

EXHIBIT 4

Grantor Name & Address:

Pacific Coast Fruit Company
201 NE 2nd Avenue
Portland, OR 97232

PERMANENT TUNNEL EASEMENT

Pacific Coast Fruit Company, a corporation duly organized and incorporated under the laws of the State of Oregon (“Grantor”), for good and valuable non-monetary consideration, the receipt whereof is hereby acknowledged, hereby grants to the City of Portland, a municipal corporation of the State of Oregon (“Grantee”), a perpetual easement for the right to lay down, construct, operate and perpetually maintain sewer tunnel facilities and appurtenances (this “Easement”). This Easement granted herein runs through, under and along the following described parcel (the “Easement Area”):

As described on **Exhibit A** and depicted on **Exhibit B** attached and incorporated by reference.

Contains 3,120 square feet, more or less.

IT IS UNDERSTOOD and agreed that public sewer easements include the right of access for construction, inspection, maintenance or other sewerage system activities.

Grantor reserves the right to use the Easement Area for any lawful purpose not inconsistent with Grantee’s permitted use, including the installation, maintenance, repair, removal, replacement or relocation of underground utilities and services, paths, roadways or driveways, parking lots, shallow-rooted landscaping, and continued operation and development of Grantor’s property; except that Grantor shall not use the area thirteen (13) feet either side of the tunnel, and shall not install load bearing underground improvements within thirty-nine (39) feet above the crown of the tunnel and non-load bearing underground improvements within twenty-six (26) feet of the crown of the tunnel, as shown on said **Exhibit C**. Grantor further agrees to provide prior notification of its intent to use the Easement Area for above or below surface installations, which must be approved by the Director of the Bureau of Environmental Services to ensure compliance with this Easement.

THIS INSTRUMENT does not grant or convey to the Grantee any right or title to the surface of the soil along the route of said sewer.

R/W # 8824

1N1E34DA

After Recording Return to:

Lance Lindahl, City of Portland

1120 SW 5th Avenue, Suite 1331

Portland, OR 97204

Tax Statement shall be sent to: No Change

IT IS FURTHER UNDERSTOOD and agreed that:

- A. This Easement includes the right to make visual and photographic inspection of the surface and associated improvements during construction.
- B. This Easement shall bind the heirs and assigns of Grantor and shall inure to the benefit of the successors in title of Grantee.
- C. 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.
- D. Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, which includes any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights.
- E. 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; and further, that Grantor has provided Grantee with copies of all reports that it is aware of regarding the environmental condition of the Easement Area.
- F. Grantee, by accepting this Easement, is not accepting liability for any release of hazardous substances onto or from the Easement Area, and Grantor is not attempting to convey any such liability.

IN WITNESS WHEREOF, Pacific Coast Fruit Company, pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by its _____ this ___ day of _____, 20__.

By: _____

STATE OF _____)
) ss.
 COUNTY OF _____)

This instrument was acknowledged before me on _____, 20__ by _____ (name) as _____ (title) on behalf of Pacific Coast Fruit 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

8824 STV – NE Everett St/Tunnel Easement-Pacific Coast Fruit

DRAFT

EXHIBIT A
LEGAL DESCRIPTION
CITY OF PORTLAND SEWER TUNNEL EASEMENT
N.E. EVERETT STREET VACATION BETWEEN N.E. 1ST AVENUE AND N.E.
2ND AVENUE, RWA FILE NO. 8824
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
December 29, 2020 (Otak #18706.B00)

That portion of N.E. Everett Street lying between N.E. First Avenue and N.E. Second Avenue and lying between Blocks 33 and 34 of "Map of East Portland" recorded in Plat Book 1, Page 54, Multnomah County Plat Records, in the southeast quarter of Section 34, Township 1 North, Range 1 East of the Willamette Meridian, City of Portland, Multnomah County, Oregon, said portion described as follows:

BEGINNING at a point on the south line of said Block 33, South 90°00'00" East a distance of 58.78 feet from the southwest corner of said Block 33, said southwest corner also being the southwest corner of that tract of land described as Parcel II in Statutory Warranty Deed Doc. No. 2011-051286;
thence along the south line of said Block 33, South 90°00'00" East a distance of 52.00 feet;
thence South 00°23'21" East a distance of 29.68 feet;
thence southerly along the arc of a 974.00 foot radius curve to the left, through a central angle of 01°47'02", an arc length of 30.33 feet (chord bears South 01°16'52" East a distance of 30.33 feet) to a point on the north line of said Block 34;
thence along said north line of Block 34, North 90°00'00" West, a distance of 52.04 feet;
thence northerly along the arc of a non-tangent 1026.00 feet radius curve to the right (radius point bears North 87°56'13" East), through a central angle of 01°40'26", an arc length of 29.97 feet (chord bears North 01°13'34" West a distance of 29.97 feet);
thence North 00°23'21" West a distance of 30.04 feet to the POINT OF BEGINNING.

