

EXHIBIT A

After Recording Return To:
City of Portland
Bureau of Environmental Services
Linda Birth
1120 SW 5th Avenue, Room 1000
Portland, OR 97204-1972

PERMANENT TUNNEL EASEMENT

METRO, a municipal corporation and political subdivision of the State of Oregon ("Metro"), for and in consideration of the sum of Sixty Five Thousand Seven Hundred and Fifty and no/100 Dollars (\$65,750.00) and the mutual covenants and agreements set forth herein, hereby grants to the City of Portland, Bureau of Environmental Services, a municipal corporation of the State of Oregon ("BES"), its successors and assigns, a perpetual non-exclusive subsurface tunnel easement for the installation of a 22 foot diameter sewer pipeline and appurtenances (hereafter, the "Facilities") through, under and along Metro real property more particularly described in the Deed recorded as Fee No. 98-073856 on May 1, 1998, Multnomah County Deed Records (hereafter, the "Property"):

1. Easement Description. The Facilities shall be located within the Easement between the depths of 74 and 99 feet below ground surface. The Easement shall be located as legally described in Exhibit A-1 and depicted in Exhibit A-2 for each property site attached hereto (the "Easement Area").
2. Easement Rights/No Surface Rights. BES shall have the right to construct, reconstruct, operate, inspect, monitor, maintain and protect the Facilities in whole or in part within the Easement Area. In exercising its rights hereunder, BES shall not enter on to, use, occupy or disturb the surface of the Property, except as provided below for initial construction.
3. Limited Surface Rights. The Easement includes the right to enter the Property to make visual and photographic inspection of the surface and associated improvements during construction and for six months after completion of the construction of the Facilities. The public's use of the Property shall not be obstructed thereby.
4. Metro's Reservation of Rights. Metro reserves the right to use the surface and subsurface of the Property subject to the Easement for any purpose that does not hinder, disturb, interfere with, or jeopardize the integrity of the Facilities and is not within 39 feet of the crown of the tunnel facility and 13 feet on each side of the outside wall of the tunnel facility, as shown in Exhibit B for each property site attached hereto, including, but not limited to the following:

4.1 Trail Construction.

4.2 Building Construction

5. Ownership. Metro represents and warrants that it holds fee simple title to the Property. However, this grant of Easement is expressly subject to liens and encumbrances of record as of the date of execution set forth below. Metro expressly disclaims any representation and warranty as to encumbrances and/or vested rights of third parties affecting the Property that may conflict or interfere with the rights granted herein, or that it holds all rights necessary or incident to the operation of the Facilities or Easement.

6. Notices. Metro agrees to provide written notice of the existence of the Easement and the Facilities to any tenant, lessee, or assignee of Metro who occupies the Property or acquires any interest in the Property from Metro. All requests, elections, notices and other communications to be given hereunder by either party to the other shall be in writing and sent by certified mail, return receipt requested, postage prepaid, addressed as follows:

As to BES: City of Portland
Bureau of Environmental Services
Attn: Property Manager
1120 SW 5th Avenue, Room 1000
Portland, OR 97204-1972

As to Metro: Metro
Parks and Greenspaces Department
Attn: Jim Desmond, Director
600 NE Grand Avenue
Portland, OR 97232-2736

Changes of address may be accomplished for purposes of this section by giving the other party written notice of a new address in the manner set forth above. Notices, elections and other communications shall be deemed effective upon receipt.

7. Covenants. The rights granted herein shall be covenants running with the land and be binding upon Metro, BES, their successors and assigns in perpetuity, except as otherwise set forth herein. BES covenants and agrees that, in the conduct of any and all of its activities and operation hereunder, it will comply strictly with all present and future laws, rules and regulations of all federal, state, and local governmental bodies having jurisdiction over the construction, installation, and operation activities occurring within the Easement.

8. Indemnity. BES, to the extent permitted by law and subject to the Oregon Constitution and Oregon Tort Claims Act, ORS Chapter 30, shall defend, indemnify and save harmless Metro, its officers, employees, and agents from and against any and all liabilities, damages, claims, demands, judgments, losses, costs, expenses, fines, suits, and actions, whether arising in tort, contract, or by operation of any statute relating to or resulting from BES's use or occupancy of the Property.

9. Environmental Representation. Metro represents that it has not released any Hazardous Substances on or under the Property.

10. Environmental Conditions/ Environmental Costs. BES acknowledges that it has evaluated the environmental condition of the Easement area and has determined that it is suitable for the installation of the Facilities. BES will remove and dispose of any material excavated from the Property without recourse to Metro and hereby releases Metro for any environmental costs incurred by the City arising out of the City's exercise of the easement rights set forth herein. By accepting this Easement, BES is not accepting liability for any release of Hazardous or Toxic Materials or Substances onto or from the Property by Metro, and Metro is not attempting to transfer any such liability.

11. Binding Effect/Reversionary Interest. This Easement is granted on the express condition that BES use the Easement solely for the purpose stated in Sections 1, 2 and 3 set forth above. In the event BES uses the Easement for another purpose, then Metro may re-enter and terminate this Easement. In the event that BES fails to use the Easement for a continuous period of one (1) year at any time after the initial installation(s) authorized by this Easement, or, in the event the parties mutually agree to terminate this Easement, then Metro may re-enter and terminate this Easement.

12. Consideration. The consideration for this grant of easement includes \$1,500.00 for Metro staff processing costs and the fair market value of the easement.

IN WITNESS WHEREOF, the parties have executed the Easement as of this _____ day of _____ 2009.

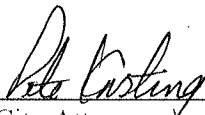
Metro

City of Portland
Bureau of Environmental Services

By: _____
Name: Michael J. Jordan
Title: Chief Operating Officer

By: _____
Name: Dean Marriott
Title: Director or designee

Approved as to Form:



City Attorney

State of Oregon)
 ss.
 County of Multnomah)

On this _____ day of _____, 2009, before me _____
 _____, the undersigned Notary Public, personally
 appeared, Michael J. Jordan, as Chief Operating Officer of Metro, an Oregon municipal
 corporation, personally known to me (or proved to be on the basis of satisfactory evidence) to be
 the person whose name is subscribed to this instrument, and acknowledged that he executed it.

My commission expires: _____

State of Oregon)
 ss.
 County of Multnomah)

On this _____ day of _____, 2009, before me _____
 _____, the undersigned Notary Public, personally
 appeared, _____, as Director or designee of the City of Portland,
 Bureau of Environmental Services, an Oregon municipal corporation, personally known to me
 (or proved to be on the basis of satisfactory evidence) to be the person whose name is subscribed
 to this instrument, and acknowledged that he executed it.

My commission expires: _____

Attachments:

Exhibit A-1 Property Legal Descriptions (7 properties)
 Exhibit A-2 Map Depictions of Easements (7 properties)
 Exhibit B: Section View of Easements (7 properties)
 (Property ID #s 1000; 1031; 1036; 1041; 1047; 1049; 1057)

