

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 2010-169**

Approving Lot Line Consolidation, Lot Adjustment; and Right of Way Dedications; and Authorizing the Procurement of all Permits Required by the City of Gresham for the Construction of the East County Courthouse, at SE 185<sup>th</sup> and Stark Street; and Authorizing Negotiations as Necessary with Commercial Tenant to Facilitate Right of Way Dedication.

**The Multnomah County Board of Commissioners Finds:**

- a. A Courthouse Blue Ribbon Steering Committee made recommendations in December 2003 for a new courts facility within the existing downtown Portland Government Center and four courtrooms within the City of Gresham to accommodate the Multnomah county court and supporting County functions for the next 40 years.
- b. On February 22, 2007, by Resolution 07-028, the Board approved the East County Justice Facility Project Plan creating a capital project in accordance with Resolution 07-024 and FAC 1 procedures directed facility to proceed with implementation of the plan.
- c. On October 1, 2009, by Resolution 09-121, the Board approved the East County Courts Development Update, FAC-1 Amendment revised September 30, 2009 and authorized Facilities to proceed through schematic design of an East County Courts and District Attorney Facility ("the Project").
- d. On January 1, 2010, by Resolution 2010-006, Board reaffirmed an exemption to use a Construction Manager/General Contractor method for construction of the Project.
- e. On April 22, 2010, by Resolution 2010-048, the Board approved the funding for the Construction Documents not to exceed \$1.8 million for the Project on the County owned property at SE 185<sup>th</sup> and Stark Street in Rockwood.
- f. On August 26, 2010, by Resolution 2010-117, the Board approved the Office of Information Technology in-house Data Center FAC-1 project plan and authorized the division of Facilities and Property Management to incorporate the proposed in-house data center into the Project.
- g. Facilities and Property Management (FPM) completed the Construction Documents and prepared an East County Courts Executive Summary for the Construction Documents/Construction Plan – October 2010 (Executive Summary) a copy of which is attached to this Resolution. FPM is prepared to commence construction upon approval of the Construction Documents/Construction Plan and approval of a resolution for construction funding.
- h. On September 27, 2010 the City of Gresham Planning Commission approved in a land use review and proceeding brought on behalf of the County, the development of the SE 185<sup>th</sup> and Stark site for the proposed East County Courthouse. The decision of the Planning Commission is now final. As conditions of that final decision, the County is required to complete a lot line adjustment and a lot consolidation proceeding in compliance with Gresham City Code and as well to dedicate certain frontage area to widen SE Stark and additional land area to provide for the extension of SE 185<sup>th</sup> to the south.
- i. On October 28, 2010, by Resolution 2010-152 the Board approved the Construction phase of the East County Court, District Attorney Facility and County Data Center on County-owned property at SE 185<sup>th</sup> and Stark Street in the community of Rockwood and the City of Gresham.

- j. On October 28, 2010, by Resolution 2010-153 the Board approved the financing of the Courthouse in East Multnomah County in an amount not to exceed \$15,000,000.
- k. In order to comply with the land use decision conditions and to facilitate in part the required right of way dedications, the County will need to negotiate certain issues with the current tenant on site with respect to the lease covering that tenancy.

**The Multnomah County Board of Commissioners Resolves:**

1. The lot consolidation and lot adjustment for the East County Courthouse development, as set forth in the attached Exhibit 1 (Edited Version of the County's November 19, 2010 Lot Consolidation and Adjustment Application to the City of Gresham) are approved. The Chair is authorized to execute on behalf of the County all deeds or other documents necessary to complete the lot consolidation and lot adjustment as set forth in Exhibit 1.
2. The deeds of dedication for the four feet of frontage along SE Stark Street and the fifty six feet of right-of-way for the extension of SE 185<sup>th</sup> Avenue through the site and the Indemnity Agreement are approved; and the Chair is authorized to execute on behalf of the County dedication deeds and an Indemnity Agreement for this area in substantial conformance with the deeds and Agreement attached and identified collectively as Exhibit 2.
3. The County's FPM is directed to comply with all additional conditions required by the City of Gresham under the City's September 27, 2010 land use decision; to obtain a Building Permit or "Notice to Proceed" and the Chair is authorized to execute on behalf of the County any such additional documents or instruments necessary to implement these conditions.
4. FPM is directed to pursue negotiations and potential lease amendment with the County's tenant at the East County Courthouse site and the Chair is authorized to execute on behalf of the County any lease amendment or other instrument reasonably necessary to facilitate the dedication of SE 185<sup>th</sup>.

ADOPTED this 23rd day of December, 2010.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Jeff Cogen, Chair

REVIEWED:  
HENRY H. LAZENBY, JR., COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan  
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY: Mindy Harris, Interim DCM Director

## Exhibit 1

# **EAST COUNTY COURTS BUILDING PRELIMINARY AND FINAL LOT CONSOLIDATION AND LOT LINE ADJUSTMENT APPLICATION**

## **WRITTEN STATEMENT**

**November 19, 2010**

### **REQUEST**

The Applicant is requesting Type I preliminary plan and final survey map approval of a lot consolidation and property line adjustment pursuant to Condition of Approval #16 of land use decision DRD/CS3/VR2 10-26000194 City of Gresham (East County Courts Building at 185<sup>th</sup> Avenue and Stark). The following narrative demonstrates compliance with the applicable provisions within the City of Gresham Municipal Code.

### **LOT CONSOLIDATION**

The applicant is requesting consolidation of the following parcels as described on the attached Surveyor Title Report from First American Title Insurance Company (FATCO) – file no: NCS-313-73-OR1. This report was prepared in November of 2010.

Parcels to Consolidate:

Parcel I (Tax Lot 2100)

Parcel II (Tax Lot 2600)

Parcel III (Tax Lot 2300)

Parcel V (Tax Lot 2200)

The resultant consolidated parcel is identified as Parcel "B" (unadjusted area of 112,449 square feet).

Parcel IV (identified as Parcel 3 in Deed Doc. 2007-209051) will remain as is and not be a part of the consolidation. This Parcel is identified as Parcel "A" (unadjusted area of 46,984 square feet).

The resulting two parcels (Parcel "A" and Parcel "B") will be the basis of the lot line adjustment.

