

Multnomah County Official Records  
R Weldon, Deputy Clerk

2015-142147



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*Plu Brian Howell*

**CITY OF PORTLAND**  
**Office of the City Auditor**  
**1221 SW Fourth Avenue, Room 130**  
**Portland, OR 97204-1900**

**I hereby certify this Ordinance No. 187032 to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody on October 21, 2015.**

**Mary Hull Caballero**  
**Auditor of the City of Portland**  
By *J Anderson*  
Deputy

**ORDINANCE No. 187032**

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

The City of Portland ordains:

Section 1. The Council finds:

1. On September 5, 2012, the Office of the City Auditor certified a petition for the vacation of a portion of SW Moody Avenue north of Ross Island Bridge, with the petition initiated by ZRZ Realty Company, the owner of one of the adjoining properties.
2. The petition states that the reason for the vacation is 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 frontage of parcels owned by ZRZ and 3030 Property LLC (the "Property Owners").
3. The vacation is in conformance with the City of Portland's Comprehensive Plan and is consistent with recommendations made by the City Engineer and Planning and Sustainability Commission, as provided in the City Engineer's Report, dated April 8, 2014 and on file with the Office of the City Auditor and the Bureau of Transportation.
4. In accordance with ORS 271.100, the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof, and posted notice in the areas proposed for vacation.
5. 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.
6. Other procedural requirements of ORS 271 have been complied with, and the Council having held a public hearing, finds no objections were made or filed hereto, and it is in the public interest that said street be vacated.

NOW, THEREFORE, the Council directs:

- a. The street area, as described on Exhibits 1A and 2A and depicted on Exhibits 1B and 2B attached hereto, is hereby vacated.
- b. The vacation of the above-described street area is granted subject to the following conditions and reservations:
  1. The City of Portland owns one wood pole with a streetlight (D11-010A/103) within the vacation area. Portland General Electric will remove the existing street light at the expense of the Petitioner and return it to the City of Portland.

2. The Property Owners 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 3 and 4 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.

3. 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 5 and 6 attached hereto and will be recorded concurrently and delivered with the street vacation ordinance. In the event that the 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.
4. 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. Subject to Paragraph 8 below, 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 in the street vacation area will require written agreements between the Petitioner and owner(s) of the utilities.
5. Notwithstanding b4, and except for b2 and b3, this 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.

6. If any property, encumbered by an easement reserved in this vacation Ordinance, is ever rededicated as public right-of-way, that portion of the easement located in the rededicated right-of-way shall automatically be terminated.
7. City costs associated with processing the street vacation petition shall be paid in full before the City records this Ordinance.
8. In the event the Petitioner fails to fully comply with the above conditions within one year of Council adopting this Ordinance, City Council may repeal the Ordinance at its sole discretion.

Section 2. Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing, accepting the terms and conditions of the Ordinance.

Section 3. Notice is given that 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.

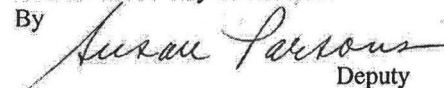
Section 4. After the prerequisites to recording the Ordinance have been met, the City Auditor shall return a certified copy of this Ordinance and the acceptance thereof, to the Right-of-Way Acquisition Section, Bureau of Transportation, which shall, at the expense of the Petitioner, file with the recorder, the assessor, and the surveyor of the county in which said property is located, the certified copy of this Ordinance and the acceptance, and any map, plat or other record which may be required by law. The Right-of-Way Acquisition Section shall return the recorded Ordinance to the Auditor and retain a copy in RWA File No. 7511.

Passed by the Council,

FEB 25 2015

Commissioner Steve Novick  
Prepared by: Lance D. Lindahl: slg  
Date Prepared: January 20, 2015

Mary Hull Caballero  
Auditor of the City of Portland  
By

  
Deputy





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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ENGINEERS

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Vancouver, WA  
98660

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.

