

ORDINANCE NO. 132421

An ordinance accepting an easement for sewers and other utilities through property in Section 36, T2N, R1W, W.M., Multnomah County, Oregon for the North Rivergate Blvd. and Private Property Sanitary Sewer System, granted by Broadway Holding Company, authorizing the release of certain easements and a deed to said Broadway Holding Company, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that in connection with the construction by the City of the N. Rivergate Blvd. and Private Property Sanitary Sewer System in the Rivergate industrial area certain easements for construction and maintenance of said sewer and other City utilities, and a deed for a pump station, were acquired by the Port of Portland, said easements and deed heretofore having been recorded in the Multnomah County Deed Records as follows:

<u>Grantor</u>	<u>Date of Deed</u>	<u>Book</u>	<u>Page</u>	<u>Date of Recording</u>
Elizabeth Shenker & Dulien Steel Products, Inc. of Washington	July 8, 1968	647	1478	Oct. 30, 1968
Elizabeth Shenker & Dulien Steel Products, Inc. of Washington	July 8, 1968	647	1462	Oct. 30, 1968
Elizabeth Shenker & Dulien Steel Products, Inc. of Washington	July 8, 1968	647	1472	Oct. 30, 1968

The Council further finds that the hereinabove easements and deed, along with an easement granted by Northwest Terminal Company, were subsequently assigned by the Port of Portland to the City of Portland by instrument recorded January 24, 1969 in Book 660 at Page 856, Multnomah County Film Records, and that said assignment was accepted by the City by Ordinance No. 128431, passed by the Council January 23, 1969. The Council also finds that the legal descriptions appearing on the above listed easements and deed are in error and do not properly describe the area now occupied by the utilities for which they were obtained; that Broadway Holding Company, owner of the property in which such City utilities are located, is desirous of correcting the records by granting an easement to the City of Portland covering the correct location of such City utilities, and has requested the City quitclaim its interest in and to the area covered by those easements and deed containing erroneous legal descriptions; that the City Engineer recommends acceptance of the Broadway Holding Company easement and the release of the erroneous easements and deed; now therefore, the following described easements granted by Broadway Holding Company are hereby accepted for City sewer and utility purposes.

Three tracts of land in Section 36, T2N, R1W, W.M., Multnomah County, Oregon being parcels I, II and III described as follows:

Parcel I

Beginning at a point on the Southerly boundary of that tract of land described in Book 1368, Page 45, Multnomah County Deed Records, which point lies S. 89° 53' 00" E., a distance of 1514.43 feet from a 2 inch iron pipe on said Southerly boundary, said 2 inch iron pipe lying N. 78° 55' 15" E., a distance of 478.97 feet from the monument marking the Southwest corner of the William Gatton Donation Land Claim; said point of beginning being also the intersection of said Southerly boundary with the Southeasterly projection of the Easterly boundary of the property of Beall Pipe and Tank Corporation; thence following said Southeasterly projection of the Beall property line, N. 26° 15' 33" W., a distance of 447.30 feet to the Southeast corner of said Beall property; continuing thence along said property line, a distance of 390.14 feet to a point; thence N. 63° 44' 27" E., a distance of 30.00 feet to a point; thence N. 26° 15' 33" W., on a line which is parallel to and 30.00 feet from said Beall property line, a distance of 637.69 feet to a point; thence N. 63° 44' 27" E., a distance of 11.72 feet to a point, which point is the point of beginning of Parcel II, as herein-after described; continuing thence N. 63° 44' 27" E., a distance of 18.28 feet to a point; thence S. 26° 15' 33" E., on a line which is parallel to and 60.00 feet from said Beall property line, a distance of 295.00 feet to a point; thence N. 63° 44' 27" E., a distance of 30.00 feet to a point; thence S. 26° 15' 33" E., a distance of 50.00 feet to a point; thence S. 63° 44' 27" W., a distance of 30.00 feet to a point, thence S. 26° 15' 33" E., continuing on a line parallel with and 60.00 feet from said Beall property line a distance of 392.69 feet to a point; thence S. 63° 44' 27" W., a distance of 30.00 feet to a point; thence S. 26° 15' 33" E., on a line which is parallel to and 30.00 feet from said Beall property line and the Southeasterly projection thereof, a distance of 752.32 feet to a point on said Southerly boundary of that tract of land described in said Book 1368, Page 45, Multnomah County Deed Records; thence N. 89° 53' 00" W., following said Southerly boundary a distance of 33.45 feet to the point of beginning.

