

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of
Correction Deed D971488 to

RICHARD B. HAGERTY

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ORDER
97-107

WHEREAS, on August 23, 1990, Multnomah County executed a contract with Jeffrey Lee Baumgarner for the sale of tax foreclosed property described as FAIRVALE, Lot 26, Block 8 in Contract No. 15549, recorded at Book 2343, Page 450, and;

WHEREAS, On March 4, 1993, upon completion of the contract, Multnomah County executed a Quit Claim Deed, Deed no. D930849, recorded at Book 2659, Page 1440, with RICHARD B. HAGERTY, the assignee of the contract, as the grantee, and;

WHEREAS, the property description on the deed to RICHARD HAGERTY read as follows: "FAIRVALE LOT 26, BLOCK 8, ALSO A 20 FOOT ACCESS EASEMENT AS SHOWN ON CITY OF PORTLAND BUILDING PERMIT 508447, ISSUED JUNE 21, 1977," and;

WHEREAS, although the apparent intention of the reference in the deed to RICHARD HAGERTY was to create an easement across the adjacent lot described as Lot 27, Block 8, Fairvale, it was not adequate to create the easement, and;

WHEREAS, Lot 27 is currently the subject of a land sale contract between Multnomah County and MARILYN LEONG, the assignee of the original purchasers of Lot 27, HAROLD AND ANNIE BUELL in Contract 15550, Book 2352, Page 533, and;

WHEREAS, Contract No. 15550 is being substituted and replaced by Contract No. 15550R between the County and MARILYN LEONG to provide for the above referenced easement as evidence in that certain Board Order of even date herewith relating to the execution of Contract No. 15550R and;

WHEREAS, MARILYN LEONG has joined with the County in the execution, as a grantor, of the attached Correction Deed;

NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute the attached Correction Deed conveying to RICHARD B. HAGERTY the following described real property, situated in the County of Multnomah, State of Oregon:

Lot 26, Block 8 of "Fairvale," a plat of record in Section 18, Township 1 South, Range 1 East, W.M., Multnomah County, Oregon including the following described access easement across Lot 27, Block 8, Fairvale:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 27 WHICH POINT BEARS NORTH 21°52'55" EAST 10.16 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 27 AND RUNNING THENCE NORTH 21°52'55" EAST ALONG THE WEST LINE OF SAID LOT 27, 20.00 FEET; THENCE SOUTH 65°43'15" EAST 48.54 FEET TO THE EAST LINE OF SAID LOT 27; THENCE SOUTH 18°43'00" WEST ALONG THE SAID EAST LINE 20.00 FEET; THENCE NORTH 65°48'34" WEST 49.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 979 SQUARE FEET MORE OR LESS

Dated at Portland, Oregon this 5th day of June, 1997.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, Chair

REVIEWED:
Sandra N. Duffy, Acting County Counsel
Multnomah County, Oregon

By *Matthew O. Ryan*
Matthew O. Ryan, Asst. County Counsel

CORRECTION DEED D971488

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, and Marilyn Leong, a contract purchaser of the adjacent lot, Lot 27, as grantors, convey to Richard B. Hagerty, Grantee, the following described real property:

Lot 26, Block 8 of "Fairvale," a plat of record in Section 18, Township 1 South, Range 1 East, W.M., Multnomah County, Oregon including the following described access easement across Lot 27, Block 8, Fairvale:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 27 WHICH POINT BEARS NORTH 21°52'55" EAST 10.16 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 27 AND RUNNING THENCE NORTH 21°52'55" EAST ALONG THE WEST LINE OF SAID LOT 27, 20.00 FEET; THENCE SOUTH 65°43'15" EAST 48.54 FEET TO THE EAST LINE OF SAID LOT 27; THENCE SOUTH 18°43'00" WEST ALONG THE SAID EAST LINE 20.00 FEET; THENCE NORTH 65°48'34" WEST 49.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 979 SQUARE FEET MORE OR LESS

Said easement is granted to lot 26 so long as the Grantee of Lot 26 completes the installation of the retaining wall across Lot 26 and Lot 27 within sixty (60) days of Grantee Marilyn Leong's signature on this deed and reasonably maintains the easement, retaining wall, and landscaping along the retaining wall and so long as Lot 26 has no other direct or indirect access to Beaverton-Hillsdale Highway. As of the date of this deed, no maintenance work is necessary for the easement itself. Said easement as well as the easement and retaining wall maintenance responsibility, shall cease to exist should Lot 26 receive other direct or indirect access to Beaverton-Hillsdale Highway.

This deed is to correct the description of the easement granted in the original Deed Number D930849. The true and actual consideration paid for this transfer, stated in terms of dollars was \$62,000.00 as per the original Deed Number D930849, as recorded in Multnomah County Records, Book 2659, Page 1440, and Contract 15550R.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

Richard B. Hagerty
6502 SW Garden Home Road
Portland OR 97223

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 5th day of June, 1997, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, Chair

REVIEWED:

Sandra N. Duffy, Acting County Counsel
Multnomah County, Oregon

By *Matthew O. Ryan*
Matthew O. Ryan, Asst. County Counsel

DEED APPROVED:

Kathy Tuneberg, Acting Director
Assessment & Taxation

By *K. A. Tuneberg*
Kathleen A. Tuneberg, Acting Director

GRANTEE:

By *Richard B. Hagerly*
Richard B. Hagerly

GRANTOR:

By *Marilyn Leong*
Marilyn Leong

OREGON
STATE OF WASHINGTON)
County of Multnomah) SS

STATE OF OREGON)
County of Multnomah) SS

This instrument was acknowledged before me on March 21, 1997 by Richard B. Hagerly.

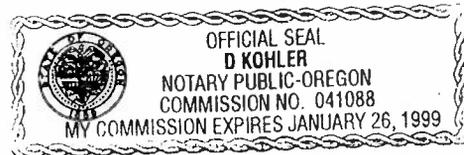
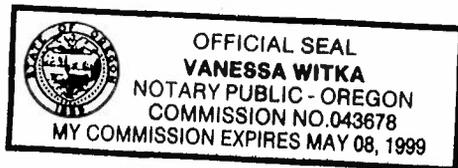
This instrument was acknowledged before me on May 9th, 1997 by Marilyn Leong.

Vanessa Witka
Notary Public

D. Kohler
Notary Public

My Commission Expires 5-8-99

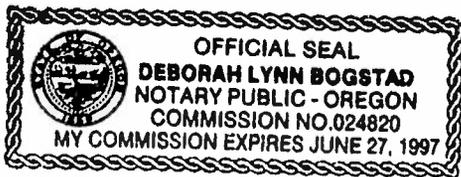
My Commission Expires 1/20/99



After recording, return to Multnomah County Tax Title/166/300

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

The foregoing instrument was acknowledged before me this 5th day of June, 1997, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon
My Commission expires: 6/27/97