RESOLUTION No. 6021

Authorizing the Right of Way Easement Dedication for the Madison High School Modernization Project Located at 2735 NE 82nd, Portland, Oregon

RECITALS

- A. The Madison High School Modernization Project is part of the 2017 School Improvement Bond.
- B. The design of the Project requires street improvements such as new sidewalks, ADA accessible ramps, and crosswalks that enhance the property and are required by City code.
- C. These street improvements require a right-of-way easement dedication to Portland Bureau of Transportation.
- D. Such right-of-way easements are frequently required in order to obtain the building permit on large construction projects, and are typically provided without cost.
- E. The Madison High School right-of-way easement consist of approximately 3,805 (three thousand, eight hundred and five) square feet of land, consisting of three-feet to five-feet sections of frontage along the streets adjacent to Madison High School, and including small sections less than 27 (twenty-seven) square feet (the Madison Easement).
- F. The Madison Easement dedication is required so that the final building permit can be issued in February 2020.

RESOLUTION

- 1. The Board hereby authorizes the Madison Easement dedication to the Portland Bureau of Transportation.
- 2. The Board hereby authorizes the Deputy Clerk to execute the Easement for Right-of Way Purposes and other required documents in a form approved by District General Counsel and to convey the Madison Easement to the Portland Bureau of Transportation so that the building permit for the Madison High School Modernization Project can be issued.



PORTLAND PUBLIC SCHOOLS

OFFICE OF SCHOOL MODERNIZATION

501 North Dixon Street / Portland, OR 97227 Telephone: (503) 916-2222

Date:	January 7, 2019
То:	School Board
From:	Dan Jung, Chief Operating Officer Dana White, Director of Planning & Real Estate Management
Subject:	Madison High School Modernization Right-of-Way Easement Dedication

BACKGROUND

The Madison High School Modernization project (the Project) is part of the 2017 School Improvement Bond.

The design of the Project requires new street improvements such as sidewalks, ADA accessible ramps, and crosswalks which both enhance the property and are required by City code.

These new street improvements require a right-of-way easement dedication to the Portland Bureau of Transportation and are a condition of the issuance of the Project's building permit. See Attachments A and B.

The right-of-way easement for the Madison High School street improvements includes approximately three thousand, eight hundred and five (3,805) square feet of land. The easement consists of 3 feet to 5 feet sections of frontage along the streets adjacent to Madison High School located at 2735 NE 82nd Street, and including small sections less than 27 square feet as generally depicted in red on Attachment C (the Madison Easement).

RELATED POLICIES/BEST PRACTICES

Board Policy 8.70.040-P Preservation, Maintenance, and Disposition of District Real Property

Right-of-Way easements for street improvements are a standard requirement of obtaining a building permit on large construction projects and are provided to the City at no cost.

ANALYSIS OF SITUATION

Denying the Madison Easement would delay the issuance of the Project's building permit, which is needed by February 2020 to meet the current construction schedule. Any delays in construction could have implications to both the Project budget and the occupancy of the building for the 2021/22 school year.

FISCAL IMPACT

There are no fiscal impacts to approving the Madison Easement dedication.

COMMUNITY ENGAGEMENT (IF APPLICABLE)

NA

TIMELINE FOR IMPLEMENTATION / EVALUATION

The Madison Easement dedication is needed by the end of January 2020 in order for the Project building permit to be issued by February 2020.

BOARD OPTIONS WITH ANALYSIS

- 1. Approve the Madison Easement dedication as required for the issuance of the building permit for the Project.
- 2. Deny the Madison Easement dedication and delay the project with no clear path for obtaining the requisite building permit.

CONNECTION TO BOARD GOALS

NA

STAFF RECOMMENDATION

Staff recommends approving the Madison Easement dedication.

As a member of the PPS Executive Leadership Team, I have reviewed this staff report.

_____ (Initials)

ATTACHMENTS

- A. PBOT Easement for Right-of-Way Purposes
- B. Legal descriptions and maps
- C. Madison site plan with all ROW dedications (for reference only)

Grantor's Name and Address: SCHOOL DISTRICT NO. 1J, MULTNOMAH COUNTY, OREGON 501 N. DIXON STREET PORTLAND, OREGON 97227



EASEMENT FOR RIGHT-OF-WAY PURPOSES

School District No. 1J, Multnomah County, Oregon, ("Grantor"), for good and valuable nonmonetary consideration, the receipt whereof is hereby acknowledged, hereby grants unto the City of Portland, a municipal corporation of the State of Oregon, ("Grantee"), which acquires pursuant to its eminent domain power and authority, an easement for public street and right-of-way purposes in the real property, being particularly described as follows ("Subject Property"):

As described on Exhibits A, B, C, D & E and depicted on Exhibits A1, B1, C1, D1, & E1 attached hereto and by this reference made a part hereof.