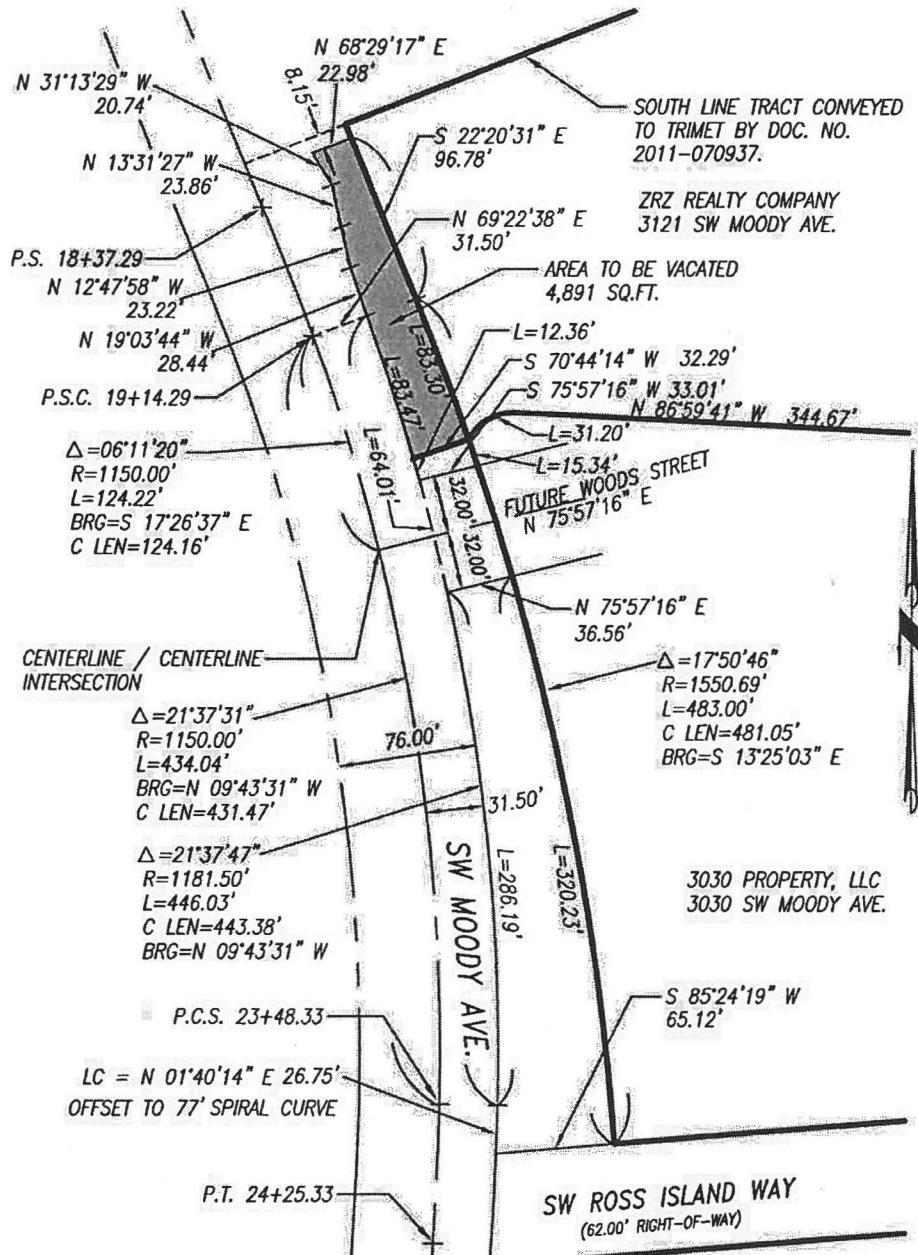
Containing approximately 4,891 square feet, more or less.



RENEWAL DATE: JUNE 30, 2016

# EXHIBIT 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



LAND SURVEYORS  
ENGINEERS

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

LEGAL DESCRIPTION  
SW MOODY AVENUE VACATION  
(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:

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;

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THENCE North  $22^{\circ} 27' 22''$  West, a distance of 366.20 feet to the end 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° 22' 38" East, a distance of 31.50 feet to the TRUE POINT OF BEGINNING;

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

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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° 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;





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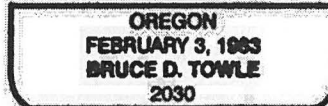
THENCE continuing along said North line and along said 27.03 foot radius curve to the left, a distance of 31.20 feet (the long chord of which bears South 59° 56' 12" West a distance of 29.50 feet) to the East line of SW Moody Avenue and the TRUE POINT OF BEGINNING of said line;

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 end of said line.

