summary

<b>Commenting Party</b>	<b>Response Date</b>	<b>Comments / Conditions</b>
Environmental Services Sun Noble 503-823-5241	12/16/13	<b>No objection subject to the following conditions:</b> A 20' wide sewer easement is required centered over the existing 42" combined sewer pipe using the standard template language. Transfer ownership of all abandoned sewers to the property owner. All inlets and other related storm sewer to be transferred to the property owner. The 12" storm sewer out of MH APX 988 will be a private service lateral rather than a public sewer main. Storm connections to MH API 058 to be a private service lateral in the public right of way.
Water Bureau Rick Nelson 503-823-7475	7/2/14	No objection. <b>Comment Only:</b> Water Bureau to acquire easement over a portion of future SW Woods Street outside of but concurrent with the street vacation process. Said area is outside of the street vacation area.
Fire Bureau Kari Schimel	1/6/14	No objection.
Park Bureau Todd Lofgren	10/25/12	No objection.
Urban Forestry Division Luke Miller	12/30/13	No objection.
Planning & Sustainability Commission	4/8/14	Approved.
<b>Neigh Assoc Notified:</b>		
South Portland NA Jim Davis, Land Use Chair		No response.
SWNI Leonard Gard		No response.
SW Trails PDX Don Baack		No response.
<b>Local Agencies Notified:</b>		
ODOT Region 1 Tamara Patrick		No response.
Port of Portland Phil Healy	12/31/13	No objection.

## Comments Summary

Commenting Party	Response Date	Comments / Conditions
TriMet Jenny Lyman 503-962-2346	1/21/13	<b>Comment Only:</b> The northern line of the vacation area has been shifted to the south in order to accommodate Portland to Milwaukie Light Rail.
<b>Public Utilities Notified:</b>		
PGE John Nelson		No response.
Pacific Power Ross Cichosz 503-280-2702	9/25/12	Have facilities in street area; reserve easement.
Century Link Lynn M. Smith 503-242-6376	9/21/12	Have facilities in street area; reserve easement.
Northwest Natural Richard Hawkes 503-226-4211 Ext. 4321	11/27/13	Have facilities in street area; reserve easement.
Comcast Cable Matt Parris 503-605-6149	10/3/12	Have facilities in street area; reserve easement.



Steve  
Novick  
Commissioner

Leah Treat  
Director

**CITY OF PORTLAND PLANNING AND SUSTAINABILITY COMMISSION  
REPORT AND RECOMMENDATION TO THE PORTLAND CITY COUNCIL**

**Consent Agenda Item Heard on April 8, 2014**

**FILE NUMBER: R/W #7511**

**I. GENERAL INFORMATION**

**Street Vacation Request:** A portion of SW Moody Avenue north of the Ross Island Bridge

**Petitioner:** Street vacation initiated by ZRZ Realty Company. The Petitioner's representative is Ryan Schera at Mackenzie, 503-224-9560 x384.

**Purpose:** Purpose is to vacate remnant right-of-way left after the recent reconstruction of SW Moody Ave.

**Neighborhood:** South Portland Neighborhood Association  
William Danneman, Transportation/Traffic Chair  
623 SW Caruthers Street  
Portland, OR 97201  
503-228-9868

Southwest Neighborhoods Inc. (SWNI)  
Leonard Gard, Program Manager  
7688 SW Capitol Highway  
Portland, OR 97219  
[leonard@swni.org](mailto:leonard@swni.org)  
503-823-4952

**Quarter Section:** 3329, 3330

**Designation/Zone:** CXdCC, Central Commercial zone with a Design overlay, in the Central City Plan District.

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

## II. EXECUTIVE SUMMARY AND RECOMMENDATION

The purpose of this action is to vacate right-of-way that is no longer used for a transportation purpose following the recent reconstruction and realignment of SW Moody Avenue. The Planning and Sustainability Commission recommends **APPROVAL** of the street vacation request, with conditions.

## III. FACTS

### A. History and Background

In 2010 – 2011, SW Moody Avenue was completely reconstructed between SW Sheridan Street and SW Gibbs Street. The new roadway is elevated as much as 14' above the former grade, and includes three motor vehicle travel lanes, two streetcar tracks, two sidewalks, and one bi-directional bicycle facility. The new design shifted the roadway to the west; as a result there is remnant right-of-way to the east of Moody Ave that is no longer used for transportation purposes. This proposal will vacate a portion of that remnant right-of-way.

### B. Concurrent land use actions

There are no concurrent land use actions.

### C. The Transportation Element

The proposed street vacation site is part of the Central City Transportation Management Plan, a component of the Transportation System Plan. No policies relate to the site or the street vacation request.

SW Moody Avenue is classified as a Traffic Access Street, a Transit Access Street, a City Bikeway, a Central City Transit/Pedestrian Street, a Local Service Truck Street, a Community Main Street, and a Major Emergency Response Street.

### D. Neighborhood Plan

The proposed vacation area lies within the Central City Plan District – South Waterfront Subdistrict. The Central City Plan was adopted by City Council in March 1988. Policy 4 of the Central City Plan addresses transportation issues and goals. This policy states its goal as being to “improve the Central City’s accessibility to the rest of the region and its ability to accommodate growth, by extending the light rail system and by maintaining and improving other forms of transit and the street and highway system, while preserving and

enhancing the City's livability." The proposed street vacation area is not in conflict with the goals or elements of the Central City Plan policies.

The South Waterfront Street Plan, Criteria and Standards (Street Plan) established the future street grid for the South Waterfront District. The Street Plan was updated in 2009 to reflect the Locally Preferred Alternative for the Portland-Milwaukie Light Rail project, and the anticipated reconstruction and realignment of SW Moody Ave. The proposed vacation is consistent with the updated Street Plan, and will not impact future construction of SW Grover Street, SW Woods Street, or SW Porter Street.

#### **IV. 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 proposal will vacate a portion of right-of-way no longer used for a transportation function, and will not impact the construction of future streets identified in the Street Plan. This policy is met.

###### **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:* SW Moody at the location of the proposed vacation is fully improved to City standards, and the remnant right-of-way is no longer used for transportation purposes. The proposed vacation will have no impact on the transportation function of any nearby street, and will not impact the construction of future streets identified in the Street Plan. This policy is met.

###### **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:* There are no scenic resources related to this site or street vacation. This policy is met.

**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:* The proposal will vacate a portion of right-of-way no longer used for a transportation function. The proposal will not impact the construction of future streets identified in the Street Plan, which will meet the connectivity objectives when built. This policy is met.

**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:* The right-of-way proposed for vacation is adjacent to a fully improved street, and is no longer used for transportation purposes. This policy is met.

**B. Neighborhood Plan considerations**

The South Waterfront Street Plan, Criteria and Standards (Street Plan) established the future street grid for the South Waterfront District. The Street Plan was updated in 2009 to reflect the Locally Preferred Alternative for the Portland-Milwaukie Light Rail project, and the anticipated reconstruction and realignment of SW Moody Ave. The proposed vacation is consistent with the updated Street Plan, and will not impact future construction of SW Grover Street, SW Woods Street, or SW Porter Street.

**C. Zoning Code considerations**

There are no zoning issues.

**D. Subdivision code considerations**

There are no sub-division issues.

**E. Improvement considerations**

Notification of the proposed vacation was sent to relevant public and private entities that may own or maintain physical improvements within the public right-of-way.

The following divisions within the Bureau of Transportation have no objection to the proposed vacation: Development Review; Planning, Policy and Projects; Active Transportation; Permit Engineering; Systems Management.

The following divisions within the Bureau of Transportation provided comments related to the proposed vacation:

Signals and Street Lighting maintains a wood pole with a streetlight in the proposed vacation area (ID# D11-10A/103). This pole shall be removed by Portland General Electric at the expense of the Petitioner and returned to the City of Portland.

Bridges and Structures maintains the retaining wall that supports the SW Moody Ave roadway. An 8-foot access easement is required from the face of the wall.

The following City bureaus have no objection to the proposed vacation: Bureau of Development Services, Water Bureau, Fire Bureau, Bureau of Parks and Recreation, Urban Forestry Division.

