

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

**RESOLUTION NO. 2011-107**

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Sellwood Bridge Project

**The Multnomah County Board of Commissioners Finds:**

- a. This Board by Resolution No.2010-166 adopted on December 9, 2010, No. 2011-028 adopted April 7, 2011, and No. 2011-079 adopted June 16, 2011, authorized the County to undertake negotiations for the acquisition of certain real property interests described in attached Exhibit 1 ("the Property") for the purpose of constructing, operating, maintaining, repairing and reconstructing the Sellwood Bridge, approaches and interchanges in the City of Portland ("the Project").
- 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. The negotiations for the acquisition of the Property have not progressed adequately, and it is necessary to acquire immediate possession of the Property to allow construction to proceed and be completed on schedule and within budgetary limitations.

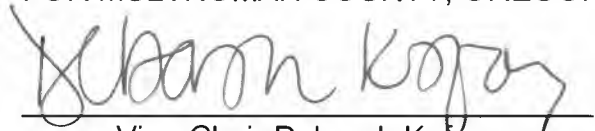
**The Multnomah County Board of Commissioners Resolves:**

1. It is necessary to acquire the Property for the purpose of the 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 15th day of September, 2011.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Vice-Chair Deborah Kafoury



REVIEWED:  
HENRY H. LAZENBY, JR., COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

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

# **PART 1**

## **RIVERPARK CONDOMINIUM UNIT R-2**

## **EXHIBIT "A"**

Unit No. R-2, RIVERPARK CONDOMINIUM, as set forth in Condominium Declaration, recorded September 6, 2000, Recorder's Fee No. 2000-123928, in the City of Portland, County of Multnomah, and State of Oregon, TOGETHER WITH those limited common elements appurtenant to said Unit as set forth in said declaration, and TOGETHER WITH an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

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**PART 2**

**STAFF JENNINGS INC.**

**EXHIBIT "A"**

**PARCELS I AND II**

A tract in the Southeast quarter of Section 22, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at the point of intersection of the East line of S.W. Macadam Ave. with the South line of the Thomas Stephens Donation Land Claim in Section 22, Township 1 South, Range 1 East of the Willamette Meridian; thence North 5°30' West along the East line of S.W. Macadam Avenue 117.48 feet; thence North 33°30' West along the East line of S.W. Macadam Avenue 80.52 feet; thence East parallel with the South line of the claim 246.84 feet to the low water mark of the Willamette River; thence South 18° East along the low water mark 343.38 feet to the point that is 150 feet South of the South line of the Donation Land Claim; thence West along a line 150 feet South of and parallel with South line of the Donation Land Claim to the center line of S.W. Macadam Avenue; thence North along the center line of S.W. Macadam Avenue, 150 feet, more or less, to the South line of the Donation Land Claim; thence East, along the South line of the Donation Land Claim, to the place of beginning.

EXCEPTING THEREFROM those portions in S.W. Macadam Avenue as now established and in Sellwood Ferry Road; and EXCEPTING THEREFROM those portions conveyed to Portland and Willamette Valley Railway Company by deed recorded December 9, 1887 in Book 99, Page 117, Deed Records, and conveyed to the Oregon California Railroad Company of Portland, Oregon, by deed recorded January 30, 1897 in Book 236, Page 435, Deed Records.

**PARCEL III:**

A tract in the Southeast quarter of Section 22, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at the point of intersection of the East line of S.W. Macadam Ave. with the South line of the Thomas Stephens Donation Land Claim in Section 22, Township 1 South, Range 1 East of the Willamette Meridian; thence North 5°30' West along the East line of S.W. Macadam Avenue 117.48 feet; thence North 33°30' West along the East line of S.W. Macadam Avenue 80.52 feet to the true point of beginning; thence continuing Northerly, along the East line of S.W. Macadam Avenue, 146.52 feet to a point; thence continuing Northerly along the East line of S.W. Macadam Avenue, 51.66 feet to a point; thence North 75° East to the East right of way of the Southern Pacific Railroad Right of way; thence Southeasterly, along the East right of way of the Southern Pacific Railroad Right of way to a point 28.46 feet East of the point of beginning; thence West, 28.46 feet to the point of beginning.

Also shown as Tax Lot 600, Map 1S1E22DB on 2010 MCO Assessors Map.

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## **PART 3**

# **SELLWOOD HARBOR CONDOMINIUMS ASSOCIATION OF UNIT OWNERS**



Sellwood Harbor Condominium Legal Description for  
Acquisition of Permanent and  
Temporary Easements

**1. Permanent Easement**

Permanent easement for construction, operation, inspection, maintenance, repair, reconstruction and replacement of and access to a new Sellwood Bridge over, under, upon and across Parcel 1.