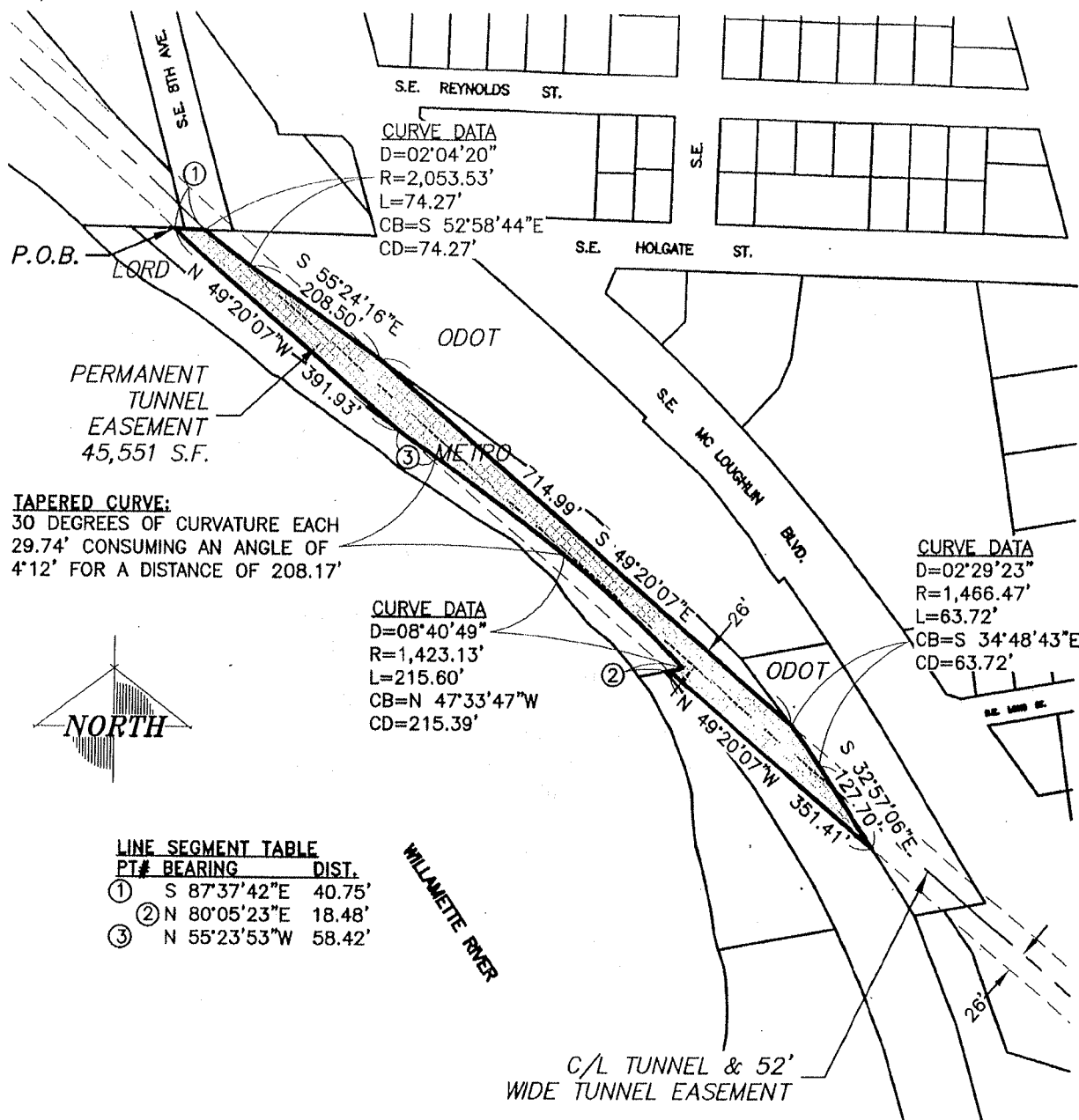
Exhibit A-1
Property Legal Description

Property ID 1000

A portion of Parcels VIII and IX as described in Exhibit B, of Multnomah County Instrument #98073856, recorded May 1, 1998, Multnomah County Deed Records, situated in the northwest quarter of Section 14, T1S, R1E, W.M., in the City of Portland, State of Oregon, described as follows;

Beginning at a point on the northerly line of said Parcel VIII, said point being on the westerly extension of the centerline of SE Holgate Boulevard, N 87° 37' 42" W, 14.30 feet from the west line of SE 8th Avenue; thence S 87° 37' 42" E, along the northerly line of said Parcel VIII, a distance of 40.75 feet, to the northeasterly line of said Parcel VIII; thence along the arc of a 2,053.53 foot radius non-tangent curve to the left, through a central angle of 02° 04' 20", an arc distance of 74.27 feet (the chord bears S 52° 58' 44" E, 74.27 feet); thence continuing along said northeasterly line of Parcel VIII, S 55° 24' 01" E, a distance of 208.50 feet; thence S 49° 20' 07" E, a distance of 714.99 feet, to the easterly line of said Parcel IX; thence along the arc of a 1,466.47 foot radius not-tangent curve to the right, through a central angle of 02° 29' 23", an arc distance of 63.72 feet (the chord bears S 34° 48' 43" E, 63.72 feet); thence continuing along the easterly line of said Parcel IX, S 32° 57' 06" E, a distance of 127.70 feet; thence N 49° 20' 07" W, a distance of 351.41 feet, to the southerly line of that tract of land deeded to P.S. Lord and Hazel W. Lord, in Book 329, Page 54, recorded July 6, 1965, Multnomah County Deed Records; thence N 80° 05' 23" E, along said southerly line, a distance of 18.45 feet, to the westerly line of said Parcel VIII; thence following the westerly line of said parcel VIII, along the arc of a 1,423.13 foot radius non-tangent curve to the left, through a central angle of 08° 40' 49", an arc distance of 215.60 feet (the chord bears N 47° 33' 47" W, 215.39 feet); thence continuing along the westerly line of said Parcel VIII, on a tapered curve to the left with a 00° 30' 00" curve increasing 30 minutes of curvature each 29.74 feet, consuming an angle of 04° 12' 00", for a distance of 208.18 feet; thence continuing along said westerly line, N 55° 23' 53" W, a distance of 58.42 feet; thence N 49° 20' 07" W, a distance of 391.93 feet, to the northerly line of said Parcel VIII, and the Point of Beginning.

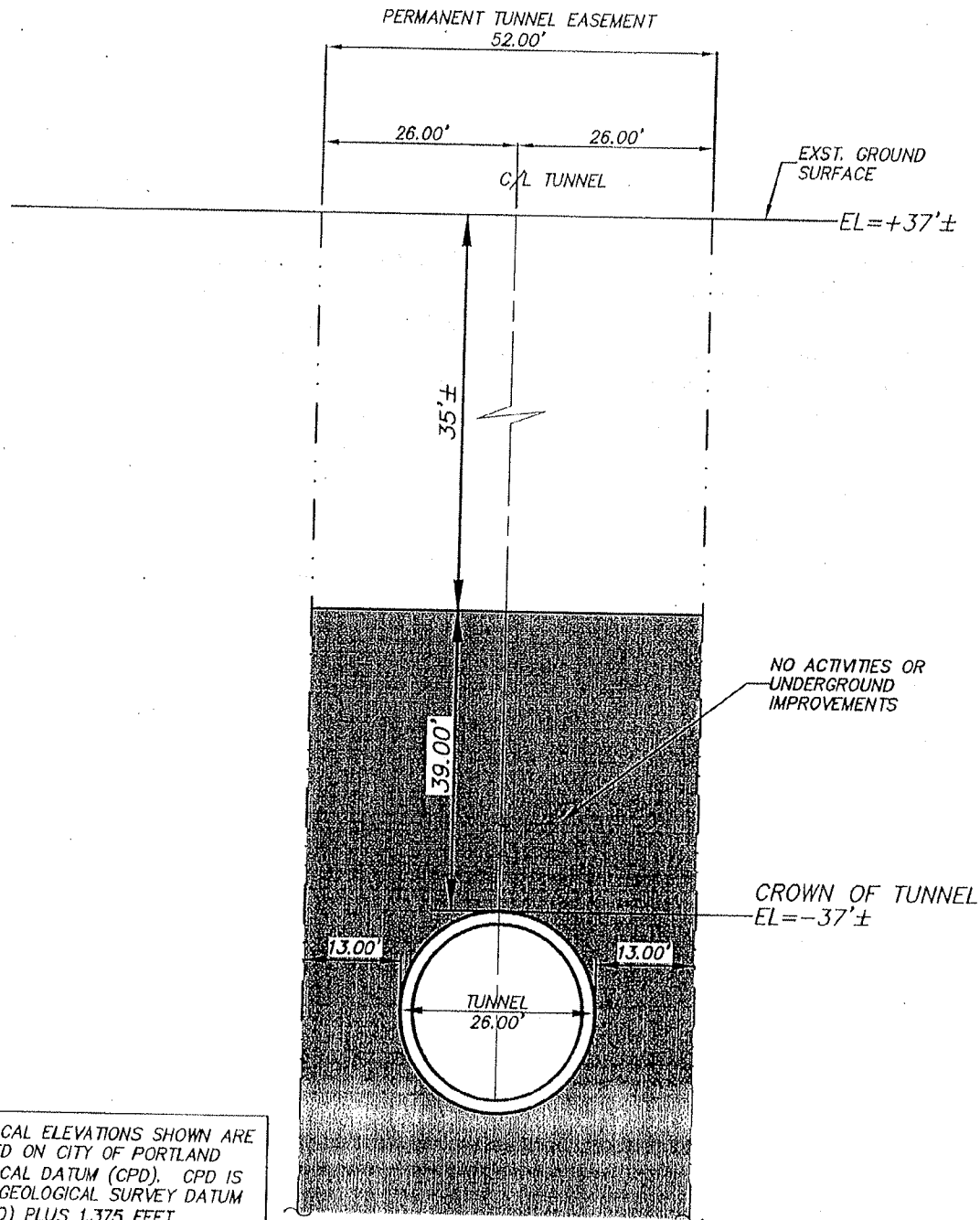
Said easement area contains 45,551 square feet, more or less, and is generally depicted on Exhibit A-2 attached hereto.



