

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 00-061

Approving First Amendment to Declaration Submitting the Justice Center, a Public Condominium to Condominium Ownership and Authorizing the County Chair to Execute the Amendment and All Documents Necessary for Completion of the Amendment

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Board of Commissioners, on March 2, 2000, approved purchase of a portion of the private condominium unit at the Justice Center Building to provide additional office space for the proper operation of the Multnomah County Sheriff's Office Records Section.
- b. The purchase will require amendment to the Building condominium declarations.
- c. Approval of the FIRST AMENDMENT TO DECLARATION SUBMITTING THE JUSTICE CENTER, A PUBLIC CONDOMINIUM TO CONDOMINIUM OWNERSHIP before the Board this date in this matter will benefit Multnomah County.

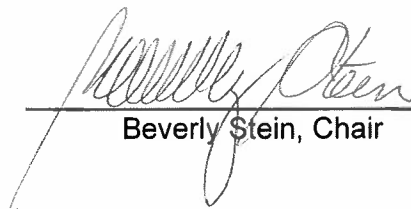
The Multnomah County Board of Commissioners Resolves:

1. Multnomah County shall approve and execute the FIRST AMENDMENT TO DECLARATION SUBMITTING THE JUSTICE CENTER, A PUBLIC CONDOMINIUM TO CONDOMINIUM OWNERSHIP before the Board this date in this matter.
2. The County Chair shall be, and she is hereby, authorized and directed to execute said FIRST AMENDMENT TO DECLARATION SUBMITTING THE JUSTICE CENTER, A PUBLIC CONDOMINIUM TO CONDOMINIUM OWNERSHIP and any other documents required for completion of said AMENDMENT.

ADOPTED this 4th day of May, 2000.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John Thomas, Assistant County Attorney

**FIRST AMENDMENT TO DECLARATION SUBMITTING
THE JUSTICE CENTER, A PUBLIC CONDOMINIUM
TO CONDOMINIUM OWNERSHIP**

THIS AMENDMENT, pursuant to the provisions of the Oregon Condominium Act, is made and executed this _____ day of _____, 2000, by the CITY OF PORTLAND, MULTNOMAH COUNTY, the State of Oregon by and through its DEPARTMENT OF TRANSPORTATION Highway Division; MYUNG SUK SONG & KYUNG SIN SONG (F.K.A KYUNG SIN JUNG), husband and wife; and MYUNG HEE LEE & YOON DONG LEE (together "Owners").

Owners propose to amend that certain Declaration Submitting The Justice Center, A Public Condominium to Condominium Ownership recorded in the Multnomah County Real Property Records at Book 1698, Page 1671, (the "Declaration") to divide the current Unit 3 into two separate condominium units in the manner provided by the Oregon Condominium Act.

By their acknowledged signatures affixed hereto, Portland Mayor Vera Katz, as Chairperson and Director of the Association of Unit Owners of the Justice Center a Public Condominium, and Beverly Stein as Secretary of the Association of Unit Owners, certify that this First Amendment to the Declaration Submitting The Justice Center, A Public Condominium to Condominium Ownership is adopted in accordance with the Declaration and by 100% of the unit owners in accordance with the Oregon Condominium Act.

NOW THEREFORE, Owners do hereby amend the Declaration Submitting The Justice Center, A Public Condominium to Condominium Ownership as follows:

1. Article I, Section 1.5 shall be amended to read

" 1.5 "Plans" means the plat and floor plans of The Justice Center, A Public Condominium, recorded in the Plat Records, Book 1216, Pages 68-82, which plat and floor plans were recorded simultaneously with the recording of the Declaration, as such plat and floor plans are amended by the plat and floor plans titled The Justice Center, A Public Condominium (Book 1216, Pages 68-82) Plat Amendment, recorded simultaneously with the recording the First Amendment to the Declaration Submitting The Justice Center, A Public Condominium to Condominium Ownership."

2. Article IV, Section 4.2 shall be amended to read

" 4.2 General Description, Location and Designation of Units. The property consists of a total of four (4) units. The dimensions, designation and location of each unit is shown in the Plans, which are made a part of this First Amendment to the Declaration Submitting The Justice Center, A Public Condominium to Condominium Ownership ("Amendment") as if fully set forth herein. Unit 1 is known as "the County Unit," Unit 2 as "the City Unit," Unit 4 as "Retail Unit 1", and Unit 5 as "County Unit 2." The approximate square footage of each unit and of the limited common elements which pertain to each unit is set forth in Exhibit A, attached to and incorporated into this Amendment.

