

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 02-120

Authorizing Grant of a Sewer Tunnel Easement to the City of Portland for the West Side Combined Sewer Overflow (CSO) Sewer Tunnel

The Multnomah County Board of Commissioners Finds:

- a) The City of Portland, Department of Transportation has requested a permanent sewer easement and a temporary sewer construction easement on real property owned by Multnomah County and described in the attached Exhibit A in connection with the West Side CSO Sewer Tunnel Project.
- b) The grant of an easement on the parcel of land as described in the attached Sewer Tunnel Easement, dedicated to the public for the purpose of constructing, inspecting and maintaining a sewer or sewers through, under, and along said parcel, will benefit the public.
- c) The consideration of \$150 offered by The City of Portland is sufficient.
- d) The County has the authority to grant the easement pursuant to ORS 275.090 (3).

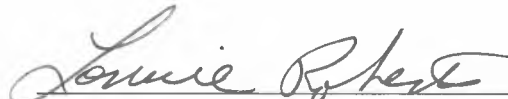
The Multnomah County Board of Commissioners Resolves:

- 1. The attached Sewer Tunnel Easement is approved and the Chair is authorized to execute the same on behalf of Multnomah County.

ADOPTED this 19th day of September 2002.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Lonnie Roberts, Vice-Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

EXHIBIT A (RESOLUTION)

LEGAL DESCRIPTION:

A portion of Lots 16 thru 21, Terminal Block, a part of Watson's Addition to the City of Portland, situated in the southeast one-quarter of Section 28, T1N, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, more particularly described as follows:

Beginning at the point of intersection of the corner common to Lots 21 and 22, with the westerly line of NW Front Avenue; thence S 41°03'53" W along the line common to Lots 22 and 21, a distance of 7.03 feet to a point of non-tangent curvature; thence along the arc of an 1168.28 foot radius curve to the right, through a central angle of 06°17'24", an arc distance of 128.26 feet (the chord bears S 52°04'49" E, 128.19 feet) to a point of tangency on the westerly line of NW Front Avenue; thence N 48°56'07" W along the westerly line of NW Front Avenue, a distance of 128.00 feet to the Point of Beginning.

Containing an area of 300 square feet or 0.007 acres.

SEWER TUNNEL EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Multnomah County, a Political Subdivision of the State of Oregon, Grantor, in consideration of the sum of One Hundred Fifty (\$150) and no/100 Dollars, and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the State of Oregon, does hereby grant unto said City of Portland, the right to lay down, construct, operate, and perpetually maintain a sewer or sewers, and sewer tunnel facilities through, under, and along the following described parcel:

R/W #6075-8-T

A portion of Lots 16 thru 21, Terminal Block, a part of Watson's Addition to the City of Portland, situated in the southeast one-quarter of Section 28, T1N, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, more particularly described as follows:

Beginning at the point of intersection of the corner common to Lots 21 and 22, with the westerly line of NW Front Avenue; thence S 41°03'53" W along the line common to Lots 22 and 21, a distance of 7.03 feet to a point of non-tangent curvature; thence along the arc of an 1168.28 foot radius curve to the right, through a central angle of 06°17'24", an arc distance of 128.26 feet (the chord bears S 52°04'49" E, 128.19 feet) to a point of tangency on the westerly line of NW Front Avenue; thence N 48°56'07" W along the westerly line of NW Front Avenue, a distance of 128.00 feet to the Point of Beginning.

Containing an area of 300 square feet or 0.007 acres.

IT IS UNDERSTOOD and agreed that public sewer easements include the right of access for construction, inspection, maintenance, or other sewerage system activities.

IT IS UNDERSTOOD and agreed that Grantor reserves the right to use the easement area for any lawful purpose not inconsistent with Grantee's permitted use, including the installation, maintenance, repair, removal, replacement or relocation of underground utilities and services, paths, roadways or driveways, parking lots, shallow-rooted landscaping, and continued operation and development of Grantor's property; Except that Grantor shall not use the area Eight (8) Feet around the circumference of the Tunnel, and shall not install load bearing underground improvements within Thirty-Five (35) Feet above the crown of the Tunnel, as shown on Exhibit B, attached hereto. Grantor further agrees to provide prior notification of its intent to use the easement area for above or below surface installations, which must be approved by the Director of the Bureau of Environmental Services.

1N1E 28DC

After Recording Return to:

106/800/Marcia S. Wilder

Tax Statement shall be sent to:

No Change

INDEMNITY. The City of Portland, to the maximum extent permitted by law and subject to the limitations of the Oregon Tort Claims Act, ORS Chapter 30, shall defend, indemnify, and save harmless, Multnomah County, its officers, employees, and agents, from and against any and all actual or alleged claims, demands, judgments, losses, damages, expenses, costs, fees (including, but not limited to, attorney, accountant, paralegal, expert and escrow fees), fines and/or penalties which may be imposed upon or claimed against Multnomah County and which, in whole or in part, directly or indirectly, arise from the intentional or negligent acts or omissions of City of Portland, its officers, directors, agents, employees, contractors or subcontractors, in the exercise by City of Portland of its rights under this Easement, including the construction and maintenance of City of Portland improvements within the Easement.

THIS INSTRUMENT does not grant or convey to the City of Portland any right or title to the surface of the soil along the route of said sewer.

