

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 185th 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:

| Tract - Number | Required Size (sq. ft.) | Existing Size (sq. ft.) | Proposed Size (sq. ft.) |
|---------------------------|------------------------------------|------------------------------------|------------------------------------|
| 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 185th, which is a part of the East County Courts Building project, all private utilities will be replaced with public services within SE 185th. 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

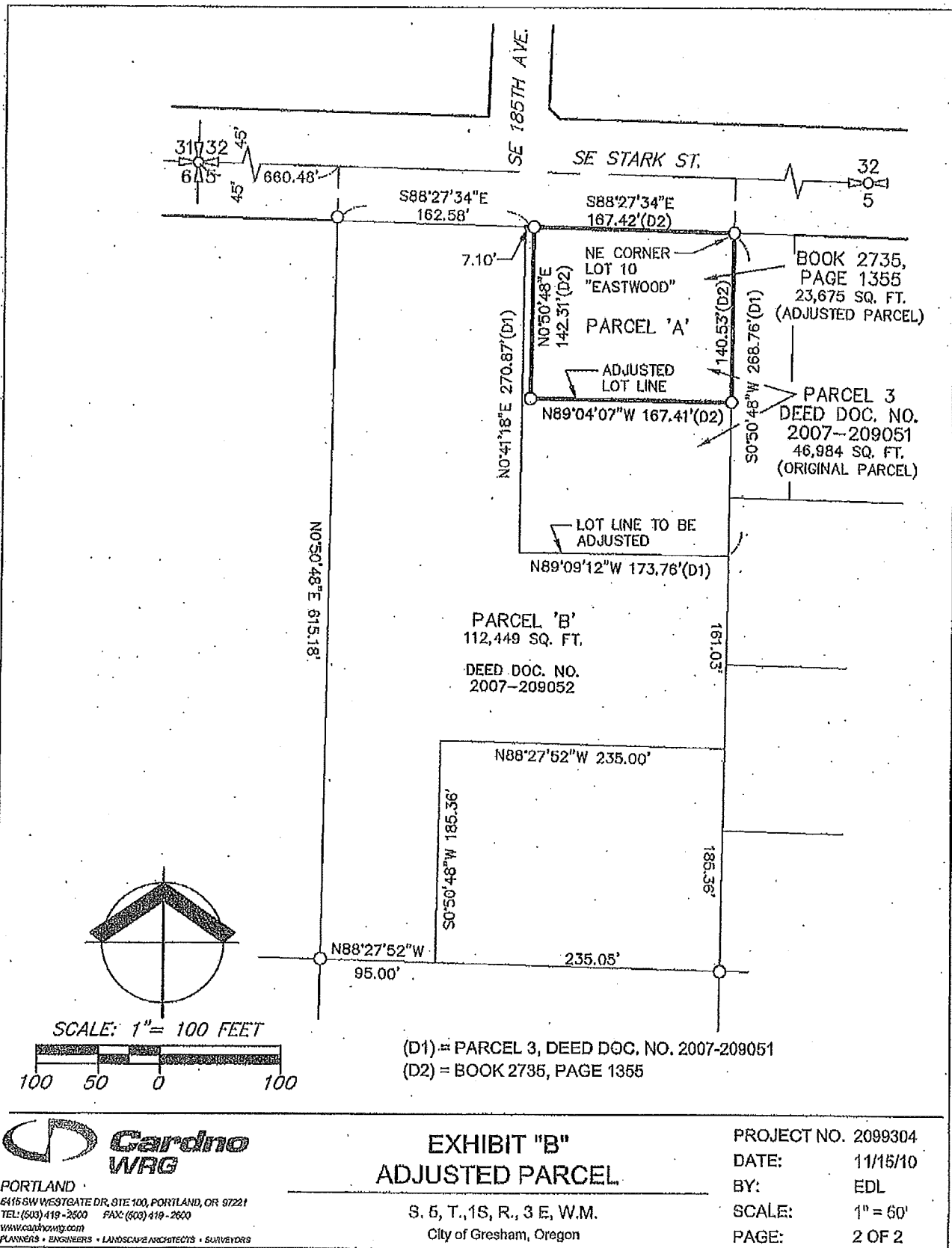


Exhibit "A"

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.