The Bureau of Environmental Services (BES) maintains facilities in the area. BES requires a 20-foot wide sewer easement over the existing 42-inch combined sewer pipe. In addition, ownership of all abandoned sewers, inlets, and other related storm sewers shall be transferred to the property owner. The 12" storm sewer out of MH APX 988 will be a private service lateral rather than a public sewer main. Storm connections to MH API 058 shall be a private service lateral in the public right-of-way.

The following local agencies have no objection to the proposed vacation: Oregon Department of Transportation, Port of Portland, TriMet.

Portland General Electric has no objection to the proposed vacation.

Pacific Power and Light, CenturyLink, Northwest Natural, and Comcast Cable have facilities in the area and require access easements.

**F. Other Considerations**

***Neighborhood issues.***

The South Portland Neighborhood Association and Southwest Neighborhoods, Inc. were notified of the street vacation process and request. No objections to the proposal were submitted.

**V. CONCLUSIONS**

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide future facilities. Additionally, approval of the street vacation will not affect the functional performance of the street system in the area.

**VI. PLANNING AND SUSTAINABILITY COMMISSION RECOMMENDATION**

As a Consent Agenda item on April 8, 2014, the Planning and Sustainability Commission recommended **APPROVAL** of the vacation as shown on Exhibit 1, with conditions:

Prior to recording of the street vacation ordinance, the Petitioner shall:

1. Arrange for the removal of the wood pole and streetlight with ID# D11-10A/103. The pole shall be removed by Portland General Electric at the expense of the Petitioner and returned to the City of Portland.
2. Provide an access easement per the Bureau of Transportation, Bridges and Structures Division.
3. Provide a sewer easement per the Bureau of Environmental Services.
4. Transfer ownership of abandoned sewers, inlets, laterals and related storm sewers per the Bureau of Environmental Services.
5. Provide utility easements for Pacific Power, CenturyLink, Northwest Natural, and Comcast Cable.

**VII. EXHIBITS**

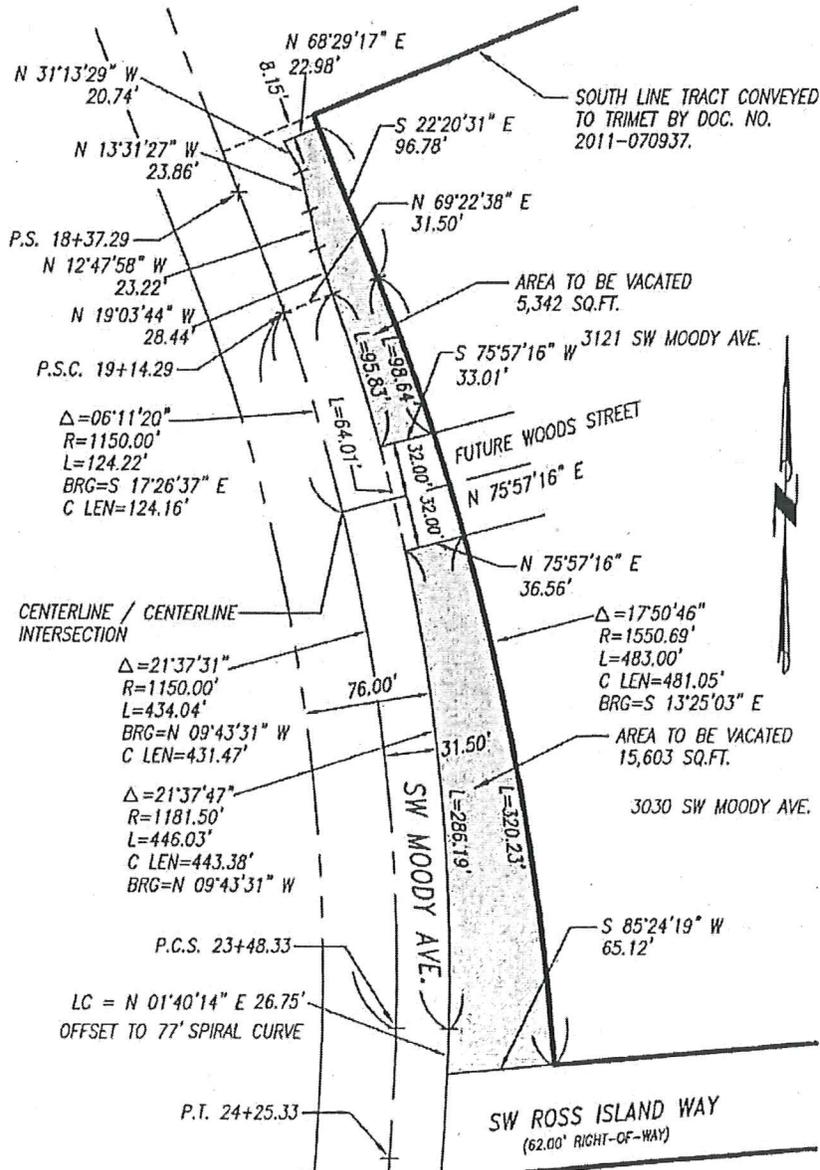
1. Map of Area Proposed for Vacation
2. Aerial Photo of Area Proposed for Vacation With Approximate Sewer Easement.

Staff Planner – Grant Morehead, AICP  
Phone: 503-823-9707  
Email: grant.morehead@portlandoregon.gov

cc: Lance Lindahl, Right-of-Way Case Manager  
William Danneman, South Portland Neighborhood Association  
Leonard Gard, Southwest Neighborhoods Inc.  
Case file

EXHIBIT 1

**S.W. MOODY AVE. VACATION**  
 A PORTION OF THE NE 1/4 AND THE NW1/4, SECTION 10,  
 T. 1 S., R. 1 E., W.M.,  
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

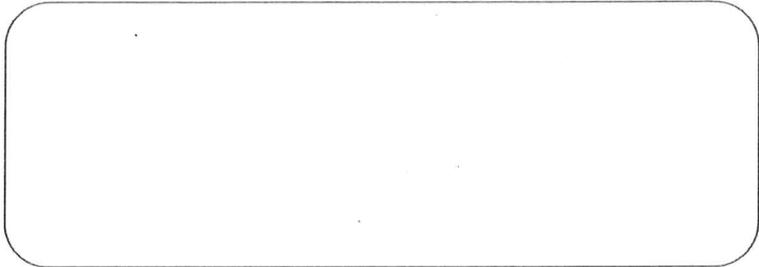


**OLSON** LAND SURVEYORS  
**ENGINEERS**  
 ENGINEERING INC. 1111 BROADWAY, VANCOUVER, WA 98660  
 1-360-695-1385  
 1-503-289-9936



**Grantor's Name & Address:**

ZRZ Realty Company  
3121 SW Moody Avenue  
Portland, OR 97239-4505



**SEWER EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS, that **ZRZ Realty Company**, a corporation duly organized and incorporated under the laws of the State of Oregon, ("Grantor"), in consideration of the sum of One and no/100 Dollars (\$1.00), 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 (Easement Area):

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

Contains 4,487 square feet, more or less.

IT IS UNDERSTOOD and agreed that:

- A. 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.
- B. This easement includes the right of access for construction, inspection, maintenance or other sewerage system activities.
- C. 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.

R/W #7511

After Recording Return to:

Lance D. Lindahl, City of Portland

1S1E10 TL 300

1120 SW 5th Avenue, Suite 800

Portland, OR 97204

Tax Statement shall be sent to: No Change

- 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. This easement shall bind the heirs and assigns of Grantor and shall inure to the benefit of the successors in title of Grantee.
- F. Grantor represents and warrants that it has the authority to grant this easement, that the Easement Area 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.
- G. 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 Easement Area 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 Easement Area, and disclosed any known report, investigation, survey or environmental assessment regarding the Easement Area. "Release" and "hazardous substance" shall have the meaning as defined under Oregon law.
- K. Grantor warrants that there are no underground storage tanks, as defined under Oregon law, presently on or under the Easement Area.
- L. Grantee, by accepting this easement, is not accepting liability for any preexisting release of hazardous substances onto or from the Easement Area, and Grantor is not attempting to convey any such liability.