Containing approximately 16,055 square feet, more or less.



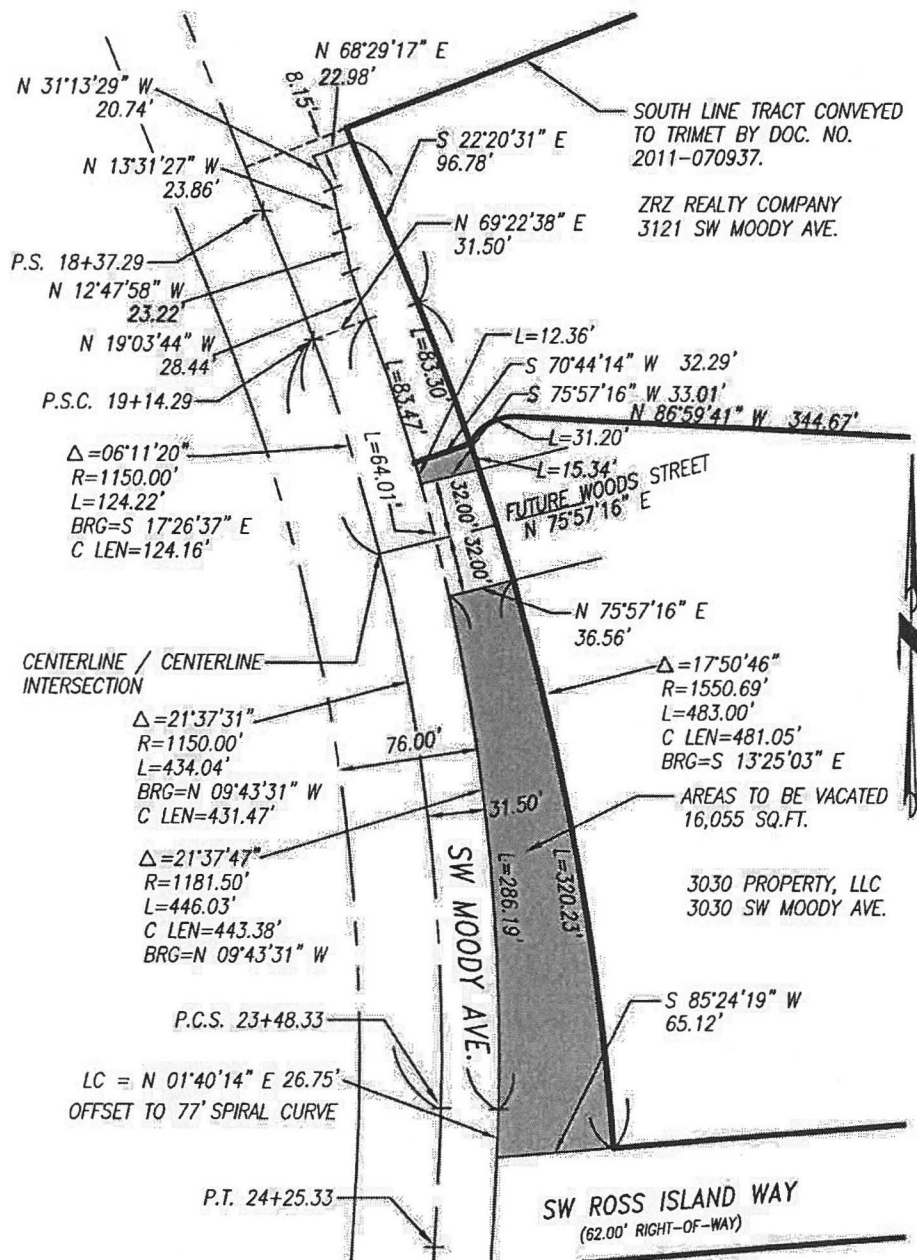
*Bruce D. Towle*



**RENEWAL DATE: JUNE 30, 2016**

# 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

**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

IS1E10 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: 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



LAND SURVEYORS  
ENGINEERS

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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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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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ENGINEERS

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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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Vancouver, WA  
98660

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.