Together with the right to:

1. Remove all existing units and limited and common element improvements within such permanent easement area, and
2. Require reformation of the condominium declaration, plat and bylaws of Sellwood Harbor Condominium as necessary to remove units D-1, A-1, A-4 and A7 and the limited common elements located within the permanent easement area from the condominium.

Subject to the above rights, after the initial construction of the new Sellwood Bridge is completed, Grantor shall be permitted to use the permanent easement area for any purpose not inconsistent with the rights of Grantee, including but not limited to access, parking, fencing and landscaping and installation of improvements for such purposes; provided that, no permanent building or other structures shall be permitted to be constructed within the permanent easement area. Use of the permanent easement area and installation of improvements thereon shall be subject to issuance of a permit which shall be issued if the proposed uses and improvements are not inconsistent with the rights of Grantee. After initial construction of the new Sellwood Bridge is completed, with respect to any improvements installed by the Grantor in the permanent easement area with permission of the Grantee as provide above, if Grantee's use of the permanent easement area results in any damages to such improvements Grantee will restore such improvements to a condition as good as that existing at the commencement of such use.

After the initial construction of the new Sellwood Bridge is completed Grantee shall restore the easement area improvements to a condition as good as that existing prior to construction.

**2. Temporary Easement – Construction**

Temporary construction easement over, under, upon and across Parcels 2, 3, 4, 5 and 6 for the demolition and reconstruction of the Sellwood Bridge and for access for such work, including the right to restrict access across the easement area to emergency vehicle access only, for a period beginning on the date of possession of the easement area by agreement or court order and ending December 31, 2016 or the completion of construction, whichever is earlier:

Together with the right to:

1. Remove all existing units and limited and common element improvements within such temporary easement area, and
2. Enter on the property immediately adjacent to the above described temporary easement area to the extent necessary to create an exterior surface on the exterior wall of units D-2, A-2, A-5 and A-8 which exterior surface shall be as good as the exterior walls on the remaining condominium property.

After the initial construction of the new Sellwood Bridge is completed Grantee shall restore the easement area improvements to a condition as good as that existing prior to construction.

### **3. Temporary Easement – Re-vegetation**

Temporary easement over, under, upon and across Parcels 6 and 7 to remove existing vegetation and re-vegetate the easement area with native plants in accordance with standards established by the City of Portland for a period beginning on the date of possession of the easement area by agreement or court order and ending December 31, 2016 or the completion of construction, whichever is earlier.

Together with the right to enter on the easement area for the period December 31, 2016 through December 31 2017 for plant replacement and maintenance as necessary.

SELLWOOD HARBOR CONDOMINIUMS ASSOCIATION OF UNIT OWNERS

**PARCEL 1:**

A tract of land being a portion of the General Common Elements of Sellwood Harbor Condominium, recorded in Book 1213, Pages 2-12, and amended by those plats recorded in Book 1213, Pages 60-61, and Book 1244, Pages 21-23, Multnomah County Plat Records, and as set forth in the Declaration of Unit Ownership, recorded February 1, 1980, in Book 1416, Page 1755, amended by instrument recorded May 13, 1980 in Book 1400, Page 2240, amended by instrument recorded as Document No. 99190337, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, said tract of land being bounded on the North by the following described Line 'A' and being bounded on the South by the following described Line 'B':

**Line 'A'**

Beginning at a point on the West line of Block 3, Town of Sellwood, Multnomah County Plat Records, being 39.00 feet northerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence S88°44'14"W, a distance of 373.56 feet to a point being 20.50 feet northerly of, when measured at right angles to, the westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of said centerline, a distance of 325.87 feet, more or less, to the mean low water line of the Willamette River.

**Line 'B'**

Beginning at a point on the West line of Block 4, Town of Sellwood, Multnomah County Plat Records, being 63.50 feet southerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of said centerline, a distance of 645.35 feet, more or less, to the mean low water line of the Willamette River.

Said tract of land contains 25,977 square feet, more or less.

As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

**PARCEL 2:**

A tract of land being a portion of the General Common Elements of Sellwood Harbor Condominium, Recorded in Book 1213, Pages 2-12, and amended by those plats recorded in Book 1213, Page 60-61, and Book 1244, Pages 21-23, Multnomah County Plat Records, and as set forth in the Declaration of Unit Ownership recorded February 1, 1980, in Book 1416, Page 1755, amended by instrument recorded May 13, 1980 in Book 1400, Page 2240, amended by instrument recorded as Document No. 99190337, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, said tract of land being bounded on the North by the following described Line 'B' and being bounded on the South by the following described Line 'C':

Line 'B'

Beginning at a point on the West line of Block 4, Town of Sellwood, Multnomah County Plat Records, being 63.50 feet southerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of said centerline, a distance of 645.35 feet, more or less, to the mean low water line of the Willamette River.