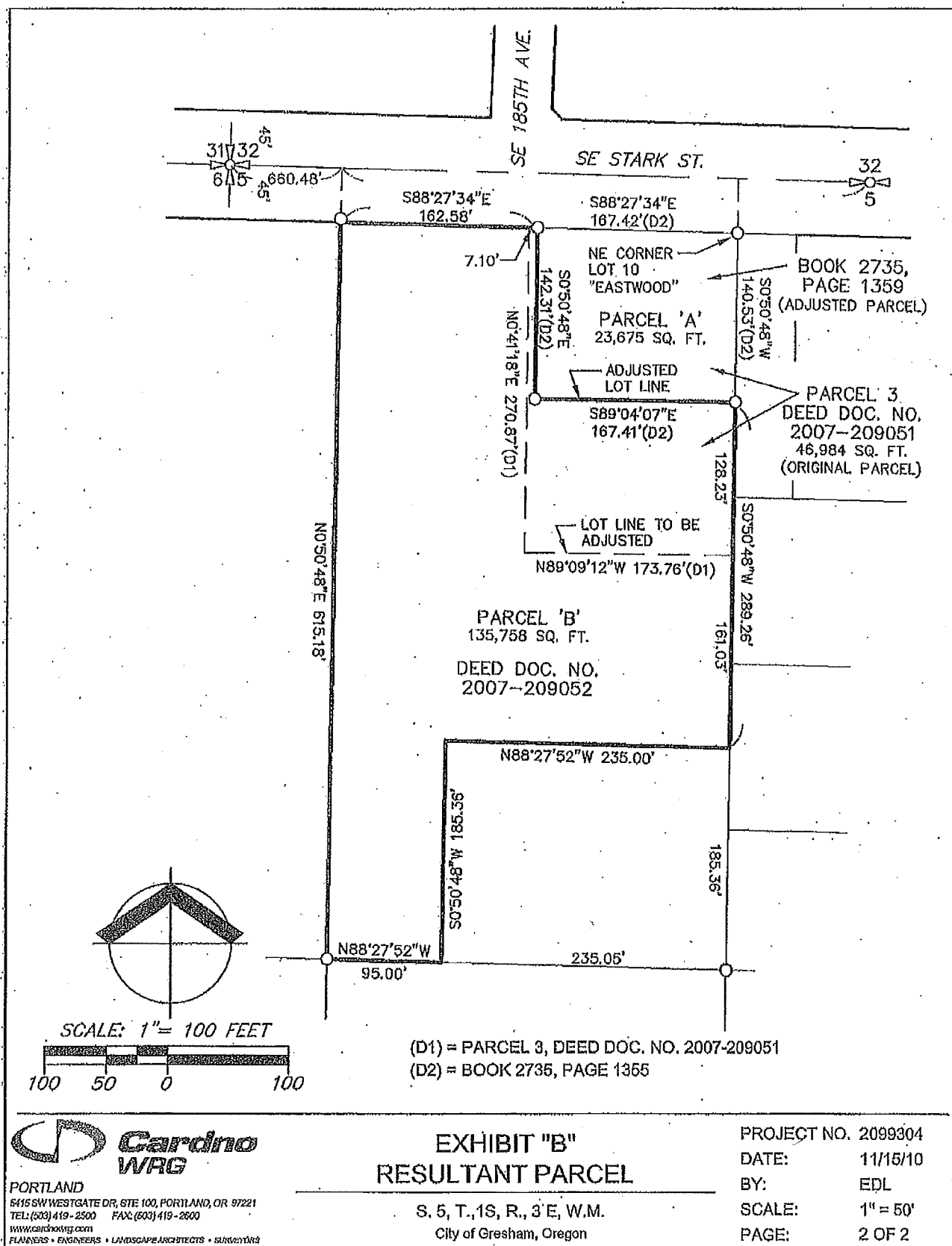
THE BASIS OF BEARINGS WAS DERIVED FROM THE FOUND AND HELD MONUMENTS, #371 AND #89 PER THE PHOTOGRAMMETRIC CONTROL NETWORK FOR THE CITY OF GRESHAM DRAWING NO. GC53124-2.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

E. D. Lynch

OREGON
JULY 12, 2008
ERIC D. LYNCH
56544

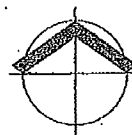
RENEWED: 12/6/10



A PORTION OF LOT 10 "EASTWOOD" SUBDIVISION
LOCATED IN SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN,
CITY OF GRESHAM, MULTNOMAH COUNTY, OREGON

