



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

January 25, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners
Sitting/Acting as Development Agency Board
Clackamas County

Approving Termination of a Disposition and Development Agreement with Sam Allen Motel Properties, LLC and One Monarch Center, LLC. No fiscal impact. No County General Funds are involved.

Previous Board Action/Review	Disposition and Development Agreement (DDA) approved: 10-23-97 DDA Amendment approved: 10-17-02 DDA 2 nd Amendment approved: 7-8-04 Request for Consent: 1-23-24		
Performance Clackamas	Build public trust through good government.		
Counsel Review	HH – 12-19-23	Procurement Review	No
Contact Person	David Queener, Development Agency Program Coordinator	Contact Phone	503.742.4322

EXECUTIVE SUMMARY:

In October 1997, the Development Agency entered into a Disposition and Development Agreement (DDA) with Sam Allen Motel Properties, LLC and One Monarch Center, LLC, which outlined commitments by each party for the development of properties located between Sunnyside Road and Sunnyside Boulevard east of 93rd Avenue.

Each party has fulfilled all commitments in the DDA, making it no longer relevant. Therefore, all parties have agreed to terminate the DDA.

RECOMMENDATION:

Staff respectfully recommends the Board approve the document terminating the Disposition and Development Agreement.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation &
Development

For Filing Use Only

After Recording Return to:

One Monarch Center, LLC
C/O Robert C. Dougherty
Law Office of Robert C. Dougherty
1130 SW Morrison St., Ste. 210
Portland, OR 97205-2213

TERMINATION OF DISPOSITION & DEVELOPMENT AGREEMENT

This Termination of Disposition & Development Agreement (“Termination Agreement”) is effective November 20, 2023 by and between CLACKAMAS COUNTY DEVELOPMENT AGENCY, the Urban Renewal Agency of Clackamas County, a corporate body politic (the “Agency”) and Sam Allen Motel Properties, LLC, an Oregon limited liability company, and One Monarch Center, LLC an Oregon limited liability company (collectively “Developer”).

RECITALS

- A. Agency entered into a Disposition and Development Agreement with Omega Investments, LLC and Samuel E. Allen and Anita M. Allen on or about October 23, 1997 and recorded October 31, 1997 as Instrument No. 97-085769 (the “DDA”).
- B. The DDA was supplemented by a Certificate of Completion recorded December 9, 1999 as Instrument No. 99-113644. The DDA was amended by an Amendment dated October 17, 2002 and recorded October 25, 2002 as Instrument No. 2002-102847. The DDA was further amended by a Second Amendment dated July 8, 2004 and recorded July 15, 2004 as Instrument No. 2004-0651139.
- C. Developer are the successors in interest to Omega Investments, LLC and Samuel E. Allen and Anita M. Allen. Sam Allen Motel Properties, LLC is the owner of Tax Lot 2400 as legally described on the attached Ex. A. One Monarch Center, LLC is the owner of Tax Lot 2000 legally described on the attached Ex. B and the owner of Tax Lot 2600 legally described on the attached Ex. C. Agency is the owner of Tax Lot 2500 legally described on the attached Ex. D.
- D. All options and time lines having expired and the purpose of the DDA no longer being relevant, and the DDA continuing to be an encumbrance against the properties of the parties hereto, the parties agree as follows

TERMINATION AGREEMENT

NOW THEREFORE, the parties do hereby extinguish, release, quit-claim, and terminate the Disposition and Development Agreement dated on or about October 23, 1997 and recorded October 31, 1997 as Instrument No. 97-085769, as amended by an Amendment dated October 17, 2002 and recorded October 25, 2002 as Instrument No. 2002-102847, and a Second Amendment dated July 8, 2004 and recorded July 15, 2004 as Instrument No. 2004-0651139, including all rights, covenants, options, benefits and burdens set forth in that aforementioned Disposition and Development Agreement as amended.

[execution on following page]

SAM ALLEN MOTEL PROPERTIES, LLC

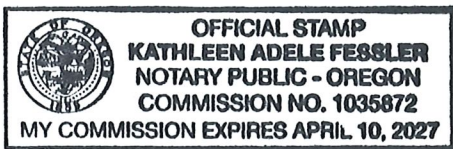
Dated: 12-27-23

Samuel E. Allen

Samuel E. Allen, as Trustee of the
Samuel E. Allen Trust dated June 23, 1999 as amended,
Authorized Member for Sam Allen Motel Properties,
LLC

State of Oregon)
) ss.
County of Clackamas)

This instrument was personally acknowledged before me on DEC. 27th, 2023 by Samuel E. Allen, as Trustee of the Samuel E. Allen Trust dated June 23, 1999 as amended, as Authorized Member for Sam Allen Motel Properties, LLC