Parcel II

A strip of land 20 feet in width, lying 10 feet on either side of the following described centerline:

Beginning at a point on the Northwesterly boundary of Parcel I, as hereinbefore described, which point lies N. 63° 44' 27" E., a distance of 11.72 feet from the most northerly Northwest corner of said Parcel I; thence N. 57° 40' 42" W., a distance of 555.12 feet to a point; thence N. 22° 43' 28" W., a distance of 303.30 feet to a point; thence N. 38° 20' 00" W., a distance of 390.82 feet to a point; thence N. 71° 33' 06" W., a distance of 344.37 feet to a point; thence N. 0° 37' 14" E., a distance of 43.28 feet to a point, which point is the point of beginning of Parcel III as hereinafter described; continuing thence N. 0° 37' 14" E., a distance of 444.05 feet to a point on the Southerly boundary of that tract of land described in Book 1405, Page 577, said Multnomah County Deed Records; which point lies N. 89° 58' 00" W., a distance of 30.00 feet from an iron rod marking the Southwest corner of that portion of said property conveyed to Consolidated Freightways.

Parcel III (Trunk B)

A strip of land, 20 feet in width, lying 10 feet on either side of the following described centerline:

Beginning at a point on the centerline of Parcel II, as hereinbefore described, which point lies S. $0^{\circ} 37' 14''$ W., a distance of 444.05 feet from the Northerly terminus thereof; thence N. $88^{\circ} 50' 31''$ W., a distance of 453.17 feet to a point on a sanitary sewer manhole; thence N. $89^{\circ} 36' 27''$ W., a distance of 452.26 feet to a point on a sanitary sewer manhole; continuing thence N. $89^{\circ} 36' 27''$ W., a distance of 10.00 feet to a point which lies S. $75^{\circ} 05' 00''$ W., a distance of 55.76 feet from the Southeast corner of the Bell Oil tract as described in Book 1625, Page 497, said Multnomah County Deed Records; excepting therefrom that portion lying in Parcel II.

(Granted by Broadway Holding Company, c/o Morrison & Bailey, Attorneys at law, 17th Floor Standard Plaza, Attention: Mr. Robert R. Carney.)

Section 2. The Mayor and Auditor are hereby authorized and directed to execute and deliver to Broadway Holding Company, c/o Morrison & Bailey, Attorneys at Law, 17th Floor Standard Plaza Building, Portland, Oregon, 97204, Attention Mr. Robert R. Carney, quitclaim deeds releasing the interests of the City as follows:

a. Quitclaim Deed. A tract of land in Section 36, T2N, R1W, W.M., Multnomah County, Oregon described as follows:

Beginning at a point on the south line of that tract of land described in Book 1358, Page 45, Deed Record Multnomah County and recorded on November 1, 1949, which point lies N. $89^{\circ} 53'$ W., a distance of 360.68 feet from an iron rod marking the most southerly southeast corner of said tract; thence N. $26^{\circ} 15' 33''$ W., on a line parallel to and 30.00 feet easterly from, when measured at right angles, the easterly boundary of that tract of land described in Book 2087, Page 192, Deed Records Multnomah County and recorded on October 24, 1961, a distance of 752.05 feet to a point; thence N. $63^{\circ} 44' 27''$ E., 30.00 feet to a point; thence N. $26^{\circ} 15' 33''$ W., 400.00 feet to the TRUE POINT OF BEGINNING.

