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Fidelity National Title of Oregon

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

Multnomah County Official Records
C Swick, Deputy Clerk

2009-021336



\$26.00

00448588200900213360020022

02/19/2009 11:18:16 AM

TR-W DEED
\$10.00 \$11.00 \$5.00

Cnt=1 Stn=29 ATMCS

GRANTOR'S NAME:
Sharon L. Garner, Trustee for Sharon L. Garner
Family Trust

GRANTEE'S NAME:
The City of Portland, a municipal corporation

SEND TAX STATEMENTS TO:
The City of Portland, Bureau of Parks and
Recreation
1120 SW Fifth Avenue #1302
Portland, Or 97204

AFTER RECORDING RETURN TO:
The City of Portland, Bureau of Parks and
Recreation
1120 SW Fifth Avenue #1302
Portland, Or 97204

Escrow No: 20080011580-FTPOR01

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Sharon L. Garner, Trustee for Sharon L. Garner Family Trust, Grantor, conveys and warrants to

The City of Portland, a municipal corporation, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Multnomah, State of Oregon:

The South 123 feet of the East 160 feet of Lot 11, TAYLOR'S SUBDIVISION, in the City of Portland, Multnomah County, Oregon.

Excepting therefrom the East 10 feet thereof in S.E. 135th Avenue.

Subject to and excepting:

None

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$280,000.00. (See ORS 93.030)

DATED: February 13, 2009

Sharon L. Garner Family Trust

BY: Sharon L. Garner
Sharon L. Garner, Trustee

20080011580-01
19-08511008-002

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STATE OF OREGON)
)ss.
COUNTY OF MULTNOMAH)

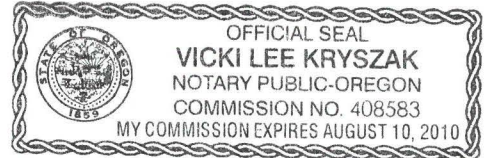
I certify that I know or have satisfactory evidence that Sharon L. Garner is the person who appeared before me, and said person acknowledged that she signed this instrument, and on oath stated that she is authorized to execute the instrument and acknowledged it as the Trustee for the Sharon L. Garner Family Trust to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 13th day of February, 2009

Vicki Lee Kryszak

Notary Public for State of Oregon

My Commission expires: August 10, 2010



This conveyance is approved as to form and content and accepted by the City of Portland, an Oregon municipal corporation.

THE CITY OF PORTLAND

By: Nick Fish
Nick Fish

APPROVED AS TO FORM

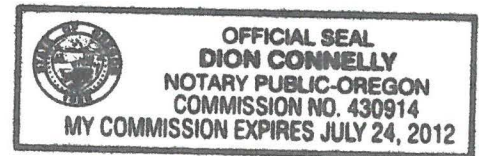
Paula Meyer
City Attorney
CITY ATTORNEY

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

On February 12, 2009, before me personally appeared Nick Fish whose identity was established to my satisfaction and who said he is the Commissioner of the City of Portland, that the seal if any, affixed to the foregoing instrument is the corporate seal of the corporation, that the instrument was executed on behalf of the corporation by the authority of its Board of Directors; and that he acknowledges the instrument as the free act and deed of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal on the date first written above.

Dion Connelly
Notary Public for Oregon
My commission expires: July 24, 2012



ORDINANCE No. 182486

*Authorize acquisition of an 18,450 square foot lot adjacent to Lincoln Park for addition to the park (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 18026 passed by Council on November 22, 2006, authorized the Commissioner in charge of the Bureau of Parks and Recreation (Parks) to enter into purchase and sale agreements for the purpose of acquiring strategic properties using Park System Development Charge (SDC) funds.
2. The Sharon Garner Trust (Seller) wishes to sell and Parks wishes purchase certain improved property (the Property) abutting Lincoln Park, with a specific street address of 1951 SE 135th Avenue, with the Property depicted on Exhibit A hereto. The terms and conditions of the proposed purchase are provided in the attached purchase and sale agreement dated November 24, 2008. (See Exhibit B). The property is approximately 18, 450 square feet and is improved with a house and several outbuildings.
3. The property value was estimated to be about \$263,000 by Norris Beggs and Simpson on behalf of Parks in September 2008. The negotiated purchase price is \$280,000, or about 6% more than the estimated value. Several factors contributed to Park's decision to agree to the higher purchase price, including Park's long-term interest in acquiring the parcel and the Sellers' apparent willingness to hold the property until the real estate market improves in the event that a sale to Parks is not completed.
4. Among other things, the City's commitment to purchase the property was conditioned on Parks completing its due diligence review of the property and City Council approval. Parks has completed a building inspection and Phase I environmental assessment, which revealed no reasons to terminate the transaction.
5. Parks has deposited \$3,000 into escrow pursuant to the purchase and sale agreement, leaving \$277,000 to be paid at closing, along with the City's share of the closing costs.
6. The residential improvements on the property are not needed for public use and Parks intends to sell or demolish the improvements as part of the site stabilization work that will be required after the property is acquired by the City. Parks has estimated that the stabilization costs will not exceed \$25,000, including demolition costs.
7. The Director of Parks reports that the Property meets SDC acquisition guidelines

and that there is adequate SDC revenue to complete the transaction and necessary site stabilization work.

8. The Director of Parks estimates that the on-going O&M costs will be about \$1,200 per year prior the property being incorporated into routine maintenance activities associated with the remainder of Lincoln Park.

NOW, THEREFORE, The Council directs:

- a. The Commissioner in Charge of Parks or, in his absence, the Mayor, is authorized to execute all documents necessary to close the transaction once conditions precedent to closing specified in the purchase and sale agreement, as amended, have been satisfied and all documents have been approved as to form by the City Attorney;
- b. The Commissioner in Charge of Parks shall direct Parks to deposit \$277,000 of Park SDC acquisition Revenue plus closing costs into an escrow account established for the purpose of acquisition of the Property;
- c. The residential improvements on the property are deemed unnecessary for public use and, at the discretion of the Director of Parks, may be declared surplus and demolished or disposed of in accordance with applicable City policies and procedures. Any net revenues attributable to disposal of the improvements will be deposited in the Park SDC account to offset acquisition and site restoration costs.
- d. The Director of Parks is directed to (i) add the Property to the City's Park inventory; (ii) fund one time site stabilization costs of up to \$25,000 from Park SDC acquisition revenue; and (iii) proceed with said stabilization actions once the Sellers have vacated the premises in accordance with the purchase and sale agreement, as amended;
- e. In accepting responsibility for the Property for future park development, the Council acknowledges the need to fund the on-going O&M cost estimated at \$1,200 per year, and directs the Bureau of Management and Finance to transfer this ongoing funding allocation from the General Fund to the Parks and Recreation budget beginning in FY 2009-10 to be initiated by Parks request in the FY09-10 Fall BuMP.

Section 2. The Council declares that an emergency exists because delay may prevent the completion of the high priority land acquisition which is currently scheduled to close on or before January 30, 2009; therefore, this ordinance shall be in full force and effect after its passage by Council.

Passed by the Council: January 22, 2009
Commissioner Fish
Prepared by: Stephen Planchon:kmg
January 8, 2009

GARY BLACKMER
Auditor of the City of Portland
By /s/ Susan Parsons
Deputy