IN WITNESS WHEREOF, ZRZ Realty Company, pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by \_\_\_\_\_ as President and \_\_\_\_\_ as Secretary, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ZRZ REALTY COMPANY, AN OREGON CORPORATION

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

STATE OF OREGON

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 2014,  
by \_\_\_\_\_ as President, and \_\_\_\_\_ as  
Secretary, of ZRZ Realty Company, an Oregon corporation.

\_\_\_\_\_  
Notary Public for (state) \_\_\_\_\_  
My Commission expires \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

APPROVED:

\_\_\_\_\_  
Bureau of Environmental Services Director  
or designee

7511/SEWER EASEMENT CIP ZRZ



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ENGINEERS

(360) 695-1385  
1111 Broadway  
Vancouver, WA  
98660

EXHIBIT A  
LEGAL DESCRIPTION  
SEWER EASEMENT  
(ZRZ REALTY PORTION)  
RWA# 7511

July 14, 2014

A strip of land 35.00 feet in width situated in the North half of Section 10, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, Multnomah County, Oregon lying 20.00 feet on the right side and 15.00 feet on the left side of the following described line:

COMMENCING at the Southwest corner of Lot 4, Block 119, Caruthers Addition to the City of Portland, being on the North right-of-way line of SW Gibbs Street, and being 30.00 feet from, when measured at right angles to, the centerline thereof;

THENCE South  $86^{\circ} 59' 41''$  East, along the South line of said Lot 4, a distance of 94.00 feet to the Southwest corner of that easement for right-of-way conveyed to the City of Portland by Document 2011-051439, Multnomah County records;

THENCE continuing South  $86^{\circ} 59' 41''$  East, along the Easterly projection of said South line, a distance of 44.50 feet to a point on the center line of re-aligned Moody Avenue, said point being 44.50 feet East of the West line of said easement for right-of-way as measured at right angles to said West line;

THENCE North  $03^{\circ} 00' 19''$  East, parallel with said West line, a distance of 465.14 feet to the beginning of a 77.00 foot spiral curve to the left at Station 24+25.33;

THENCE along said spiral curve to the left, a distance of 77.00 feet (the long chord of which bears North  $02^{\circ} 21' 58''$  East a distance of 77.00 feet) to the P.C.S at Station 23+48.33;

THENCE leaving said street centerline South  $89^{\circ} 00' 14''$  East, a distance of 0.18 feet to the centerline of a sanitary sewer pipe and the TRUE POINT OF BEGINNING;

THENCE following said sanitary sewer pipe North  $00^{\circ} 59' 46''$  East, a distance of 331.38 feet;



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98660

THENCE following said sewer pipe North 22° 02' 53" West, a distance of 299.66 feet to the terminus of said line.

EXCEPT from the above described property any portion thereof lying Westerly of a line 31.50 feet East of and parallel with the following described line:

COMMENCING at the Southwest corner of Lot 4, Block 119, Caruthers Addition to the City of Portland, being on the North right-of-way line of SW Gibbs Street, and being 30.00 feet from, when measured at right angles to, the centerline thereof;

THENCE South 86° 59' 41" East, along the South line of said Lot 4, a distance of 94.00 feet to the Southwest corner of that easement for right-of-way conveyed to the City of Portland by Document 2011-051439, Multnomah County records;

THENCE continuing South 86° 59' 41" East, along the Easterly projection of said South line, a distance of 44.50 feet to a point 44.50 feet East of the West line of said easement for right-of-way as measured at right angles to said West line and the TRUE POINT OF BEGINNING;

THENCE North 03° 00' 19" East, parallel with said West line, a distance of 465.14 feet to the beginning of a 77.00 foot spiral curve to the left at Station 24+25.33;

THENCE along said spiral curve to the left, a distance of 77.00 feet (the long chord of which bears North 02° 21' 58" East a distance of 77.00 feet) to the P.C.S at Station 23+48.33 and a 1150.00 foot radius curve to the left;

THENCE along said 1150.00 foot radius curve to the left, through a central angle of 21° 37' 31" (the long chord of which bears North 09° 43' 31" West, a distance of 431.47 feet), an arc distance of 434.04 feet to the P.S.C. at Station 19+14.29 and a 77.00 foot spiral curve to the left;

THENCE along said 77.00 foot spiral curve to the left, a distance of 77.00 feet (the long chord of which bears North 21° 49' 00" West, a distance of 77.00 feet) to the end of said spiral curve at Station 18+37.29;



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THENCE North 22° 27' 22" West, a distance of 366.20 feet to the terminus of said centerline.

ALSO EXCEPT from the above described property any portion thereof lying North and West of the following described line:

COMMENCING at aforementioned centerline station P.S.C. 19+14.29;

THENCE North 69° 22' 38" East, a distance of 31.50 feet to the TRUE POINT OF BEGINNING;

THENCE North 19° 03' 44" West, a distance of 28.44 feet;

THENCE North 12° 47' 58" West, a distance of 23.22 feet;

THENCE North 13° 31' 27" West, a distance of 23.86 feet;

THENCE North 31° 13' 29" West, a distance of 20.74 feet to a point 8.15 feet from, when measured perpendicular to, the Westerly extension of the South line of that tract described as Parcel 1 in that deed to Tri-County Metropolitan Transportation District of Oregon (TriMet) as recorded in Document No. 2011-070937, Multnomah County records;

THENCE North 68° 29' 17" East, parallel with and 8.15 feet from, said Westerly extension, a distance of 22.98 feet, more or less to the East right-of-way of said SW Moody Avenue and terminus of said line.

ALSO EXCEPT a strip of land 64.00 feet wide, lying 32.00 feet on either side of the following described centerline:

COMMENCING at said centerline station P.S.C. 19+14.29;

THENCE along the arc of a 1150.00 foot radius curve to the right (the long chord of which bears South 17° 26' 37" East, a distance of 124.16 feet), an arc distance of 124.22 feet to a point on the centerline of aforementioned re-aligned Moody Avenue and TRUE POINT OF BEGINNING;



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THENCE North 75° 57' 16" East, a distance of 100.00 feet to the TERMINUS of said centerline.

ALSO EXCEPT any portion thereof which lies South of a line situated in Section 10, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

COMMENCING at the Northeast corner of that parcel of land conveyed to 3030 Property LLC by Document No. 2012-056835 of Multnomah County deed records;

THENCE North 86° 59' 41" West along the North line of said 3030 Property LLC parcel a distance of 344.67 feet to a 27.03 foot radius curve to the left;

THENCE continuing along said North line and along said 27.03 foot radius curve to the left, a distance of 31.20 feet (the long chord of which bears South 59° 56' 12" West a distance of 29.50 feet) to the East line of SW Moody Avenue and the TRUE POINT OF BEGINNING of said line;

THENCE South 70° 44' 14" West, radial to said East line of SW Moody Avenue, a distance of 32.29 feet to a line 31.50 feet East, as measured radially, of the above described centerline of re-aligned Moody Avenue and the terminus of said line.