ALLTOGEHTER Containing 3,805 square feet, more or less.

TO HAVE AND TO HOLD, the same easement to the City of Portland for the uses and purposes aforesaid forever.

- A. Grantor represents that to the best of its knowledge after appropriate inquiry under the circumstances, the Subject Property is in compliance with all local, State and Federal environmental laws and regulations.
- B. Grantor represents that it has disclosed all knowledge of any release of hazardous substances onto or from the Subject 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.
- C. Grantor warrants that there are no underground storage tanks, as defined under Oregon law, presently on or under the Subject Property.

R/W # 8957	After Recording Return to :
1N2E29AD TL 03200 & 00100	Sarah Johnston, City of Portland
	1120 SW 5th Avenue, 8th Fl
	Portland, OR 97204
	Tax Statement shall be sent to: No Change

- D. It is understood and agreed that the Grantee, by accepting this dedication, is not accepting any liability for any release of hazardous substances onto or from the Subject Property, and that the Grantor is not attempting to convey any such liability.
- E. Subject to the limitations of the Oregon Constitution and Oregon Tort Claims Act (ORS 30.260 through 30.300), Grantor, its successors and assigns, agrees to defend, indemnify and hold harmless the Grantee, its officers, agents, and employees against all liabilities, damages, losses, claims, demands, actions, and suits (including attorney fees and costs) resulting from the presence or release of hazardous substances onto or from the Subject Property. This provision shall not apply to a release of hazardous substances onto or from the Subject Property caused by the officers, agents or employees of the Grantee. Any action taken pursuant to this provision shall not constitute an admission of liability or waiver of any defenses to liability.
- F. Grantor represents and warrants that it has the authority to grant this easement, that the Subject Property is free from all liens and encumbrances that would materially affect the easement grant, and that grantor and its successors will defend the same to the Grantee against all claims and demands of all persons whomsoever.
- G. Grantor agrees that the consideration recited herein is just compensation for the Subject Property or property rights conveyed, which includes damage to the property remainder, if any, resulting from the acquisition or use of said Subject Property or property rights.
- H. Grantor understands and agrees that if Grantor terminates the development for any reason, and a dedication of right-of-way was required and granted to the Grantee as a condition of the building permit, Grantor is not entitled to the return of the property rights granted.

THIS SECTION INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF by its member, this			School District No. 1 has caused these presents to be signed , 20
			SCHOOL DISTRICT NO. 1J, MULTNOMAH COUNTY, OREGON
		By:	
		Name: Its:	Authorized Agent
State of OREGON)		
County of MULTNOMAH)		
This instrument was ac	cknowled	ged befo	ore me on, 20, as the of School
District No. 1J, Multnomah Co	unty, Ore	gon	
			Notary Public for Oregon
			My Commission Expires:
APPROVED AS TO FORM:			
City Attorney			
APPROVED:			
AFFROVED.			
Bureau Director			Date
8957RWP-SCHOOL DIST .DOC			



LEGAL DESCRIPTION EASEMENT FOR RIGHT-OF-WAY PURPOSES OWNER: SCHOOL DISTRICT NO.1 TAX LOT NO.1N2E29DA 100

JOB NO. 8175 11/19/19 DH

EXHIBIT "A"

A 5.00 FOOT STRIP OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON, BEING A PORTION OF "NONPAREIL ADDITION", A PLAT OF RECORD, PLAT BOOK 140, PAGE 89, MULTNOMAH COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, BEING A FOUND BRASS DISK ON THE CENTERLINE OF N.E. 82ND AVENUE; THENCE ALONG SAID CENTERLINE, S.00°36'56"W., 632.07 FEET; THENCE N.89°57'31"W., 45.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF N.E. 82ND AVENUE, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF N.E. THOMPSON STREET, (30.00 FEET FROM CENTERLINE), AND THE TRUE POINT-OF-BEGINNING; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, N.89°57'31"W., 570.OO FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 1426, PAGE 596, RECORDED AUGUST 10, 1950, MULTNOMAH COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID TRACT, N.00°34'22"E., 5.00 FEET; THENCE LEAVING SAID WEST LINE, S.89°57'31"E, 570.000 FEET TO THE WEST RIGHT-OF-WAY LINE OF N.E. 82ND AVENUE (45.00 FEET FROM CENTERLINE); THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S.00°36'56"W., 5.00 FEET TO THE TRUE POINT-OF-BEGINNING, CONTAINING 2,850 SQUARE FEET, MORE OR LESS.

