

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. _____

Approving Ivon Street Lot Public Use Restriction Release

The Multnomah County Board of Commissioners Finds:

- a) On August 31, 2000 the County deeded to Portland Public School District No. 1 (PPS) a piece of real property located at East 40' of Lot 1 Block 2 Tibbetts Addition to East Portland (the Lot) for public purposes. The deed was re-recorded on March 6, 2001, as Instrument #2001-030510 to correct the legal description (Deed).
- b) The Deed reserved to the County a reversionary interest if PPS ceased to use the Lot for a public purpose.
- c) PPS has requested the County to release the public use restriction, so that the Lot may be used for the design and building of an affordable housing project by the Benson High School Construction Technology Program (the Program). The residence may then be sold to a private party, with net proceeds to be split 50/50 between PPS and the Program's operating budget to continue this educational effort.
- d) Unless the County releases the deed restriction, PPS must use the property for public purposes. If not so used, the interests of PPS would automatically terminate and title would revert to the County.
- e) The Program's construction of affordable, infill housing on a vacant lot close to downtown and well-served by public transit, with net proceeds used for PPS's and the Program's benefit, achieves the objectives of the original public use restriction.

The Multnomah County Board of Commissioners Resolves:

- 1) The Board approves release of the public use deed restriction and reversionary right on the Lot to PPS, on the condition that the Program design, build and sell an affordable housing project on the Lot, with net proceeds to be split 50/50 between PPS and the Program's operating budget.

2) The County Chair is authorized to execute and record the Quit Claim Deed in substantially the form attached hereto as Exhibit A. Board approval is needed for any modification or amendment to the Quit Claim Deed that results in a material increase in the obligations of the County or a material decrease in the benefits for the County under the Quit Claim Deed.

ADOPTED this 16th day of November, 2017.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

Deborah Kafoury, Chair

REVIEWED:

**JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By _____
Kenneth M. Elliott, Assistant County Attorney

SUBMITTED BY:

Sherry Swackhamer, Director, Department of County Assets