

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-013

Authorizing Condemnation and Immediate Possession of Real Property Necessary
for the Purpose of Constructing a Multnomah County Road Project

The Multnomah County Board of Commissioners Finds:

- a. It is necessary for Multnomah County to acquire the real property listed in the following table and described in the attached Exhibit A (the property) for the purpose of the Reconstruction of SE Orient Drive, SE 257th Avenue and SE Palmquist Road a County Road Project in Gresham.

Item No.	Owner	Location
2028	Donald R. Marcus and Melvin R. Marcus	S.E. 14 th Street
2029	Donald R. Marcus and Melvin R. Marcus	S.E. Orient Drive
2032	Thomas L. Wallace	S.E. Orient Drive
2035	Steven W. & Barbara J. Bass	S.E. Kane Road
2048	Steven M. Duncan	S.E. Kane Drive

- b. The project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- c. 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 for the purpose of the above described County Road 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 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 16th day of January, 2003



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Matthew O. Ryan, Assistant County Attorney

EXHIBIT "A"

Donald R. Marcus and Melvin R. Marcus

S.E. 14th Street
Item No. 2028

Parcel I (Fee):

A parcel of land lying in that certain tract of land described in deed to Donald R. Marcus and Melvin R. Marcus recorded as Parcel 1, in Document No. 96003979, Recorded January 5, 1996, Multnomah County deed records and located within the Northeast Quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of said Marcus tract, lying within a variable width strip of land, the boundaries of which are the right-of-way lines of the existing S.E. 14th Street and the **Proposed S.E. 14th Street (East of S.E. Orient Drive)** defined below by offset from centerline, with said centerline more particularly described as follows:

Proposed centerline S.E. 14th Street (East of S.E. Orient Drive):

Beginning at a point on the centerline of S.E. Orient Drive (County Road 1091) at station 530+02.50, said point being proposed station 3+28.08 for S.E. 14th Street; thence North 52°39'33" East, 73.28 feet to the beginning of a tangent curve at station 4+01.36; thence along the arc of a 164.00 foot radius curve concave to the southeast, through a central angle of 39°17'08" (the long chord of which bears North 72°18'07" East, 110.26 feet) an arc distance of 112.45 feet to a point of tangency at station 5+13.81, said point being on the existing centerline of S.E. 14th Street and the **Terminus** of this proposed centerline. Said terminus bears South 36°20'28" West, 1597.53 feet from a 4-1/4" brass disk marking the southeast corner of Section 11, T.1S., R.3E., Willamette Meridian.

<u>Station (Feet)</u>	<u>Width on Southerly Side of Centerline (Feet)</u>
4+01.36	25.00, parallel with and 25.00 feet southerly of said proposed centerline,
to	
5+13.81	25.00

Contains 65 square feet (more or less).