REGISTERED PROFESSIONAL LAND SURVEYOR OREGON JULY 16, 1987 MICHAEL A. RADEMACHER 2303

DATE OF SIGNATURE: 11-21-14 EXPIRES: 12/31/2020

4107 SE International Way, Suite 705, Milwaukie, Oregon 97222 Phone: 503.653.9093 Fax: 503.653.9095 Email: compass@compass-landsurveyors.com



LEGAL DESCRIPTION EASEMENT FOR RIGHT-OF-WAY PURPOSES OWNER: SCHOOL DISTRICT NO.1 TAX LOT NO.1N2E29AD 3200

JOB NO. 8175 11/19/19 DH

EXHIBIT "B"

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN ROAD VACATION ORDINANCE N0.92612, BOOK 4445, PAGE 375, MULTNOMAH COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, BEING A FOUND BRASS DISK AT THE CENTERLINE OF N.E. 82ND AVENUE; THENCE ALONG SAID CENTERLINE, N.00°40'33"E., 631.45 FEET; THENCE LEAVING SAID CENTERLINE, N.89°19'27"W., 45.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF N.E. 82ND AVENUE AND THE TRUE PONT-OF-BEGINNING; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE, N.89°19'27"W., 4.33 FEET; THENCE N.00°40'33"E., 6.74 FEET; THENCE S.89°19'27"E., 4.33 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S.00°40'33"W. 6.74 FEET TO THE TRUE POINT-OF-BEGINNING, CONTAINING 29 SQUARE FEET, MORE OR LESS.

REGISTERED PROFESSIONAL LAND SURVEYOR acr OREGON JULY 16, 1987 MICHAEL A. RADEMACHER 2303

DATE OF SIGNATURE: 12-21-49 EXPIRES: 12/31/2020

4107 SE International Way, Suite 705, Milwaukie, Oregon 97222

MPASS Land Surveyors

LEGAL DESCRIPTION EASEMENT FOR RIGHT-OF-WAY PURPOSES OWNER: SCHOOL DISTRICT N0.1 TAX LOT NO.1N2E29AD 3200

JOB NO. 8175 11/19/19 DH

EXHIBIT "C"

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON, BEING A PORTION OF LOTS 10,11 AND 12, BLOCK 10 "SUBDIVISION OF LOT 22 GLENHAVEN PARK", RECORDED IN PLAT BOOK 152, PAGE 62, MULTNOMAH COUNTY PLAT RECORDS, AND A PORTION OF VACATED N.E. 78TH AVENUE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, BEING A FOUND BRASS DISK AT THE CENTERLINE OF N.E. 82ND AVENUE; THENCE ALONG SAID CENTERLINE, N.00°40'33"E., 660.26 FEET TO THE CENTERLINE OF VACATED N.E. ALAMEDA STREET, EXTENDED EAST; THENCE ALONG SAID VACATED CENTERLINE, N.89°48'13"W., 816.78 FEET TO THE EAST RIGHT-OF-WAY LINE OF N.E. ALAMEDA STREET AND THE TRUE POINT-OF-BEGINNING; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S.00°38'02"W., 30.00 FEET; THENCE 80.47 FEET ALONG THE ARC OF 53.00 FOOT RADIUS NON-TANGENT, CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 86°59'48" (THE LONG CHORD BEARS S.46°45'17"W., 72.96 FEET); THENCE CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF N.E. ALAMEDA STREET, N.89°44'28"W., 41.59 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, S.00°16'55"W., 3.00 FEET; THENCE S.89°44'28"E., 41.59 FEET; THENCE 85.03 FEET ALONG THE ARC OF A 56.00 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 86°59'48"(THE LONG CHORD BEARS N.46°45'17"E., 77.09 FEET); THENCE N.00°38'02"E., 30.16 FEET TO THE VACATED CENTERLINE OF N.E. ALAMEDA STREET; THENCE ALONG SAID VACATED CENTERLINE N.89°48'13"W, 3.00 FEET TO THE TRUE POINT-OF-BEGINNING, CONTAINING 463 SQUARE FEET, MORE OR LESS.