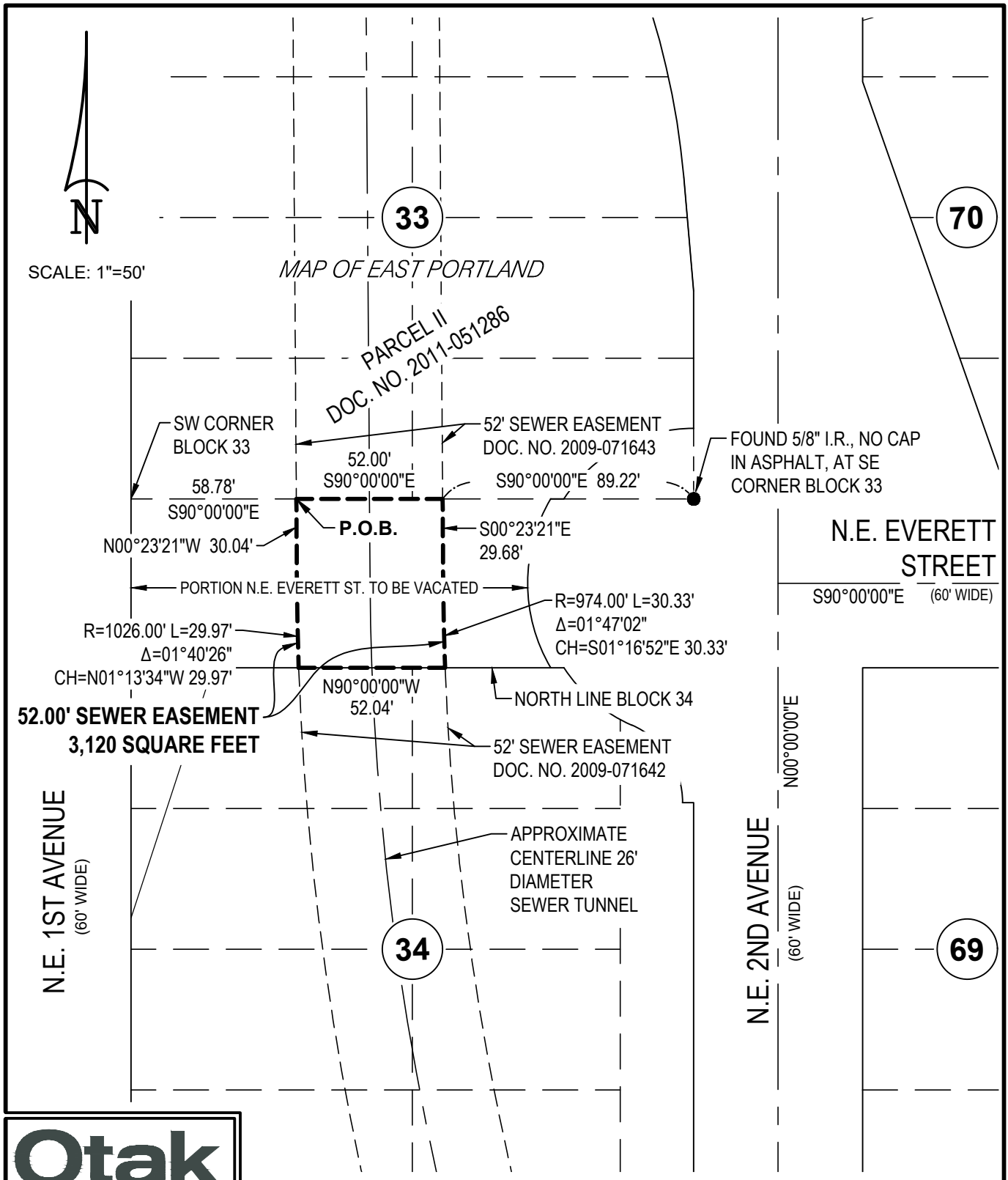
Contains 3,120 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

digitally signed
2023.02.06 07:14:09-08'00'