### **LOT LINE ADJUSTMENT**

Following are the required, existing and adjusted lot areas for Parcels A and B:

<b>Tract - Number</b>	<b>Required Size (sq. ft.)</b>	<b>Existing Size (sq. ft.)</b>	<b>Proposed Size (sq. ft.)</b>
Parcel A	none	46,984	23,675
Parcel B	none	112,449	135,758

Following are the required, existing and adjusted lot dimensions:

Tract Number	Required Dimensions	Existing Dimensions	Proposed Dimensions
Parcel A	Depth: none Width: none Frontage: none	Depth: 269' Width: 175' Frontage: 175'	Depth: 141' Width: 167' Frontage: 167'
Parcel B	Depth: none Width: none Frontage: none	Depth: 615' Width: 329' Frontage: 163'	Depth: 615' Width: 329' Frontage: 163'

Following are the setback information required for Tax Lot 2500, which has a structure on the parcel (Taco Bell). This is the only parcel with a structure on it. The proposed East County Courts Building will be going on Parcel B and was approved for development in September of 2010 (DRD/CS3/VR2 10-26000194).

House Address	Minimum Setbacks	Existing Setbacks	Proposed Setbacks
18510 SE Stark St. Portland, OR (Taco Bell)	Rear: 0' Side: 0' Side: 0' Front: 0'	Rear: 202' Side: 65' Side: 45' Front: 32'	Rear: 73' Side: 65' Side: 39' Front: 32'

#### EXISTING CONDITIONS

Existing Conditions are as shown on the attached "Planning Exhibit", Sheet 1 Of 1 dated November 15, 2010.

As a result of the extension of SE 185<sup>th</sup>, which is a part of the East County Courts Building project, all private utilities will be replaced with public services within SE 185<sup>th</sup>. These new utilities will serve the adjusted Parcel B. Parcel A's public utilities are provided from existing services off of Stark Street and will not change.

The proposed lot consolidation and lot line adjustment is in compliance with the applicable sections of Article IV, VI, and IX of the City of Gresham Municipal Code consistent with the findings identified in the recent Type III land use approval for the proposed East County Courts Building (DRD/CS3/VR2 10-26000194).

The applicant has included four copies of the final survey maps and adjusted boundary descriptions with this application and is requesting final survey map approval.

## **CONCLUSION**

This narrative and the attached exhibits demonstrate compliance with the applicable portions of the City of Gresham Municipal Code. Therefore, the Applicant respectfully requests preliminary plan and final survey map approval of the proposed Lot Consolidation and Property Line Adjustment.

ECC



**First American Title Insurance Company**  
National Commercial Services  
200 SW Market Street, Suite 250  
Portland, Oregon 97201

Escrow Officer: **Lori E. Medak**  
Phone: **(503)795-7616**  
Fax: **(503)795-7614**  
E-mail **lmedak@firstam.com**

File No: **NCS-313073-OR1**

Title Officer: **Steve Manome**  
Phone: **(503)219-8742**  
Fax: **(866)678-0591**  
E-mail **smanome@firstam.com**

File No: **NCS-313073-OR1**

**SURVEYOR TITLE REPORT**

ALTA Owners Standard Coverage	Liability	\$	Premium	\$
ALTA Owners Extended Coverage	Liability	\$	Premium	\$
ALTA Lenders Standard Coverage	Liability	\$	Premium	\$
ALTA Lenders Extended Coverage	Liability	\$	Premium	\$
ALTA Leasehold Standard Coverage	Liability	\$	Premium	\$
ALTA Leasehold Extended Coverage	Liability	\$	Premium	\$
Endorsements	Liability	\$	Premium	\$
Govt Service Charge			Cost	\$
Other				\$

We are prepared to Issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

**PARCEL I**

**LOT 10, EASTWOOD, IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON. EXCEPT THAT PORTION LYING WITHIN S.E. STARK STREET.**

**ALSO EXCEPTING THEREFROM THOSE PORTIONS CONTAINED IN DEED TO ROCKWOOD-STARK CENTER, INC., AN OREGON CORPORATION, RECORDED JULY 7, 1961 IN BOOK 2070, PAGE 189, MULTNOMAH COUNTY DEED RECORDS AND ALSO IN DEED RECORDED MARCH 6, 1962 IN BOOK 2105, PAGE 359, MULTNOMAH COUNTY DEED RECORDS AND ALSO IN DEED RECORDED APRIL 16, 1969 IN BOOK 672, PAGE 904.**

**FURTHER EXCEPTING THEREFROM THAT PORTION IN DEED TO FRANK E. ROLAND AND DOROTHY I. ROLAND, HUSBAND AND WIFE AND ALLEN L. JONES AND RUTH JONES, HUSBAND AND WIFE RECORDED APRIL 26, 1957 IN BOOK 1840, PAGE 125.**

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

PARCEL II

THE NORTH 162.00 FEET OF THE WEST 136.00 FEET OF LOT 10, EASTWOOD ADDITION, MULTNOMAH COUNTY, OREGON. EXCEPT THAT PORTION LYING WITHIN S.E. STARK STREET.

PARCEL III

THAT CERTAIN PORTION OF EASTWOOD, LOT 10, MULTNOMAH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 10 EASTWOOD THENCE SOUTH 0 DEG. 46'15" 162.00 FEET FROM THE NORTHWEST CORNER THEREOF AND RUNNING  
THENCE SOUTH 0 DEG. 46'15" E ALONG SAID LOT LINE 88.00 FEET;  
THENCE EAST 116.00 FEET;  
THENCE NORTH 0 DEG. 46'15" W 88.00 FEET;  
THENCE WEST 116.00 FEET TO THE POINT OF BEGINNING.

PARCEL IV

THAT CERTAIN PORTION OF EASTWOOD, LOT 10, MULTNOMAH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS MARKED BY AN IRON PIPE SET IN CONCRETE SAID POINT BEING THE NORTHEAST CORNER OF LOT 10, EASTWOOD, AND RUNNING  
THENCE SOUTH 0 DEG. 36'45" E 283.76 FEET;  
THENCE SOUTH 89 DEG. 23'15" W 173.76 FEET;  
THENCE NORTH 0 DEG. 46'15" W 285.59 FEET TO THE SOUTH LINE OF S.E. STARK STREET;  
THENCE EAST ALONG SAID STREET 174.53 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PORTION LYING WITHIN S.E. STARK STREET.

