

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-021

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing Improvements at the Intersections of NE 223rd Avenue with NE Halsey and NE Arata Road in the City of Fairview

The Multnomah County Board of Commissioners Finds:

- a. It is necessary for Multnomah County to acquire the real property described in attached Exhibit A (the property) for construction of improvements at the intersections of NE 223rd Avenue (County Road No. 667), with NE Halsey, (County Road No. 1180) and NE Arata Road, (County Road No. 730), (Project).
- b. The Project includes the construction of a median and a traffic channeling island to improve traffic flow and increase safety for pedestrians, drivers and bicyclists at these intersections.
- c. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- d. It is necessary to acquire immediate possession of the property to allow construction to proceed and be completed on schedule and within budgetary limitations.

The Multnomah County Board of Commissioners Resolves:

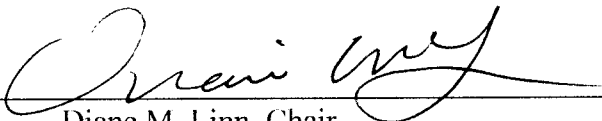
1. It is necessary to acquire the property described in Exhibit A for the Project.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
4. It is necessary to obtain possession of the property as soon as possible to allow construction to proceed and be completed on schedule within its budgetary limits.
5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the property as soon as possible.

6. There is authorized the creation of a fund in the amount of the estimate of just compensation for the property, which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the Road Fund of the County in such sum for deposit.

ADOPTED this 23rd day of February, 2006.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON


By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT "A"

PARCEL 1

A portion of that certain tract of land described in "Real Estate Contract" recorded on December 4, 1975 in Book 1075, Page 1343, Multnomah County Deed Records (MCDR), situated in the S.W. One-quarter of Section 27, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of that tract of land conveyed to Multnomah County as described in Document No. 96-044225 (MCDR), said corner being at the point of intersection of the East right-of-way line of N.E. 223rd Ave., County Road No. 667 (40.00 feet easterly of, when measured at right angle to the centerline of said N.E. 223rd Ave.) with the North right-of-way line of N.E. Arata Road, County Road No. 730 (25.00 feet northerly of, when measured at right angle to the centerline of said N.E. Arata Road); thence S89°45'39"E along said North right-of-way line, a distance of 20.00 feet; thence N44°54'48"W, a distance of 28.36 feet to a point on said East right-of-way line; thence S00°03'57"E along said East right-of-way line, a distance of 20.00 feet to the point of beginning.

Containing 200 square feet more or less.

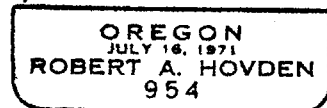
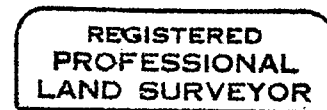
PARCEL 2:

A portion of that certain tract of land described in "Real Estate Contract" recorded on December 4, 1975 in Book 1075, Page 1343, Multnomah County Deed Records (MCDR), situated in the S.W. One-quarter of Section 27, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

The southerly 80.00 feet of said tract that lies westerly of a line parallel with and 50.00 feet easterly of, when measured at right angle to, the centerline of N.E. 223rd Avenue, County Road No. 667.

Excluding herefrom the aforescribed Parcel 1 and that tract of land conveyed to Multnomah County as described in Document No. 96-044225 (MCDR).

Containing 650 square feet more or less.



RENEW'S 7-01-2007

Bearings are based on SN 57772, Multnomah County Survey Records, and by said reference is made a part thereof.

As shown on the following map. In the event of any conflict or discrepancy between the written legal description and the map the written legal description shall prevail.