Line 'C'

Beginning at a point on the West line of Block 4, Town of Sellwood, Multnomah County Plat Records, being 83.50 feet southerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 158.29 feet to the outermost exterior surface of the building containing Limited Common Element (LCE) parking spaces P-1 and P-2, said Sellwood Harbor Condominium; Thence along said exterior surface as follows: S66°35'47"W, a distance of 14.00 feet; and N23°19'30"W, a distance of 6.52 feet to a point being 83.50 feet southerly of, when measured at right angles to, the westerly extension of the centerline of said SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 135.57 feet; Thence N01°34'33"E, a distance of 7.11 feet; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 45.50 feet; Thence N01°34'33"E, a distance of 0.50 feet; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 11.92 feet to the most northerly Northeast corner and the outermost exterior surface of the structure containing the elevator and trash enclosure adjacent to Building A of said Sellwood Harbor Condominium; Thence along said exterior surface as follows: N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 9.70 feet; and S01°34'33"W, a distance of 1.00 feet; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 34.26 feet, more or less, to the outermost exterior surface of said Building A; Thence S24°42'00"E, along said exterior surface, a distance of 12.23 feet, more or less, to the northeasterly extension of a line defined by the northerly face of the northerly exterior stud walls surrounding Units A2, A5, and A8 of said Building A, Sellwood Harbor Condominium; Thence S65°18'00"W, along said northerly face and its southwesterly extension, a distance of 67.17 feet, more or less, to the outermost exterior surface of said Building A; Thence N24°42'00"W, along said exterior surface, a distance of 38.02 feet, more or less, to a point being 83.50 feet southerly of, when measured at right angles to, the westerly extension of the centerline of said SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 37.32 feet; Thence N24°38'44"W, a distance of 20.01 feet to the northeasterly extension of a line defined by the northerly face of the northerly exterior stud wall surrounding Unit D2, said Sellwood Harbor Condominium; Thence S65°21'16"W, along said northeasterly extension and said northerly face and its southwesterly extension, a distance of 54.47 feet, more or less, to the outermost exterior surface of said Building D; Thence N24°38'44"W, along said exterior surface, a distance of 6.82 feet, more or less, to a point being 83.50 feet southerly of, when measured at right angles to, the westerly extension of the centerline of said SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 53.36 feet, more or less, to the mean low water line of the Willamette River.

Said tract of land contains 11,090 square feet, more or less.

As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

**PARCEL 3:**

A portion of that Access Easement described in that Easement Agreement recorded August 23, 1979 in Book 1377 Page 430, Multnomah County Deed Records over a portion of that property described as Parcel 1 in that Warranty Deed recorded as Document No. 2005-124665, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Commencing at the intersection of the southerly extension of the West line of Block 3, Town of Sellwood, Multnomah County Plat Records with the centerline of SE Tacoma Street; Thence N88°25'27"W, along the westerly extension of said centerline of SE Tacoma Street, a distance of 306.75 feet to a point on the west line of said property and the POINT OF BEGINNING of the land being described; Thence S19°10'15"E, along the easterly line of said Access Easement, a distance of 50.64 feet; Thence continuing along the east line of said Access Easement S44°36'14"E, a distance of 13.17 feet, more or less, to a point on the South line of said property; Thence S89°08'44"W, along the South line of said property, a distance of 27.45 feet to the Southwest corner thereof; Thence N01°34'29"E, along the East line of said property, a distance of 57.64 feet, more or less, to the POINT OF BEGINNING.

Containing 646 square feet, more or less.

As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

**PARCEL 4:**

All of that Access Easement described in that Easement Agreement recorded October 16, 1979 in Book 1391, Page 1933, Multnomah County Deed Records over a portion of the General Common Elements of Riverpark Condominium, recorded in Book 1248, Pages 7-20, Multnomah County Plat Records, and as set forth in the Declaration of Unit Ownership recorded as Document No. 2000-123928, and as amended by Document No. 2001-061361, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Commencing at the intersection of the southerly extension of the West line of Block 3, Town of Sellwood, Multnomah County Plat Records with the centerline of SE Tacoma Street; Thence N88°25'27"W, along the westerly extension of said centerline of SE Tacoma Street, a distance of 306.75 feet to the Southeast corner of said Riverpark Condominium and the POINT OF BEGINNING of the land being described; Thence N01°34'29"E, along the East line of said Riverpark Condominium, a distance 230.00 feet to the South Right of Way line of SE Spokane Street, being 30.00 feet Southerly of, measured at right angles to, the centerline thereof; Thence N88°25'27"W, along said South Right of Way line, a distance of 25.00 feet; Thence S01°34'29"W, parallel with the East line of said Riverpark Condominium, a distance of 230.00 feet to the westerly extension of said centerline of SE Tacoma Street; Thence S88°25'27"E, along the westerly extension of said centerline of SE Tacoma Street, a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 5,750 square feet, more or less.