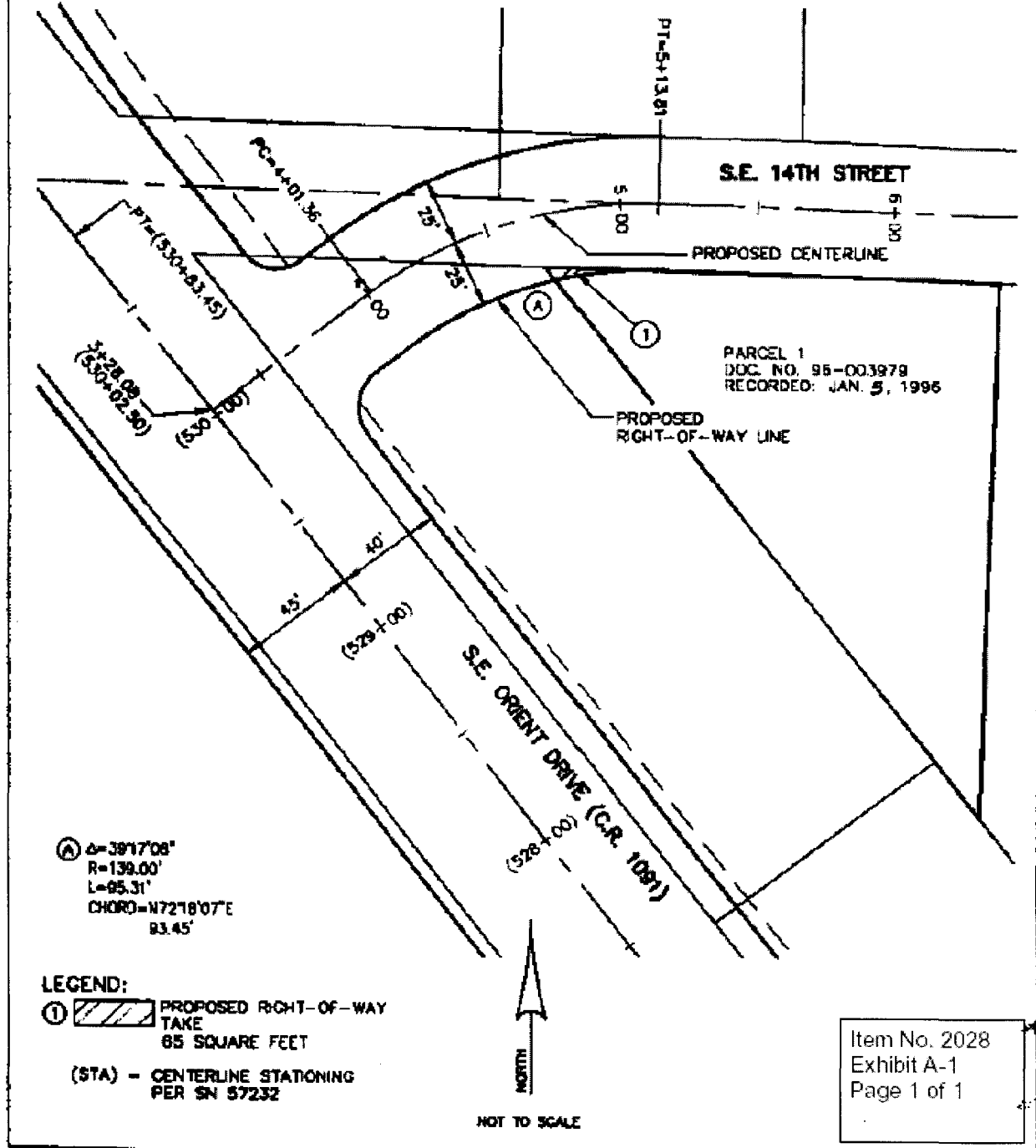
As shown on the attached Exhibit "A-1", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the Exhibit "A-1" and the written legal description, the written legal description shall prevail.

Note: Bearings are based on the centerline of S.E. Orient Drive (County Road 1091) between the found and held 1/2" iron pipe in monument box at centerline station P.T. 470+61.60 and the found and held 1/2" iron pipe in monument box at centerline station 500+54.45 as shown on SN 57232, Multnomah County survey records as North 37°20'27" West.

EXHIBIT A-1

S.E. 14TH STREET
ITEM NO. 2028

S.E. 14TH STREET
LOCATED IN THE NE 1/4 OF SECTION 14
IN T 1 S, R 3 E, WILLAMETTE MERIDIAN
CITY OF GRESHAM, MULTNOMAH COUNTY, OREGON
JUNE 26, 2000



Item No. 2028
Exhibit A-1
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EXHIBIT "A"

Donald R. Marcus and Melvin R. Marcus

S.E. Orient Drive
Item No. 2029

Parcel I (Fee):

A parcel of land lying in that certain tract of land described in deed to Donald R. Marcus and Melvin R. Marcus recorded in Book 1051, Page 402, July 15, 1975, Multnomah County Deed Records and located within the Northeast Quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of said Marcus tract lying northerly of the proposed S.E. 14th St. centerline and all of said Marcus tract lying within a variable width strip of land, the boundaries of which are the right-of-way lines of the **Proposed S.E. 14th Street (East of S.E. Orient Drive)** defined below by offset from centerline, with said centerline more particularly described as follows:

Proposed centerline S.E. 14th Street (East of S.E. Orient Drive):

Beginning at a point on the centerline of S.E. Orient Drive (County Road 1091) at station 530+02.50, said point being proposed station 3+28.08 for S.E. 14th Street; thence North 52°39'33" East, 73.28 feet to the beginning of a tangent curve at station 4+01.36; thence along the arc of a 164.00 foot radius curve concave to the southeast, through a central angle of 39°17'08" (the long chord of which bears North 72°18'07" East, 110.26 feet) an arc distance of 112.45 feet to a point of tangency at station 5+13.81, said point being on the existing centerline of S.E. 14th Street and the **Terminus** of this proposed centerline. Said terminus bears South 36°20'28" West, 1597.53 feet from a 4-1/4" brass disk marking the Southeast Corner of Section 11, T.1S., R.3E., Willamette Meridian.

