

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

RESOLUTION NO. 2017-098

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 a 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 of the Lot sale to go to 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 infill housing on a vacant lot close to downtown and well-served by public transit, with net proceeds of the Lot sale used for 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 a housing project on the Lot, with net proceeds of the Lot sale to be used for 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 30th day of November, 2017.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

REVIEWED:

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

By *Kenneth M. Elliott*
Kenneth M. Elliott, Assistant County Attorney

SUBMITTED BY: Sherry Swackhamer, Director, Department of County Assets.

**Until a change is requested,
all tax statements shall be sent to:**
Portland Public Schools
c/o Planning & Asset Management
501 North Dixon Street
Portland, Oregon 97227

After recording return to:
Multnomah County
c/o County Attorney (ATTN.: KME)
501 SE Hawthorne, Suite 500
Portland, Oregon 97214

STATUTORY QUITCLAIM DEED

MULTNOMAH COUNTY, a political subdivision of the State of Oregon (“**County**”) releases and quitclaims to **THE PORTLAND PUBLIC SCHOOL DISTRICT NO. 1j**, a municipal corporation of the State of Oregon (“**PPS**”), County’s reversionary right, title, and interest in and to:

The real property situated in the County of Multnomah, State of Oregon described as:

The East 40 feet of Lot 1 Block 2 **TIBBETTS ADDITION to EAST PORTLAND**, a recorded subdivision located in the City of Portland, County of Multnomah, State of Oregon (the “**Property**”).

The purpose of this conveyance is to release and relinquish County’s reversionary right, title, and interest in the Property, arising by reason of that certain restriction to use for public purposes and County’s reversionary interest reserved in the Deed from County to PPS, dated August 31, 2000; recorded September 11, 2000, as Instrument #2000-126645; and re-recorded to correct the legal description on March 6, 2001, as Instrument #2001-030510, in the Official Records of Multnomah County, Oregon.

The true consideration for this conveyance consists of PPS’s agreement for the Benson High School Construction Technology Program (the “**Program**”) to design, build and sell a housing project on the Property, with net proceeds of the Property sale to be used by the Program’s operating budget to continue the Program’s educational effort, which is the whole consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO

11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this _____ day of _____, 2017.

MULTNOMAH COUNTY,
a political subdivision of the State of Oregon

By: _____
Deborah Kafoury, Chair

STATE OF OREGON)) ss.
County of Multnomah)

This instrument was acknowledged before me on the ____ day of _____, 2017, by **Deborah Kafoury**, as **Chair** of **MULTNOMAH COUNTY**, on its behalf.

Notary Public for Oregon
My commission expires: _____

Reviewed: JENNY M. MADKOUR, COUNTY
ATTORNEY FOR MULTNOMAH COUNTY

By _____
Asst. County Attorney