

RESOLUTION NO. 2426

A RESOLUTION ACCEPTING TWO RIGHT-OF-WAY DEEDS FROM PIR DUNBAR AVENUE LLC FOR NW DUNBAR AVENUE RIGHT-OF-WAY

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. PIR Dunbar Avenue LLC is the owner of the real property at 798 NW Dunbar Avenue that is being developed.
2. The City requires the dedication of street right-of-way along the property frontage sufficient to provide 30 feet of right-of-way from the centerline of NW Dunbar Avenue.
3. PIR Dunbar Avenue LLC has agreed to dedicate the required right-of-way and has provided signed right-of-way deeds of a form and content that are in accordance with the requirements of the City (attached).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The City of Troutdale accepts the right-of-way deeds, included herewith as Attachments A and B, for NW Dunbar Avenue right-of-way.

Section 2. This resolution is effective upon adoption.

YEAS: 7

NAYS: 0

ABSTAINED: 0



Casey Ryan, Mayor

Date: July 11, 2018



Sarah Skroch, City Recorder

Adopted: July 10, 2018

Attachment "A" to Resolution #2426

After recording, return to:
City of Troutdale
City Recorder
219 E. Historic Columbia River Hwy
Troutdale, OR 97060

Until a change is requested, all tax statements shall be sent to the following address:
City of Troutdale
219 E. Historic Columbia River Hwy
Troutdale, OR 97060

RIGHT-OF-WAY DEED

PIR Dunbar Avenue LLC., an Oregon Limited Liability Company, Grantor, for good and valuable consideration consisting of the City's approval of the land use and construction permits that were required for development that will be served by the right-of-way that is conveyed hereunder, does hereby dedicate, to the public for use as a public right-of-way, the real property located in the City of Troutdale, Multnomah County, Oregon, legally described as follows:

Described on "Exhibit A" and depicted on "Exhibit B" attached and by this reference made a part thereof.

The City of Troutdale, an Oregon Municipal Corporation, Grantee, does hereby accept Grantor's dedication of the real property for use as a public right-of-way, effective upon approval by the City Council.

Grantor and Grantee agree that the consideration recited herein is good and other valuable consideration and just compensation (if any compensation were owed) for the real property that is being conveyed.

Grantor covenants to Grantee, its successors and assigns, and warrants that:

1. Grantor is the owner of said property which is free from all liens and encumbrances, and Grantor and its successors shall warrant and defend the same to the City of Troutdale against all lawful claims and demands whatsoever.
2. Grantor has disclosed all knowledge of any release of hazardous substances onto or from the property, and disclosed any known report, investigation, survey, or environmental assessment regarding the subject property. "Release" and "hazardous substance" shall have the meaning as defined under Oregon law.
3. There are no underground storage tanks, as defined under Oregon law, presently on or under the property.

It is understood and agreed that Grantee, by accepting this dedication, is not accepting any liability for any release of hazardous substances onto or from the property and that Grantor is not attempting to convey any such liability.

Grantor and its successors and assigns, agree to defend, indemnify and hold harmless the Grantee, its officers, agents and employees against all liabilities, damages, losses, claims, demands, actions, and suits (including attorneys fees and costs) resulting from the presence or release of hazardous substances onto or from the property. This provision shall not apply to the release of hazardous substances onto or from the property caused by Grantee's officer, agents or employees. Any action taken pursuant to this provision shall not constitute an admission of liability or a waiver of any defenses to liability.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the City of Troutdale, unless and until accepted and approved by the City Council.

Dated this 8th day of May, 2018.

[Signature]

Steve Kreitzberg
AS: President of PIR Dunbar Avenue LLC
An Oregon Limited Liability Company

STATE OF Oregon, County of Multnomah

Dated May 8, 2018. Personally appeared the above named Steve Kreitzberg as president of PIR Dunbar Avenue LLC an Oregon Limited Liability Company, who acknowledged the foregoing instrument to be their voluntary act.

Before me:



[Signature]
Notary Public for Oregon
My Commission expires 11/13/21

Accepted by the City of Troutdale, via Resolution No. _____, on the _____ day of _____, 20____.