CITY OF PORTLAND
ENVIRONMENTAL SERVICES
 EAST SIDE CSO TUNNEL PROJECT

EAST SIDE CSO TUNNEL PROJECT
 PERMANENT TUNNEL EASEMENT
 PROPERTY ID NO. 1000
 STATE ID NO. 1S1E14B 00500
 OWNER: METRO

1/4 SECTION
 3531
 JOB NO.
 5516
 SHEET NO.
 1 of 1



eose-sec 1000.dwg, 05/12/09 at 14:29

NOT TO SCALE



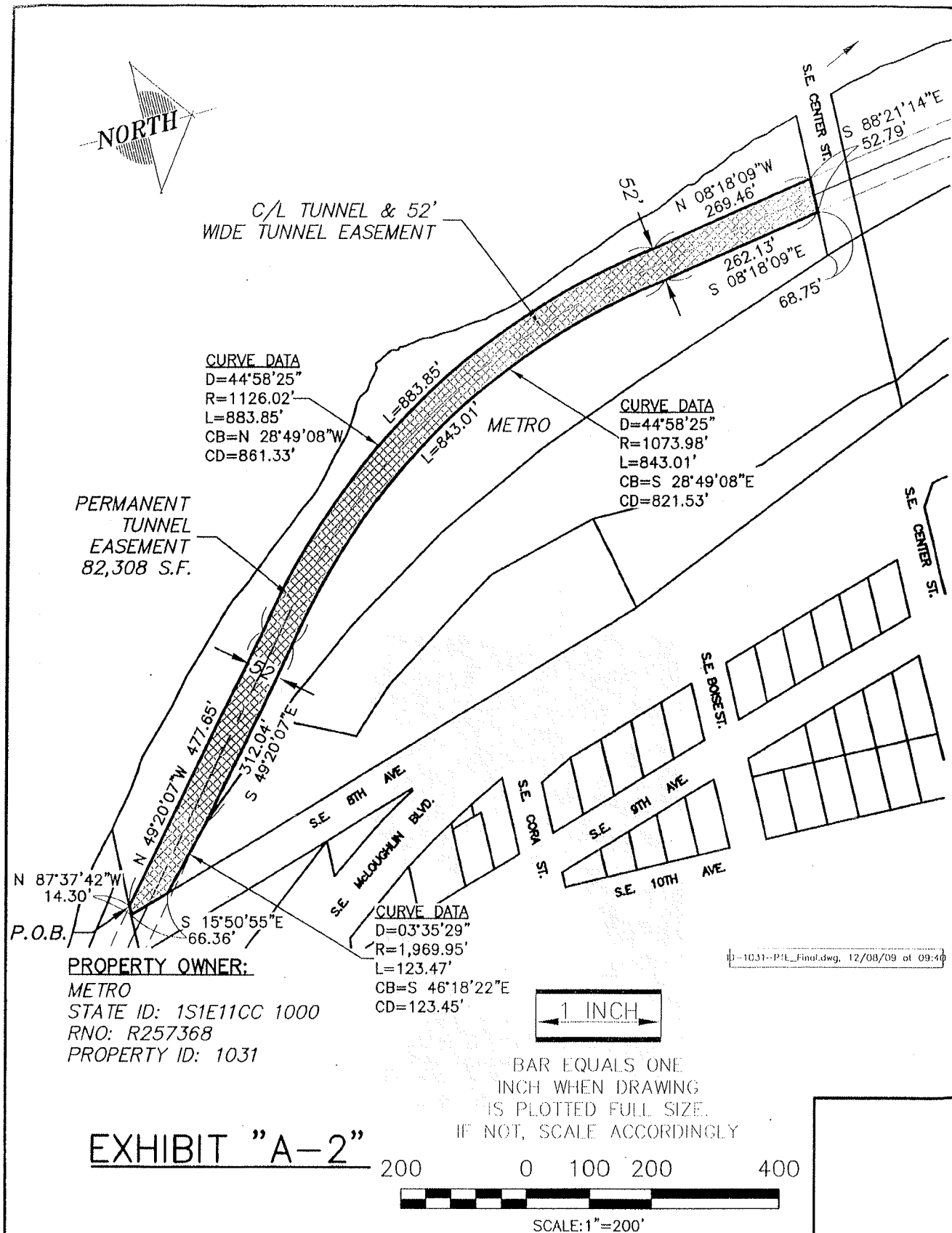
Exhibit A-1
Property Legal Description

Property ID 1031

A portion of Parcel VII as described in Exhibit B, of Multnomah County Instrument #98-073856, recorded May 1, 1998, Multnomah County Deed Records, situated in the southwest quarter of Section 11, T1S, R1E, W.M., in the City of Portland, State of Oregon, described as follows;

Beginning at a point on the most southerly line of said Parcel VII, said point being on the westerly extension of the centerline of SE Holgate Boulevard, N 87° 37' 42" W, 14.30 feet from the west line of SE 8th Avenue; thence N 49° 20' 07" W, a distance of 477.65 feet; thence along the arc of a 1,126.02 foot radius curve to the right, through a central angle of 44° 58' 25", an arc distance of 883.85 feet (the chord bears N 28° 49' 08" W, 861.33 feet); thence N 08° 18' 09" W, a distance of 269.46 feet, to the south line of SE Center Street; thence S 88° 21' 14" E, along the south line of SE Center Street, a distance of 52.79 feet; thence S 08° 18' 09" E, a distance of 262.13 feet; thence along the arc of a 1,073.98 foot radius curve to the left, through a central angle of 44° 58' 25", an arc distance of 843.01 feet (the chord bears S 28° 49' 08" E, 821.53 feet); thence S 49° 20' 07" E, a distance of 312.04 feet, to the easterly line of said Parcel VII; thence along the arc of a 1,969.95 foot radius curve to the left, through a central angle of 03° 35' 29", an arc distance of 123.47 feet (the chord bears S 46° 18' 22" E, 123.45 feet), to the west line of SE 8th Avenue; thence S 15° 50' 55" E, along the west line of SE 8th Avenue, a distance of 66.36 feet, to the southerly line of said Parcel VII; thence N 87° 37' 42" W, along said southerly line of Parcel VII, a distance of 14.30 feet, to the Point of Beginning.

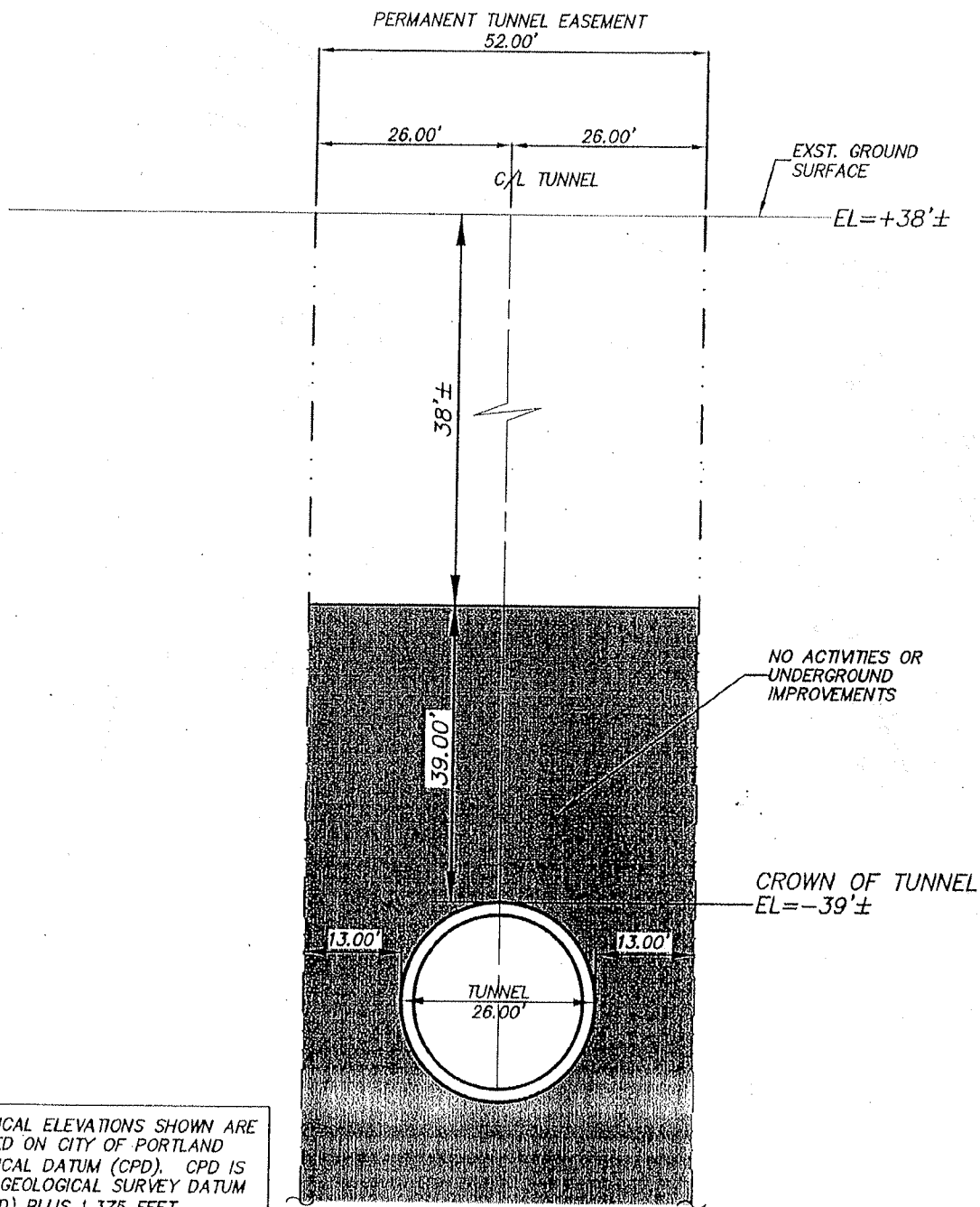
Said easement area contains 82,308 square feet, more or less, and is generally depicted on Exhibit A-2 attached hereto.



