

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-060

Authorizing Grant of Easement to City of Portland for Public Street and Walkway

The Multnomah County Board of Commissioners Finds:

- a) The City of Portland, Oregon requires that an easement be granted for public street and walkway purposes in portions of land acquired by Multnomah County for construction of a new Hollywood Branch Library;
- b) It is in the best interest of Multnomah County that the DEDICATION FOR RIGHT-OF-WAY PURPOSES AND PUBLIC WALKWAY EASEMENT before the Board in this matter be granted by Multnomah County to the City of Portland.

The Multnomah County Board of Commissioners Resolves:

- 1. The DEDICATION FOR RIGHT-OF-WAY PURPOSES AND PUBLIC WALKWAY EASEMENT before the Board this day be approved and that the Interim Chair be, and her is hereby, authorized to execute the said DEDICATION on behalf of Multnomah County.

ADOPTED this 10th day of May, 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Bill Farver, Interim Chair

REVIEWED:

THOMAS SPONSER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Matthew O. Ryan, Assistant County Attorney

**DEDICATION FOR RIGHT-OF-WAY PURPOSES
AND PUBLIC WALKWAY EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS, that Multnomah County, a Political Subdivision of the State of Oregon (the "Grantor"), in consideration of the sum of one (\$1.00) and no/100 dollars, and other good and valuable consideration, to it paid by the City of Portland (the "City"), a municipal corporation of the State of Oregon, the receipt whereof is hereby acknowledged, hereby conveys unto the City, an easement for public street and right-of-way purposes in the real property situated in the City, County of Multnomah, and State of Oregon, as shown on Exhibit A attached hereto, and being more particularly described as follows (the "Easement Area"):

R/W #6031-D

Parcel I

The west 3.50 feet of Lots 14, 15 and 16 of Block 32, plat of "Rossmere," City of Portland, Multnomah County, State of Oregon.

Parcel II

The east 2.00 feet of Lots 1, 2 and 3 of Block 32, plat of "Rossmere," City of Portland, Multnomah County, State of Oregon.

TOGETHER WITH AN EASEMENT for construction and perpetual use by the public of a public walkway over and across real property in the City of Portland, County of Multnomah, and State of Oregon, more particularly described as follows:

R/W #6031-SWE

The north 4.00 feet of the west 98.00 feet of Lot 1 and the north 4.00 feet of the east 96.50 feet of Lot 16 of Block 32, plat of "Rossmere," City of Portland, Multnomah County, State of Oregon.

1N1E25

After Recording Return to: _____

106/800/Marcia S. Wilder _____

Tax Statement shall be sent to: _____

No Change

TO HAVE AND TO HOLD the same easements to the City for the uses and purposes aforesaid forever. Grantor does covenant with the City, that the subject property is free from all liens and encumbrances caused by the Grantor.

1. GRANTOR'S REPRESENTATIONS; HAZARDOUS SUBSTANCES.

The Grantor makes the following representations concerning the Easement Areas:

1.1 Disclosure of Environmental Conditions

After reasonable inquiry and to the best of Grantor's knowledge, Grantor has disclosed all results of any report, investigation, survey, or assessment regarding the environmental condition of the Easement Areas.

1.2 Disclosure of Underground Storage Tanks

After reasonable inquiry and to the best of Grantor's knowledge, Grantor has disclosed whether there are underground storage tanks, as defined at ORS 466.706(20), on or under the Easement Areas.

1.3 Defined Terms

For the purposes of these Easements, (a) "reasonable inquiry" shall mean inquiry of Grantor's managers with property management or environmental management responsibility of the Easement Areas and review of Grantor's records and (b) "knowledge" shall mean the current actual knowledge of such managers.

2. ALLOCATION OF LIABILITY

It is understood and agreed that this conveyance is not intended to alter the liability of the parties for any release of hazardous substances as defined in any federal, state or local law onto or from the Easement Areas.