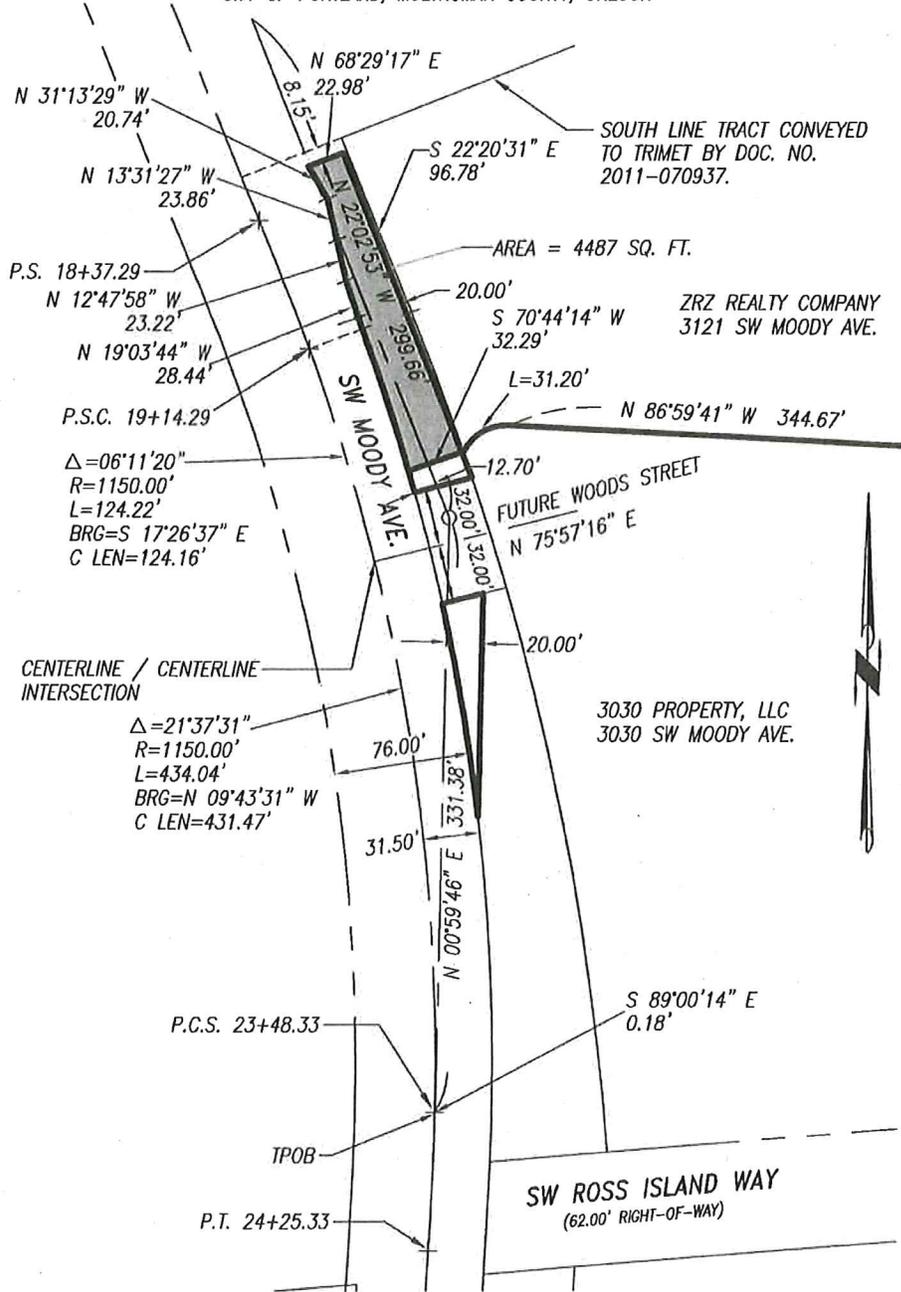
Containing 4,487 Square Feet, more or less.



RENEWAL DATE: JUNE 30, 2016

**EXHIBIT B  
EXHIBIT MAP  
SEWER EASEMENT**

A PORTION OF THE NE 1/4 AND THE NW1/4, SECTION 10,  
T. 1 S., R. 1 E., W.M.,  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

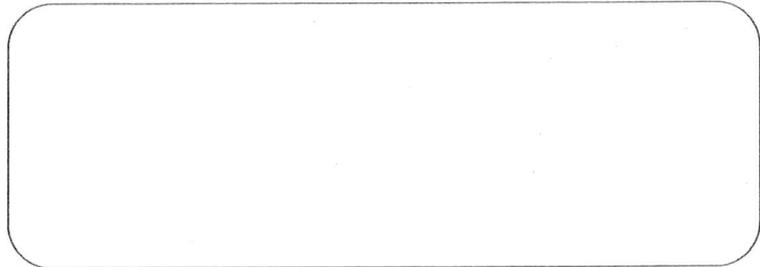


RWA# 7511

**OLSON LAND SURVEYORS**  
**ENGINEERS**  
 ENGINEERING INC. 1111 BROADWAY, VANCOUVER, WA 98660  
 1-360-695-1385  
 1-503-289-9936

**Grantor's Name and Address:**

3030 Property LL  
Attn.: Irving Potter  
3121 SW Moody Avenue  
Portland, OR 97239-4505



**SEWER EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS, that **3030 Property LLC**, an Oregon limited liability company, ("Grantor"), in consideration of the sum of One and no/100 Dollars (\$1.00), 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 (Easement Area):

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

Contains 1,734 square feet, more or less.

IT IS UNDERSTOOD and agreed that:

- A. 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.
- B. This easement includes the right of access for construction, inspection, maintenance or other sewerage system activities.
- C. 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.

R/W #7511

1S1E10 TL 400

After Recording Return to:

Lance D. Lindahl, City of Portland

1120 SW 5th Avenue, Suite 800

Portland, OR 97204

Tax Statement shall be sent to: No Change

- 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. This easement shall bind the heirs and assigns of Grantor and shall inure to the benefit of the successors in title of Grantee.
- F. Grantor represents and warrants that it has the authority to grant this easement, that the Easement Area 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.
- G. 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 Easement Area 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 Easement Area, and disclosed any known report, investigation, survey or environmental assessment regarding the Easement Area. "Release" and "hazardous substance" shall have the meaning as defined under Oregon law.
- K. Grantor warrants that there are no underground storage tanks, as defined under Oregon law, presently on or under the Easement Area.
- L. Grantee, by accepting this easement, is not accepting liability for any preexisting release of hazardous substances onto or from the Easement Area, and Grantor is not attempting to convey any such liability.

*This section is intentionally left blank.*

IN WITNESS WHEREOF, 3030 Property LLC, an Oregon limited liability company, pursuant to its Articles of Organization, duly and legally adopted, has caused these presents to be signed by its member, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

3030 PROPERTY LLC,  
AN OREGON LIMITED LIABILITY COMPANY

By: \_\_\_\_\_  
Member

STATE OF \_\_\_\_\_

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ as a member of 3030 Property LLC, an Oregon limited liability company.

\_\_\_\_\_  
Notary Public for (state) \_\_\_\_\_  
My Commission expires \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

APPROVED:

\_\_\_\_\_  
Bureau of Environmental Services Director  
or designee



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ENGINEERS

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1111 Broadway  
Vancouver, WA  
98660

EXHIBIT A  
LEGAL DESCRIPTION  
SEWER EASEMENT  
(3030 PROPERTY LLC PORTION)  
RWA# 7511

July 14, 2014

A strip of land 35.00 feet in width situated in the North half of Section 10, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, Multnomah County, Oregon lying 20.00 feet on the right side and 15.00 feet on the left side of the following described line:

COMMENCING at the Southwest corner of Lot 4, Block 119, Caruthers Addition to the City of Portland, being on the North right-of-way line of SW Gibbs Street, and being 30.00 feet from, when measured at right angles to, the centerline thereof;

THENCE South  $86^{\circ} 59' 41''$  East, along the South line of said Lot 4, a distance of 94.00 feet to the Southwest corner of that easement for right-of-way conveyed to the City of Portland by Document 2011-051439, Multnomah County records;

THENCE continuing South  $86^{\circ} 59' 41''$  East, along the Easterly projection of said South line, a distance of 44.50 feet to a point on the center line of re-aligned Moody Avenue, said point being 44.50 feet East of the West line of said easement for right-of-way as measured at right angles to said West line;

THENCE North  $03^{\circ} 00' 19''$  East, parallel with said West line, a distance of 465.14 feet to the beginning of a 77.00 foot spiral curve to the left at Station 24+25.33;

THENCE along said spiral curve to the left, a distance of 77.00 feet (the long chord of which bears North  $02^{\circ} 21' 58''$  East a distance of 77.00 feet) to the P.C.S at Station 23+48.33;

THENCE leaving said street centerline South  $89^{\circ} 00' 14''$  East, a distance of 0.18 feet to the centerline of a sanitary sewer pipe and the TRUE POINT OF BEGINNING;

THENCE following said sanitary sewer pipe North  $00^{\circ} 59' 46''$  East, a distance of 331.38 feet;



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ENGINEERS

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Vancouver, WA  
98660

THENCE following said sewer pipe North 22° 02' 53" West, a distance of 299.66 feet to the terminus of said line.

