

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2011-047

Approving Request for Long Term Real Property Use Permit at the Multnomah County East Facility

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County owns the Multnomah County East (MCE) facility located at 600 NE 8th Street, Gresham, Oregon.
- b. Robert Pung, Sr., a neighboring resident, made a request to obtain a long term real property use permit to place a portable wind and rain gauge upon a light pole located in the parking lot of the MCE facility.
- c. The County Facility and Property Management Program (FPM) finds that the portion of the light pole to be used for this purpose is surplus and not needed for any County purpose.
- d. Under County Administrative Procedure FAC-3, Section V, Board approval is necessary for any property use permits of County owned real property for which the term is longer than 90-days.
- e. A permit has been negotiated with Mr. Pung, the Permittee, a copy of which is attached identified as Exhibit 1.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the permit as set forth in Exhibit 1. The County Chair is authorized to execute the permit substantially in the form attached to this Resolution.
2. The County Chair is further authorized to execute any amendments to the Permit without further Board action.

ADOPTED this 28th day of April, 2011.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

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

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

SUBMITTED BY: Mindy Harris, Department Director, Dept. of County Management

**PERMIT FOR NON EXCLUSIVE USE FOR INSTALLATION OF A
PORTABLE WIND AND RAIN GAUGE**

Multnomah County, Oregon ("County") hereby grants to Mr. Robert Pung, Sr., ("Permittee") the non-exclusive use for the purpose of installation of a portable wind and rain gauge upon a light pole located at 600 NE 8th Street, Gresham, Oregon.

I. Recitals:

1. County owns property located at 600 NE 8th Street, Gresham, Oregon ("Property").
2. Permittee wishes to install a particular portable wind and rain gauge (brand name Davis and model EL250) (the "Gauge") upon a certain light pole located in the parking lot of the Property; that certain light pole shall hereinafter be referred to as the "Permit Property".
3. The Permit Property is temporarily available on a non-exclusive basis for this purpose and the County finds the public interest is served by allowing this non-exclusive use as further provided herein.

II. Terms and Conditions:

1. County consents to the installation of the Gauge on the Permit Property as provided in Recital No.2 above and as further provided herein. Permittee's use under this Permit shall be non-exclusive.
2. The term of this Permit shall commence May 1, 2011 and continue in perpetuity, unless terminated earlier as provided herein.
3. Either Party may terminate upon ten (10) days notice to the other Party. On the termination date which shall be the tenth day after the date of the termination notice; the County shall remove the Gauge and it shall be available for Permittee to reclaim for a period of 30 days. If Permittee does not reclaim the Gauge by the 30th day, Permittee shall forfeit all right and title to the Gauge and it shall be disposed of as surplus County property.
4. The County has authorized the installation of the Gauge by a method acceptable to both Parties.
5. The County makes no representations or warranties of any kind with respect to the fitness or the conditions of the Property or the Permit Property for any purpose, including but not limited to the purposes under this Permit. The Property and the Permit Property are available "AS IS, WHERE IS". Permittee has determined to his full satisfaction the condition of the Property and the Permit Property.
6. Permittee shall bear all risk of loss with respect to the Gauge including but not limited to: theft, vandalism, or weather caused damage. If the Gauge has been lost or removed by theft; the County is relieved of any obligation to comply with the procedures set forth in Paragraph 2 regarding Permittee reclaiming the Gauge.
7. The County reserves the right to reject the installation of any replacement equipment if the Gauge is removed for any reason including but not limited to: theft, vandalism or weather caused damage.

8. The representatives of the parties to this Permit are:

For Permittee: Mr. Robert Pung, Sr.
777 NE 8th Street, #101
Gresham, OR 97030
Phone: (503) 758-7436

For County: Carla Bangert
Multnomah County
Lease Management
Facilities and Property Management
401 N Dixon Street
Portland, OR 97227
Phone: (503) 988-4128

Emergency Contacts

For Permittee: Mr. Robert Pung, Sr.
(503) 758-7436

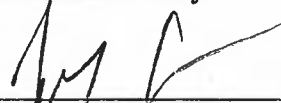
For County: Mike Crank, Property Manager
(503) 209-3211

9. Permittee shall not assign this Permit.


10. This permit constitutes the entire agreement between the Parties. This Permit may be modified or amended only by the written agreement of the Parties.

III. IT IS SO AGREED:


For Multnomah County:

By: 
Jeff Cogen, Chair
Date: 3/30/11

For Permittee:

By: 
Robert Pung, Sr.
Date: 3-24-11

Reviewed:


By: Matthew O. Ryan, Assistant County Attorney
Multnomah County, Oregon