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EXHIBIT A

SELLWOOD BRIDGE  
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As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

**PARCEL 5:**

A tract of land being a portion of the General Common Elements of Sellwood Harbor Condominium, Recorded in Book 1213, Pages 2-12, and amended by those plats recorded in Book 1213, Page 60-61, and Book 1244, Pages 21-23, Multnomah County Plat Records, and as set forth in the Declaration of Unit Ownership recorded February 1, 1980, in Book 1416, Page 1755, amended by instrument recorded May 13, 1980 in Book 1400, Page 2240, amended by instrument recorded as Document No. 99190337, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, said tract of land being bounded on the North by the following described Line 'D' and being bounded on the South by the following described Line 'A':

**Line 'D'**

Beginning at a point on the West line of Block 3, Town of Sellwood, Multnomah County Plat Records, being 45.00 feet northerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of said centerline, a distance of 715.35 feet, more or less, to the mean low water line of the Willamette River.

**Line 'A'**

Beginning at a point on the West line of Block 3, Town of Sellwood, Multnomah County Plat Records, being 39.00 feet northerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence S88°44'14"W, a distance of 373.56 feet to a point being 20.50 feet northerly of, when measured at right angles to, the westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of said centerline, a distance of 325.87 feet, more or less, to the mean low water line of the Willamette River.

Said tract of land contains 2,082 square feet, more or less.

As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

**PARCEL 6:**

A tract of land being a portion of the General Common Elements of Sellwood Harbor Condominium, Recorded in Book 1213, Pages 2-12, and amended by those plats recorded in Book 1213, Page 60-61, and Book 1244, Pages 21-23, Multnomah County Plat Records, and as set forth in the Declaration of Unit Ownership recorded February 1, 1980, in Book 1416, Page 1755, amended by instrument recorded May 13, 1980 in Book 1400, Page 2240, amended by instrument recorded as Document No. 99190337, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, said tract of land being all of said General Common Elements of Sellwood Harbor Condominium lying northerly of the following described Line 'D':

## Line 'D'

Beginning at a point on the West line of Block 3, Town of Sellwood, Multnomah County Plat Records, being 45.00 feet northerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of said centerline, a distance of 715.35 feet, more or less, to the mean low water line of the Willamette River.

Said tract of land contains 9,371 square feet, more or less.

As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

**PARCEL 7:**

A tract of land being a portion of the General Common Elements of Sellwood Harbor Condominium, Recorded in Book 1213, Pages 2-12, and amended by those plats recorded in Book 1213, Page 60-61, and Book 1244, Pages 21-23, Multnomah County Plat Records, and as set forth in the Declaration of Unit Ownership recorded February 1, 1980, in Book 1416, Page 1755, amended by instrument recorded May 13, 1980 in Book 1400, Page 2240, amended by instrument recorded as Document No. 99190337, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, said tract of land being all of said General Common Elements of said Sellwood Harbor Condominium, as amended in Book 1244, Pages 21-23 lying westerly of the Westerly line of said Sellwood Harbor Condominium, as amended in Book 1213, Pages 60-61 and lying southerly of the following described Line 'C':

## Line 'C'

Beginning at a point on the West line of Block 4, Town of Sellwood, Multnomah County Plat Records, being 83.50 feet southerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 158.29 feet to the outermost exterior surface of the building containing Limited common Element (LCE) parking spaces P-1 and P-2, said Sellwood Harbor Condominium; Thence along said exterior surface as follows: S66°35'47"W, a distance of 14.00 feet; and N23°19'30"W, a distance of 6.52 feet to a point being 83.50 feet southerly of, when measured at right angles to, the westerly extension of the centerline of said SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 135.57 feet; Thence N01°34'33"E, a distance of 7.11 feet; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 45.50 feet; Thence N01°34'33"E, a distance of 0.50' feet; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 11.92 feet to the most northerly Northeast corner and the outermost exterior surface of the structure containing the elevator and trash enclosure adjacent to Building A of said Sellwood Harbor Condominium; Thence along said exterior surface as follows: N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 9.70 feet; and S01°34'33"W, a distance of 1.00 feet; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 34.26 feet, more or less, to the outermost exterior surface of said Building A; Thence S24°42'00"E, along said exterior surface, a distance of 12.23 feet, more or less, to the northeasterly extension of a line defined by the northerly face of the northerly exterior stud walls surrounding Units A2, A5, and A8 of said Building A, Sellwood Harbor Condominium; Thence S65°18'00"W, along said northerly face and its