EXCEPT from the above described property any portion thereof lying Westerly of a line 31.50 feet East of and parallel with the following described line:

COMMENCING at the Southwest corner of Lot 4, Block 119, Caruthers Addition to the City of Portland, being on the North right-of-way line of SW Gibbs Street, and being 30.00 feet from, when measured at right angles to, the centerline thereof;

THENCE South 86° 59' 41" East, along the South line of said Lot 4, a distance of 94.00 feet to the Southwest corner of that easement for right-of-way conveyed to the City of Portland by Document 2011-051439, Multnomah County records;

THENCE continuing South 86° 59' 41" East, along the Easterly projection of said South line, a distance of 44.50 feet to a point 44.50 feet East of the West line of said easement for right-of-way as measured at right angles to said West line and the TRUE POINT OF BEGINNING;

THENCE North 03° 00' 19" East, parallel with said West line, a distance of 465.14 feet to the beginning of a 77.00 foot spiral curve to the left at Station 24+25.33;

THENCE along said spiral curve to the left, a distance of 77.00 feet (the long chord of which bears North 02° 21' 58" East a distance of 77.00 feet) to the P.C.S at Station 23+48.33 and a 1150.00 foot radius curve to the left;

THENCE along said 1150.00 foot radius curve to the left, through a central angle of 21° 37' 31" (the long chord of which bears North 09° 43' 31" West, a distance of 431.47 feet), an arc distance of 434.04 feet to the P.S.C. at Station 19+14.29 and a 77.00 foot spiral curve to the left;

THENCE along said 77.00 foot spiral curve to the left, a distance of 77.00 feet (the long chord of which bears North 21° 49' 00" West, a distance of 77.00 feet) to the end of said spiral curve at Station 18+37.29;



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THENCE North 22° 27' 22" West, a distance of 366.20 feet to the terminus of said centerline.

ALSO EXCEPT from the above described property any portion thereof lying North and West of the following described line:

COMMENCING at aforementioned centerline station P.S.C. 19+14.29;

THENCE North 69° 22' 38" East, a distance of 31.50 feet to the TRUE POINT OF BEGINNING;

THENCE North 19° 03' 44" West, a distance of 28.44 feet;

THENCE North 12° 47' 58" West, a distance of 23.22 feet;

THENCE North 13° 31' 27" West, a distance of 23.86 feet;

THENCE North 31° 13' 29" West, a distance of 20.74 feet to a point 8.15 feet from, when measured perpendicular to, the Westerly extension of the South line of that tract described as Parcel 1 in that deed to Tri-County Metropolitan Transportation District of Oregon (TriMet) as recorded in Document No. 2011-070937, Multnomah County records;

THENCE North 68° 29' 17" East, parallel with and 8.15 feet from, said Westerly extension, a distance of 22.98 feet, more or less to the East right-of-way of said SW Moody Avenue and terminus of said line.

ALSO EXCEPT a strip of land 64.00 feet wide, lying 32.00 feet on either side of the following described centerline:

COMMENCING at said centerline station P.S.C. 19+14.29;

THENCE along the arc of a 1150.00 foot radius curve to the right (the long chord of which bears South 17° 26' 37" East, a distance of 124.16 feet), an arc distance of 124.22 feet to a point on the centerline of aforementioned re-aligned Moody Avenue and TRUE POINT OF BEGINNING;



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THENCE North 75° 57' 16" East, a distance of 100.00 feet to the TERMINUS of said centerline.

ALSO EXCEPT any portion thereof which lies North of a line situated in Section 10, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

COMMENCING at the Northeast corner of that parcel of land conveyed to 3030 Property LLC by Document No. 2012-056835 of Multnomah County deed records;

THENCE North 86° 59' 41" West along the North line of said 3030 Property LLC parcel a distance of 344.67 feet to a 27.03 foot radius curve to the left;

THENCE continuing along said North line and along said 27.03 foot radius curve to the left, a distance of 31.20 feet (the long chord of which bears South 59° 56' 12" West a distance of 29.50 feet) to the East line of SW Moody Avenue and the TRUE POINT OF BEGINNING of said line;

THENCE South 70° 44' 14" West, radial to said East line of SW Moody Avenue, a distance of 32.29 feet to a line 31.50 feet East, as measured radially, of the above described centerline of re-aligned Moody Avenue and the terminus of said line.

Containing 1,734 Square Feet, more or less.



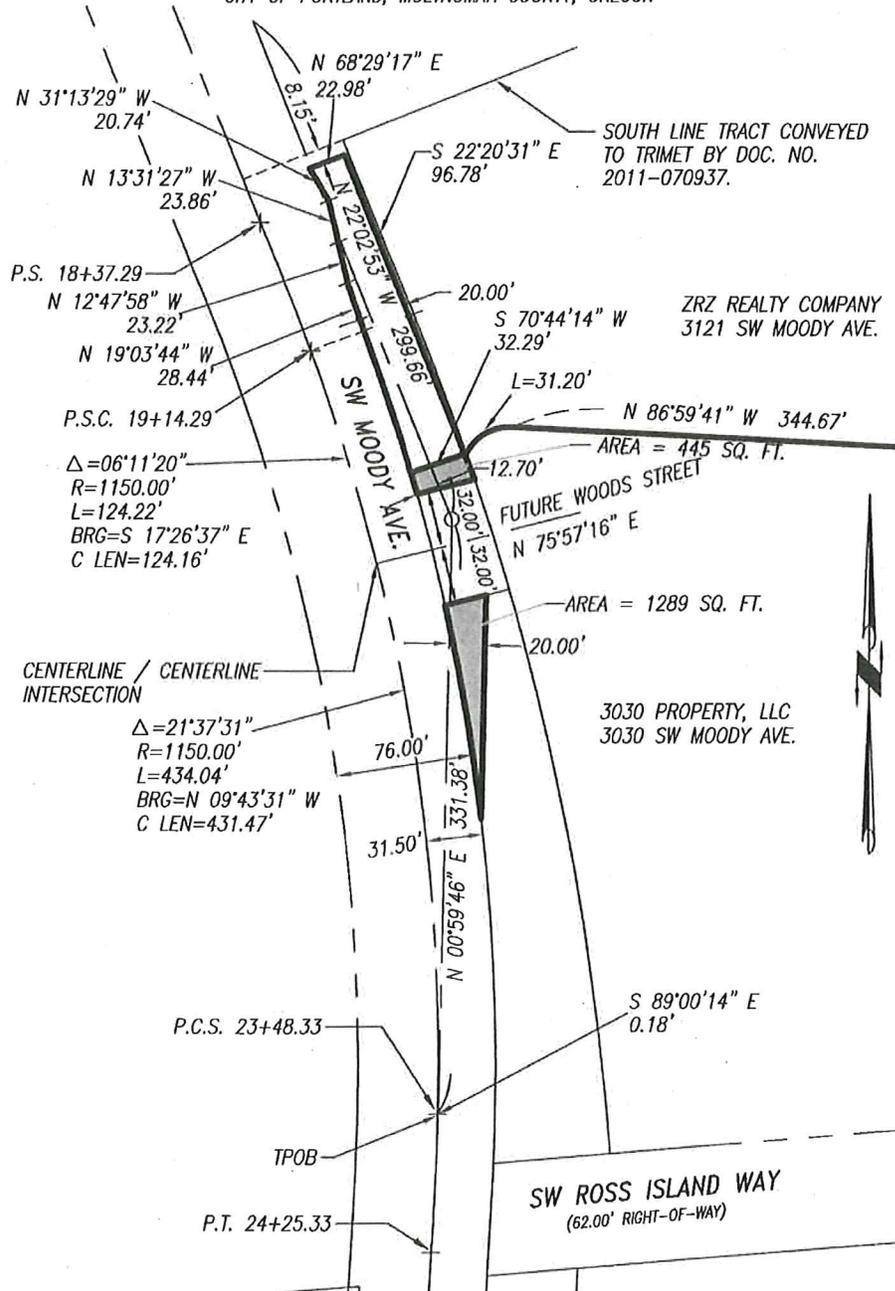
*Bruce D. Towle*



RENEWAL DATE: JUNE 30, 2016

**EXHIBIT B  
EXHIBIT MAP  
SEWER EASEMENT**

A PORTION OF THE NE 1/4 AND THE NW1/4, SECTION 10,  
T. 1 S., R. 1 E., W.M.,  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