LUNSER YARD
NOT A PART

SCALE: 1" = 50 FEET



PORTLAND
5115 SW WHEATSTONE DR STE 100 PORTLAND, OR 97221
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WWW.KAMP-ONLINE.COM
PLANNERS • DESIGNERS • LANDSCAPE ARCHITECTS • REALTORS

MULTNOMAH COUNTY
CITY OF GRESHAM, OREGON

PROJECT NO. 210B304
DATE: 11/15/2010
BY: EDL
SHEET NO. 1 OF 1

NOTE: THE EXEMPTIONS SHOWN HEREON ARE BASED ON THE ALIENED PRELIMINARY TITLE REPORT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY FILE NO. NIS-375023-DR, EFFECTIVE DATE SEPTEMBER 24, 2007 AND A PRELIMINARY TITLE REPORT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY FILE NO. NIS-322293-DR, EFFECTIVE DATE OCTOBER 4, 2007.

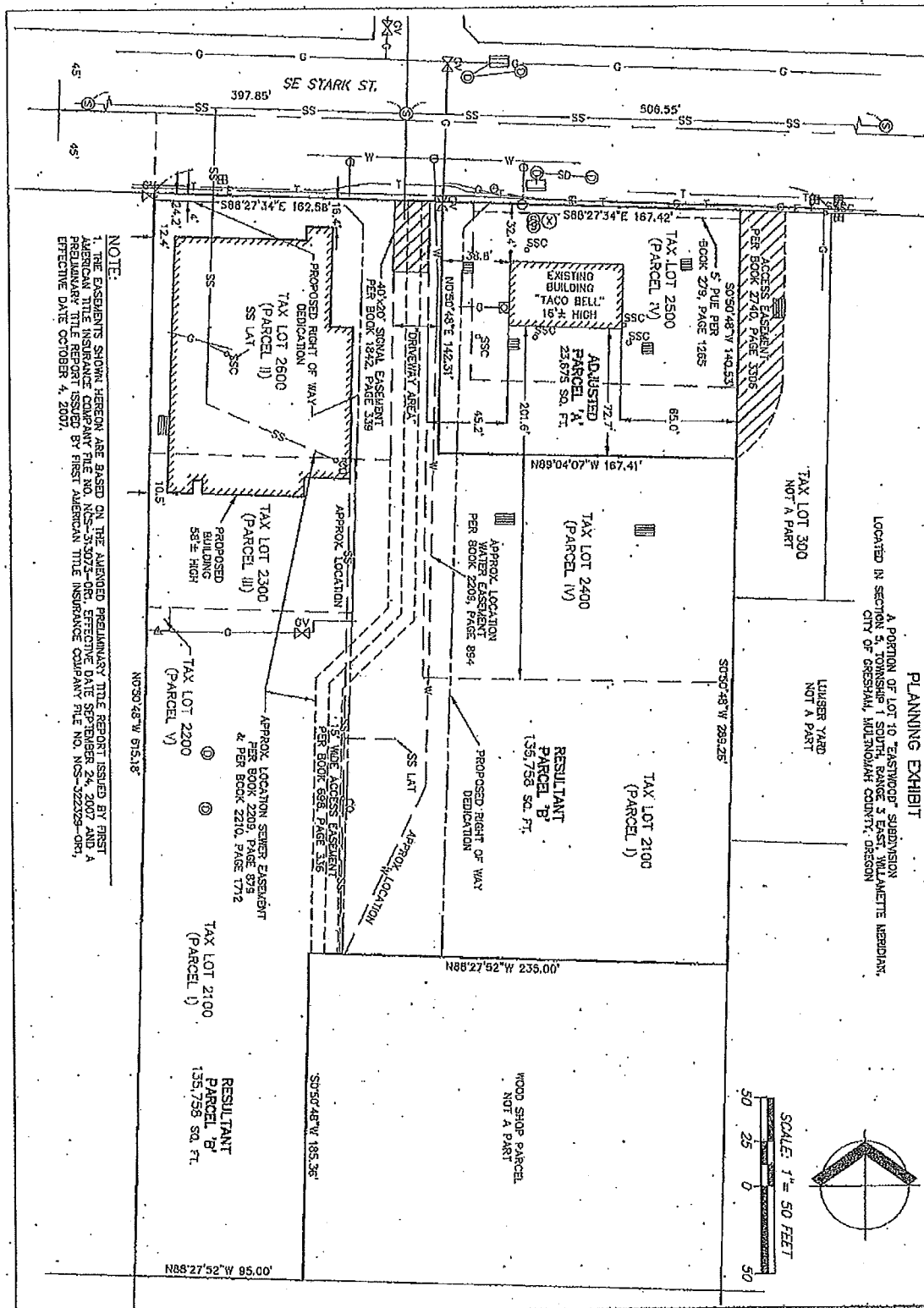


Exhibit 2



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.

