

177142

Grantor: John W. Cheatham and Joyce M. Cheatham

Grantee: City of Portland

WHEN RECORDED RETURN TO:

Phumela Jo Child 2/21/03
City of Portland Parks and Recreation
1120 SW 5th Avenue, Room 1302

Portland, Oregon 97204

SEND TAX STATEMENTS TO:

City of Portland Parks and Recreation
1120 SW 5th Avenue, Room 1302
Portland, OR 97204

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
C05 8
Total : 54.00
ATKLM

2003-039855 02/21/2003 12:39:15pm

PROPERTY LINE ADJUSTMENT DEED

JOHN W. CHEATHAM AND JOYCE M. CHEATHAM, husband and wife, (“Grantor”), conveys to the **CITY OF PORTLAND**, a municipal corporation of the State of Oregon (“Grantee”), the real property described on **Exhibit A**, attached hereto (the “Parcel”).

The true and actual consideration for this conveyance is \$0.00.

The real property being conveyed by Grantor to Grantee is described on the attached Exhibit A. The property being retained by Grantor and that is not being conveyed to Grantee is described on the attached Exhibit B.

The property being conveyed to Grantee when combined with property already owned by Grantee (the new legal description of Grantee’s property is specifically described on the attached **Exhibit C**) and the property being retained by Grantor (described on the attached **Exhibit B**) will each be a separate legal lot.

Pursuant to requirements of ORS 92.190(4), the adjusted line is more specifically described on **Exhibit D** attached hereto, and the deed information is as follows:

Deed to Grantor recorded January 2, 2003 as Instrument No. 2003001774;

Deed to Grantee recorded February 15, 1921 as Book 833, Page 447.

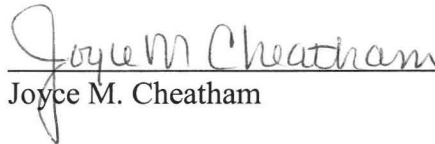
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed as of the 13 day of February, 2003.

Grantor:



John W. Cheatham



Joyce M. Cheatham

This conveyance is accepted as to form and content and title is accepted by the City of Portland, Oregon, a municipal corporation of the State of Oregon.

GRANTEE:

CITY OF PORTLAND, a municipal corporation

APPROVED AS TO FORM

Jeffrey L. Rogers ^{KSB}

CITY ATTORNEY

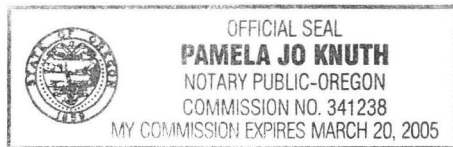

By: Jim Francesconi
Its: Commissioner of Parks and Recreation

ACKNOWLEDGMENTS

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

On this 13 day of February, 2003, before me, the undersigned, a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared **JOHN W. CHEATHAM AND JOYCE M. CHEATHAM**, to me known or proved to be the persons who signed the within and foregoing instrument, and acknowledged said instrument to be their free and voluntary act and deed.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

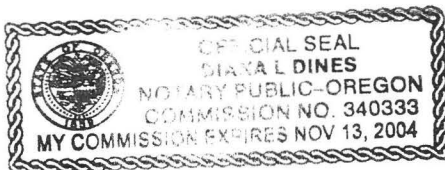


Pamela Jo Kruth
 NOTARY PUBLIC in and for the State of
 Oregon, residing at Portland, Oregon.
 My Appointment Expires: 3/20/05

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

On this 19 day of February, 2003, before me, the undersigned, a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared JIM FRANCESCONI, to me known to be the person who signed as Commissioner of Public Utilities for the City of Portland, that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said City.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



Diana L. Davis
NOTARY PUBLIC in and for the State of
Oregon, residing at 1221 SW 4th Portland, Oregon
My Appointment Expires: Nov 13, 2009

EXHIBIT A

Legal Description of Property being conveyed to City

Fred Meyer – 26th and Powell
Property Line Adjustment
Project No. 720-31
February 4, 2003

A tract of land located in the Gideon Tibbetts Donation Land Claim and being a portion of Section 12, Township 1 South, Range 1 East, Willamette Meridian, City of Portland, Multnomah County, Oregon, being more particularly described as follows:

Commencing at the northeast corner of Block 5 of the vacated plat of Powelton, a subdivision recorded April 25, 1910 in Book 516 at Page 87, Records of Multnomah County, Oregon, said point being at the intersection of the westerly right-of-way line of S.E. 26th Avenue with the southerly right-of-way line of that portion of S.E. Lafayette Street which was vacated by Vacation Ordinance No. 167091 recorded February 16, 1994 as Fee No. 94-26378, Records of Multnomah County, Oregon; thence along said westerly right-of-way line North 01°15'48" East a distance of 13.75 feet to a set 5/8 inch iron rod and the point of beginning; thence continuing along said westerly right-of-way line North 01°15'48" East a distance of 16.25 feet to its intersection with the centerline of said vacated S.E. Lafayette Street; thence along said centerline North 88°44'12" West a distance of 100.00 feet to a point; thence departing said centerline South 01°15'48" West a distance of 14.22 feet to a point; thence South 87°34'29" East a distance of 100.02 feet to the point of beginning.

Said described tract of land contains 1,523 square feet, more or less, subject to all easements and rights-of-way.

EXHIBIT B

Legal Description of Property commonly known as:
3605 SE 26th Avenue
Property Line Adjustment
Project No. 720-31
February 4, 2003

A tract of land in Section 12, 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:

Beginning at a point in the Westerly line of S.E. 26th Avenue, 334.27 feet Southerly from its intersection with the Southerly line of S.E. Powell Boulevard; running thence Westerly along the South line of the street shown as Frankport Street on the Plat of POWELTON, recorded in Book 516, page 87 of the Records of Multnomah County, Oregon (now vacated S.E. Lafayette Street) 100 feet; thence Southerly parallel with S.E. 26th Avenue 100 feet; thence Easterly parallel with S.E. Frankfort Street (now vacated S.E. Lafayette Street) 100 feet to the Westerly line of S.E. 26th Avenue; thence Northerly along the Westerly line of S.E. 26th Avenue 100 feet to the Point of Beginning.

TOGETHER WITH a tract of land located in the Gideon Tibbetts Donation Land Claim and being a portion of Section 12, Township 1 South, Range 1 East, Willamette Meridian, City of Portland, Multnomah County, Oregon, being more particularly described as follows:

Beginning at the northeast corner of Block 5 of the vacated plat of Powelton, a subdivision recorded April 25, 1910 in Book 516 at Page 87, Records of Multnomah County, Oregon, said point being at the intersection of the westerly right-of-way line of S.E. 26th Avenue with the southerly right-of-way line of that portion of S.E. Lafayette Street which was vacated by Vacation Ordinance No. 167091 recorded February 16, 1994 as Fee No. 94-26378, Records of Multnomah County, Oregon; thence along said westerly right-of-way line North 01°15'48" East a distance of 13.75 feet to a set 5/8 inch iron rod; thence departing said westerly right-of-way line North 87°34'29" West a distance of 100.02 feet to a set 5/8 inch iron rod; thence South 01°15'48" West a distance of 15.78 feet to a point on said southerly vacated right-of-way line; thence along said southerly vacated right-of-way line South 88°44'12" East a distance of 100.00 feet to the point of beginning.

Said described tracts of land contain 11,476 square feet, more or less, subject to all easements and rights-of-way.

EXHIBIT C

Fred Meyer – 26th and Powell
Property Line Adjustment
Project No. 720-31
February 4, 2002

A tract of land in the City of Portland, County of Multnomah and State of Oregon, described as follows:

That part of the Gideon Tibbetts Donation Land Claim in Sections (11 and 12) Eleven and Twelve, Township One (1) South of Range One (1) East of the Willamette Meridian, described as follows: Beginning at an iron pipe in the center of Powell Street, where the same is intersected by the east line of said Gideon Tibbetts Donation Land Claim; thence south along the east line of said Tibbetts Claim, 451.20 feet; thence north $67^{\circ}05'$ west 1085.35 feet to a point in East 22nd Street; thence north $0^{\circ}09'$ west 451.70 feet to a point in the center of Powell Street; thence south $67^{\circ}05'$ East 1086.63 feet along the center of Powell Street to the place of beginning, subject to the rights of the public in East 22nd Street, East 26th Street and Powell Street; excepting therefrom Lafayette Street, formerly Frankfort Street and except that part of said premises lying south of said Lafayette Street, and shown on the plat of Powelton, now vacated, as Block 5.