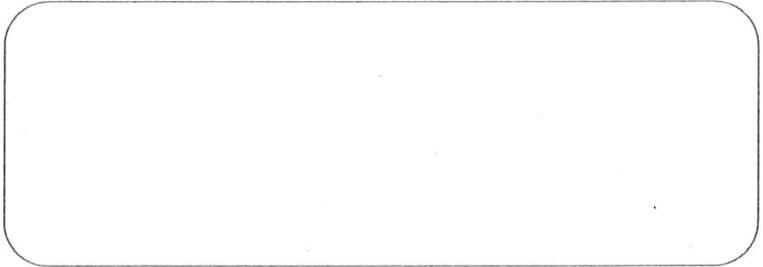


RWA# 7511

**OLSON LAND SURVEYORS**  
**ENGINEERS**  
ENGINEERING INC. 1111 BROADWAY, VANCOUVER, WA 98660  
1-360-695-1385  
1-503-289-9936

**Grantor's Name and Address:**

ZRZ Realty Company  
3121 SW Moody Avenue  
Portland, OR 97239-4505



**RETAINING WALL ACCESS and MAINTENANCE EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS, that **ZRZ Realty Company**, a corporation duly organized and incorporated under the laws of the State of Oregon , (Grantor), in consideration of the sum of One and no/100 Dollars (\$1.00), 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.

Contains 1,439 square feet, more or less.

**IT IS UNDERSTOOD:**

- A. This easement includes the right of access for inspection, maintenance, construction, reconstruction or other activities relating to the adjacent retaining wall.
- B. Grantor shall keep the easement free of obstructions. No structures shall be erected nor shall any trees or large shrubs be planted within the easement area without the prior written consent of the Director of the Bureau of Transportation. Landscaping which by its nature is shallow rooted and may be easily removed to permit access to the area authorized by this easement shall not require consent.
- C. Grantee shall provide 48 hour notice prior to entering easement area for maintenance, repair, construction, or reconstruction of the adjacent retaining wall.

R/W #7511

1S1E10 TL 300

After Recording Return to:

Lance D. Lindahl, City of Portland

1120 SW 5th Avenue, Suite 800

Portland, OR 97204

Tax Statement shall be sent to: Grantor

In the event of emergency requiring immediate response to prevent damage, failure of the retaining wall, or inspections, Grantee reserves the right to access the easement area without prior notice.

- D. Grantee agrees that it will make every reasonable effort to minimize construction and maintenance impacts and will maintain Grantor's access to Grantor's property to the extent practicable.
- 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 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.
- H. 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.

*The remainder of this page is intentionally left blank.*

IN WITNESS WHEREOF, ZRZ Realty Company, pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by \_\_\_\_\_ as President and \_\_\_\_\_ as Secretary, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ZRZ REALTY COMPANY, AN OREGON CORPORATION

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

STATE OF OREGON

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 2014, by \_\_\_\_\_ as President, and \_\_\_\_\_ as Secretary, of ZRZ Realty Company, an Oregon corporation.

\_\_\_\_\_  
Notary Public for (state) \_\_\_\_\_  
My Commission expires \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
City Attorney

Approved:

\_\_\_\_\_  
PBOT Director or designee



LAND SURVEYORS  
ENGINEERS

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1111 Broadway  
Vancouver, WA  
98660

EXHIBIT A  
LEGAL DESCRIPTION  
SW MOODY AVENUE WALL AND MAINTENANCE EASEMENT  
(ZRZ REALTY PORTION)  
RWA# 7511

July 14, 2014

A tract of land situated in the North half of Section 10, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, Multnomah County, Oregon described as follows:

A strip of land 8.00 feet in width lying North of the North right-of-way line of SW Ross Island Way, a 62.00 foot right-of-way, and lying East of a line which is 31.50 feet East of and parallel with the centerline of re-aligned Moody Avenue and West of a line which is 39.50 feet East of an parallel with the centerline of re-aligned Moody Avenue which is described as follows:

COMMENCING at the Southwest corner of Lot 4, Block 119, Caruthers Addition to the City of Portland, being on the North right-of-way line of SW Gibbs Street, and being 30.00 feet from, when measured at right angles to, the centerline thereof;

THENCE South  $86^{\circ} 59' 41''$  East, along the South line of said Lot 4, a distance of 94.00 feet to the Southwest corner of that easement for right-of-way conveyed to the City of Portland by Document 2011-051439, Multnomah County records;

THENCE continuing South  $86^{\circ} 59' 41''$  East, along the Easterly projection of said South line, a distance of 44.50 feet to a point 44.50 feet East of the West line of said easement for right-of-way as measured at right angles to said West line and the TRUE POINT OF BEGINNING;

THENCE North  $03^{\circ} 00' 19''$  East, parallel with said West line, a distance of 465.14 feet to the beginning of a 77.00 foot spiral curve to the left at Station 24+25.33;

THENCE along said 77.00 foot spiral curve to the left, a distance of 77.00 feet (the long chord of which bears North  $02^{\circ} 21' 58''$  East a distance of 77.00 feet) to the P.C.S at Station 23+48.33 and a 1150.00 foot radius curve to the left;



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THENCE along said 1150.00 foot radius curve to the left, through a central angle of  $21^{\circ} 37' 31''$  (the long chord of which bears North  $09^{\circ} 43' 31''$  West, a distance of 431.47 feet), an arc distance of 434.04 feet to the P.S.C. at Station 19+14.29 and the end of said centerline.

ALSO a strip of land 8.00 feet in width, the West line of which is described as follows:

COMMENCING at said centerline station P.S.C. 19+14.29;

THENCE North  $69^{\circ} 22' 38''$  East, a distance of 31.50 feet to the TRUE POINT OF BEGINNING;

THENCE North  $19^{\circ} 03' 44''$  West, a distance of 28.44 feet;

THENCE North  $12^{\circ} 47' 58''$  West, a distance of 23.22 feet;

THENCE North  $13^{\circ} 31' 27''$  West, a distance of 23.86 feet;

THENCE North  $31^{\circ} 13' 29''$  West, a distance of 20.74 feet to a point 8.15 feet from, when measured perpendicular to, the Westerly extension of the South line of that tract described as Parcel 1 in that deed to Tri-County Metropolitan Transportation District of Oregon (TriMet) as recorded in Document No. 2011-070937, Multnomah County records and the end of said line.

EXCEPT any portion thereof lying Northwesterly of a line which bears North  $68^{\circ} 29' 17''$  East from the terminus of said line.

ALSO EXCEPT a strip of land 64.00 feet wide, lying 32.00 feet on either side of the following described centerline:

COMMENCING at said centerline station P.S.C. 19+14.29;

THENCE along said centerline and along the arc of a 1150.00 foot radius curve to the right (the long chord of which bears South  $17^{\circ} 26' 37''$  East, a distance of 124.16 feet), an arc distance of 124.22 feet to the TRUE POINT OF BEGINNING;

THENCE North  $75^{\circ} 57' 16''$  East, a distance of 100.00 feet to the TERMINUS of said centerline.