Kathleen Fessler

Notary Public-State of Oregon
My commission expires:

ONE MONARCH CENTER, LLC

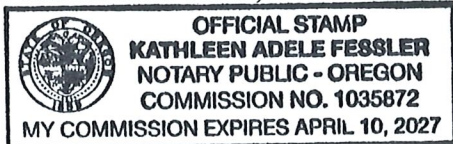
Dated: 12-27-23

Samuel E. Allen

Samuel E. Allen, as Trustee of the
Samuel E. Allen Trust dated June 23, 1999 as amended,
Authorized Member for One Monarch Center, LLC

State of Oregon)
) ss.
County of Clackamas)

This instrument was personally acknowledged before me on DEC. 27th, 2023 by Samuel E. Allen, as Trustee of the Samuel E. Allen Trust dated June 23, 1999 as amended, as Authorized Member for One Monarch Center, LLC



Kathleen Fessler

Notary Public-State of Oregon
My commission expires:

CLACKAMAS COUNTY DEVELOPMENT AGENCY, a corporate body politic

Dated:

By: _____

Name:

Its:

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was personally acknowledged before me on _____, 20__, by _____,
as _____ of Clackamas County Development Agency, a corporate body politic.

Notary Public for Oregon
My commission expires:

EXHIBIT A
Legal Description Tax Lot 2400 (Motel Property)

PARCEL I:

A parcel of property situated in the Northeast one-quarter of Section 4, Township 2 South, Range 2 East, and the Southeast one-quarter of Section 33, Township 1 South, Range 2 East of the Willamette Meridian in the County of Clackamas and State of Oregon, being described as follows:

Commencing at the Southwest corner of Lot 12, SOUTHSLOPE, recorded as Plat Number 771, Clackamas County Records; thence North 89°52'12" East parallel with the centerline of Southeast Sunnybrook Street a distance of 493.61 feet to a point which bears South 00°07'48" East from a point 240.00 feet right of Engineers Centerline Station 673+81.33 P.S.C. on the Westerly right-of-way of Interstate 205; thence North 00°07'48" West a distance of 813.91 feet to said right-of-way line at Engineers Station 673+81.33 P.S.C.; thence North 25°20'57" West along said right-of-way line towards a point 310.00 feet right of Engineers Station 670+40.00 a distance of 21.06 feet to the TRUE POINT OF BEGINNING; thence South 64°39'03" West a distance of 158.93 feet to a point on the West line of that tract conveyed to Samuel E. Allen recorded under Fee Number 84-23247 Clackamas County Deed Records; thence South 88°57'12" West a distance of 175.10 feet to a point on the centerline of Southeast 91st Avenue vacated by Fee Number 88-44833, Clackamas County Deed Records; thence South 01°00'07" East along said centerline a distance of 15.39 feet to a point on the Easterly right-of-way line of Southeast 93rd Avenue and a 347.00 foot radius curve to the right having a tangent bearing of South 27°19'54" East into said curve at this point; thence along said right-of-way line and around said 347.00 foot radius curve to the right through a central angle of 01°42'56" (the long chord of which bears South 26°28'26" East a distance of 10.39 feet) a distance of 10.39 feet to a point on the South line of Lot 4, SOUTHSLOPE, recorded as Plat Number 771, Clackamas County Records; thence North 89°00'19" East along the South line of Lot 4 a distance of 170.63 feet to a point on the West line of that tract conveyed to Samuel E. Allen recorded under Fee Number 84-23247, Clackamas County Deed Records; thence South 00°59'41" East along said Allen tract a distance of 739.65 feet to a point on the North right-of-way line of Southeast Sunnybrook Street; thence North 89°52'12" East along said North right-of-way line a distance of 263.75 feet to a point on the Westerly right-of-way line of Interstate 205; thence North 04°23'07" East along said Westerly right-of-way line a distance of 246.37 feet to a point 140.00 feet right of Engineers Centerline Station 680+00.00; thence North 09°13'50" West along said right-of-way line a distance of 285.91 feet to a point 180.00 feet right of Engineers Centerline Station 677+00.00; thence North 18°51'31" West along said right-of-way line a distance of 301.19 feet to a point 240.00 feet right of Engineers Centerline Station 673+81.33 P.S.C.; thence North 25°20'57" West along said right-of-way line a distance of 21.06 feet to the true point of beginning.

PARCEL II:

A non-exclusive Easement for ingress, egress, and cross parking purposes, as created by that certain instrument entitled "Amended and Restated Cross Parking Easement and Agreement", recorded December 29, 1999, as Recorder's Fee No. 99-117865, Clackamas County Records.

