

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Order in the Matter of the Waiver of)
Restriction on Property Deeded by County)
to City for Park Purposes)

ORDER
#88-28

It appearing that Multnomah County deeded Lot 12, Block 17, Glen Harbor Heights to the City of Portland in 1948 for "the sole purpose of use as public park or recreational area" (Forest Park) with a reversion clause if the parcel ceased to be used as provided: and

It appearing that in 1959 the owner of adjacent property constructed a garage on a portion of Lot 12 without authorization; and

It appearing that the current owner has discovered the encroachment and desires to secure title to the portion of Lot 12 upon which the garage is located and is willing to deed to the City of Portland, for park purposes, a parcel of land of similar size and use in exchange for title to the portion of Lot 12; and

It appearing that the City of Portland is agreeable to such an arrangement and has requested Multnomah County to clear the use restriction on the parcel containing the garage; and

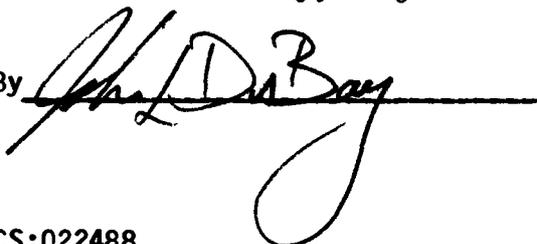
It appearing that it would not be adverse to any interests of Multnomah County to waive all restrictions in the use of said property and the Board being fully advised in the matter, it is

ORDERED that Multnomah County execute the Waiver of Restriction before the Board this date, and that the County Chair be and she is hereby authorized and directed to execute the same on behalf of Multnomah County.

Dated this 17th day of March , 1988.

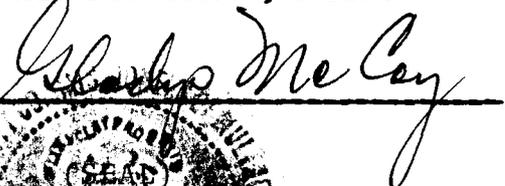
APPROVED AS TO FORM:

LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

By 

CS:022488

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By 



WAIVER OF RESTRICTION

WHEREAS Multnomah County, Oregon, a political subdivision of the State of Oregon, by deed dated May 18, 1948, and recorded August 30, 1949, in Deed Book 1355, at Page 325, Multnomah County Deed Records, conveyed to the City of Portland, a municipal corporation of the State of Oregon, the following described real property situated in Multnomah County, Oregon:

Lot 12, Block 17, Glen Harbor Heights

AND WHEREAS, it is specifically provided in said deed from Multnomah County to the City of Portland, that the conveyance is made upon the express condition that said real property shall be perpetually devoted to the use of the public for parks or recreational purposes; and

WHEREAS, the City of Portland desires that the restrictions in the use of a portion of this property be waived so that it may trade for property of similar size and use by the public for park or recreational purposes; and

WHEREAS, it now appears that it would not be adverse to any interests of Multnomah County to waive all restrictions in the use of said property;

NOW, THEREFORE, the County of Multnomah does hereby waive each and all of the restrictions appearing in the above recorded deed restricting the use of the following described property, provided that the property to be acquired by trade is perpetually devoted to the use of the public for park and recreational purposes.

A portion of Lot 12, Block 17 Glen Harbor Heights, a plat of record in Section 11, T1N, R1W, W.M., Multnomah County, Oregon, described as follows:

Beginning at the southeast corner of said Lot 12 on the north right-of-way line of Germantown Road and thence running north 6° 50' 45" west along the east line of said Lot 12, 5.55 feet; thence north 29° 15' west along the northeast line of said Lot 12, 62.5 feet to a point that is south 29° 15' east, 46.0 feet from the northwest corner of Lot 21, Block 8, "Glen Harbor Addition", a plat of record; thence south 35° 26' 09" west, 41.58 feet; thence south 17° 36' 29" east, 40.0 feet to the north right-of-way line of Germantown Road; thence along the north right-of-way line of Germantown Road along the arc of a 149.4 foot, non-tangent radius curve to the right, 45.0 feet (long chord bears north 74° 31' 30" east, 44.83 feet) to the point of beginning.

Except as hereinabove provided, all of the other terms and conditions of said deed of conveyance shall be and remain in full force and effect.

Dated this 17th day of March, 1988.

APPROVED AS TO FORM:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By *John DeBay*

WAIVER APPROVED:

Paul Yarborough, Director
Department of Environmental Services

By *Harold Holub*

Harold Holub, Property Officer

MULTNOMAH COUNTY, OREGON

By *Gladys McCoy*

Gladys McCoy, County Chair