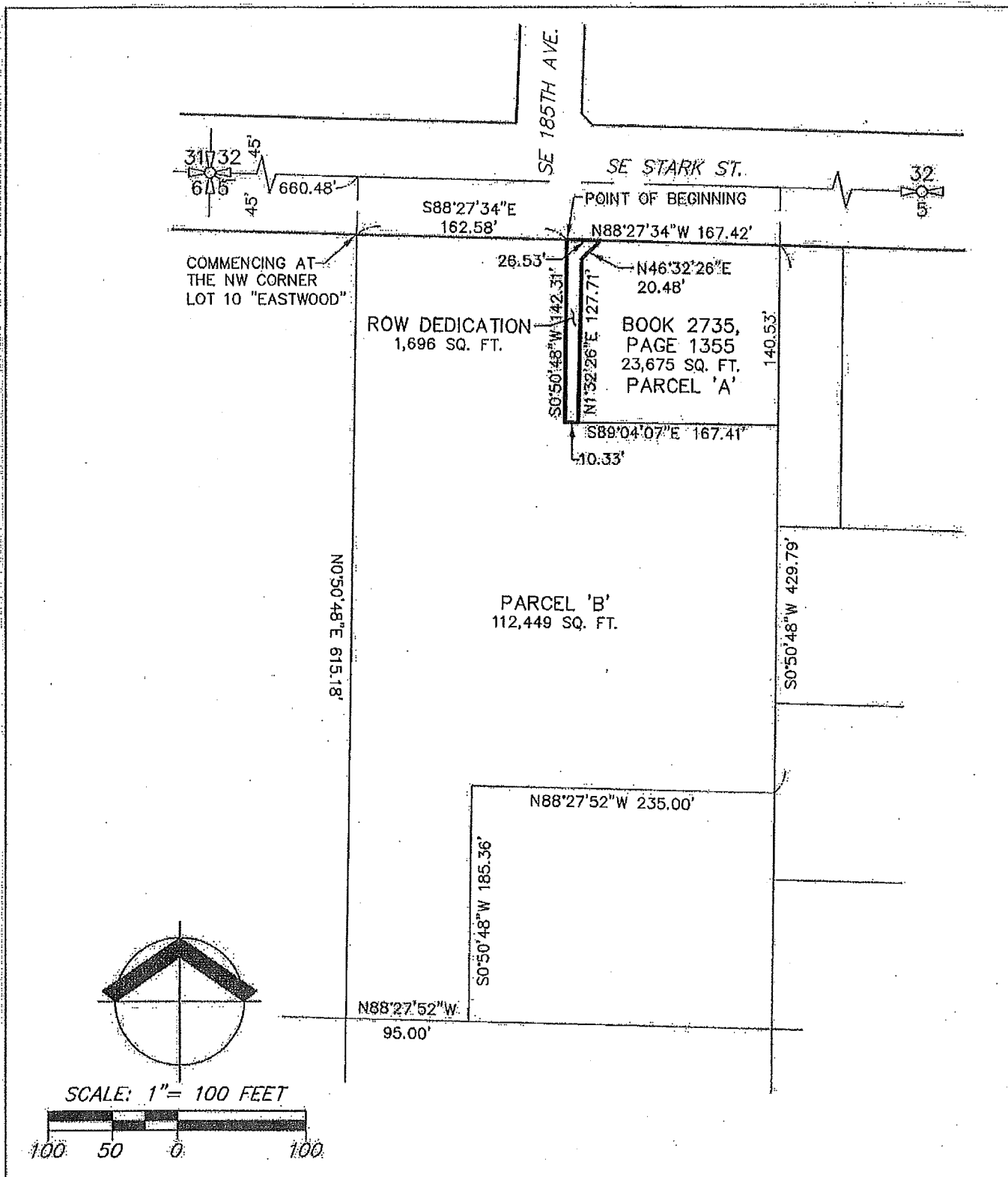
THE BASIS OF BEARINGS WAS DERIVED FROM THE FOUND AND HELD MONUMENTS, #371 AND #89 PER THE PHOTOGRAMMETRIC CONTROL NETWORK FOR THE CITY OF GRESHAM DRAWING NO. GC53124-2.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

E. D. Lynch

OREGON
JULY 12, 2005
ERIC D. LYNCH
56544

RENEWED: 12/31/10




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WRG**
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 www.cardnowrg.com
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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 45.00 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.