Continuing thence N. $26^{\circ} 15' 33''$ W., 50.00 feet to a point; thence N. $63^{\circ} 44' 27''$ E., 30.00 feet to a point; thence S. $26^{\circ} 15' 33''$ E., 50.00 feet to a point; thence S. $63^{\circ} 44' 27''$ W., 30.00 feet to the TRUE POINT OF BEGINNING, containing 0.035 acres, more or less, which is the same real property released and quitclaimed to the Port of Portland, a municipal corporation, by Quitclaim Deed dated July 8, 1968, recorded October 30, 1968, Deed Records, Book 647, Page 1478, and assigned to the City of Portland by the Assignment of Easements dated December 9, 1968, recorded January 24, 1969, Deed Book 660, Page 856.

ORDINANCE No.

b. Quitclaim of Easement. All of the right, title and interest of the City of Portland in and to those easements over, under and through certain real property situated in Multnomah County, Oregon, created by a Deed of Easement from Elizabeth Shenker, a widow, on behalf of herself and as Trustee under the Last Will and Testament of William Shenker, deceased, and Dulien Steel Products, Inc. of Washington, a Washington corporation, to The Port of Portland, a municipal corporation, its successors and assigns, executed the 8th day of July, 1968 and recorded on the 30th day of October, 1968 in Book 647, Page 1472, Deed Records of Multnomah County, Oregon, which easement was assigned by The Port of Portland to the City of Portland by an Assignment of Easements dated December 9, 1968 and recorded on the 24th day of January, 1969 in Book 660, Page 856, Deed Records of Multnomah County, Oregon.

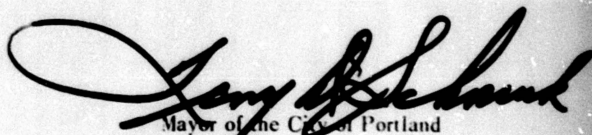
c. Quitclaim of Easement. All of the right, title and interest of the City of Portland in and to those easements over, under and through certain real property situated in Multnomah County, Oregon, created by a Deed of Easement from Elizabeth Shenker, a widow, on behalf of herself and as Trustee under the Last Will and Testament of William Shenker, deceased, and Dulien Steel Products, Inc. of Washington, a Washington corporation, to The Port of Portland, a municipal corporation, its successors and assigns, executed the 8th day of July, 1968 and recorded on the 30th day of October, 1968 in Book 647, Page 1462, Deed Records of Multnomah County, Oregon, which easement was assigned by the Port of Portland to the City of Portland by an Assignment of Easements dated December 9, 1968 and recorded on the 24th day of January, 1969 in Book 660, Page 856, Deed Records of Multnomah County, Oregon.

Section 3. The City Auditor is hereby directed to have the easement described in Section 1 of this ordinance placed on record.

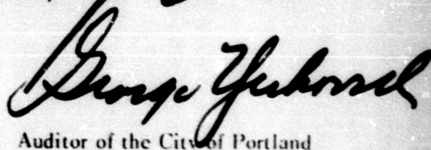
Section 4. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: To avoid any undue delay in correcting the Multnomah County and City records, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, MAR 25 1971

Lloyd E. Anderson, Commissioner
CS:mnw
3-22-71


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 1108

ORDINANCE No. 132421

Title

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Dist 1
C-2385

Filed MAR 24 1971

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND
By Gordon Croall
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Anderson	1	
Goldschmidt	1	
Ivancie	—	
McCready	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR

Anderson	<u>Rosen</u>
Goldschmidt	<u>Darg</u>
Ivancie	
McCready	<u>C.N. C.L.B.</u>
Schrunk	<u>DS m</u>

INTRODUCED BY

Commissioner Lloyd E. Anderson

DRAWN BY

CS:mw

Date 3-22-71

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works Thase

City Attorney

NOTED BY THE CITY AUDITOR

GC
MC

APPROVED

Date 3-24-71

By James L. Apperson
City Engineer
James L. Apperson

Date

By