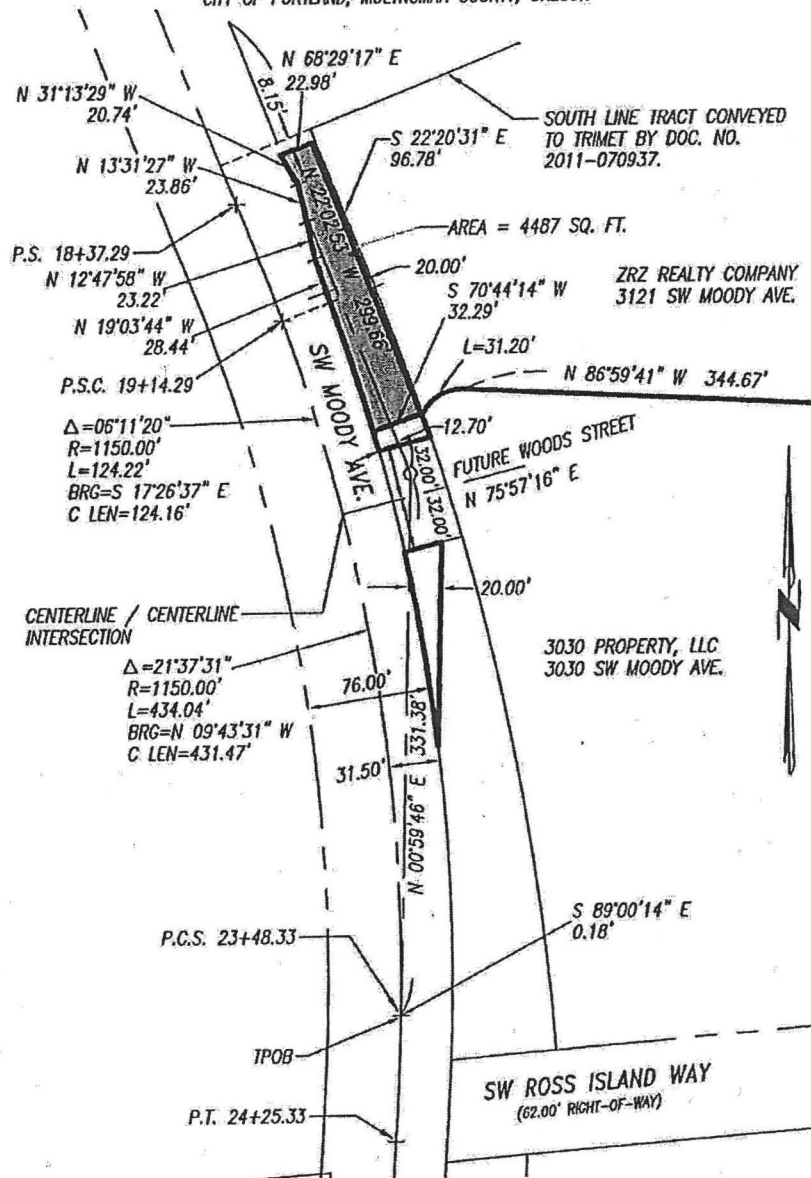
Containing 4,487 Square Feet, more or less.



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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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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98660

THENCE following said sewer pipe North  $22^{\circ} 02' 53''$  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  $86^{\circ} 59' 41''$  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 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;



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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.