3. INDEMNIFICATION

3.1 Grantor's Indemnity to the City

To the extent allowed under Oregon law, Grantor agrees to defend, indemnify, and hold harmless the City, its commissioners, officers, agents and employees from and against and to reimburse the City for all claims, liabilities, actions, damages, injuries, costs, loss, demands, actions, suits or expenses (including attorney fees and costs) incidental to the investigation and defense thereof, arising out of the acts or omissions of, or the use or occupancy of, the Easement Areas by Grantor, its agents or employees, or resulting from the presence or release of hazardous substances onto or from the Easement Areas prior to the Effective Date of these Easements. This indemnity shall not apply to the release of hazardous substances on to or from the Easement Areas caused by the officers, agents or employees of the City or third parties not acting under the authority or control of Grantor.

4. **EFFECTIVE DATE**

The Easements shall be effective as of the date this document is signed by all parties.

5. **DURATION**

These Easements shall remain in effect perpetually; however, they shall terminate automatically in the event that the City of Portland vacates or releases the Easement Areas, in which case the City shall execute a recordable document evidencing such termination.

6. **MEDIATION**

If any dispute should arise between Grantor and the City concerning the Easements or the parties' obligations or activities under these Easements, the dispute shall be submitted to mediation before a mediator agreed to and compensated equally by both parties, prior to commencement of arbitration or litigation. If the parties fail to agree on a mediator, a mediator shall be appointed by the presiding judge of the Multnomah County Circuit Court.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the date and year written below.

THE CITY OF PORTLAND

MULTNOMAH COUNTY

By: _____
Title: Commissioner of Public Affairs

By: Bill Farver
Bill Farver, Interim County Chair

APPROVED AS TO FORM

APPROVAL AS TO LEGAL SUFFICIENCY

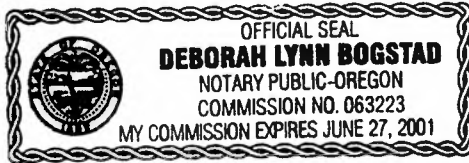
By: _____
Title: Deputy City Attorney

By: Matthew O. Ryan
Counsel for Multnomah County

Date: _____

STATE OF OREGON)
)
County of Multnomah)

This instrument was acknowledged before me this 10th day of MAY,
2001, by BILL FARVER as Interim Chair of Multnomah County.



Deborah Lynn Bogstad
Notary Public for Oregon
My commission expires: 06-27-01

STATE OF OREGON)
)
County of Multnomah)

This instrument was acknowledged before me this _____ day of _____,
2001, by _____ as _____ of the City of Portland.

Notary Public for Oregon
My commission expires: _____

(23)

3.50' WIDE
RIGHT-OF-WAY
DEDICATION ALONG WEST
LINE OF LOTS 14, 15 AND
16, BLK. 32

N.E. TILLAMOOK STREET

4.00' WIDE EASEMENT
DEDICATION ALONG NORTH
LINE OF LOTS 1 AND 16,
BLK. 32

S 90°00'00" E 200.00'

3.50'

LOT 16

LOT 1

LOT 15

LOT 2

LOT 14

LOT 3

LOT 13

LOT 4

S 90°00'00" E 200.00'

S 00°00'00" W 150.00'

S 00°00'00" W 150.00'

2.00' WIDE
RIGHT-OF-WAY
DEDICATION ALONG EAST
LINE OF LOTS 1, 2 AND
3, BLK. 32

(33)

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Gary W. Hickman
OREGON
JULY 14, 1978
GARY W. HICKMAN
1878

RENEWAL DATE 06/31/01
DATE OF SIGNATURE 01/30/01

N.E. 40th AVENUE

N.E. 41st AVENUE

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

DRAWING: 101003_RW.DWG
DATE: 1/30/01

RIGHT-OF-WAY AND EASEMENT SKETCH
LOTS 1, 2, 3 14, 15 & 16, BLOCK 32, ROSSMERE,
IN THE SE 1/4 OF SECTION 25,
T 1 N, R 1 E, W.M., CITY OF PORTLAND,
MULTNOMAH COUNTY, OREGON