

City of Portland Excess Property

Internal Notification Process - City Real Property Coordinator

Please attach step III A.: The Identification, Notification, and Disposition Process

The document created/circulated to declare the property excess:

Bureau recommendation > Bureau Director Approval > Commissioner-in-charge approval

Please attach the preliminary title report for the property*

Please attach an aerial photo with lot lines and zoning overlays

R-Number

Date

Property Address

Pertinent Property Information

Property size

Zoning

Description of infrastructure on site

Anticipated restrictions / Easements: If Bureau is aware of easements and or restrictions to facility, indicate below:

Water

BES

PBOT

Bureau contact information

Declaration of Excess Property

Portland Parks & Recreation and Prosper Portland jointly own two tax lots on NE Halsey adjacent to Gateway Discovery Park. The property is identified as R680891 and R680892. This property is not needed for Park purposes and is hereby declared excess to the needs of Portland Parks & Recreation.

Parks is directed to commence with the City's disposition process, which will include determining if other bureaus have interests in the property that need to be preserved. Upon Council approval, Parks' interest in the property will be transferred to Prosper Portland.



Nick Fish, Commissioner

Date: 3/1/19



Adena Long, Director

Date: 2/21/19

Gateway Discovery Park



 **TICOR TITLE INSURANCE COMPANY**

COMMERCIAL PRELIMINARY TITLE REPORT SUPPLEMENT 2

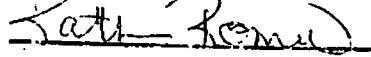
Commercial Office

1000 SW Broadway, Suite 1555 • Portland OR 97205
(503) 242-1210 • FAX: (503) 242-0770

October 14, 2008

Order Number: 903833
Regarding: H. & M. Leromaho, LLL
Property Address: 10520 NE Halsey Street
Portland, OR
County: Multnomah

READ & APPROVED



Title Officer: Robert F. Brandon
Bob.Brandon@TicorTitle.com

Escrow Officer: Candice Weischedel
Candice.Weischedel@ticortitle.com
Can be reached at 503-242-1210.

DATED AS OF: October 8, 2008, 8:00 am

VESTING:

BRADLEY F. FISHEL, AS TO AN UNDIVIDED TWENTY-FIVE PERCENT INTEREST and
KAREN J. FISHEL, AS TO AN UNDIVIDED TWENTY-FIVE PERCENT INTEREST and
SCOTT FISHEL, AS TO AN UNDIVIDED TWENTY-FIVE PERCENT INTEREST and
PEGGY SPOTT, AS TO AN UNDIVIDED TWENTY-FIVE PERCENT INTEREST,
AS TENANTS IN COMMON

LEGAL DESCRIPTION:

See Attached Legal Description.

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AS TENANTS IN COMMON

LEGAL DESCRIPTION:

See Attached Legal Description.

A. The Standard Policy exceptions and the following Special exceptions shall appear on the final 2006 ALTA policy unless removed prior to issuance:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records: reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

TT. Property taxes UNPAID

Tax Year: 2008-09
Unpaid Amount: \$22,754.87, unpaid plus interest
Tax Acct Number: R320014, 1N2E34BB-00700, Code 712
County: Multnomah

6. Portland city lien(s), if any. None shown as of June 1, 2007.
7. Easement, including the terms and provisions thereof,
From: Safeway Stores, Incorporated, a Maryland corporation
To: James Hemstreet and Norma Carpenter
Recorded Date: June 8, 1966
Recording Number: Book 505 Page 489
For: The Southerly 29 feet
8. The herein described property lies within the boundaries of an Urban Renewal Plan.
For: Gateway Regional Center
9. Unrecorded Lease, including the terms and provisions thereof,
From: H and M Investment Co., Lessor
To: OCB Restaurant Company, LLC, Lessee
Dated: July 31, 2006

Disclosed By: Memorandum of Ground Lease
Recorded Date: August 10, 2006
Recording Number: 2006-148259
10. **DELETED**
11. If requested to issue an extended coverage ALTA lenders policy, the following matters must be addressed:
 - a) The rights of tenants holding under unrecorded leases;
 - b) Any facts which would be disclosed by an accurate survey of the premises;
 - c) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the premises within the last 75 days. We also request that we be notified in the event that any funds are to be used for construction, alterations or repairs.