CITY OF PORTLAND
ENVIRONMENTAL SERVICES
EAST SIDE CSO TUNNEL PROJECT

EAST SIDE CSO TUNNEL PROJECT
PERMANENT TUNNEL EASEMENT
PROPERTY ID NO. 1031
STATE ID NO. 1S1E11CC 01000
OWNER: METRO

1/4 SECTION
3431
JOB NO.
5516
SHEET NO.
1 of 1



ease-sec_1031.dwg, 05/12/09 at 14:34

NOT TO SCALE



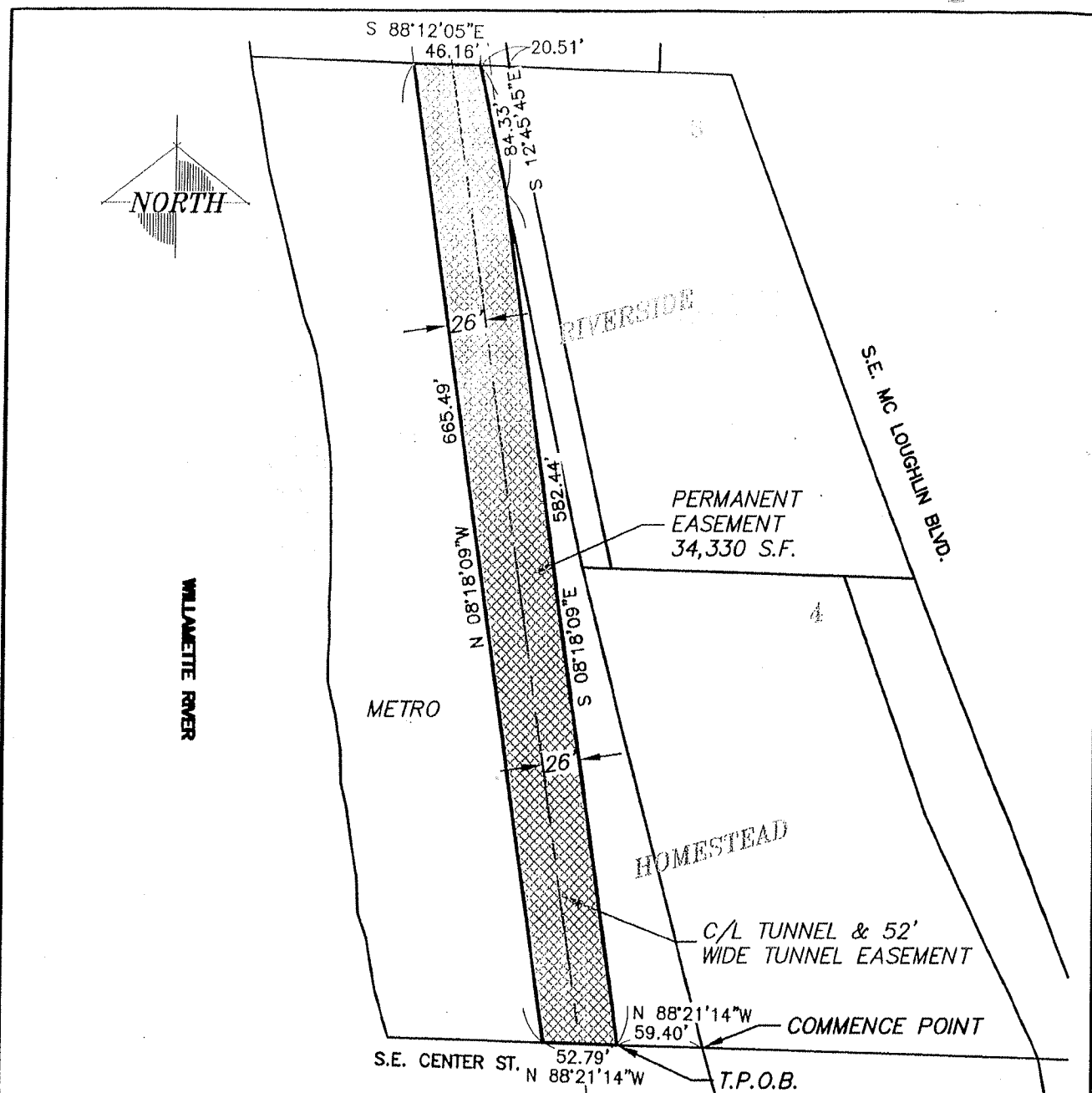
Exhibit A-1
Property Legal Description

Property ID 1036

A portion of Parcels V and VI as described in Exhibit B, of Multnomah County Instrument #98-073856, recorded May 1, 1998, Multnomah County Deed Records, situated in *RIVERSIDE HOMESTEAD, Lots 3 and 4*, in the southwest quarter of Section 11, T1S, R1E, W.M., in the City of Portland, State of Oregon, described as follows;

Commencing at the southeast corner of said Parcel VI, said corner being on the south line of *Lot 4, RIVERSIDE HOMESTEAD*, thence N 88° 21' 14" W, along the south line of said *Lot 4, RIVERSIDE HOMESTEAD*, a distance of 59.40 feet to the True Point of Beginning of the tract herein described; thence N 88° 21' 14" W, continuing along said south line of *Lot 4, RIVERSIDE HOMESTEAD*, a distance of 52.79 feet; thence N 08° 18' 09" W, a distance of 665.49 feet, to the north line of *Lot 3, RIVERSIDE HOMESTEAD*, thence S 88° 12' 05" E, along said north line of *Lot 3, RIVERSIDE HOMESTEAD* a distance of 46.16 feet, to the east line of said Parcel V; thence S 12° 45' 45" E, along the east line of said Parcel V, a distance of 84.33 feet; thence S 08° 18' 09" E, 582.44 feet, to the Point of Beginning.

Said easement area contains 34,330 square feet, more or less, and is generally depicted on Exhibit A-2 attached hereto.

**PROPERTY OWNER:**

METRO

STATE ID: 1S1E11CB 9000

RNO: R257367

PROPERTY ID: 1036

D-1036-PTE_Fin.dwg, 12/08/09 at 09:47



BAR EQUALS ONE
INCH WHEN DRAWING
IS PLOTTED FULL SIZE.
IF NOT, SCALE ACCORDINGLY

EXHIBIT "A-2"

100 0 50 100 200



SCALE: 1"=100'

CITY OF PORTLAND
ENVIRONMENTAL SERVICES
EAST SIDE CSO TUNNEL PROJECT

3431
5516
1 of 1

EAST SIDE CSO TUNNEL PROJECT

PERMANENT TUNNEL EASEMENT

PROPERTY ID NO. 1036

STATE ID NO. 1S1E11CB 09000

OWNER: METRO

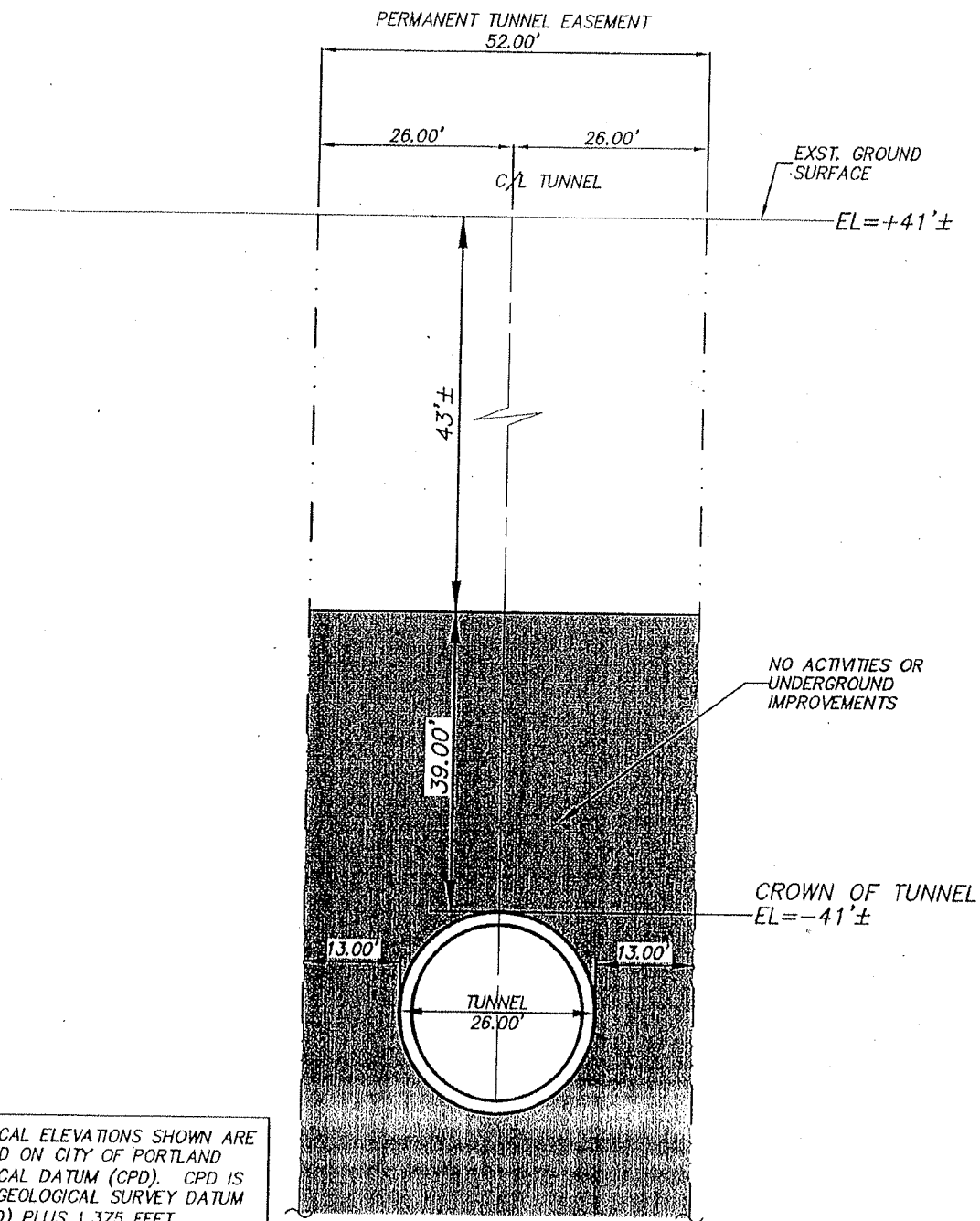
3431

JOB NO.

5516

SHEET NO.

