

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2012-159

Approving the Acquisition of Certain Real Property Interests for the NW Newberry Road Project from Sharon Spangle.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County has reached a proposed settlement with Sharon Spangle, the owner of certain real property interests determined to be necessary for the purpose of accessing, constructing, maintaining, repairing, and reconstructing a retaining wall, subsurface anchorage devices and road improvements on a portion of NW Newberry Road in unincorporated Multnomah County (the "Project") as authorized by Resolution No. 2012-084.
- b. The real property proposed to be acquired for the price of \$0.00 and other considerations is more particularly described in the Easement(s), a copy of which is attached as Exhibit 1 (the "Property").
- c. The Property is necessary for the Project, and it is in the best interest of the public and Multnomah County to approve the acquisition of the Property.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the acquisition of the Property, and the County Chair is authorized and directed to execute any documents required for completion of the acquisition.
2. The County Engineer is authorized and directed to execute the acceptance statement on the original Easements for the Property in conformance with the attached Exhibit 1.

ADOPTED this 27th day of September, 2012.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:
JENNY M. MORF, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY: M. Cecilia Collier, Director, Department of Community Services.

Grantor:
Sharon A. Spangle
12928 NW Newberry Road
Portland, OR 97231-2210

Exhibit 1 To Resolution

After recording return to:
Grantee: Multnomah County; attn: Patrick Hinds
Land Use & Transportation Division, Bldg. #425

EASEMENT

Sharon A. Spangle, as tenants by the entirety, "**Grantor**", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "**Grantee**", three easements, Parcels 1-3, as described in the attached Exhibit A. This grant is free of encumbrances except Conditions, Restrictions, Restrictive Covenants, and Easements of Record if any.

Grantor represents and warrants that he/she has the authority to do this grant. Grantor shall not grant or allow any subsequent uses or activities in the easement area described in Exhibit A which would interfere with the Grantee's use of said easements.

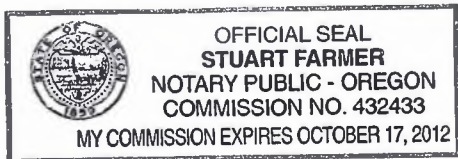
The true consideration paid for this grant stated in terms of dollars is \$ Ø, but consists of other value given, which is the whole consideration.

Dated this 21st day of August, 2012

Sharon A. Spangle
Sharon A. Spangle

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me on August 21, 2012, by Sharon A. Spangle, authorized to execute the instrument. IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



Stuart Farmer
Notary Public for Oregon
My Commission Expires: October 17, 2012

REVIEWED:
By Jenny M. Morf, Acting County Attorney
For Multnomah County, Oregon

By: _____
Assistant County Attorney

The described property is accepted for use in conjunction with NW Newberry Road, County Road No's 4320 and 5017, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this _____ day of _____, 2012

By _____
Brian S. Vincent, P.E., County Engineer for Multnomah County, Oregon

EXHIBIT "A"

PARCEL 1

**TEMPORARY NON-EXCLUSIVE ACCESS EASEMENT (BEGINNING SEPTEMBER 1, 2012
AND EXPIRING DECEMBER 31, 2014) FOR THE PURPOSE OF ACCESSING PARCELS 2
AND 3:**

A portion of that tract of land described in warranty deed to Ben A. Spangle and Sharon A. Spangle, husband and wife, recorded on August 12, 1976 in Book 1121, Page 655, Multnomah County Deed Records, situated in the Northeast One-quarter of Section 33, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at a 5/8" iron rod with 2" aluminum cap stamped "MULTNOMAH COUNTY SURVEYOR" with punch mark at the point of tangency at centerline station 79+08.51, NW Newberry Road, County Road 5017; thence S65°45'57"E, along the centerline of said NW Newberry Road and the southeasterly extension thereof, a distance of 185.41 feet; thence S24°14'03"W, a distance of 30.00 feet to a 5/8" iron rod with yellow plastic cap marked "MULT. CO. SURVEY" on the southwesterly right-of-way line of said NW Newberry Road at station 80+93.92, also being the point of beginning of the herein described tract of land; thence S60°04'07"E, along the southwesterly right-of-way line of NW Newberry Road, County Road 4320, as described in that Warranty Deed (File 31649) to the State of Oregon recorded on February 18, 1966 in Book 466, Page 951, Multnomah County Deed Records, a distance of 116.85 feet; thence S50°11'27"E, along said southwesterly right-of-way line, a distance of 154.08 feet; thence S37°54'32"W, a distance of 15.01 feet; thence N50°11'27"W, a distance of 153.28 feet; thence N60°04'07"W, a distance of 114.81 feet; thence N65°45'57"W, a distance of 143.17 feet; thence N24°14'03"E, a distance of 15.00 feet to the said southwesterly right-of-way line of NW Newberry Road, County Road 5017; thence S65°45'57"E, along said southwesterly right-of-way line, a distance of 143.92 feet to the point of beginning.