12. Revocable Permit to Maintain Backflow Assembly in Right of Way, including the terms and provisions thereof,
 Between: Portland Water Bureau
 And: H & M Investment Co.
 Recorded Date: November 13, 2007
 Recording Number: 2007-196434
13. Deed of Trust and Assignment of Leases and Rents, including the terms and provisions thereof, given to secure a note,
 Amount: \$150,000.00
 Executed By: H. & M. Leromaho, LLL
 Trustee: Wells Fargo Financial National Bank
 Beneficiary: Wells Fargo Bank, N.A.
 Recorded Date: September 17, 2007
 Recording Number: 2007-165156
14. A copy of the terms and provisions of the operating agreement of limited liabilities companies should be furnished for our examination prior to closing. Any conveyance or encumbrance of limited liabilities companies' property must be executed by all of the members unless otherwise provided for in the operating agreement. In addition, if there have been any changes in membership from the date of original creation of the limited liabilities companies to the present date, copies of approval of withdrawal and acceptance of the new member should be furnished for our examination.
 Affects: H. & M. LEROMAHO, LLC

Additional Requirements / Notes:

- a. We find no conveyances have been recorded affecting this property in the last 24 months, except:

Type of Deed: Statutory Warranty Deed
 Grantor: H. & M. Leromaho, LLC, an Oregon limited liability company
 Grantee: Bradley F. Fishel, et al
 Consideration: consists of other good and valuable consideration
 Recorded: July 7, 2008
 Recording Number: 2008-100233

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium is paid.

Miscellaneous Title Charges:

Govt Service Fee: \$25.00

A tract of land situated in the Northwest one-quarter of the Northwest one-quarter of Section 34, Township 1 North, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, more particularly described as follows:

Beginning at the Section corner common to Sections 27, 28, 33 and 34, Township 1 North, Range 2 East of the Willamette Meridian; thence from said point South 89° 35' 30" East 770.00 feet along the Section line between Sections 27 and 34 to a point; thence South 0° 35' 00" West 40.00 feet to an iron pipe on the South property line of NE Halsey Street; thence South 89° 35' 30" East along the South property line of NE Halsey Street 20 feet to the true point of beginning of the tract to be described, said true point being also the Northeast corner of a tract conveyed by deed to Mark J. Co., a co-partnership consisting of Jim E. Hemstreet and Norma Carpenter, recorded January 16, 1967 in Book 543, Page 941, Deed Records; thence continuing South 89° 35' 30" East along the South property line of NE Halsey Street, 342.24 feet to an iron pipe at the Northeast corner of Lot 1, IDA ADDITION, according to the recorded plat thereof, said point also being on the West line of NE 106th Avenue; thence South 0° 32' 54" West 139.84 feet along the West line of NE 106th Avenue to an iron pipe; thence along the arc of a curve to the right (whose radius is 223 feet, central angle is 10° 27' 36", a semi-tangent is 20.41 feet) 40.71 feet to an iron pipe; thence South 11° 00' 30" West 67.90 feet along the West line of NE 106th Avenue to an iron pipe; thence South 89° 58' 15" West 326.20 feet to the Southeast corner of the said Mark J. Co. tract; thence North along the East line of said Mark J. Co. tract 250 feet to the true point of beginning.

After Recording Return to and
Tax Statements to be Sent to:

Portland Development Commission
Attn: Kathy Romero
222 NW Fifth Avenue
Portland, OR 97209

TRUE COPY

THIS DOCUMENT IS A TRUE COPY OF THE
ORIGINAL IN FULL FORCE AND EFFECT FILED
IN Multnomah COUNTY,
UNDER FEE # 2008-170907 , ON
DATE 12-29-2008
[Signature]
TICOR TITLE INSURANCE COMPANY