1 of 1



case-sec_1036.dwg, 05/12/09 at 14.35

NOT TO SCALE

PR PARSONS
BRINCKERHOFF
122 400 S.W. Sixth Ave., Portland, OR 97204

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



TUNNEL EASEMENTS
EXHIBIT B

EAST SIDE CSO TUNNEL
PROPERTY ID #1036

JOB NO.
5516

FIGURE NO.
1

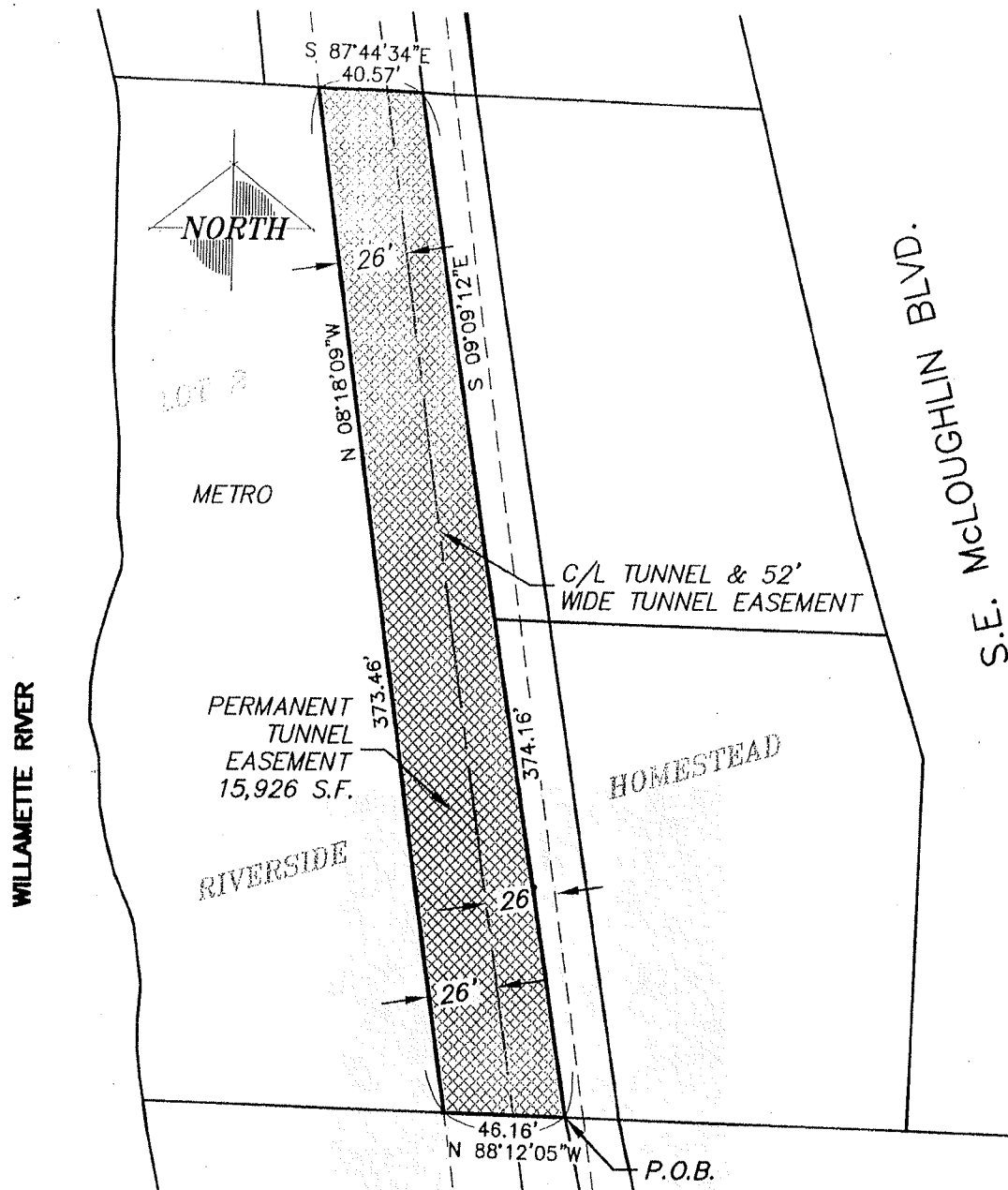
Exhibit A-1
Property Legal Description

Property ID 1041

A portion of Parcel V as described in Exhibit B, of Multnomah County Instrument #98-073856, recorded May 1, 1998, Multnomah County Deed Records, situated in *LOT 2, RIVERSIDE HOMESTEAD, Blocks 1 and 6*, in the southwest quarter of Section 11, T1S, R1E, W.M., in the City of Portland, State of Oregon, described as follows;

Beginning at the southeast corner of *Lot 2, RIVERSIDE HOMESTEAD*, thence N 88° 12' 05" W, along the south line of *Lot 2, RIVERSIDE HOMESTEAD*, a distance of 46.16 feet; thence N 08° 18' 09" W, a distance of 373.46 feet, to the north line of *Lot 2, RIVERSIDE HOMESTEAD*; thence S 87° 44' 34" E, along said north line of *Lot 2, RIVERSIDE HOMESTEAD* a distance of 40.57 feet, to the east line of said Parcel V; thence S 09° 09' 12" E, along the east line of said Parcel V, a distance of 374.16 feet, to the Point of Beginning.

Said easement area contains 15,926 square feet, more or less, and is generally depicted on Exhibit A-2 attached hereto.

**PROPERTY OWNER:**

METRO

STATE ID: 1S1E11CB 9100

RNO: R257388

PROPERTY ID: 1041

p-1041-PTC_Final.dwg, 12/08/09 at 09:49



BAR EQUALS ONE
INCH WHEN DRAWING
IS PLOTTED FULL SIZE.
IF NOT, SCALE ACCORDINGLY

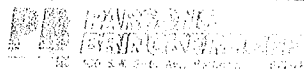
EXHIBIT "A-2"

60 0 30 60 120



SCALE: 1"=60'

CITY OF PORTLAND
ENVIRONMENTAL SERVICES
EAST SIDE CSO TUNNEL PROJECT

**EAST SIDE CSO TUNNEL PROJECT**

PERMANENT TUNNEL EASEMENT

PROPERTY ID NO. 1041

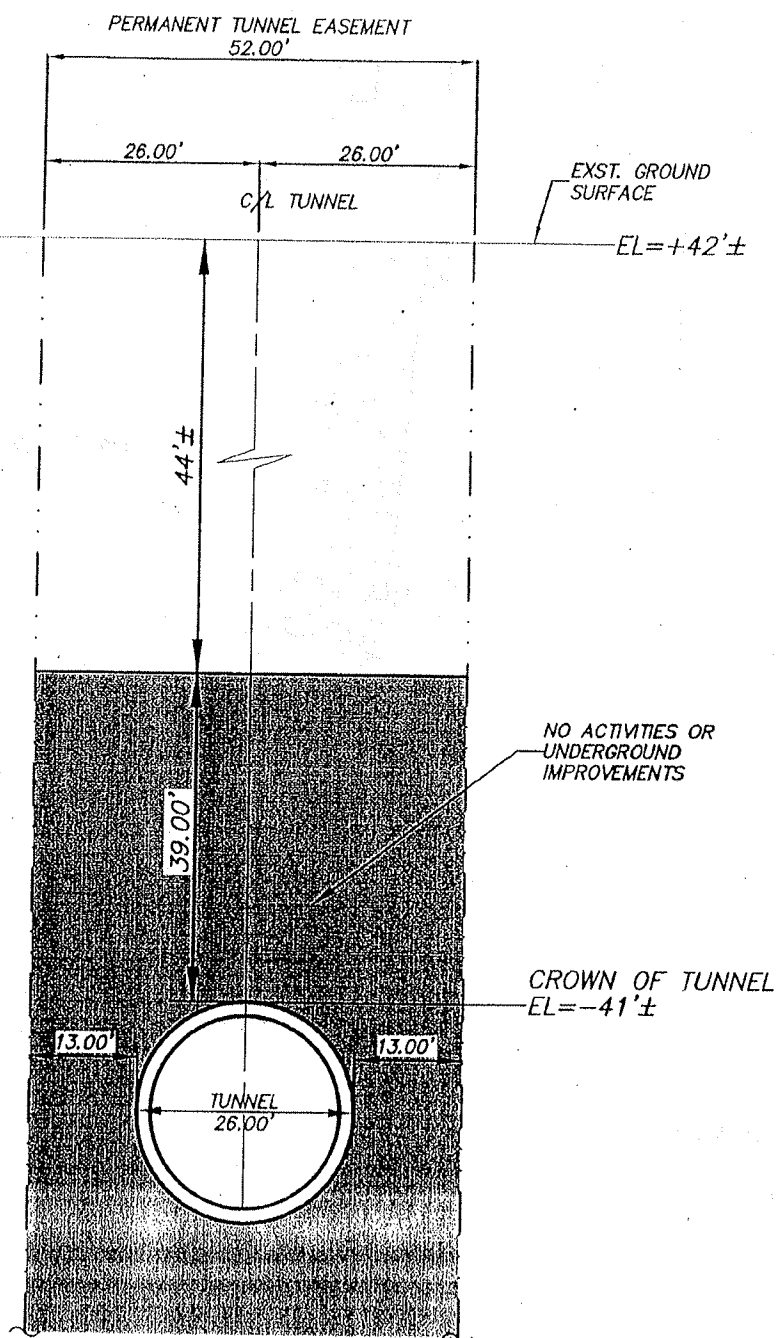
STATE ID NO. 1S1E11CB 09100

OWNER: METRO

1/4 SECTION
3431JOB NO.
5516

SHEET NO.