PARCEL V

THAT CERTAIN PORTION OF LOT 10, EASTWOOD, IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF LOT 10, EASTWOOD, THAT IS SOUTH 0° 46' 15", EAST 250 FEET FROM THE NORTHWEST CORNER THEREOF AND RUNNING THENCE SOUTH 0° 46' 15", EAST 13.0 FEET; THENCE EAST 13.0 FEET; THENCE NORTH 0° 46' 15", WEST 13.0 FEET; THENCE WEST 13.0 FEET TO THE POINT OF BEGINNING.

The land referred to in this report is described in Exhibit "A" attached hereto.

and as of **10/14/2010 at 8:00 a.m.**, title to the fee simple estate is vested in:

**Multnomah County, a Political Subdivision of the State of Oregon**

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:



**Exhibit "A"**

**LEGAL DESCRIPTION - PARCEL 'A'  
EAST COUNTY COURTHOUSE  
ADJUSTED LOT LINE**

November 16, 2010

Page 1 OF 2

A PORTION OF LOT 10, OF THE PLAT OF "EASTWOOD", MULTNOMAH COUNTY SURVEY RECORDS LOCATED IN THE NORTHWEST ONE QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, WITHIN THE CITY OF GRESHAM, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 10, THENCE ALONG THE EASTERLY LINE OF SAID LOT 10, SOUTH 00°50'48" WEST, 140.53 FEET;

THENCE LEAVING SAID EASTERLY LINE NORTH 89°04'07" WEST, 167.41 FEET;

THENCE PARALLEL WITH SAID EASTERLY LINE, NORTH 00°50'48" EAST, 142.31 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SE STARK STREET (BEING 45.00 FEET FROM THE CENTERLINE WHEN MEASURED PERPENDICULAR THERETO);

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY, SOUTH 88°27'34" EAST, 167.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 23,676 SQUARE FEET OR 0.544 ACRES.

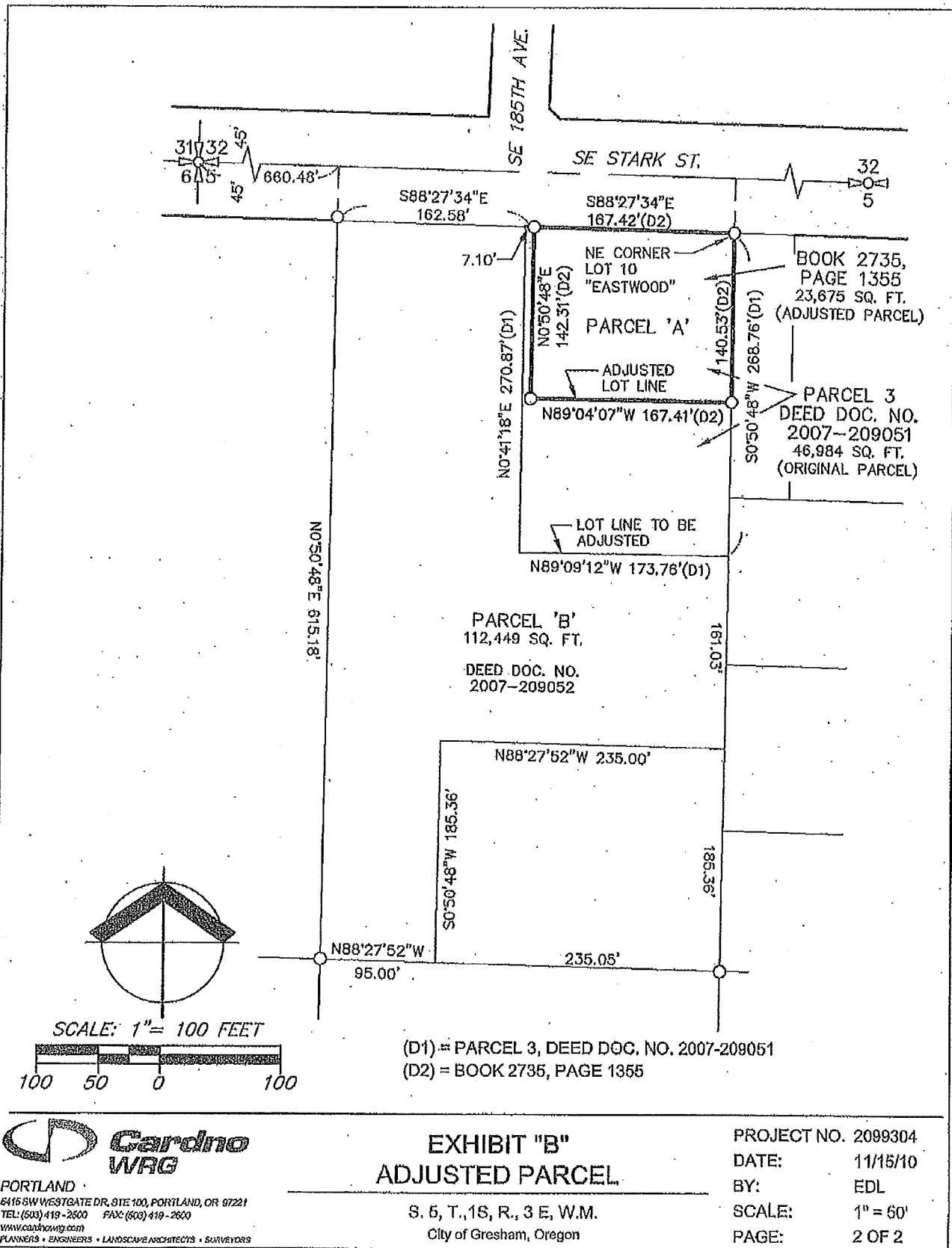
THE BASIS OF BEARINGS WAS DERIVED FROM THE FOUND AND HELD MONUMENTS, #371 AND #89 PER THE PHOTOGRAMMETRIC CONTROL NETWORK FOR THE CITY OF GRESHAM DRAWING NO. GC53124-2.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Eric D. Lynch*

