

R/W #9250

Multnomah County Official Records
R Weldon, Deputy Clerk

2011-064713



\$91.00

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06/06/2011 02:19:57 PM

2R-ORDINANC
\$65.00 \$11.00 \$15.00

Cnt=1 Stn=10 RECCASH1

Document Type: Ordinance

Grantor: NA

Grantee: NA

Consideration: NA

**After Recording
Return To:** *p/u*
106/800/Lance D. Lindahl

**Mail Tax
Statement To:** No Change

I hereby certify this document to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody on this 1 day of October, 2010

LA VONNE GRIFFIN-VALADE
Auditor of the City of Portland

By Emily Matasar
Deputy

ORDINANCE NO. 184102

*Designate and assign a parcel of City owned property as public street right of way (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland (City) operates an Emergency Coordination Center (ECC) located at the Bureau of Emergency Communication's 9-1-1 Call Center Facility at 3732 SE 99th Avenue. It has been determined that the current ECC does not meet the City's needs to manage a major disaster effectively.
2. In FY 2008-09 the Portland Water Bureau (PWB) purchased five residential properties (ECC Expansion Parcels) for consolidation with the existing ECC site. The resulting consolidation will result in a parcel suitable for expansion of the ECC facility.
3. Consolidation of the existing ECC site with the ECC Expansion Parcels requires vacating a portion of SE Bush Street between SE 99th Avenue and SE 100th Avenue. This area is subject to a deed restriction that vests ownership of the property in the Oregon Department of Transportation (ODOT) in the event that the property is no longer used for road purposes.
4. PWB proposes to designate and assign property located in the southerly portion of the ECC Expansion Parcels, further described in the attached Exhibit A and depicted in the attached Exhibit B, for a new alignment of SE Bush Street. This would be designated as the proposed Street Dedication Area.
5. ODOT is willing to quitclaim and release (ODOT Release) its reversionary interest in the area so that it does not burden the consolidation of the ECC Expansion Parcels with the existing ECC site. The ODOT Release will be substantially in accord with the quitclaim deed attached as Exhibit C.
6. In consideration of ODOT's release, the City will execute and deliver to ODOT a deed granting a springing executory interest (ODOT Grant) in the proposed Street Dedication Area in the event said area is not used for road purposes. The deed shall be substantially in accord with the deed attached as Exhibit D.

NOW, THEREFORE, the Council directs:

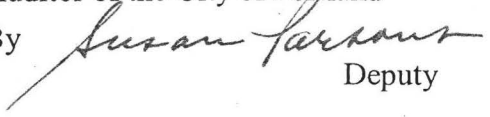
- a. That the City property, as described in the attached Exhibit A and depicted in the attached Exhibit B is hereby designated as a public street right of way and assigned to the Bureau of Transportation (PBOT).
- b. That PBOT is authorized to execute the ODOT Grant in consideration of the ODOT Release.

Section 2. The Council declares that an emergency exists because failure to address ODOT's reversionary interest in the existing SE Bush Street may complicate or delay the Land Use Review process scheduled to begin September 1, 2010. Therefore this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, SEP 08 2010

Commissioner Leonard
Ben Gossett
August 18, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By  Deputy

Agenda No.
ORDINANCE NO. 184102
 Title

*Designate and assign a parcel of City owned property as Public Street Right of Way (Ordinance)

| | |
|---|---|
| INTRODUCED BY Commissioner/Auditor: Commissioner Leonard | CLERK USE: DATE FILED <u>SEP 02 2010</u> |
| COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard <i>Leonard</i> | LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy |
| BUREAU APPROVAL Bureau: Portland Water Bureau Bureau Head: David G. Shaff <i>[Signature]</i> Prepared by: Ben Gossett Date Prepared: August 18, 2010 Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date September 8, 2010 | |
| ACTION TAKEN: | |
| City Attorney Approval | |

| |
|---|
| AGENDA |
| TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) |
| CONSENT <input checked="" type="checkbox"/> |
| REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion) |

| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: | |
|--------------------|---------------------------------|------|
| | YEAS | NAYS |
| 1. Fritz | ✓ | |
| 2. Fish | ✓ | |
| 3. Saltzman | ✓ | |
| 4. Leonard | ✓ | |
| Adams | ✓ | |