1 of 1



case-sec_1041.dwg, 05/12/09 at 14:40

NOT TO SCALE

PR PARSONS
BRINCKERHOFF
100 400 S.W. Sixth Ave, Portland, OR 97204

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



TUNNEL EASEMENTS
EXHIBIT B

EAST SIDE CSO TUNNEL
PROPERTY ID #1041

JOB NO.
5516

FIGURE NO.
1

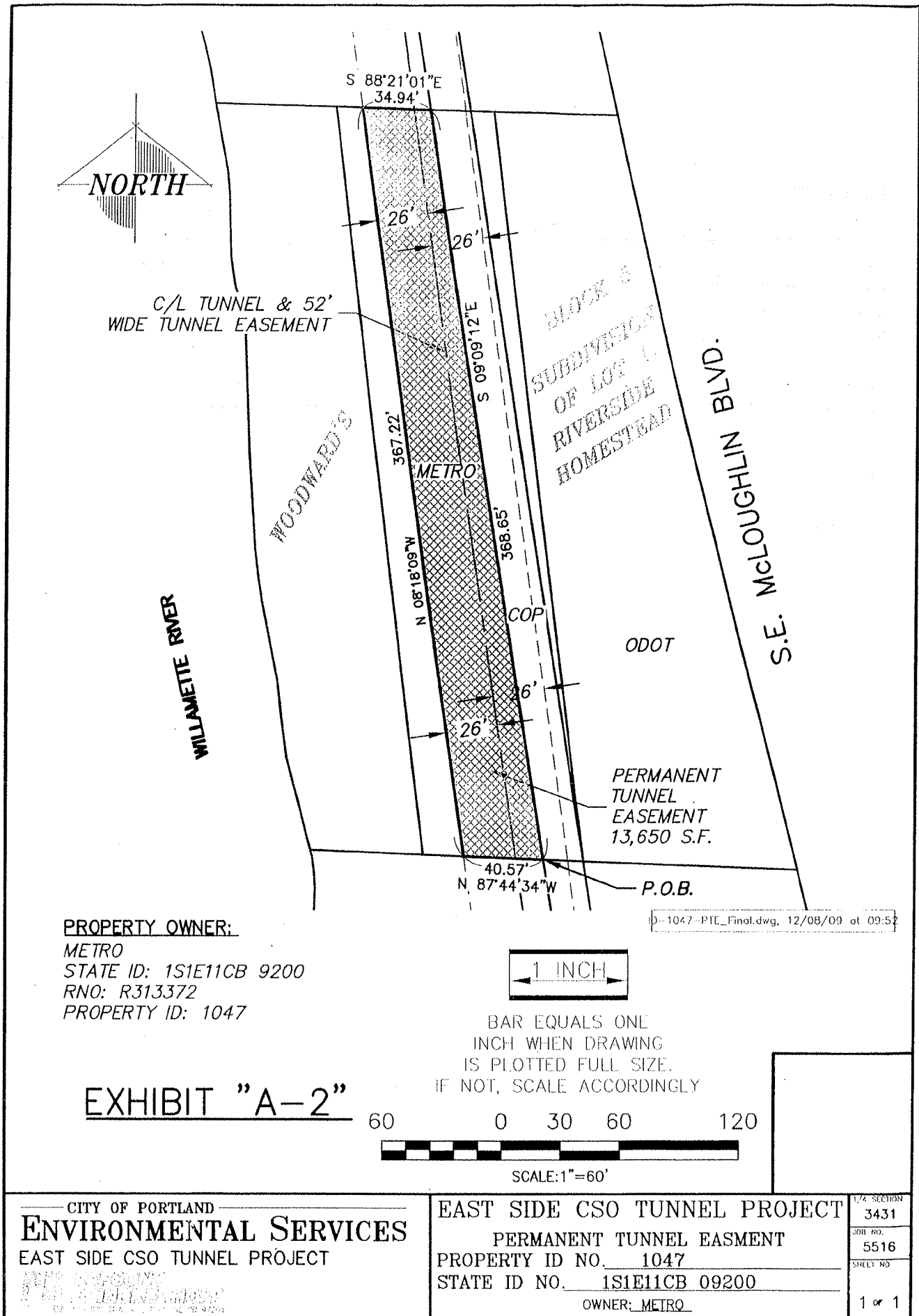
Exhibit A-1
Property Legal Description

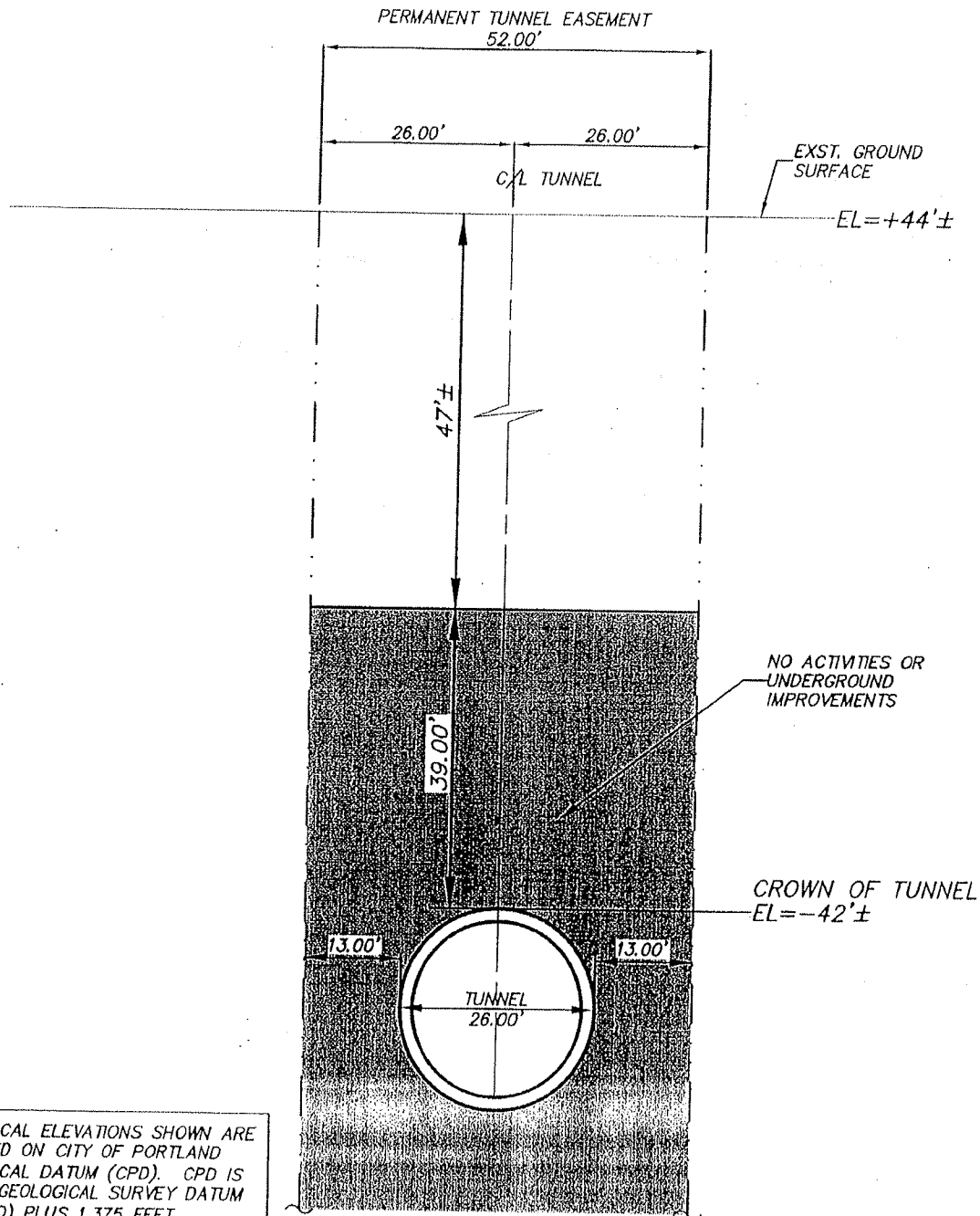
Property ID 1047

A portion of Parcel IV as described in Exhibit B, of Multnomah County Instrument #98-073856, recorded May 1, 1998, Multnomah County Deed Records, situated in, *BLOCK 5, WOODWARD'S SUBDIVISION OF LOT No. 1, RIVERSIDE HOMESTEAD*, in the southwest quarter of Section 11, T1S, R1E, W.M., in the City of Portland, State of Oregon, described as follows;

Beginning at the southeast corner of said Parcel IV, said corner being on the south line of *BLOCK 5, WOODWARD'S SUBDIVISION OF LOT No. 1, RIVERSIDE HOMESTEAD*; thence N 87° 44' 34" W, along the south line of said *BLOCK 5*, a distance of 40.57 feet; thence N 08° 18' 09" W, a distance of 367.22 feet, to the north line of said *BLOCK 5*; thence S 88° 21' 01" E, along the north line of said *BLOCK 5*, a distance of 34.94 feet, to the east line of said Parcel IV; thence S 09° 09' 12" E, along the east line of said Parcel IV, a distance of 368.65 feet, to the Point of Beginning.

