



Chad Fackler  
Rembold, Director of Construction  
10305 SW Park Way, Suite 204  
Portland, OR 97225

March 2, 2023

**ELMONICA STATION – PUBLIC STREET IMPROVEMENTS TO SW 170<sup>TH</sup> AVENUE**

Dear Mr. Fackler:

This letter confirms that TriMet approves the amended plans dated 01/27/2023 for the modification and replacement of the improvements located on TriMet’s real property, located on the west side of SW 170<sup>th</sup> Ave adjacent to your Elmonica Station project.

The TriMet parcel is shown on the plan attached as Exhibit A, and is described as the land lying in the Southeast One-quarter of Section 6, Township 1 South, Range 1 West of the Willamette Meridian, Washington County, Oregon; and being a portion of that property described in Parcel 2 of Document No. 2000-002560 of the Washington County Book of Records; said parcel (“Parcel”) being more particularly described as follows: Commencing at a point on the westerly right-of-way of SW 170<sup>th</sup> Avenue at the Southeast corner of said Parcel 2, thence along said westerly right-of-way line North 01°25’45” East, 44.44 feet to the TRUE POINT OF BEGINNING; thence leaving said right-of-way line North 53°17’36” West, 24.50 feet to a 5/8 inch iron rod with a yellow plastic cap stamped “DEA INC.” on a line 45.00 feet westerly of, and parallel with, the centerline of SW 170<sup>th</sup> Avenue; thence along said parallel line North 01°25’45” East 142.81 feet to a 5/8 inch iron rod with a yellow plastic cap stamped “DEA INC.” thence North 08°20’44” East, 166.09 feet to a 1-1/4 inch brass disk stamped “DEA INC. WSLRT” on said westerly right-of-way line, thence along said westerly right-of-way line South 01°25’45” West, 321.83 feet to the TRUE POINT OF BEGINNING. Bearings are based on Survey Number 27,168, Washington County Survey Records. The parcel of land to which this description applies contains 4,646 square feet, more or less.

TriMet approves the modifications proposed by Rembold as detailed on the Public Street Improvements plans updated on 1/27/2023 and attached as Exhibits B and C. TriMet’s approval is subject to the following conditions:

1. Prior to construction, Rembold will enter into a Permit of Entry (POE) with TriMet. The POE will be a legally binding agreement, signed by both parties, in a form acceptable to TriMet. The POE will contain the following conditions:
  - a. Rembold or its successors in title are responsible for the maintenance and repair of all improvements constructed by Rembold on the Parcel for the two year period following the completion of the improvements, unless the damage is caused by TriMet, in which

case TriMet will repair. Beginning in Year 3, TriMet or its successors in title will be responsible for maintenance and repair of the improvements.

- b. Rembold or its successors in title are responsible for the cost of implementing the improvements on the TriMet Parcel, including all permitting, recording, or any other such fees.
- c. No liens can be placed on the TriMet parcel as a result of the planned improvements, and Rembold will promptly cause any recorded liens to be satisfied and released.
- d. Rembold will defend, indemnify and hold TriMet harmless from any third-party claims related to the construction of the Public Street Improvements.
- e. Prior to construction, Rembold will provide TriMet with any revisions or modifications to the Public Street Improvements Plans updated on 1/27/2023.
- f. Following construction completion, Rembold to provide TriMet with Project As-Builts for all Public Street Improvement work.