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southwesterly extension, a distance of 67.17 feet, more or less, to the outermost exterior surface of said Building A; Thence N24°42'00"W, along said exterior surface, a distance of 38.02 feet, more or less, to a point being 83.50 feet southerly of, when measured at right angles to, the westerly extension of the centerline of said SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 37.32 feet; Thence N24°38'44"W, a distance of 20.01 feet to the northeasterly extension of a line defined by the northerly face of the northerly exterior stud wall surrounding Unit D2, said Sellwood Harbor Condominium; Thence S65°21'16"W, along said northeasterly extension and said northerly face and its southwesterly extension, a distance of 54.47 feet, more or less, to the outermost exterior surface of said Building D; Thence N24°38'44"W, along said exterior surface, a distance of 6.82 feet, more or less, to a point being 83.50 feet southerly of, when measured at right angles to, the westerly extension of the centerline of said SE Tacoma Street; Thence N88°25'27"W, parallel with the westerly extension of the centerline of said SE Tacoma Street, a distance of 53.36 feet, more or less, to the mean low water line of the Willamette River.

Said tract of land contains 20,053 square feet, more or less.

As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

~~DRAFT~~

OREGON  
JUNE 30, 1997  
JAMES S. CLAYTON  
2832

RENEWAL DATE:

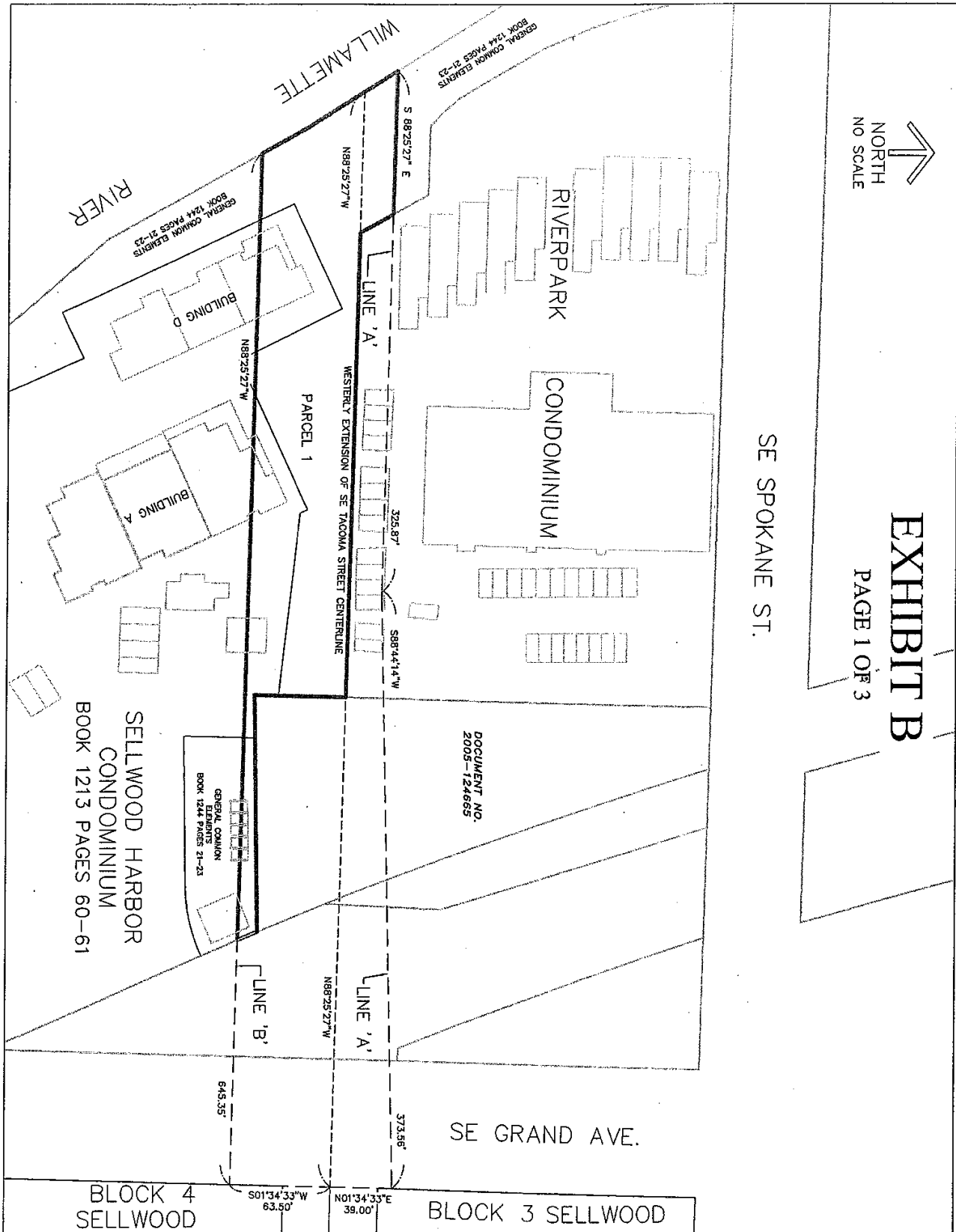




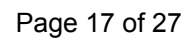
# EXHIBIT B

PAGE 1 OF 3

SE SPOKANE ST.







## **PART 4**

# **RIVERPARK CONDOMINIUM ASSOCIATION OF UNIT OWNERS**

Riverpark Condominium Legal Description for  
Acquisition of Permanent and  
Temporary Easements

**1. Permanent Easement**

Permanent easement for construction, operation, inspection, maintenance, repair, reconstruction and replacement of and access to a new Sellwood Bridge over, under, upon and across Parcel 1;

Together with the right to remove any common element improvements within the permanent easement area.

Subject to the above rights, after the initial construction of the new Sellwood Bridge is completed, Grantor shall be permitted to use the permanent easement area for any purpose not inconsistent with the rights of Grantee, including but not limited to access, parking, fencing and landscaping and installation of improvements for such purposes; provided that, no permanent building or other structures shall be permitted to be constructed within the permanent easement area. Use of the permanent easement area and installation of improvements thereon shall be subject to issuance of a permit by Grantee which shall be issued if the proposed uses and improvements are not inconsistent with the rights of Grantee. After initial construction of the new Sellwood Bridge is completed, with respect to any improvements installed by the Grantor in the permanent easement area with permission of the Grantee as provided above, if Grantee's use of the permanent easement area results in any damages to such improvements Grantee will restore such improvements to a condition as good as that existing at the commencement of such use.

