

After recording return a copy to:
City of Portland
Bureau of Development Services
1900 SW 4th Avenue, Suite 5000
Portland, OR 97201

**DECLARATION OF AGREEMENT
NOT TO REMOVE PLACARD AND
ACKNOWLEDGEMENT OF COMPLIANCE
WITH TENANT NOTIFICATION REQUIREMENTS**

ADDRESS: _____

LEGAL DESCRIPTION: _____

TAX ACCOUNT NUMBER: _____

RECITALS

WHEREAS, _____ (“Declarant”) is the record owner of the parcel of real property located in the City of Portland, Multnomah County, Oregon described above (“Parcel”).

WHEREAS, the Parcel contains a building that the City of Portland has identified as being an unreinforced masonry (“URM”) building.

WHEREAS, the City Council adopted Ordinance No. 189201 on October 10, 2018, which requires all owners of URM buildings that have not been retrofitted to the standards specified in Portland City Code Section 24.85.065.F. to post a placard in a conspicuous place on the exterior at the main entrance of the building. The placard must be 8 inches by 10 inches, constructed of a durable material that can withstand the elements with the following language in 50-point sans serif font: “This is an unreinforced masonry building. Unreinforced masonry buildings may be unsafe in the event of a major earthquake.”

WHEREAS, Ordinance No. 189201 further requires the placards to be maintained to ensure that they are not defaced, removed, damaged, or degraded to the point where the placard is no longer legible until the building is either retrofitted to the required standards and the Bureau of Development Services confirms that the retrofit has been completed and approved by BDS or the building is demolished.

WHEREAS, in addition to the placarding requirement, the Ordinance requires URM building owners to notify their tenants as follows: for existing leases and rental agreements, the building owner must notify their tenants that the building is a URM building, and unreinforced masonry buildings may be unsafe in the event of a major earthquake. The building owner may notify the existing tenants in any manner that provides actual notice. For leases and rental agreements entered into or renewed after the timeline for placarding, every new or renewed lease or rental

agreement must contain the following statement in the lease or rental agreement: “the building is an unreinforced masonry building, and unreinforced masonry buildings may be unsafe in the event of a major earthquake.”

WHEREAS, Ordinance No. 189201 also requires URM building owners who are subject to the placarding and tenant notification requirements to execute and record an agreement not to remove the placard and an acknowledgement of compliance with the tenant notification requirements. The building owner must record the document and provide a copy of the recorded document, along with a photograph of the building showing the posted placard, to the Bureau of Development Services.

NOW, THEREFORE, in consideration of terms and conditions of this Declaration and Acknowledgement, Declarant declares as follows:

AGREEMENT AND ACKNOWLEDGEMENT

1. **AGREEMENT TO MAINTAIN AND NOT TO REMOVE PLACARD.** Declarant agrees to maintain the placard required by Portland City Code Section 24.85.065.C. in a conspicuous place on the exterior at the main entrance of the building until the building is either retrofitted and the Bureau of Development Services confirms that the retrofit specified in Portland City Code Section 24.85.065.F. has been completed and approved by BDS; or the building is demolished.

2. **ACKNOWLEDGEMENT OF COMPLIANCE WITH TENANT NOTIFICATION REQUIREMENT.** Declarant acknowledges that the existing tenants have been notified that the building is an unreinforced masonry building, and unreinforced masonry buildings may be unsafe in the event of a major earthquake. Declarant further acknowledges that any lease or rental agreements entered into or renewed on or after the deadline for compliance with the placarding requirements will contain the following language: “The building is an unreinforced masonry building, and unreinforced masonry buildings may be unsafe in the event of a major earthquake.”

3. **TERM AND BINDING EFFECT.** This Declaration and Acknowledgement shall be effective as of the date of the signature(s) below. Once effective, Declarant and subsequent owners and assigns may not modify, withdraw from, terminate, or dissolve this Declaration and Acknowledgement without the written approval of the City. All terms and provisions herein are intended to and shall be covenants running with the land and/or equitable servitudes burdening the Parcel and shall be binding on Declarant, Declarant’s heirs, executors, administrators, successors, and assigns and all current and future owners of the Parcel and all persons claiming title to such property.

4. **PURPOSE.** The purpose of this Declaration and Acknowledgement is to verify compliance with Ordinance No.189201, and to provide notice to any prospective purchasers or lessees that the building on the Parcel is an unreinforced masonry building, which may be unsafe in the event of a major earthquake.

5. **MODIFICATION AND TERMINATION.** This Declaration and Acknowledgement shall continue in perpetuity, unless or until modified, superseded or terminated by a written instrument

executed by all current owners of the Parcel and approved by the Portland Bureau of Development Services in writing, and recorded in the real property records of Multnomah County, Oregon.

6. ACCEPTANCE OF TERMS – DEED. By acceptance of a deed conveying title to the Parcel, future owners of the Parcel will become parties to this Declaration and Acknowledgement, whether or not expressly stated in any conveyance.

7. CONSIDERATION. Part of the consideration for this Declaration and Acknowledgement is to provide for compliance with Portland City Code Section 25.85.065, subsections C. and D., which require that owners of URM buildings post and maintain placards on their buildings and provide tenant notification informing users and tenants of the buildings that the building is a URM building and that URM buildings may be unsafe in the event of a major earthquake.

IN WITNESS WHEREOF, the Declarant has executed this Declaration and Acknowledgement as of the date set forth below.

DECLARANT:

(signature) DATE: _____

By: _____
(printed name)

Title: _____

ADDRESS: _____
(mailing address)

STATE OF OREGON)
) ss.
County of _____)

Personally appeared before me this _____ day of _____, 20____,
_____ (name) and acknowledged the foregoing instrument
to be his/her voluntary act and deed.

By: _____
Notary Public for Oregon

My Commission Expires: _____