

RELEASE AND INDEMNIFICATION

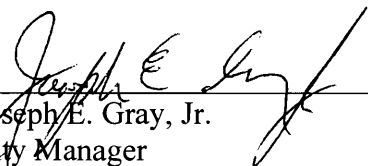
The City of Portland fully understands that 161 Marginal Way LLC and Five Liver Company (“Owners”), their agents, officers and employees, accept no responsibility and will not be liable for any injury, harm or damage to the City occurring during or arising out of the entry by the City on Owners’ properties near Chestnut Street Extension in order for the City to complete minor landscaping work.

To the fullest extent permitted by law, the City hereby agrees to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property caused by the negligence of the City of Portland, its agents, officers or employees) arising during or in connection with the said entry onto the property.

The City hereby releases and agrees to indemnify and hold harmless Owners, their agents, officers and employees, from any and all liability, actions, damages and claims of any kind and nature whatsoever (including but not limited to liability actions, damages and claims caused by or arising from the negligence of the City of Portland, its agents, officers or employees) for injury, harm or damages to the City that may arise or occur during or in connection with the City’s entry onto Owners’ properties for the purposes described in this agreement.

Owners hereby agrees to allow the City to enter the properties to do the landscaping work at the corner of the property closest to Chestnut Street Extension. Landscaping work will consist of removal of debris and weeds and replacing it with loam and seed along the far side of the parking lot which abuts the Chestnut Street sidewalk and his fence when the City moved the fence onto Owners’ properties several months ago.


CITY OF PORTLAND



Joseph E. Gray, Jr.
City Manager

Date: 9-7-07

OWNER



Peter Quesada
Vp of Five Liver Co.
Manager of 161 MW LLC

Date: 9.7.07