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

THE CITY OF PORTLAND

MULTNOMAH COUNTY, OREGON

By: _____
Director, Bureau of Environmental Services

By: _____
Diane M. Linn, County Chair

Date: _____

Date: _____

APPROVED AS TO FORM

REVIEWED:
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By: _____
Deputy City Attorney

By: Sandra Duffy
Sandra Duffy, Assistant County Attorney

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me the 19th day of September, 2002 by Delma Farrell, authorized signatory for Diane M. Linn, Chair of the Multnomah County Board of Commissioners, to me personally known, on behalf of the County by authority of the Multnomah County Board of Commissioners.

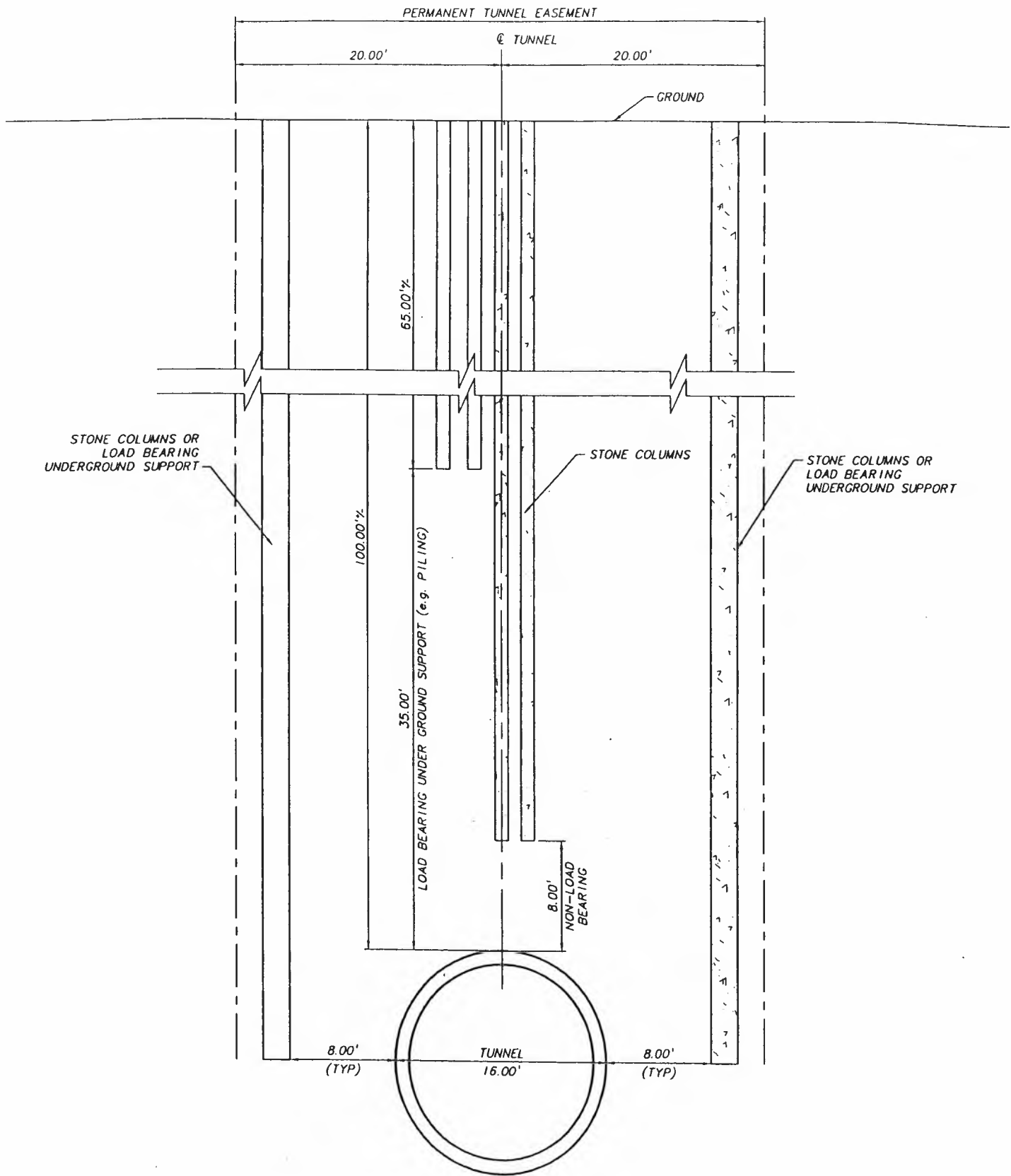
Deborah Linn Bogstad
Notary Public for Oregon
My commission expires: 6/27/05

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me this _____ day of _____ 2002,
by _____ as _____ of the City of Portland.

Notary Public for Oregon
My commission expires: _____

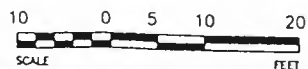
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RESTRICTIONS ON SUBSURFACE DEVELOPMENT
TO AVOID PENETRATING TUNNEL

**PB PARSONS
BRINCKERHOFF**
100 400 S.W. Sixth Ave., Portland, OR 97204

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



**WEST SIDE CSO TUNNEL
TUNNEL EASEMENT**

EXHIBIT B

JOB NO.
6680

FIGURE NO.