<u>Station (Feet)</u>	<u>Width on Southerly Side of Centerline (Feet)</u>
3+68.08 – 3+84.40	42.00'@ station 3+68.08 – thence along the arc of a 17.00 foot radius curve concave easterly, through a central angle of 90°00'00" (the long chord of which bears North 07°39'33" East, 24.04 feet) an arc distance of 26.70 feet to a point of tangency – 25.00'@ station 3+84.40.
3+84.40 to 5+13.81	25.00, parallel with and 25.00 feet southerly of said proposed centerline 25.00

Contains 3,080 square feet (more or less).

Note: Bearings are based on the centerline of SE Orient Drive (County Road 1091) between the found and held 1/2" iron pipe in monument box at centerline station P.T. 470+61.60 and the found and held 1/2" iron pipe in monument box at centerline station 500+54.49 as shown on SN 57232, Multnomah County survey records as North 37°20'27" West.

Parcel II (Fee):

A parcel of land lying in that certain tract of land described in deed to Donald R. Marcus and Melvin R. Marcus recorded in Book 1051, Page 402, July 15, 1975, Multnomah County Deed Records and located within the Northeast Quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of the Marcus tract lying within a variable width strip of land, the boundaries of which are the right-of-way lines of the existing S.E. Orient Drive (County Road No. 1091) and the proposed, widened S.E. Orient Drive Road, defined below by offset from the centerline of said existing S.E. Orient Drive (County Road No. 1091) shown on SN 57232, Multnomah County survey records.

<u>Station (Feet)</u>	<u>Width on Northeasterly Side of Centerline (Feet)</u>
527+30	40.00
530+75	40.00

Contains 3,115 square feet (more or less).

Parcel III (Permanent Slope & Utility Easement):

A parcel of land lying in that certain tract of land described in deed to Donald R. Marcus and Melvin R. Marcus recorded in Book 1051, Page 402, Recorded July 15, 1975, Multnomah County deed records and located within the Northeast Quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of the Marcus tract lying within a variable width strip of land, the boundaries of which are defined below by offset from the centerline of existing S.E. Orient Drive (County Road No. 1091) and the proposed, widened S.E. Orient Drive Road, shown on SN 57232, Multnomah County survey records.

<u>Station (Feet)</u>	<u>Width on Northeasterly Side of Centerline (Feet)</u>
527+30	45.00
530+75	45.00

Excepting therefrom that portion described within **Parcel I** and **Parcel II**, above.

Contains 1,155 square feet (more or less).

As shown on the attached Exhibit "A-1", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the Exhibit "A-1" and the written legal description, the written legal description shall prevail.

EXHIBIT A-1

S.E. 14TH STREET AND S.E. ORIENT DRIVE
 LOCATED IN THE NE 1/4 OF SECTION 14
 IN T 1 S, R 3 E, WILLAMETTE MERIDIAN
 CITY OF GRESHAM, MULTNOMAH COUNTY, OREGON
 JUNE 26, 2000