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWALS: JUNE 30, 2024



Otak

808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18706B

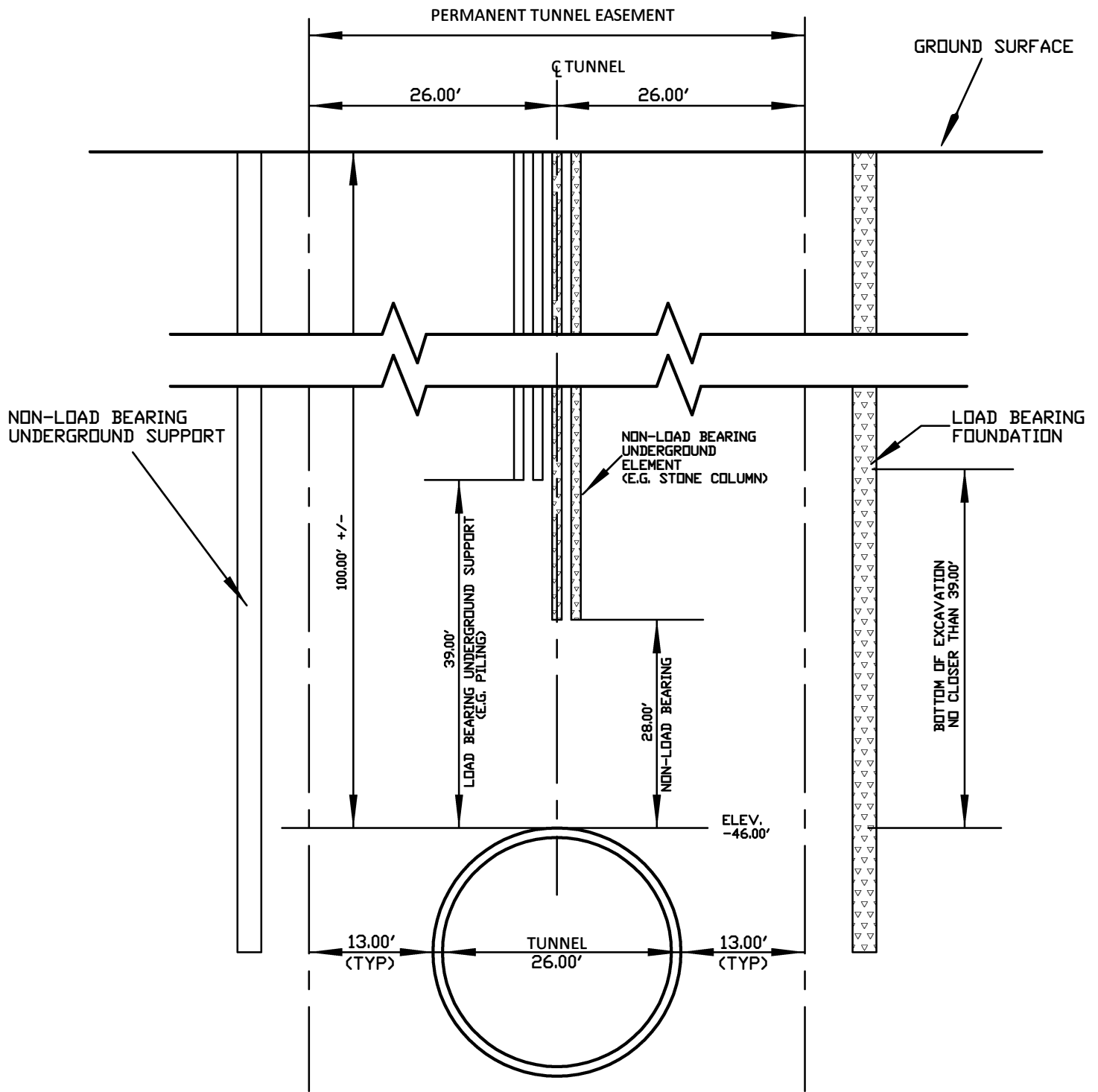
EXHIBIT B

SEWER EASEMENT TO THE CITY OF PORTLAND
BETWEEN N.E. 1ST AVENUE AND N.E. 2ND AVENUE, RWA FILE NO. 8824
IN THE SOUTHEAST 1/4, SECTION 34, TOWNSHIP 1 NORTH, RANGE 1 EAST,
WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

JUNE 8, 2020

EXHIBIT C

R/W # 8824
PERMANENT TUNNEL EASEMENT
1N1E34DA



PBOT
PORTLAND BUREAU OF TRANSPORTATION

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