Also, together with the right to require reformation of the condominium declaration, plat and bylaws of Riverpark Condominium as necessary to remove unit R-1 from the condominium.

After the initial construction of the new Sellwood Bridge is completed Grantee shall restore the easement area improvements to a condition as good as that existing prior to construction.

**2. Temporary Easement - Access**

Temporary construction easement over, under, upon and across Parcel 2 for access for the purpose of demolition and reconstruction of the Sellwood Bridge, for a period beginning on the date of possession of the easement area by agreement or court order and ending December 31, 2016 or the completion of construction, whichever is earlier. This easement shall be non-exclusive.

Vehicular and pedestrian access to Grantor's adjacent remaining property shall be maintained at all times.

After the initial construction of the new Sellwood Bridge is completed Grantee shall restore the easement area improvements to a condition as good as that existing prior to construction.

### **3. Temporary Easement - Construction**

Temporary construction easement over, under, upon and across Parcels 3 and 4 for the demolition and reconstruction of the Sellwood Bridge, for a period beginning on the date of possession of the easement area by agreement or court order and ending December 31, 2016 or the completion of construction, whichever is earlier.

Together with the right to remove Unit R-1 and any common element improvements within the temporary easement area

Together with the right to create an exterior surface on the exterior wall of Unit R-2 which exterior surface shall be as good as the exterior walls on the remaining condominium property.

After the initial construction of the new Sellwood Bridge is completed, Grantee shall restore the easement area improvements to a condition as good as that existing prior to construction except for the restoration of Unit R-1.

### **4. Temporary Easement – Re-vegetation**

Temporary easement over, under, upon and across Parcel 4 to remove existing vegetation and re-vegetate the easement area with native plants in accordance with standards established by the City of Portland for a period beginning on the date of possession of the easement area by agreement or court order and ending December 31, 2016 or the completion of construction, whichever is earlier.

Together with the right to enter on the easement area for the period December 31, 2016 through December 31 2017 for plant replacement and maintenance as necessary.

### **5. Temporary Easement – Crane Installation and Removal**

Temporary easement over, under, upon and across Parcel 5 for installation and removal of a crane for construction of the Sellwood Bridge. The crane shall be installed for a period of not more than three weeks at or near the commencement of construction in 2012 and then removed and shall be reinstalled for a period of not more than three weeks at or near the completion of construction in 2016, but in no event later than December 31, 2016.

Together with the right of access over and across the existing driveway between Parcel 5 and SE Spokane Street.

After use of the easement area is concluded the easement area and the driveway access will be restored to a condition as good as that existing prior to construction.