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ALSO EXCEPT any portion thereof which lies South of a line situated in Section 10, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

COMMENCING at the Northeast corner of that parcel of land conveyed to 3030 Property LLC by Document No. 2012-056835 of Multnomah County deed records;

THENCE North  $86^{\circ} 59' 41''$  West along the North line of said 3030 Property LLC parcel a distance of 344.67 feet to a 27.03 foot radius curve to the left;

THENCE continuing along said North line and along said 27.03 foot radius curve to the left, a distance of 31.20 feet (the long chord of which bears South  $59^{\circ} 56' 12''$  West a distance of 29.50 feet) to the East line of SW Moody Avenue and the TRUE POINT OF BEGINNING of said line;

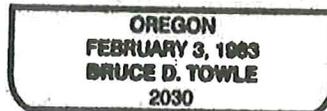
THENCE South  $70^{\circ} 44' 14''$  West, radial to said East line of SW Moody Avenue, a distance of 32.29 feet to a line 31.50 feet East, as measured radially, of the above described centerline of re-aligned Moody Avenue and the end of said line.

The sidelines of said strip of land shall be lengthened or shorted to intersect each other to form a constant strip of land.

Containing approximately 1,439 square feet, more or less.



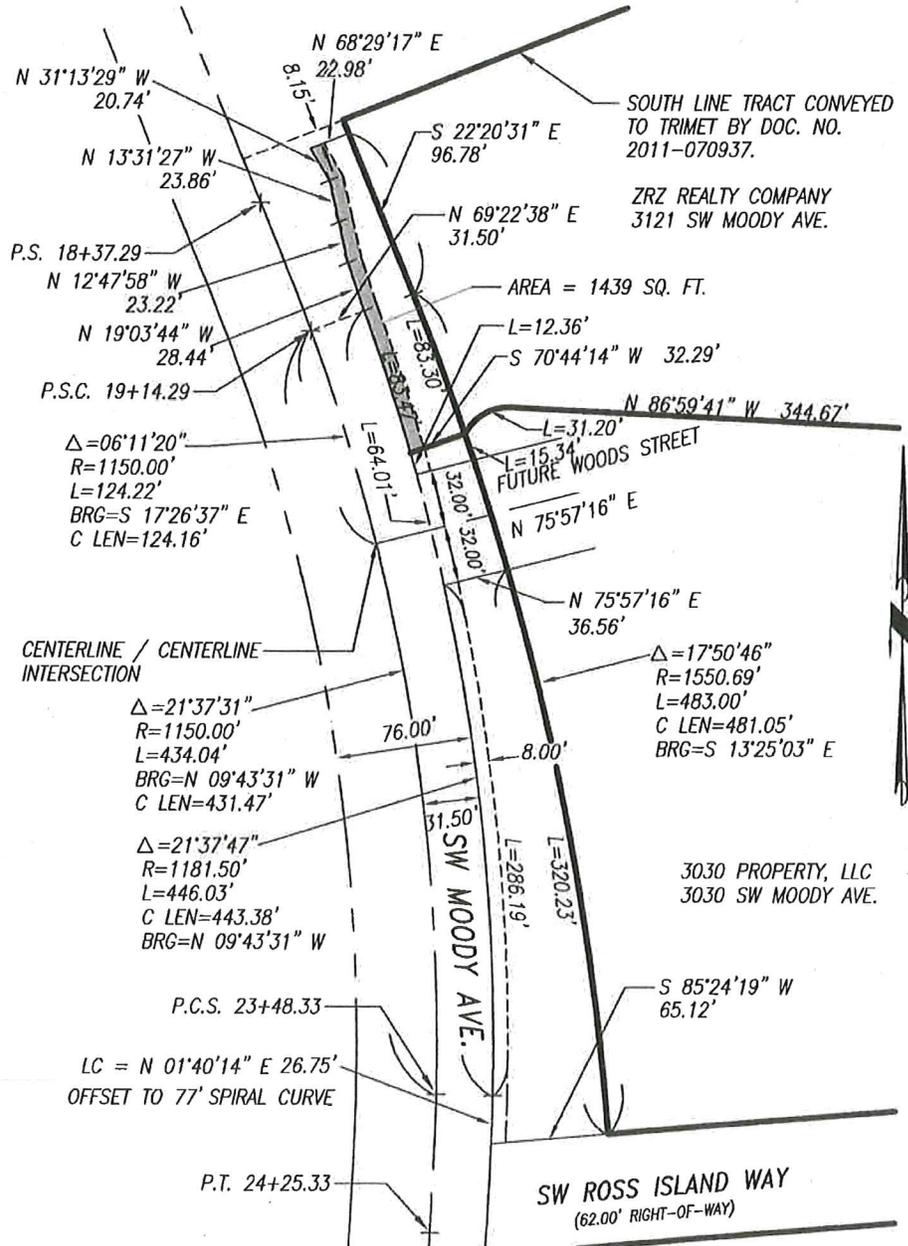
*Bruce D. Towle*



RENEWAL DATE: JUNE 30, 2016

**EXHIBIT B  
EXHIBIT MAP  
WALL ACCESS AND MAINTENANCE EASEMENT**

A PORTION OF THE NE 1/4 AND THE NW1/4, SECTION 10,  
T. 1 S., R. 1 E., W.M.,  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



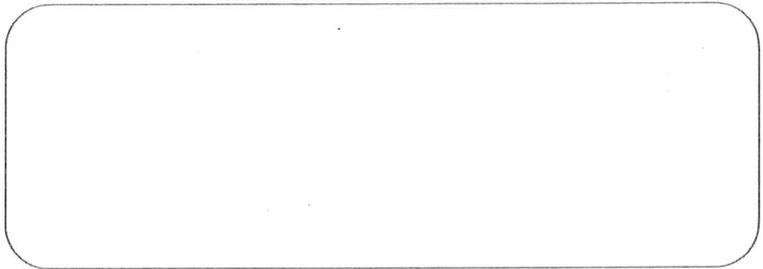
**OLSON LAND SURVEYORS**  
**ENGINEERS**  
**ENGINEERING INC. 1111 BROADWAY, VANCOUVER, WA 98660**

1-360-695-1385  
1-503-289-9936

RWA# 7511

**Grantor's Name and Address:**

3030 Property LL  
Attn.: Irving Potter  
3121 SW Moody Avenue  
Portland, OR 97239-4505



**RETAINING WALL ACCESS and MAINTENANCE EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS, that **3030 Property LLC**, an Oregon limited liability company, (Grantor), in consideration of the sum of One and no/100 Dollars (\$1.00), 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.

Contains 2,611 square feet, more or less.

**IT IS UNDERSTOOD:**

- A. This easement includes the right of access for inspection, maintenance, construction, reconstruction or other activities relating to the adjacent retaining wall.
- B. Grantor shall keep the easement free of obstructions. No structures shall be erected nor shall any trees or large shrubs be planted within the easement area without the prior written consent of the Director of the Bureau of Transportation. Landscaping which by its nature is shallow rooted and may be easily removed to permit access to the area authorized by this easement shall not require consent.
- C. Grantee shall provide 48 hour notice prior to entering easement area for maintenance, repair, construction, or reconstruction of the adjacent retaining wall. In the event of emergency requiring immediate response to prevent damage,

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R/W #7511

1S1E10 TL 400

After Recording Return to:

Lance D. Lindahl, City of Portland

1120 SW 5th Avenue, Suite 800

Portland, OR 97204

Tax Statement shall be sent to: Grantor

failure of the retaining wall, or inspections, Grantee reserves the right to access the easement area without prior notice.

- D. Grantee agrees that it will make every reasonable effort to minimize construction and maintenance impacts and will maintain Grantor's access to Grantor's property to the extent practicable.
- 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 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.
- H. 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.

*The remainder of this page is intentionally left blank.*

IN WITNESS WHEREOF, 3030 Property LLC, an Oregon limited liability company, pursuant to its Articles of Organization, duly and legally adopted, has caused these presents to be signed by its member, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

3030 PROPERTY LLC,  
AN OREGON LIMITED LIABILITY COMPANY

By: \_\_\_\_\_  
Member

STATE OF \_\_\_\_\_

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ as a member of 3030 Property LLC, an Oregon limited liability company.