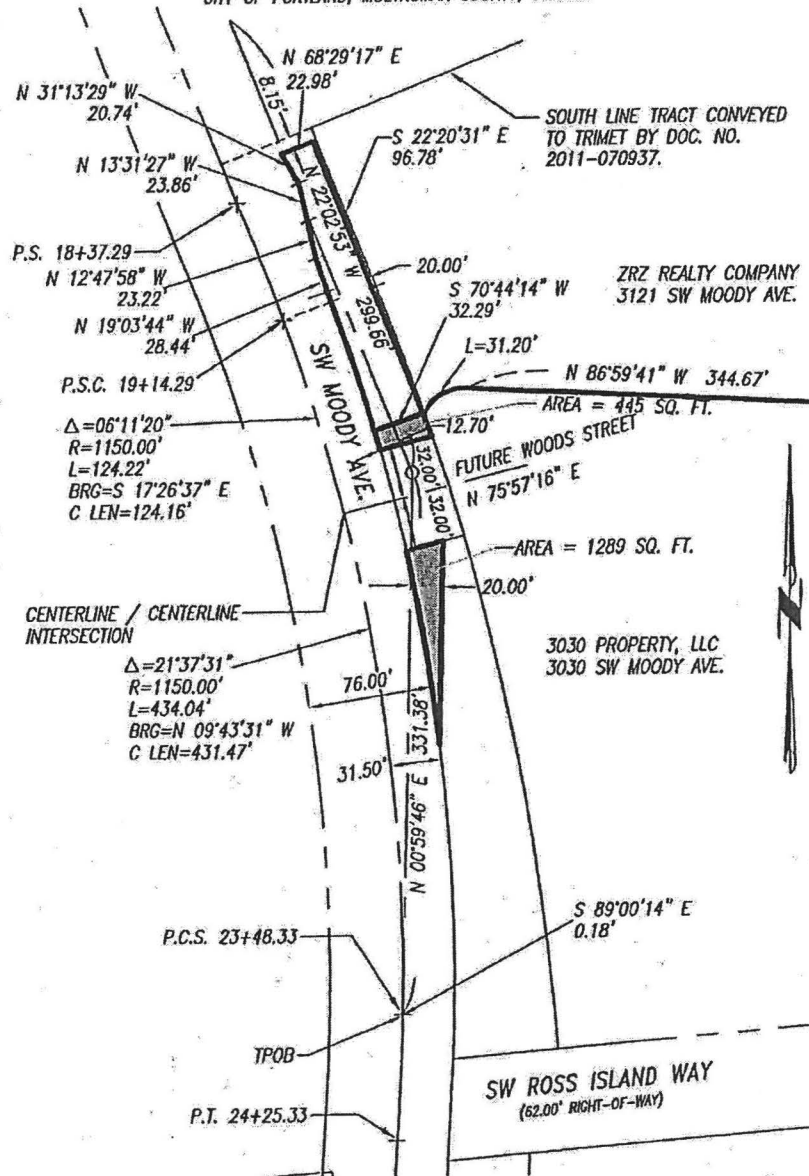
Containing 1,734 Square Feet, more or less.



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

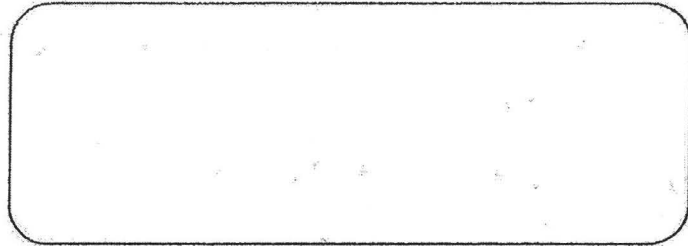
**OLSON** LAND SURVEYORS  
ENGINEERS  
ENGINEERING INC. 1111 BROADWAY, VANCOUVER, WA 98660  
1-360-895-1385  
1-503-289-8936



## EXHIBIT 5

**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.

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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

7511/RETAINING WALL ACCESS AND MAINTENANCE EASEMENT ZRZ



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ENGINEERS

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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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Vancouver, WA  
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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;

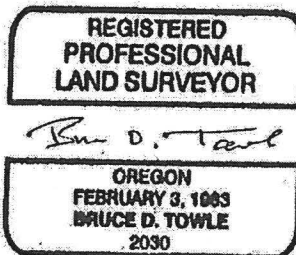
THENCE North  $86^{\circ} 59' 41''$  West along the North line of said 3030 Property LLC parcel a distance of 344.67 feet to a 27.03 foot radius curve to the left;

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.