A Unit may be divided into as many units as approved by 100% of the then current owners of units of The Justice Center, A Public Condominium. This provision shall apply to those units used both for government use and those units used for retail purposes. If a unit division is approved as required herein, the interest in the common elements shall be allocated as provided in Article VII, Section 7.2 as amended hereby; the use of any limited common elements shall be made by the unit as provided in Article VI of the Declaration; and the voting rights, common expense liabilities and right to common profits shall be allocated as provided in Article VIII, Section 8.1 of the Declaration and by and Article VIII, Section 8.2 as amended hereby.”

3. Article VII, Section 7.1 shall be amended to read:

“ 7.1 Allocation of Interests. Each unit will be entitled to an undivided ownership interest in the common elements as follows:

Unit 1 (County Unit)	57.16%
Unit 2 (City Unit)	41.34%
Unit 3 No longer Used	---,----
Unit 4 (Retail Unit 1)	0.75%
Unit 5 (County Unit 2)	<u>0.75%</u>
Total	100.00%

4. Article VII, Section 7.2 shall be amended to read

“ 7.2 Method of Allocation. The original undivided interest in the common elements allocated to Units 4 and 5 is based first upon the approximate relative cost of the aggregate of Units 4 and 5 compared to the cost of the remainder of the condominium, or 1.5%. The allocation between Unit 4 and Unit 5 is then further divided based on the square footage of each respective unit plus those limited common elements which pertain exclusively to such unit only and one-half the square footage of those limited common elements which pertain to such unit and one other unit. The balance of the undivided interest in the common elements is divided between Units 1 and 2 based upon the aggregate square footage of each respective unit plus those limited common elements which pertain exclusively to such unit only and one-half the square footage of those limited common elements which pertain to such unit and one other unit. The allocation of ownership interest determines the liability for common expenses and the rights to common profits.

In the event that one of the newly created Units 4 and 5 is to be further divided as provided in Article IV, Section 4.2 as amended hereby, the undivided interest in the common elements shall be divided between the newly created unit based first upon the approximate relative cost of the aggregate of the retail units compared to the cost of the remainder of the condominium, or 1.5%. The allocation for a unit divided from the newly created Unit 4 or Unit 5 shall then be further divided based on the square footage that the newly created unit bears to the aggregate square footage of Units 4 and 5 plus the square footage of those limited common elements which pertain exclusively to such units only and one-half of the square footage of those limited common elements which pertain to such unit and one other unit”

5. Article VIII, Section 8.2 shall be amended to read

“ 8.2 Allocation of Voting Rights. Each unit owner shall be entitled to a vote in the affairs of the association of unit owners allocated as follows:

Unit 1	45%
Unit 2	45%
Unit 4	10%
Unit 5	<u>00%</u>

Total for all Units 100%

In the event that the owner of either Unit 1 or Unit 2 acquire the ownership of either Unit 4 or Unit 5 but not both, then the vote allocated to the unit acquiring only Unit 4 or only Unit 5 shall remain unchanged so that the owners of Unit 1 and Unit 2 shall have an equal vote in the association. In the event that either the Unit 1 or the Unit 2 owners (either individually or among them) own both Units 4 and 5, then the vote allocated to Unit 1 and Unit 2 shall automatically change to 50/50, so that each of the two remaining unit owners shall have an equal vote in the association.

In the event of a division of units as provided in Article IV, Section 4.2 as amended hereby, the voting rights shall be allocated pursuant to a unanimous vote of the unit owners prior to the approval of a division.”

6. Article IX shall be amended to read

“ SERVICE OF PROCESS

The designated agent to receive service of process in cases set forth in ORS 100.550(1) shall be named in the Condominium Information Report, which shall be filed with the Oregon Real Estate Agency in accordance with ORS 100.250.”

7. Article X shall be amended to read

“ USE OF PROPERTY

Each unit is to be used for governmental purposes, including, without limitation, courts, corrections and police services, and services ancillary and related thereto. Units 4 and 5 may also be used for any retail or other purposes permitted by applicable zoning laws. Additional limitations may be contained in any rules and regulations adopted as provided in the Bylaws.”