RIVERPARK CONDOMINIUMS ASSOCIATION OF UNIT OWNERS

**PARCEL 1:**

A tract of land being a portion of the General Common Elements of Riverpark Condominium, recorded in Book 1248, Pages 7-20, Multnomah County Plat Records, and as set forth in the Declaration of Unit Ownership recorded as Document No. 2000-123928, and as amended by Document No. 2001-061361, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

All that portion of said General Common Elements lying Southerly of the following described Line:

Beginning at a point on the West line of Block 3, Town of Sellwood, Multnomah County Plat Records, being 39.00 feet Northerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence S88°44'14"W, a distance of 373.56 feet to a point being 20.50 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with said centerline, a distance of 325.87 feet, more or less, to the mean low water line of the Willamette River.

Said tract of land containing 6,199 square feet, more or less.

As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

**PARCEL 2:**

A tract of land being a portion of the General Common Elements of Riverpark Condominium, recorded in Book 1248, Pages 7-20, Multnomah County Plat Records, and as set forth in the Declaration of Unit Ownership recorded as Document No. 2000-123928, and as amended by Document No. 2001-061361, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Commencing at a point on the West line of Block 3, Town of Sellwood, Multnomah County Plat Records, being 39.00 feet Northerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence S88°44'14"W, a distance of 307.13 feet to the East line of said Riverpark Condominium and the **POINT OF BEGINNING** of the land being described; Thence N01°34'29"E, along said East line, a distance 206.21 feet to the South Right of Way line of SE Spokane Street, being 30.00 feet Southerly of, when measured at right angles to, the centerline thereof; Thence N88°25'27"W, along said South Right of Way line, a distance of 24.00 feet;



Thence S01°34'29"W parallel with the East line of said Riverpark Condominium, a distance of 207.40 feet; Thence N88°44'14"E, a distance of 24.03 feet to the **POINT OF BEGINNING**.

Containing 4,963 square feet, more or less.

As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

**PARCEL 3:**

A tract of land being a portion of the General Common Elements of Riverpark Condominium, recorded in Book 1248, Pages 7-20, Multnomah County Plat Records, and as set forth in the Declaration of Unit Ownership recorded as Document No. 2000-123928, and as amended by Document No. 2001-061361, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Commencing at a point on the West line of Block 3, Town of Sellwood, Multnomah County Plat Records, being 39.00 feet Northerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence S88°44'14"W, a distance of 307.13 feet to the East line of said Riverpark Condominium; Thence N01°34'29"E, along said East line, a distance of 206.21 feet to the South Right of Way line of SE Spokane Street, being 30.00 feet Southerly of, when measured at right angles to, the centerline thereof; Thence N88°25'27"W, along said South Right of Way line, a distance of 24.00 feet; Thence S01°34'29"W, parallel with the East line of said Riverpark Condominium, 187.00 feet to a point being 43.00 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street and the **POINT OF BEGINNING** of the land being described; Thence N88°25'27"W, parallel with last said centerline, a distance of 27.07 feet to the East line of Parking Unit 60, of said Riverpark Condominium; Thence N06°03'00"E, along the East line of said Parking Unit 60, a distance of 12.85 feet to the Northeast corner thereof; Thence N82°33'38"W, along the North Line of said Parking Unit 60, a distance of 9.29 feet to the Northwest corner thereof; Thence S04°46'31"W, along the West line of said Parking Unit 60, a distance of 13.78 feet to a point being 43.00 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with last said centerline, a distance of 129.39 feet; Thence N01°34'33"E, a distance of 18.75 feet to a point being 61.75 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with last said centerline, a distance of 137.87 feet; Thence S28°50'07"E, a distance of 22.77 to a point on the West line of said Riverpark Condominium; Thence along the West line of said Riverpark Condominium S28°50'58"E, 25.06 feet to a point being 20.50 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street; Thence S88°25'27"E, parallel with last said centerline, a

distance of 236.76 feet; Thence N88°44'14"E, a distance of 42.40 feet; Thence N01°34'29"E, a distance of 20.40 feet to the **POINT OF BEGINNING**.

Said tract of land containing 8,987 square feet, more or less.

