

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-180

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Installing a Traffic Signal

The Multnomah County Board of Commissioners Finds:

- a. It is necessary for Multnomah County to acquire the real property interests more particularly described in the attached Exhibits A and B for the construction of a road improvement project, consisting of the installation of a traffic control signal and related work at the intersection of NE 257th Avenue (a county road) with SW Hensley Road (a city street), in the City of Troutdale.
- b. The County Engineer has concluded this traffic signal will significantly improve the safety of this intersection.
- 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:

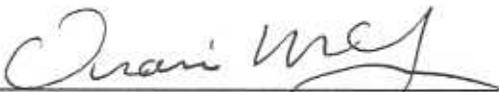
1. It is necessary to acquire the property interests described in Exhibits A and B for the purposes of the above-described road project at the intersection of NE 257th Avenue with SW Hensley Road, in the City of Troutdale.
2. In the event that no satisfactory agreement can be reached with the owners 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 such property as soon as possible to allow construction to proceed and be completed on schedule within budgetary limitations.

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 2nd day of December, 2004.



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

Deed for Road Purposes

The easterly 5.00 feet of the northerly 90.00 feet of that tract of land conveyed to Donna S. Duvall, John C. Winquist and Jemima C. Winquist by Warranty Deed, Doc. No. 2000-00151261, Multnomah County Deed Records, situated in the S.W. One-quarter of Section 35, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

The northerly 90.00 feet of said "Duvall - Winquist Tract" that lies easterly of a line being 50.00 feet westerly of, when measured at right angles to, the centerline of N.E. 257th Drive, County Road No. 4931.

Containing 450 square feet more or less.

Parcel 2

Easement for Signal Construction and Maintenance

The easterly 10.00 feet of the northerly 90.00 feet of that tract of land conveyed to Donna S. Duvall, John C. Winquist and Jemima C. Winquist by Warranty Deed, Doc. No. 2000-00151261, Multnomah County Deed Records, situated in the S.W. One-quarter of Section 35, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

The northerly 90.00 feet of said "Duvall - Winquist Tract" that lies easterly of a line being 55.00 feet westerly of, when measured at right angles to, the centerline of N.E. 257th Drive, County Road No. 4931.

Excluding here from that portion afore described in Exhibit "A".

Containing 450 square feet more or less.

As shown on the map found at Page 2 of this Exhibit. In the event of a conflict or discrepancy between the map and the written legal description, the written legal description shall prevail.

SECTION 35 T.1N. R.3E. W.M.
MULTNOMAH COUNTY

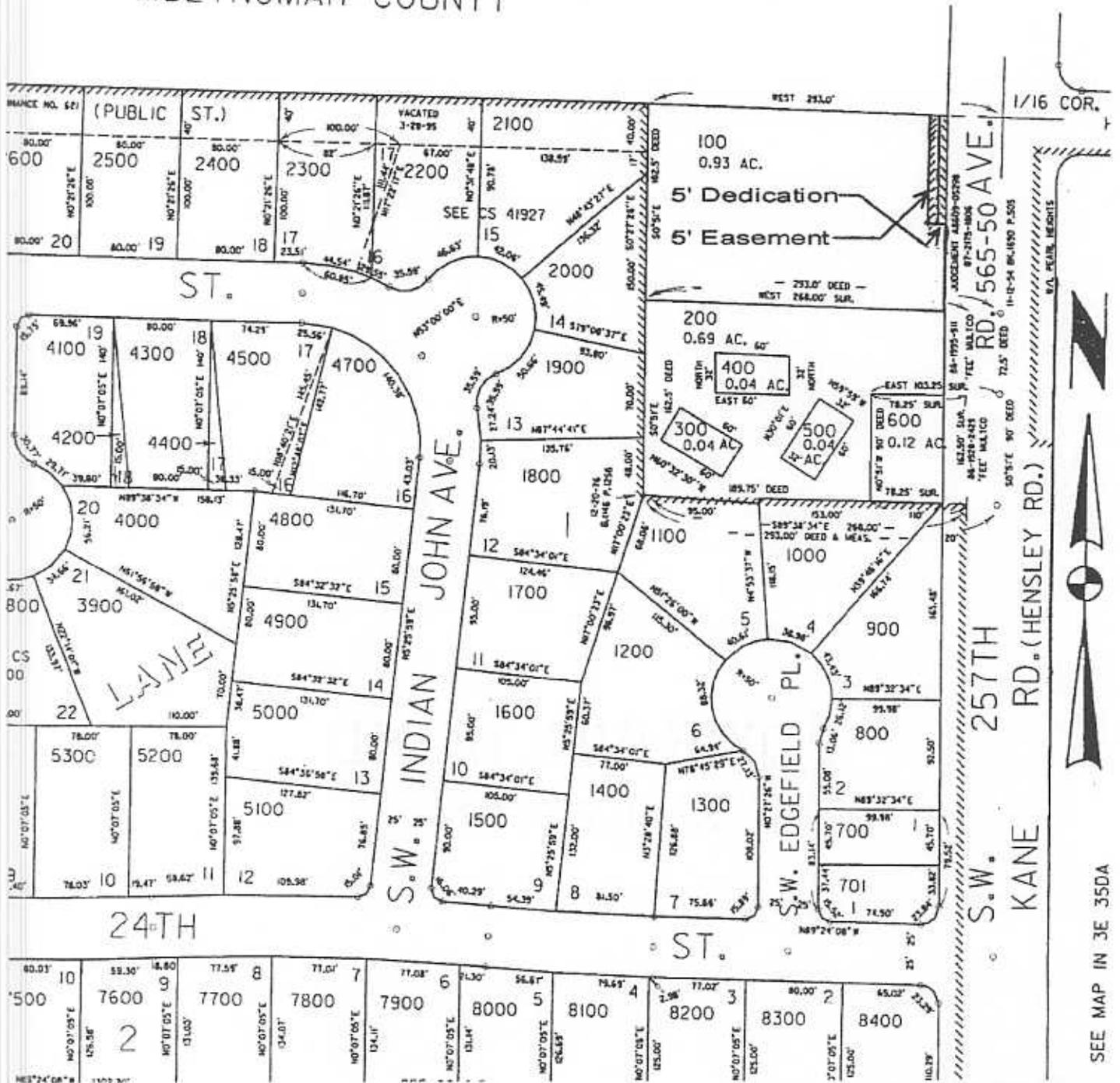


Exhibit A
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EXHIBIT B

Easement for Traffic Control Devices

A portion of Lot 6, Block 1, "Pearl Heights", Multnomah County Plat Records, situated in the S.E. One-quarter of Section 35, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at the Southwest corner of said Lot 6; thence N00°07'05"E, along the west line of said Lot 6, a distance of 64.46 feet to the point of beginning; thence N45°31'32"E, along the chord of that curve encompassing the Northwest corner said Lot 6, a distance of 28.48 feet; thence along the arc of said curve, being a 20.00 foot radius curve to the left through a central angle of 90°48'55" (the chord of which bears S45°31'32"W, a distance of 28.48 feet) an arc length of 31.70 feet to the point of beginning.

Containing 117 square feet more or less.

As shown on the map found at Page 2 of this Exhibit. In the event of a conflict or discrepancy between the map and the written legal description, the written legal description shall prevail.