184102

EXHIBIT A
RIGHT-OF-WAY DEDICATION
EMERGENCY COMMUNICATIONS CENTER
JOB NO. 309228
MAY 12, 2010

LEGAL DESCRIPTION

A PARCEL OF LAND BEING ALL OF PARCEL 1 OF PARTITION PLAT NO. 2007-145, LOT 15 AND A PORTION OF LOT 14 OF LILY TRACT, AND A PORTION OF LOT 7 OF BETTS PARK, MULTNOMAH COUNTY PLAT RECORDS, LYING WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

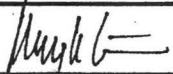
BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 1, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SE 100TH AVENUE (50 FEET WIDE); THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 NORTH 90°00'00" WEST 114.74 FEET TO THE EASTERLY LINE OF SAID LOT 15; THENCE ALONG SAID EASTERLY LINE SOUTH 00°00'00" WEST 16.26 FEET TO THE SOUTHERLY LINE OF SAID LOT 15; THENCE ALONG SAID SOUTHERLY LINE NORTH 88°11'18" WEST 118.51 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SE 99TH AVENUE (50 FEET WIDE); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°05'34" EAST 68.51 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 90°00'00" EAST 233.08 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE OF SE 100TH AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 00°00'00" WEST 56.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 14,758 SQUARE FEET OR 0.339 ACRES, MORE OR LESS.

THE DEDICATION AREA IS SHOWN ON THE ATTACHED EXHIBIT B AND BY THIS REFERENCE MADE A PART THEREOF.