OREGON  
JULY 12, 2005  
ERIC D. LYNCH  
56544

RENEWAL: 12/31/10



**Exhibit "A"**

**LEGAL DESCRIPTION -- PARCEL 'B'**  
**EAST COUNTY COURTHOUSE**  
**RESULTANT PARCEL**  
November 15, 2010  
Page 1 OF 2

A PORTION OF LOT 10, OF THE PLAT OF "EASTWOOD", MULTNOMAH COUNTY SURVEY RECORDS LOCATED IN THE NORTHWEST ONE QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, WITHIN THE CITY OF GRESHAM, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 10, THENCE ALONG THE EASTERLY LINE OF SAID LOT 10, SOUTH 00°50'48" WEST, 268.76 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 00°50'48" WEST, 289.26 FEET TO THE NORTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 95-74731, MULTNOMAH COUNTY DEED RECORDS;

THENCE ALONG SAID NORTHERLY LINE, NORTH 88°27'52" WEST, 235.00 FEET;

THENCE SOUTH 00°50'48" WEST, 185.36 FEET TO THE SOUTHERLY LINE OF SAID LOT 10;

THENCE ALONG SAID SOUTHERLY LINE, NORTH 88°27'52" WEST, 95.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10;

THENCE ALONG THE WESTERLY LINE OF SAID LOT 10, NORTH 00°50'48" EAST, 616.18 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SE STARK STREET (BEING 45.00 FEET FROM THE CENTERLINE WHEN MEASURED PERPENDICULAR THERETO);

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY, SOUTH 88°27'34" EAST, 162.58 FEET;

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 00°50'48" EAST, 142.31 FEET;

THENCE SOUTH 89°04'07" EAST, 167.41 FEET TO THE POINT OF BEGINNING.

CONTAINING 135,758 SQUARE FEET OR 3.117 ACRES.

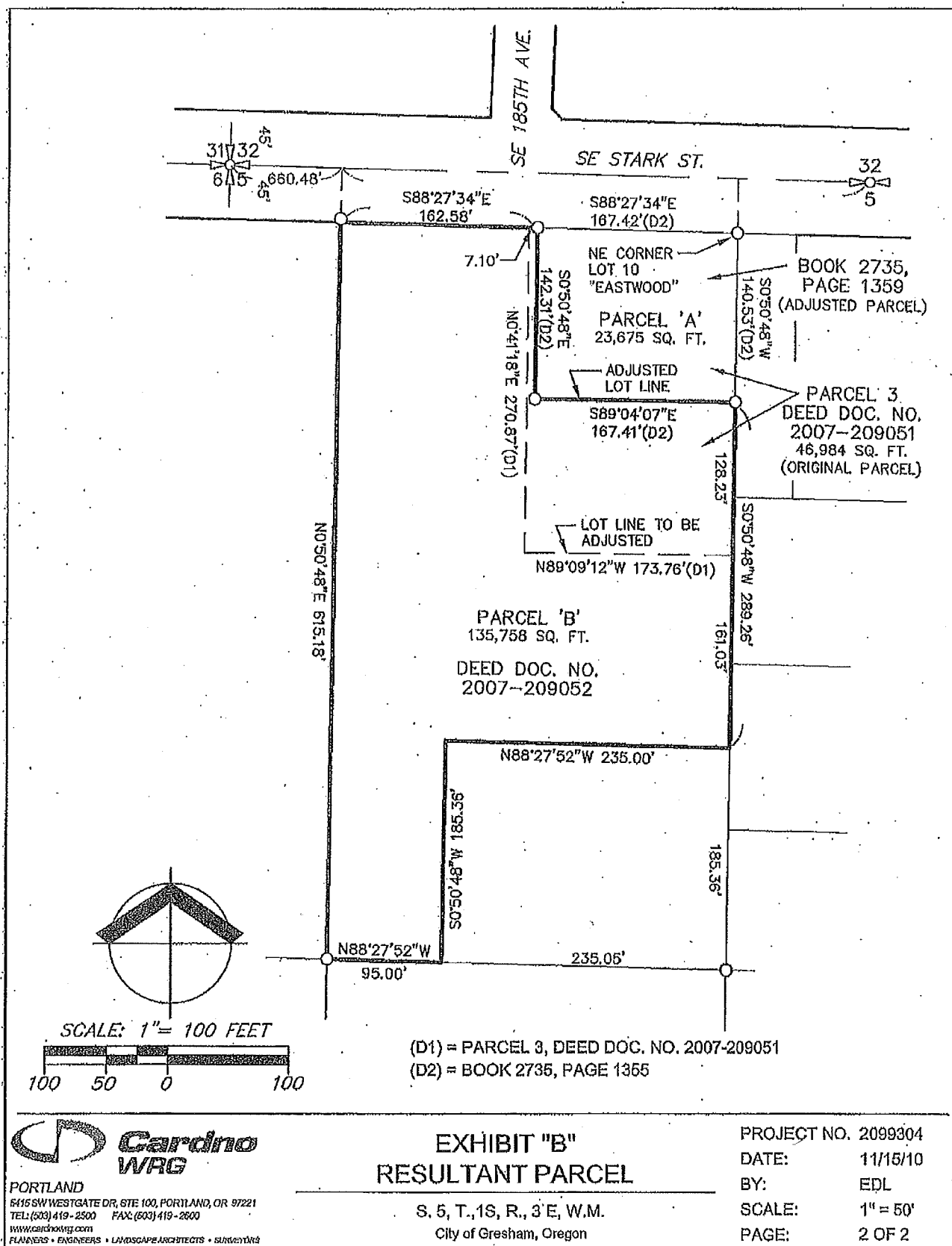
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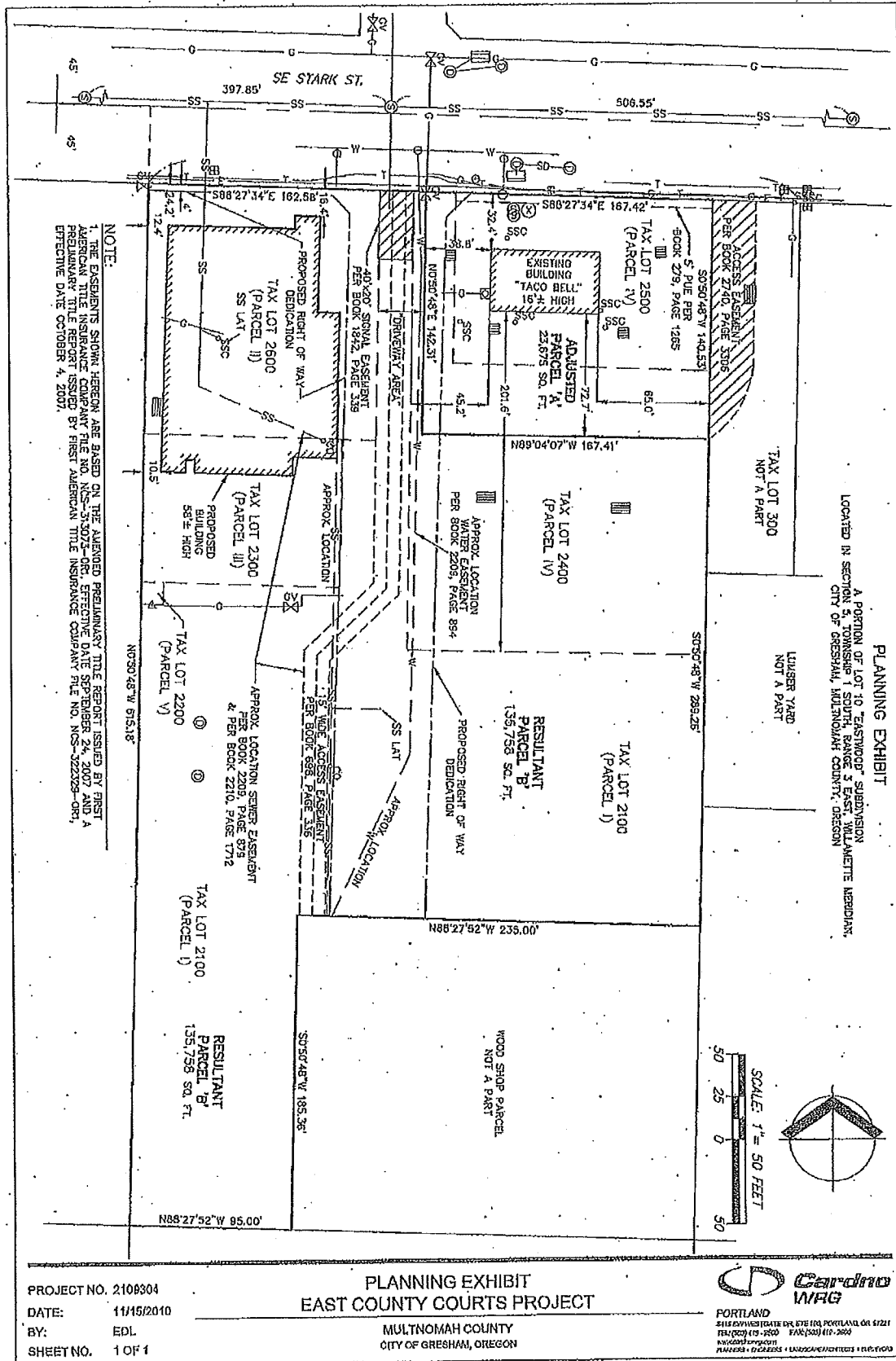
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*E. D. Lynch*