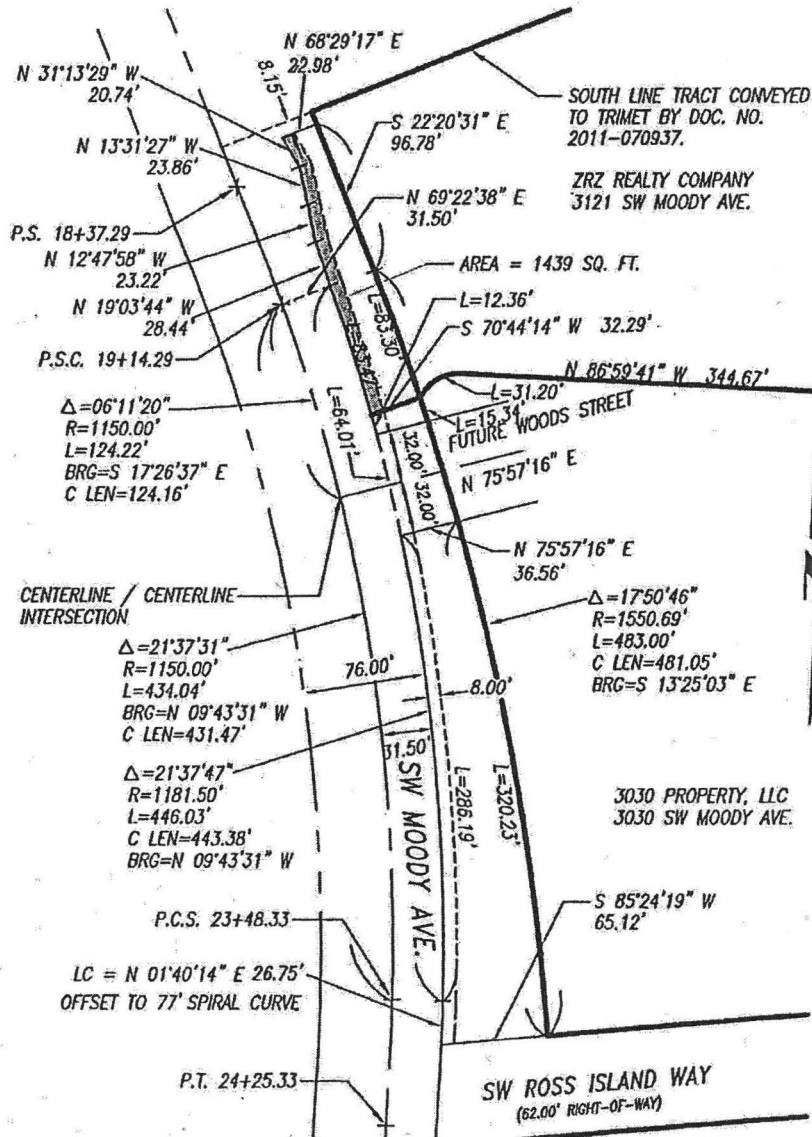
Containing approximately 1,439 square feet, more or less.



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



RWA# 7511

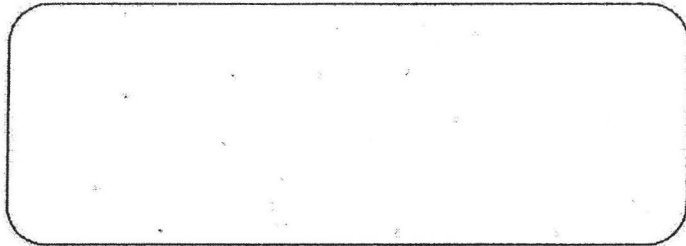
**OLSON LAND SURVEYORS  
ENGINEERS**  
ENGINEERING INC. 1111 BROADWAY, VANCOUVER, WA 98660

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

**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

IS1E10 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

7511/RETAINING WALL ACCESS AND MAINTENANCE EASEMENT 3030



LAND SURVEYORS  
ENGINEERS

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

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;



LAND SURVEYORS  
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Vancouver, WA  
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:

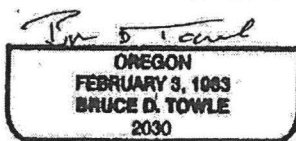
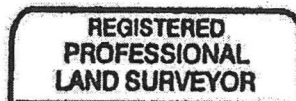
COMMENCING at the Northeast corner of that parcel of land conveyed to 3030 Property LLC by Document No. 2012-056835 of Multnomah County deed records;

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.