REGISTERED PROFESSIONAL LAND SURVEYOR Use Call OREGON JULY 16, 1987 MICHAEL A. RADEMACHER 2303

DATE OF SIGNATURE: 11 -21-19 EXPIRES: 12/31/2020

4107 SE International Way, Suite 705, Milwaukie, Oregon 97222 Phone 503.653.9093 Fax 503.653.9095 Email: compass@compass-landsurveyors.com

MPASS Land Surveyors

LEGAL DESCRIPTION EASEMENT FOR RIGHT-OF-WAY PURPOSES **OWNER: SCHOOL DISTRICT NO.1** TAX LOT NO.1N2E29AD 3200

JOB NO, 8175 11/14/19 DH

EXHIBIT "D"

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON, BEING A PORTION OF LOT 13, BLOCK 11, "SUBDIVISION OF LOT 22 GLENHAVEN PARK", BOOK 152, PAGE 62, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, BEING A BRASS DISK AT THE CENTERLINE OF N.E. 82ND AVENUE; THENCE ALONG SAID CENTERLINE, N.00°40'33"E., 660.26 FEET TO THE CENTERLINE OF VACATED N.E. ALAMEDA STREET, EXTENDED EAST; THENCE ALONG SAID VACATED CENTERLINE, AND THE WESTERLY EXTENSION THEREOF, N.89°48'13"W., 940.01 FEET; THENCE S.00°11'47"W., 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF N.E. ALAMEDA STREET AND THE TRUE POINT-OF BEGINNING; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF N.E. ALAMEDA STREET, S.00°38'02"W., 23.44 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, N.89°19'34"W., 5.45 FEET; THENCE N.00°38'02"E., 7.64 FEET; THENCE 19.97 FEET ALONG THE ARC OF A 12.66 FOOT RADIUS NON TANGENT, CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90°23'51" (THE LONG CHORD BEARS N.44°33'54"W., 17.96 FEET); THENCE N.89°48'13"W., 81.81 FEET TO THE EAST LINE OF LOT 12, BLOCK 11, "SUBDIVISION OF LOT 22 GLENHAVEN PARK"; THENCE ALONG SAID EAST LINE, N.00°40'33"E., 3.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF N.E. ALAMEDA STREET (30.00 FROM CENTERLINE); THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, S.89°48'13"E., 100.00 FEET TO THE TRUE POINT-OF-BEGINNING, CONTAINING 446 SQUARE FEET, MORE OR LESS.

REGISTERED PROFESSIONAL LAND SURVEYOR Mug P! OREGON JULY 16, 1987 MICHAEL A. RADEMACHER 2303

DATE OF SIGNATURE: (1-21-14 EXPIRES: 12/31/2020

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LEGAL DESCRIPTION EASEMENT FOR RIGHT-OF-WAY PURPOSES OWNER: SCHOOL DISTRICT NO.1 TAX LOT NO.1N2E29AD 3200

JOB NO. 8175 11/19./19 DH

EXHIBIT "E"

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON, BEING A PORTION OF LOTS 10 AND 11, BLOCK 7, "SUBDIVISION OF LOTS 23 TO 27 GLENHAVEN PARK", PLAT BOOK 151, PAGE 4, MULTNOMAH COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, BEING A FOUND BRASS DISK AT THE CENTERLINE OF N.E. 82ND AVENUE; THENCE ALONG SAID CENTERLINE, N.00°40'33"E., 575.83 FEET; THENCE LEAVING SAID CENTERLINE, N.89°19'38"W., 45.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF N.E. 82ND AVENUE AND THE TRUE PONT-OF-BEGINNING; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE, N.89°19'38"W., 2.57 FEET; THENCE N.00°40'33"E., 6.59 FEET; THENCE S.89°19'38"E., 2.57 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S.00°40'33"W. 6.59 FEET TO THE TRUE POINT-OF-BEGINNING, CONTAINING 17 SQUARE FEET, MORE OR LESS.

REGISTERED PROFESSIONAL LAND SURVEYOR Cit OREGON JULY 16, 1987 MICHAEL A. RADEMACHER 2303

DATE OF SIGNATURE: 11-21-19 EXPIRES: 12/31/2020

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