

Grantor's Name and Address:

Elina A. Niemela
8730 SW Capitol Hwy.
Portland, OR 97219

Multnomah County Official Records
E Murray, Deputy Clerk

2020-062615

05/28/2020 04:09:06 PM

EASE-EASE Pgs=6 Stn=56 ATKW
\$30.00 \$11.00 \$10.00 \$60.00

\$111.00

RETAINING WALL ACCESS and MAINTENANCE EASEMENT

Elina A. Niemela, ("Grantor"), in consideration of the sum of **eleven thousand five hundred and four dollars (\$11,504.00)**, 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 and incorporated by reference.

Contains 420 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.

R/W #8800-56

1S1E20CC TL #12600

After Recording Return to:

Marty Maloney, City of Portland

1120 SW 5th Avenue, 8th Floor

Portland, OR 97204

Tax Statement shall be sent to: Grantor

- C. Grantee shall provide 48 hours 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 or 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, Elina A. Niemela, Grantor, has caused this instrument to be executed this

1st day of May, 20 20.

By: [Signature]
Elina A. Niemela

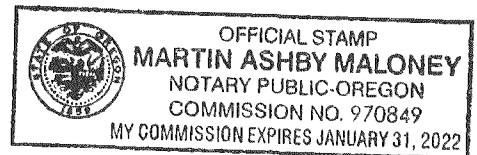
State of Oregon)
County of Multnomah)ss.

This instrument was acknowledged before me on this 1st day of May, 20 20 by
Elina A. Niemela, Grantor.

[Signature]
Notary Public for the State of Oregon
My Commission Expires: 11/31/22

APPROVED AS TO FORM:

Glenn Fullilove 5.20.20
City Attorney



APPROVED AND ACCEPTED:

Amber Clayton 5/26/2020
Bureau Director Date

EXHIBIT A

**S.W. CAPITOL HIGHWAY
- S.W. MULTNOMAH BOULEVARD TO S.W. TAYLORS FERRY ROAD
R/W # 8800-56
PERMANENT RETAINING WALL MAINTENANCE EASEMENT
1S1E20CC TAX LOT 12600**

A portion of that tract of land conveyed to, Elina A. Niemela, by deed, recorded in Document Number 2004-155710, Multnomah County Deed Records, situated in the Southwest one-quarter of Section 20, Township 1 South, Range 1 East, of the Willamette Meridian in the City of Portland, County of Multnomah and State of Oregon, more particularly described as follows:

COMMENCING at the most Northerly corner of said tract, also being a point on the East Right of Way line of S.W. Capitol Highway, 30.00 feet from centerline;

Thence along the East line of said tract, South 01°38'08" West, a distance of 2.90 feet to the POINT OF BEGINNING;

Thence, continuing along said East line, South 01°38'08" West, a distance of 8.80 feet, to a point of non-tangent circular curve;

Thence, Southwesterly, a distance of 41.58 feet along a non-tangent curve to the left of which the radius point lies South 57°52'41" East a distance of 783.00 feet, a central angle of 03°02'34", (a chord bearing of South 30°36'02" West and a chord distance of 41.58 feet), to a point of non-tangency;

Thence, North 60°55'14" West, a distance of 4.00 feet, to a non-tangent circular curve;

Thence, Southwesterly, a distance of 59.30 feet along a non-tangent curve to the left of which the radius point lies South 60°55'14" East a distance of 787.00 feet, a central angle of 04°19'02", (a chord bearing of South 26°55'15" West and a chord distance of 59.29 feet), to a point of non-tangency;

Thence, South 65°18'39" East, a distance of 2.01 feet;

Thence, South 22°19'01" West, a distance of 6.49 feet;

Thence, North 65°32'52" West, a distance of 2.26 feet, to a point of non-tangent circular curve;

Thence, Southwesterly, a distance of 29.20 feet along a non-tangent curve to the left of which the radius point lies South 65°42'39" East a distance of 787.00 feet, a central angle of 02°07'34", (a chord bearing of South 23°13'35" West and a chord distance of 29.20 feet), to the South line of said tract, also being a point on the North Right of Way line of S.W. Dolph Court, 45.00 feet in width;

Thence, along said South line, North 87°37'37" West, a distance of 2.13 feet, to the Southwest corner of said tract, also being a point of a non-tangent circular curve, also being a point on the East Right of Way line of S.W. Capitol Highway;

Thence, Northeasterly, a distance of 103.17 feet along a non-tangent curve to the right of which the radius point lies South 67°53'20" East a distance of 789.00 feet, a central angle of 07°29'32", (a