OREGON  
JULY 12, 2008  
ERIC D. LYNCH  
56544

RENEWAL: 12/6/10





## Exhibit 2



AFTER RECORDING, RETURN TO:

TITLES, LIENS & COLLECTIONS  
RECORDING SERVICES  
CITY OF GRESHAM  
1333 NW EASTMAN PKWY.  
GRESHAM, OR 97030-3813

*This Box For Multnomah County Recording Use Only*

### RIGHT-OF-WAY DEDICATION

\_\_\_\_\_  
(GRANTOR),  
hereby dedicates a perpetual right-of-way for street purposes on, over and under the following  
described property, and forever dedicates for use as a public street all of the following described  
real property situated in Multnomah County, Oregon:

INSERT DESCRIPTION HERE OR STATE SEE EXHIBIT "A"  
ATTACHING A MAP IS RECOMMENDED

The dedicated property shall only be used for public street purposes, which includes utilities.

GRANTOR warrants that 1) GRANTOR has marketable title to the property, 2) the City of Gresham may peaceably enjoy the rights and benefits of this dedication, 3) there are no other interests in the property which conflict with the City's intended use of this dedication, 4) the easement property is free of encumbrances except those of which GRANTOR has notified the City of Gresham, and 5) except as provided below, GRANTOR has the unrestricted right to dedicate the property without additional consent or permission.

This dedication is subject to the rights of the Landlord and Tenant under that certain Lease dated October 8, 1992, as established and confirmed through that certain "Memorandum of Lease" recorded on August 6, 1993 in Book 2735 at Page 1355 in the Multnomah County Deed Records.

GRANTOR

\_\_\_\_\_  
(Signature)

**DELETE THIS NOTE BEFORE PRINTING FINAL DOCUMENT.**  
**ADD ADDITIONAL SIGNATURE LINES IF MORE THAN ONE GRANTOR.**  
**EACH GRANTOR'S SIGNATURE MUST BE NOTARIZED.**  
**ADD ADDITIONAL NOTARY BLOCKS AS NEEDED.**

State of Oregon                     )  
  ) ss  
County of Multnomah            )

(*INDIVIDUAL*) This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_

(*REPRESENTATIVE*) This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_ as  
\_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