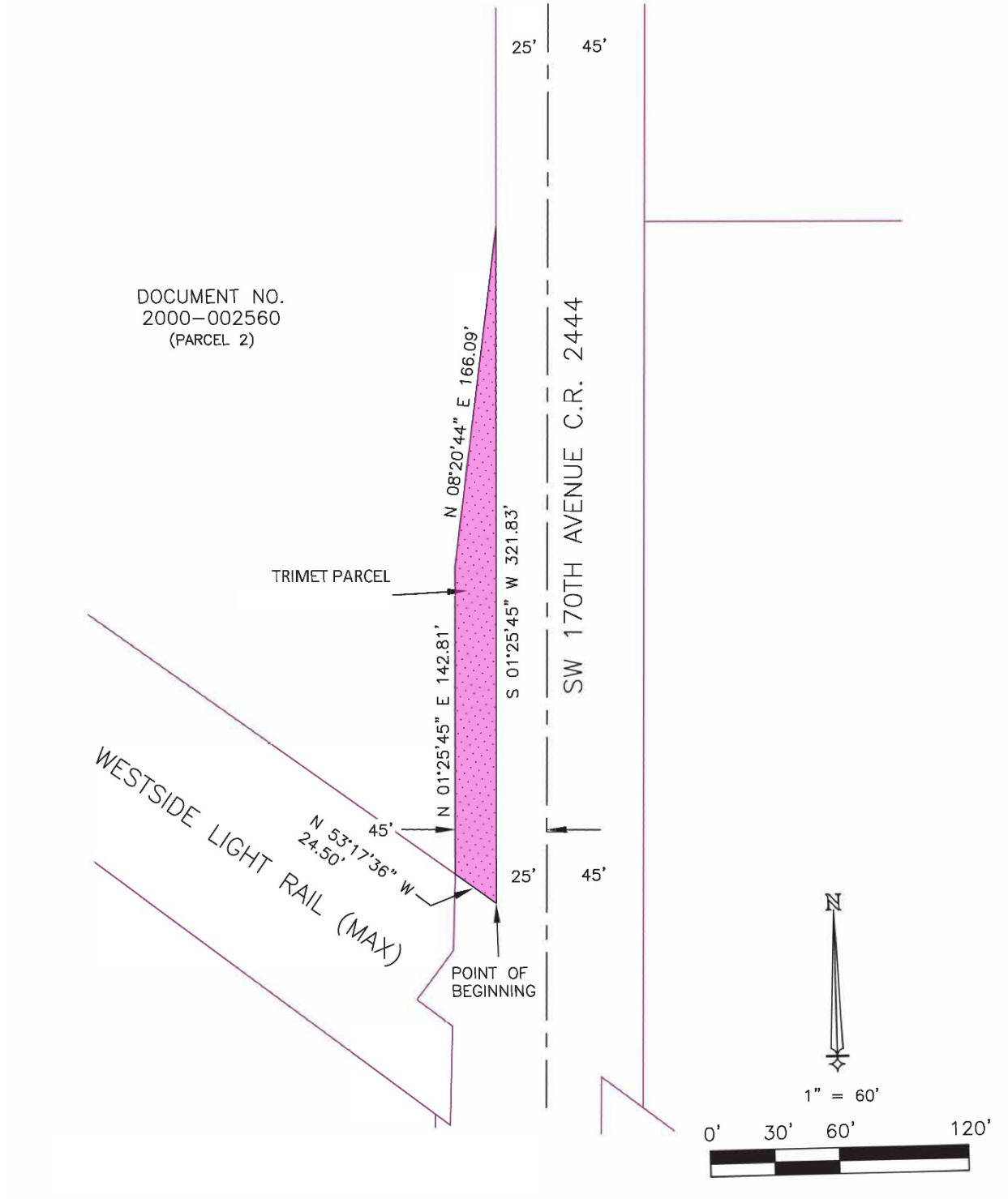
I confirm I have the authority to sign this letter authorizing these modifications to TriMet's land, under the conditions set forth herein.

Yours sincerely,

Lance Erz  
Director of Real Estate and Transit-Oriented Development  
Senior Deputy General Counsel  
[erzl@trimet.org](mailto:erzl@trimet.org) | 503-349-3207

CC: Rembold – Kali Bader; Francis Dardis  
TriMet – Guy Benn; Fiona Lyon; Nick Stewart; Michael McNeill; Libby Winter