TOGETHER WITH a tract of land located in the Gideon Tibbetts Donation Land Claim and being a portion of Section 12, Township 1 South, Range 1 East, Willamette Meridian, City of Portland, Multnomah County, Oregon, being more particularly described as follows:

Commencing at the northeast corner of Block 5 of the vacated plat of Powelton, a subdivision recorded April 25, 1910 in Book 516 at Page 87, Records of Multnomah County, Oregon, said point being at the intersection of the westerly right-of-way line of S.E. 26th Avenue with the southerly right-of-way line of that portion of S.E. Lafayette Street which was vacated by Vacation Ordinance No. 167091 recorded February 16, 1994 as Fee No. 94-26378, Records of Multnomah County, Oregon; thence along said westerly right-of-way line North $01^{\circ}15'48''$ East a distance of 13.75 feet to a set 5/8 inch iron rod and the point of beginning; thence continuing along said westerly right-of-way line North $01^{\circ}15'48''$ East a distance of 16.25 feet to its intersection with the centerline of said vacated S.E. Lafayette Street; thence along said centerline North $88^{\circ}44'12''$ West a distance of 100.00 feet to a point; thence departing said centerline South $01^{\circ}15'48''$ West a distance of 14.22 feet to a point; thence South $87^{\circ}34'29''$ East a distance of 100.02 feet to the point of beginning.

EXHIBIT D

AS REQUIRED BY ORS 92.190(4), THE ADJUSTED LINE BETWEEN THE PROPERTY DESCRIBED ON EXHIBIT B AND EXHIBIT C OF THIS DEED IS SPECIFICALLY DESCRIBED AS FOLLOWS:

Commencing at the northeast corner of Block 5 of the vacated plat of Powelton, a subdivision recorded April 25, 1910 in Book 516 at Page 87, Records of Multnomah County, Oregon, said point being at the intersection of the westerly right-of-way line of S.E. 26th Avenue with the southerly right-of-way line of that portion of S.E. Lafayette Street which was vacated by Vacation Ordinance No. 167091 recorded February 16, 1994 as Fee No. 94-26378, Records of Multnomah County, Oregon; thence along said westerly right-of-way line North 01°15'48" East a distance of 13.75 feet to a set 5/8 inch iron rod and the point of beginning; thence departing said westerly right-of-way North 87°34'29" West a distance of 100.02 feet to a point; thence North 01°15'48" East a distance of 14.22 feet to the centerline of said vacated S.E. Lafayette Street and the point of terminus.

ORDINANCE No. 177142

*Accept donation of vacated former SE Lafayette Street from Fred Meyer Stores, Inc. and add to the inventory of Powell Park. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In November 1993, Council authorized the vacation of a portion of SE Lafayette Street west of SE 26th Avenue (Ordinance No. 167091). By virtue of its ownership of adjacent Powell Park, the City became the owner of the north half of the vacated street and Fred Meyer became the owner of the south half.

2. At the time, Fred Meyer Stores, Inc. indicated that it would eventually donate the south half of the former street to the City for park and recreation purposes and Fred Meyer wishes to transfer the property at this time.

3. Park and Recreation staff have concluded that the property would be a valuable addition to Powell Park and that owning it would prevent potential future conflicts and provide a logical buffer area between the active park and the adjacent residential property. Parks and Recreation will absorb any future maintenance costs for the land within the existing maintenance budget that provides for Powell Park. The size of the property being donated is approximately 30 feet wide by 348 feet long.

4. The Director of Parks and Recreation recommends that the City accept Fred Meyer Stores' donation of the south half of vacated SE Lafayette Street and that it be included in the inventory of Powell Park.

NOW THEREFORE, the Council directs:

a. The Commissioner of Public Utilities is authorized to execute the appropriate documents and accept a deed, in a form approved by the City Attorney, from Fred Meyer Stores, Inc. for the donation of land and assign the land to Parks and Recreation.

b. The Auditor is hereby directed to file a copy of the deed and this Ordinance with the County Clerk for recording in the Multnomah County Deed Records.

Section 2. The Council declares that an emergency exists because waiting would unnecessarily delay donation of the land and adversely affect the donor; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: DEC 18 2002

Commissioner Jim Francesconi
Susan Hathaway-Marxer
December 11, 2002

GARY BLACKMER
Auditor of the City of Portland

By 
Deputy