ACCEPTED BY THE CITY OF GRESHAM

\_\_\_\_\_  
City Manager

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney



## Exhibit "A"

**LEGAL DESCRIPTION – PARCEL 'A'**  
**EAST COUNTY COURTHOUSE**  
**RIGHT-OF-WAY DEDICATION**

November 23, 2010

Page 1 OF 2

A PORTION OF LOT 10, OF THE PLAT OF "EASTWOOD", MULTNOMAH COUNTY SURVEY RECORDS LOCATED IN THE NORTHWEST ONE QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, WITHIN THE CITY OF GRESHAM, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 10, THENCE ALONG THE NORTHERLY LINE OF SAID LOT 10, ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF SE STARK STREET (BEING 45.00 FEET FROM THE CENTERLINE WHEN MEASURED PERPENDICULAR THERETO), SOUTH 88°27'34" EAST, 162.58 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTHERLY LINE AND SOUTHERLY RIGHT OF WAY LINE SOUTH 00°50'48" WEST, 142.31 FEET; THENCE SOUTH 89°04'07" EAST, 10.33 FEET; THENCE NORTH 01°32'26" EAST, 127.71 FEET; THENCE NORTH 46°32'26" EAST, 20.48 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF SE STARK STREET; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY, NORTH 88°27'34" WEST, 26.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,696 SQUARE FEET, MORE OR LESS.

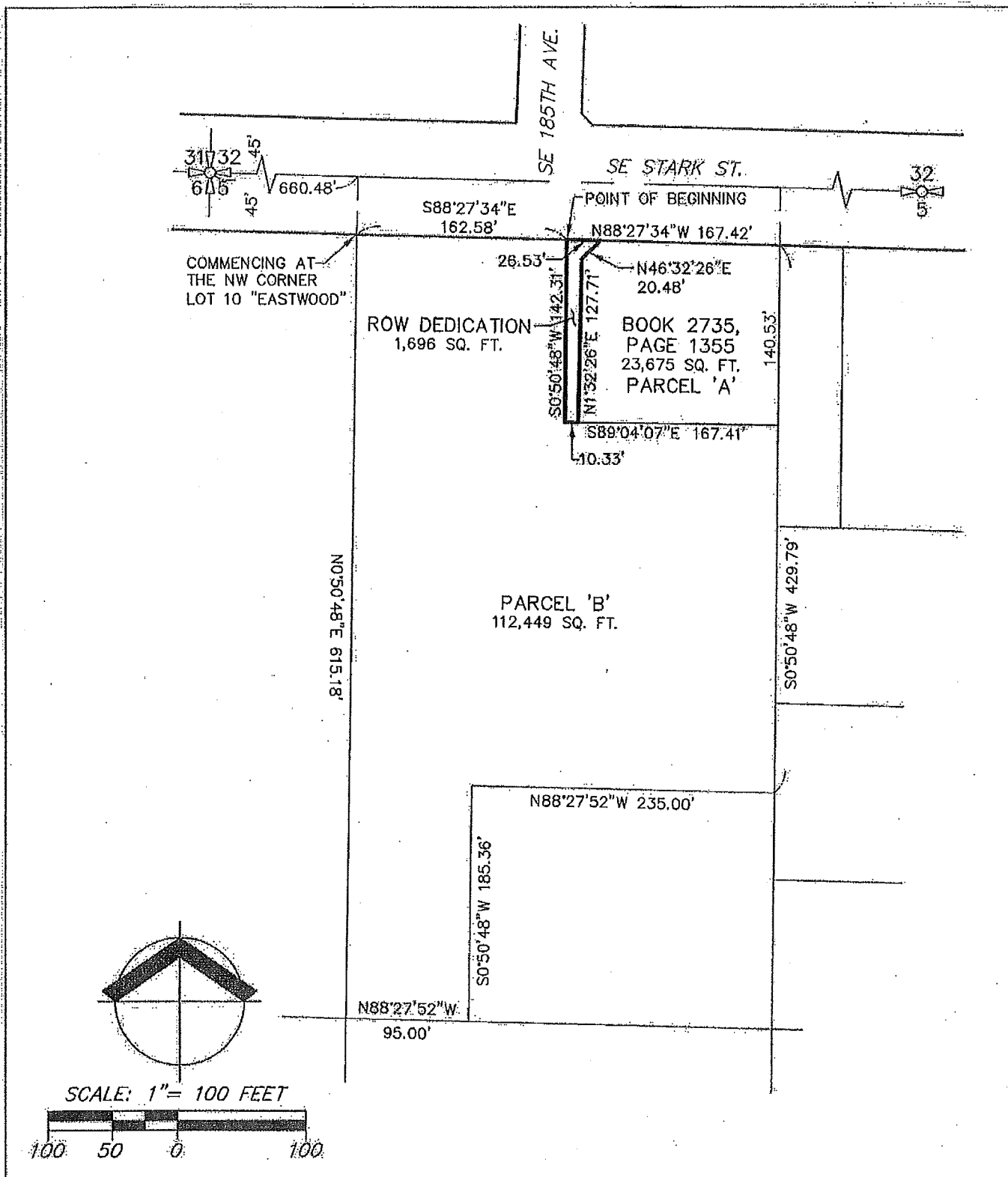
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REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*E. D. Lynch*

OREGON  
JULY 12, 2005  
ERIC D. LYNCH  
56544

*RENEWED: 12/31/10*




**Cardno  
WRG**  
 PORTLAND  
 6415 SW WESTGATE DR, STE 100, PORTLAND, OR 97221  
 TEL: (503) 419-2500 FAX: (503) 419-2800  
 www.cardnowrg.com  
 PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

## EXHIBIT "B" PARCEL 'A' ROW DEDICATION

S. 5, T., 1S, R., 3 E, W.M.  
 City of Gresham, Oregon

PROJECT NO. 2099304  
 DATE: 11/23/10  
 BY: TLB  
 SCALE: 1" = 100'  
 PAGE: 2 OF 2



AFTER RECORDING, RETURN TO:

TITLES, LIENS & COLLECTIONS  
RECORDING SERVICES  
CITY OF GRESHAM  
1333 NW EASTMAN PKWY.  
GRESHAM, OR 97030-3813

*This Box For Multnomah County Recording Use Only*

### RIGHT-OF-WAY DEDICATION

\_\_\_\_\_  
(GRANTOR),  
hereby dedicates a perpetual right-of-way for street purposes on, over and under the following  
described property, and forever dedicates for use as a public street all of the following described  
real property situated in Multnomah County, Oregon:

INSERT DESCRIPTION HERE OR STATE SEE EXHIBIT "A"  
ATTACHING A MAP IS RECOMMENDED

The dedicated property shall only be used for public street purposes, which includes utilities.