As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

**PARCEL 4:**

A tract of land being a portion of the General Common Elements of Riverpark Condominium, recorded in Book 1248, Pages 7-20, Multnomah County Plat Records, and as set forth in the Declaration of Unit Ownership recorded as Document No. 2000-123928, and as amended by Document No. 2001-061361, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Commencing at a point on the West line of Block 3, Town of Sellwood, Multnomah County Plat Records, being 39.00 feet Northerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence S88°44'14"W, a distance of 307.13 feet to the East line of said Riverpark Condominium; Thence N01°34'29"E, along said East line, a distance of 206.21 feet to the South Right of Way line of SE Spokane Street, being 30.00 feet Southerly of, when measured at right angles to, the centerline thereof; Thence N88°25'27"W, along said South Right of Way line, a distance of 24.00 feet; Thence S01°34'29"W, parallel with the East line of said Riverpark Condominium, 187.00 feet to a point being 43.00 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with last said centerline, a distance of 27.07 feet to the East line of Parking Unit 60, of said Riverpark Condominium; Thence N06°03'00"E, along the East line of said Parking Unit 60, a distance of 12.85 feet to the Northeast corner thereof; Thence N82°33'38"W, along the North Line of said Parking Unit 60, a distance of 9.29 feet to the Northwest corner thereof; Thence S04°46'31"W, along the West line of said Parking Unit 60, a distance of 13.78 feet to a point being 43.00 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with last said centerline, a distance of 129.39 feet; Thence N01°34'33"E, a distance of 18.75 feet to a point being 61.75 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with last said centerline, a distance of 137.87 feet and the **POINT OF BEGINNING** of the land being described; Thence N17°53'01"W, a distance of 178.44 feet to the South Right of Way line of SE Spokane Street, being 30.00 feet Southerly of, when measured at right angles to, the centerline thereof; Thence N88°25'27"W, along said South Right of Way line, a distance of 55.05 feet to the Northwest corner of said

Riverpark Condominium; Thence along the West line of said Riverpark Condominium the following courses and distances: S04°03'38"W, 13.57 feet; S07°36'54"E, 19.58 feet; S10°32'52"E, 11.70 feet; S13°15'39"E, 13.52 feet; S17°52'01"E, 32.14 feet; S23°09'33"E, 33.46 feet; S29°56'00"E, 46.08 feet; S31°34'39"E, 16.57 feet; S41°39'59"E, 13.70 feet; S47°56'57"E, 10.20 feet; S88°22'35"E, 42.58 feet; Thence leaving the West line of said Riverpark Condominium N28°50'07"W, a distance of 22.77 to the **POINT OF BEGINNING**.

Said tract of land containing 11,394 square feet, more or less.

As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

**PARCEL 5:**

A tract of land being a portion of the General Common Elements of Riverpark Condominium, recorded in Book 1248, Pages 7-20, Multnomah County Plat Records, and as set forth in the Declaration of Unit Ownership recorded as Document No. 2000-123928, and as amended by Document No. 2001-061361, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Commencing at a point on the West line of Block 3, Town of Sellwood, Multnomah County Plat Records, being 39.00 feet Northerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence S88°44'14"W, a distance of 307.13 feet to the East line of said Riverpark Condominium; Thence N01°34'29"E, along said East line, a distance of 206.21 feet to the South Right of Way line of SE Spokane Street, being 30.00 feet Southerly of, when measured at right angles to, the centerline thereof; Thence N88°25'27"W, along said South Right of Way line, a distance of 24.00 feet; Thence S01°34'29"W, parallel with the East line of said Riverpark Condominium, 187.00 feet to a point being 43.00 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with last said centerline, a distance of 27.07 feet to the East line of Parking Unit 60, of said Riverpark Condominium; Thence N06°03'00"E, along the East line of said Parking Unit 60, a distance of 12.85 feet to the Northeast corner thereof; Thence N82°33'38"W, along the North Line of said Parking Unit 60, a distance of 9.29 feet to the Northwest corner thereof; Thence S04°46'31"W, along the West line of said Parking Unit 60, a distance of 13.78 feet to a point being 43.00 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with last said centerline, a distance of 129.39 feet; Thence N01°34'33"E, a distance of 18.75 feet a point being 61.75 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with last said centerline, a distance of 7.63 feet to the **POINT OF BEGINNING** of the land being described; Thence N01°32'53"E, a distance of

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8/1/2011

EXHIBIT A

SELLWOOD BRIDGE  
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18.00 feet; Thence N88°25'27"W, parallel with last said centerline, a distance of 48.00 feet;  
Thence S01°32'53"W, a distance of 18.00 feet to a point being 61.75 feet Northerly of, when  
measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street;  
Thence S88°25'27"E, parallel with last said centerline, a distance of 48.00 feet to the **POINT  
OF BEGINNING.**

Said tract of land containing 864 square feet, more or less.

As shown on the attached Exhibit B, in the event of a conflict or discrepancy between the map as  
shown on Exhibit B and the written legal description provided above, the written legal  
description shall prevail.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

~~DRAFT~~

OREGON  
JUNE 30, 1997  
JAMES S. CLAYTON  
2832

RENEWAL DATE:

