

After Recording, Mail To:

Multnomah County Official Records  
R Weldon, Deputy Clerk

2013-022881

Portland Parks & Recreation  
Attn: Robi Potter  
1120 SW 5<sup>th</sup> Avenue, Suite 1302  
Portland, OR 97204



\$61.00

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02/15/2013 02:16:12 PM

R-EASEMT

Pgs=5 Stn=11 ATLJH

\$25.00 \$11.00 \$15.00 \$10.00

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UPRR Folder No.: 2785-33

### EASEMENT DEED

THIS Easement Deed is made this 6<sup>th</sup> day of February, 2013, between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation, ("Grantor"), and the **CITY OF PORTLAND**, a municipal corporation of the State of Oregon, ("Grantee").

Grantor for and in consideration of the sum of **SEVENTEEN THOUSAND ONE HUNDRED TWENTY-TWO DOLLARS (\$17,122.00)**, to it paid by Grantee, the receipt whereof is hereby confessed and acknowledged, grants to Grantee, its successors and assigns, a **NONEXCLUSIVE EASEMENT** ("Easement"), for the sole purpose of constructing, using, maintaining, repairing, renewing and reconstructing of the Chimney Pier Park Trail overhead pedestrian crossing structure crossing, (DOT No. 440-721N), at Grantor's Mile Post 5.16 on Grantor's St. John's Industrial Lead on, along and across the property in Portland, Multnomah County, State of Oregon, described in **Exhibit A**, attached and by reference made a part of this Easement Deed (the "Easement Area").

The Easement is granted for the purpose described above only. Without limitation of the foregoing, this grant does not include the right to install utilities of any nature, including, without limitation, fiber optic, cable television, electrical, gas or liquid distribution, or telephone lines.

Grantor, its successors and assigns, reserves the right to construct at any and all times and to maintain railroad tracks and appurtenances, fiber optic or signal lines and facilities, pipe, telephone, and electric pole and wire lines, over, under and across the Easement Area, but in such a way as to not interfere with Grantee's use of the Easement; it being understood that the rights so reserved by Grantor, its successors and assigns, are retained along with the general right of Grantor, its successors and assigns, to use of the Easement Area for any purpose not inconsistent with Grantee's use of the Easement, including, but not limited to any and all general railroad purposes.

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The Easement is granted subject to all outstanding leases, licenses and other outstanding rights, including, without limitation, those for pipe, telephone, electric and fiber optic lines and the right of renewals and extensions of the same, and subject also to all conditions, limitations, restrictions, encumbrances, reservations or interests of any person that may affect the Easement Area, whether recorded or unrecorded.

The Easement is also limited to such rights as Grantor may have in the Easement Area and is granted without warranty, express or implied.

If Grantee, its successors or assigns, abandons the Easement Area or any portion of the Easement Area, for the purposes of the Easement, the Easement will cease and terminate with respect to the portion of the Easement Area so abandoned, and the title to the Easement Area will be freed from the burden of the Easement. Nonuse of the Easement Area or any portion thereof, for the purposes of the Easement for the period of one (1) year will be deemed an abandonment of the Easement Area or portion thereof not used.

Grantor and Grantee have caused this Easement Deed to be executed as of the date first herein written.

Attest:

**UNION PACIFIC RAILROAD COMPANY**

By *B. J. Kubat*  
BEVERLY J. KUBAT  
Assistant Secretary

By *Daniel A. Leis*  
DANIEL A. LEIS  
General Director Real Estate

(Seal)

**CITY OF PORTLAND**

By \_\_\_\_\_  
City Clerk

By *Mike Abbate*  
Printed Name: MIKE ABBATE  
Title: DIRECTOR

APPROVED AS TO FORM

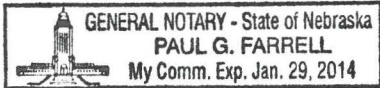
*James H. Van Dyke*  
CITY ATTORNEY 2/14/13

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

On February 6, 2013, before me, Paul G. Farrell, Notary Public in and for said County and State, personally appeared Daniel A. Leis and Beverly J. Kubat who are the General Director Real Estate and the Assistant Secretary, respectively, of Union Pacific Railroad Company, a Delaware corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



↑ (Affix Seal Here) ↑

*Paul G. Farrell*  
\_\_\_\_\_  
Paul G. Farrell  
Notary Public in and for  
the State of Nebraska

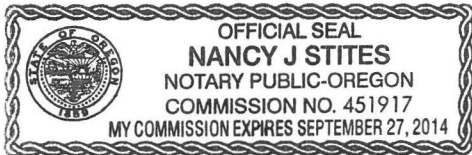
My Commission Expires: January 29, 2014

ACKNOWLEDGMENT

STATE OF OREGON                    )  
  ) ss.  
COUNTY OF MULTNOMAH        )

On Feb 15, 2013, before me, Nancy J. Stites, Notary Public in and for said County and State, personally appeared Mike Abbate who is the director of Portland Parks & Rec of the City of Portland, and who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed in the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



↑ (Affix Seal Here) ↑

Nancy J. Stites  
Printed Name: Nancy J. Stites  
Notary Public in and for  
the State of Oregon  
My Commission Expires: 9-27-14

**Permanent Easement for Highway Right of Way Purposes**

A parcel of land lying in NW¼ of Section 1, Township 1 North, Range 1 West, W.M. Multnomah County, Oregon and being a portion of that Union Pacific Railroad Company (formerly known as Oregon-Washington Railroad and Navigation Company) right of way described in that Indenture by and between Oregon-Washington Railroad & Navigation Company, and the Union Pacific Railroad Company, said Indenture recorded September 28, 1966 in Volume 528, Page 485, Deed Records of Multnomah County; the said parcel being that portion of said property included in a strip of land 50 feet in width and described as follows:

Beginning on the Northerly right of way of the Union Pacific Railroad Company, at a point opposite and Northerly 59.71 feet of Engineers Station 361+22.70 on the center line of the said Union Pacific Railroad Company; thence Easterly along the Northerly right of way of said right of way to a point opposite and Northerly 54.91 feet of Engineers Station 361+73.63 on said center line; thence in a straight line to a point opposite and 50.00 feet Southerly of Engineers Station 361+66.66 on said center line; thence along the Southerly right of way to a point opposite and Southerly 50.00 feet of Engineers Station 361+17.49 on said center line, which center line is described as follows:

Beginning at Engineer's center line station 351+26.20, said station being South 10°53'22" West 2962.83 feet of the Northeast corner of the James Loomis Donation Land Claim Number 55, Township 2 North, Range 1 West, W.M.; thence easterly along a 330.00 foot spiral curve left (the long chord of which bears South 62°25'43" East 329.56 feet); thence on a 954.93 feet radius curve left (the long chord of which bears South 83°11'39" East 467.36 feet) 472.16 feet; thence along a 330.00 foot spiral curve to the left (the long chord of which bears North 76°02'25" East 329.56 feet); thence North 72°44'28" East 97.22 feet; thence on a 330.00 foot spiral curve right (the long chord of which bears North 74°23'28" East 329.89 feet); thence on a 1909.86 feet radius curve right (the long chord of which bears North 88°03'58" East 687.89 feet) 691.67 feet; thence along a 330.00 foot spiral curve to the right (the long chord of which bears South 78°15'31" East 329.89 feet) to Engineers station 377+07.30.

Bearings are based on Oregon Realtime GPS Network, NAD 83 (CORS 96) Epoch 2002

This parcel of land contains 5374 square feet, more or less