GRANTOR warrants that 1) GRANTOR has marketable title to the property, 2) the City of Gresham may peaceably enjoy the rights and benefits of this dedication, 3) there are no other interests in the property which conflict with the City's intended use of this dedication, 4) the easement property is free of encumbrances except those of which GRANTOR has notified the City of Gresham, and 5) GRANTOR has the unrestricted right to dedicate the property without additional consent or permission.

GRANTOR

\_\_\_\_\_  
(Signature)

**DELETE THIS NOTE BEFORE PRINTING FINAL DOCUMENT.**  
**ADD ADDITIONAL SIGNATURE LINES IF MORE THAN ONE GRANTOR.**  
**EACH GRANTOR'S SIGNATURE MUST BE NOTARIZED.**  
**ADD ADDITIONAL NOTARY BLOCKS AS NEEDED.**

State of Oregon                    )  
  ) ss  
County of Multnomah            )

(*INDIVIDUAL*) This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_

(*REPRESENTATIVE*) This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_ as  
\_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

ACCEPTED BY THE CITY OF GRESHAM

\_\_\_\_\_  
City Manager

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

## Exhibit "A"

LEGAL DESCRIPTION - PARCEL 'B'  
EAST COUNTY COURTHOUSE  
RIGHT-OF-WAY DEDICATION  
November 23, 2010  
Page 1 OF 2

A PORTION OF LOT 10, OF THE PLAT OF "EASTWOOD", MULTNOMAH COUNTY SURVEY RECORDS LOCATED IN THE NORTHWEST ONE QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, WITHIN THE CITY OF GRESHAM, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 10, THENCE ALONG THE NORTHERLY LINE OF SAID LOT 10, ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF SE STARK STREET (BEING 46.00 FEET FROM THE CENTERLINE WHEN MEASURED PERPENDICULAR THERETO), SOUTH 88°27'34" EAST, 162.58 FEET; THENCE LEAVING SAID NORTHERLY LINE AND SOUTHERLY RIGHT OF WAY LINE SOUTH 00°50'48" WEST, 142.31 FEET; THENCE SOUTH 89°04'07" EAST, 10.33 FEET; THENCE SOUTH 01°32'26" WEST, 287.58 FEET TO THE NORTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 96-74731, MULTNOMAH COUNTY DEED RECORDS; THENCE ALONG SAID NORTHERLY LINE, NORTH 88°27'52" WEST, 56.00 FEET; THENCE LEAVING SAID NORTHERLY LINE NORTH 01°32'26" EAST, 415.41 FEET; THENCE NORTH 43°27'34" WEST, 14.66 FEET; THENCE NORTH 88°27'34" WEST, 108.21 FEET TO THE WESTERLY LINE OF SAID LOT 10; THENCE ALONG THE WESTERLY LINE OF SAID LOT 10, NORTH 00°50'48" EAST, 4.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 23,004 SQUARE FEET, MORE OR LESS.

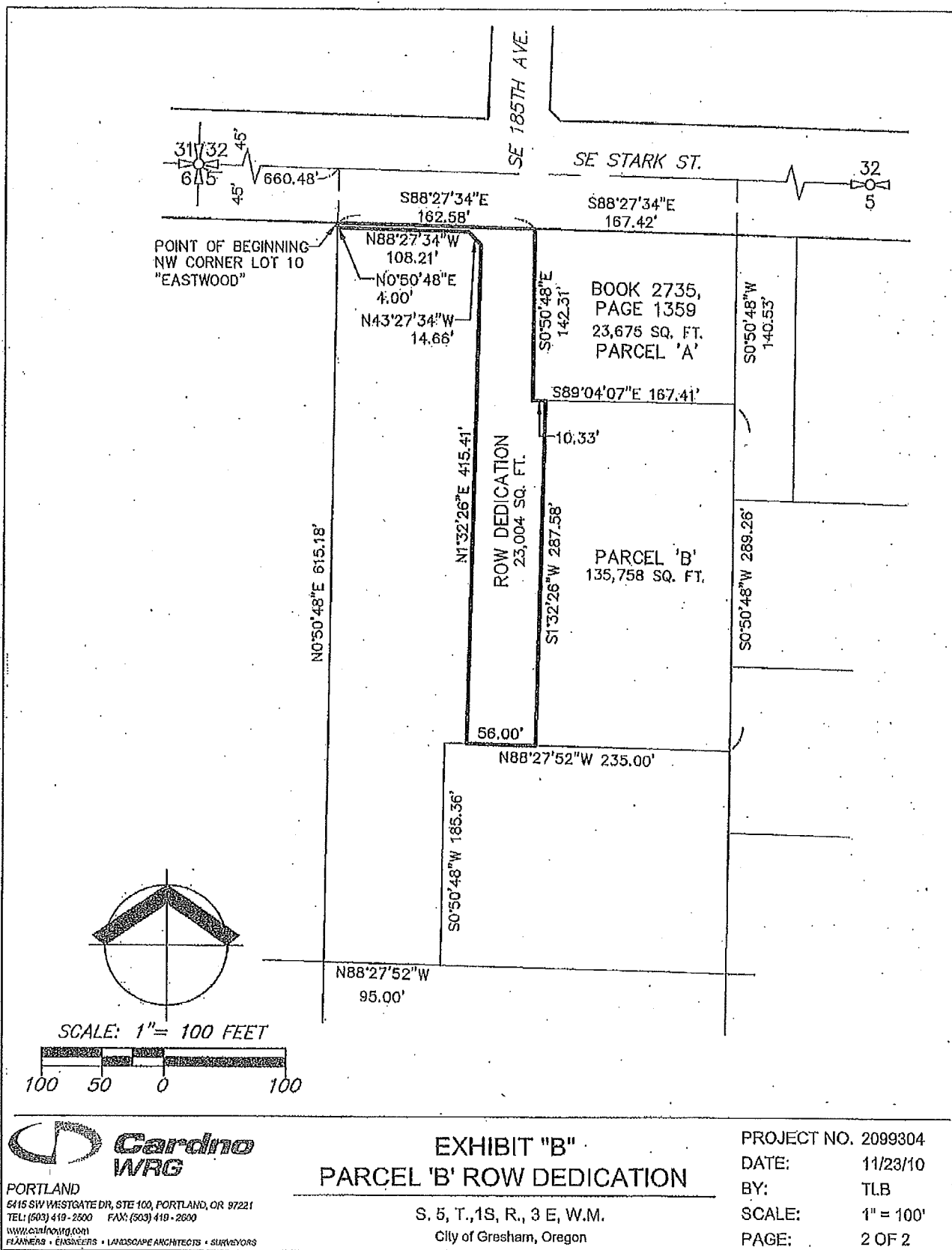
THE BASIS OF BEARINGS WAS DERIVED FROM THE FOUND AND HELD MONUMENTS, #371 AND #89 PER THE PHOTOGRAMMETRIC CONTROL NETWORK FOR THE CITY OF GRESHAM DRAWING NO. GC53124-2.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 12, 2006  
ERIC D. LYNCH  
68544