Containing 6,196 square feet more or less.

PARCEL 2

TEMPORARY CONSTRUCTION EASEMENT (BEGINNING SEPTEMBER 1, 2012 AND EXPIRING DECEMBER 31, 2014) FOR THE PURPOSE OF ACCESSING, LAYING DOWN, INSTALLING, CONSTRUCTING, RECONSTRUCTING, OPERATING, INSPECTING, MONITORING, AND MAINTAINING SLOPE STABILITY; SUBSURFACE ANCHORS AND APPURTENANCES (ALL OF WHICH ARE LOCATED WITHIN PARCEL 3), THROUGH, UNDER, OVER AND ALONG THE FOLLOWING REAL PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A portion of that tract of land described in warranty deed to Ben A. Spangle and Sharon A. Spangle, husband and wife, recorded on August 12, 1976 in Book 1121, Page 655, Multnomah County Deed Records, situated in the Northeast One-quarter of Section 33, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at a 5/8" iron rod with 2" aluminum cap stamped "MULTNOMAH COUNTY SURVEYOR" with punch mark at the point of tangency at centerline station 79+08.51, NW Newberry Road, County Road 5017; thence S65°45'57"E, along the centerline of said NW Newberry Road and the southeasterly extension thereof, a distance of 185.41 feet; thence S24°14'03"W, a distance of 30.00 feet to a 5/8" iron rod with yellow plastic cap marked "MULT. CO. SURVEY" on the southwesterly right-of-way line of said NW Newberry Road at station 80+93.92; thence S60°04'07"E, along the southwesterly right-of-way line of NW Newberry Road, County Road 4320, as described in that Warranty Deed (File 31649) to the State of Oregon recorded on February 18, 1966 in Book 466, Page 951, Multnomah County Deed Records, a distance of 116.85 feet; thence S50°11'27"E, along said southwesterly right-of-way line, a distance of 154.08 feet to the point of beginning of the herein described tract of land; thence S50°11'27"E, along said southwesterly right-of-way line, a distance of 45.98 feet; thence S48°45'32"E, along said southwesterly right-of-way line, a distance of 77.03 feet; thence S41°14'28"W, a distance of 30.00 feet; thence N48°45'32"W, a distance of 40.00 feet; thence N11°23'51"E, a distance of 9.95 feet; thence N19°42'25"W, a distance of 10.59 feet; thence N49°30'24"W, a distance of 67.86 feet; thence N37°54'32"E, a distance of 15.99 feet to the said southwesterly right-of-way line of said NW Newberry Road, County Road 4320, and the point of beginning.

Containing 2,615 square feet more or less.

PARCEL 3

PERPETUAL SUBSURFACE EASEMENT FOR THE PURPOSE OF ACCESSING, LAYING DOWN, INSTALLING, CONSTRUCTING, RECONSTRUCTING, OPERATING, INSPECTING, MONITORING, AND MAINTAINING SLOPE STABILITY; SUBSURFACE ANCHORS AND APPURTENANCES, THROUGH, UNDER, OVER AND ALONG THE FOLLOWING REAL PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


A portion of that tract of land described in warranty deed to Ben A. Spangle and Sharon A. Spangle, husband and wife, recorded on August 12, 1976 in Book 1121, Page 655, Multnomah County Deed Records, situated in the Northeast One-quarter of Section 33, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon, more particularly described as follows:

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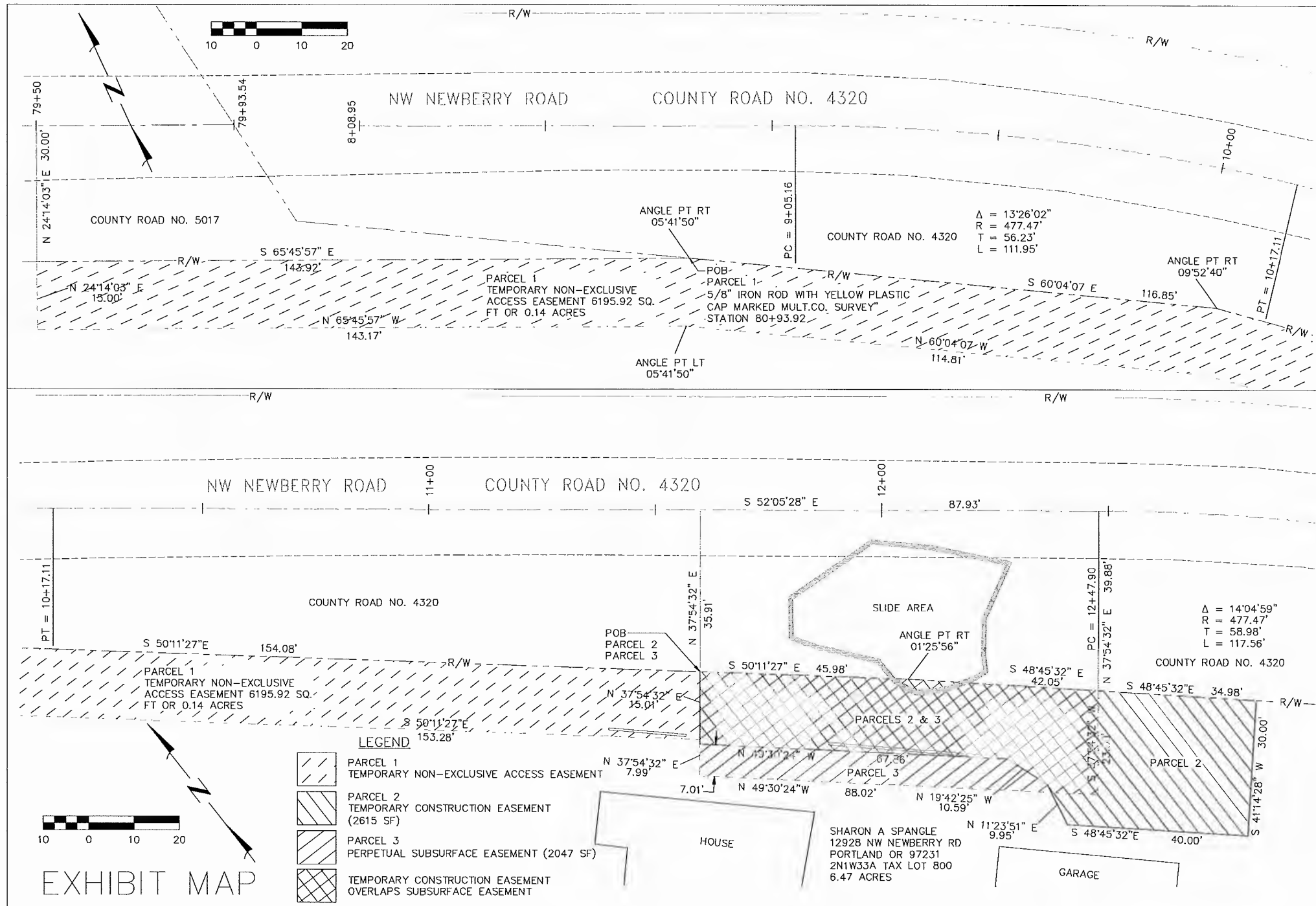
Containing 2,047 square feet more or less.

As shown on the attached EXHIBIT MAP, herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the EXHIBIT MAP and the written legal description, the written legal description shall prevail.

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JUNE 30, 1997
JAMES S. CLAYTON
2832

RENEWAL DATE: 1/1/2014



RIGHT-OF-WAY PLAN SHEET	
NW NEWBERRY ROAD SLIDE REPAIR 370' NW'LY OF HIGHWAY 30 NORTH 50'	
DATE: 05/09/2012	SCALE: AS SHOWN
COUNTY ENGINEER	
BRIAN S. VINCENT P.E.	
MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY SERVICES 1620 S.E. 180th AVE. PORTLAND, ORE 97233-5999	
DESIGNED BY: 2/22	DRAFTED BY: 2/22
CHECKED BY: 2/22	
DATE:	
SHEET NO. X-XX	