EXHIBIT A – TRIMET PARCEL

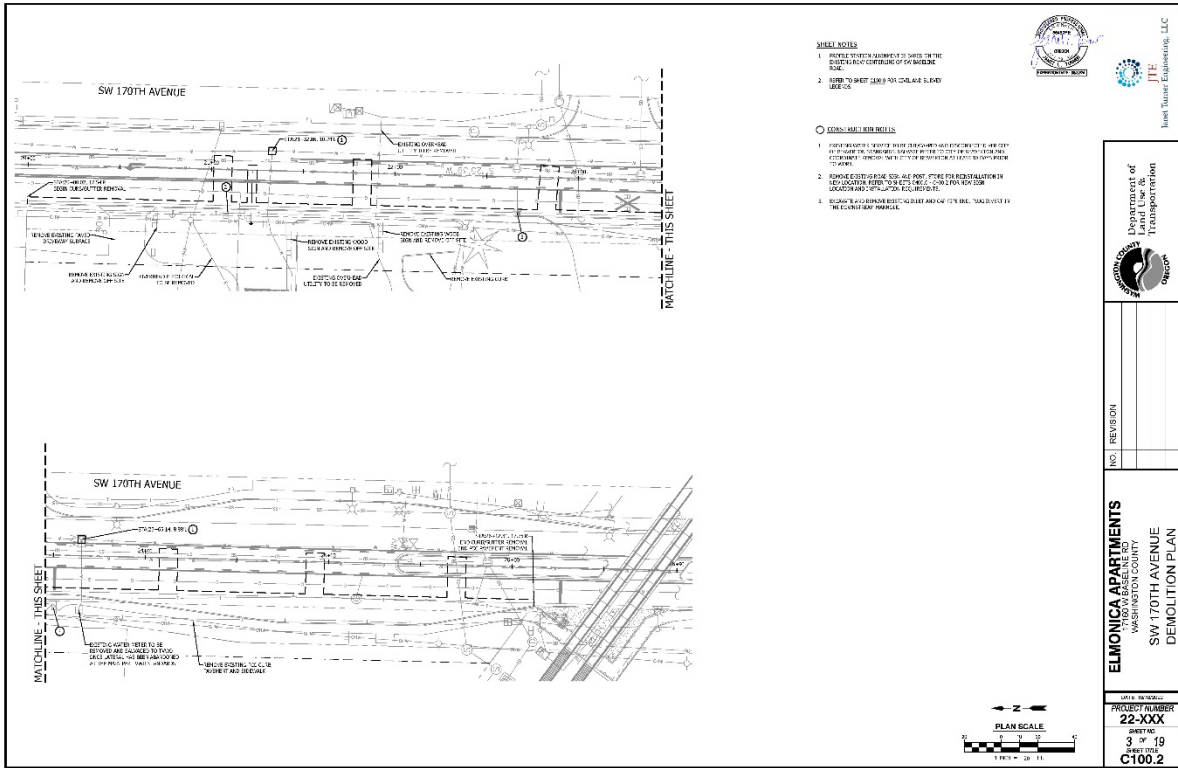


LEGEND:

 Limit of Frontage Improvements on TriMet Real Property

# EXHIBIT B – DEMOLITION PLAN

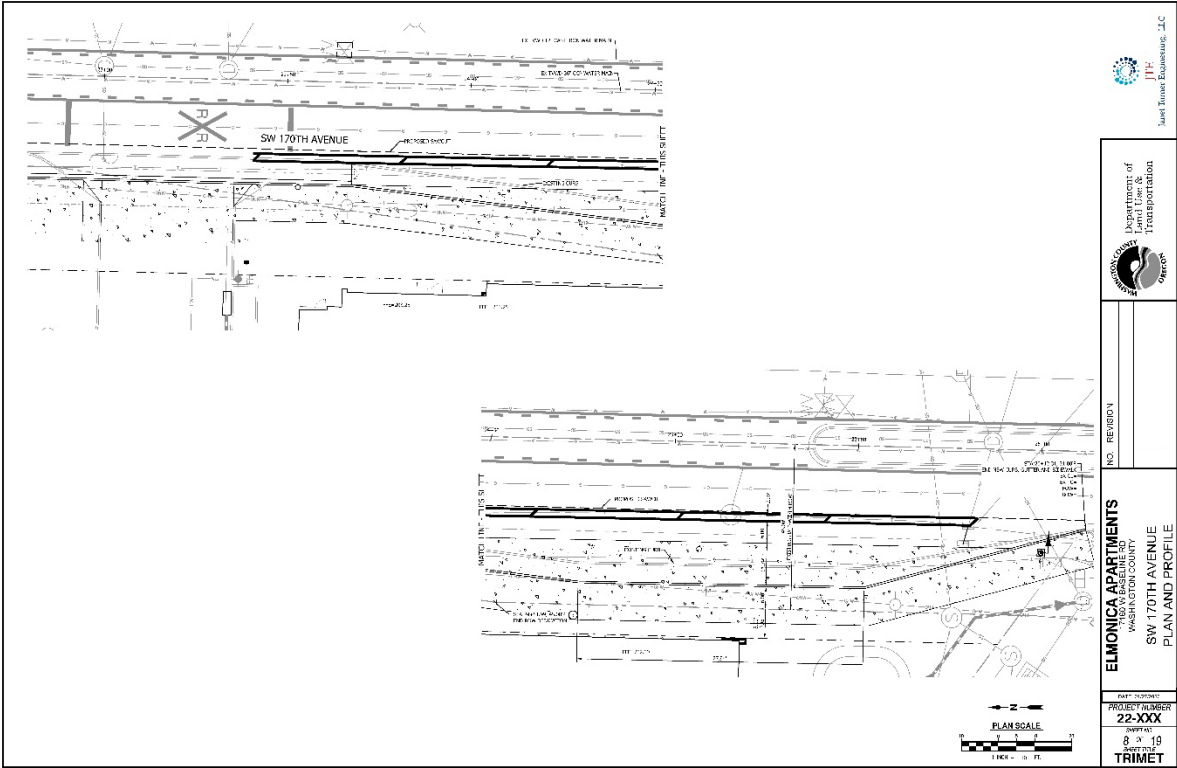
Date: 10/10/2022



	Department of Land Use & Transportation Oregon	NO. / REVISION	
<b>ELMONICA APARTMENTS</b> TRIMET BASELINE WASHINGTON COUNTY SW 170TH AVENUE DEMOLITION PLAN		DATE: 10/10/22	
		PROJECT NUMBER <b>22-XXX</b>	
		SHEET NO. <b>9</b> OF <b>19</b>	
		DATE PLOTTED <b>C100.2</b>	

**EXHIBIT C – CIVIL PLAN**

Date: 1/27/2023



 TTT Consultants, LLC Transit Transit Transportation, LLC	
 Department of Land Use & Transportation	
NO. REVISION	
<b>ELMONICA APARTMENTS</b> 1800V-BASLINE RD WASHINGTON COUNTY SW 170TH AVENUE PLAN AND PROFILE	
PART SUPPORT PROJECT NUMBER <b>22-XXX</b> SHEET NO. 8 of 19 PREPARED BY <b>TRIMET</b>	