\_\_\_\_\_  
Notary Public for (state) \_\_\_\_\_  
My Commission expires \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Approved:

\_\_\_\_\_  
PBOT Director or designee



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ENGINEERS

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EXHIBIT A  
LEGAL DESCRIPTION  
SW MOODY AVENUE WALL AND MAINTENANCE EASEMENT  
(3030 PROPERTY LLC PORTION)  
RWA# 7511

July 14, 2014

A tract of land situated in the North half of Section 10, Township 1 South, Range 1 East of the Willamette Meridian, City of Portland, Multnomah County, Oregon described as follows:

A strip of land 8.00 feet in width lying North of the North right-of-way line of SW Ross Island Way, a 62.00 foot right-of-way, and lying East of a line which is 31.50 feet East of and parallel with the centerline of re-aligned Moody Avenue and West of a line which is 39.50 feet East of an parallel with the centerline of re-aligned Moody Avenue which is described as follows:

COMMENCING at the Southwest corner of Lot 4, Block 119, Caruthers Addition to the City of Portland, being on the North right-of-way line of SW Gibbs Street, and being 30.00 feet from, when measured at right angles to, the centerline thereof;

THENCE South  $86^{\circ} 59' 41''$  East, along the South line of said Lot 4, a distance of 94.00 feet to the Southwest corner of that easement for right-of-way conveyed to the City of Portland by Document 2011-051439, Multnomah County records;

THENCE continuing South  $86^{\circ} 59' 41''$  East, along the Easterly projection of said South line, a distance of 44.50 feet to a point 44.50 feet East of the West line of said easement for right-of-way as measured at right angles to said West line and the TRUE POINT OF BEGINNING;

THENCE North  $03^{\circ} 00' 19''$  East, parallel with said West line, a distance of 465.14 feet to the beginning of a 77.00 foot spiral curve to the left at Station 24+25.33;

THENCE along said 77.00 foot spiral curve to the left, a distance of 77.00 feet (the long chord of which bears North  $02^{\circ} 21' 58''$  East a distance of 77.00 feet) to the P.C.S at Station 23+48.33 and a 1150.00 foot radius curve to the left;

THENCE along said 1150.00 foot radius curve to the left, through a central angle of  $21^{\circ} 37' 31''$  (the long chord of which bears North  $09^{\circ} 43' 31''$  West, a distance of 431.47 feet), an arc distance of 434.04 feet to the P.S.C. at Station 19+14.29 and the end of said centerline.

EXCEPT a strip of land 64.00 feet wide, lying 32.00 feet on either side of the following described centerline:

COMMENCING at said centerline station P.S.C. 19+14.29;



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98660

THENCE along said centerline and along the arc of a 1150.00 foot radius curve to the right (the long chord of which bears South 17° 26' 37" East, a distance of 124.16 feet), an arc distance of 124.22 feet to the TRUE POINT OF BEGINNING;

THENCE North 75° 57' 16" East, a distance of 100.00 feet to the TERMINUS of said centerline.

ALSO EXCEPT any portion thereof which lies North of a line situated in Section 10, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

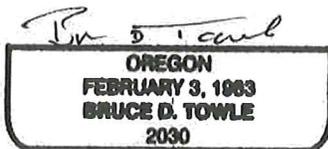
COMMENCING at the Northeast corner of that parcel of land conveyed to 3030 Property LLC by Document No. 2012-056835 of Multnomah County deed records;

THENCE North 86° 59' 41" West along the North line of said 3030 Property LLC parcel a distance of 344.67 feet to a 27.03 foot radius curve to the left;

THENCE continuing along said North line and along said 27.03 foot radius curve to the left, a distance of 31.20 feet (the long chord of which bears South 59° 56' 12" West a distance of 29.50 feet) to the East line of SW Moody Avenue and the TRUE POINT OF BEGINNING of said line;

THENCE South 70° 44' 14" West, radial to said East line of SW Moody Avenue, a distance of 32.29 feet to a line 31.50 feet East, as measured radially, of the above described centerline of re-aligned Moody Avenue and the end of said line.

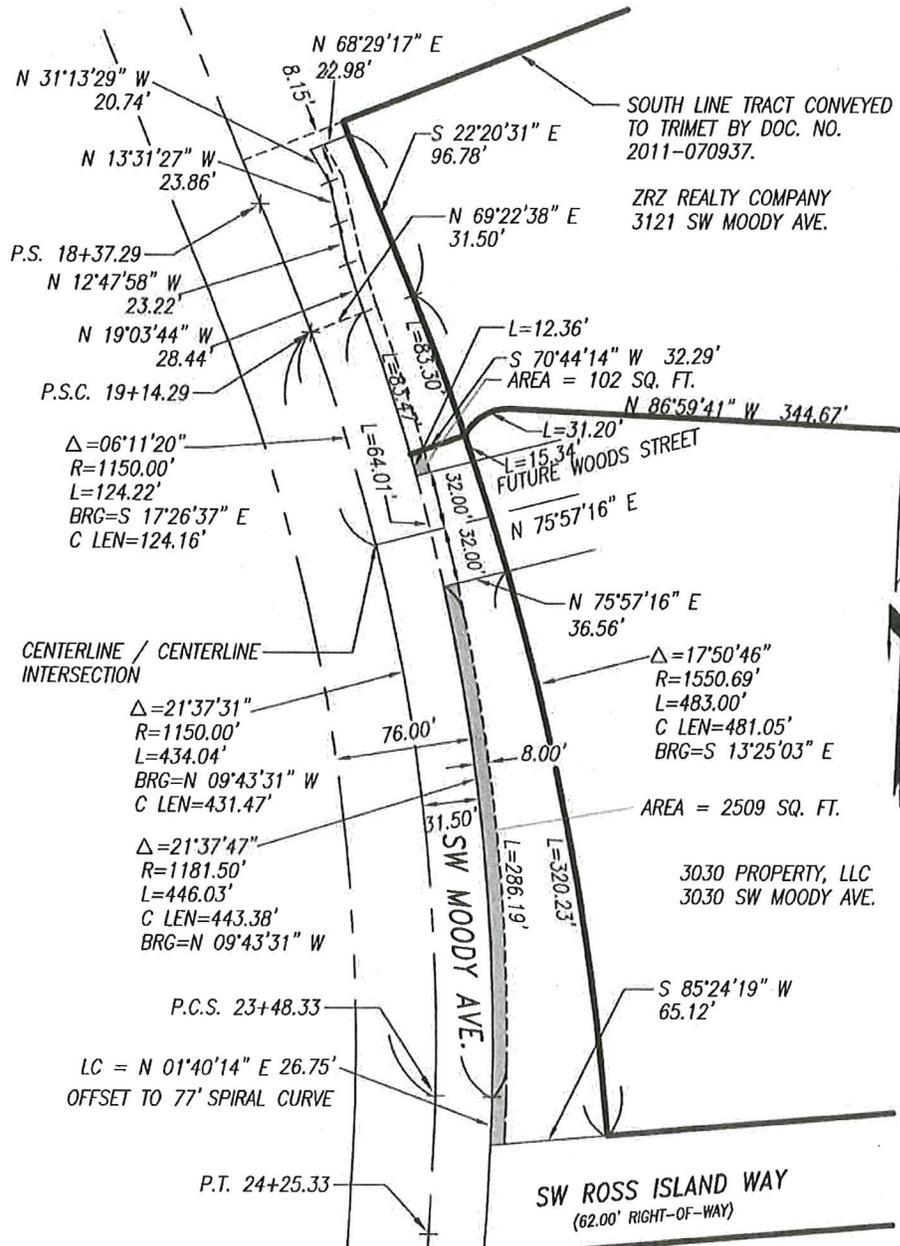
Containing approximately 2,611 square feet, more or less.



RENEWAL DATE: JUNE 30, 2016

**EXHIBIT B  
EXHIBIT MAP  
WALL ACCESS AND MAINTENANCE EASEMENT**

A PORTION OF THE NE 1/4 AND THE NW1/4, SECTION 10,  
T. 1 S., R. 1 E., W.M.,  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



**OLSON LAND SURVEYORS**  
**ENGINEERS**  
**ENGINEERING INC. 1111 BROADWAY, VANCOUVER, WA 98660**

1-360-695-1385  
1-503-289-9936

RWA# 7511