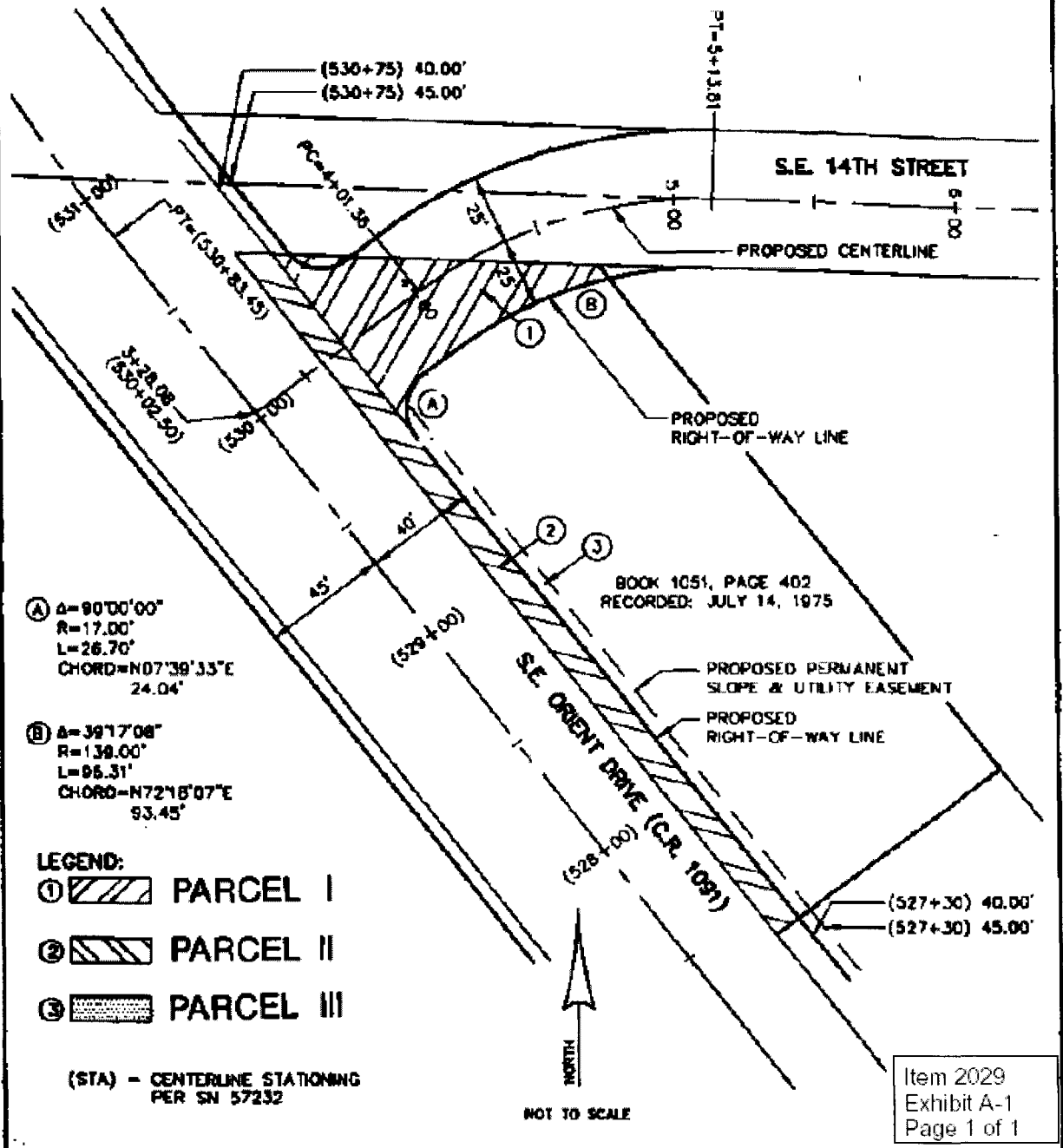


EXHIBIT "A"

Thomas L. Wallace

S.E. Orient Drive
Item No. 2032
December 11, 2002

Parcel I:

A parcel of land lying in that certain tract of land described in deed to Thomas L. Wallace recorded in Book 2180, Page 1235, Recorded February 22, 1989, Multnomah County deed records and located within the Northeast Quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of the Wallace tract lying within a variable width strip of land, the boundaries of which are the right-of-way lines of the **Existing S.E. Orient Drive (County Road No. 1091)** and the proposed, widened S.E. Orient Drive Road, as defined below by offset from the centerline of said existing S.E. Orient Drive (County Road No. 1091) shown on SN 57232, Multnomah County survey records.

<u>Station (Feet)</u>	<u>Width on Northeasterly Side of Centerline (Feet)</u>
525+25 to 5+27.75	40.00 40.00

Contains 1,155 square feet (more or less).

Parcel II (Permanent Slope & Utility Easement):

A parcel of land lying in that certain tract of land described in deed to Thomas L. Wallace recorded in Book 2180, Page 1235, Recorded February 22, 1989, Multnomah County deed records and located within the northeast quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of the Wallace tract lying within a variable width strip of land, the boundaries of which are defined below by offset from the centerline of the **Existing centerline S.E. Orient Drive (County Road No. 1091)** as shown on SN 57232, Multnomah County survey records.

<u>Station (Feet)</u>	<u>Width on Northeasterly Side of Centerline (Feet)</u>
525+25 to 526+56.15 – 526+56.15 to 527+75	50.00 50.00 to 45.00 45.00

Except therefrom that portion described within Parcel I, above.