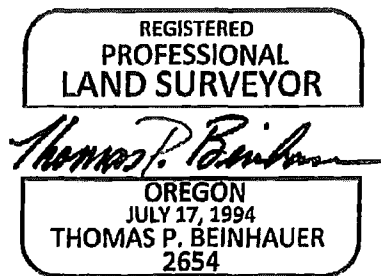
chord bearing of North 25°51'26" East and a chord distance of 103.10 feet), to a point of non-tangency;

Thence, South 60°23'48" East, a distance of 1.50 feet, to a point of a non-tangent circular curve;

Thence, Northeasterly, a distance of 42.20 feet along a non-tangent curve to the right of which the radius point lies South 60°23'48" East a distance of 787.50 feet, a central angle of 03°04'13", (a chord bearing of North 31°08'19" East and a chord distance of 42.19 feet), to the POINT OF BEGINNING.

Containing 420 square feet.

Project No. 40595
Revised: September 16, 2019



EXPIRES 12-31-2019

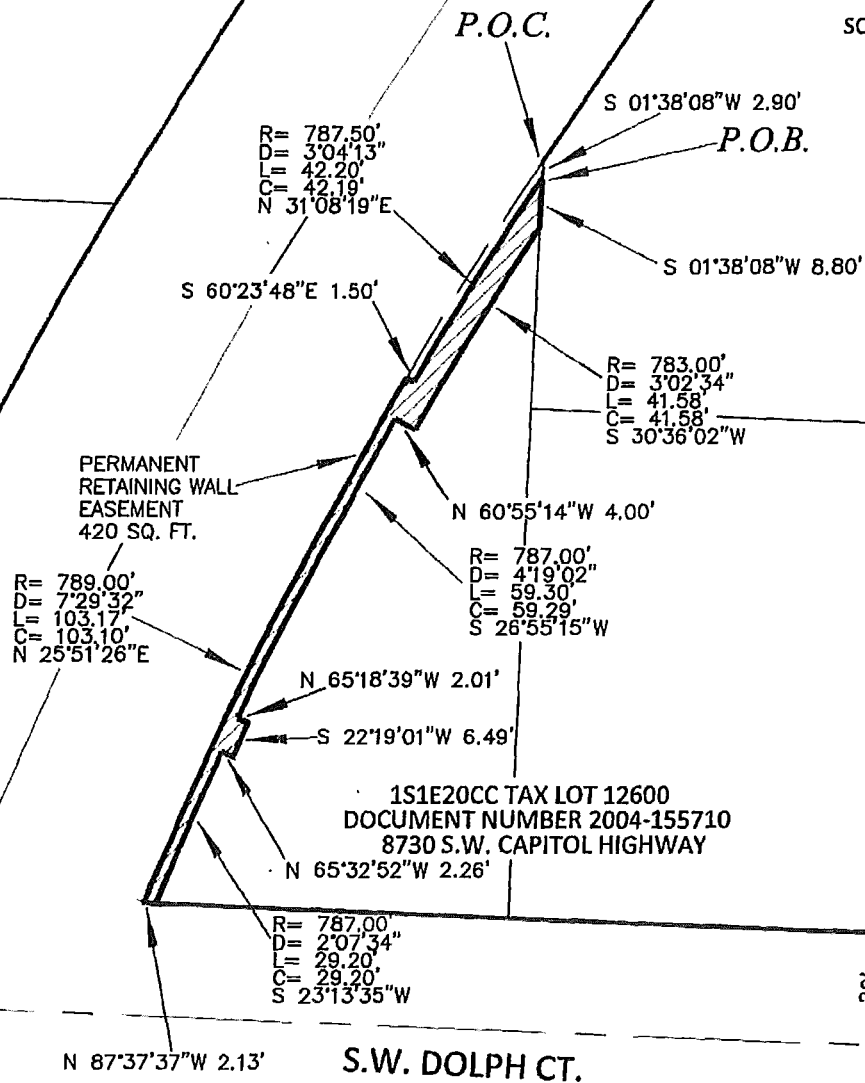
EXHIBIT B

R/W # 8800-56
S.W. CAPITOL HIGHWAY - S.W. MULTNOMAH
BLVD. TO S.W. TAYLORS FERRY RD.
PERMANENT RETAINING WALL
MAINTENANCE EASEMENT
1S1E20CC TAX LOT 12600

S.W. 41ST AVE.

S.W. CAPITOL HWY.

SCALE: 1" = 30'



PBOT
PORTLAND BUREAU OF TRANSPORTATION

SURVEY DEPARTMENT,
1120 SW 5TH AVE., SUITE 800
PORTLAND, OREGON 97204
PHONE 503-823-7150

JOB # 40595
REVISED: SEPTEMBER 16, 2019