Said easement area contains 13,650 square feet, more or less, and is generally depicted on Exhibit A-2 attached hereto.





cose--sec..1047.dwg, 05/12/09 at 14:43

NOT TO SCALE

PR PARSONS
BRINCKERHOFF
122 400 S.W. Sixth Ave, Portland, OR 97204

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



TUNNEL EASEMENTS
EXHIBIT B

EAST SIDE CSO TUNNEL
PROPERTY ID #1047

JOB NO.
5516

FIGURE NO.
1

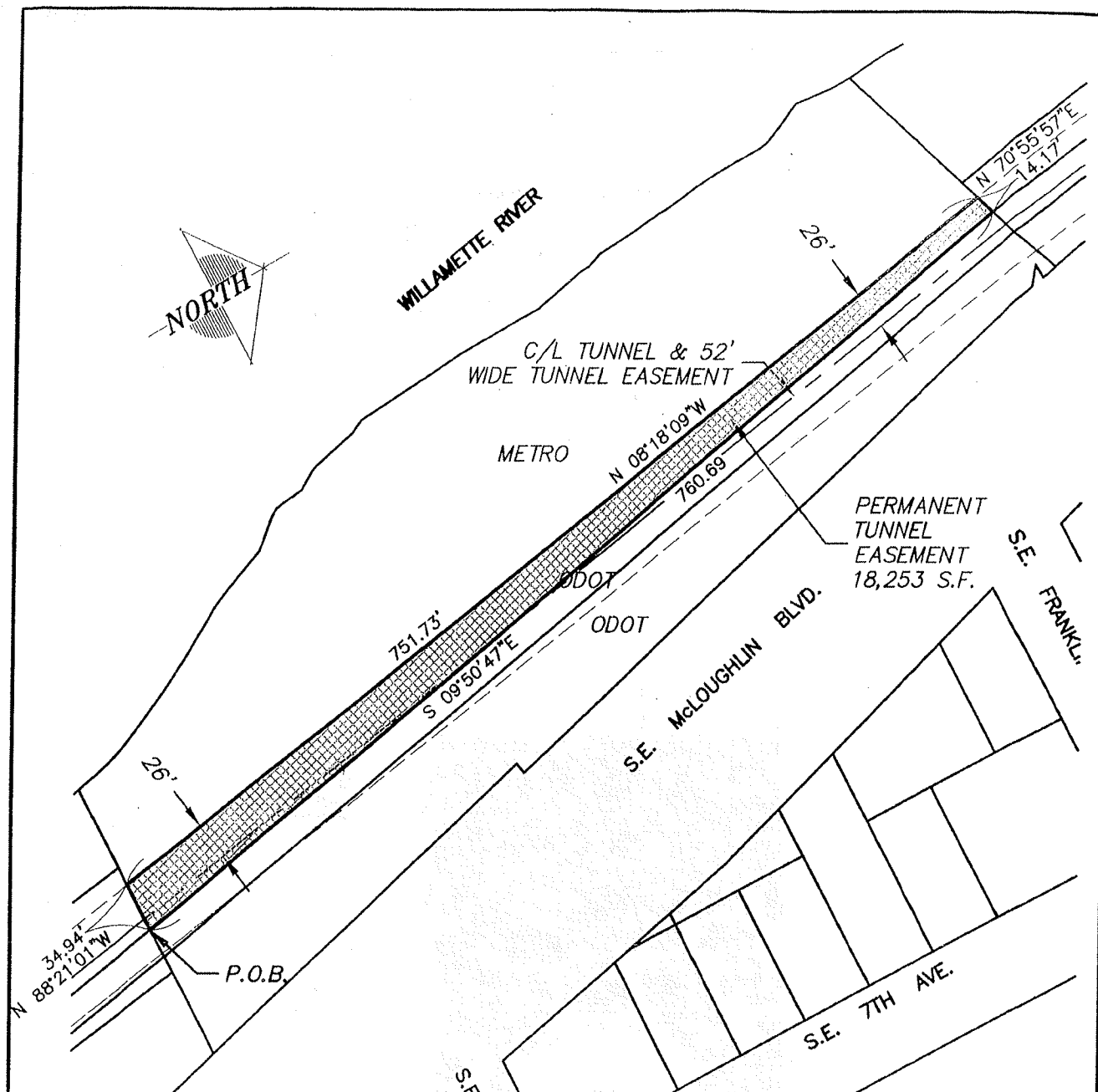
Exhibit A-1
Property Legal Description

Property ID 1049

A portion of Parcel III as described in Exhibit B, of Multnomah County Instrument #98-073856, recorded May 1, 1998, Multnomah County Deed Records, situated in the northwest quarter of Section 11, T1S; R1E, W.M., in the City of Portland, State of Oregon, described as follows;

Beginning at the southeast corner of said Parcel III, said corner being on the north line of *BLOCK 5, WOODWARD'S SUBDIVISION OF LOT No. 1, RIVERSIDE HOMESTEAD*; thence N 88° 21' 01" W, along the north line of said *BLOCK 5*, a distance of 34.94 feet; thence N 08° 18' 09" W, a distance of 751.73 feet, to the south line of *BLOCK 2, VILLA HEIGHTS*; thence N 70° 55' 57" E, along the south line of said *BLOCK 2*, a distance of 14.17 feet, to the east line of said Parcel III; thence S 09° 50' 47" E, along the east line of said Parcel III, a distance of 760.69 feet, to the Point of Beginning.

Said easement area contains 18,253 square feet, more or less, and is generally depicted on Exhibit A-2 attached hereto.

**PROPERTY OWNER:**

METRO
 STATE ID: 1S1E11BC 7800
 RNO: R327981
 PROPERTY ID: 1049

D-1049--PIE_Final.dwg, 12/08/09 at 09:54



BAR EQUALS ONE
 INCH WHEN DRAWING
 IS PLOTTED FULL SIZE.
 IF NOT, SCALE ACCORDINGLY

EXHIBIT "A-2"

100 0 50 100 200



SCALE: 1"=100'

CITY OF PORTLAND
ENVIRONMENTAL SERVICES
 EAST SIDE CSO TUNNEL PROJECT

EAST SIDE CSO TUNNEL PROJECT

PERMANENT TUNNEL EASEMENT

PROPERTY ID NO. 1049

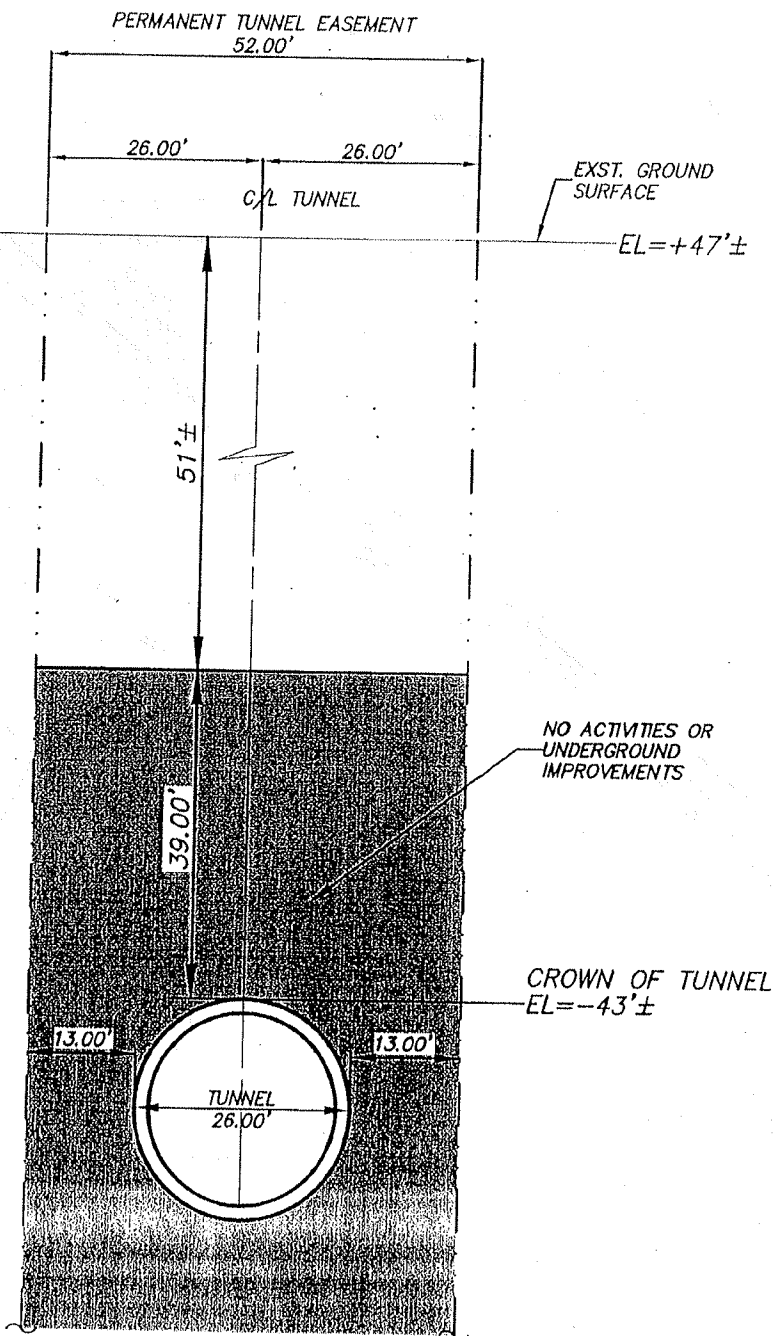
STATE ID NO. 1S1E11BC 07800

OWNER: METRO

1/4 SECTION
3331JOB NO.
5516

SHEET NO.