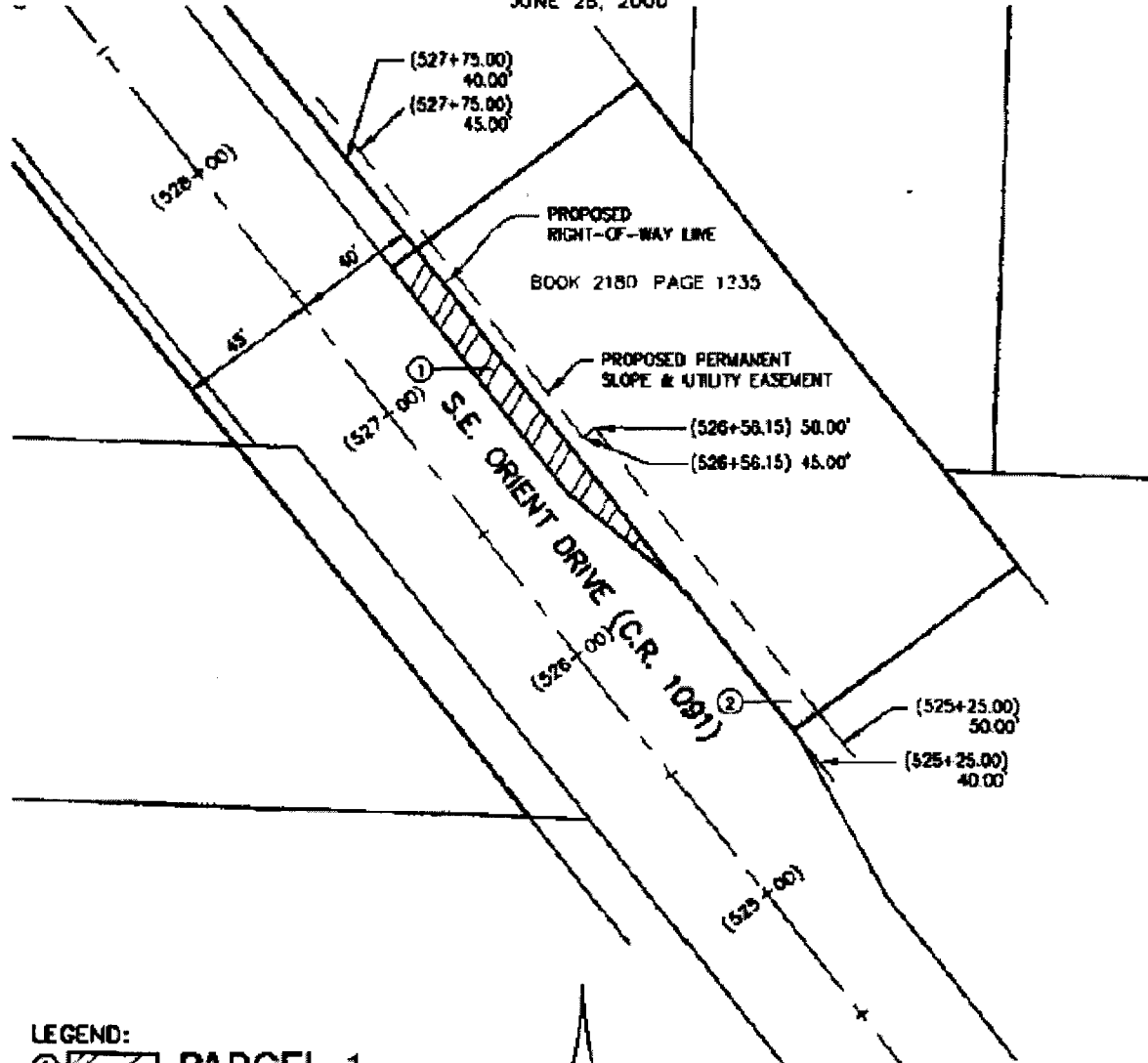
Contains 1,590 square feet (more or less).

As shown on the attached Exhibit "A-1", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the Exhibit "A-1" and the written legal description, the written legal description shall prevail.

EXHIBIT "A-1"

S.E. ORIENT DRIVE
LOCATED IN THE NE 1/4 OF SECTION 14
IN T 1 S, R 3 E, WILLAMETTE MERIDIAN
CITY OF GRESHAM, MULTNOMAH COUNTY, OREGON

JUNE 25, 2000



LEGEND:

① PARCEL 1

② PARCEL 2

(STA) = CENTERLINE STATIONING
PER SN 57232

NOT TO SCALE

Item 2032
Exhibit A-1
Page 1 of 1

EXHIBIT "A"**Parcel I :**

A parcel of land lying in that certain tract of land described in deed to Steven W. & Barbara J. Bass recorded in Book 2452, Page 1733, recorded September 4, 1991, Multnomah County Deed Records and located within the northeast quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of the Bass tract lying within a variable width strip of land, the sidelines of which are the right-of-way lines of the **Proposed centerline S.E. Kane Drive** defined below by offset from centerline, with said centerline more particularly described as follows:

Proposed centerline S.E. Kane Drive / S.E. Orient Drive:

Commencing at a 4-1/4" brass disk marking the Southeast corner of Section 11, T.1S., R.3E., Willamette Meridian; said point being on the southerly line of the Lewis Hale D.L.C. No. 62; thence along said southerly line of the Hale D.L.C. No. 62 North 88°24'30" West, 1303.78 feet to a point on the centerline of S.E. Kane Drive (County Road No. 608); said point bears South 88°24'30" East, 101.47 feet from a 4-1/4" brass disk marking the S.W. corner of said Hale D.L.C. No. 62; thence along the centerline of S.E. Kane Drive (County Road No. 608) South 01°12'52" West, 162.52 feet to the centerline station 51+00.12 and the **Point of Beginning** of the herein described proposed legal centerline description of S.E. Kane Drive; thence at right angles to the centerline of existing S.E. Kane Drive (County Road No. 608) North 88°47'08" West, 13.53 feet; thence South 01°12'28" West, 639.20 feet to the beginning of a tangent curve at station 39+21.71; thence along the arc of a 853.00 foot radius curve concave to the northeast, through a central angle of 38°32'55" (the long chord of which bears South 18°03'59" East, 563.14 feet) an arc distance of 573.90 feet to a point of tangency at station 44+95.61, said point being on the centerline of S.E. Orient Drive (C.R. 1091) at centerline station 530+83.45 and the **terminus** of this proposed centerline. Said terminus point bears North 37°20'27" West, along the centerline of said S.E. Orient Drive (County Road No. 1091) 6021.85 feet from a 1/2" iron pipe in a monument box at S.E. Orient Drive (County Road No. 1091) P.T. station 470+61.60.

Bearings are based on the centerline of SE Orient Drive between the found and held 1/2" iron pipe in monument box at centerline station P.T. 470+61.60 and the found and held 1/2" iron pipe in monument box at centerline station 500+54.45 as shown on SN 57232, Multnomah County survey records as North 37°20'27" West.

<u>Station (Feet)</u>	<u>Width on Easterly Side of Centerline (Feet)</u>
34+25	40.00
to	
36+00	40.00

Contains 151 square feet (more or less).

Parcel II :

A parcel of land lying in that certain tract of land described in deed to Steven W. & Barbara J. Bass recorded in Book 2452 Page 1733, recorded September 4, 1991, Multnomah County deed records and located within the northeast quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of the Bass tract lying within a variable width strip of land, the sidelines of which are defined below by offset from the **existing legal centerline of S.E. 11th Street (East of S.E. Kane Drive)** as defined below by offset from centerline, with said centerline being more particularly described as follows:

Proposed centerline S.E. 11th Street (East of S.E. Kane Drive):

Beginning at centerline station 35+87.42 as defined above for the proposed centerline of S.E. Kane Drive, said point of beginning being on the westerly prolongation of the existing legal centerline for S.E. 11th Street, also being proposed station 3+28.08 for S.E. 11th Street; thence South 88°18'43" East, 145.39 feet to a 5/8" iron rod, being the **Terminus** of the herein described centerline at proposed station 4+73.47.

<u>Station (Feet)</u>	<u>Width on Northerly Side of Centerline (Feet)</u>
3+67.66 – 3+92.66	49.75 - thence along the arc of a 25.00 foot radius curve concave to the northeast, through a central angle of 89°31'11" (the long chord of which bears South 43°33'07" East, 35.21 feet) an arc distance of 39.06 feet to a point of tangency – 25.00
to	
3+92.66	25.00

Except therefrom that portion described within Parcel I above.

Contains 70 square feet (more or less)

Parcel III

Permanent Slope, Landscape, Drainage, Utility & Traffic Control Devices Easement:

A parcel of land lying in that certain tract of land described in deed to Steven W. & Barbara J. Bass recorded in Book 2452 Page 1733, recorded September 4, 1991, Multnomah County deed records and located within the northeast quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of the Bass tract lying within a variable width strip of land, the sidelines of which are defined below by offset from centerline of the **Proposed centerline S.E. Kane Drive** as described above.

<u>Station (Feet)</u>	<u>Width on Easterly Side of Centerline (Feet)</u>
34+25	45.00
to	
36+00	45.00

Except therefrom that portion described within Parcel I and II above.

Contains 500 square feet (more or less).

As shown on the attached Exhibit "A-1", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the Exhibit "A-1" and the written legal description, the written legal description shall prevail.