8. Except as amended by this First Amendment to the Declaration Submitting The Justice Center, A Public Condominium to Condominium Ownership, the provisions of the Declaration shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, Owners have caused this First Amendment to the Declaration Submitting The Justice Center, A Public Condominium to Condominium Ownership to be executed this _____ day of _____, 2000.

CITY OF PORTLAND

APPROVED AS TO LEGAL:
SUFFICIENCY

By _____
Vera Katz, Mayor

Jeffery L. Rogers, City Attorney

By _____
Gary Blackmer, Auditor

APPROVED AS TO LEGAL:
SUFFICIENCY

Thomas Sponsler, County Counsel

MULTNOMAH COUNTY

By _____
Beverly Stein, County Executive

APPROVED AS TO LEGAL:
SUFFICIENCY

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION, Highway
Division

Attorney General's Office

By _____
Dee Jones, Right of Way Manager

APPROVED AS TO LEGAL
SUFFICIENCY

MYUNG SUK SONG

J. David Zehntbauer, Attorney for
Myung Suk Song and Kyung Sin Song

MYUNG SUK SONG (by Kyung Sin Song (f.k.a,
Kyung Sin Jung) under Power of Attorney dated
August 25, 1998)

KYUNG SIN SONG (F.K.A. KYUNG SIN JUNG)

KYUNG SIN SONG (F.K.A. KYUNG SIN JUNG)

MYUNG HEE LEE

MYUNG HEE LEE (by Kyung Sin Song (f.k.a Kyung Sin Jung) under Power of Attorney dated February 3, 2000)

YOON DONG LEE

YOON DONG LEE (by Kyung Sin Song (f.k.a Kyung Sin Jung) under Power of Attorney dated February 3, 2000)

STATE OF OREGON)
) ss.
County of _____)

On this ____ day of _____, 2000, Vera Katz personally appeared before me, declared that she is the Mayor of the City of Portland, signed the foregoing AMENDMENT and acknowledged that she executed the same as her free act and deed.

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: _____

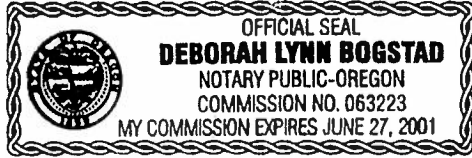
STATE OF OREGON)
) ss.
County of _____)

On this ____ day of _____, 2000, Gary Blackmer, personally appeared before me, declared that he is the Auditor of the City of Portland, signed the foregoing AMENDMENT and acknowledged that he executed the same as his free act and deed.

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: _____

STATE OF OREGON)
) ss.
County of Multnomah)

On this 4th day of May, 2000, Beverly Stein personally appeared before me, declared that she is the Chairperson of the Multnomah County Board of Commissioners, signed the foregoing AMENDMENT and acknowledged that she executed the same as her free act and deed.



Deborah Lynn Bogstad
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 06/27/01

STATE OF OREGON)
) ss.
County of _____)

On this ____ day of _____, 2000, Dee Jones personally appeared before me, declared that she is the Right of Way Manager for the State of Oregon, Department of Transportation, signed the foregoing AMENDMENT and acknowledged that she executed the same as her free act and deed.

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: _____

STATE OF OREGON)
) ss.
County of Multnomah)

On this ____ day of _____, 2000, KYUNG SIN SONG (F.K.A KYUNG SIN JUNG) personally appeared before me, signed the foregoing AMENDMENT in both her individual capacity and on behalf of her husband, MYUNG SUK SONG under Power of Attorney dated August 25, 1998, on behalf of MYUNG HEE LEE under Power of Attorney dated February 3, 2000, and behalf of YOON DONG LEE under Power of Attorney dated February 3, 2000, and acknowledged that she executed the same as her free act and deed.

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: _____

The foregoing First Amendment to the Declaration Submitting The Justice Center, A Public Condominium to Condominium Ownership is approved this _____ day of _____, 2000.

ASSESSOR AND TAX COLLECTOR
FOR MULTNOMAH COUNTY

By _____

The foregoing First Amendment to the Declaration is approved pursuant to ORS 100.110 this _____ day of _____, 2000, and in accordance with ORS 100.110(7), this approval shall automatically expire if this First Amendment to the Declaration is not recorded within two (2) years from this date.

REAL ESTATE COMMISSIONER

By _____

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