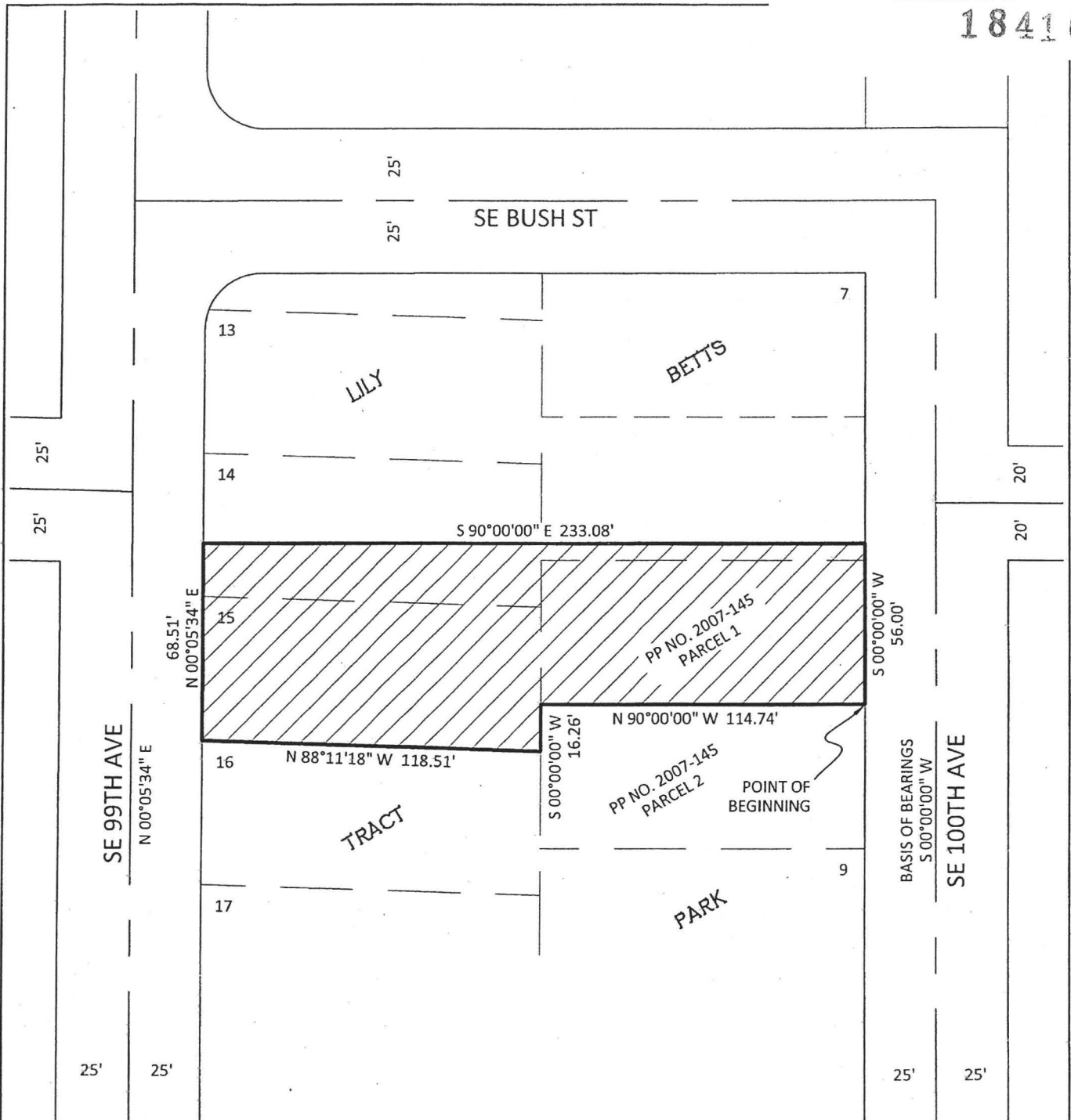
THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE CENTERLINE OF SE 100TH AVENUE, AS SHOWN HEREON AS SOUTH 00°00'00" WEST, PER SAID PARTITION PLAT NO. 2007-145.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

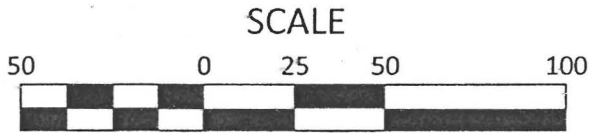


OREGON
JUNE 30, 1997
TROY T. TETSUKA
2841

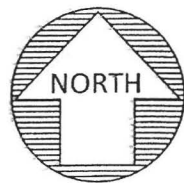
RENEWAL DATE 6-30-10



Consulting Engineers
 111 S.W. Fifth Avenue
 Suite 2400
 Portland, Oregon 97204
 Phone: (503) 227-3251
 Fax: (503) 274-4681



1 INCH = 50 FEET



| | |
|--|-----------------------|
| EXHIBIT 'B' RIGHT-OF-WAY DEDICATION | DATE: MAY 12, 2010 |
| | SCALE: 1" = 50' |
| SE 1/4 SECTION 9, TOWNSHIP 1 SOUTH, RANGE 2 EAST, W.M. CITY OF PORTLAND / MULTNOMAH COUNTY / OREGON | CONTOUR INTERVAL: N/A |
| | PROJECT NO. 309228 |
| | SHEET: 2 OF 2 |

Exhibit C

FILE# R44651
MAP 3B-24-13
184102

QUITCLAIM DEED

STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantor, for no monetary consideration does relinquish and forever quitclaim unto the **CITY OF PORTLAND, a municipal corporation**, Grantee, all of Grantor's right, title, and interest as evidenced by that certain Correction Deed recorded November 26, 1985, as Book 1867, Page 647, Multnomah County, Oregon, and referenced in that paragraph, as follows:

IT IS UNDERSTOOD that if the above described property or any portion thereof is used for purposes other than public road purposes, title to the property or portions thereof used for purposes other than public road purposes shall automatically revert to and vest in Grantor.