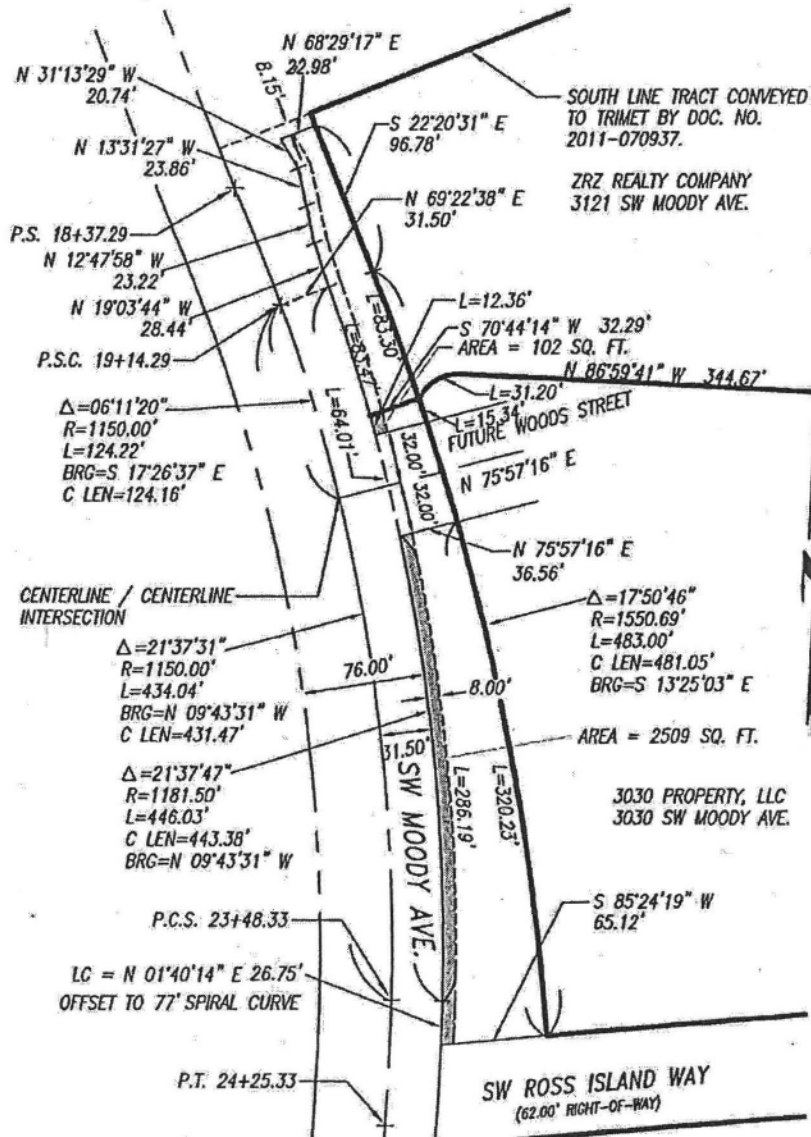
Containing approximately 2,611 square feet, more or less.



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



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

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

RWA# 7511

## ACCEPTANCE

Auditor of the City of Portland  
City Hall Room 130  
1221 SW 4<sup>th</sup> Avenue  
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that we hereby accept the terms and provisions of Ordinance No. 187032, passed by the Portland City Council on February 25, 2015, **Vacate a portion of SW Moody Ave north of Ross Island Bridge subject to certain conditions and reservations; VAC 10085**, and in consideration of the benefits received thereunder we hereby agree to abide by and perform each and all of the applicable terms and provisions thereof.

03.11.2015

Date \_\_\_\_\_

*Richards, Secretary*  
(Signature and Title)

(Signature and Title)

**ZRZ Realty Company**  
**c/o Mackenzie**  
**Brian Varricchione**  
**1515 SE Water Ave, Suite 100**  
**Portland OR 97214**

Approved as to form:

APPROVED AS TO FORM

City Attorney

Accepted 3/15/19

CITY ATTORNEY



## ACCEPTANCE

Auditor of the City of Portland  
City Hall Room 130  
1221 SW 4<sup>th</sup> Avenue  
Portland, Oregon 97204

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03.11.2015

Date

*Richards, Manager Designate*  
(Signature and Title)

3030 Property LLC  
c/o Mackenzie  
Brian Varricchione  
1515 SE Water Ave, Suite 100  
Portland OR 97214

Approved as to form:

APPROVED AS TO FORM

*[Signature]*  
City Attorney

CITY ATTORNEY

*9/18/15*