1 of 1



VERTICAL ELEVATIONS SHOWN ARE
BASED ON CITY OF PORTLAND
VERTICAL DATUM (CPD). CPD IS
U.S. GEOLOGICAL SURVEY DATUM
(NGVD) PLUS 1.375 FEET.

ease-sec_1049.dwg, 05/12/09 at 14:44

NOT TO SCALE

PR PARSONS
BRINCKERHOFF
122 400 S.W. Sixth Ave. Portland, OR 97204

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



**TUNNEL EASEMENTS
EXHIBIT B**

EAST SIDE CSO TUNNEL
PROPERTY ID #1049

JOB NO.
5516

FIGURE NO.
1

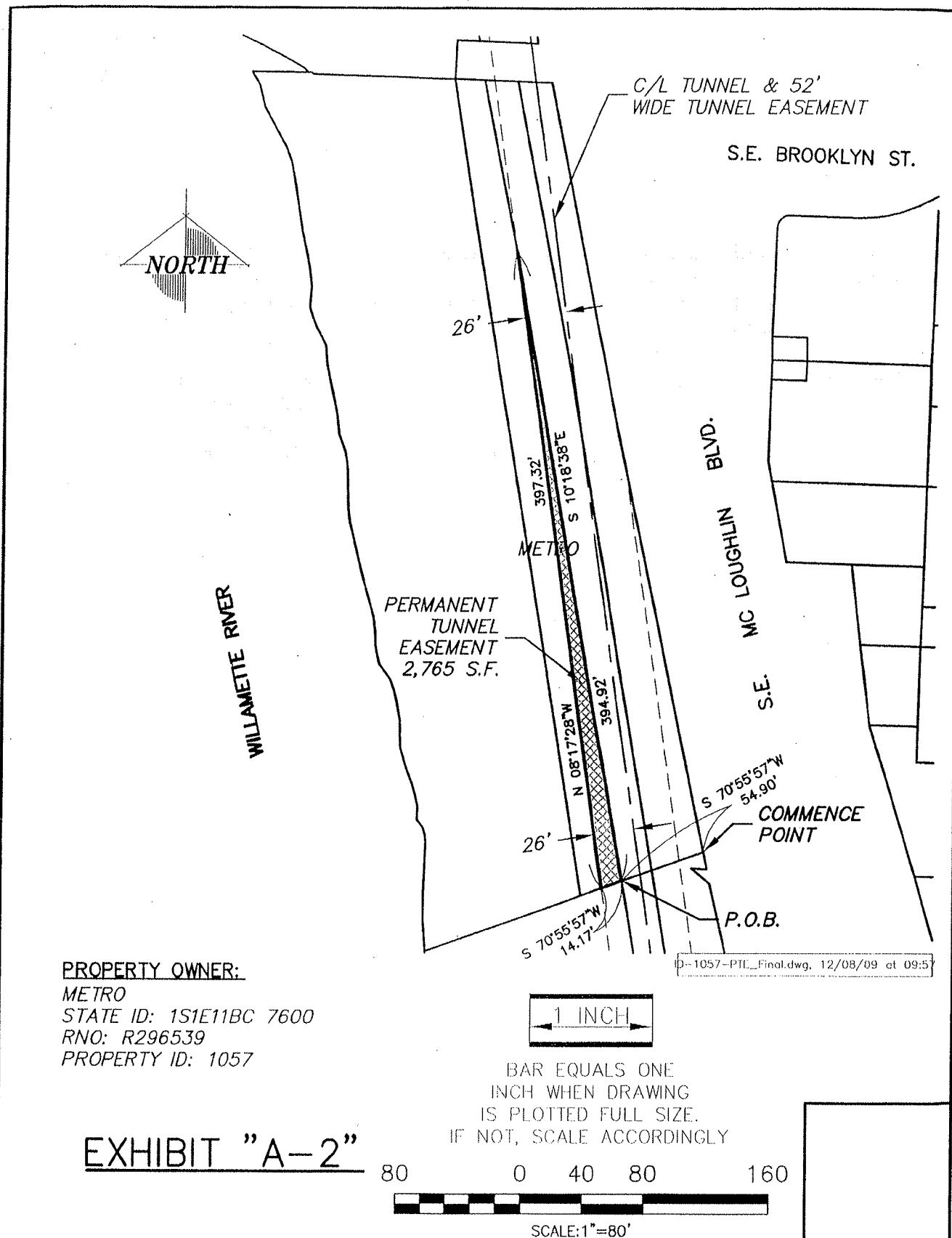
Exhibit A-1
Property Legal Description

Property ID 1057

A portion of Parcel III as described in Exhibit B, of Multnomah County Instrument #98-073856, recorded May 1, 1998, Multnomah County Deed Records, situated in *BLOCK 2, VILLA HEIGHTS*, in the northwest quarter of Section 11, T1S, R1E, W.M., in the City of Portland, State of Oregon, described as follows;

Commencing at the southeast corner of *BLOCK 2, VILLA HEIGHTS*, said corner being on the west line of SE McLoughlin Boulevard; thence S 70° 55' 57" W, along the south line of said *BLOCK 2*, a distance of 54.90 feet, to the True Point of Beginning of the tract herein described; thence continuing along the south line of said *BLOCK 2*, S 70° 55' 57" W, a distance of 14.17 feet, thence N 08° 17' 28" W, a distance of 397.32 feet, to the east line of said Parcel III; thence S 10° 18' 38" E, along the east line of said Parcel III, a distance of 394.92 feet, to the True Point of Beginning.

Said easement area contains 2,765 square feet, more or less, and is generally depicted on Exhibit A-2 attached hereto.

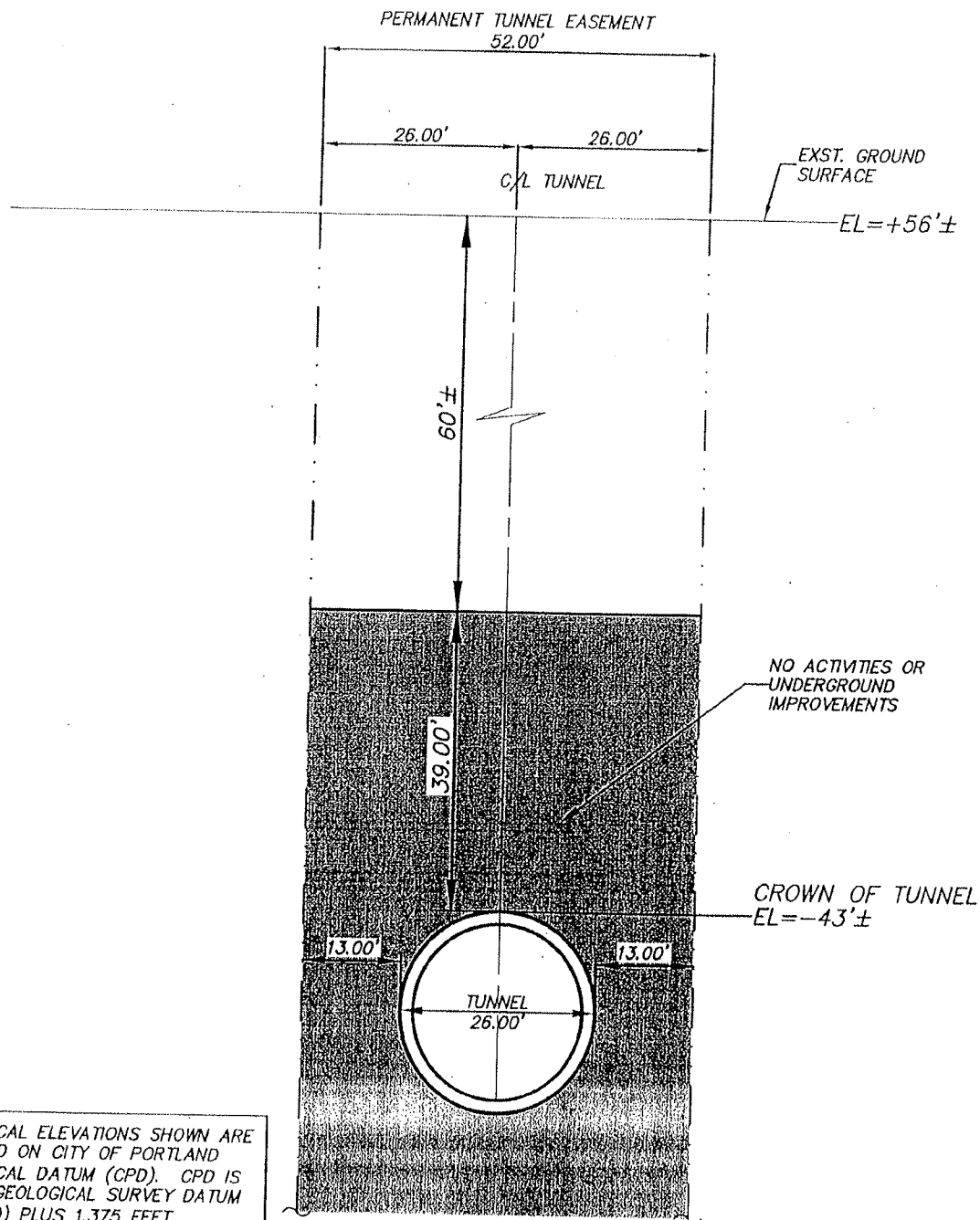


CITY OF PORTLAND
ENVIRONMENTAL SERVICES
 EAST SIDE CSO TUNNEL PROJECT

EAST SIDE CSO TUNNEL PROJECT
 PERMANENT TUNNEL EASEMENT
 PROPERTY ID NO. 1057
 STATE ID NO. 1S1E11BC 07600
 OWNER: METRO

1/4 SECTION
 3331
 JOB NO.
 5516
 SHEET NO.

1 of 1



eose-sec. 1057.dwg. 05/12/09 at 14:45

NOT TO SCALE

PR PARSONS
BRINCKERHOFF
400 S.W. Sixth Ave., Portland, OR 97204

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



**TUNNEL EASEMENTS
EXHIBIT B**

EAST SIDE CSO TUNNEL
PROPERTY ID #1057

JOB NO.
5516

FIGURE NO.
1