EXHIBIT "A-1"

LOCATED IN THE NE 1/4 OF SECTION 14
IN T 1 S, R 3 E, WILLAMETTE MERIDIAN
CITY OF GRESHAM, MULTNOMAH COUNTY, OREGON

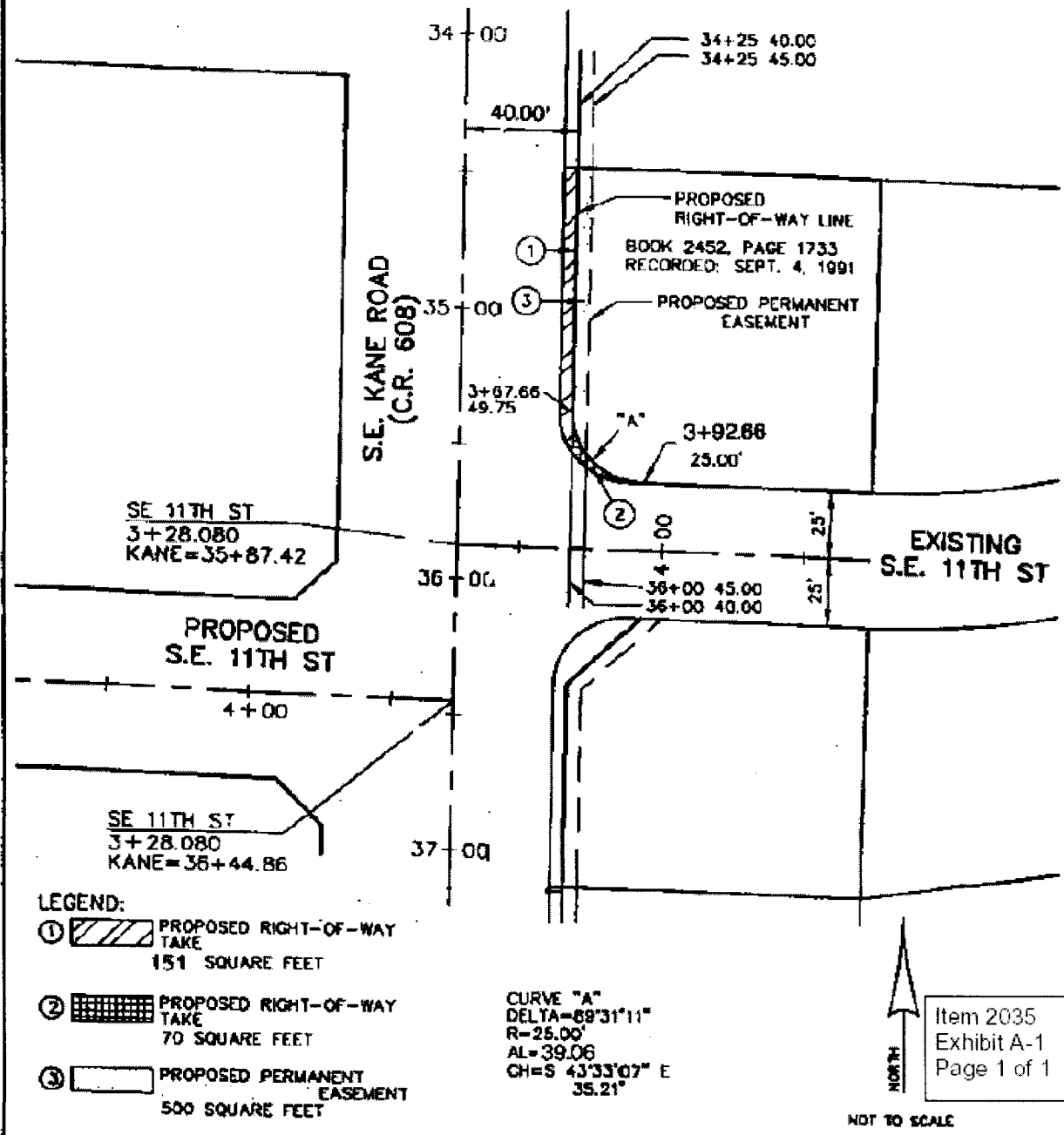


EXHIBIT "A"

Parcel 1:

A parcel of land lying in that certain tract of land described in deed to Steven M. Duncan recorded in Book 1905, Page 1091, recorded May 12, 1986, Multnomah County Deed Records and located within the Northeast Quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of the Duncan tract lying within a variable width strip of land, the sidelines of which are the right-of-way lines of the proposed centerline S.E. Kane Drive defined below by offset from centerline, with said centerline more particularly described as follows:

Proposed centerline S.E. Kane Drive / S.E. Orient Drive:

Commencing at a 4-1/4" brass disk marking the Southeast corner of Section 11, T.1S., R.3E., Willamette Meridian; said point being on the southerly line of the Lewis Hale D.L.C. No. 62; thence along said southerly line of the Hale D.L.C. No. 62 N88°24'30"W, 1303.78 feet to a point on the centerline of S.E. Kane Drive (County Road No. 608); said point bears S88°24'30"E, 101.47 feet from a 4-1/4" brass disk marking the S.W. corner of said Hale D.L.C. No. 62; thence along the centerline of S.E. Kane Drive (County Road No. 608) S01°12'52"W, 162.52 feet to the centerline station 51+00.12 and the Point of Beginning of the herein described proposed centerline of S.E. Kane Drive; thence at right angles to the centerline of existing S.E. Kane Drive (County Road No. 608) N88°47'08"W, 13.53 feet; thence S01°12'28"W, 639.20 feet to the beginning of a tangent curve at station 39+21.71; thence along the arc of a 853.00 foot radius curve concave to the Northeast, through a central angle of 38°32'55" (the long chord of which bears S18°03'59"E, 563.14 feet) an arc distance of 573.90 feet to a point of tangency at station 44+95.61, said point being on the centerline of S.E. Orient Drive (C.R. 1091) at centerline station 530+83.45 and the terminus of this proposed centerline.

Said terminus point bears N37°20'27"W, along the centerline of said S.E. Orient Drive (County Road No. 1091) 6021.85 feet from a 1/2" iron pipe in a monument box at S.E. Orient Drive (County Road No. 1091) P.T. station 470+61.60.

Bearings are based on the centerline of S.E. Orient Drive (County Road 1091) between the found and held 1/2" iron pipe in monument box at centerline station P. T. 470+61.60 and the found and held 1/2" iron pipe in monument box at centerline station 500+54.45 as shown on SN 57232, Multnomah County survey records as N37°20'27"W.

<u>Station (Feet)</u>	<u>Width on Easterly Side of Centerline (Feet)</u>
38+50	40.00, parallel with and 40.00 feet easterly of said proposed centerline
to	
41+00	40.00

Contains 879 square feet, more or less.

Parcel II:

A parcel of land lying in that certain tract of land described in deed to Steven M. Duncan recorded in Book 1905, Page 1091, recorded May 12, 1986, Multnomah County Deed Records and located within the Northeast Quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of the Duncan tract lying within a variable width strip of land, the sidelines of which are defined below by offset from centerline of Proposed centerline S.E. 12th Street (East of S.E. Kane Drive) defined below by offset from centerline, with said centerline more particularly described as follows:

Proposed centerline S.E. 12th Street (East of S.E. Kane Drive):

Beginning at centerline station 38+37.42 as defined above for the proposed S. E. Kane Drive, said point of beginning being at proposed station 3+28.08 for S.E.12th Street; thence S88°18'43"E, 143.29 feet to a 5/8" iron rod at proposed station 4+71.37, also being a point on the existing legal centerline of S.E. 12th Street, being the Terminus of the herein described centerline.

<u>Station (Feet)</u>	<u>Width on Southerly Side of Centerline (Feet)</u>
3+68.50 - 3+93.50	50.21 - thence along the arc of a 25.00 foot radius curve concave to the southeast, through a central angle of 90°28'49"(the long chord of which bears N46°26'53"E, 35.50 feet) an arc distance of 39.48 feet to a point of tangency - 25.00
3+93.50	25.00

Except therefrom that portion described within Parcel I above.

Contains 70 square feet, more or less.

Parcel III (Permanent Slope, Utility, Drainage, Landscape, and Traffic Control Devices Easement):

A parcel of land lying in that certain tract of land described in deed to Steven M. Duncan recorded in Book 1905, Page 1091, recorded May 12, 1986, Multnomah County Deed Records and located within the Northeast Quarter of Section 14, Township 1 South, Range 3 East, Willamette Meridian, in the City of Gresham, Multnomah County, Oregon; said parcel of land being all of the Duncan tract lying within a variable width strip of land, the sidelines of which are defined below by offset from centerline of the Proposed centerline S.E. Kane Drive as described above.

<u>Station (Feet)</u>	<u>Width on Easterly Side of Centerline (Feet)</u>
38+50	50.00, parallel with and 50.00 feet easterly, of said proposed centerline.
to	
41+00	50.00

Contains 1,900 square feet, more or less.

Except therefrom that portion described within Parcel I & II above.

As shown on the attached Exhibit "A-1", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the Exhibit "A-1" and the written legal description, the written legal description shall prevail.

EXHIBIT "A-1"

A PORTION OF S.E. KANE ROAD & S.E. 12TH ST.
LOCATED IN THE NE 1/4 OF SECTION 14
IN T 1 S, R 3 E, WILLAMETTE MERIDIAN
CITY OF GRESHAM, MULTNOMAH COUNTY, OREGON