RENEWED 12/6/10



**INDEMNITY AGREEMENT IN LIEU OF  
PERFORMANCE AND COMPLETION BOND,  
GUARANTEE OF COMPLETION AND MAINTENANCE GUARANTEE;AND  
ACCEPTANCE OF DEDICATION SUBJECT TO EASEMENTS OF RECORD**

APPLICANT: Multnomah County

PROJECT TITLE:

FILE, PERMIT, OR PERMIT NUMBER:

PRINCIPAL AMOUNT: \$ \_\_\_\_\_

Recitals

a. Pursuant to the Gresham Revised Code ("GRC") and the Gresham Community Development Code ("GCDC") the Multnomah County, a political subdivision of the State of Oregon ("County") has submitted an application (the "Application") to the City of Gresham ("City") for permits to undertake the project named above ("Project") under the provisions of the GRC and GCDC.

b. Pursuant to the Application and upon approval of the Application, the City will issue a permit for the Project (the "Permit") subject to certain terms and conditions contained in the Permit;

c. The City normally requires permittees for similar projects to provide Performance and Completion Bonds (GRC 6.35.050(13)), a Guarantee of Completion (GCDC A5.003) and a Maintenance Guarantee (GCDC A5.004); and

d. Pursuant to GRC and GCDC, the City has elected to waive the Performance and Completion Bonds, Guarantee of Completion and Maintenance Guarantee required by the Permits in consideration of County entering into this Indemnity Agreement.

e. Pursuant to GRC and GCDC, the City has also elected to accept the dedication of public right of way for the planned extension of SE 185<sup>th</sup> subject to existing easements of record in consideration of the County entering into this Indemnity Agreement.

f. This Indemnity Agreement replaces any indemnity provision of the Permit, and constitutes County's complete indemnity obligation to complete or maintain the Project in accordance with the Permit. All other terms and conditions of the Permit are to remain unaffected by this Indemnity Agreement.

Agreement

1. To the extent permitted by Oregon law and within the limits of the Oregon Tort Claims Act, County shall hold harmless, defend and indemnify the City and the City's officers, agents and employees against all claims, demands, actions and suits (including attorney fees and costs) brought against any of them arising from the failure of County or its contractor to complete or maintain the Project in accordance with the terms and conditions of the Permit.

2. To the extent permitted by Oregon law and within the limits of the Oregon Tort Claims Act, County shall hold harmless, defend and indemnify the City and the City's officers, agents and employees against all claims, demands, actions and suits (including all attorney fees and costs) arising from operations or conduct of County or its contractor in connection with the performance or conduct of the work under the Permit.

3. To the extent permitted by Oregon law and within the limits of the Oregon Tort Claims Act, County shall hold harmless, indemnify, and make whole the City for any injury or damage to any street, highway, avenue or road or any part thereof, arising from the operations or conduct of County or its contractor in connection with the performance or conduct of the work under the Permit.

4. To the extent permitted by Oregon law and within the limits of the Oregon Tort Claims Act, the County shall hold harmless, defend and indemnify the City and the City's officers, agents and employees against all claims, demands, actions and suits (including attorney fees and costs) brought against any of them with respect to interference with the rights of the grantees or their successors under three certain easements of record; and where such interference is directly caused by the construction and the improvement of the public right of way to extend SE 185<sup>th</sup> as provided for in the Permit. Said certain easements are recorded in the Multnomah County Deed Records at the following entries: Book 698 at Page 336 (1969); in Book 2209 at Page 879 (1989); and in Book 2209 at Page 894 (1989).

5. County's duties to indemnify the City under paragraphs 1, 2, 3, and 4 of this Agreement shall not exceed in the aggregate an amount equal to the total cost to County of the work within City right of way allowed by the Permit, which is not to exceed \$260,228. The duration of those duties under paragraphs 1, 2 and 3 shall not exceed the duration of a surety's obligation under the performance bond for this Project, to which County's contractor is the principal and County is the obligee..

If County or County's contractor fails to complete the Project in accordance with the terms and conditions of the Permit, the City shall give County written notice of its belief that the Project is not complete, and shall allow County a reasonable time of not less than thirty (30) calendar days to cure, or to undertake a cure if the cure would take longer than thirty (30) days. In the event the City reasonably determines that extension of a cure period would have an adverse impact on public safety, the City may request that County immediately undertake completion of the Project.

6. County agrees that as a condition of the Permit, County shall cause its contractor to include the City, and City's divisions, officers and employees, as additional insureds on all policies of insurance that the contractor is required to purchase and maintain under its contract



with County for the Project, but only with respect to contractor's activities to be performed under such Permit.

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7. Nothing in this Agreement shall alter COUNTY's duty to abide by the requirements of the Gresham Revised Code or the Gresham Development Code and the applicable rules and regulations adopted by the City thereunder.

**AGREEMENT ACCEPTED BY:**  
**CITY OF GRESHAM**

**MULTNOMAH COUNTY**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_

REVIEWED:

HENRY H. LAZENBY, JR.,  
COUNTY ATTORNEY  
OR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

**AGREEMENT RELEASED BY:**  
**CITY OF GRESHAM**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_