Property is further described on **Exhibit "A" dated 6/15/2010**, attached hereto and by this reference made a part hereof.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

SEND TAX STATEMENT TO: NO CHANGE

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301 3871

Map and Tax Lot #:

Property Address:

184102

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (8) (d) or (e).

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

Dated this _____ day of _____, 20_____.

**STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION**

By _____
Deolinda G. Jones, State Right of Way Manager

STATE OF OREGON, County of Marion

Dated _____, 20_____. Personally appeared Deolinda G. Jones, who being sworn, stated that she is the State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:

Notary Public for Oregon
My Commission expires _____

Accepted on behalf of the City of Portland, a municipal corporation

APPROVED AS TO FORM

Paula Menge
CITY ATTORNEY

184102

EXHIBIT A - Page 1 of 1

File 44651
Drawing 3B-24-13
6/15/2010

To Be Quitclaimed To City Of Portland

All that portion of S.E. Bush Street lying between the East line of S.E. 99TH Avenue and the West line of S.E. 100TH Avenue, said S.E. Bush Street being that property described in that Correction Deed to Multnomah County, recorded November 26, 1985 in Book 1867, Page 647, Multnomah County Record of Deeds.

Exhibit D

184102

File R44651
Map # 3B-24-13

DEED

CITY OF PORTLAND, a municipal corporation, Grantor, for other valuable consideration does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, a property interest in the form of a springing executory interest in the property described on Exhibit "A" and Exhibit "B" dated 5/12/2010, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD AND AGREED that, without further action by the Grantor or Grantee, all rights, title and interest of the Grantor to the above described property will vest in Grantee if the above described property, or any portion thereof, is used for purposes other than public road purposes.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (8) (d) or (e).

RETURN TO AND TAX STATEMENT TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

Map and Tax Lot #: 1S 2E 9DA 6301; 6400; 6700
Property Address:

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this _____ day of _____, 20_____.

APPROVED AS TO FORM:

CITY OF PORTLAND, a municipal corporation

By [Signature]
Deputy City Attorney

By _____
Mayor

By _____
Auditor

STATE OF OREGON, County of _____

Dated _____, 20_____. Personally appeared _____
and _____, who, being sworn, stated that they are the Mayor and Auditor of the City of
Portland, Oregon, a municipal corporation, and that this instrument was voluntarily signed on behalf of said municipal
corporation by authority of its Ordinance No. _____, passed by the Council of said City on this _____ day of
_____, 20_____.