PARCEL III:

An access Easement as more fully set forth and described in Access Easement Agreement, recorded October 1, 2019, as Recorder's Fee No. 2019-001280, Clackamas County Records.

EXHIBIT B
Legal Description Tax Lot 2000
One Monarch Center Office Building

A parcel of property situated in the Northeast quarter of Section 4, Township 2 South, Range 2 East, and the Southeast quarter of Section 33, Township 1 South, Range 2 East of the Willamette Meridian in Clackamas County, Oregon, being described as follows:

COMMENCING at the Southwest corner of lot 12, "Southslope" recorded as Plat number 771, Clackamas County Survey Records;

THENCE North 89° 52' 12" East parallel with the centerline of Southeast Sunnybrook Street a distance of 493.61 feet to a point which bears South 00° 07' 48" East from a point 240.00 feet right of Engineers Centerline Station 673 + 81.33 P.S.C. on the Westerly right-of-way of Interstate 205;

THENCE North 00° 07' 48" West a distance of 813.91 feet to said right-of-way line at Engineers Station 673 + 81.33 P.S.C.;

THENCE North 25° 20' 57" West along said right-of-way line towards a point 310.00 feet right of Engineers Station 670 + 40.00 a distance of 21.06 feet to the TRUE POINT OF BEGINNING;

THENCE South 64° 39' 03" West a distance of 158.93 feet to a point on the West line of that tract conveyed to Samuel E. Allen recorded under Fee Number 84-23247, Clackamas County Deed Records;

THENCE South 88° 57' 12" West a distance of 175.10 feet to a point on the centerline of Southeast 91st Avenue vacated by Fee Number 88-44833, Clackamas County Deed Records;

THENCE North 01° 00' 07" West along the centerline of said Southeast 91st Avenue a distance of 414.23 feet to a point on the South right-of-way line of Southeast Sunnyside Road;

THENCE North 87° 11' 31" East along said South right-of-way line a distance of 118.69 feet to a point on the aforesaid West right-of-way line of Interstate 205;

THENCE South 47° 03' 38" East along said right-of-way line a distance of 103.03 feet to a point 310.00 feet right of Engineers Centerline Station 670 + 40.00;

THENCE South 25° 20' 57" East along said right-of-way line towards Engineers Station 673 + 81.33 P.S.C. a distance of 308.23 feet to the TRUE POINT OF BEGINNING.

EXHIBIT C
Legal Description Tax Lot 2600
Adjacent Parking Lot

A parcel of land located in the Northeast one-quarter of Section 4, Township 2 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, and being more particularly described as follows:

Beginning at a point that bears North 01° 01' 11" West, 374.92 feet and North 88°58'49" East, 352.53 feet from the Southwest corner of Lot 12, of the recorded plat of SOUTHSLOPE; said point being on the Easterly line of said SOUTHSLOPE; thence from the point of beginning South 88°59'18" West, 139.03 feet; thence North 01°01'11" West, 215.56 feet to a point of curvature; thence 87.60 feet along the arc of a 347.00 foot radius curve to the left through a central angle of 14°27'53" (the long chord of which bears North 08°15'07" West, 87.37 feet) to a point; thence along a non-radial line North 01°01'11" West, 57.77 feet to a point; thence North 88°59'18" East, 150.07 feet to the Easterly line of said SOUTHSLOPE; Thence along the said Easterly line South 01°01'42" East, 360.00 feet to the point of beginning.

EXHIBIT D
Legal Description Tax Lot 2500
Agency Undeveloped Parcel

A parcel of land located in the Northeast one-quarter of Section 4, Township 2 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, and being more particularly described as follows:

Beginning at a point that bears North 01° 01' 11" West 16.94 feet and North 88° 58' 49" East 352.49 feet from the Southwest corner of Lot 12, of the recorded Plat of SOUTHSLOPE, said point also being on the Easterly line of said SOUTHSLOPE, thence from a point of beginning South 89° 52' 24" West 104.54 feet to a point of curvature; thence 40.99 feet along the arc of a 35.00 foot radius curve to the right through a central angle of 67° 05' 42" (the long chord of which bears North 56° 34' 45" West 38.68 feet) to a point of cusp with a 45.00 foot radius curve (the radius point of which bears North 59° 58' 02" West 45.00 feet); thence 53.35 feet along the arc of said 45.00 foot radius curve to the left through a central angle of 67° 55' 20" (the long chord of which bears North 03° 55' 42" West 50.28 feet); thence along a non-radial line North 01° 01' 11" West 284.29 feet; thence North 88° 59' 18" East 139.03 feet to a point on the Easterly line of said SOUTHSLOPE; thence along the Easterly line of said SOUTHSLOPE South 01° 00' 42" East 357.99 feet to the point of beginning.