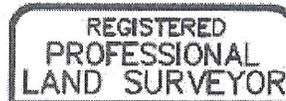
Debbie Stickney, City Recorder

EXHIBIT A

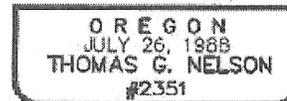
Right-of-Way Dedication

A portion of a parcel of land granted to Heritage Bank, Trustee of the Ronald W. and Jean A. Harriman Irrevocable Trust dated May 4, 1995 in Document No. 2013-133524, Multnomah County Deed Records, and shown as Tract 2 on that Record of Survey filed as Survey Number (SN) 63745 and situated in the Northwest Quarter of Section 26, Township 1 North, Range 3 East, W.M. in the City of Troutdale, Multnomah County, Oregon, that portion of said Heritage Bank parcel being more particularly described as follows:

Commencing at the Southwest corner of Lot 11 as shown on that Plat of I-84 Corporate Center filed in Book 1238, Page 44, Multnomah County Plat Records, from which a found 5/8" Iron Rod with illegible Yellow Plastic Cap bears North 01°20'00" East a distance of 0.21 feet as shown on said Record of Survey SN 63745; said point also being the Easterly most corner on the Southerly line of that tract of land granted to Everett T. Merritt by deed in Book 2244, Page 240, Multnomah County Deed Records, also being a point of the North line of that tract Parcel 1 granted to Lawrence M. Carney, Trustee Under Irrevocable Trust Agreement with Ronald W. Harriman and Jean A. Harriman dated May 4, 1995 by deed in Document No. 95-55651, Multnomah County Deed Records; thence from said Point of Commencement along the Southerly line of said Merritt tract and the North line of said Parcel 1 North 88°32'46" West a distance of 52.50 feet; thence South 01°20'03" West a distance of 89.49 feet; thence North 88°40'44" West for a distance of 247.51 feet to a point of the East line of that tract of land granted to B&G Properties, LLC by deed in Document No. 2014-029035, Multnomah County Deed Records; thence along the East line of said B&G tract and West line of said Parcel 1 South 01°19'16" West for a distance of 60.51 feet to the Southeast corner of said B&G tract of land; thence along the South line of said B&G tract and the North line of said Parcel 1 North 88°40'44" West for a distance of 300.09 feet to the Southwest Corner of said B&G tract, said point also being a point of the East line of Northwest Dunbar Avenue and an angle point in the boundary line of said Parcel 1, thence along the West line of said Parcel 1 and East line of said Northwest Dunbar Avenue South 01°19'53" West for a distance of 153.11 feet to an angle point in the boundary line of said Parcel 1 and an angle point in the boundary line of said Heritage Bank parcel, said point also being the Point of Beginning for the herein described portion of said Heritage Bank parcel; thence from said Point of Beginning along the West line of said Heritage Bank parcel and continuing along the East line of said Northwest Dunbar Avenue South 01°19'53" West for a distance of 160.34 feet to an angle point in the boundary line of said Heritage Bank parcel; thence along the Southwest line of said Heritage Bank parcel and the Northeast line of said Northwest Dunbar Avenue South 43°34'56" East for a distance of 7.08 feet; thence along a line parallel to and 5.00 feet East of the West line of said Heritage Bank parcel and the East line of said Northwest Dunbar Avenue North 01°19'53" East for distance of 165.53 feet to an angle point in the boundary lines of said Heritage Bank parcel and said Parcel 1 thence along the North line of said Heritage Bank parcel and the South line of said Parcel 1 North 88°34'30" West for a distance of 5.00 feet more or less to the Point of Beginning. The described portion of said Heritage Bank parcel contains 814 square feet, more or less.



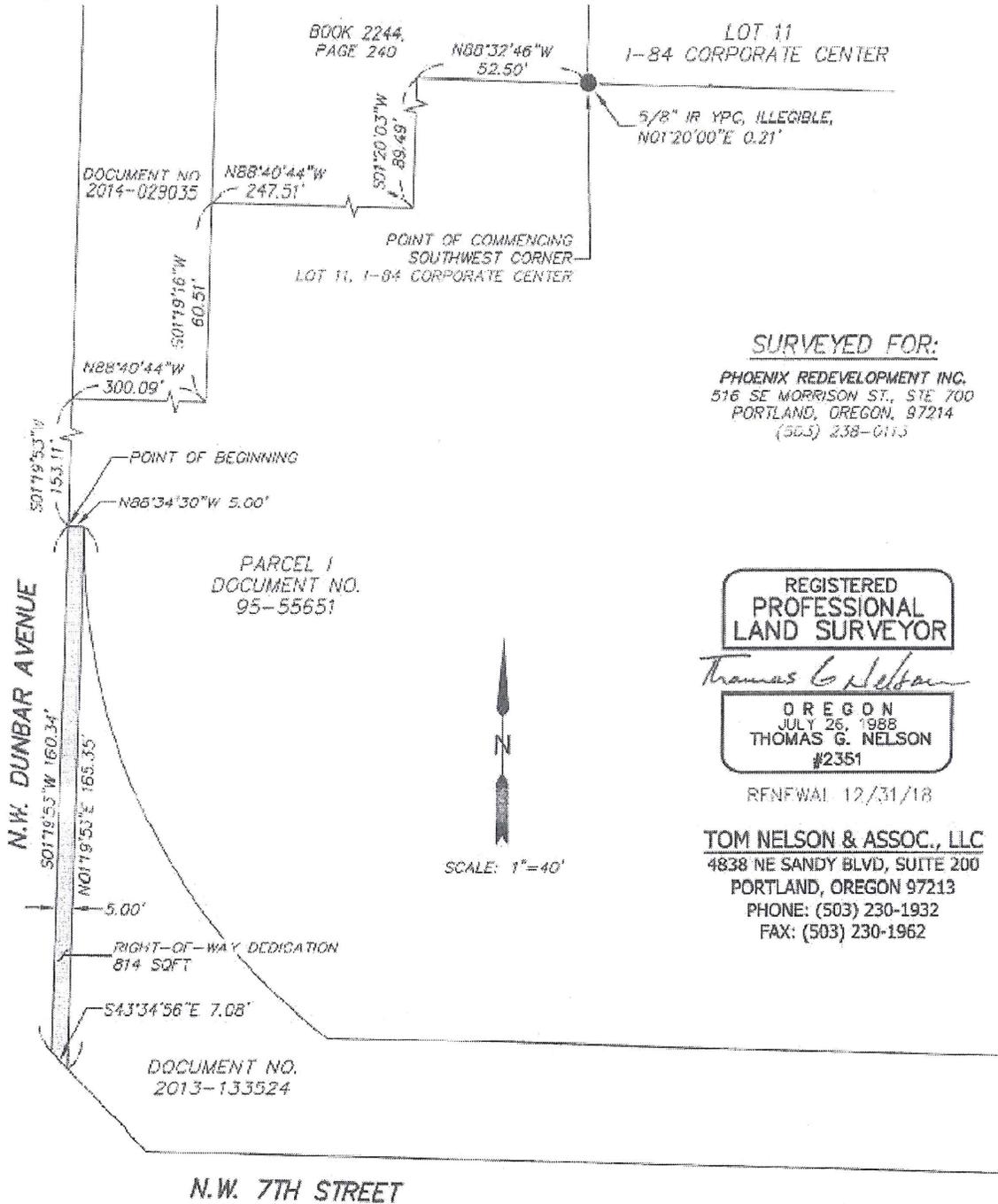
Thomas G. Nelson



RENEWAL 12/31/16

EXHIBIT 'B'

SITUATED IN THE N.W. 1/4 OF SECTION 26, T.1N, R.3E, W.M.
CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON



SURVEYED FOR:

PHOENIX REDEVELOPMENT INC.
516 SE MORRISON ST., STE 700
PORTLAND, OREGON, 97214
(503) 238-0113

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Thomas G. Nelson

OREGON
JULY 26, 1988
THOMAS G. NELSON
#2351

RENEWAL 12/31/18

TOM NELSON & ASSOC., LLC
4838 NE SANDY BLVD, SUITE 200
PORTLAND, OREGON 97213
PHONE: (503) 230-1932
FAX: (503) 230-1962



SCALE: 1"=40'

**Attachment "B" to
Resolution #2426**

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Grantor covenants to Grantee, its successors and assigns, and warrants that:

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3. There are no underground storage tanks, as defined under Oregon law, presently on or under the property.

It is understood and agreed that Grantee, by accepting this dedication, is not accepting any liability for any release of hazardous substances onto or from the property and that Grantor is not attempting to convey any such liability.

Grantor and its successors and assigns, agree to defend, indemnify and hold harmless the Grantee, its officers, agents and employees against all liabilities, damages, losses, claims, demands, actions, and suits (including attorneys fees and costs) resulting from the presence or release of hazardous substances onto or from the property. This provision shall not apply to the release of hazardous substances onto or from the property caused by Grantee's officer, agents or employees. Any action taken pursuant to this provision shall not constitute an admission of liability or a waiver of any defenses to liability.

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Dated this 8th day of MAY, 2018.

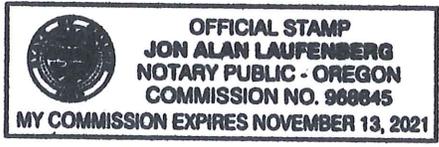
[Signature]

Steve Kreitzberg
AS President of PIR Dunbar Avenue LLC
An Oregon Limited Liability Company

STATE OF Oregon, County of Multnomah

Dated May 8, 2018. Personally appeared the above named Steve Kreitzberg as President of PIR Dunbar Avenue LLC an Oregon Limited Liability Comapny, who acknowledged the foregoing instrument to be their voluntary act.

Before me:



[Signature]
Notary Public for Oregon
My Commission expires 11/13/21

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Debbie Stickney, City Recorder

EXHIBIT A

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REGISTERED
PROFESSIONAL
LAND SURVEYOR

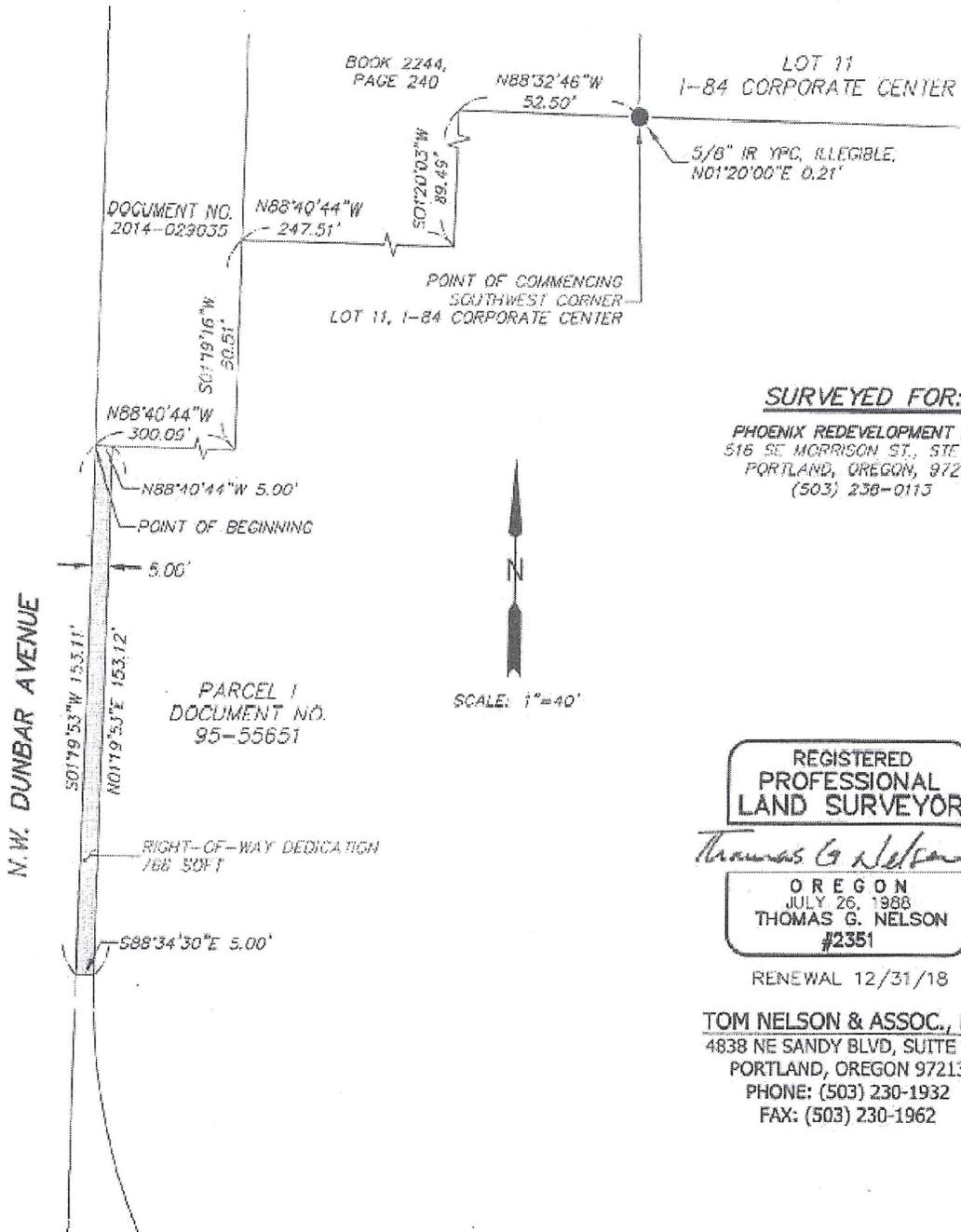
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SITUATED IN THE N.W. 1/4 OF SECTION 26, T.1N, R.3E, W.M.
CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON



SURVEYED FOR:

PHOENIX REDEVELOPMENT INC.
516 SE MORRISON ST., STE 700
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SCALE: 1"=40'

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RENEWAL 12/31/18

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PHONE: (503) 230-1932
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