STATUTORY WARRANTY DEED

BRADLEY F. FISHEL, AS TO AN UNDIVIDED TWENTY-FIVE PERCENT INTEREST and
KAREN J. FISHEL, AS TO AN UNDIVIDED TWENTY-FIVE PERCENT INTEREST and
SCOTT FISHEL, AS TO AN UNDIVIDED TWENTY-FIVE PERCENT INTEREST and
PEGGY SPOTT, AS TO AN UNDIVIDED TWENTY-FIVE PERCENT INTEREST, AS
TENANTS IN COMMON "Grantor", convey and warrant to the **CITY OF PORTLAND**,
acting by and through **THE PORTLAND DEVELOPMENT COMMISSION** and the **CITY
OF PORTLAND PARKS AND RECREATION BUREAU** as Tenants in Common,
"Grantee", the following described real property free of encumbrances, except as specifically set
forth herein:

SEE ATTACHED EXHIBIT "A"

The conveyance is subject to the easements, covenants, restrictions, conditions and
encumbrances of record, as set out in Exhibit "B" attached hereto and incorporated herein.

The true consideration for this reconveyance of the Property located at 10520 NE Halsey,
Portland Oregon is \$2,242,020.00 and other good and valuable 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. 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.

IN WITNESS WHEREOF, Bradley F. Fishel, Karen J. Fishel, Scott Fishel and Peggy Spott as Individuals have caused this Deed to be executed this 24 day of December, 2008.

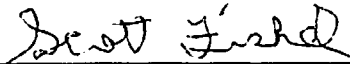
GRANTORS



BRADLEY F. FISHEL, an Individual



KAREN J. FISHEL, an Individual

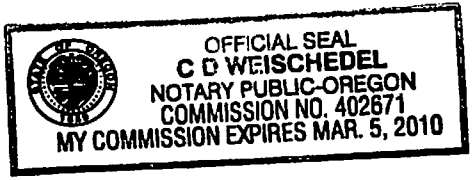


SCOTT FISHEL, an Individual

PEGGY SPOTT, an Individual

STATE OF OREGON)
) ss.
County of Multnomah)

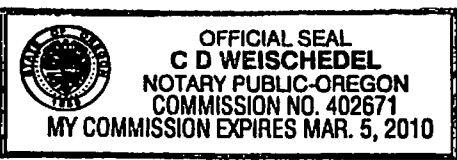
The foregoing instrument was acknowledged before me this 24 day of December, 2008, by Bradley F. Fishel as an Individual.



C D Weischeidel
Notary Public for
My commission expires: 3/5/10

STATE OF OREGON)
) ss.
County of Multnomah)

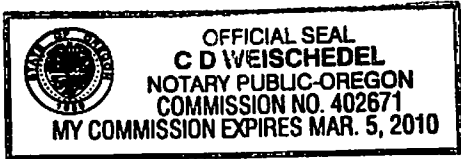
The foregoing instrument was acknowledged before me this 24 day of December, 2008, by Karen J. Fishel as an Individual.



C D Weischeidel
Notary Public for
My commission expires: 3/5/10

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me this 24 day of December, 2008, by Scott Fishel as an Individual.



C. D. Weischedel
Notary Public for
My commission expires: 3/5/10

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me this _____ day of December, 2008, by Peggy Spott as an Individual.

Notary Public for
My commission expires: _____

**EXHIBIT A
LEGAL DESCRIPTION**

A tract of land situated in the Northwest one-quarter of the Northwest one-quarter of Section 34, Township 1 North, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, more particularly described as follows:

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Legal Description

STATUTORY WARRANTY DEED
Permitted Exceptions

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To: James Hemstreet and Norma Carpenter
Recorded Date: June 8, 1966
Recorded Number: Book 505 Page 489
For: The Southerly 29 feet

8. The herein described property lies within the boundaries of an Urban Renewal Plan.
For: Gateway Regional Center

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And: H & M Investment Co.
Recorded Date: November 13, 2007
Recording Number: 2007-196434

ACKNOWLEDGMENT

Pertaining to the sale and purchase of that certain real property described as:

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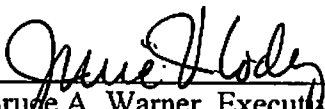
Legal Description

also known as: 10520 NE Halsey Street, Portland, Oregon.

THE CITY OF PORTLAND, by and through the PORTLAND DEVELOPMENT COMMISSION, approves the attached conveyance and hereby accepts the title and interest transferred by the conveyance.

GRANTEE:

THE CITY OF PORTLAND, by and through the PORTLAND DEVELOPMENT COMMISSION


for _____
Bruce A. Warner, Executive Director