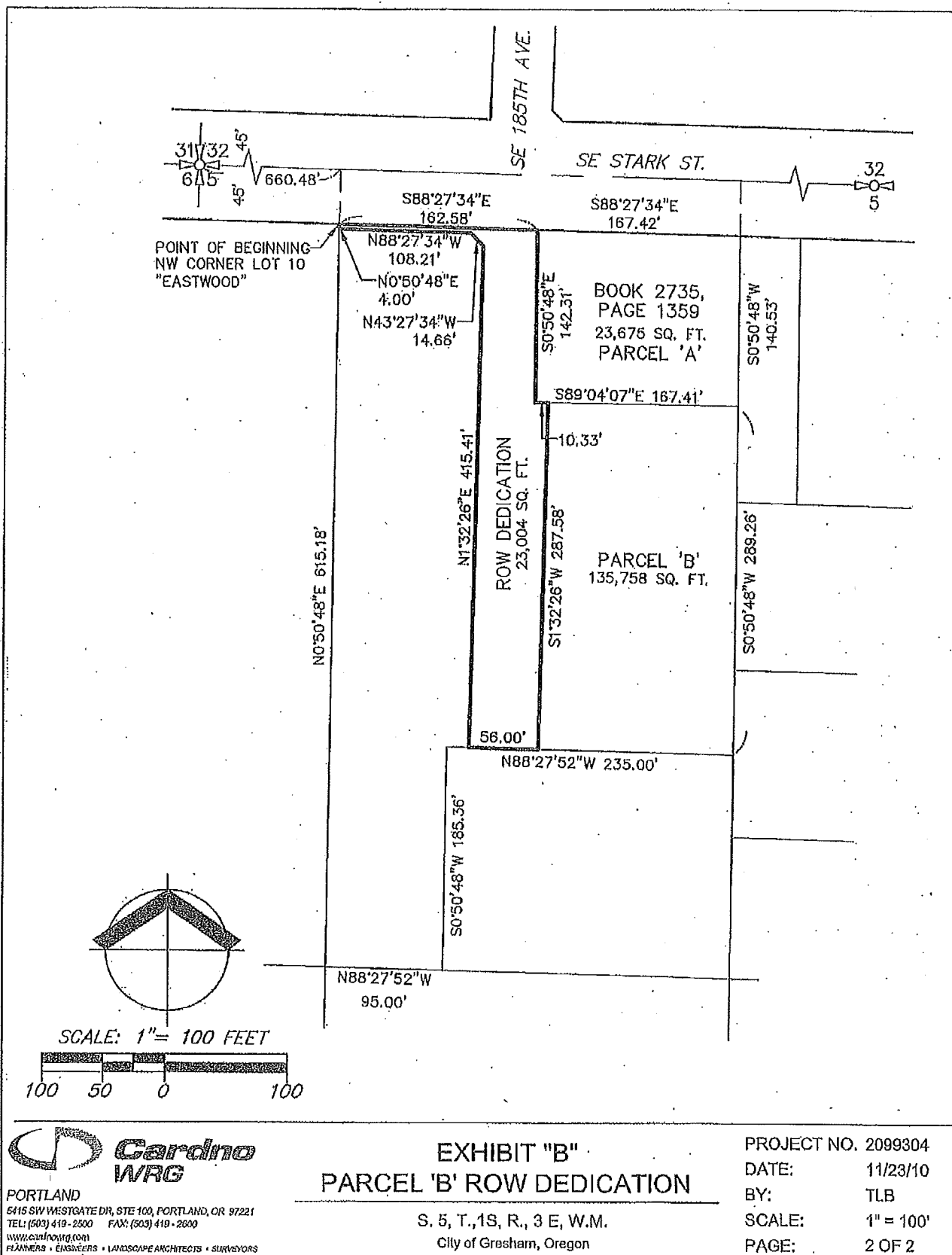
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REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 12, 2005
ERIC D. LYNCH
68544

RENEWED 12/6/10



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EXHIBIT "B" PARCEL 'B' ROW DEDICATION

S, S, 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

**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 185th 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 185th 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: _____