Notary Public for Oregon
My Commission expires _____

Accepted on behalf of the Oregon Department of Transportation

EXHIBIT A
RIGHT-OF-WAY DEDICATION
EMERGENCY COMMUNICATIONS CENTER
JOB NO. 309228
MAY 12, 2010

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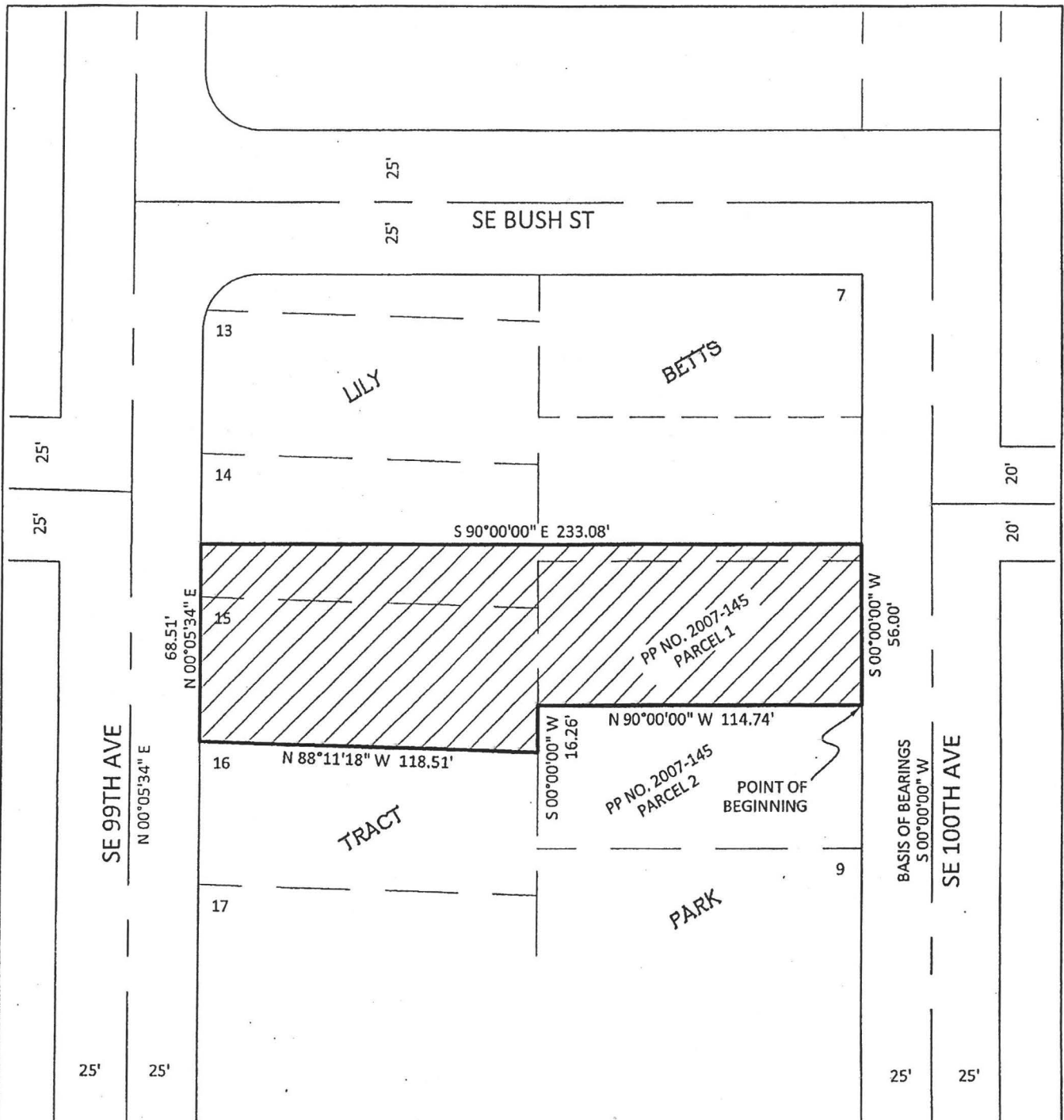
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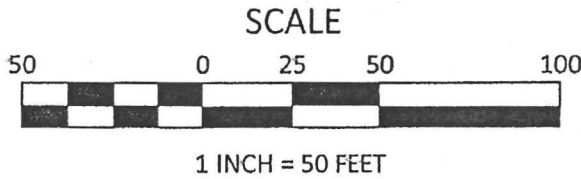
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RENEWAL DATE 6-30-10



Consulting Engineers
 111 S.W. Fifth Avenue
 Suite 2400
 Portland, Oregon 97204
 Phone: (503) 227-3251
 Fax: (503) 274-4681



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|---|-----------------------|
| EXHIBIT 'B' RIGHT-OF-WAY DEDICATION SE 1/4 SECTION 9, TOWNSHIP 1 SOUTH, RANGE 2 EAST, W.M. CITY OF PORTLAND / MULTNOMAH COUNTY / OREGON | DATE: MAY 12, 2010 |
| | SCALE: 1" = 50' |
| | CONTOUR INTERVAL: N/A |
| | PROJECT NO. 309228 |
| | SHEET: 2 OF 2 |